



Subject: Campers in the 2700 and 2800 Block of Billings Avenue

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Policy Issue

Should parking on Billings Avenue between Blaine Street and Carter Drive be further restricted?

Recommendation and Alternatives

Staff Recommendation

Maintain city-wide prohibition of (a) parking vehicle on public right of way for purpose of camping (b) abandoned vehicles on roadways (c) parking unregistered vehicles (d) of parking recreation vehicle on roadways in the city from November 1-April 30. For Billings Avenue between Blain Street and Carter Drive, the team will continue to work with community partners to find short and long-term solutions to the homeless crisis in Helena.

Alternatives for Consideration

1. Restrict parking in the 2700 and 2800 block of Billings Ave by designating both sides of the street- No Parking Anytime.
2. Restrict parking in the 2700 and 2800 block of Billings Ave by designating both sides of the street- No Parking from 5:00 p.m. to 8:00 a.m.

Legal Review

None

Background Information

History of the issue

Helena has seen a significant increase in people suffering from homelessness city wide. This has resulted in more people living on the streets, in their cars, and in recreational vehicles. The city has been working with community partners over the past year to find solutions to the increase in homeless. The Helena Police Department has been working with Good Samaritan's Street Outreach program to house those that have accepted help. They have also worked with God's Love to direct as many homeless to the shelter as possible.

On August 3, 2021, Good Samaritan presented information to the Joint City-County work session on the HOTSS-Helena Outdoor Temporary Safe Shelter program.

On September 1, 2021, Chief Hagen presented an emergency homeless update to the Helena City Commission. Information was presented to the Commission on the status and increased number of people suffering from homelessness including information on people “sleeping in vehicles, campers, and RVs throughout the city.” Information on the HOTSS program was again brought forward.

On November 2, 2021, The United Way and Good Samaritan provided a homeless update to the Joint City/County Commission. This included the cost of homelessness, information on programs in place, and possible short and long-term solutions.

Billings Avenue between Carter Drive and Blaine Street has been one of numerous locations around Helena that has been a draw for those suffering from homelessness. This popularity of the Billing Avenue location is likely because of its proximity to a major retail store and general isolation despite the overall area being hub of activity. This section of the city is a busy one for the Helena Police Department with approximately 3-4% of all police calls occurring within .1-miles of Billings Avenue and Gibbon Street intersection. Much of the call volume is due to this area covering the intersection of Highway 12 and I-15 and having Helena’s largest retailer within that .1-mile radius. Through 2021 there has been approximately 1,040 police calls for service within this radius. There have been approximately 57 calls for service reported, as related to those suffering from homeless living, on Billing Avenue. Of those calls, approximately 36 are directly related to parking or camping issues. There were 6 vehicles towed as abandoned, for no valid registration, or in violation of snow ordinance. There were also three citations issued for camping in violation of city ordinance. There were several parking citations issued for abandoned or unregistered vehicles. Warnings were also issued for a multitude of violations.

During the week of September 13, 2021, the police department received a hand-delivered letter dated September 10, 2021, from Jeff Battershell, Vice President of Battershell Properties. The letter was addressed to Helena Mayor and City Commission, City Manager, City Attorney, and Chief of Police. The letter detailed concerns with people suffering from homelessness that have selected the area on Billings Avenue to camp, primarily in campers and vehicles. There are also several recommendations to include: removing the vehicles every time they park there, posting no parking signs on the northside of the road, and posting the south side of the street with a parking limit of 8-10 hours.

In addition to the letter from Mr. Battershell dated September 10, 2021, Commissioner Logan met with some of the business owners in the area and listened to their concerns. Commissioner Logan sent an email to the business owners in support of the suggestions and referenced Helena City Code that prohibits parking certain vehicles within public right-of-way November 1-April 15. In addition, an email was provided from Michael Spotorno, State Farm Agent, that details his concerns with the area to include “There should be no tolerance of these individuals camping along Billings Avenue, let alone any city street.”

At the October 4, 2021, Helena City Commission meeting, Commissioner Logan requested the City of Helena staff study the issue and the feasibility of implementing the suggestions of Mr. Battershell and others in the Billings Avenue area. A consensus was reached by the commission to ask city staff to study the issue and bring a proposal back before the commission.

As mentioned earlier, there has been a significant increase in the number of people in Helena suffering from homelessness. Aside from the letter from Jeff Battershell the City of Helena and the Helena Police Department has received countless calls for service, letters, and emails about people suffering from homelessness camping, sleeping or just being on both public and private property. Response to complaints occurring on private property have not changed. However, the response on public property the past several years has had to be altered due to the *Martin v. City of Boise*. In the past they have proactively moved every homeless resident camping on public property that was violating an ordinance and issued citations to repeat offenders. This year, due to the increased volume of these calls, shortage of resources, both inside and outside the city, the police department has strategically responded to concentrations of homeless populations on public property that are causing a substantial and sustained burden on nearby property owners. In collaboration with God's Love and Good Samaritan Street Outreach police work to house the homeless population that will accept help before removing them from public property, if possible. Those not able to be housed or declining assistance are given time to remove their property. They are also given a warning about violations of city ordinances. After the homeless residents have left the public property, City of Helena Public Works and Parks Departments remove trash and items that are left behind.

When working with the community, which included both those suffering from homelessness and those that are sheltered, we need to treat everyone with dignity, respect, and within the laws. Attached to this memo is an email with information regarding the city's efforts to address the homeless crisis in our community.

Specific to Billings Avenue, business owners have requested additional parking regulations, the city staff supports maintaining the status quo. Recently 18th Street was changed to no parking anytime in response to semi-trucks parking and waiting to make deliveries which blocks the vision of those exiting parking lots. Gibbon Street and Carter Drive and are no parking anytime. Billings Avenue is used by many semi-trucks as a staging area for deliveries. Restricting parking further in the area will cause issues for the truck driver, businesses, and residents in the area.

The Helena Police Department does not actively seek out parking violations. Parking violation enforcement by the police department is almost exclusively a complaint driven process. It is also low-level on the priority of response. Adding additional parking restrictions may also not result in the desired effect. Calls on vehicles parked facing the wrong direction, violations of time limited park, etcetera, are not towed. They are ticketed and left where they are parked.

The city abandoned vehicle law is time consuming and difficult to enforce. After receiving the report, it is assigned to specific officers to follow up on. The assigned officer needs to establish the position of the vehicle. A 6th Circuit Federal Court of Appeals has ruled that marking tires of a vehicle is an unconstitutional search. Though Montana does not fall under the 6th Circuit court, we do not mark tires, instead marking the ground near several tires to determine if a vehicle has moved in the 72-hour period listed in the ordinance. When the officer returns at least 72- hours later, it is then determined if the vehicle has moved. If the vehicle has moved at all, even mere inches, the vehicle is not abandoned, and the call is closed. If the vehicle has not moved, it is issued an abandoned vehicle citation and a placard is placed on the vehicle listing the date it will be towed. The officer will return at least 5 days later. If the vehicle has moved, even mere inches, the vehicle is not abandoned, and the call is closed. If it has not moved, a contracted abandoned tow company is contacted and then has 24-hours to respond and tow the vehicle. The entire process will take at least 8 days to complete.

Until this summer we did not tow vehicles that are not currently or legally registered. In the past, we cited the vehicles

and left them where they were parked. We have started towing repeat offenders for this violation to have an impact on people living in vehicles, campers, and RVs, on city street, with public right of way, or parks. The residents are warned of the violation of the ordinance and given ample time to remove the RV or vehicle from public property. In rare cases the vehicles are towed due to repeated violations or refusal to remove the vehicle in a timely manner. This occurred on Billings Avenue several times this year.

One camper was legally parked, was legally registered, and was scheduled to be towed on November 4, 2021 as an abandoned vehicle. However, since this vehicle was in violation of the city code for parking a camper on a city street after November 1st the police department worked with the street department and the vehicle was towed under that ordinance. With the towing of this camper, Billings Ave was cleared of all campers and people living in their vehicles.

In addition, further restrictions on parking or increased enforcement will not solve the homeless crisis this community is facing. The concerns with the unsheltered in this community will not be solved with additional regulation or enforcement. It may temporarily fix the problems at various locations around town, including Billings Avenue, however, it ultimately just moves the problems, resulting in increased police calls at other location and more frustrated property owners and businesses. Thus, continuing the cycle. In fact, many of the campers moved from Billings Avenue turned up on Cruse Avenue, Montana Department of Transportation, Last Chance Gulch, and Memorial Park. Which in turn generated additional complaints and letters.

Related Public Questions / Concerns / Considerations

A request for increased enforcement of current laws.

A request for additional parking restrictions on Billings Avenue.

Related Public Support

Email and letters received by the public

Financial Impact

Parking issues have no significant direct financial impact

ARPA:

\$3.2 Million Homeless Emergency Shelter

\$250,000 Good Samaritan Case Management

\$300,000 Homeless Pilot Program (HOTSS)

Public Information / Engagement

IAP2 Spectrum Type of Participation

Inform

Collaborate

Inform and/or Engagement Plan

Officers from the department have met informally with many of the business owners on Billing Avenue and other areas around Helena. This has occurred before and after various letters were received. The members of the public have been informed of the limitation with the law on actions that can be taken.

Public Communication tool: Be Heard Helena (ARPA funding)

Respectfully submitted,

Rachel Harlow-Schalk
City Manager

Presentation Documents

IAP2 Checklist

Response to Camping Email

Jeff Battershell Letter from September 10, 2021

Concerns about 2700-2900 block of Billings email

Applicable current parking regulations