

State of Minnesota Guidance Related to Homeless Encampments

June 29, 2020

Emergency Executive Order 20-55 (EO 20-55), Protecting the Risk and Health of At-Risk Populations during the COVID-19 Peacetime Emergency, provided certain protections related to homeless encampments. Those protections recognized that sweeps or disbandments of homeless encampments increased the potential risk and spread of COVID-19. EO 20-55 also recognized that there are times when local governments may find it necessary to restrict, limit, or close encampment spaces in order to protect the health, safety or security of residents. EO 20-55 authorized the Commissioners of the Minnesota Housing Finance Agency and Human Services, as co-chairs of the Minnesota Interagency Council on Homelessness, to issue further guidance as needed to clarify the applicable provisions of EO 20-55 or to further address the issue of homeless encampments. Pursuant to EO 20-55, the Commissioners of Minnesota Housing and Human Services issue the following guidance.

EO 20-55 provides as follows:

5. **Encampments.** Homeless encampments, including both new and existing encampments, should not be subject to sweeps or disbandment by state or local governments, as such sweeps or disbandments increase the potential risk and spread of COVID-19. Law enforcement is not prohibited from addressing trespassing or exigent circumstances (i.e., those requiring immediate action to protect life, prevent injury, or preserve evidence) that occur within encampments or among or including people staying outdoors. Law enforcement and other first responders should respond to trespassing and exigent circumstances as those situations require. If a local government entity is providing sufficient alternate housing, shelter, or encampment space that complies with the MDH guidance, Homeless Services Settings: Interim Guidance for Providers, and the CDC guidance, Responding to COVID-19 Among People Experiencing Unsheltered Homelessness, or if an encampment has reached a size or status that is a documented threat to the health, safety, or security of residents, state or local governments may restrict, limit, or close encampment spaces. I authorize the Commissioners of the Minnesota Housing Finance Agency and Human Services, as co-chairs of the Minnesota Interagency Council on Homelessness, to issue further guidance as needed to clarify this provision or further address the issue of homeless encampments.

The general recommendation is that homeless encampments, including both new and existing encampments, should not be subject to sweeps or disbandment by state or local governments, as such sweeps or disbandments increase the potential risk and spread of COVID-19. This is in line with applicable CDC guidance, *Responding to COVID-19 Among People Experiencing Unsheltered Homelessness*. Sweeps and disbandment of encampments also disrupt connections between homeless individuals and service providers and should be undertaken as rarely as possible.

The state recognizes that there are times when a local government may find it necessary to restrict, limit, or close encampment spaces. EO 20-55 allowed local governments to do so under certain circumstances.

- **Sufficient Alternate Housing, Shelter, or Encampment Space.** If a local government entity is providing sufficient alternate housing, shelter or encampment space that complies with applicable MDH and CDC guidance, the local government may restrict, limit, or close encampment spaces.

Public health guidance related to sufficient housing, shelter or encampment spaces are available from the [CDC](#) and [MDH](#). If a local government is providing sufficient space for unsheltered populations that complies with that guidance, EO 20-55 permits the local government to restrict, limit or close unauthorized encampment spaces.

- **Documented Threat to Residents.** If an encampment has reached a size or status that it is a documented threat to the health, safety, or security of residents, state or local governments may restrict, limit or close encampment spaces.

The local government must make a determination that either the size or status of an encampment is a threat to the health, safety, or security of residents and document that determination. This is necessarily a case-by-case determination, and could include, but is not limited to factors such as an encampment location in an inherently unsafe location, an inability of health and safety workers to access or serve encampments residents, or an encampment population density making it impossible to maintain safe distancing or other public health protections at a specific location. **As permitted by EO 20-55, a local government may use encampment size as a factor in determining whether to restrict, limit, or close an encampment**, to the extent that the size creates or contributes to a documented threat to the health, safety, and security of residents. A local government may also establish a limit on the size of an encampment, regardless of its current size, if it makes a documented determination that an encampment above a certain size in a specific location is a threat to the health, safety, and security of residents.

If the conditions above are met, local government may facilitate movement to alternate available housing, shelter or encampment locations and if a local government makes a determination that it is appropriate to restrict, limit, or close encampment spaces, actions taken as a result should give due care to the health and safety of any homeless individuals being displaced.

The state does not expect to review or approve a local government's documented determination about actions related to encampments but may ask about documentation to help inform further refinement of this guidance. This guidance may be modified as necessary and updated versions of the guidance will be posted here [[link to: http://www.mnhousing.gov/sites/np/covid-19](http://www.mnhousing.gov/sites/np/covid-19)].