

ARTICLE III. ENCAMPMENTS

Sec. 21-61. Definitions.

As used in this article, the following words and terms shall have the meanings ascribed in this section, unless the context of their usage clearly indicates another meaning:

Encampment means any one or more of the following:

- (a) The unauthorized use of fabric, metal, cardboard, or other materials as a tent or other temporary structure for living accommodation purposes or human habitation; or
- (b) The unauthorized use of a heating device; or
- (c) The unauthorized accumulation of personal property (other than durable medical equipment) that would not fit in a container three feet high, three feet wide, and three feet deep.

Designated outreach organization means a nonprofit organization jointly designated by the Houston Police Department's Homeless Outreach Team and the city's director of emergency medical services to assist the city's police department in the manner prescribed in section 21-63 of this Code.

Durable medical equipment means equipment customarily used for medical purposes, able to withstand repeated use, and generally not useful to a person in the absence of illness or injury. Non-exclusive examples of such equipment include wheelchairs, canes, crutches, and portable oxygen tanks.

Heating device means a camp stove, grill, heater, or other container or device capable of generating or containing an open flame.

Police officer means an officer of the city's police department.

Public place means an outdoor area owned, managed, or controlled by the city to which the public has access, including public rights-of-way, parks, streets, sidewalks, hike and bike trails, transit facilities, underpasses, and parking lots.

(Ord. No. 2017-261 , § 2, 4-12-2017)

Sec. 21-62. Encampment in a public place prohibited; penalty.

- (a) Encampment in a public place in the city is unlawful.
- (b) Any person who violates this section shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-6 of this Code.

(Ord. No. 2017-261 , § 2, 4-12-2017)

Sec. 21-63. Procedure for enforcement.

- (a) A police officer may issue a citation for a violation of this article if prior to issuing the citation:

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- (1) The officer has tendered a written warning to the person stating that a failure to comply with the city's prohibition against encampment may result in the issuance of a criminal citation to the person or in the person's arrest; and
 - (2) The officer has provided a reasonable time for the person to comply with the prohibition, but the person has not complied.
- (b) The written warning required by subsection (a)(1) of this section may be accompanied by written information regarding the availability of medical treatment (including mental health treatment) or social services (including temporary shelter or drug or alcohol rehabilitation).
- (c) A police officer may arrest a person for a violation of this article if prior to the arrest:
- (1) The officer has tendered the written warning required by subsection (a) of this section and has provided a reasonable time for the person to comply with the prohibition, but the person has not complied;
 - (2) The officer has attempted to ascertain whether the person is in need of emergency medical treatment (including emergency mental health treatment) or social services (including temporary shelter or drug or alcohol rehabilitation), and, if the officer has concluded the person may be in need of emergency medical treatment or social services, has made reasonable efforts to obtain assistance from the Houston Police Department's Homeless Outreach Team and/or a designated outreach organization to informally evaluate the person's condition and needs; and
 - (3) At least one of the following circumstances exists:
 - a. The officer has concluded the person may be in need of medical treatment or social services, but, notwithstanding the officer's reasonable efforts, the officer has not been able to obtain the assistance contemplated by subsection (c)(2) of this section;
 - b. Personnel from the Houston Police Department's Homeless Outreach Team and/or a designated outreach organization have informally evaluated the person's condition and needs and concluded the person has no immediate need for emergency medical treatment or social services; or
 - c. Personnel from the Houston Police Department's Homeless Outreach Team and/or a designated outreach organization have informally evaluated the person's needs, concluded the person has an immediate need for emergency medical treatment or social services, and directed the person to an appropriate provider, but the person has not accepted the direction.

(Ord. No. 2017-261 , § 2, 4-12-2017)

Sec. 21-64. Cumulative effect; conflict with other ordinances.

This article is cumulative of other applicable laws and ordinances. If this article conflicts with another provision of this Code, the more restrictive provision shall govern, except that Chapter 32 of this Code ('Parks and Recreation') shall govern over this article without regard to the restrictive nature of the respective provisions.

(Ord. No. 2017-261 , § 2, 4-12-2017)

Secs. 21-65—21-80. Reserved.