

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA REQUEST

TO: Board of County Commissioners

FROM: Philip C. Hunsucker, Chief Civil Deputy Prosecuting Attorney
Ariel Speser, Civil Deputy Prosecuting Attorney

DATE: November 3, 2025

SUBJECT: CONTINUED WORKSHOP re: Updating the County's Unauthorized Encampment Removal Policy

STATEMENT OF ISSUE:

Jefferson County Policy No. 02.10.23-01 is out of date and requires updating. The immediacy for this revised policy was brought about by the City of Port Townsend's announcement to close the encampment at Evans Vista on November 3, 2025. As a result, Jefferson County must take prudent steps to review its own encampment related policies and procedures to ensure any future encampment removals are well-planned and comply with current law.

This revised Policy was first reviewed during a Workshop on October 27, 2025. At that time, Public Comment and BoCC discussion warranted additional time to provide a slightly revised draft reflecting the input from the Workshop. This next iteration of the revised Policy incorporates changes made in light of the input received from the Workshop.

ANALYSIS:

This revised policy does a few things, most notably:

- Adopts a Public Health framework;
- Updates the policy to comply with recent state and federal case precedent;
- Provides for designated personal property storage at the Jefferson County Sheriff's Office;
- Provides for robust notice and record keeping; and,
- Provides for the designation and training of county personnel who have specific roles and responsibilities related to encampment work.

FISCAL IMPACT:

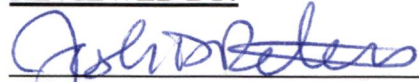
At this time, there is no immediate fiscal impact, except for additional internal coordination and staff training. However, there may need to be some additional costs in the future, which are unknown at this time.

RECOMMENDATION:

For BoCC to consider the revised Policy and accompanying Resolution for adoption.

Move approve Resolution in the Matter of Adopting a Revised Policy on Unauthorized Encampment Removal and Repealing and Replacing Jefferson County Policy No. 02.10.23-01. Alternatively, provide feedback to staff for additional revisions.

REVIEWED BY:



Josh Peters, County Administrator

10/30/25
Date

STATE OF WASHINGTON

County of Jefferson

**In the Matter of Adopting a Revised Policy
on Unauthorized Encampment Removal and
Repealing and Replacing Jefferson County
Policy No. 02.10.23-01**

RESOLUTION NO.

WHEREAS, Article XI, section [11](#) of the Washington Constitution, confers upon county legislative authorities a direct and extensive delegation of the police power to adopt such local police, sanitary and other regulations as are not in conflict with general laws; and,

WHEREAS, RCW [36.32.120](#)(7) provides that the county legislative authorities shall make and enforce, by appropriate resolutions, all such police and sanitary regulations as are not in conflict with state law; and,

WHEREAS, police power is that inherent and plenary power which enables prohibition of all things hurtful to the comfort, safety and welfare of society; and,

WHEREAS, the scope of police power is broad, encompassing all those measures which bear a reasonable and substantial relation to promotion of the general welfare of the people; and,

WHEREAS, Jefferson County owns and maintains multiple buildings and building complexes and conducts meetings during regular business hours; and,

WHEREAS, the safety and security of the public and county employees engaging in business on county properties is important to the Jefferson County Board of County Commissioners; and,

WHEREAS, Jefferson County owns and maintains multiple public parks used by members of the public for intended uses set forth in chapter [12.25](#) Jefferson County Code (County Parks); and,

WHEREAS, the safety and security of the public's ability to access and participate in allowable uses at county parks is important to the Jefferson County Board of County Commissioners; and,

WHEREAS, Jefferson County owns and maintains over 400-miles of county road, in addition to countless bike paths and trails, of which adjacent right-of-way properties are often necessary for repair, maintenance, or public safety; and,

WHEREAS, the safety and security of all those using Jefferson County roads, bike paths, and trails are important to the Jefferson County Board of County Commissioners; and,

WHEREAS, the county does not have the resources to respond to activities occurring on county properties outside of normal business hours; and,

WHEREAS, Jefferson County has a legitimate government interest in regulating unauthorized encampments to promote public health and safety; and,

WHEREAS, Jefferson County has invested in a permanent shelter for the unhoused by purchasing land, providing funding and engaging in a comprehensive plan process to create a permanent encampment for the unhoused called Caswell-Brown; and,

WHEREAS, for many years, Jefferson County provided funding for a homeless shelter at the American Legion property in the City of Port Townsend; and,

WHEREAS, Jefferson County adopted legislation for permitting temporary encampments for the unhoused the ensures temporary encampments for the unhoused promote public health and safety; and,

WHEREAS, ensuring unauthorized encampment removal procedures are carefully tailored to meet legitimate government interests by requiring review of any health or safety hazards and requiring notice whenever possible is important to the Jefferson County Board of County Commissioners; and,

WHEREAS, treating all persons living in encampments with care, dignity, and respect is important to the Jefferson County Board of County Commissioners; and,

WHEREAS, Jefferson County may remove unauthorized encampments posing threats to public safety or public property use; and,

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Whereas Clauses are Findings of Fact. The Jefferson County Board of County Commissioners hereby adopts the above “Whereas” clauses as Findings of Fact supporting this resolution.

Section 2. Purpose. The purpose of this resolution is to adopt a revised policy addressing the removal of unauthorized encampments on Jefferson County property.

Section 3. Repeals and Replaces Policy No. 02.10.23-01. This policy hereby repeals and replaces Jefferson County Policy No. 02.10.23-01.

Section 4. Severability. If any section, subsection, sentence, clause, or phrase of this resolution or its application to any person or circumstance is held invalid, the remainder of this resolution or its application to other persons or circumstances shall be fully valid and shall not be affected.

Section 5. SEPA Categorical Exemption. This resolution is categorically exempt from the State

Environmental Policy Act under WAC [197-11-800](#)(19).

Section 6. Effective Date. This resolution shall take effect and be in full force immediately upon passage by the Jefferson County Board of County Commissioners.

(SIGNATURES FOLLOW ON THE NEXT PAGE)

ADOPTED this ____ day of _____ 2025.

SEAL:

JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS

Heidi Eisenhour, Chair

Greg Brotherton, Member

Heather Dudley-Nollette, Member

ATTEST:

APPROVED AS TO FORM:

Carolyn Gallaway, CMC Date
Clerk of the Board

Philip C. Hunsucker, Date
Chief Civil Deputy Prosecuting Attorney

JEFFERSON COUNTY
WASHINGTON STATE

REVISED DRAFT (REDLINE)

UNAUTHORIZED ENCAMPMENT REMOVAL POLICY





DRAFT
JEFFERSON COUNTY
UNAUTHORIZED ENCAMPMENT REMOVAL POLICY

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1.0 Introduction and Purposes

- 1.1 The purpose of this Policy is to establish uniform procedures for removal of unauthorized encampments on county-owned property.
- 1.2 In accordance with Jefferson County Code (JCC) [2.01.080\(2\)](#), the Jefferson County Administrator shall perform “the full range of managerial oversight functions over all county administrative operations, including financial management, planning, policy development, performance management, and prioritization of fiscal, human, and capital resources.”
- 1.3 The lack of affordable housing and other resources have resulted in increasing numbers of unhoused persons resorting to camping on public and county-owned property in authorized and unauthorized areas. County officials shall be able to enforce a common-sense policy to protect the health and safety of its residents and maintain county public spaces. When county officials lack appropriate tools, and encampments persist without monitoring and appropriate assessment, it may increase the likelihood of endangering the health and safety of those living in and alongside them. Jefferson County shall balance the need to operate county public property for its intended purposes, as well as public health and safety, while respecting the personal property and the right to privacy of those who camp on public property. This Jefferson County Unauthorized Encampment Removal Policy (this Policy) attempts to create that balance, consistent with existing law.
- 1.4 Being homeless is not a crime. Persons shall not be prosecuted for sleeping outside on county-owned property, absent other circumstances that constitute criminal law violations. Jefferson County shall not prohibit persons from sleeping outside anywhere in the jurisdiction, which is not otherwise prohibited by the Jefferson County Code provisions.¹ Jefferson County recognizes that is both inhumane and imposes additional hardships on the displaced persons and limited social services safety network, which shall face the costs and challenges of an increased unhoused population.
- 1.5 The County Administrator shall designate certain departments and county personnel to keep track of **available shelter space**. If **there is no available shelter space**, the County Administrator may designate an area on publicly-owned property that temporarily may be used in lieu of a permitted shelter. The temporary use of the area shall be consistent with the requirements for the location, siting, and operation of temporary housing facilities in JCC [18.20.385](#).
- 1.6 The County Administrator shall ensure that a training program is developed for all departments, county personnel, and subcontractors involved in unauthorized encampment removal.

Commented [PAO1]: There is a newly added definition for “available shelter space.” This section and the new definition is where the BoCC must decide whether to make the requirement be for a “low-barrier” or a “no barrier” shelter.

Commented [PAO2]: Revised to use one consistent term—“available shelter space,” which is a newly defined term.

¹ For example, chapter [12.25](#) JCC regulates County Parks. Nothing in this policy is meant to supersede county park regulations.



- 1.7 County department directors for Central Services, Department of Community Development, Jefferson County Sheriff's Office, Environmental Health & Water Quality, Public Health, and Public Works, shall designate one or more staff members as DCP who shall receive mandatory annual training lead by the Prosecuting Attorney's Office to determine whether an item is personal property.
- 1.8 The Director of the Department of Public Health or their designee shall maintain a current list of approved outreach providers on its website, who in the opinion of the director have established competency and training to engage to provide services to the unhoused.
- 1.9 The County Administrator shall ensure that forms that document the unauthorized encampment removal process shall be developed and used, as well as standardized forms for notice. The training program, forms, and notice forms shall be reviewed by the Prosecuting Attorney's Office.
- 1.10 Encampment Removal as Last Resort. Prior to any encampment removal (immediate or otherwise), DCP shall review the encampment and document any health and safety concerns. All newly identified encampments shall be reported to the County Administrator consistent with Section 6.1, with notification also to Central Services and Public Health. DCP shall consult with their respective department director to determine whether the encampment shall be elevated for review for potential removal. The Director of Public Health shall be consulted prior to any encampment removal.

2.0 References, ~~and~~ Authority, and Reporting

- 2.1 This Policy is adopted by the Jefferson County Board of Commissioners and shall remain in effect until revised or replaced, or is superseded by action of the Jefferson County Board of Commissioners, state, or federal law.
- 2.2 The Jefferson County Board of Commissioners may issue additional regulations or guidelines necessary to aid in the implementation or enforcement of this Policy.
- 2.3 Nothing in this Policy is meant to replace or take precedence over other JCC provisions. Where other JCC provisions may be in conflict with this Policy, the other JCC provisions control.
- 2.4 Nothing in this Policy shall be construed to limit or prohibit county officials from enforcing any other county or state laws, including, but not limited to, laws governing use of controlled substances or weapons, fire codes, and public nuisance laws.
- 2.5 This Policy is intended to be consistent with Jefferson County's housing and equity goals as reflected in the Jefferson County Comprehensive Plan, Housing Element.
- 2.6 Consistent with Jefferson County's housing and equity goals as reflected in the Jefferson County Comprehensive Plan, Housing Element, Jefferson County has

Commented [PAO3]: Added in response to BoCC Comment.

Commented [PAO4]: Added in response to Public Comment.



invested in a permanent shelter for the unhoused by purchasing land, providing funding and engaging in a comprehensive plan process to create a permanent encampment for the unhoused called Caswell-Brown Village. In addition, Jefferson County has adopted legislation for permitting temporary encampments for the unhoused the ensures temporary encampments for the unhoused promote public health and safety. In response to HB 1220, Jefferson County adopted Ordinance No. 05-0613-22 (Temporary Housing Facilities) on June 13, 2022. Ordinance No. 05-0613-22 has been codified in in JCC 18.20.385. For many years, Jefferson County has provided funding for a permitted shelter for the unhoused at the American Legion property in the City of Port Townsend.

2.6 A report shall be presented to the BoCC annually on or before December 1st by the Director of Public Health reporting on shelter and housing capacity, demographic and outcome data for encampment removals, and an analysis of equity and anti-displacement impacts.

Commented [PA05]: Added in response to Public Comment.

3.0 Definitions

The following definitions apply to this Policy:

3.1 Abandon

“Abandon” means to give up or leave behind willingly.

3.2 Approved outreach provider

“Approved outreach provider” means a non-profit organization with the competency and training to engage to provide services to the unhoused, that has been approved by the Director of the Department of Public Health to provide information and education to unhoused persons and has been listed as required by Section 1.7 on the Department of Public Health’s website.

3.3 Authorized or emergency shelter(s)

“Authorized or emergency shelter(s)” means temporary lodging and supportive services for unhoused persons in licensed, registered, or permitted facilities run or operated by county, city, or other community-based programs or non-profit organizations.

3.4 Authorized encampment

“Authorized encampment” An area designated by the county on publicly-owned or private property that is being used as a temporary housing facility (as defined in



JCC [18.10.200](#)²) in lieu of a shelter consistent with the requirements of JCC [18.20.385](#) or other applicable Jefferson County Code provisions.

3.5 Available shelter space

“Available shelter space” means a person has access to a bed in either a low barrier shelter or a no barrier shelter.³

Commented [PAO6]: Added in response to Public and BoCC Comments. BoCC policy decision.

3.65 — Camping

“Camping” has the same meaning as in JCC [12.25.020](#)(3).⁴

3.76 County

“County” means Jefferson County, Washington.

3.87 County-owned property.

County-owned property includes but is not limited to any real property owned by Jefferson County, any county facility, and any right of way property maintained by Jefferson County, including but not limited to any public street, road, bike path, trail, or sidewalk.

3.89 Designated County Personnel (“DCP”)

“Designated County Personnel” (or “DCP”) means county employees designated by department directors and trained to undertake inspections, initiate and oversee removal of unauthorized encampments and storage of removed personal property, and ensure compliance with this Policy and applicable laws by county personnel and any contractors. DCP shall include law enforcement officers and county employees from the various departments participating in the unauthorized encampment removal.

3.910— Encampment

“Encampment” means one or more tent, structure, or assembly of unauthorized camping equipment or personal property located on county-owned public property,

² JCC [18.10.200](#) states, “‘Temporary housing facility’ means a facility providing temporary housing accommodations pursuant to JCC [18.20.385](#). Temporary housing facilities include temporary structures as defined in this section and may also include a safe parking area and common use structures.” JCC [18.10.200](#) also states, “‘Temporary structures’ includes tents, RVs, tiny shelters, and any other structure designed to provide personal and private shelter to an individual or family.”

³ This definition includes “low” and “no” barrier options. While “low” and “no” barrier definitions vary, a common understanding of “low barrier” is there are no preconditions that the participant be clean and sober to obtain shelter. A common understanding of “no barrier” means while someone may be asked to leave the shelter or authorized encampment on a certain day due to unsafe behavior, they are welcome to try again the following day. “Low” and “no” barrier shelter options embrace a harm reduction and housing-first approach.

⁴ JCC [12.25.020](#)(3) states, “‘Camping’ means erecting a tent or shelter or arranging bedding or both or parking a trailer, camper, or other vehicle for the purpose of, or in such a way as will permit, remaining overnight.”



which appears to a reasonable person is being used for camping or for the purposes of habitation. Encampments do not include sites that have been abandoned. See definition of abandon. Encampments may include vehicles and RVs, which may be operational or non-operational.⁵

3.11 Emergency shelter

"Emergency shelter" has the same meaning as in RCW 36.70A.030(16)⁶ or as subsequently amended.

3.12—Emphasis Area

"Emphasis Area" means an identifiable area where the county has removed an encampment and has designated an encampment-prohibited area by installing signage as required in Section 14.

3.13—Habitation

"Habitation" means the appearance of currently residing in a location as evidenced by the presence of bedding materials, campfires, cooking materials, storage of clothing, or other personal property gathered together in such a manner that a reasonable person would believe that the site is being used for residential purposes.

3.152 Hazard

"Hazard" means a situation that presents a potential to cause damage, harm, or adverse health effects on something or someone, or any substance or material that is highly flammable, corrosive, toxic, or reactive.

3.14 Immediate hazard

"Immediate hazard" means an area that presents an imminent risk of serious injury or death, beyond that caused by increased exposure to the elements, as determined by a reasonable person. "Immediate hazards" include, but are not limited to danger from vehicle traffic because the encampment is on the shoulder of a street or highway or other areas exposed to moving vehicles; and natural hazard areas, including but not limited to landslide-prone areas and special flood hazard areas.

3.15 Jefferson County Code (JCC)

"JCC" means the Jefferson County Code as currently adopted or as may be amended in the future.

⁵ Removal of Vehicle and Public Right-of-Way Nuisances are subject to the provisions in chapter 19.25 JCC.

⁶ Currently, the definition is: "Emergency shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations."

Commented [PA07]: Added in response to Public Comment.

Commented [PA08]: Deleted definition as this term is not used anywhere in this Policy. The term "immediate hazard" is used instead and is defined below.



3.16 Low-barrier shelter

“Low-barrier shelter” means a shelter for the unhoused where a minimum number of expectations or requirements are placed on the people who wish to stay there. With a focus on “harm reduction,” low-barrier shelters encourage unhoused persons to seek resources by eliminating obstacles such as substance abuse, criminal history, and other policies that make it difficult to enter a shelter, stay in shelter, or access housing and income opportunities.

3.17 No barrier shelter

“No barrier shelter” means a shelter for the unhoused where no requirements are placed on people who wish to stay there, other than requirements that protect the safety of persons, property or the environment. For example, if a person is asked to leave a shelter one day due to unsafe behavior, the person may try again the next day.

3.18 Obstruction

- (a) “Obstruction” means personal property, garbage, debris, or other objects related to an unauthorized encampment that substantially interfere with the pedestrian or transportation functions of public rights-of-way; or substantially interfere with other areas necessary for or essential to the intended use of a public property or facility.
- (b) “Obstruction” includes obstruction of the county’s public streets, roads, bike paths, trails, or sidewalks also means in a manner that impedes passage within the meaning of the American Disabilities Act.

3.19 Outreach

“Outreach” means an effort to provide information and education to unhoused persons by an approved outreach provider.

3.20 Personal property

“Personal property” means the belongings of a person, as identified by the person to whom the property belongs.

- (a) Personal property usually have apparent utility in their present condition and circumstances and are not hazardous, but also include items that are not hazardous that are kept in a manner that indicates a person regards the item as personal property.
- (b) Examples of person property include, but are not limited to:
 - (i) Items of apparent value of \$50 or more; and,

Commented [PA09]: Added in response to public comment



- (ii) Items of apparent personal value, including but not limited to personal identification and identity documents, personal papers and documents (such as photographs, albums, bank statements, and legal papers), tents, usable furniture, operational bicycles, scooters, strollers, radios, electronic equipment, eyeglasses, prescription medications and other medical equipment, books, jewelry, backpacks, containers, any item used by a disabled person for mobility, and any item that could be ordinarily found within a home.

3.21 Unauthorized encampment

“Unauthorized encampment” means an encampment on county-owned property that has not been permitted under the JCC or authorized pursuant to this Policy.

4.0 **Unauthorized Camping on County-Owned Property Prohibited**

- 4.1 Unauthorized camping on county-owned properties that are a threat to public health and safety, or interferes with the public’s ability to use county-owned ~~property~~property is prohibited.
- 4.2 Unauthorized camping on county-owned property includes all day-use parks as well as authorized campgrounds when posted rules are not being followed.
- 4.3 Camping on county-owned property is prohibited, unless expressly permitted by the Jefferson County Parks Manager (*see* JCC [12.25.060](#)), the Jefferson County Administrator or their designee, or by an official act of the Board of County Commissioners.

5.0 **Removal of Obstructions or Immediate Hazards from Unauthorized Encampments**

- 5.1 When notice is not required. Except in exigent circumstances involving an ~~imminent threat to life, safety, health, or infrastructure~~immediate hazard, the notice provisions in [Section 7](#) shall apply and shall be followed prior to the enforcement and removal of any obstructions and immediate hazards within unauthorized encampments.
- 5.2 ~~When notice is not required.~~ Obstructions and immediate hazards within unauthorized encampments may be removed immediately and without notice, provided there is a written determination by a county department director or their designee that a real and imminent threat to public safety exists unless the removal occurs. The Director of the Public Health Department or their designee shall be consulted before any immediate removal.
- 5.3 DCP shall document why any personal property, garbage, debris or other objects are classified as an obstruction, create a photo and journal log, and make bona fide and documented efforts to locate any person who may believe that the personal property belongs to, prior to removal.

Commented [PAO10]: “Immediate hazard” is the defined term.

Commented [PAO11]: Deleted as duplicative of [Section 5.1](#).

Commented [PAO12]: Added in response to Public Comment.



- 5.4 A decision to remove any personal property as an obstruction or immediate hazard shall be reviewed and approved by a department director or their designee prior to removal, including a determination of whether prior notice is required and if so, how long it shall be posted.
- 5.5 Prior notice shall be given if it is safe to do so. The notice shall state:
- (a) the date the notice was posted;
 - (b) that the obstruction must be immediately removed because it is an obstruction or an immediate hazard and is subject to removal by the county without further notice;
 - (c) where any personal property removed by the county will be stored;
 - (d) how any stored property may be claimed by its owners; and,
 - (e) how to contact the county's ADA Compliance Coordinator.
- 5.6 If the obstruction or immediate hazard is determined to be under the control of a person who is present where the obstruction is observed, written notice shall be given to the individual advising of the immediate removal of the obstruction or immediate hazard.
- 5.7 Any personal property removed as an obstruction or immediate hazard may be relocated with the assistance of DCP to a location identified and requested by the property owner, if and the county department director determine it is safe to do so. Otherwise, personal property shall be stored by the county as provided for in Section 12 and may be recovered as provided in Section 13.
- 5.8 Any material that is identified as hazardous waste or solid waste may be immediately removed from an unauthorized encampment and disposed.
- 5.9 Upon removal of an obstruction or immediateimminent hazard, DCP shall post a notice as provided in Section 11.
- 5.10 The department responsible for storing personal property shall notify the Central Services Department of the storage on the same day that the personal property is stored. Central Services shall post notice of the stored personal property with Jefferson County Sheriff's Office Civil Division located at the Jefferson County Courthouse and on the county website.
- 5.11 DCPs regularly shall make good faith efforts to make sure all local community providers working with the unhoused population are aware of the county's website containing this information, specifically including where to find personal property and process for obtaining a person's file or documents relating to the removal of their personal belongings.

Commented [PAO13]: Adds missing language.

Commented [PAO14]: Adds missing language.

Commented [PAO15]: Adds missing language.

Commented [PAO16]: "Immediate hazard" is the defined term.



6.0 Prioritization of Unauthorized Encampment Removal

- 6.1 The director of each county department shall identify and report any unauthorized encampment locations on county-owned property under its respective jurisdiction by email to the County Administrator within one business day of discovering the encampment. Failure to timely report an encampment location does not preclude applying any other provision in this Policy.
- 6.2 Before removal of an unauthorized encampment occurs, except in exigent circumstances, a county department, or their designee, shall assess and evaluate the need for removal of unauthorized encampments in accordance with the need to protect public health and safety. Inspection of the unauthorized encampment by DCP shall occur prior to beginning of any removal process.
- 6.3 The prioritization of encampment monitoring and any assessment for possible removal shall be approached through a public health framework and in consultation between the directors of public health, central services, and the county administrator.
- 6.4 The following criteria, in no order of priority, shall be considered when prioritizing unauthorized encampments for removal:
 - (a) Objective hazards such as moving vehicles and steep slopes;
 - (b) Criminal activity beyond illegal substance abuse;
 - (c) Quantities of garbage, debris, human or other waste;
 - (d) Other active health hazards to occupants or the surrounding neighborhood;
 - (e) Difficulty in extending emergency services to the site;
 - (f) Imminent work scheduled at the site for which the unauthorized encampment will pose an obstruction;
 - (g) Damage to the natural environment, critical areas, or the shoreline;
 - (h) Unauthorized camping in a county campground or within county road right of ways causing a safety hazard to the travel public; and,
 - (i) The proximity of unhoused ~~individuals~~persons to Emphasis Areas.
- 6.5 The prioritization may be revised at any time as a result of identification of new unauthorized encampments, inspection of other unauthorized encampments, or as new information about an unauthorized encampment's condition becomes available.

Commented [PA017]: Changed for consistency.



7.0 Unauthorized Encampment Removal and Notice Requirements

- 7.1 DCP shall post a written notice on or near each tent, vehicle, or structure that is subject to removal that contains at least all of the following information:
 - (a) The day the notice was posted;
 - (b) The date the removal is scheduled;
 - (c) The time range in which the removal shall commence;
 - (d) Where personal property shall be stored if removed by the county; and,
 - (e) How to contact the county's ADA Compliance Coordinator.
 - (f) How personal property may be re-claimed by its owner; and,
 - (g) Information concerning shelter alternatives and contact information of an approved outreach provider that can offer more information. This information shall also be updated and maintained on the county's designated website page.
- 7.2 If persons are present at the encampment, DCP shall give written notice to each person if reasonably possible in addition to the posted notice, with the same information contained in Section 7.1.
- 7.3 The notice shall be posted no fewer than ~~72 hours~~ **seven (7) calendar days** before an encampment removal and the removal shall occur no later than seven (7) days after the notice posting date.
- 7.4 If the action to physically remove an unauthorized encampment is not commenced by DCP within the removal date and time range provided in the notice, DCP shall re-post notice of unauthorized encampment removal before removal may occur.
- 7.5 The posted and written notices shall be printed in English and any other language the county determines would further the purpose of the notice.
- 7.6 The removal of a large encampment may occur over a period of several days, provided each day's operations start during the period identified in the notice. Some encampment sites include tents and structures separated by infrastructure such as overpasses. Removal operations may proceed through such sites so long as they start on some portion of the sites within the times specified on the notice.
- 7.7 DCP may diligently pursue to completion a removal properly commenced during the removal date and time range provided in the notice required by Section 7.1.

Commented [PAO18]: Changed in response to Public Comment.



8.0 Identification and Offering of Alternative Shelter Options Before Removing Non-Obstructing Unauthorized Encampments

- 8.1 Prior to removing an unauthorized encampment, DCP shall identify and present any available alternatives locations, including any available shelter space, for ~~individuals~~ persons in the unauthorized encampment to seek shelter, available housing, or authorized encampment areas.
- (a) DCP is encouraged to check whether the alternatives are available to the unauthorized encampment occupant starting on the date an encampment removal notice is posted and are encouraged to continue checking availability, as often as is practicable, until the unauthorized encampment removal is completed.
- (b) The Jefferson County Department of Public Health shall maintain, or cause to be maintained, a daily list of alternatives while encampments on county-owned property are active, which list shall be shared with the Central Services Department and approved outreach providers.
- 8.2. The daily list of alternative locations required by Section 8.1 may include housing programs, emergency shelters with or without day programs, available shelter space, and any authorized encampments, ~~and "no barrier" authorized shelters or encampments.~~
- 8.3 To constitute a bona fide shelter alternative, the host of the offered location may not require religious instruction in return for shelter.

Commented [PAO19]: Edited for clarity and consistency.

Commented [PAO20]: Edited for clarity and consistency.

9.0 Outreach for Unauthorized Encampment Removals

- 9.1 DCP shall visit each unauthorized encampment at least once between the time that notice of removal is posted and the scheduled removal date. Approved outreach providers shall be invited by DCP to be present during each unauthorized encampment visit.
- 9.2 DCP shall be present at the commencement of removal activities on the date an encampment removal is scheduled to start according to the posted notice and are encouraged to check availability and facilitate the offer of shelter alternatives and other services until the encampment removal is completed, as frequently as can be reasonably and safely accomplished. Approved outreach providers shall be invited by DCP to be present during commencement of removal activities on the date an encampment removal is scheduled to start.
- 9.3 DCP may leave an unauthorized encampment removal operation if services by approved outreach providers have been refused by all people present at the unauthorized encampment. Approved outreach providers may return to a site if a person requests services before the encampment removal is completed.

**10.0 Unauthorized Encampment Clean-up**

- 10.1 DCP necessary for an unauthorized encampment removal and cleanup shall be present at the start of removal of an unauthorized encampment removal. The county's designated ADA Compliance Coordinator or their designee shall be present at the start of an unauthorized encampment removal and shall remain available and on-call for the duration of the unauthorized encampment removal process, should any person request assistance. Approved outreach providers shall be invited by DCP to be present at the start of planned removal activities before the date an encampment removal is scheduled to start.
- 10.2 Unauthorized encampment removal shall be documented in the log required by Section 12.1. Central services shall designate an appropriate storage file for documentation in Laserfiche and whichever department is responsible for documenting and photographing the area shall be responsible for filing that information directly. All forms used to document the encampment removal shall be on a form approved by the Prosecuting Attorney's Office.
- 10.4 Tents and structures that were not previously posted with a notice but are in the immediate area of tents or structures that were posted with a notice may be removed if the tent or structure was placed in the immediate area after notices were posted.
- 10.5 Personal property shall be stored as provided for in Section 12 and may be recovered as provided for in Section 13.
- 10.6 DCP may remove and dispose of garbage, debris, waste, and hazardous substances or items during the unauthorized encampment removal.

11.0 Post-Unauthorized Encampment Removal Notice

- 11.1 DCP shall prominently post a notice at the site where an unauthorized encampment has been removed and the site cleaned up at the conclusion of the removal.
- 11.2 The notice required by Section 11.1 shall contain, at a minimum, all of the following information:
 - (a) The date the cleanup was performed;
 - (b) Whether personal property was stored by the county;
 - (c) Where the personal property is stored and for how long, after which it shall be destroyed;
 - (d) How to contact the county's ADA Compliance Coordinator;



- (e) How any stored personal property may be claimed by its owner, including contact information for DCP or the county department storing property; and,
 - (f) Contact information for approved outreach providers who can assist persons with shelter alternatives and other services.
- 11.3 The notice required by Section 11.1 shall not be removed by DCP for a minimum of 10 days.
- 11.4 DCP organizing the cleanup of the unauthorized encampment shall send documentation of the cleanup to the Central Services Department for recordkeeping within five business days of the conclusion of the cleanup.

12.0 Storage of Personal Property Removed from an Unauthorized Encampment

- 12.1 DCP shall maintain a log of personal property removed from an encampment. The log of personal property removed from an unauthorized encampment shall state the location, date and time of removal of the personal property, a photo of the removed property, and, if possible, the identity of the person who owns the personal property removed, if known, or if not known, a physical description of the person. Each log of personal property removed from an unauthorized encampment shall be kept in a manner consistent with the county's record retention schedule.
- 12.2 DCP conducting the unauthorized encampment removal shall make arrangements to store all personal property encountered when removing obstructions ~~and or~~ immediate hazards, or when removing unauthorized encampments, provided that the county has no obligation to store personal property that is hazardous, or is reasonably expected to become a hazard during storage, including but not limited to:
- (a) Toxic sharps: needles, scissors, knives;
 - (b) Chemicals: bleach, paint, oils, etc.;
 - (c) Items (including bedding and clothing) soiled by infectious materials, including human waste and bodily fluids;
 - (d) Moldy, mildewed items;
 - (e) Items that may be infested by rodents and insects: rats, mice, fleas, lice, bed bugs;
 - (f) Items that pose a risk of fire or explosion, combustibles and propane tanks; any item containing fuel or corrosives or other unidentified liquids;
 - (g) Backpacks and closed containers, such as totes, boxes and other storage vessels that contain hazardous materials such as paint, flammable materials,

Commented [PAO21]: Edited for clarity.



- or materials that are not labeled or identifiable or not in their original containers shall be discarded;
- (h) If personal belongings are co-mingled or littered with needles, human waste, or other health risks, the entire pile of belongings may be disposed of. The presence of clothing in a backpack or container shall not be the sole reason to discard the backpack or container;
 - (i) Drug paraphernalia as defined by RCW [69.50.120](#), unless used for lawfully prescribed drugs;
 - (j) Contraband and controlled substances, which should be handled by law enforcement officers consistent with applicable law; and,
 - (j) Perishable items such as food, controlled substances, contraband, and trash or debris.
- 12.3 Where there is any uncertainty, under the totality of the circumstances, whether the item is personal property, the item shall be considered to be personal property under this Policy.
- 12.3 Personal property removed from an unauthorized encampment shall be stored at the Jefferson County Sheriff's Office, located at 81 Elkins Road, Port Hadlock, WA 98339, which is a location commonly used by the county for storing property, and is accessible by public transportation, unless the personal property is too large to store at the Jefferson County Sheriff's Office.
- 12.4 Personal property too large to store at the Jefferson County Sheriff's Office, such as impounded vehicles, RVs, motorhomes, or tiny homes, shall be stored at an alternative location as space allows. The location for any property at a location other than the Jefferson County Sheriff's Office shall be made publicly available.
- 12.5 The unauthorized encampment shall be posted with a notice if personal property is removed from the site pursuant to this Policy. All departments are required to work in consultation with the Central Services Department who shall be responsible for maintaining a record of the unauthorized encampment, the date of the unauthorized encampment removal, and where any personal property is being stored with contact information.
- 12.6 The Central Services Department shall maintain a webpage as part of the County's main website where information can be obtained and made available upon request to persons seeking information for how to find information about an unauthorized encampment removal and personal property removed from an unauthorized encampment removal.
- 12.7 Personal property that is not recovered after 60 days from and including the day the personal property was stored shall be considered abandoned and may be discarded or donated by DCP.



13.0 Recovering Stored Personal Property after Removal of an Unauthorized Encampment

- 13.1 Persons claiming that personal property has been removed from an unauthorized encampment may contact Jefferson County Sheriff's Office Civil Division or the Central Services Department to retrieve personal property.
- 13.2 A person seeking to recover stored personal property after removal of an unauthorized encampment shall describe the personal property with particularity. Identification of the person seeking recovery may be requested. However, no identification is required for a person to recover the removed property so long as the person can adequately describe their belongings and where they would have been located prior to the removal.
- 13.3 Personal property may be recovered by a person at the location where the property is stored. Alternatively, persons with a documented disability may request that the property be delivered to the person at a location within 10 miles of the removed unauthorized encampment, if that property is safe and appropriate for delivery by vehicle. If delivery is requested and approved by DCP, DCP shall make reasonable efforts to make delivery within five (5) business days.

14.0 Designation of Emphasis Areas

- 14.1 By resolution of the Jefferson County Board of Commissioners, the county may designate an area as an Emphasis Area. The Director of Public Health or their designee shall be consulted before designation of an area as an Emphasis Area.
- 14.2 Except as provided in Section 14.6, an area may not be designated as an Emphasis Area and no enforcement shall commence until: any existing unauthorized encampment or obstruction removal in that area has occurred; the area is otherwise free of unauthorized encampments; and, the area has been designated as an Emphasis Area. Documentation for any proposed Emphasis Area shall include review by the Department of Public Health.
- 14.3 An Emphasis Area shall be inspected by the Central Services Department at least once each day. An Emphasis Area shall be identified by signage, and may be fenced. The signage shall identify state:
 - (a) The location on a map of the Emphasis Area;
 - (b) That camping is prohibited in the Emphasis Area;
 - (c) That any personal property found in the Emphasis Area may be removed without further notice;
 - (d) Where any removed personal property is stored; and,

Commented [PAO22]: Added in response to Public Comment.

Commented [PAO23]: Added in response to Public Comment.

Commented [PAO24]: Added in response to Public Comment.



- (e) How any stored personal property may be claimed by its owner.
- 14.4 Persons camping in an Emphasis Area and their associated personal property may be removed as an obstruction pursuant to Section 5.
- 14.5 ~~The Central Services Director or designee shall identify Emphasis Areas and their locations on a map on the county's website.~~
- 14.6 The following county--owned property is hereby declared an Emphasis Area.
 - (a) The Courthouse and its grounds are hereby declared an Emphasis Area. Camping at and on the surrounding grounds of the Jefferson County Courthouse, located at 1820 Jefferson Street, Port Townsend, Washington, is prohibited. Camping is unsafe for building security and county operations that include visitation by members of the public, as well as a secure and safe work environment for county employees. Permanent signage shall be posted as required by this section. Furthermore, use of the Jefferson County Courthouse and Courthouse grounds after working hours as defined by the Jefferson County Board of Commissioners is only allowed in accordance with prior authorization, as determined in Resolution No. 60-04 (11/15/2004).
 - (b) County offices located on the "Castle Hill Campus" and its grounds are hereby declared an Emphasis Area. This includes but is not limited to County offices for Public Health (615 Sheridan Street, Port Townsend), Environmental Health & Water Quality (617 Sheridan Street, Port Townsend), Department of Community Development (621 Sheridan Street, Port Townsend), and Jefferson County Public Works (623 Sheridan Street, Port Townsend). It is not safe to camp at the Castle Hill Campus because it is surrounded by parking lots used by the county and businesses, some of which are open at night. Also, camping is unsafe for building security and county operations that include visitation by members of the public, as well as a secure and safe work environment for county employees.
 - (c) All county-owned property within 1,000 feet from the perimeter of the following locations or uses: (i) elementary or secondary schools; (ii) playgrounds or play fields; (iii) recreation centers or facilities; (iv) child care centers; (v) public transit centers; and, (vii) libraries are hereby declared an Emphasis Area.
 - ~~(d) Upon adoption of this Policy, Emphasis Areas shall be clearly identified and maintained on the County's website. Permanent signage shall be posted at all Emphasis Areas, as required by this section.~~

Commented [PAO25]: Added in response to Public Comment.

Commented [PAO26]: Already addressed in Section 14.5. Deleted as duplicative.



15.0 Limitations

- 15.1 No Additional Legal Rights. This Policy does not create legal rights beyond those obligations and rights created by statute or other laws binding on Jefferson County. The provisions of federal and state law control, if there is any conflict with this Policy.
- 15.2 No Affirmative Duty. Except where mandated by statute, any duties identified in this Policy are discretionary or advisory only and shall not impose any affirmative duty on Jefferson County.
- 15.3 No Basis for Liability. This Policy is not intended to and shall not be construed to create or form the basis of any liability on the part of Jefferson County, or its officers, staff, or agents, for any injury or damage resulting from any action or inaction on the part of Jefferson County related in any manner to the enforcement of this Policy by its elected officials, officers, staff, or agents.

15.4 Accountability and Review. Nothing in this Policy shall be construed as removing Jefferson County's obligation and responsibility to uphold applicable state and federal laws that provide legal rights and protections to persons residing in an unauthorized encampment.

Commented [PAO27]: Added a title for consistency.

Commented [PAO28]: Added in response to Public Comment.

16.0 Amendments and Corrections to this Policy

- 16.1 Jefferson County reserves the right to apply and interpret this Policy and to revise or change this Policy at any time.
- 16.2 The Clerk of the Board of County Commissioners is authorized to make necessary technical, non-substantive corrections to this Policy including, but not limited to, the correction of scrivener's or clerical errors, references, numbering, section or subsection numbers and any references to them.

17.0 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Policy is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Policy.

**JEFFERSON COUNTY
WASHINGTON STATE**

REVISED DRAFT (CLEAN)

UNAUTHORIZED ENCAMPMENT REMOVAL POLICY





DRAFT
JEFFERSON COUNTY
UNAUTHORIZED ENCAMPMENT REMOVAL POLICY

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1.0 Introduction and Purposes

- 1.1 The purpose of this Policy is to establish uniform procedures for removal of unauthorized encampments on county-owned property.
- 1.2 In accordance with Jefferson County Code (JCC) [2.01.080](#)(2), the Jefferson County Administrator shall perform “the full range of managerial oversight functions over all county administrative operations, including financial management, planning, policy development, performance management, and prioritization of fiscal, human, and capital resources.”
- 1.3 The lack of affordable housing and other resources have resulted in increasing numbers of unhoused persons resorting to camping on public and county-owned property in authorized and unauthorized areas. County officials shall be able to enforce a common-sense policy to protect the health and safety of its residents and maintain county public spaces. When county officials lack appropriate tools, and encampments persist without monitoring and appropriate assessment, it may increase the likelihood of endangering the health and safety of those living in and alongside them. Jefferson County shall balance the need to operate county public property for its intended purposes, as well as public health and safety, while respecting the personal property and the right to privacy of those who camp on public property. This Jefferson County Unauthorized Encampment Removal Policy (this Policy) attempts to create that balance, consistent with existing law.
- 1.4 Being homeless is not a crime. Persons shall not be prosecuted for sleeping outside on county-owned property, absent other circumstances that constitute criminal law violations. Jefferson County shall not prohibit persons from sleeping outside anywhere in the jurisdiction, which is not otherwise prohibited by the Jefferson County Code provisions.¹ Jefferson County recognizes that is both inhumane and imposes additional hardships on the displaced persons and limited social services safety network, which shall face the costs and challenges of an increased unhoused population.
- 1.5 The County Administrator shall designate certain departments and county personnel to keep track of available shelter space. If there is no available shelter space, the County Administrator may designate an area on publicly-owned property that temporarily may be used in lieu of a permitted shelter. The temporary use of the area shall be consistent with the requirements for the location, siting, and operation of temporary housing facilities in JCC [18.20.385](#).
- 1.6 The County Administrator shall ensure that a training program is developed for all departments, county personnel, and subcontractors involved in unauthorized encampment removal.

¹ For example, chapter [12.25](#) JCC regulates County Parks. Nothing in this policy is meant to supersede county park regulations.



- 1.7 County department directors for Central Services, Department of Community Development, Jefferson County Sheriff's Office, Environmental Health & Water Quality, Public Health, and Public Works, shall designate one or more staff members as DCP who shall receive mandatory annual training lead by the Prosecuting Attorney's Office to determine whether an item is personal property.
- 1.8 The Director of the Department of Public Health or their designee shall maintain a current list of approved outreach providers on its website, who in the opinion of the director have established competency and training to engage to provide services to the unhoused.
- 1.9 The County Administrator shall ensure that forms that document the unauthorized encampment removal process shall be developed and used, as well as standardized forms for notice. The training program, forms, and notice forms shall be reviewed by the Prosecuting Attorney's Office.
- 1.10 Encampment Removal as Last Resort. Prior to any encampment removal (immediate or otherwise), DCP shall review the encampment and document any health and safety concerns. All newly identified encampments shall be reported to the County Administrator consistent with Section 6.1, with notification also to Central Services and Public Health. DCP shall consult with their respective department director to determine whether the encampment shall be elevated for review for potential removal. The Director of Public Health shall be consulted prior to any encampment removal.

2.0 References, Authority, and Reporting

- 2.1 This Policy is adopted by the Jefferson County Board of Commissioners and shall remain in effect until revised or replaced, or is superseded by action of the Jefferson County Board of Commissioners, state, or federal law.
- 2.2 The Jefferson County Board of Commissioners may issue additional regulations or guidelines necessary to aid in the implementation or enforcement of this Policy.
- 2.3 Nothing in this Policy is meant to replace or take precedence over other JCC provisions. Where other JCC provisions may be in conflict with this Policy, the other JCC provisions control.
- 2.4 Nothing in this Policy shall be construed to limit or prohibit county officials from enforcing any other county or state laws, including, but not limited to, laws governing use of controlled substances or weapons, fire codes, and public nuisance laws.
- 2.5 This Policy is intended to be consistent with Jefferson County's housing and equity goals as reflected in the Jefferson County Comprehensive Plan, Housing Element.
- 2.6 Consistent with Jefferson County's housing and equity goals as reflected in the Jefferson County Comprehensive Plan, Housing Element, Jefferson County has



invested in a permanent shelter for the unhoused by purchasing land, providing funding and engaging in a comprehensive plan process to create a permanent encampment for the unhoused called Caswell-Brown Village. In addition, Jefferson County has adopted legislation for permitting temporary encampments for the unhoused the ensures temporary encampments for the unhoused promote public health and safety. In response to HB 1220, Jefferson County adopted Ordinance No. 05-0613-22 (Temporary Housing Facilities) on June 13, 2022. Ordinance No. 05-0613-22 has been codified in in JCC 18.20.385. For many years, Jefferson County has provided funding for a permitted shelter for the unhoused at the American Legion property in the City of Port Townsend.

- 2.7 A report shall be presented to the BoCC annually on or before December 1st by the Director of Public Health reporting on shelter and housing capacity, demographic and outcome data for encampment removals, and an analysis of equity and anti-displacement impacts.

3.0 Definitions

The following definitions apply to this Policy:

3.1 Abandon

“Abandon” means to give up or leave behind willingly.

3.2 Approved outreach provider

“Approved outreach provider” means a non-profit organization with the competency and training to engage to provide services to the unhoused, that has been approved by the Director of the Department of Public Health to provide information and education to unhoused persons and has been listed as required by Section 1.7 on the Department of Public Health’s website.

3.3 Authorized or emergency shelter(s)

“Authorized or emergency shelter(s)” means temporary lodging and supportive services for unhoused persons in licensed, registered, or permitted facilities run or operated by county, city, or other community-based programs or non-profit organizations.

3.4 Authorized encampment

“Authorized encampment” An area designated by the county on publicly-owned or private property that is being used as a temporary housing facility (as defined in



JCC [18.10.200](#)²) in lieu of a shelter consistent with the requirements of JCC [18.20.385](#) or other applicable Jefferson County Code provisions.

3.5 Available shelter space

“Available shelter space” means a person has access to a bed in either a low barrier shelter or a no barrier shelter.³

3.6 Camping

“Camping” has the same meaning as in JCC [12.25.020](#)(3).⁴

3.7 County

“County” means Jefferson County, Washington.

3.8 County-owned property

County-owned property includes but is not limited to any real property owned by Jefferson County, any county facility, and any right of way property maintained by Jefferson County, including but not limited to any public street, road, bike path, trail, or sidewalk.

3.9 Designated County Personnel (“DCP”)

“Designated County Personnel” (or “DCP”) means county employees designated by department directors and trained to undertake inspections, initiate and oversee removal of unauthorized encampments and storage of removed personal property, and ensure compliance with this Policy and applicable laws by county personnel and any contractors. DCP shall include law enforcement officers and county employees from the various departments participating in the unauthorized encampment removal.

3.10 Encampment

“Encampment” means one or more tent, structure, or assembly of unauthorized camping equipment or personal property located on county-owned public property,

² JCC [18.10.200](#) states, “‘Temporary housing facility’ means a facility providing temporary housing accommodations pursuant to JCC [18.20.385](#). Temporary housing facilities include temporary structures as defined in this section and may also include a safe parking area and common use structures.” JCC [18.10.200](#) also states, “‘Temporary structures’ includes tents, RVs, tiny shelters, and any other structure designed to provide personal and private shelter to an individual or family.”

³ This definition includes “low” and “no” barrier options. While “low” and “no” barrier definitions vary, a common understanding of “low barrier” is there are no preconditions that the participant be clean and sober to obtain shelter. A common understanding of “no barrier” means while someone may be asked to leave the shelter or authorized encampment on a certain day due to unsafe behavior, they are welcome to try again the following day. “Low” and “no” barrier shelter options embrace a harm reduction and housing-first approach.

⁴ JCC [12.25.020](#)(3) states, “‘Camping’ means erecting a tent or shelter or arranging bedding or both or parking a trailer, camper, or other vehicle for the purpose of, or in such a way as will permit, remaining overnight.”



which appears to a reasonable person is being used for camping or for the purposes of habitation. Encampments do not include sites that have been abandoned. See definition of abandon. Encampments may include vehicles and RVs, which may be operational or non-operational.⁵

3.11 Emergency shelter

“Emergency shelter” has the same meaning as in RCW 36.70A.030(16)⁶ or as subsequently amended.

3.12 Emphasis Area

“Emphasis Area” means an identifiable area where the county has removed an encampment and has designated an encampment-prohibited area by installing signage as required in Section 14.

3.13 Habitation

“Habitation” means the appearance of currently residing in a location as evidenced by the presence of bedding materials, campfires, cooking materials, storage of clothing, or other personal property gathered together in such a manner that a reasonable person would believe that the site is being used for residential purposes.

3.14 Immediate hazard

“Immediate hazard” means an area that presents an imminent risk of serious injury or death, beyond that caused by increased exposure to the elements, as determined by a reasonable person. “Immediate hazards” include, but are not limited to danger from vehicle traffic because the encampment is on the shoulder of a street or highway or other areas exposed to moving vehicles; and natural hazard areas, including but not limited to landslide-prone areas and special flood hazard areas.

3.15 Jefferson County Code (JCC)

“JCC” means the Jefferson County Code as currently adopted or as may be amended in the future.

3.16 Low-barrier shelter

“Low-barrier shelter” means a shelter for the unhoused where a minimum number of expectations or requirements are placed on the people who wish to stay there. With a focus on “harm reduction,” low-barrier shelters encourage unhoused persons to seek resources by eliminating obstacles such as substance abuse,

⁵ Removal of Vehicle and Public Right-of-Way Nuisances are subject to the provisions in chapter 19.25 JCC.

⁶ Currently, the definition is: “‘Emergency shelter’ means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.”



criminal history, and other policies that make it difficult to enter a shelter, stay in shelter, or access housing and income opportunities.

3.17 No barrier shelter

“No barrier shelter” means a shelter for the unhoused where no requirements are placed on people who wish to stay there, other than requirements that protect the safety of persons, property or the environment. For example, if a person is asked to leave a shelter one day due to unsafe behavior, the person may try again the next day.

3.18 Obstruction

(a) “Obstruction” means personal property, garbage, debris, or other objects related to an unauthorized encampment that substantially interfere with the pedestrian or transportation functions of public rights-of-way; or substantially interfere with other areas necessary for or essential to the intended use of a public property or facility.

(b) “Obstruction” includes obstruction of the county’s public streets, roads, bike paths, trails, or sidewalks also means in a manner that impedes passage within the meaning of the American Disabilities Act.

3.19 Outreach

“Outreach” means an effort to provide information and education to unhoused persons by an approved outreach provider.

3.20 Personal property

“Personal property” means the belongings of a person, as identified by the person to whom the property belongs.

(a) Personal property usually have apparent utility in their present condition and circumstances and are not hazardous, but also include items that are not hazardous that are kept in a manner that indicates a person regards the item as personal property.

(b) Examples of person property include, but are not limited to:

(i) Items of apparent value of \$50 or more; and,

(ii) Items of apparent personal value, including but not limited to personal identification and identity documents, personal papers and documents (such as photographs, albums, bank statements, and legal papers), tents, usable furniture, operational bicycles, scooters, strollers, radios, electronic equipment, eyeglasses, prescription medications and other medical equipment, books, jewelry, backpacks, containers, any item used by a disabled person for



mobility, and any item that could be ordinarily found within a home.

3.21 Unauthorized encampment

“Unauthorized encampment” means an encampment on county-owned property that has not been permitted under the JCC or authorized pursuant to this Policy.

4.0 Unauthorized Camping on County-Owned Property Prohibited

- 4.1 Unauthorized camping on county-owned properties that are a threat to public health and safety, or interferes with the public’s ability to use county-owned property is prohibited.
- 4.2 Unauthorized camping on county-owned property includes all day-use parks as well as authorized campgrounds when posted rules are not being followed.
- 4.3 Camping on county-owned property is prohibited, unless expressly permitted by the Jefferson County Parks Manager (*see* JCC [12.25.060](#)), the Jefferson County Administrator or their designee, or by an official act of the Board of County Commissioners.

5.0 Removal of Obstructions or Immediate Hazards from Unauthorized Encampments

- 5.1 When notice is not required. Except in exigent circumstances involving an immediate hazard, the notice provisions in Section 7 shall apply and shall be followed prior to the enforcement and removal of any obstructions and immediate hazards within unauthorized encampments.
- 5.2 Obstructions and immediate hazards within unauthorized encampments may be removed immediately and without notice, provided there is a written determination by a county department director or their designee that a real and imminent threat to public safety exists unless the removal occurs. The Director of the Public Health Department or their designee shall be consulted before any immediate removal.
- 5.3 DCP shall document why any personal property, garbage, debris or other objects are classified as an obstruction, create a photo and journal log, and make bona fide and documented efforts to locate any person who may believe that the personal property belongs to, prior to removal.
- 5.4 A decision to remove any personal property as an obstruction or immediate hazard shall be reviewed and approved by a department director or their designee prior to removal, including a determination of whether prior notice is required and if so, how long it shall be posted.
- 5.5 Prior notice shall be given if it is safe to do so. The notice shall state:
 - (a) the date the notice was posted;



- (b) that the obstruction must be immediately removed because it is an obstruction or an immediate hazard and is subject to removal by the county without further notice;
 - (c) where any personal property removed by the county will be stored;
 - (d) how any stored property may be claimed by its owners; and,
 - (e) how to contact the county's ADA Compliance Coordinator.
- 5.6 If the obstruction or immediate hazard is determined to be under the control of a person who is present where the obstruction is observed, written notice shall be given to the individual advising of the immediate removal of the obstruction or immediate hazard.
- 5.7 Any personal property removed as an obstruction or immediate hazard may be relocated with the assistance of DCP to a location identified and requested by the property owner, if and the county department director determine it is safe to do so. Otherwise, personal property shall be stored by the county as provided for in Section 12 and may be recovered as provided in Section 13.
- 5.8 Any material that is identified as hazardous waste or solid waste may be immediately removed from an unauthorized encampment and disposed.
- 5.9 Upon removal of an obstruction or immediate hazard, DCP shall post a notice as provided in Section 11.
- 5.10 The department responsible for storing personal property shall notify the Central Services Department of the storage on the same day that the personal property is stored. Central Services shall post notice of the stored personal property with Jefferson County Sheriff's Office Civil Division located at the Jefferson County Courthouse and on the county website.
- 5.11 DCPs regularly shall make good faith efforts to make sure all local community providers working with the unhoused population are aware of the county's website containing this information, specifically including where to find personal property and process for obtaining a person's file or documents relating to the removal of their personal belongings.

6.0 Prioritization of Unauthorized Encampment Removal

- 6.1 The director of each county department shall identify and report any unauthorized encampment locations on county-owned property under its respective jurisdiction by email to the County Administrator within one business day of discovering the encampment. Failure to timely report an encampment location does not preclude applying any other provision in this Policy.



- 6.2 Before removal of an unauthorized encampment occurs, except in exigent circumstances, a county department, or their designee, shall assess and evaluate the need for removal of unauthorized encampments in accordance with the need to protect public health and safety. Inspection of the unauthorized encampment by DCP shall occur prior to beginning of any removal process.
- 6.3 The prioritization of encampment monitoring and any assessment for possible removal shall be approached through a public health framework and in consultation between the directors of public health, central services, and the county administrator.
- 6.4 The following criteria, in no order of priority, shall be considered when prioritizing unauthorized encampments for removal:
 - (a) Objective hazards such as moving vehicles and steep slopes;
 - (b) Criminal activity beyond illegal substance abuse;
 - (c) Quantities of garbage, debris, human or other waste;
 - (d) Other active health hazards to occupants or the surrounding neighborhood;
 - (e) Difficulty in extending emergency services to the site;
 - (f) Imminent work scheduled at the site for which the unauthorized encampment will pose an obstruction;
 - (g) Damage to the natural environment, critical areas, or the shoreline;
 - (h) Unauthorized camping in a county campground or within county road right of ways causing a safety hazard to the travel public; and,
 - (i) The proximity of unhoused persons to Emphasis Areas.
- 6.5 The prioritization may be revised at any time as a result of identification of new unauthorized encampments, inspection of other unauthorized encampments, or as new information about an unauthorized encampment's condition becomes available.

7.0 Unauthorized Encampment Removal and Notice Requirements

- 7.1 DCP shall post a written notice on or near each tent, vehicle, or structure that is subject to removal that contains at least all of the following information:
 - (a) The day the notice was posted;
 - (b) The date the removal is scheduled;
 - (c) The time range in which the removal shall commence;



- (d) Where personal property shall be stored if removed by the county; and,
 - (e) How to contact the county's ADA Compliance Coordinator.
 - (f) How personal property may be re-claimed by its owner; and,
 - (g) Information concerning shelter alternatives and contact information of an approved outreach provider that can offer more information. This information shall also be updated and maintained on the county's designated website page.
- 7.2 If persons are present at the encampment, DCP shall give written notice to each person if reasonably possible in addition to the posted notice, with the same information contained in Section 7.1.
- 7.3 The notice shall be posted no fewer than seven (7) calendar days before an encampment removal and the removal shall occur no later than seven (7) days after the notice posting date.
- 7.4 If the action to physically remove an unauthorized encampment is not commenced by DCP within the removal date and time range provided in the notice, DCP shall re-post notice of unauthorized encampment removal before removal may occur.
- 7.5 The posted and written notices shall be printed in English and any other language the county determines would further the purpose of the notice.
- 7.6 The removal of a large encampment may occur over a period of several days, provided each day's operations start during the period identified in the notice. Some encampment sites include tents and structures separated by infrastructure such as overpasses. Removal operations may proceed through such sites so long as they start on some portion of the sites within the times specified on the notice.
- 7.7 DCP may diligently pursue to completion a removal properly commenced during the removal date and time range provided in the notice required by Section 7.1.

8.0 Identification and Offering of Alternative Shelter Options Before Removing Non-Obstructing Unauthorized Encampments

- 8.1 Prior to removing an unauthorized encampment, DCP shall identify and present any available alternative locations, including any available shelter space, for persons in the unauthorized encampment to seek shelter, available housing, or authorized encampment areas.
- (a) DCP is encouraged to check whether the alternatives are available to the unauthorized encampment occupant starting on the date an encampment removal notice is posted and are encouraged to continue checking availability, as often as is practicable, until the unauthorized encampment removal is completed.



(b) The Jefferson County Department of Public Health shall maintain, or cause to be maintained, a daily list of alternatives while encampments on county-owned property are active, which list shall be shared with the Central Services Department and approved outreach providers.

8.2. The daily list of alternative locations required by Section 8.1 may include housing programs, emergency shelters with or without day programs, available shelter space, and any authorized encampments.

8.3 To constitute a bona fide shelter alternative, the host of the offered location may not require religious instruction in return for shelter.

9.0 Outreach for Unauthorized Encampment Removals

9.1 DCP shall visit each unauthorized encampment at least once between the time that notice of removal is posted and the scheduled removal date. Approved outreach providers shall be invited by DCP to be present during each unauthorized encampment visit.

9.2 DCP shall be present at the commencement of removal activities on the date an encampment removal is scheduled to start according to the posted notice and are encouraged to check availability and facilitate the offer of shelter alternatives and other services until the encampment removal is completed, as frequently as can be reasonably and safely accomplished. Approved outreach providers shall be invited by DCP to be present during commencement of removal activities on the date an encampment removal is scheduled to start.

9.3 DCP may leave an unauthorized encampment removal operation if services by approved outreach providers have been refused by all people present at the unauthorized encampment. Approved outreach providers may return to a site if a person requests services before the encampment removal is completed.

10.0 Unauthorized Encampment Clean-up

10.1 DCP necessary for an unauthorized encampment removal and cleanup shall be present at the start of removal of an unauthorized encampment removal. The county's designated ADA Compliance Coordinator or their designee shall be present at the start of an unauthorized encampment removal and shall remain available and on-call for the duration of the unauthorized encampment removal process, should any person request assistance. Approved outreach providers shall be invited by DCP to be present at the start of planned removal activities before the date an encampment removal is scheduled to start.

10.2 Unauthorized encampment removal shall be documented in the log required by Section 12.1. Central services shall designate an appropriate storage file for documentation in Laserfiche and whichever department is responsible for documenting and photographing the area shall be responsible for filing that



information directly. All forms used to document the encampment removal shall be on a form approved by the Prosecuting Attorney's Office.

- 10.3 Tents and structures that were not previously posted with a notice but are in the immediate area of tents or structures that were posted with a notice may be removed if the tent or structure was placed in the immediate area after notices were posted.
- 10.4 Personal property shall be stored as provided for in Section 12 and may be recovered as provided for in Section 13.
- 10.5 DCP may remove and dispose of garbage, debris, waste, and hazardous substances or items during the unauthorized encampment removal.

11.0 Post-Unauthorized Encampment Removal Notice

- 11.1 DCP shall prominently post a notice at the site where an unauthorized encampment has been removed and the site cleaned up at the conclusion of the removal.
- 11.2 The notice required by Section 11.1 shall contain, at a minimum, all of the following information:
 - (a) The date the cleanup was performed;
 - (b) Whether personal property was stored by the county;
 - (c) Where the personal property is stored and for how long, after which it shall be destroyed;
 - (d) How to contact the county's ADA Compliance Coordinator;
 - (e) How any stored personal property may be claimed by its owner, including contact information for DCP or the county department storing property; and,
 - (f) Contact information for approved outreach providers who can assist persons with shelter alternatives and other services.
- 11.3 The notice required by Section 11.1 shall not be removed by DCP for a minimum of 10 days.
- 11.4 DCP organizing the cleanup of the unauthorized encampment shall send documentation of the cleanup to the Central Services Department for recordkeeping within five business days of the conclusion of the cleanup.

12.0 Storage of Personal Property Removed from an Unauthorized Encampment

- 12.1 DCP shall maintain a log of personal property removed from an encampment. The log of personal property removed from an unauthorized encampment shall state the



location, date and time of removal of the personal property, a photo of the removed property, and, if possible, the identity of the person who owns the personal property removed, if known, or if not known, a physical description of the person. Each log of personal property removed from an unauthorized encampment shall be kept in a manner consistent with the county's record retention schedule.

12.2 DCP conducting the unauthorized encampment removal shall make arrangements to store all personal property encountered when removing obstructions or immediate hazards, or when removing unauthorized encampments, provided that the county has no obligation to store personal property that is hazardous, or is reasonably expected to become a hazard during storage, including but not limited to:

- (a) Toxic sharps: needles, scissors, knives;
- (b) Chemicals: bleach, paint, oils, etc.;
- (c) Items (including bedding and clothing) soiled by infectious materials, including human waste and bodily fluids;
- (d) Moldy, mildewed items;
- (e) Items that may be infested by rodents and insects: rats, mice, fleas, lice, bed bugs;
- (f) Items that pose a risk of fire or explosion, combustibles and propane tanks; any item containing fuel or corrosives or other unidentified liquids;
- (g) Backpacks and closed containers, such as totes, boxes and other storage vessels that contain hazardous materials such as paint, flammable materials, or materials that are not labeled or identifiable or not in their original containers shall be discarded;
- (h) If personal belongings are co-mingled or littered with needles, human waste, or other health risks, the entire pile of belongings may be disposed of. The presence of clothing in a backpack or container shall not be the sole reason to discard the backpack or container;
- (i) Drug paraphernalia as defined by RCW [69.50.120](#), unless used for lawfully prescribed drugs;
- (j) Contraband and controlled substances, which should be handled by law enforcement officers consistent with applicable law; and,
- (j) Perishable items such as food, controlled substances, contraband, and trash or debris.



- 12.3 Where there is any uncertainty, under the totality of the circumstances, whether the item is personal property, the item shall be considered to be personal property under this Policy.
- 12.4 Personal property removed from an unauthorized encampment shall be stored at the Jefferson County Sheriff's Office, located at 81 Elkins Road, Port Hadlock, WA 98339, which is a location commonly used by the county for storing property, and is accessible by public transportation, unless the personal property is too large to store at the Jefferson County Sheriff's Office.
- 12.5 Personal property too large to store at the Jefferson County Sheriff's Office, such as impounded vehicles, RVs, motorhomes, or tiny homes, shall be stored at an alternative location as space allows. The location for any property at a location other than the Jefferson County Sheriff's Office shall be made publicly available.
- 12.6 The unauthorized encampment shall be posted with a notice if personal property is removed from the site pursuant to this Policy. All departments are required to work in consultation with the Central Services Department who shall be responsible for maintaining a record of the unauthorized encampment, the date of the unauthorized encampment removal, and where any personal property is being stored with contact information.
- 12.7 The Central Services Department shall maintain a webpage as part of the County's main website where information can be obtained and made available upon request to persons seeking information for how to find information about an unauthorized encampment removal and personal property removed from an unauthorized encampment removal.
- 12.8 Personal property that is not recovered after 60 days from and including the day the personal property was stored shall be considered abandoned and may be discarded or donated by DCP.

13.0 Recovering Stored Personal Property after Removal of an Unauthorized Encampment

- 13.1 Persons claiming that personal property has been removed from an unauthorized encampment may contact Jefferson County Sheriff's Office Civil Division or the Central Services Department to retrieve personal property.
- 13.2 A person seeking to recover stored personal property after removal of an unauthorized encampment shall describe the personal property with particularity. Identification of the person seeking recovery may be requested. However, no identification is required for a person to recover the removed property so long as the person can adequately describe their belongings and where they would have been located prior to the removal.
- 13.3 Personal property may be recovered by a person at the location where the property is stored. Alternatively, persons with a documented disability may



request that the property be delivered to the person at a location within 10 miles of the removed unauthorized encampment, if that property is safe and appropriate for delivery by vehicle. If delivery is requested and approved by DCP, DCP shall make reasonable efforts to make delivery within five (5) business days.

14.0 Designation of Emphasis Areas

- 14.1 By resolution of the Jefferson County Board of Commissioners, the county may designate an area as an Emphasis Area. The Director of Public Health or their designee shall be consulted before designation of an area as an Emphasis Area.
- 14.2 Except as provided in Section 14.6, an area may not be designated as an Emphasis Area and no enforcement shall commence until: any existing unauthorized encampment or obstruction removal in that area has occurred; the area is otherwise free of unauthorized encampments; and, the area has been designated as an Emphasis Area. Documentation for any proposed Emphasis Area shall include review by the Department of Public Health.
- 14.3 An Emphasis Area shall be inspected by the Central Services Department at least once each day. An Emphasis Area shall be identified by signage, and may be fenced. The signage shall state:
 - (a) The location on a map of the Emphasis Area;
 - (b) That camping is prohibited in the Emphasis Area;
 - (c) That any personal property found in the Emphasis Area may be removed without further notice;
 - (d) Where any removed personal property is stored; and,
 - (e) How any stored personal property may be claimed by its owner.
- 14.4 Persons camping in an Emphasis Area and their associated personal property may be removed as an obstruction pursuant to Section 5.
- 14.5 The Central Services Director or designee shall identify Emphasis Areas and their locations on a map on the county's website.
- 14.6 The following county-owned property is hereby declared an Emphasis Area.
 - (a) The Courthouse and its grounds are hereby declared an Emphasis Area. Camping at and on the surrounding grounds of the Jefferson County Courthouse, located at 1820 Jefferson Street, Port Townsend, Washington, is prohibited. Camping is unsafe for building security and county operations that include visitation by members of the public, as well as a secure and safe work environment for county employees.



Permanent signage shall be posted as required by this section. Furthermore, use of the Jefferson County Courthouse and Courthouse grounds after working hours as defined by the Jefferson County Board of Commissioners is only allowed in accordance with prior authorization, as determined in Resolution No. [60-04](#) (11/15/2004).

- (b) County offices located on the “Castle Hill Campus” and its grounds are hereby declared an Emphasis Area. This includes but is not limited to County offices for Public Health (615 Sheridan Street, Port Townsend), Environmental Health & Water Quality (617 Sheridan Street, Port Townsend), Department of Community Development (621 Sheridan Street, Port Townsend), and Jefferson County Public Works (623 Sheridan Street, Port Townsend). It is not safe to camp at the Castle Hill Campus because it is surrounded by parking lots used by the county and businesses, some of which are open at night. Also, camping is unsafe for building security and county operations that include visitation by members of the public, as well as a secure and safe work environment for county employees.
- (c) All county-owned property within 1,000 feet from the perimeter of the following locations or uses: (i) elementary or secondary schools; (ii) playgrounds or play fields; (iii) recreation centers or facilities; (iv) child care centers; (v) public transit centers; and, (vii) libraries are hereby declared an Emphasis Area.

15.0 Limitations

- 15.1 No Additional Legal Rights. This Policy does not create legal rights beyond those obligations and rights created by statute or other laws binding on Jefferson County. The provisions of federal and state law control, if there is any conflict with this Policy.
- 15.2 No Affirmative Duty. Except where mandated by statute, any duties identified in this Policy are discretionary or advisory only and shall not impose any affirmative duty on Jefferson County.
- 15.3 No Basis for Liability. This Policy is not intended to and shall not be construed to create or form the basis of any liability on the part of Jefferson County, or its officers, staff, or agents, for any injury or damage resulting from any action or inaction on the part of Jefferson County related in any manner to the enforcement of this Policy by its elected officials, officers, staff, or agents.
- 15.4 Accountability and Review. Nothing in this Policy shall be construed as removing Jefferson County’s obligation and responsibility to uphold applicable state and federal laws that provide legal rights and protections to persons residing in an unauthorized encampment.

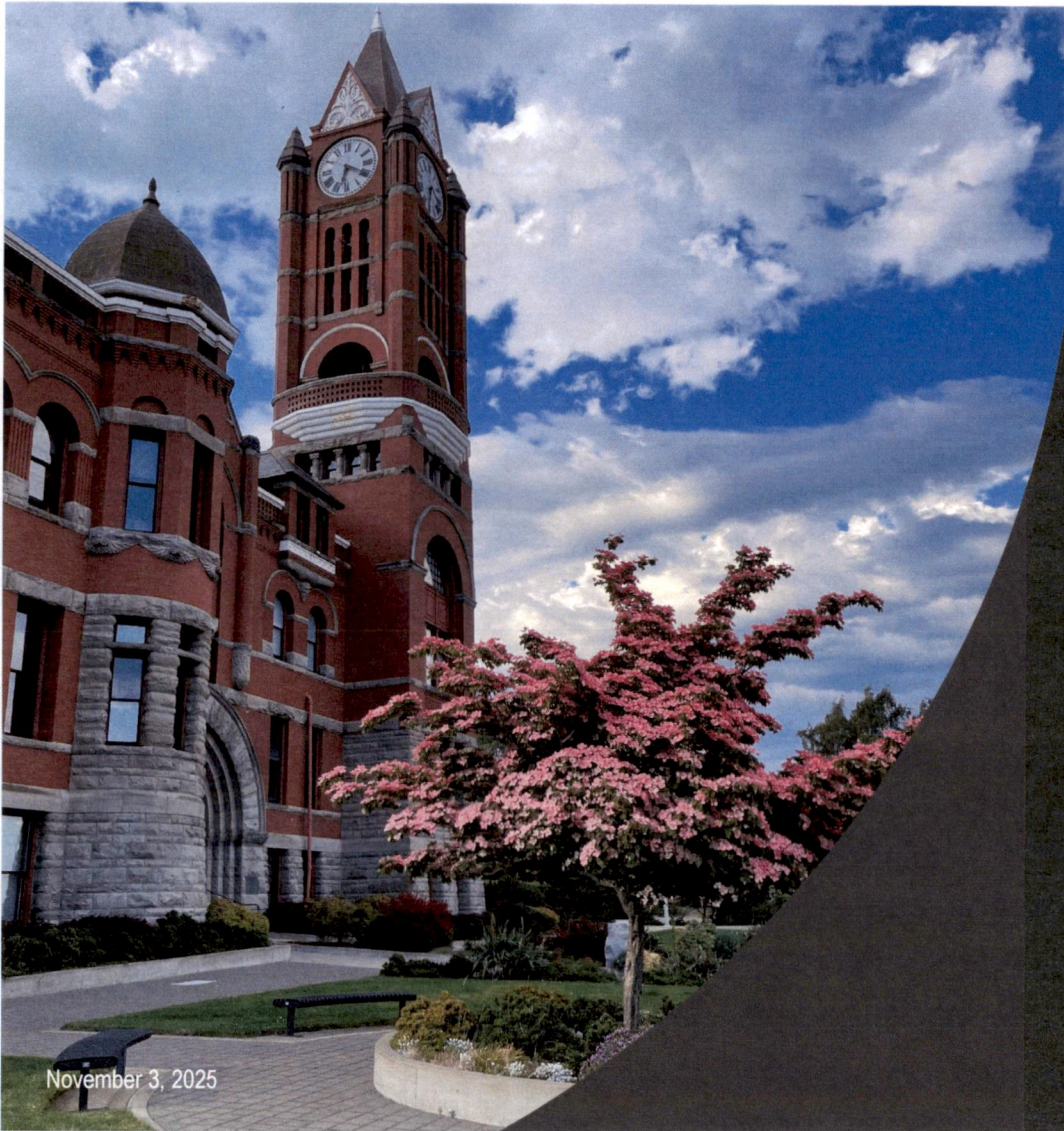


16.0 Amendments and Corrections to this Policy

- 16.1 Jefferson County reserves the right to apply and interpret this Policy and to revise or change this Policy at any time.
- 16.2 The Clerk of the Board of County Commissioners is authorized to make necessary technical, non-substantive corrections to this Policy including, but not limited to, the correction of scrivener's or clerical errors, references, numbering, section or subsection numbers and any references to them.

17.0 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Policy is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Policy.



Updating Jefferson County's Unauthorized Encampment Removal Policy (BoCC's Second Workshop)

November 3, 2025

Philip Hunsucker, Chief Civil DPA
Ariel Speser, Civil DPA

November 3, 2025

BoCC Workshop Presentation

Agenda



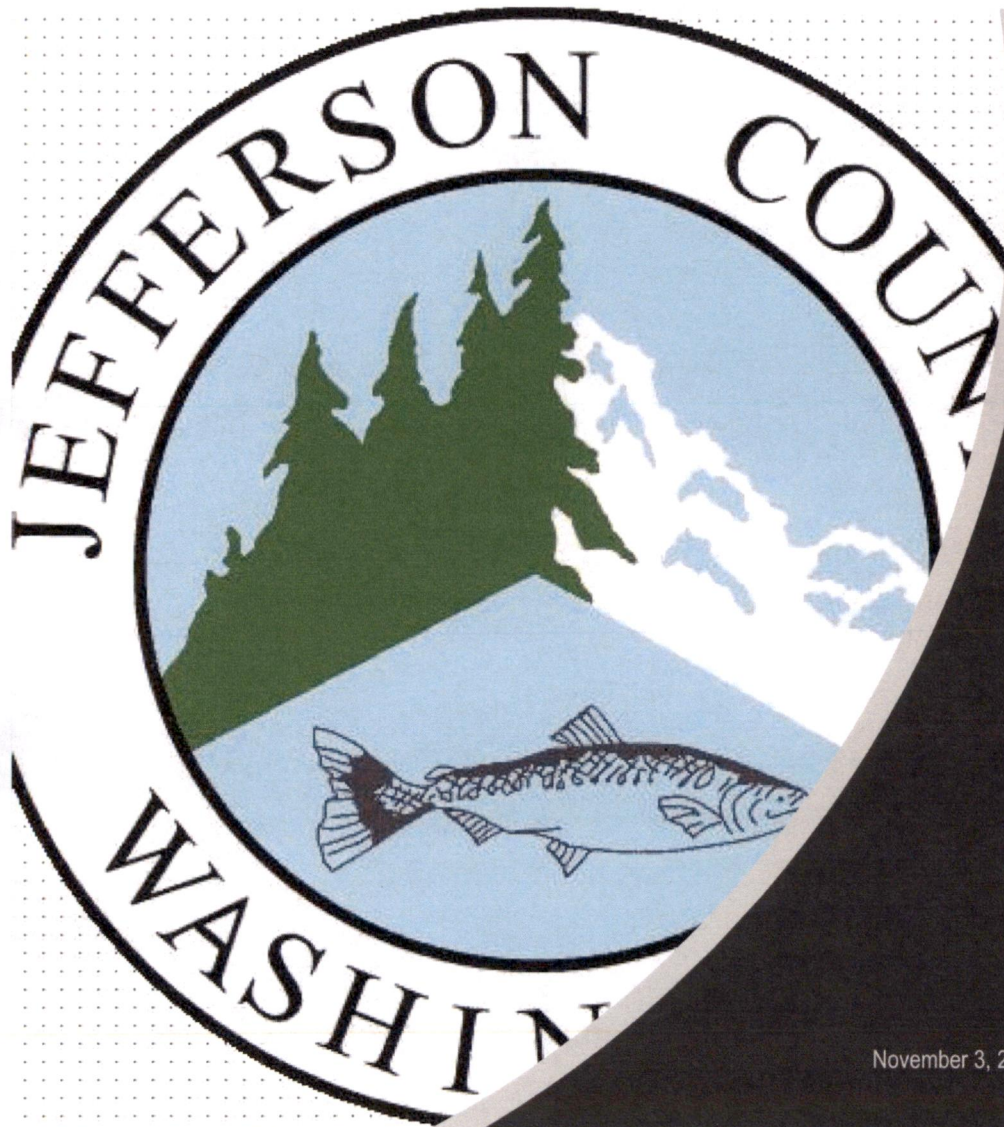
1. Responses to Public Comments



2. Responses to BoCC Comments



4. Discussion & Next Steps



Responses to Public Comments

November 3, 2025

BoCC's Second Workshop Presentation

3

Summary of Public Comments



- Require Alternative Shelter.
- Clarify Definitions.
- Specify Emphasis Areas.
- Integrate County Housing and Equity Goals.
- Procedural Fairness and Accountability.
- Washington State can provide additional protections to the United States Supreme Court case *Grants Pass v. Johnson*.

Response Public Comments: **Require Alternative Shelter**



Displacement Without Verified Placement (HB 1220)

The draft policy allows for encampment removals even when no verified, appropriate, or low-barrier housing placements exist. HB 1220 requires local governments to “plan for and accommodate” emergency housing and shelters and to ensure that local actions do not exclude people experiencing homelessness from housing opportunities. Removing residents without verified shelter placement contradicts this requirement and undermines the spirit of the law.

Amendment requested: Add a clear “No Displacement Without Placement” clause prohibiting removal of non-obstructing encampments unless each resident has been offered an available, appropriate, and low-barrier shelter or housing placement, and the offer is documented.

County’s response: Requested amendment is not currently required, but is a policy decision for BoCC. County is in compliance with HB 1220 because on June 13, 2022 it adopted Ordinance No. 05-0613-22 to address HB 1220. This ordinance is codified in JCC 18.20.385 (Temporary housing facilities).

Response Public Comments: **Require Alternative Shelter**



HB 1220 (2021) Affordable Housing, Displacement, and Racially Disparate Impacts.

- Requires local jurisdictions to plan for and accommodate housing affordable to all economic segments of the population, including moderate, low, very low, and extremely low income, as well as emergency shelters and permanent supportive housing, when they update their local housing element.
- Mandates that comprehensive plans identify land use capacity, barriers, and programs to address housing shortage.
- Introduces an equity lens to require jurisdictions to assess and address racially disparate impacts, displacement, and exclusion in housing, identify areas at high risk of displacement, and establish anti-displacement policies.

Response Public Comments: **Require Alternative Shelter**



- JCC [18.20.385](#) (Temporary housing facilities) was adopted June 13, 2022 by Ordinance No. [05-0613-22](#) to address HB 1220. There was no appeal of this ordinance, so it is fully effective.
- Periodic Update to Comprehensive Plan also addresses this issue. See proposed revisions to [Housing Element](#), available at: [2025 Housing Planning | Jefferson County, WA](#).

Response Public Comments: **Require Alternative Shelter**



Summary of changes required concurrent with Jefferson County Periodic Update¹

- Amends language related to equity, racially disparate impacts, displacement, vulnerable populations, and historically marginalized communities and add supporting goals and policies.
- Reviews displacement, displacement risk, exclusions, racially disparate impacts, and barriers as well as existing and future housing needs and ways to address identified impacts, needs, and barriers.
- Increases allowed density in certain zones and capacity for key housing types and decreased residential setbacks in most urban zones.
- Allows higher density residential as a discretionary use to encourage horizontal mixed use.

¹ Continued on next slide...

Response Public Comments: **Require Alternative Shelter**



Continued...

Summary of changes required concurrent with Jefferson County Periodic Update²

- Allows targeted rezones in the UGA to accommodate growth targets.
- Adds performance standards for manufactured home parks in the UGA and add Park Model language to the code in support of a wider variety of affordable housing typologies. Allows Recreational Vehicle Parks (including Park Models) as a discretionary use in certain zones.
- Adds emergency and permanent supportive housing as specific use types in JCC 18.15.040 and allow outright in all zones that allow hotels/motels and conditionally in the rural residential zones.
- Allows affordable housing in the UGA-P zone as a discretionary use.

² See Comprehensive Plan Update for more details, as some changes may only apply to certain zoning types.

Response to Public Comments: Definitions



Undefined “Low-Barrier” and “No-Barrier” Standards

Amendment Request: Define “Low-Barrier” and “No-Barrier” Standards

County Response: See new definitions of “available shelter space,” “low-barrier shelter,” and “no barrier shelter.”

3.5 Available shelter space

“Available shelter space” means a person has access to a bed in either a low barrier shelter or a no barrier shelter.

3.17 Low-barrier shelter

“Low-barrier shelter” means a shelter for the unhoused where a minimum number of expectations or requirements are placed on the people who wish to stay there. With a focus on “harm reduction,” low-barrier shelters encourage unhoused persons to seek resources by eliminating obstacles such as substance abuse, criminal history, and other policies that make it difficult to enter a shelter, stay in shelter, or access housing and income opportunities.

3.18 No barrier shelter

“No barrier shelter” means a shelter for the unhoused where no requirements are placed on people who which to stay there, other than requirements that protect the safety of persons, property or the environment. For example, if a person is asked to leave a shelter one day due to unsafe behavior, the person may try again the next day.

Response to Public Comments: “Emphasis Areas”



Board “Emphasis Areas” Create Exclusion Zones

The proposed “Emphasis Areas” designation bans camping on large portions of county property, including areas near schools, government buildings, and other public spaces. While safety concerns are valid, blanket prohibitions function as de facto exclusion zones. HB 1220 prohibits zoning or policies that prevent siting of emergency housing and shelters, and similar standards should apply to enforcement actions.

Amendment requested: Replace permanent “Emphasis Areas” with site-specific, time-limited hazard designations that include public health review, documentation of less-restrictive alternatives, and annual public reporting.

County Response on next slide...

Response to Public Comments: “Emphasis Areas”



County Response (Part 1): This specific language appears to be applicable to RCW [35.21.683](#), which applies to cities.

RCW [35.21.683](#)

Transitional housing, permanent supportive housing, indoor emergency shelters, and indoor emergency housing.

A city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed. Effective September 30, 2021, **[a city]** shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit. Reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety. Any such requirements on occupancy, spacing, and intensity of use may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters necessary to accommodate each city's projected need for such housing and shelter under RCW [36.70A.070](#)(2)(a)(ii).

[[2021 c 254 s 4](#).]

(Emphasis added.)

Response to Public Comments: “Emphasis Areas”



Board “Emphasis Areas” Create Exclusion Zones

The proposed “Emphasis Areas” designation bans camping on large portions of county property, including areas near schools, government buildings, and other public spaces. While safety concerns are valid, blanket prohibitions function as de facto exclusion zones. HB 1220 prohibits zoning or policies that prevent siting of emergency housing and shelters, and similar standards should apply to enforcement actions.

Amendment requested: Replace permanent “Emphasis Areas” with site-specific, time-limited hazard designations that include public health review, documentation of less-restrictive alternatives, and annual public reporting.

County Response (Part 2): The Policy was revised to be more specific. While reference to “time-limited hazard designations” is not entirely clear, the Policy was revised to include more specific requirements for mapping locations (Sections 14.3(a) and 14.5), public health review (Sections 14.1 and 14.2), and annual public reporting requirements (Section 2.6).

Response to Public Comments: Housing and Equity Goals



Lack of Integration with County Housing and Equity Goals

The Policy treats encampment removal as an operational issue rather than as part of Jefferson County's broader housing and equity obligations under HB 1220. Housing elements are required to include an inventory of emergency and supportive housing capacity, identify programs to meet projected need, and address racial disparities and displacement risk. The Policy should directly connect encampment management to these housing element commitments.

Amendment requested: Add a new section titled "Coordination with Housing Element and HB 1220 Implementation." Require annual public reporting on shelter and housing capacity, demographic and outcome data for encampment removals, and an analysis of equity and anti-displacement impacts.

County Response: Added new section to the Policy relating the Policy to the Comprehensive Plan's Housing Element and requiring annual public reporting on shelter and housing capacity, demographic and outcome data for encampment removals, and an analysis of equity and anti-displacement impacts.

Response to Public Comments:

Procedural Fairness & Accountability



Procedural Fairness and Accountability

The 72-hour notice period and “immediate hazard” removal exceptions give significant discretion to County staff without independent review. Additionally, the current draft includes a “no new rights” clause that limits resident recourse. Due process and transparency are essential for public trust and compliance with constitutional and state housing standards.

Amendment requested:

- Extend standard notice to seven days for multi-tent removals.
- Require Public Health concurrence for any “immediate hazard” removal.
- Replace the “no liability” clause with an “Accountability and Review” section affirming that County actions remain subject to applicable state and federal rights protections.

County Response: Revised language in the Policy. See the next slide for details.

Response to Public Comments: Washington's Higher Standards



Washington law provides more protections than what is addressed in the United States Supreme Court case *Grants Pass v. Johnson*.

Amendment requested: This Policy should be reflective of Washington's higher standards.

County Response: County agrees. Examples currently incorporated into Policy:

- No Criminalization;
- Public Health Framework;
- Robust Notice Requirements;
- Generous Storage Requirements; and,
- Administrator may designate an area on publicly-owned property that temporarily may be used in lieu of a permitted shelter. The temporary use of the area shall be consistent with the requirements for the location, siting, and operation of temporary housing facilities in JCC [18.20.385](#).

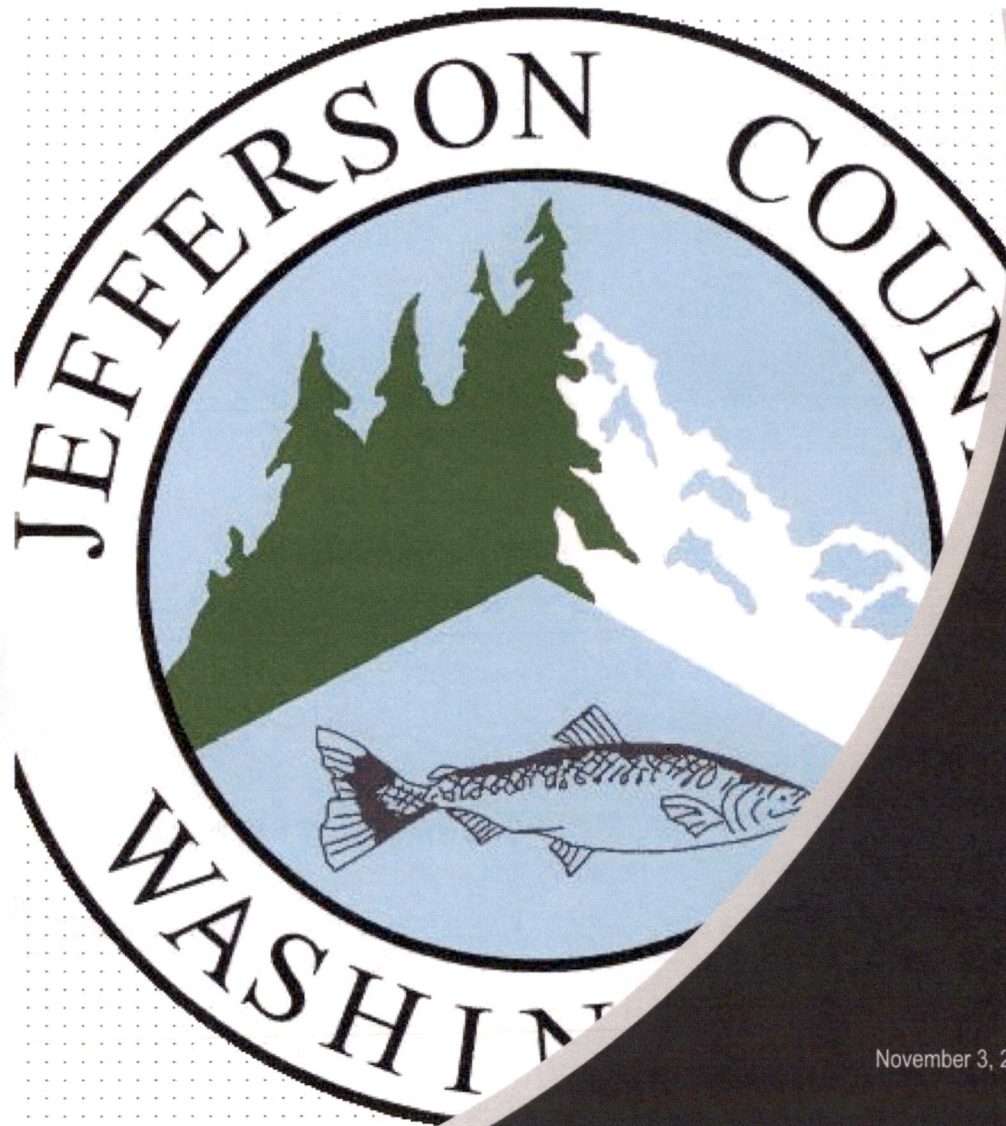
The Policy currently does not require alternative available shelter space be made available. BoCC has authority to set policy and make other changes as it deems appropriate. The BoCC must consider budget implications of such a requirement.

Response to Public Comments: Washington's Higher Standards



Washington's state Constitution is **more protective** than the U.S. Constitution.

- The state Constitution bans *cruel* punishment, as opposed to the federal Constitution's ban on cruel *and* unusual punishment. *Grants Pass* did not address issues around due process and personal property.
- The Policy includes higher standards consistent with what is currently required by Washington State law. Creating an even higher standard is a policy decision and requires careful consideration of budget implications.
- The Policy prioritizes treating all people with care, dignity, and respect while ensuring the need for safety and security of public and county employees on county property, and protecting public's ability to access county property for allowable uses – while taking into account county's current staffing capacity and fiscal reality.



Responses to BoCC Comments

November 3, 2025

BoCC's Second Workshop Presentation

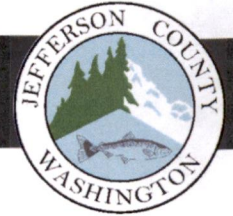
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Summary of BoCC Comments

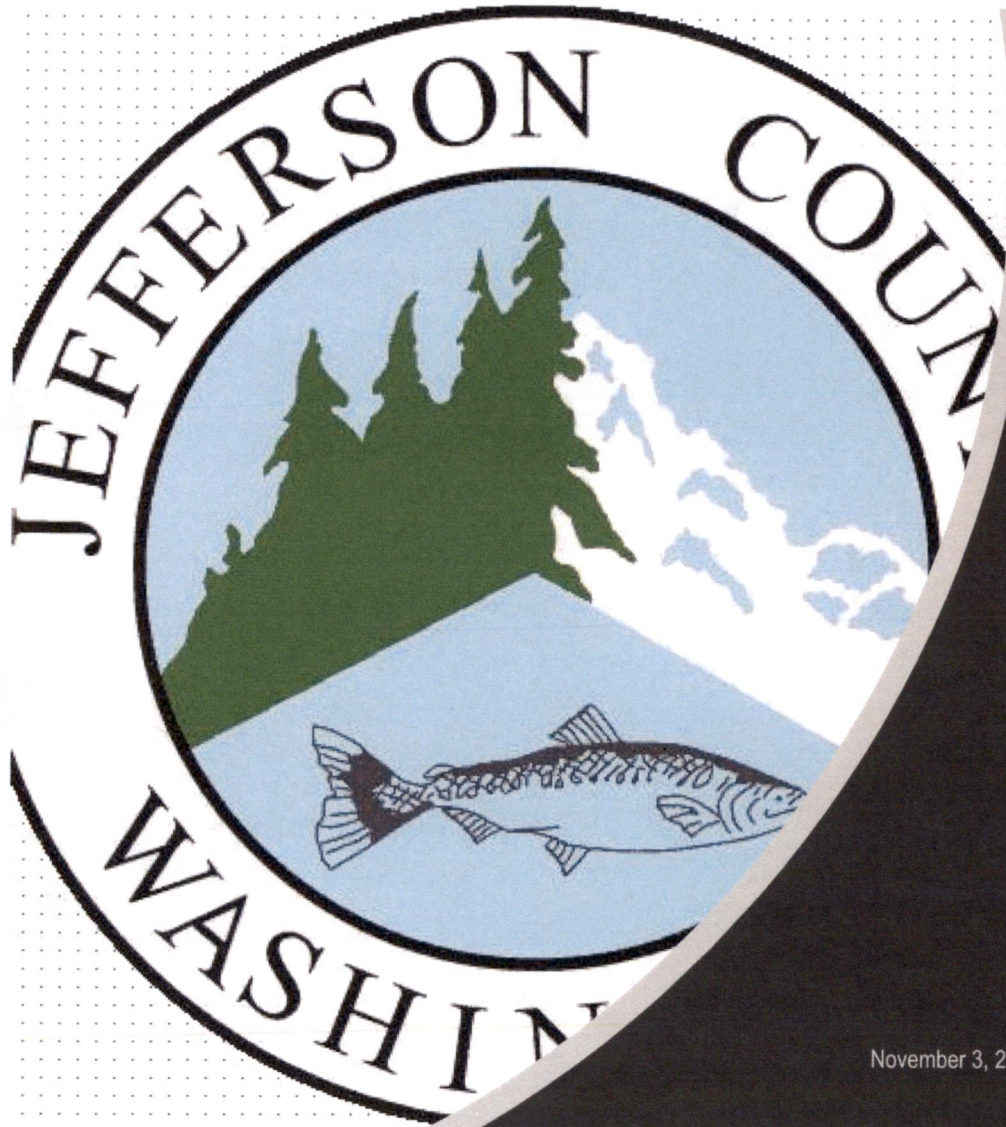


1. Can the Policy further delineate specific steps required for immediate removal and require public health expertise be consulted as part of that criteria?
2. Can the county offer alternative shelter that includes other unauthorized encampment options based on a harm reduction approach?
3. How should the county address the lack of available shelter options?
4. Can the county come up with a definition of “no barrier” emergency shelters that reflects current local practices like those for the Winter Warming Shelter? For example, if asked to leave today, welcome to try again tomorrow.

Response to BoCC Comments



1. The Policy further delineates specific steps required for immediate removal and requires public health expertise be consulted as part of that criteria. See Section 1.10.
2. A new definition of “available shelter space” has been added, which means a person has access to a bed and not be barred from use due to shelter rules, capacity limits, or other barriers. The proposed definition, along with revised Section 1.5, authorizes the county administrator to approve temporary homeless area when “no barrier” shelter space is not available. Whether the BoCC wants to limit availability to “low barrier” shelter space is a policy decision, which would be made through language in the “available shelter space” definition.
3. County can continue to address the lack of available shelter options through participation on the Housing Fund Board and Behavioral Health Consortium, and amendments to the Comprehensive Plan Periodic Update and Unified Development Code.
4. “No barrier shelter” definition and “low-barrier” definitions added.



Discussion & Next Steps

November 3, 2025

BoCC's Second Workshop Presentation

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Next Steps



Recommendation:

Consider revised policy for possible adoption today.

Move approve Resolution In the Matter of Adopting a Revised Policy on Unauthorized Encampment Removal and Repealing and Replacing Jefferson County Policy No. 02.10.23-01.

Alternatively, provide feedback to staff for additional revisions.