



# Emergency Unauthorized Encampment Ban Frequently Asked Questions

*Updated August 24, 2022*

## About the Emergency Unauthorized Encampment Ban

### 1. What is the City's emergency unauthorized encampment ban?

Loveland City Council voted 8-1 to pass an emergency unauthorized encampment ban on May 17, 2022, that allows the City to prohibit anyone camping illegally on public property. According to case law from the *Martin v. Boise* 9th Circuit Court landmark decision (and decisions in Fort Collins and Denver citing the same case), in order to enforce the emergency ordinance, the City needs to offer overnight shelter space and temporary storage for valuables to anyone that we require to move. Campers who refuse shelter offered by the City are subject to citation or arrest. Council directed the City to focus first on the King's Crossing area to support nearby businesses being impacted by encampments, and to move as quickly as possible.

### 2. Why did City Council authorize this ban and why did this happen without a vote of the people?

The full ordinance authorizing the emergency unauthorized encampment ban is on our homelessness webpage, [lovgov.org/homelessness](http://lovgov.org/homelessness), but in short, the City Council determined that an emergency ordinance was necessary on this issue to mitigate unreasonable risk of fire and preservation of public and private property across the City. The ultimate goal is to ensure public health and safety for our community.

Neither the City Charter nor state law requires City Council to seek a public vote on the enactment of an emergency ordinance. According to the [City of Loveland Charter](#), an emergency ordinance shall require the affirmative vote of two-thirds (2/3) of the entire Council and may be introduced and finally adopted at any regular or special meeting, shall require only one (1) reading, and shall not require publication prior to final adoption.

### 3. What about people camping in vehicles?

Council has directed that the City focus on encampments first (starting with the King's Crossing area) to mitigate unreasonable risk of fire and preservation of public and private property across the City and to support nearby businesses and residents impacted by encampments. However, camping within a vehicle is also prohibited under the new ordinance, but has not been a primary focus due to limited City resources at this time.

### 4. Why are we following legal guidance from *Boise v. Martin* from the 9th Circuit if we are in the 10th Circuit?

The *Boise v. Martin* case from the 9th Circuit was a landmark decision that held it is cruel and unusual punishment under the 8th Amendment of the U.S. Constitution to criminalize the act of sleeping outside when an individual has no other place to go. The



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Martin case was also cited as reasoning in several recent cases, including critical cases in Denver (Burton) and Fort Collins (Wiemold). The Denver District Court upheld the camping ban in Denver as long as there was a shelter option, and the Colorado Supreme Court refused to hear the case allowing the District Court Ruling to stand.

## **5. Is the Martin case a federal decision?**

Yes. The Martin v. Boise case law is from the 9th Circuit. However, it has been cited in two critical cases from both Denver and Fort Collins, in state court.

## **6. What would happen if we decide not to follow court guidance and not offer shelter?**

The City would be at risk of a lawsuit or an injunction. In short, the City would be saying that it is not cruel and unusual punishment under the 8th Amendment of the U.S. Constitution to criminalize the act of sleeping outside, in public spaces, if the person has no place else to go and may be subject to both legal and financial consequences.

## **7. Is the City worried about adverse property rights? Are you more worried about court decisions than you are about your residents suing you?**

The City is focused on serving the community to the best of our ability while adhering to legal guidance and has attempted to balance the various interests involved under these challenging circumstances.

## **8. What is currently being done on this ban?**

The encampment ban is an emergency declaration by City Council. The job of the City Manager and City staff is to respond to this direction legally, and as quickly and effectively as possible, following Council's direction. With that said, there are a lot of moving parts to making this happen, but the priority was to identify an immediate solution for overnight shelter and reasonable storage options for campers so that we could begin the process of cleaning-up encampments in King's Crossing.

The City cleared its first encampment on June 24, temporarily relocating campers from the encampments to local motels as transitional shelter. This option is needed to move encampments as quickly as possible. The number of encampments and campers moved depends on the number of available rooms every week.

The City is working on two longer-term shelter options – the Loveland Resource Center (LRC), and shelter at the S. Railroad site. Both shelters will add more overnight space allowing us to enforce and mitigate more encampments currently located on public lands.



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- The Loveland Resource Center (located at 137 S. Lincoln Ave.) opened in mid-July to provide daytime resources, showers, laundry facilities, etc. to those experiencing homelessness in our community. The center is open M-F 8:00 a.m. to 4:30 p.m. This day center was previously 137 Connect managed by the House of Neighborly Services and has offered resources to those experiencing homelessness for 12 years. The LRC also offers 22-25 spaces for overnight shelter. There is space behind the LRC to accommodate several humanitarian tents, which may be used temporarily in addition to the proposed S. Railroad site to add more shelter spaces to move encampments faster.
- The S. Railroad site (located at S. Railroad Ave. and SE Third St.) is currently being considered as a longer-term, not permanent, overnight shelter option using a tent/modular approach on City-owned land. This temporary site is still being considered, but if the S. Railroad site is activated, it will serve as the main overnight shelter space, with the LRC serving as overflow space. The humanitarian tents, modulares and trailers used for showers and restrooms are all designed to be removeable.



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## About the S. Railroad Site and Loveland Resource Center

### 1. Why are you considering the S. Railroad site for temporary overnight shelter? What other sites did you consider for shelter?

The City considered numerous potential sites for this shelter in all Wards across the City based on zoning, site prep requirements, scalability, proximity to schools/neighborhoods, access to services, availability/ownership, and access to public transit (bus service). The City's review of site locations includes discussion and consideration of the following:

- All City-owned property which includes over 50 parcels of land. All property within the river corridor was eliminated as the City cannot develop in the floodplain for human safety concerns.
- All available private property that was for lease or sale at the time; however, no site met all of the criteria listed above.
- Property outside of city limits was not looked at due to County zoning codes.

Ultimately, there is no perfect site available, and the City's old wastewater treatment plant site (now called the S. Railroad site) was the one final property available within the short timeline requested by City Council that met all of the following criteria:

- Proximity to support services (Loveland Resource Center, Loveland Community Kitchen, Library, Salvation Army, Sunrise Medical Clinic)
- Ability to scale/size the shelter as needed for use, including expansion as needed
- Safety/security of the public and for campers
- Relative distance from neighborhoods and schools
- Appropriate zoning
- Proximity to public transit

This shelter site will be required to abide by all development criteria needed for a temporary permit through the City's Building Code.

At the July 26 Special City Council meeting, council's general consensus and guidance supported that the City move forward with this site, while no vote was officially taken. Staff committed to a neighborhood meeting and a larger public meeting about the proposed site and overall process.

We have received several questions specifically related to other sites around the City



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including near the Police and Courts building, the old Albertson's Building on U.S. 34, the old Loveland Ford Building on U.S. 34 and locations far from downtown, but along a bus route. The site near the Police and Courts building, where the new St. Valentine Apartments are located, was considered, however, a current Intergovernmental Agreement (IGA) with Larimer County does not allow for a shelter to be built on that property. Both the old Albertson's Building and the old Ford Building are privately owned buildings and not zoned appropriately for shelter. The City explored sites outside of downtown and across the City, but zoning, time needed for site preparation and bus access issues made other sites not viable for this project within a short timeframe.

## **2. What will the shelter look like at the S. Railroad site?**

At the July 26 City Council meeting, council was in favor of proceeding with a tent/modular campus option. This means that modular or trailer units will be used for restrooms, showers, and administrative offices, while high-grade humanitarian 16'x16' GP Tents (similar to the ones that FEMA uses) will be used to house individuals.

The S. Railroad site will start with six humanitarian tents, and per City of Loveland's Building Code, each tent can accommodate five beds. That means that the shelter site will be able to accommodate 30 people to start. The tent option allows us to scale up if needed to add more tents. Remember, as part of the ordinance, Loveland must offer shelter and reasonable storage to any individual that is moved through the unauthorized encampment ban process, so we will need to provide adequate shelter space for as long as we have the ban.

Currently, there are no other plans for shelter beyond the S. Railroad site. The S. Railroad site was designed to be temporary for up to two years and can be activated within 30 to 45 days to continue enforcing the unauthorized encampment ban.

## **3. What will security at the S. Railroad site look like?**

We will have private security officers onsite 24/7; security cameras and a screening fence will surround the shelter as part of our safety and security plan. The fence will not have a secured gate as it is not a lock-down facility. As the Loveland Police Department works to add additional patrol officers, the City is considering temporarily hiring a few security guards for foot patrol around the area. The private onsite security company has been trained on how to work with homeless individuals.

## **4. How long will there be a shelter at the S. Railroad site location? Is it really temporary?**

As part of the ordinance, Loveland must offer shelter and storage to any individual that is required to move through the unauthorized encampment ban process, so we will need



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shelter space for as long as we have the ban. Following City Council's direction for staff to quickly eliminate unauthorized encampments, the S. Railroad site is the best option because it meets the necessary criteria and provides a timely shelter option. During the July 26 City Council meeting, staff outlined late August/early September as the timeframe to open the site to meet City Council's direction to move quickly. It is estimated to take 30- 45 days to begin further activation of this site.

This site is zoned for a 6-month administratively approved temporary permit, with the ability to renew the space for 6 months at a time for up to two years, and the use of the humanitarian tents, mobile showers/restrooms, and modular administration buildings on this site were designed to be a temporary shelter option. Anything more permanent would need to be re-considered for long-term feasibility.

## **5. What will the shelter rules look like?**

The City is establishing shelter rules and guidelines based off of best practices from experienced agencies already providing overnight shelter, including Larimer Catholic Charities and Fort Collins Rescue Mission. Specific rules are:

- Hours: The S. Railroad site is meant to be an overnight shelter first and check-in will be before dusk. During the day, individuals can go to the LRC for resources, showers and more. If the need exists (based on the number of people) to open the S. Railroad site during the day, hours may change. During inclement winter weather, the site may open earlier.
- Length of Stay: The site will not limit the number of days that someone can stay. Individuals will check-in for the evening, however we cannot force them to stay for the night. If someone leaves after check-in, they will not be re-admitted for the night.
- Belongings: Most individuals can be expected to bring in a backpack, but their bags will be checked to ensure they do not bring in any prohibited items – which include food, drugs, alcohol, living animals/plants, weapons, illegal/stolen items, flammable/explosive items, or other items that may be harmful or dangerous to others.
- Code of Conduct:
  1. Violent or aggressive behavior or speech will not be tolerated, and violators will be asked to leave immediately with possible police or legal action taken if needed.
  2. Threats or other inappropriate speech are not allowed.



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3. All staff volunteers and individuals staying at the shelter must sign off on the shelter rules, code of conduct and code of ethics.

- Drugs, Alcohol and Tobacco:

1. Use of non-prescription drugs and alcohol is strictly prohibited excluding medications which are currently prescribed to the individual. Any individual who is found to be using, possessing, or selling a prohibited substance will be asked to leave immediately and further consequences will be determined.
2. Those who come to the shelter site and appear to be under the influence of drugs or alcohol will be reminded of the shelter's policy prohibiting use of drugs or alcohol on property. If the behavior of the intoxicated individual escalates and appears unsafe, the action/consequence table will be followed.
3. Use of tobacco products inside the shelter will be prohibited. A designated smoking area will be available outdoors.

- Weapons: The shelter will be a weapons-free building and guests are not allowed to possess weapons while at the shelter.
- Sexual Conduct: Those at the shelter are expected to behave in a respectful manner. There will be no sexual conduct by individuals, staff or volunteers while at the shelter. This includes any sexual activity, touching or any inappropriate sexual conduct. Those violating this policy will be asked to leave for the day and will lose all access to services. Legal action can be taken if deemed appropriate.

### **6. It was stated that the tents would have heating and cooling. Why?**

The City maintains standards for any facility that it operates, including appropriate and safe temperatures, and this shelter is no exception. We need to ensure that no one's life is at risk when in the shelter. The shelter must be fit for human habitation.

### **7. What resources will be available at the S. Railroad site and the Loveland Resource Center?**

The LRC offers one shower, laundry (two washers and dryers), two restrooms, hygiene products, access to computers, and access to service providers that will provide connection for persons struggling with substance use disorder, assistance with employment services, public benefits; medical, dental, and vision referrals; coordinated entry assessments; housing needs assessments and referrals, mental health services. Some of the service providers will be available every day and others weekly.



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The S. Railroad site plans to offer showers and restrooms. The site will work closely with the LRC to ensure that services are available at one or both locations as needed. Any other specific service decisions will be made once the site is activated.

### **8. Are agencies offering job resources to individuals experiencing homelessness?**

Yes. There are several nonprofit partners that work with the City to provide job resources to individuals experiencing homelessness. This includes the Larimer County Workforce Center and Homeward Alliance Resource Navigators. These services are currently available at the Loveland Resource Center and the Loveland Public Library.

### **9. Do we require people to work in exchange for shelter?**

Not currently. Best practices in this area are currently being reviewed, but preliminary information shows that programs requiring participants to volunteer or work to obtain services or shelter have reduced participation rate. For example, data collected from the 2019 and 2020 Point in Time homeless counts show that when the House of Neighborly Services doubled volunteer hour requirements for shelter space through its church rotation program and for services through 137 Connection, they saw a 70% reduction in shelter users due to this requirement.





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## Data About Homelessness in Loveland

### 1. What do we know about homeless individuals and families in Loveland?

The following data and qualitative information about homeless individuals in the city as well as the region, help us understand what is happening.

- i. Data: The City of Loveland is part of the [Northern Colorado Continuum of Care \(NCCC\)](#). This is a regional planning body that also includes the City of Fort Collins, the City of Greeley, Larimer County and Weld County, coordinates housing and services funding for homeless individuals and families. Data is available in two ways: 1) a Homeless Point in Time Count (PIT Count), which is a federally mandated count (via the McKinney-Vento Homeless Assistance Act) of individuals experiencing homelessness on any given night in a community, and 2) Homeless Management Information Systems (HMIS) data, which is compiled and managed by a third-party. HMIS data can be collected at day centers and shelters, so Loveland data through HMIS is currently limited. However, PIT County data has given us some insight into what Loveland is experiencing with homelessness. PIT count takes place during the last 10 calendar days of January. Every year, a count of homeless individuals and families in shelters is completed. Every other year, in addition to the sheltered count, a count of unsheltered homeless individuals is completed. Due to the transient nature of the population and the large geographic area of the Northern Colorado region, it is extremely difficult to capture all homeless individuals and families. Because of this, the 2022 PIT Count is considered an underrepresentation of homelessness in Northern Colorado.

#### 1. Insights from the 2022 PIT Count revealed the following:

- a. In Loveland, 169 homeless individuals were counted on a single night in January 2022. Of that number, 53 individuals were sheltered (anyone staying in a supervised publicly or privately operated shelter), and 116 were unsheltered (anyone staying in a public or private place, like an unauthorized encampment, car, bus station, etc.).
- b. Larimer County data shows that 34% of individuals experiencing homelessness are considered to be chronically homeless (living unsheltered and/or in an emergency shelter for a year or more, or having four or more episodes of homelessness totaling 12+ months in a three-year period AND having a disabling condition).
- c. In Larimer County, 55.4% of homeless individuals do not have substance use disorders or serious mental illness, 44.6% do.



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Historically, Loveland has not participated in collecting data in the Homeless Management Information System (HMIS). Homeward Alliance, as part of the lead agency on homelessness, is working with Loveland agencies, including the newly formed Loveland Resource Center to begin collecting additional data points to have a better understanding on homelessness in Loveland.

### **2. Other than this encampment ban, what has the City of Loveland been doing to address the homeless situation across the City?**

There are eight focus areas of the City's 2020 Strategic Plan and addressing homelessness falls into the category of Livability. This states that "in our community, all people have shelter, and all people have access to opportunities and experiences that enrich their lives." City Council study sessions on homelessness were held in October 2011 and in 2016. In April of 2018, City Council started to prioritize homelessness when they asked for a citywide strategic plan. Work on the plan began in Fall 2018 by commissioning a [study](#) through Burnes Center on Poverty and Homelessness. This effort formally initiated the City's work on creating and implementing a Homeless Strategic Plan. The City selected [Homeward Alliance for this work](#) in 2021, and the plan is now in progress. Council and staff action specifically on homeless sheltering and encampments has been happening since 2019. A Council Rule of 4 item directed staff to consider an inclement weather policy for the homeless. As a result, the City created an emergency winter shelter policy in January 2020. In October 2021, council approved a nightly winter shelter to run from November to March annually. City staff began its encampment cleanup program in 2019 (find additional information in the [January 2022 issue of City Update](#)). According to staff notes, council started actively engaging in the encampment conversation specifically in March/April 2022 before authorizing an emergency ordinance to create an unauthorized encampment ban.

### **3. What is the difference between the encampment ban and the City's homeless strategic plan?**

- a. The City began work on a larger Homelessness Strategic Plan (HSP) with Homeward Alliance in 2021. You can read the [RFP details](#) on our webpage at [lovgov.org/homelessness](http://lovgov.org/homelessness). The HSP is the City's plan to create systems to get people out of homelessness.
- b. The emergency unauthorized encampment ban is a response to cleaning up the active unauthorized encampments on public property to mitigate unreasonable risk of fire and preservation of public and private property across the City.

### **4. How is the City addressing chronic homelessness?**

Chronic homelessness encompasses those experiencing homelessness for a least a year, or for repeated periods over several years who have a disabling condition such as a



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developmental disability, brain injury, severe mental illness, substance abuse disorder, or physical disability that acts as an additional barrier to finding permanent housing. Data from the January 2022 Point in Time (PIT) Count survey shows that about 34% of those experiencing homelessness in the Larimer County are chronically homeless. The most effective intervention to address chronic homelessness is a permanent supportive housing approach, which combines housing subsidies with individual case management and supportive services for residents (National Alliance, 2019). On Oct. 27, 2020, City Council approved the creation of St. Valentine Apartments supportive housing project. The 54-unit supporting housing project is currently being built northeast of the Police and Courts Building on Hayes Avenue and will help those transitioning out of homelessness through affordable housing. Tenants would pay up to 30% of their income or at least \$25 per month — as well as by offering case management.

### **5. Will having a shelter space attract people from other areas? Will it make Loveland's homeless problem worse?**

From experiences and data that we have specific to Loveland over the past few years, we do not believe that this will be the case. Loveland has never had permanent, year-round shelter space, yet homelessness in Loveland has increased by about 27% from 2019 to 2022 according to the PIT count, not including transitional housing. On the other hand, Fort Collins has a year-round shelter and experienced a decrease in homelessness during the same period of time. The City has heard from some individuals that they came to Loveland because they could camp. With the unauthorized encampment ban process of moving individuals to shelter or having them move on, we believe that homeless individuals who came here because they could camp and do not want shelter may move out of Loveland as long as we have the resources to properly enforce the ban.



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### About Tracking the Process – from Encampments to Shelter

#### **1. We need data and answers – How is the City verifying who is in encampments and who is going to shelter?**

We recognize the public's interest in detailed data on the individuals living in encampments and moving to shelter; however, being homeless is not a crime and homeless individuals are not legally required to provide personal details, IDs, etc. to City staff or law enforcement officers unless they are committing a crime.

We do not currently require our Encampment Team to ask for any demographic data when we issue vacate notices and manage the actual removal, as the goal is to keep the situation as safe and seamless as possible for everyone. It is also difficult for this team to verify demographic information provided by campers even if asked.

Individuals accessing shelter and services at the Loveland Resource Center or at the S. Railroad site will need to provide information to the Homeless Management Information Systems (HMIS) data management platform, which is also used to support PIT counts and is required by the U.S. Department of Housing and Urban Development (HUD). HMIS wasn't readily available to Loveland previously since it lacked a shelter. As the LRC and S. Railroad site continue to operate, Loveland will be able to gain a better understanding of who is in the community and can use that to better address homeless in Loveland. HMIS data can include name, date of birth, gender, race, ethnicity, veteran status, homeless situation/housing situation information, disabling conditions, physical or developmental disabilities, chronic health conditions, location data and more.

#### **2. How are you limiting who can come to use Loveland's shelter space? Can we ensure that those are the ones removed from encampments?**

The City is establishing shelter rules and guidelines based on best practices from other shelter providers that recommend lower barrier practices for shelter entry, such as not restricting admission into shelter because of the use of alcohol, drugs, lack of income, criminal history, or because the person has a pet, as well as practices that are inclusive and non-discriminatory. This is because getting into shelter can have a positive impact on an individual's ability to access life-saving shelter services and get them off the streets, off of trails, and out of parks and open spaces. The shelter and day center will be open to anyone who is either homeless or at-risk of becoming homeless, regardless of age or income. Anyone that the City requires to move from an encampment will be guaranteed a spot.



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### **3. How many people are living in encampments in Loveland now?**

The number of people living in encampments changes day by day, but the City shows that on August 15, 2022, there were approximately 47 encampments within King's Crossing, River's Edge Natural Area, Fairgrounds Park, Cottonwood Run and the Civic Center. It is assumed that each encampment has about 1.5 to 2 people per encampment. City Council has directed we focus on the Kings-Crossing area first. We estimate this area has been impacted by 39 encampment sites as of June 24. The seventh successful clean-up occurred on August 19 that involved 6 sites and 8 campers. Other data associated with King's Crossing includes:

- Total encampments cleaned to date = 25
- Current number of remaining encampments = 14
- Encampment clean-up efforts will continue to be a challenge until more shelter space comes on-line involving 16x16 humanitarian tents at the Loveland Resource Center
- Total Camper Relocations to date = 31

### **4. How long are "Campers" given to move from Urban Banned areas?**

We give notice on a Friday with the schedule to remove an encampment the following Friday. The ordinance allows us to give as little as 48-hours' notice under circumstances where there is a serious risk to public safety, health, or welfare, but the current schedule, generally allowing 7 days, allows staff the time to plan properly and ensure that moves go as smoothly as possible for all involved. This pace has been successful but needs to be reviewed to ensure it is scalable when more shelter space is available.

### **5. How many people in encampments are from Loveland?**

The City's encampment team currently doesn't ask this question when approaching campers about moving due to several factors including legally protected privacy rules, safety and the potential for inaccurate data. However, the Loveland Resource Center and overnight shelter will collect additional data through the HMIS database. This can help better provide housing and services for people experiencing homelessness and provide aggregate data for a community in understanding its homelessness trends.

### **6. How many of the people who are currently camping were interviewed about whether they would actually go to shelter if we build it?**

Formal survey efforts of this nature were not conducted before the City Council enacted the emergency ordinance to create an unauthorized encampment ban. However, based on



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anecdotal information and conversations held with some homeless individuals in Loveland, we estimate that initial uptake will be slow, and will ramp up as winter comes and as people can rely on the consistency of the shelter.

### **7. How many unauthorized encampments have we moved that have come back?**

It is difficult to tell as campers move around, change their appearance, and avoid contact with City staff even without receiving a notice to vacate. City staff doesn't have the capacity to actively scout new encampments across the city. We do know that 8 new camps have emerged in King's Crossing as of August 15, 2022, but based on LPD information, they are not ones that have already been removed. We do not yet know if the camps are new or have moved from another area in Loveland as we do not have good data in this area at this time. The Loveland Police Department is part of the encampment notice and clean-up team and they can issue a citation for the first violation of the encampment ban (if someone moves back to an encampment.) Further enforcement action can include additional citations or arrest.

### **8. What are you doing to address the people who won't take shelter or who don't want help?**

When individuals receive notice that their encampment will be removed, they are told that they have the option to move to shelter, or if they don't want to go to shelter, they must find somewhere else to go. Creating a new unauthorized encampment is not an option. From there, they can still access services within Loveland, or go to the Loveland Resource Center during the day to get help, or they can leave the area. The Loveland Police Department is part of the encampment notice and clean-up team and they can issue a citation for the first violation of the encampment ban. Further enforcement action can include additional citations or arrest.

### **9. What metrics will you be using to measure the success or failure of the unauthorized encampment ban ordinance?**

The ordinance was created to mitigate unreasonable risk of fire and preservation of public and private property across the City. The ultimate goal is to ensure public health and safety for our community. Measurements specific to the ban will focus on how quickly and successfully we are at removing unauthorized encampments from public areas and keeping these areas clear of encampments moving forward.

### **10. Will the shelter be staffed by a community outreach, mental health professional, ride service, police?**

At this time, the shelter will be staffed by City staff members who are trained to work with homeless individuals. City partners including Homeward Alliance, SummitStone Health Partners, Disabled Resource Services, Salvation Army, Volunteers of America and others



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will offer services onsite to help individuals gain access to resources and 24/7 security will be onsite (by an outside company) not LPD. However, just like with any other community need, LPD is on standby to assist in case of any issues.

### **11. Will the current (beta) paid-for motel room option disappear and only this site be utilized?**

That is the plan for most individuals. Motel rooms would only be issued in certain cases, to ensure equal access to those requiring an accommodation under the ADA. We will plan to continue using motel vouchers for additional winter shelter if needed in cases of extreme, potentially deadly cold weather.



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## Addressing Public Safety Concerns

### **1. Downtown residents have been experiencing issues related to homelessness for a while now and the City/LPD hasn't done anything about it. How can we believe this will get better with a shelter downtown?**

The safety of our residents is important to both the City and the Loveland Police Department and we recognize that it can be discouraging when you call to report something and a desired resolution can't be reached. Many times, this is because there isn't enough evidence to follow-up on a reported crime, or due to the level of the crime. LPD has also been understaffed, which has impacted the ability to have more foot and bike patrols in the downtown area this past year. LPD is using overtime officers for additional foot patrol downtown on Friday and Saturday nights.

So far in 2022, LPD has tracked 3,818 calls including calls from citizens, officer-reported or follow-up calls within the downtown area from 1st Street to 7th Street and Madison Avenue to Grant Avenue. These calls, offenses and crimes all have varying levels of what LPD can and cannot enforce. The top 11 types of calls LPD has responded to are:

- Abandoned Vehicle = 341
- Extra Patrol = 316
- Welfare Check = 196
- Suspicious Circumstance = 187
- Assist Citizen = 153
- Transient = 150
- Assist Business = 117
- Disturbance = 105
- Mental Health = 62
- Alarm = 57
- Disorderly Conduct = 17

LPD is working on several improvements that should make a positive difference for the downtown community now and when a robust shelter option is in place.





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- LPD has hired 7-8 new mid-level officers who will be done with training in October. This additional headcount for LPD can help increase foot and bike patrols downtown.
- LPD is looking to create a community engagement division in 2023 (pending budget approval) that would increase the number of officers trained to handle homelessness-related issues. These officers would be part of the City's Response Team and assist in the interaction between downtown residents and businesses and individuals experiencing homelessness in Loveland.

We want to remind the public these calls require different approaches than regular LPD calls. We also need the public to help by reporting things when they see them. The best ways to report crimes, including trespassing is to call LPD's non-emergent number at 970-667-2151, or for emergencies dial 911.

### **2. Why isn't the Loveland Police Department arresting those involved in violent, illegal activities in these unauthorized encampments?**

LPD investigates all reported crimes and will take appropriate enforcement action as probable cause is developed. The legislature has changed several laws which affect the ability of Law Enforcement to take people into custody and to jail physically.

### **3. What is protecting downtown residents, businesses, and visitors?**

LPD emphasizes extra patrols and problem-oriented policing in the downtown area. As mentioned, LPD is also looking to create a community engagement division in 2023 (pending budget approval) that would increase the number of officers trained to handle homelessness-related issues. These officers would be part of the City's Response Team and assist in the interaction between downtown residents and businesses and individuals experiencing homelessness in Loveland.

### **4. Will LPD be patrolling downtown more at night? That is when these folks are out at night.**

LPD continues to conduct extra patrols in the areas of potential problems. These extra patrols are documented and are available for the public.



# Emergency Unauthorized Encampment Ban Frequently Asked Questions

*Updated August 24, 2022*

## How do I report, stay in-the-know?

### 1. How do I report an unauthorized encampment on public property?

If you see an unauthorized encampment on public property (trails, open spaces, parks, etc.), you can report it by submitting details through the form at [lovgov.org/homelessness](http://lovgov.org/homelessness), or by contacting the City's Office of Communication and Engagement ([OCE@CityofLoveland.org](mailto:OCE@CityofLoveland.org), 970-962-2302). If you see an encampment, or something that could be dangerous, please do not approach or touch an encampment or anything that could be dangerous in public property. If you see anything dangerous that is not an encampment, please call the Loveland Police Department's non-emergent line at 970-667-2151. Please know that City Council has put a priority on encampments in the King's Crossing area so that will be the main focus until that area has been cleared.

### 2. How do I report an unauthorized encampment or trespassing on private property?

Unauthorized camping on private property is considered trespassing unless the property owner has given an individual permission to camp on their land. Property owners that experience trespassing on their property can call the Loveland Police Department's non-emergency line at 970-667-2151.

### 3. How will I know what is happening with encampments in Loveland?

The City shares weekly updates on its Homelessness webpage, [lovgov.org/homelessness](http://lovgov.org/homelessness). You can also:

- Email [OCE@cityofloveland.org](mailto:OCE@cityofloveland.org);
- Leave a voicemail at 970-962-2302 (OCE);
- Call the Encampment Hotline at 970-962-2150 to share your question with library staff during normal business hours.



# Emergency Unauthorized Encampment Ban Frequently Asked Questions

*Updated August 24, 2022*

## Addressing Community Value Concerns

### **1. The encampment ban will get camps out of open lands, trails and parks, but why are you moving everyone to a place near one of the most popular parks?**

We recognize that there is no perfect place for a shelter option, but based on search criteria and immediately available spaces, the S. Railroad Ave. site is the most viable option to move as quickly as possible at the direction of the City Council. We also know that many of the city's homeless individuals already have encampments there, and access services available to them. As one example, The Loveland Resource Center space at 137 S. Lincoln Ave. has been a day center for homeless individuals for the last 12 years, although it was previously called 137 Connection and managed by the House of Neighborly Services. It has also served as the City's emergency winter shelter since 2019 and was our nightly winter shelter from November 2021 – March 2022. Our ability to better enforce and move encampments, additional security and rules for the shelter space and planned increased LPD foot and bike patrol downtown should help.

### **2. How will this serve the contributing citizens of downtown Loveland? How do the taxpayers benefit? What are the pros vs. the cons?**

The City's goal is to minimize the number of unlawful encampments over time, which will re-open public areas that are designed for use by the general public. Fewer unlawful encampments in and around our City will undoubtedly have a positive effect on our public spaces.

### **3. Are the sponsors of these softball fields aware of this plan?**

The Barnes Softball Complex is owned and managed by the City's Parks & Recreation Department and they will continue to communicate details about this to anyone considering the fields for an upcoming tournament. Loveland hosted the annual Sparkler Tournament this past year and the number of encampments in and around the area did cause some feedback from attendees. With those encampments cleaned up, the tournament experience will likely be better, even with a shelter at the S. Railroad location.

### **4. Why is it OK to use our tax dollars for this? What will the true costs be? What will you do to make this right for businesses and home owners?**

The City Council has the authority to appropriate funds to support the City's encampment clean-up efforts and initially authorized \$500,000 for this effort. The City's budget office is currently putting those cost estimates together to be discussed at the upcoming City Council Budget Retreat on August 29, 2022. We are narrowly focused on removing unlawful encampments consistent with the direction from the City Council. The City's goal is to minimize the number of unlawful encampments over time, which will re-open public



## **Emergency Unauthorized Encampment Ban Frequently Asked Questions**

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areas that are designed for use by the general public. Fewer unlawful encampments in and around our City will undoubtedly have a positive effect on our public spaces.”

### **5. Will property values go down?**

That information is not clear. However, the S. Railroad site is not intended to be a permanent location. In addition, many of the individuals who will use the shelter are already using downtown public property – parks, trails, open spaces, etc. for their encampments – and accessing services nearby. With the unauthorized encampment ban in place, the goal is that public spaces will be safer for everyone in the community.

### **6. It was noted that there are buses dropping homeless people off at I-25 and 34 parking area. Where are they being bused in from?**

According to our Visitors Center staff, the center has historically had transient visitors stop into the Visitor Center for information (generally 1-2 per week on average) as they make their way from the Park & Ride bus stop into the Loveland and Northern Colorado area. Most often they stop in to ask where our “shelter” is, ask for directions to our downtown area, or to ask for information about our city bus service. Staff’s standard response prior to the unauthorized encampment ban, has been that Loveland does not have an overnight shelter and to offer a bus pass if needed, and/or a card that lists the social services available within the city of Loveland. Our intention is to be helpful while moving them along in a timely fashion. We are not aware of any other city/community purposefully busing individuals into Loveland.

### **7. It was also noted in the August 10, 2022, Neighborhood Meeting that homeless individuals come to Loveland using the bus system to sell drugs. If this is true where are the drug enforcement people?**

The Loveland Police Department and the Northern Colorado Drug Task Force have not received any information about a drug distribution network of this kind taking place.



# Emergency Unauthorized Encampment Ban Frequently Asked Questions

*Updated August 24, 2022*

## Signage

### 1. Why aren't signs put in place to say "No Overnight Camping?"

All City of Loveland parks, open spaces and trails currently include 'no overnight camping' rules on their entrance signage. The City is looking into other signage in these areas to better reinforce the issue. However, until the City has a reliable shelter space available, the City has not been enforcing this prohibition consistent with the City's newly adopted ordinance. In other words, additional signage to this effect does not impact the City's ability to enforce the new ordinance.