

Prohibiting Tent Removals and Opening Warming Shelters in Freezing Weather: Presentation to Safety, Housing, Education, and Homelessness Committee

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DENVER
OFFICE OF CITY COUNCIL

Recap of Past Presentations

- Presentation by Dr. Barocas
 - Severe harms of frostbite and exposure to homeless persons
 - Public health methodology supports a 32-degree threshold for warming
- Presentation by CM Parady
 - Sweeps in freezing temperatures lower life expectancy by forcing relocations in dangerous conditions
 - A single Denver hospital saw 50 frostbite injuries among PEH in 12/22
 - B-Konnected Survey: fear of losing belongings when seeking shelter is extremely common among PEH
 - These two proposed ordinances update City policy and practices to pause sweeps in freezing temps and open warming centers/emergency shelters at thirty two degrees.



Photo Credit: Westword, Sarah Fleming

Proposed Changes to City Code

- The following slides have been updated since 11/27 Budget and Policy Presentation
- Sec 24-16 (b) (DDPHE powers): "The manager may not order the removal of any shelter, as defined in section 38-86.2(d)(1), if forty-eight (48) hours prior to the order of removal the external ambient temperature is predicted by the National Weather Service to be thirty-two (32) degrees Fahrenheit or lower during the period when the removal will occur or within four (4) hours after anticipated completion of the removal. Provided, however, it shall be an exception to this subsection if the manager certifies in the order, by reasons of facts stated in writing, that removal of a shelter is necessary to mitigate a condition that would cause greater imminent peril to the health or safety of any person than the threat to health posed by exposure to existing weather conditions."

Proposed Changes to City Code

- Sec 38-86.2 (camping ban) "(d) No law enforcement officer shall make an arrest under this section unless:
 - (1) Forty-eight (48) hours prior to the arrest, the external ambient temperature is predicted by the National Weather Service to be thirty-two (32) degrees Fahrenheit or higher at the time of arrest; or
 - (2) The manager of the Department of Public Health and Environment has certified, by reasons of facts stated in writing, that enforcement is or was necessary to mitigate a condition that would cause greater imminent peril to the health or safety of any person than the threat to health posed by exposure to existing weather conditions;"

Proposed Changes to City Code

- Sec 49-246 (DOTI right of way enforcement) "(b) The manager may not order the removal of any shelter, as defined in section 38-86.2(d)(1), if forty-eight (48) hours prior to the order of removal the external ambient temperature is predicted by the National Weather Service to be thirty-two (32) degrees Fahrenheit or lower during the period when the removal will occur or within four (4) hours after anticipated completion of the removal. Provided, however, it shall be an exception to this subsection if the manager of the Department of Public Health and Environment has certified, by reasons of facts stated in writing, that removal of a shelter is or was necessary to mitigate a condition that would cause greater imminent peril to the health or safety of any person than the threat to health posed by exposure to existing weather conditions."

Proposed Changes to City Code

- Sec. 16-1. – Cold Weather Sheltering (updated section)
- "The executive director of the department of housing stability, or its successor agency, in coordination with the director of emergency management, the manager of the department of parks and recreation, and other applicable city agencies, shall order public and private facilities operating under contract with the City, as feasible, to provide temporary shelter for persons exposed to existing weather conditions when the external ambient temperature is predicted by the National Weather Service to be thirty-two (32) degrees Fahrenheit or lower during the hours that the facility will be operated."



Addressing Concerns on Tent Removal in Freezing Weather

- Concern: "The City won't be able to enforce the camping ban throughout the winter months"
 - These ordinances do not prohibit encampment sweeps or camping ban enforcement, instead delaying action in freezing conditions. They grant the Director of DDPHE the ability to exercise enforcement in dangerous situations.
 - The ordinance is written narrowly to allow shelter removals during any window where temps go above 32 for at least 4 hours.
 - Camping ban enforcement is already entirely discretionary for city agencies based on guidance from the Mayor.

Addressing Concerns on Tent Removal in Freezing Weather

- Concern: "Is the DDPHE Director the right person to certify that imminently dangerous conditions justify moving shelters in freezing weather?"
 - These ordinances aligns enforcement of City policies with public health knowledge and practices. It makes intuitive sense to grant discretionary authority to the Public Health Department Director to ensure alignment of these values.

Addressing Concerns on Tent Removal in Freezing Weather

- Concern: "What kind of circumstance would meet the public health exception?"
 - A clear example would be a fire — a tent on fire is imminently more dangerous to be inside of than even the significant risks of exposure. The exception is flexible and objective (based on degree of danger to human life).
- Concern: "The City wouldn't be able to meet House1000 goals with these restrictions."
 - This ordinance does not prevent the offer and acceptance of housing and/or shelter from City agencies during freezing weather.

Addressing Concerns on Warming Centers/Emergency Shelters

- Concern: "Opening at 32 degrees costs too much."
 - No scientific or public health basis supports a 20-degree threshold. City successfully moved from 10 to 20 degrees in past.
 - Many city functions are impacted when people are outside in the cold (calls to 911 with concern about individuals out in cold, requests for help to housing related hotlines, etc.)
 - The 'sheltering ordinance maintains operational flexibility among agencies (how many centers open; where in the city; etc) when temperatures drop below thirty-two degrees.
 - Daytime warming centers (libraries, rec centers) open regardless.



Appendix: Information from 11/27 Budget & Policy Committee Presentation

Public Health Perspective

- The human body is not built for extended time in cold weather — frostbite can happen in less than 30 min below 5 degrees Fahrenheit
- Frostbite can lead to hospitalization and amputation – homeless persons are highly vulnerable
 - Less likely to discharge with supportive medical care, less likely to have insurance
- Nonfreezing cold injuries include trench foot and pernio, exacerbated in wet conditions

WARNING: Next Slide: Graphic Image of Frostbite



Pictured: Deep frostbite causing deep tissue damage and amputation. Source: American Academy of Orthopedic Surgeons



Tent Sheltering in Cold Temps

- Tent-types vary widely; but some are designed for colder temps
 - No consistent tool to measure, manufacturers apply metrics differently, and generally range from Seasons 1-5
 - Estimates vary based on ventilation, size, and other factors, but generally tents are about 10-20 degrees Fahrenheit warmer than external conditions
- Tents mitigate against exacerbating damp or wet conditions, like snow or rain
- Sleeping Bags: A compact sleeping bag liner can provide an additional 15 to 25 degrees of warmth
- Tents in cold weather do not eliminate risk of harm in cold temperatures, but can reduce immediate risk



Denver's Cold Weather Shelter Policy

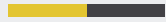
- Average winter temperature in Denver last year was 32.9 degrees, with several days below 5 degrees
- Warming centers offer refuge and prevent cold weather injuries
- Current City Policy: Open warming centers when existing shelter capacity is exceeded AND 1) temperatures drop below 20 degrees; 2) over two inches of snow forecast; or 3) wind-chill advisory/watch/warning
 - No scientifically valid evidence supporting this temperature threshold, per Dr. Josh Barocas
 - Compare to "Code Blue" in NYC, threshold set at 32 degrees or below

Cost/Benefit

- In Dec 2022: 1 Denver hospital, 49 homeless persons with frostbite diagnosis, average 7 day stay, avg cost of \$3,273 per day
 - = \$1.1m total
- Estimated cost to taxpayers for frostbite: \$1.1M each year per metro area hospital
 - More than \$5,000,000/year for the five Metro area hospitals combined
 - Estimate does not include for hypothermia
- Estimated Cost of Shelter
 - 90 days of warming centers opening, at a \$50,000/day cost = \$4.5m

Sources

- Westword, "Opinion: Denver Must Create a Plan to Prevent Cold Weather Injuries Among Unhoused Neighbors", 11/12/2023
- Presentation: Josh Barocas, Denver City Council Safety Committee, 11/22/2023
- Zhang P, et al. Cold weather conditions and risk of hypothermia among people experiencing homelessness: implications for prevention strategies. IJERPH. 2019, 16(18), 3259
- Romaszko J, Cymes I, Dragańska E, Kuchta R, Glińska-Lewczuk K (2017) Mortality among the homeless: Causes and meteorological relationships. PLoS ONE 12(12): e0189938. <https://doi.org/10.1371/journal.pone.0189938>
- Princeton University, "Outdoor Action Guide to Winter Camping", [Outdoor Action Guide to Winter Camping \(princeton.edu\)](https://www.princeton.edu/outdoor-action-guide-to-winter-camping)
- NYC Street Outreach, Code Blue. <https://www.nyc.gov/site/dhs/outreach/street-outreach.page#:~:text=Code%20Blue,Code%20Blue%20will%20be%20denied>



B-K Community Engagement™

2023 Cold Weather Engagement



Conduct a B-K Community Engagement™
capturing the general sentiment of
Unhoused Residents in the Denver area as
well as amplifying their authentic voices





B-K Community Engagement™ Question Type

Agree , Neutral , or Disagree?

1

I feel I have adequate clothing to be outdoors in freezing temperatures

2

I feel I have adequate shelter to keep myself and my belongings safe in freezing temperatures

3

I am confident that city programs and services can help me ensure I have adequate clothing and shelter in freezing temperatures

4

Fear of losing my personal belongings impacts my decision to seek shelter in the winter



B-K Community Engagement™ Question Type



Free response - Respondents' Actual Voices



What scenario(s) would present a greater risk to you than being outside in freezing temperatures?

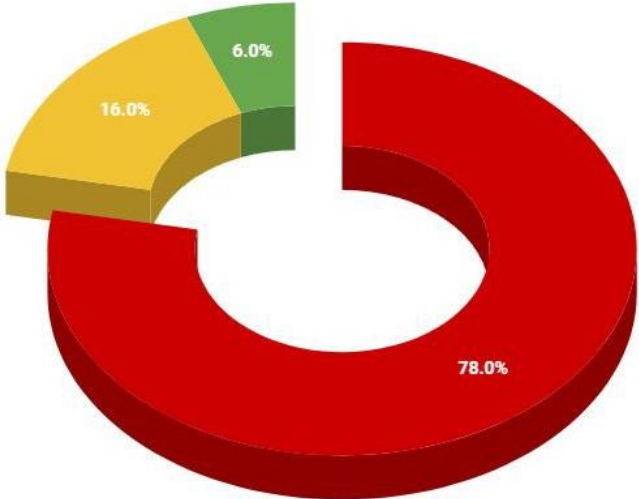


Do you have any additional feedback you'd like to provide?



I feel I have adequate clothing to be outdoors in freezing temperatures

Adequate Clothing



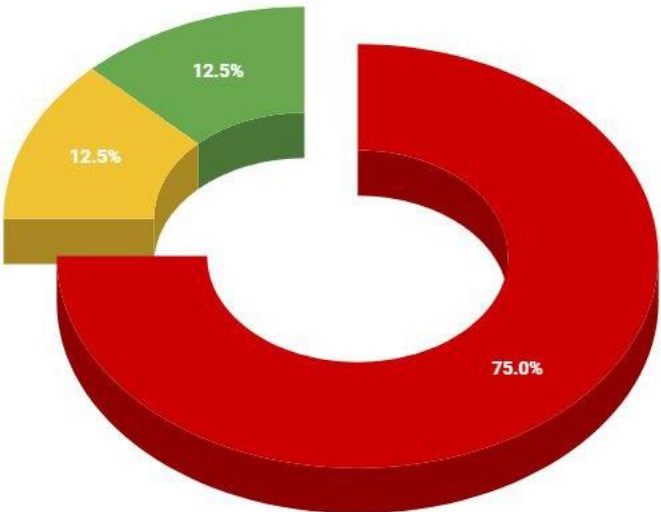
6% Agree

16% Neutral

78% Disagree

I feel I have adequate shelter to keep myself and my belongings safe in freezing temperatures

Adequate Shelter



12.5% Agree

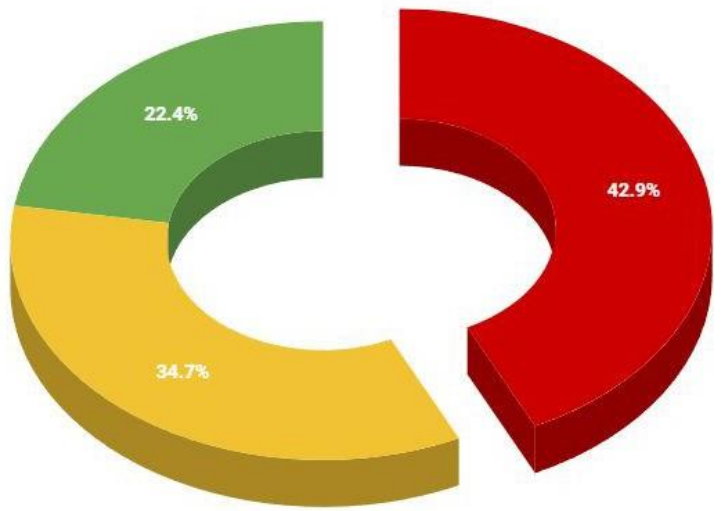
12.5% Neutral

75% Disagree



I am confident that city programs and services can help me ensure I have adequate clothing and shelter in freezing temperatures

Confidence In Programs



22.4% Agree

34.7% Neutral

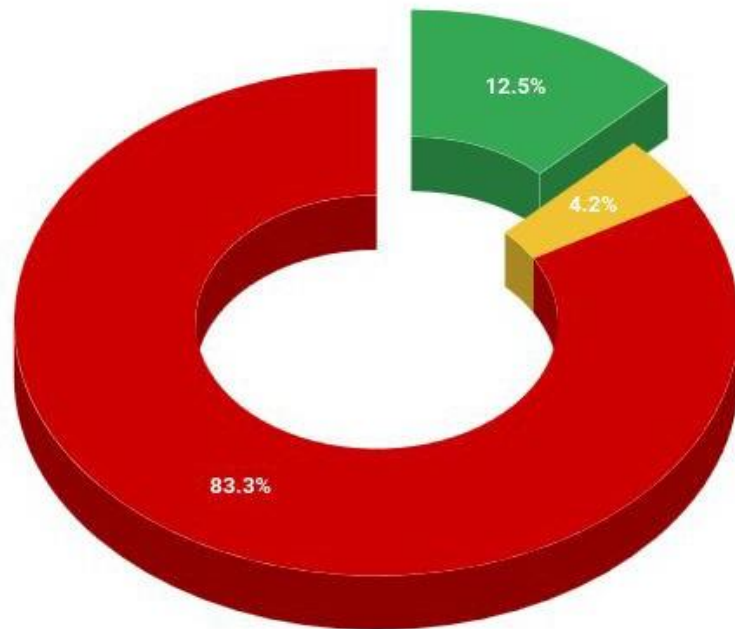
42.9% Disagree





Fear of losing my personal belongings impacts my decision to seek shelter in the winter

Fear Of Losing Possessions Prevents Seeking Shelter



12.5% Disagree

4.2% Neutral

83.3% Agree



Do you have any additional feedback you'd like to provide?



“It’s getting cold and we need more stuff instead of sweeps”

“More availability on weekends; everything’s closed Sunday and Saturday “

“[I’m] having to steal to survive and getting treated badly for being homeless”

“It’s getting real cold and we need warmer blanket and sleeping bags”

“All the shelters are packed and you have to meet certain expectations as well as food banks you can only go so many times and that is the same with clothing and get what you can and it counts as a time if you get something good or not.”

“Denver rocks and gives me much hope”



Security and Safety Concerns

1. Fear of assault, violence, and bullying both on the streets and within shelters.
2. Concerns about the safety and cleanliness of shelters, including drug-related issues.
3. Anxiety about personal safety during extreme weather conditions.

Loss of Belongings and Documentation

1. Fear of belongings being stolen, especially important documents and IDs.
2. Frustration with the unresponsiveness of staff when reporting theft or loss.

Health and Environmental Risks

1. Anxiety about exposure to extreme weather conditions, leading to frostbite or freezing.
2. Fear of exposure to dirty needles and potential health risks.

Housing and Stability

1. Desire for stable housing and steady income to avoid the challenges of homelessness.
2. Fear of losing everything again, including belongings, due to law enforcement actions.

Key takeaways from list of fears:





Emotional Well-being

1. Fear of emotional theft, loss, and the impact of traumatic events on mental health.
2. Concerns about being isolated and the emotional toll of homelessness.

Specific Concerns for Vulnerable Populations

1. Homophobia and discrimination within the shelter environment
2. Specific worries expressed by female respondents about safety during travel.

Access to Basic Needs

1. Fear of hunger and lack of access to food and basic necessities.
2. Need for warmth and essentials during cold weather.

Institutional Concerns

1. Distrust of shelters due to perceived racism, unsafe environments, and inadequate response to property loss.
2. Concerns about catching illnesses, including COVID-19, in shelters.

Key takeaways from list of fears:





Improving Shelter Conditions

1. Addressing safety concerns within shelters, including drug-related issues.
2. Ensuring a responsive and supportive staff to address theft and security issues.

Enhancing Homeless Services

1. Providing resources such as blankets, warm clothing, and essentials during colder months.
2. Implementing policies that prevent the removal of belongings without offering suitable alternatives.

Promoting Mental Health Support

1. Increasing mental health training for shelter staff to create a safer environment.
2. Addressing concerns related to emotional well-being and isolation.

Advocacy Against Discrimination

1. Addressing homophobia and discrimination within shelter facilities.
2. Ensuring shelters are inclusive and safe for all individuals, regardless of gender or sexual orientation.

Potential Action Items and Proposed Solutions





Documentation and ID Protection

1. Implementing measures to safeguard personal documents and IDs within the homeless population.
2. Streamlining the replacement process for stolen documentation.

Community Engagement and Education

1. Educating the community on the challenges faced by the homeless population.
2. Fostering a sense of empathy and understanding to reduce discrimination.

Emergency Preparedness

1. Developing and communicating emergency plans for extreme weather conditions.
2. Ensuring shelters have measures in place to prevent the spread of illnesses, including COVID-19.

Housing Solutions

1. Prioritizing efforts to provide stable housing and income opportunities.
2. Implementing programs to prevent the recurrence of homelessness and loss of belongings.

Potential Action Items and Proposed Solutions





Summary

Unhoused Residents of Denver expressed specific fears surrounding cold weather. The majority of unhoused





Thank you.

