

## **TOWN OF MIDDLEBURY ENCAMPMENT ~~ORDINANCE~~ POLICY**

*[Comments:*

*This is structured as policy, a procedure - - it is not written as a law or ordinance having fines or criminality.*

*This policy is focused on encampment but does not address warming/day-shelter extended occupancy of public buildings such as the Ilsley Library. That issue deserves a similar caring and supportive approach, ie: at some duration to have a procedure to direct extended day-sheltering to Gather or other Day Shelters.]*

### **Summary**

The Town of Middlebury, working with our community health and social service organizations, takes a caring approach to those individuals or groups sleeping in emergency encampments. This Policy ~~and~~ does not fine or criminalize people creating shelter due to a lack of housing. This Encampment ~~Ordinance~~ Policy aims to:

- Create a compassionate and effective approach to addressing the needs of unhoused individuals living in ~~an~~ encampments within the Town of Middlebury;
- Treat unhoused individuals with respect and dignity while addressing their needs for shelter and treatment and integrating them into the broader community; and to
- Establish trauma-informed protocols for relocation of those living in an encampment when the encampment is ~~in a restricted town parcel or is~~ determined to be unsafe and/or a health hazard, or in a restricted location.

This ~~Ordinance~~ Policy applies to:

- Town of Middlebury: In this document, “Town of Middlebury” refers to Town of Middlebury ~~town parcels property, government, staff, and law enforcement, as well as Middlebury residents and business owners.~~ *[Comment: This policy cannot really direct private businesses or residents.]*
- Addison County Housing Coalition (ACHC): This refers to the housing agencies, social service providers, those with lived experience of being unhoused, and community organizations identified in the attached Memorandum of Understanding (MOU) (Appendix A).
- Outreach Workers: Service coordinators and case managers, from agencies identified in the MOU, working in the field to provide support and resources to those staying in encampments.

## **Guiding Principles**

The guiding principles of this ~~Ordinance~~ Policy are grounded in the promotion of safety, dignity, and long-term solutions for all, including:

- **Trauma Informed Care:** By focusing on safety, empowerment, and collaboration, we can work toward sustainable solutions that benefit everyone.
- **Safety:** Prioritize physical and emotional safety for unhoused individuals and the surrounding community.
- **Respect and Dignity:** Treat all individuals with respect, recognizing their humanity and rights.
- **Empowerment:** Encourage self-determination by involving those with lived experience of being unhoused in decision-making processes.
- **Collaboration:** Foster partnerships among Town of Middlebury government, staff, service providers, and community members to address the needs of the unhoused population.
- **Cultural Competence:** Be sensitive to the diverse backgrounds and experiences of unhoused individuals.

## **Engagement & Support**

- **Outreach Programs:** The Addison County Housing Coalition (ACHC), in collaboration with Town of Middlebury staff, will implement regular outreach efforts to engage with unhoused individuals in encampments. This includes offering access to shelter/shelter wait lists, as well as providing basic needs support onsite - - such as food, water, hygiene supplies, and medical care.
- **Trauma Informed Training:** Town of Middlebury, ACHC, and involved community organizations commit to Trauma Informed Care training for staff and volunteers to foster understanding the impact of trauma on behavior and decision-making.
- **Access to Resources:** ACHC and service providers identified in the attached MOU will facilitate access to shelter, housing resources, mental health services, substance use disorder treatment, domestic violence services, respite care, and job training programs.
- **Personalized Service Coordination:** ACHC will work with individuals to develop personalized support plans that outline steps toward housing stability and access to necessary resources.

## Encampment Management

- Assessment of Needs: Outreach workers will conduct assessments to understand the specific needs of individuals in encampments, including health concerns, personal belongings, and pets.
- Safe and Appropriate Locations: Encampments will be safe; and accessible for Outreach workers, and located away from high-traffic areas, ensuring they do not impede utility services and/or emergency services, or cause safety or access concerns for the free passage by the public to and through public buildings, parks, sidewalks, trails and public parking lots (See Appendix B).
- Consistent Communications: Outreach workers will maintain open lines of communication with encampment residents to provide updates on available resources, supplies, and services.

## Conflict Resolution

- Mediation Approach: The Town of Middlebury and ACHC will utilize trained mediators to resolve conflicts between unhoused individuals and community members, focusing on understanding and collaboration.
- De-escalation Protocols: To prioritize dialogue and understanding, Town of Middlebury ~~department heads~~ Manager and assigned staff, law enforcement, and outreach workers will be trained in de-escalation techniques used in situations that could lead to confrontations.

## Intervention and Enforcement Relocation

- Restricted Town ~~Parcels~~ Locations: Outreach workers will inform unhoused people living outdoors that they may not camp in restricted Town ~~parcels~~ Locations or where the encampment poses a safety or health hazard as defined in Appendix B: Middlebury Encampment ~~Ordinance~~ Policy Definitions.
- Determination: The Town of Middlebury Manager, in collaboration with ACHC as defined in the MOU, will determine when an encampment is unsafe, a health hazard, and/or in a restricted Town ~~parcel~~ Location in alignment with Appendix B. Encampments determined to be in a restricted Town ~~parcel~~ Location or unsafe/unhealthy condition will be subject to intervention, and asked to relocate within ~~30 days~~ a set time frame deemed appropriate to the circumstances, established under the MOU (Appendix A), and served with consultation, notice and documentation provided to the individuals involved. *[Comment: 30 days for every case seems arbitrary... A serious health or safety situation ought to be addressed more urgently, perhaps much sooner; the MOU should establish the parties who would confer and the criteria appropriate for considering severity*

*/urgency, and the personalized support approach described above The process of consultation, serving of notice with documentation is necessary for due process.]*

- **Intervention:** The Town of Middlebury and outreach workers will use trauma-informed protocols to notify, support in relocation, and provide ongoing case management before and after relocation of those living in an encampment when the encampment is determined to be unsafe and/or a health hazard. Intervention protocols are included in the MOU (Appendix A).
- **Enforcement Relocation:** As a last resort, when people in ~~the an~~ encampment do not relocate within the ~~allotted 30 days~~ set time frame with notice properly served, the Town of Middlebury may intervene by Police escort (non-physical direction), posting against trespass, and by coordinating actions with the State Attorney, and/or seeking restorative justice opportunities, where appropriate.  
*[Comment: This paragraph needs review by the Police Chief and Town Attorney. An Ordinance is likely required to backstop /complement this Policy. Note: The Town already has a Selectboard Policy on Issuance of No Trespass Orders and an Ordinance for the Daily Closing of Parks which should probably be updated to harmonize with this Encampment Policy.]*
- **Personal Property:** The Town of Middlebury will photograph and log property (clothing and personal effects) abandoned in an encampment, or other property abandoned by unhoused campers elsewhere, during any process of removal. The property will then be held at ~~a Town location~~ the Police Department on Lucius Shawn Lane for 30 days. Law enforcement and outreach workers will make every reasonable efforts to reconnect people with their possessions ~~prior to the end of the~~ within a 30-day period, after which the Town may dispose of such items.

## **Evaluation & Feedback**

- **Quarterly Meeting:** The Town of Middlebury and MOU partners will meet on a quarterly basis to discuss existing encampments and evaluate progress toward positive outcomes for both unhoused people living outdoors as well as Town of Middlebury staff, residents, and business owners. It's imperative that people with lived experience of being unhoused are included in these meetings.
- **Ongoing Assessment:** The Town of Middlebury and ACHC will assess the effectiveness of the Encampment ~~Ordinance~~ Policy and MOU on at least an annual basis through community feedback, data collection, and engagement with unhoused individuals.
- **Quality Assurance:** The Town of Middlebury and ACHC will be willing to adapt policies and practices based on feedback and changing community needs.

**Appendix A**

Encampment ~~Ordinance~~ Policy Memorandum of Understanding

Town of Middlebury & Addison County Housing Coalition

*[insert procedures - -*

*-Non-discrimination*

*-Provision for people with disabilities*

*-Include the procedure for serving individual notices of set time to relocate, with documentation and consultation record, and, in cases further referred to the Town/Police for No Trespass /Relocation Order, the further due process steps . See Packet - VLCT and ACLU documents]*

The undersigned organizations and representatives hereby agree to work together to implement this Town Encampment Policy:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated at Middlebury, Vermont this \_\_\_\_ day of December, 2024

**Appendix B**

Middlebury Encampment ~~Ordinance~~ Policy Definitions

Health Hazards

- Confirmed case of infectious disease(s)
- Excessive animal or vermin hazards (e.g., rats)
- Human blood or fecal matter
- Camping on the premises of a water treatment or wastewater resource recovery pumping or treatment facility
- Notice of public health emergency declared by a local, state, or federal public health entity
- Excessive garbage or waste litter

Safety Hazards and Criminality*[added]*

- Location of encampment impedes First Responders in response activities or obstructs Public Works/ Utility Infrastructure (eg: electric transformers, substations, fire hydrants, valves)
- Violent or other criminal activity
- A pattern of disruptive and aggressive behavior that leads to repeated 911 calls
- Individual is a registered sex offender
- Damage to essential infrastructure, public property, business, or residence
- Fire hazards and/or calls to Fire and/or Police
- Open electrical splices or hazardous or illegal wiring
- Storage of tires, gasoline, or propane tanks
- Unsafe storage of combustible materials
  
- Obstruction of building vestibules, entrance ways or emergency exits.

Restricted Town Parcels Locations; Camping and encampments are not allowed on or within:

- ~~Town parcels adjoining a~~ The premises of a Town or other government building (including the Town Offices, library, Recreation Center), public or private school, hospital, childcare facility, or adult day-care facility.
- ~~Town parcels is on~~ The premises of a business, residence or other privately-owned land and upon which the Town has been requested to intervene enforce an encampment no-trespassing order.
- ~~Town parcel is on a Town cemetery~~ cemeteries, monuments, public greens or parks.
- ~~Town parcel is within 50 feet of water treatment, or water resource recovery facility.~~ *[covered above]*
- ~~Town parcel is in~~ highway right-of-way, lane of traffic, parking lot, sidewalk, bike lane, electric substation or transformer hydrant, or ADA access
- ~~Town parcel is~~ designated an environmentally protected or recognized wildlife habitat areas or
- ~~Town parcel obstructs a~~ mountain biking or hiking trails (including the Trail Around Middlebury - TAM). *[Comment: These need to be shown on a map to be attached]*

See also related Town of Middlebury Policies and Ordinances: [List]

Policy Adopted by the Middlebury Select Board on \_\_\_\_\_, 2024