



City of Albuquerque

**Policy for
Responding to Encampments
on Public Property**

Effective December 16, 2024

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I. Guiding Principles

The policy establishes procedures for addressing encampments within the City of Albuquerque. It is designed to ensure that the City takes all appropriate steps to protect the rights of unhoused individuals. At the same time, it is designed to prevent the proliferation of encampments and ensure that public property is available for its intended use. It is also designed to encourage those experiencing homelessness to take advantage of available resources, including shelter beds, and to prevent the harms that occur when people are living within encampments. This policy is not designed to prevent the unhoused from using public spaces, including parks and sidewalks. It applies only when individuals establish encampments with the intent to occupy public spaces for extended periods of time, thereby depriving others of the use of that space.

This Policy applies only to encampments on public property. Encampments on private property will be addressed by the Code Enforcement Division of the Planning Department in conjunction with the Albuquerque Police Department.

The provisions of this Policy do not apply in an emergency situation presenting an immediate threat to public safety where the City needs to remove all persons, housed or unhoused, from an area.

The provisions of this Policy do not apply to unattended items not located within an encampment. When encountering such items, the City will make an effort to determine whether the owners of the items are in the area. If the City is unable to locate the owners after a reasonable search, the City may deem the items abandoned, unless there is a clear reason to believe otherwise, and may remove and destroy those items.

Nothing herein requires the City to take any action in connection with encampments on City property. The City has the discretion to refrain from taking any enforcement action, to the extent permitted by law.

II. Definitions

- A. "AVAILABLE EMERGENCY SHELTER BEDS" means beds available at the one of the shelters available within the City or overflow beds provided by the City.
- B. "CITY PERSONNEL" means any employee of the City of Albuquerque acting in the scope of their employment or any contractor working on behalf of the City.
- C. "ENCAMPMENT" means an area where an individual or individuals have erected one or more tent or structures, placed multiple personal items on public property, or otherwise demonstrated an intent to remain in that location for 24 hours or more. An area will not be deemed an encampment merely because any individuals are present on public property or because individuals have temporarily placed personal items on public property.
- D. "INTERACTION TEAM" means the personnel designated by the Department of Health, Housing and Homelessness ("HHH") to respond to encampments. This may include contractors.

- E. "OBSTRUCTION" means people or objects that interfere with areas that are necessary for or essential to the intended use of a public property or facility.
- F. "PERSONAL PROPERTY" means an item that: is reasonably recognizable as belonging to a person and has apparent utility in its present condition. Examples of personal property include but are not limited to tents, sleeping bags, blankets, clothing, bags, backpacks, carts (other than shopping carts), bicycles, radios and other electronic equipment, crutches, wheelchairs identification documents, birth certificates, photographs, address & phone number books, paperwork including notebooks with writing, mail, and any notices from governmental agencies, eyeglasses, or prescription medication. Personal property does not include trash or refuse, including empty plastic or paper bags.
- G. "PUBLIC PROPERTY" means real property owned by any governmental entity within the municipal limits of the city, including but not limited to, the public way, right-of-way, roads, streets and public alleys.
- H. "TRASH OR DEBRIS" includes items that appears to have been discarded by its owner.

III. Assessment and Prioritization of Encampments

- A. After receiving a report of an encampment on public property, or otherwise encountering an encampment on public property, the City shall assess the encampment in order to prioritize the encampment response, as follows.
 - i. Priority 1 encampments are encampments:
 - a. Along Central Avenue;
 - b. Within 300 feet of school property, day care centers and early education centers, school bus stops, and other facilities where children's programming occurs. "School property" includes parks that are subject to Joint Use Agreements with Albuquerque Public Schools;
 - c. Within a City park;
 - d. On or immediately adjacent to a roadway;
 - e. On or immediately adjacent to a highway on or off ramp;
 - f. On a footbridge over a roadway;
 - g. Blocking or otherwise preventing passage along any sidewalks or alleys on or within three feet of any trail;

- h. At locations where the City conducts municipal operations, including but not limited to City offices, community centers, senior centers, multi-generational centers, early childhood development centers, fuel pumps, the BioPark, the Albuquerque International Sunport, Double Eagle II Airport, Albuquerque Shooting Range Park, the Rail Yards, transfer stations, City yards, and parking facilities;
 - i. On properties designated for the exclusive use of sporting activities, including golf courses, basketball courts, tennis courts, pickleball courts, softball fields, soccer fields, walking trails, and skate parks;
 - j. In areas where the City is performing construction or maintenance;
 - k. In areas where access is restricted to the holder of a valid permit;
 - l. In areas where access is restricted for an event;
 - m. Within an arroyo, ditch, irrigation channels or other water conveyance system;
 - n. On real property where the City rents apartments or otherwise provides housing, including City-owned apartments, hotels, and motels;
 - o. Where the City has responded to calls for service due to fires, or
 - p. Where the City otherwise determines that removal of the encampment is necessary to abate an ongoing threat to the safety of persons or property or interference with the use of private property.
- ii. Priority 2 encampments are encampments:
 - a. Within 300 feet of any facility that provides medical care;
 - b. Where there have been two or more incidents where property has been damaged or destroyed;
 - c. On real property that the City has leased to a private or non-profit entity or that is subject to a development agreement;
 - d. Gatherings of more than four or more structures in the same area.
 - e. Where human feces is present;
 - f. Where significant quantities of hypodermic needles present; or
 - g. Areas that the City has closed to the public.
 - iii. Priority 3 encampments are all encampments that do not meet the above criteria.

IV. Engagement and Outreach

- A. When possible, the City shall conduct outreach before clearing an encampment.
- B. When conducting outreach, City personnel shall:
 - i. identify themselves to the individuals within the encampment;
 - ii. perform a wellness check by visually assessing individuals present at the encampment and asking inhabitants if anyone is in need of medical services or 911; and
 - iii. attempt to educate encampment residents regarding resources and provide basic referral information to such resources, including but not limited to meals, showers and bathroom facilities, emergency shelter, medical services and supportive housing programs.
- C. When an individual within an encampment requests medical assistance or has an apparent injury or illness, City personnel shall take the appropriate steps to obtain the medical care.
- D. If an individual requires an interpreter, City personnel shall communicate through an interpreter or interpreter service, which may be telephonic. If there is a need for translation, City personnel shall arrange to have written material translated in appropriate language.
- E. If City personnel observe any weapons at the encampment, they may terminate engage the encampment residents and request APD assistance.

V. Offer of Shelter

- A. Before removing an encampment or providing notice of removal, the City shall determine whether there are available emergency shelter beds.
- B. If there are no shelter beds available, the City shall not take any enforcement action at that encampment at that time and, shall neither clear the encampment nor provide notice of removal.
- C. If the City is able to confirm that shelter beds are available, the City employee engaging with the encampment shall offer shelter to each individual within the encampment.
- D. If the individuals accept the offer, City personnel contact ACS to provide transportation and offer storage for those items that the individual cannot or does not want to bring to the shelter.
- E. If the individuals decline the offer, the City may proceed with removal of the encampment after issuing the required notice.

- F. If the City determines that the shelter available is not appropriate for an individual within the encampment, City staff or contractors shall work with the individual to identify an appropriate placement. The City, however, may proceed with clearing the encampment and those individuals may still be required to vacate the area.

VI. Notice Requirements for Encampment Removal

- A. The City shall provide notice advising that an encampment will be removed, as follows:

- i. For a Priority 1 encampment, City personnel shall advise all individuals that they must vacate the area as soon as possible. As a general matter, the City will seek to provide up to two hours to permit individuals to gather their items. The City may give less than two hours notice when necessary to permit a planned event to proceed or when it is apparent that the individual within the encampment is able to vacate the site in a shorter amount of time. The City, in its discretion, can permit more than two hours if an individual needs additional time to gather items.
- ii. For Priority 2 encampments, City personnel shall provide written notice at least 24 hours in advance of any action to clear the encampment.
- iii. For Priority 3 encampments, City personnel shall provide written notice at least 36 hours in advance of any action to clear the encampment.

- B. Written notice shall be posted on or near the encampment in a prominent location. In addition, written notices shall be provided to all individuals present at the encampment at the time notice is issued. The City shall also take reasonable efforts to affix or otherwise deliver written notice to any unoccupied tents at the time notice is issued. Notices shall be available in both English and Spanish.

- C. Written notice shall include:

- i. the date and time the notice was posted;
- ii. the date and time by which the individual is required to vacate the area;
- iii. an advisement that any items left behind the stated date and time will be removed and destroyed;
- iv. contact information for City resources, including storage and shelter.

VII. Removal of Encampments

- 6 A. If, after the City provides notice that all persons must vacate an area and its

surroundings, no persons are present at an encampment at the time of removal, the City may deem all items within the encampment abandoned, unless there is clear reason to believe otherwise, and may remove and destroy those items. If some individuals are present, the City will make efforts to identify the owner of any unattended property and whether other individuals within the encampment are able to take possession of those items for the benefit of the owner. If no individuals are able to do so, the City may deem those items abandoned and may remove and destroy them.

- B. Any persons remaining at the area after the time specified may be subject to citation for trespassing.
- C. City personnel shall inform any individuals present at the time of removal who have not yet removed their personal property that the City has the ability to store some personal items and offer the individuals the opportunity to store their property.
 - i. If the individual accepts the offer of storage, City personnel shall request that a storage container be delivered to the encampment and advise the individual of the expected time the storage container will be delivered. The City will allow the individual to fill the container with the items that they would like to store, and will generate a high level inventory identifying the items being placed in storage. The City will provide a written receipt indicating where the property will be stored and how individuals can claim their property. The City will take a photograph of the individual at the time the items are placed into storage so that the individual can retrieve the stored items in the event of a lost receipt.
 - ii. If the individual declines the offer of storage, City personnel may remove and destroy any items that the individual affirmatively indicates are unwanted. In addition, City personnel may advise the individuals that any items not removed from the site will be removed and destroyed. In such circumstances, City personnel shall work collaboratively with such individuals to allow them to collect and remove their Personal Property.
 - iii. If any individual has difficulty complying with instructions, City personnel may request assistance from ACS. If ACS determines that the individual is incapable of removing their items from the encampment, the City shall arrange for a container to be brought to the encampment and work with that individual to store their personal items.
 - iv. If any individual refuses to leave the area and remove their items, City personnel shall repeat the admonishment that any items remaining on scene after a designated time will be collected and destroyed and reiterate the offer for storage. If any individuals still refuse to leave the area and remove their items, City personnel shall contact APD. No APD personnel shall collect, remove or destroy any items at any encampment location, except to the extent necessary for law enforcement or safety purposes. After APD has arrived and taken any necessary enforcement action, other City personnel may remove any items that remain at the encampment.

- D. City employees may ask the individuals at the encampment to assist with the clean-up.
- E. The City may require individuals vacating the encampment to move a minimum of four blocks from the encampment being cleared and may advise individuals that if they return to the area they will be cited for trespassing.
- F. The City will not seize animals solely because they belong to an unhoused individual. When an encampment is being removed, the City will give any persons vacating the area an opportunity to take any animals with them. City employees shall contact Animal Welfare if they are unable to identify the owner of the animals or have concerns about the animal's safety or well-being.

VIII. Storage of Personal Property

- A. The amount of items that can be stored, and the type of items that can be stored, and access to stored items will be subject to limitations established by the City.
- B. The City will not store trash or debris, hazardous items, shopping carts, furniture, building materials, stolen items, perishable items, or items in excess of its storage limits.
- C. Any property accepted by the City will be stored for fourteen (14) days without charge, during which time said property shall be available to be reclaimed by the subject owner. After the expiration of fourteen (14) days, any unclaimed property will be destroyed.
- D. The City will consider requests to extend the storage period on a case-by-case basis for individuals who are hospitalized, incarcerated, or otherwise unable to retrieve their items within 14 days.

VI. Training

- A. At minimum the members of the Interaction Team and other employees who respond to encampments, including the appropriate ACS, HHH and Solid Waste employees, shall receive training in accordance with City policies, which as of the date of the adoption of this Policy addresses the following areas:
 - i. Best practices for working with people experiencing homelessness, such as motivational interviewing, trauma informed care and harm reduction;
 - ii. Brain injury and dementia symptoms;
 - iii. Crisis Intervention Training;
 - iv. Cultural sensitivity;
 - v. De-escalation training;

- vi. The Encampment Policy, including how and when to apply the terms “immediate hazard” and “obstruction”;
 - vii. Field safety, including situational awareness, traffic safety and safe handling/disposal of sharps;
 - viii. CPR, first aid and responding to medical emergencies;
 - ix. Mental health training, including mental health first aid and mental health laws;
 - x. Substance abuse training, including overdose prevention/reversal and substance abuse symptoms;
 - xi. Resources available to help people experiencing homelessness;
 - xii. VI-SPDAT/Coordinated Entry System; and
 - xiii. Wellness Check (Albuquerque Fire and Rescue)
- B. City Employees who address encampments shall receive training within six months of commencement of employment and annually as needed.

VII. Record Keeping

- A. City Departments will use their best efforts to maintain a written record of every encounter with a homeless encampment by means of the following variables:
- i. Priority level of the encampment as described in Section II
 - ii. Location of the encampment;
 - iii. Approximate number of residents;
 - iv. Date initial contact was made;
 - v. Date notice was given and the date notice expired;
 - vi. Date the encampment was removed and the site was cleaned;
 - vii. Whether the encampment was an immediate hazard or obstruction;
 - viii. Why an encampment was deemed an immediate hazard or obstruction,
 - ix. What resources the encampment residents were referred to or received information about.

- x. Whether outreach has occurred at the encampment
 - xi. Whether available shelter beds exist for encampment residents
- B. To the extent possible, the City shall store information regarding its encampment responses in databases maintained by the appropriate department.

VIII. Grievance Process

- A. If an encampment occupant believes that a City employee did not adhere to this policy when addressing an encampment, the occupant and/or his/her representative may submit a grievance.
- B. Grievances may be made to 311. Grievances may also be submitted in writing to: Homeless Innovations Officer, Department of Health, Housing and Homelessness, PO Box 1293, Albuquerque, NM 87103.
- C. The grievance should contain contact information, date of incident and description of the problem. To the extent possible, the grievance should include contact information including a phone number, email, or the name of a social service provider that can contact the complaining individual.
- D. The grievance should be submitted as soon as possible but no later than 45 days after the alleged violation.
- E. The Homeless Innovations Officer may refer the grievance to one or more other departments, including without limitation ACS or APD, whose shall respond to any referred grievance within 14 days of receiving the referral.
- F. The Homeless Innovations Officer or their designee shall respond to grievances in writing within 45 days. The written response shall indicate whether, after an investigation, the grievance has been substantiated, dismissed, or if more time is needed to complete the investigation. Regardless of the findings, a written explanation as to why or why not the grievance was substantiated should be included in the response.
- G. All written grievances received by the Homeless Innovations Officer and responses will be retained by the City of Albuquerque for at least one year.