

[City Seal]
EXECUTIVE ORDER
OF
MAYOR KIM JANEY

An Executive Order Establishing a Coordinated Response to Public Health and Encampments in the City of Boston

- WHEREAS, The City of Boston and the Boston Public Health Commission have a long history of serving the city and region’s most vulnerable populations in collaboration with partner agencies and organizations, and the outbreak of the 2019 Coronavirus (“COVID-19”) in the Commonwealth increased the number of individuals struggling with unsheltered homelessness, substance use, and mental health challenges; and
- WHEREAS, The City continues to work to connect those struggling with substance use disorder and experiencing homelessness to services; during the first ten months of the present calendar year, the Office of Recovery Services street outreach team has conducted over 21,000 interactions with individuals on the street (over 2,100 monthly), making over 7,000 referrals to services (over 700 referrals monthly); and
- WHEREAS, The City continues to create pathways to permanent housing, prioritizing the vulnerable unsheltered population in the Massachusetts Avenue and Melnea Cass Boulevard area. BPHC emergency shelters continue to serve all individuals needing shelter services and have an average of 80% occupancy, with at least 170 unoccupied beds available on a daily basis. The Office of Recovery Services is working with the City’s Street to Home initiative to house 25 individuals every month for at least three months from the Massachusetts Avenue and Melnea Cass Boulevard area who have chronic experiences of unsheltered homelessness, mental health challenges, and substance use disorder;
- WHEREAS, Tents and other temporary shelters in the Massachusetts Avenue and Melnea Cass Boulevard area have grown exponentially and threaten the safety and health of those living in and around them. The majority of constituents in that area are from cities and towns outside of Boston and have come from across the Commonwealth and region. These encampments block sidewalks and access and egress to several streets, lack clean water and adequate hygiene facilities, and have been the site of numerous sexual assaults and other violence. These encampments generate two dump trucks of trash and debris daily, create rodent control issues and infectious disease outbreaks, despite scheduled cleanings and daily street sweeping. The safety risks resulting from the increased size of the encampments has made it

difficult for individuals to access needed services and for providers to deliver critical care; and,

WHEREAS, The Boston Police Department continues to target the individuals who prey upon vulnerable populations, focusing on drug distribution and trafficking, assaults, human and sex trafficking, and illegal firearms in the area. Since August 2019 the Boston Police Department has responded to 10,127 calls for service in this area, arrested 71 repeat offenders, and in the past year, arrested or summonsed 34 individuals. Since February 2021, the Department has arrested or summonsed 125 persons for drug distribution or trafficking, and identified 91 buyers who were referred to addiction and overdose prevention programs. Since August 2019 the Boston Police Department; and,

WHEREAS, In light of the above circumstances which demonstrate the human tragedy that is ongoing, and the need to ensure the safety of our fellow residents who are homeless and in need of assistance at many levels, now,

THEREFORE, I, Kim Janey, Mayor of the City of Boston, pursuant to the authority vested in me as the Chief Executive Officer of the City of Boston pursuant to St. 1948, c. 452, s. 11, and every other power hereto enabling, I do hereby issue this Executive Order for City Departments to take the following actions herein outlined:

I. Establish a Central Command Structure

1. City Health & Human Services, working in direct partnership with the State Executive Office of Health & Human Services, will create and lead a central command structure to strengthen overall street level interventions, ensure alignment of resources for those in need, and direct efforts to address the public health crisis created by encampments in Boston.
2. Relevant City departments and agencies will play an active role in the command structure along with any necessary and available State and County counterparts.
3. Among other things, the central command structure shall track, and provide to all relevant departments, information concerning available shelter and treatment options. This information shall include all such beds and resources made available for unsheltered individuals currently encamped in Boston by City of Boston agencies, the Massachusetts Executive Office of Health & Human Services and other state agencies, as well as other jurisdictions.

II. **Implement procedures and social service interventions to address public health crisis created by tents or temporary shelters**

1. In recognition of the serious public health risks associated with living in a tent or other temporary shelter, all City agencies will now prioritize enforcement of existing laws and the exercise of existing powers to prevent the placement and maintenance of these encampments in the city. These existing laws, coupled with the Public Health Emergency, dictate that tents and temporary shelters will no longer be allowed on the public ways in the City of Boston.
2. All such enforcement and actions should not criminalize the status of being an unsheltered individual, an individual with substance use disorder, or an individual with mental illness. This means that the City will:
 - treat individuals with dignity;
 - recognize that unsheltered individuals have a property interest in their belongings;
 - give people appropriate notice and the opportunity to remove their tent;
 - offer individuals substance use and mental health treatment services; and,
 - offer people alternative shelter.
3. The Mayor's Office will publish a revised Homeless Encampment Protocol that will reflect the principles listed in the paragraph above. That Protocol will establish procedures for assessing the needs of unsheltered individuals, performing intensive and persistent outreach and engagement, and providing low-barrier pathways to housing with a goal of connecting individuals with appropriate shelter and services.

The Protocol will provide for the removal of an encampment from public property only after:

- individuals have been engaged concerning the availability of shelter and treatment options.
- individuals at the encampment have been provided with advanced notice of the removal date.
- The City provides the option of short term storage of personal items.
- City employees identify a specific shelter or treatment bed available to an individual at the time of removal. Such beds and treatment resources shall include any identified and offered by the City, the Commonwealth, other municipalities, and other service providers.

The Protocol will clearly state that no City of Boston employee will require an unsheltered individual to remove their encampment from public property unless there is shelter available for that individual.

The steps above are meant to address the conditions hazardous to the public that encampments present during this public health emergency. If an individual refuses to remove an encampment after those steps are completed, the owner's refusal to remove it may be considered disorderly conduct, and be subject to enforcement of the existing laws of the Commonwealth of Massachusetts.

III. Building capacity for immediate placements

1. The Department of Neighborhood Development and Boston Public Health Commission will work to bring additional beds online, including low-threshold beds, to support re-housing and stabilization efforts serving individuals experiencing unsheltered homelessness.
2. City officials are directed to work in concert with relevant offices and agencies of the Commonwealth to advocate for and to identify additional low-threshold beds to support regional re-housing and stabilization efforts.

IV. Establishing clear and clean streets and walkways

1. The Transportation Department will implement road safety measures to improve road and sidewalk safety and access in the Massachusetts Avenue and Melnea Cass Boulevard area.
2. The Department of Public Works will continue to focus on the cleanliness of the area and conduct ongoing street and sidewalk cleaning.

V. Increasing Crime and Violence Control and Enforcement

1. The Boston Police Department will continue to enforce all laws related to drug trafficking, human trafficking, disorderly conduct, and trespassing to address the victimization of individuals suffering from substance use disorder.
2. The City of Boston will work with relevant partners to prioritize, when appropriate, diversion to treatment programs for individuals who are court-involved.
3. As a last resort for individuals who present a likelihood of serious harm to themselves or others due to their mental illness or substance use disorder, the Police Department will petition for Section 12 and Section 35 commitments.

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I hereby order every relevant City cabinet, department, agency, and office to take all necessary steps to implement this Executive Order, including through the allocation of funding and other resources in a manner consistent with applicable law.

The provisions of this Order are severable and if any provision, or portion thereof, should be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining provisions that shall remain in full force and effect.

This Executive Order shall take effect immediately. This Executive Order and the provisions herein shall remain in effect unless superseded or otherwise changed by Executive Order.

Issued this _____ day of _____, 2021

Kim Janey, Mayor of Boston