

**Resolution Updating TPE Criteria and Permitting the Continued Use of Reindahl Park
Until a Suitable Alternative Site is Established**

WHEREAS, the [July 2019 Point in Time Count of Homelessness Madison/Dane County](#) by the Homeless Services Consortium of Dane County identified 650 people experiencing homelessness in Dane County on a single night in July 2019 and an estimated 800 people in July 2020; and

WHEREAS, on March 17, 2020, Public Health Madison & Dane County announced that community spread of COVID-19 was occurring in Dane County, with the first confirmed community death being reported on March 25; and,

WHEREAS, individuals experiencing homelessness during the COVID-19 pandemic and public health emergencies have needed public assistance to secure areas where it is possible to observe proper social distancing, however there remain some individuals who are not using such resources and are instead taking temporary shelter or residency in City parks, greenways and other City lands; and,

WHEREAS, the Centers for Disease Control (the CDC) issued [interim guidance](#) on dealing with individuals experiencing unsheltered homelessness (sleeping outside or in places not meant for human habitation) during the COVID-19 pandemic. The CDC recognizes that this is a population at risk for COVID-19 and the most up-to-date guidance recommends allowing temporary permissible encampments (TPEs) to remain; and,

WHEREAS, on May 6, 2020, Mayor Rhodes-Conway issued Emergency Order #2, authorizing the designation of temporary permissible encampments on certain City property and the non-enforcement of certain City Ordinances within these encampments, and

WHEREAS, on January 5, 2020, [Resolution 21-00036](#) confirmed Emergency Order #2 and established criteria for establishing and revoking TPE designation; and,

WHEREAS, on February 4, 2021, the City of Madison served an eviction notice to persons living in temporary encampments in McPike Park with an order to vacate the premise by February 28th, 2021 as per Madison General Ordinance 8.44; and,

WHEREAS, on April 9, 2021, the City of Madison served an eviction notice to persons living in temporary encampments in Reindahl Park with an order to vacate the premise by May 9th, 2021 as per Madison General Ordinance 8.44; and,

WHEREAS, the remaining designated TPE location at Starkweather is inaccessible and unsuitable to serve as a TPE location;

NOW THEREFORE BE IT RESOLVED, that the criteria set forth in [Resolution 21-00036](#) are hereby updated (see attached); and

BE IT FURTHER RESOLVED, that the Madison Common Council directs staff to identify one or more TPE locations that meet the updated criteria established in this resolution with sufficient capacity to accommodate those currently located at Reindahl Park and other previously designated TPEs; and

BE IT FINALLY RESOLVED, that the City will continue to suspend enforcement of those ordinances outlined in section 2 of RES-21-00036 at Reindahl Park until appropriate alternate TPE locations are identified and approved by the Common Council with capacity sufficient to accommodate all of those currently located at Reindahl Park.

Update to RES-21-00036

BE IT FURTHER RESOLVED that the use of City property by those experiencing unsheltered homelessness ~~during the COVID-19 pandemic~~ is authorized on and subject to the following conditions:

1. The **Common Council** ~~Operations Section Chief of the City's Emergency Operations Center, or the Deputy Operations Section Chief,~~ may designate specified areas ~~within City parks and greenways~~ where temporary permissible encampments (TPEs) will be allowed ~~during the City's declared COVID-19 public health emergency~~. Criteria for TPE approval shall include the following:

- a. ~~The proposed TPE site is located at least 500 feet from any residential property;~~ **The site is able to be accessed safely by foot and by bicycle and is within walking distance of a bus line;**
- b. The proposed TPE site is not in a flood plain or other low lying area susceptible to flooding, or otherwise in a location that is deemed unsafe;
- c. The proposed TPE is accessible via public property or right of way;
- d. The proposed TPE is accessible for delivery, servicing and removal of portable toilets, hand washing stations, and trash containers **and can be reasonably accessed by other authorized motor vehicles including by emergency services and service providers;**
- e. The usable area of the site is sufficient to enable its users to practice recommended social distancing protocols (12 feet by 12 feet per person);
- f. ~~The presence of an encampment on or near City-owned land or associated facilities (e.g., park shelters), or its use as a TPE will not prevent, disrupt or interfere with their intended public use;~~ **The site is within walking distance of a convenience or food store;**
- g. The use of city-owned land as a TPE will not prevent City staff from performing normal maintenance or upkeep of the site and/or its facilities; and,
- h. The site is not located in an environmentally sensitive area.

2. In designated TPEs, ~~during the City's declared COVID-19 public health emergency,~~ the following ordinances shall not be enforced:

- a. Section 7.53: A campground license shall not be required for a TPE.
- b. Section 8.21: Park closure hours shall not be enforced against occupants of an encampment or service providers.
- c. Section 8.265: The prohibition on lodging in parks shall not be enforced against occupants of a permissible encampment.
- d. Section 8.40: The prohibition on camping in conservation parks shall not be enforced against occupants of a permissible encampment.
- e. Chapter 28: Any provision of the City's zoning code which might otherwise prohibit the TPE shall not be enforced.

3. The **Common Council** ~~Mayor, in consultation with Public Health Madison and Dane County (PHMDC) and the Community Development Division,~~ may revoke a TPE designation **at any time**. ~~when any one of the following occurs:~~

- a. ~~The Director of PHMDC determines that a COVID-19 public health emergency no longer exists;~~

- ~~b. The continued use of the TPE no longer serves the health and safety of its users or the community;~~
- ~~c. The site is no longer suitable as a TPE;~~
- ~~d. The users of a TPE engage in illegal and/or unsafe behaviors or continued use of the TPE is deemed disruptive to neighboring residents or otherwise makes the area unavailable or unsafe for its intended public uses; or,~~
- ~~e. Members of TPE have violated City of Madison Parks Behavioral Policy and have been removed from the TPE.~~

4. Upon revocation of a TPE, occupants of a TPE shall have up to five (5) days to remove themselves and any items from the location, after which the City may enforce the above ordinances and proceed under Section 8.44, the City's Lost and Abandoned Property ordinance.

~~5. This attached Policy Statement shall be used in application of this Emergency Resolution.~~

~~6. This Emergency Resolution will remain in effect until the Mayor ends the TPEs pursuant to this Resolution, or until the Common Council takes further action, whichever occurs first.~~

5. The following basic services will be provided at designated TPEs:

- a. Accessible toilets
- b. Running water and/or hand washing stations
- c. Drinking water
- d. Receptacles for trash, recycling, and needle disposal that are collected on a regular basis
- e. Lighting (as needed)
- f. Regular visits by outreach workers to facilitate referrals to housing or shelter, provision of wellness checks, dissemination of educational materials, and distribution of basic supplies and hygiene kits.

6. The following additional services will be provided as feasible at designated TPEs:

- a. Showers
- b. Access to electrical outlets
- c. Storage lockers