

## **City Policy and Procedures Governing Off-Street Cleaning**

This policy establishes guidelines and procedures for the removal during off-street cleanings of items improperly stored by homeless persons on certain public property. The goal of this policy is to allow the City to maintain public areas in a clean and sanitary condition, protect the public health and safety, and ensure the accessibility of public areas to all. In implementing this policy, the City seeks to balance the needs and rights of all its citizens who use public property, including the homeless. At the same time, this policy does not establish any individual right to store personal possessions on the public way for any period of time, erect temporary shelters, or otherwise encroach on public property.

### **I. Off-Street Cleaning Procedures for the Lower Wacker Drive Area**

#### **A. General Provisions**

1. The term “Lower Wacker Drive Area” means the area bounded on the north by the Chicago River, the south by Monroe Street, the west by the Chicago River’s south branch, and the east by Lake Michigan. This area includes the streets of Lower Wacker Drive, Lower Michigan Avenue, Lower South Water Street, Lower East Wacker Place, Lower Lake Street, Lower Stetson Street, and Lower Columbus Drive. The Lower Wacker Drive Area, as defined, is entirely within the city limits of Chicago, Illinois.

2. Off-street cleaning in the Lower Wacker Drive Area generally will occur weekly, on Thursday mornings between the hours of 7:00 a.m. and 10:00 a.m., subject to staff availability, weather conditions, emergencies, and any public health requirements. Additional off-street cleanings also may be scheduled by the Department of Streets and Sanitation on an as-

needed basis, subject to staff availability, weather conditions, emergencies, and any public health requirements.

3. The off-street cleanings will be conducted by the Department of Family and Support Services (“DFSS”), the Police Department, and the Department of Streets and Sanitation (collectively, “City”). DFSS personnel will lead the City’s contact with homeless persons during the cleanings, and, during the cleanings, will provide homeless persons with information regarding shelter, housing programs, and supportive services. DFSS personnel will also inform homeless individuals of this policy. Unless the homeless individuals encountered during the cleanings are trespassing or obstructing the public way, the City will not force them to move from their location.

4. Homeless persons may keep only “portable personal possessions” with them in the Lower Wacker Drive Area. “Portable personal possessions” means that each homeless person may have only the following items with him or her in the Lower Wacker Drive Area or in the other areas covered by these procedures: a sleeping bag or bedroll, not more than two coats, not more than two pairs of shoes or boots, not more than five blankets, and not more than three bags or suitcases, and such contents as may be contained in said bags or suitcases. From October through April, homeless persons also may have up to five additional blankets and one additional sleeping bag or bedroll with them in the Lower Wacker Driver Area. “Portable personal possessions” do not include, among other items, non-air mattresses, box springs, potted plants, crates, large appliance boxes, carts, gurneys, wagons, or furniture, including, but not limited to, chairs, tables, couches, and bed frames.

5. In carrying out this policy, the City will follow all applicable local, state, and federal law.

**B. Notice**

1. At least twenty-four (24) hours in advance of an off-street cleaning in the Lower Wacker Drive Area, the City will post English-language signs in visible and conspicuous locations where the City is aware that homeless persons congregate. These signs shall be of the same size as the City uses in its street-cleaning activities elsewhere in the City. A copy of the text of the sign to be used is attached.

2. At the time the signs are posted, the City, through DFSS personnel, will attempt to give oral notice to homeless persons in the Lower Wacker Drive Area of the next day's scheduled cleaning and the portable personal possession provision set forth in Paragraph I.A.4. DFSS personnel will also attempt to give such notice on the morning of the cleaning.

3. If an off-street cleaning cannot be conducted on Thursday morning between the hours of 7:00 a.m. and 10:00 a.m. and is rescheduled for a different day and/or time, the City will provide the notice of the new day and/or time in the manner required by Section I.B.1 & I.B.2, and will also provide such notice seven (7) days in advance if feasible.

**C. Regular Weekly Cleaning Procedures**

1. During the weekly off-street cleanings, the City will not discard, or otherwise remove, any portable personal possessions if such possessions are attended by their owner or by another person on behalf of the owner.

2. The following provisions shall apply to: (a) items falling outside the definition of portable personal possessions, either because they exceed the limits in Paragraph I.A.4, or because they are items that are not of the type listed as a portable personal possession; and (b) items falling within the definition of portable personal possessions and the limits of Paragraph I.A.4, but which are unattended during the weekly off-street cleanings (with the exception of those objects designated in Paragraph I.C.4)). All such items are subject to being discarded by the City. Any such items that the City determines, during an off-street cleaning, to discard will, prior to being discarded, be marked with a notice. In the case of an item falling outside the definition of portable personal possessions, the notice will indicate that the item is stored on the public way and will be discarded unless it is removed from the Lower Wacker Drive Area before the next week's cleaning. In the case of an item falling within the definition of portable personal possessions but which is unattended, the notice will indicate that the item was found unattended and will be discarded if it is not removed from the Lower Wacker Drive Area or claimed before the next week's cleaning and, if claimed, attended during the next week's cleaning. These notices will be in the form of a sticker affixed to the item, and will contain the following information: (1) the date the item was encountered by the City; (2) the date by which the item will be discarded by the City if it is not removed from the Lower Wacker Drive Area by the owner, or, in the case of an unattended item falling within the definition of portable personal possessions, if the item is not claimed and attended; and (3) the contact information for DFSS should the owner have questions about the notice or this policy. The City will also provide oral notice of the portable personal possession requirements of this Paragraph and Paragraph I.A.4 to

any homeless individuals who are present at the time their items are marked with the stickers. As an alternative to the procedures described in this Paragraph, the City may instead determine that the item should be delivered to the Police Department for retention pursuant to the procedures set forth in Chicago Police Department General Order G07-01 and Special Order S07-01, and the orders referenced therein, or as otherwise allowed by law.

3. During an off-street cleaning, the following items may be discarded: (1) any items previously marked in accordance with Paragraph I.C.2 that have not been removed or claimed within the required timeframe or, if applicable, attended during the cleaning; (2) any material (including portable personal possessions) located in trash receptacles; (3) trash or debris of no apparent value, such as food and beverage containers, food remains, plastic and paper bags, cardboard boxes, and paper refuse; (4) items that constitute a potential threat to public health; and (5) items that are "oversized" (defined as any item that exceeds 3 feet in any two of the three dimensions, but excluding suitcases or other items defined as portable personal possessions) and that are obstructing the public way. If there is reasonable doubt about whether an unattended item is trash or debris of no apparent value, the item should be treated in accordance with Paragraph I.C.2.

4. Notwithstanding the above, the City will not discard the following items, if readily visible, during the weekly off-street cleanings: personal documents (such as personal identification, birth certificates, legal documents, personal or family photographs, and bills), personal medication, eyeglasses, money, and jewelry.

**D. “Deep Cleaning” Procedures**

1. On a periodic basis, the City may engage in “deep cleanings” of the off-street areas of Lower Wacker Drive, subject to staff availability, weather conditions, emergencies, and any public health requirements. Deep cleanings will be conducted on Thursday mornings between the hours of 7:00 a.m. and 10:00 a.m.

2. Because deep cleanings will generally involve the use of a power-washer, the portable personal possessions of homeless individuals must be moved to facilitate cleaning. At least seven (7) days prior to a deep cleaning, the City will identify temporary nearby locations in the Lower Wacker Drive Area where homeless persons who congregate in the Lower Wacker Drive Area may place portable personal possessions during the cleaning. The City will not designate any permanent locations for placement of portable personal possessions in the Lower Wacker Drive Area.

3. Not less than one-half hour prior to commencement of a deep cleaning, homeless persons in the Lower Wacker Drive Area must place portable personal possessions in the temporary locations designated pursuant to Paragraph I.D.2. In the alternative, not less than one-half hour prior to commencement of a deep cleaning, homeless persons must move all portable personal possessions not less than 50 feet from areas designated for cleaning. Items that are not placed in a temporary location or moved not less than 50 feet from areas designated for cleaning, and which impede or interfere with the cleaning, are subject to being discarded during the cleaning. In the alternative, the City may, if it elects, move such items to a temporary location designated pursuant to Paragraph I.D.2 and place a sticker on the item in accordance with

Paragraph I.C.2. Such items must be removed from the temporary location within 48 hours.

Items that are not so removed may be discarded by the City at that time.

4. For deep cleanings, the City will follow the notice procedures set forth in Paragraph I.B, with the exception that signs will be posted seven (7) days in advance of the cleaning in addition to 24 hours in advance of the cleaning, and the posted signs will state that a deep cleaning will occur and that all items must be moved to a temporary location designated by the City or at least 50 feet from the areas designated for cleaning. Additionally, at the same time that the City posts the signs, the City will attempt to give oral notice to homeless persons of the temporary location(s) identified by the City pursuant to Paragraph I.D.2.

**E. Emergency Removal**

1. The City will follow the procedures set forth above for weekly off-street cleanings and periodic deep cleanings, except as set forth in this Paragraph. The City need not follow the procedures set forth above in cases of “emergency removals,” which are cleanings, or the other removal or discarding of specific property, based on a reasonable belief or suspicion that an item or condition poses an immediate or imminent threat or hazard to the public safety or health, including an obstruction to traffic, or that exigent circumstances exist. The following examples of such situations are intended to be illustrative only and not to be an exhaustive list: an item is suspected to contain an explosive device or toxic substance; an item is blocking evidence of a crime; an item is preventing access to an emergency; the area is being flooded; the area’s infrastructure has become unsafe; the area must be secured for a special event where it is not feasible to provide advance notice; the area must be secured for emergency preparedness or

response. The City will in its discretion determine whether there is a reasonable belief or suspicion that circumstances present an immediate or imminent threat or hazard to the public safety or health or an obstruction to traffic or that exigent circumstances exist, as well as the manner in which the immediate or imminent threat, hazard, or obstruction will be abated or remediated. Prior to such emergency removal by abatement or remediation, the City will afford each homeless person who is present the opportunity to immediately remove his or her portable personal possessions, or those of others, to the extent that such removal is feasible and does not itself constitute or cause, or contribute to a persistence of, an immediate or imminent threat or hazard to the public safety or health or an obstruction of traffic or exigent circumstance. Any items that are not immediately removed by homeless persons may be discarded by the City if the City deems discarding the items to be necessary to abate or remediate the immediate or imminent threat or hazard to the public safety or health or the obstruction of traffic or exigent circumstance. If removal of the items by homeless persons would cause, constitute, contribute to, or allow to persist an immediate or imminent threat or hazard to the public safety or health or an obstruction of traffic or exigent circumstance, the items may be discarded by the City if the City deems this action necessary to abate or remediate the threat or hazard to the public safety or health or the obstruction of traffic. In exercising its discretion to determine and direct whether, how, when, and by whom an immediate or imminent threat or hazard or obstruction of traffic or exigent circumstance will be abated or remediated, the City will follow applicable local, state, and federal law.



**F. Miscellaneous.**

1. The City reserves the right to modify this policy at any time. Prior to amending the policy, the City will provide written notice of the proposed modifications to the Chicago Coalition for the Homeless and the Chicago Lawyers' Committee for Civil Rights Under Law at least thirty (30) days in advance. Within fourteen (14) days after providing such notice, the City will, upon request, consult with the Chicago Coalition for the Homeless and the Chicago Lawyers' Committee for Civil Rights Under Law regarding the proposed modifications. The City will also endeavor to give thirty (30) days' notice (both oral and written) of any modifications to homeless persons congregating in the Lower Wacker Drive Area or any other area covered by this Policy.

2. Nothing in this policy prevents the Police Department from confiscating, retaining, and disposing of property according to the procedures set forth in Chicago Police Department General Order G07-01 and Special Order S07-01, and the orders referenced therein, or as otherwise allowed by law.

3. Nothing in this policy prevents the City from enforcing all applicable laws in instances of non-compliance by homeless persons with the procedures stated above.

**II. Off-street Cleaning Procedures for Other Areas**

1. From time to time, the City may identify other areas where homeless persons congregate that require periodic off-street or deep cleanings. Presently, these include the Wilson Avenue Viaduct Area. The "Wilson Avenue Viaduct Area" means the portion of Wilson Avenue bounded by Marine Drive to the West, and by the northbound entrance and exit ramps to Lake

Shore Drive to the East, and includes the sidewalks along Wilson Avenue and the areas immediately adjacent to Wilson Avenue. The City may amend this list at any time.

2. For cleanings in these areas, the City will follow the procedures set forth in Paragraphs I.A.2-I.E. of this policy.

3. The Chicago Coalition for the Homeless may notify the City of other areas where the Coalition believes the procedures set forth in Paragraphs I.A.2-I.E. of this policy should be applied. Within 30 days, the City will inform the Coalition whether those procedures will be applied in the proposed areas and, if they will not be applied, provide an explanation for not doing so.