

**CITY OF LEBANON  
TASKFORCE ON HOMELESSNESS  
FRIDAY JULY 29, 2016  
CITY HALL WEST MEETING ROOM  
10:00 AM**

**MEMBERS PRESENT:** Interim City Manager Paula Maville; Human Services Director Lynne Goodwin; Police Chief Richard Mello; Deputy Police Chief Phil Roberts; City Councilor Karen Liot Hill; Director of Silent Warriors Bev McKinley; Executive Director of The Upper Valley Haven Sara Kobylenski; Executive Director of Listen Kyle Fisher

**OTHERS:** State Representative George Sykes; State Representative Susan Almy

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## **I. CALL TO ORDER**

Ms. Maville called the meeting to order at 10:10 a.m.

Ms. Maville thanked everyone for being a part of the task force. She stated the situation is very challenging but the focus of the task force is to formulate a short-term solution to resolve the issue of encampments on City property. She thanked Ms. Kobylenski for sharing the Homeless Encampment documents, which were included in the July 29, 2016 Taskforce on Homelessness Meeting Agenda materials

## **II. DISCUSSION ITEMS**

### **A. Use of Property**

Ms. Maville gave an overview of the use of City property. She said the current use on Market Street as a campground is a violation of the Zoning Ordinance and is not permitted in a general commercial zoning district.

She said she had received a legal opinion from the City's attorney in June 2016, when the creation of an ordinance related to encampments had been proposed to the City Council, that RSA 236.58 prohibits camping on public property without the permission from the governmental authority having jurisdiction. Ms. Maville noted that there is currently no ordinance regulating camping or overnight parking on City land (other than conservation areas).

The group discussed how, since the public hearing held in June 2016, the original 12 or so people living at the encampment have changed (some have left and others have moved in), and that the number of people varies during the day and the night. Chief Mello noted that the nature of the environment has also changed dramatically, stating that incidents of violence, drug use, alcohol use, etc. have increased. He said calls to the Police and Fire Departments involving people at the site have also increased since the public hearing. He also said hygiene is also becoming a problem at the encampment. Chief Mello said he feels that something bad is going to happen at the encampment, and the interim period between now and when homes are found for the people living there is very volatile and is his greatest concern.

Ms. Maville stated that the reason behind the creation for an ordinance to regulate camping on City property was not to criminalize homelessness – it was to find the means to control the property. Councilor Hill noted the perceived lack of action on the part of City to enact an ordinance (while it gathered information and forged a plan to move forward) has been interpreted as implicit permission for people to live at the encampment. Ms. Maville clarified that it is in fact illegal for people to camp on City property.

#### **B. Liability**

Ms. Maville read into the record liability information she had received from the City's insurance providers:

*Allowing persons to temporarily or permanently live on City premises in tents would involve the general liability of a premises owner to maintain safe premises, to take reasonable steps to protect against foreseeable risks of harm for the benefit of those using or visiting the premises.*

*In order to gain a full understanding of the hazards, both existing and potential, you'd need to inspect the conditions and activities on a regular basis without infringing upon individuals' constitutional rights. Based on that information and any other known or readily accessible information, the City would then need to develop and implement lawful safeguards in order to protect itself against premises liability.*

*It would be somewhat similar to the measures taken by a diligent residential property manager, although the duties could be greater due to the risks posed by the persons and/or conditions.*

Councilor Hill asked if the threat of inspections of the encampment would deter people from living there. Ms. Kobylenski and Ms. McKinley stated they did not think it would have much effect. They also mentioned that the Market Street encampment is only one of several that exist in the City, and the resources spent with inspections would be substantial.

#### **C. Management of Encampment**

Chief Mello said he had researched how similar situations have been handled in other areas. He said in every other area, an ordinance prohibiting the encampments is part of the solution.

Ms. Kobylenski stated that she and other folks from local human services organizations have been working to find permanent living situations for the original core group of 12 at the site. She said she believed it is possible to find homes for all of the people living at the site through these service groups. She said it is very important that people at the camp are given other living options so that they can make a choice. She said if they still choose to live in the encampment, then it is easier to enforce an ordinance because people do have choice for living arrangements.

Councilor Hill said that, because several well-intentioned people had made offers at the public hearing to provide services to the people at the encampment, the people were expecting these services to be delivered. Chief Mello said that the feeling amongst the homeless group was that the services have been promised. Mr. Fisher noted that if the public were aware of how the environment has changed at the encampment, it might feel differently about supporting it. He said the narrative that explains the story and the efforts of the human services groups to help the people is key to informing the public about the details of the situation.

Councilor Hill suggested giving the people living at the encampment 60 days to find another place to live. Ms. Maville said the situation needs to be resolved before the end of October. She said the

homeless people needed to have a choice, however, and the human services groups would need to find options for all. Ms. Kobylenski said it might take time, and people may not wind up living in Lebanon, but it could be done. Ms. Goodwin noted that often people have pets and are unwilling to give them away, even for a short time, in order to secure housing.

State Representative George Sykes said he worked for almost two years after the earthquake in Haiti. He said millions were camping on the streets because there was so much destruction and the government was in disarray. He said ultimately, the government offered each person a stipend to enable him to find housing. In this way, he said, having a home became more attractive to them than staying at the camp. He said people felt empowered financially and able to make their own decision and that helped alleviate the situation.

Ms. Kobylenski confirmed that funds would be given to landlords directly. Ms. Goodwin said that is the policy of the City's Human Services Department – a person in need tells her where he is living or wants to live, and Human Services provides the landlord or landlord's agent with the funds.

State Representative Almy noted that this is a long-term problem and that people will continue to be homeless.

#### **D. Beginning a Needs Assessment**

Ms. Goodwin said she has a list of the people who have been at the encampment. Ms. Maville said that list, without people's names, should include each person's circumstances (including if he/she has a pet). She said once the group has an idea of the circumstances of the people living there, they can get a better handle on how to provide appropriate solutions.

### **III. FUTURE AGENDA ITEMS**

Ms. Maville suggested the task force should continue to meet every other Friday at 10 a.m. and said the next meeting would be August 12. She said additional meetings may be needed if any action items arise that require a meeting sooner than every two weeks.

Ms. Kobylenski said she and members of the other human services groups in the area will meet to compose a needs assessment report, which will include a list of alternate emergency housing options.

Ms. Maville said she would continue to research the City's liability and legal position, now that it is aware that the potential for liability exists related to the encampment. She said she would come to the next meeting with more information

### **IV. OTHER BUSINESS - none**

### **V. ADJOURNMENT**

The meeting was adjourned by Ms. Maville at 11:16 a.m.

Respectfully Submitted,

Paula Roux  
Recording Secretary