



City of Albuquerque

Policy for Responding to Encampments on Public Property

Effective April 9, 2026

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The City recognizes that people experiencing homelessness have the right to use public property. At the same time, the City has a duty to prevent encampments from proliferating through the City, interfering with the quality of life, and preventing the general population from using public property for its intended use. In addition, encampments are dangerous and that people within encampments are at risk for disease or injury, and are often the victim of crimes. To the extent possible, the City will conduct outreach at encampments in order to encourage individuals to take advantage of City resources, including available shelter beds. Nonetheless, the City will clear encampments that form on public property in order to prevent the harms to the City and the individuals within the encampments.

This Policy provides general guidelines, applicable to all City Departments, governing the interaction with individuals within encampments and the removal of encampments from public property. Each City Department, to the extent necessary and applicable, will adopt standard operating procedures establishing protocols for the removal of encampments, interaction with people experiencing homelessness, and documentation of activities related to the removal of encampments.

I. Applicability

The City will only require individuals to vacate public property if they are camping, as that term is defined in Section 9-25-3 ROA 1994, violating state laws, or violating other City ordinances. The City will not require individuals to move out of an area solely because they are sitting, standing, lying or sleeping on public property.

This Policy applies only to encampments on public property. Encampments on private property will be addressed by the Code Enforcement Division of the Planning Department in conjunction with the Albuquerque Police Department.

The provisions of this Policy do not apply in an emergency situation presenting an immediate threat to public safety where the City needs to remove all persons, housed or unhoused, from an area.

The provisions of this Policy do not apply to unattended items when no persons are present or no persons accept responsibility for the items. The handling of such items is addressed by the Solid Waste Department .

The City will ensure that shelter beds are available before proceeding with the removal of an encampment.

Nothing herein requires the City to take any action in connection with encampments. The City has the discretion to refrain from taking any enforcement action, to the extent permitted by law.

II. Guidelines for Engagement with Individuals at Encampments

1. When conducting outreach or providing notice at an encampment, City personnel shall identify themselves to the individuals present, conduct an initial assessment of the

wellness of individuals at the encampment, and ask inhabitants if anyone is in need of medical services or other emergency assistance.

2. If a person present in the area appears to need assistance, City personnel shall take steps to obtain assistance as appropriate.
3. When necessary, City personnel shall communicate through an interpreter or interpretation service. When sufficient to foster communication, the City may use an electronic interpretation such as Google translate.
4. When conducting outreach, City personnel shall attempt to educate encampment residents regarding restrictions on the use of public property and provide referral information on available resources, including but not limited to meals, showers and bathroom facilities, emergency shelter, medical services and supportive housing programs.
5. The City may ask the individuals at an encampment to assist with in cleaning the area.
6. The City will not seize an animal found solely because it belongs to an unhoused individual. If City personnel have concerns about the health or safety of the animal, they shall call Animal Welfare. The City will otherwise allow individuals within an encampment to keep any animals with them and allow individuals vacating an encampment to take any animals with them.
7. City personnel shall strive to maintain a professional demeanor at all times, and shall avoid making comments directed toward individuals in the encampment or about those individuals.
8. City personnel may terminate an engagement if weapons are found or if there are other hazards that threaten the safety of those present.

III. Priority of Response

The City uses two levels to prioritize encampments. The priority levels determine where the City will dedicate resources and the amount of time it will permit before individuals are required to vacate an encampment.

A. Priority 1

The City designates encampments as Priority 1 if it has received reports that the individuals at the encampment are lighting fires or it has determined that removal of the encampment is necessary to abate an ongoing threat to the safety of persons or property or interference with the use of private property. Otherwise, the City designates encampments as Priority 1 if they are:

1. On any property along Central Avenue, including sidewalks and areas adjacent to sidewalks;
2. Within 300 feet of school property, day care centers and early education centers, school bus stops, and other facilities where children's programming occurs. "School property" includes parks that are subject to Joint Use Agreements with Albuquerque Public Schools;
3. Within a City park;
4. On a roadway, or in such close proximity to a roadway that they creates a hazard for drivers, pedestrians, or the encampment residents;
5. On a highway on or off ramp, or in such close proximity that they creates a hazard;
6. On a footbridge over a roadway;
7. Blocking any portion of, or otherwise preventing passage along, any sidewalk, alley or other right of way;
8. On or within three feet of any bike trail;
9. At locations where the City conducts municipal operations, including but not limited to City offices, community centers, senior centers, multi-generational centers, early childhood development centers, fuel pumps, the BioPark, the Albuquerque International Sunport, Double Eagle II Airport, Albuquerque Shooting Range Park, the Rail Yards, transfer stations, City yards, and parking facilities;
10. On properties designated for the exclusive use of sporting activities, including golf courses, basketball courts, tennis courts, pickleball courts, softball fields, soccer fields, walking trails, and skate parks when the encampment will interfere with the use of the property for that purpose;
11. In areas where the City is performing construction or maintenance;
12. In areas where access is restricted to the holder of a valid permit or for a scheduled event;
13. Within an arroyo, ditch, irrigation channels or other water conveyance system;
or
14. On real property where the City rents apartments or otherwise provides housing, including City-owned apartments, hotels, and motels.

The City will require all individuals to vacate a Priority 1 within two hours, unless a shorter period of time is necessary due to imminent hazards or other circumstances. The City will provide written notice at a Priority 1 encampment if possible, but otherwise will issue oral instructions to the individuals within the encampment.

B. Priority 2

The City designates all other encampments as Priority 2. The City will provide written notice at least 24 hours before clearing a Priority 2 encampment.

IV. Guidelines for Encampment Removal

When removing an encampment from public property, the City will abide by the following principles:

A. Offer of Shelter

1. After confirming that shelter beds are available, the City will offer shelter to each individual within an encampment. If any individuals accept the offer, the City will assist the individuals with necessary arrangements.
2. If any individuals decline the offer, the City will initiate the encampment removal process by issuing notice as set forth below.
3. The City will suspend the requirements of this section, and instead proceed with criminal enforcement, if it determines that the individuals within an encampment have repeatedly violated City ordinances regulating the use of public property and have declined prior offers of services.

B. Notice

1. When written notice is required under this Policy, or can feasibly be issued, the City will provide written notices to all persons present at the time notice is issued, affix notices to any tents or structures within the encampment. When possible post notice in a prominent location at a Priority 2 encampment.
2. The written or posted notice shall include the date and time the notice was posted, the date and time the Notice Period expires, an advisement that any items left behind may be collected and destroyed, and information about obtaining City resources.
3. Printed notices shall be available in English and Spanish.

C. Handling of Property

1. After the Notice Period has expired, the City may collect and destroy any hazardous items, any trash or debris, any items that an individual affirmatively indicates are unwanted, or any items deemed abandoned because the City is unable to locate and identify either the owner of the items or a person who is willing to take responsibility for the items.
2. The City will offer storage for personal items, in accordance with its storage policy, to any individuals present at the time the City is clearing an encampment.
3. If individuals decline the offer of storage, the City will allow them up to 30 minutes to gather their personal items and vacate the area. If an individual has not removed items within 30 minutes and appears to be experiencing a mental health crisis, the City may request a response from ACS. City personnel may otherwise call APD to conduct enforcement as necessary or City personnel may take the items into storage so that the individual may retrieve them at a later date.

V. Participation by the Albuquerque Police Department

1. The Albuquerque Police Department (“APD”) or the Metro Security Division of the General Services Department may accompany personnel conducting an encampment removal or performing outreach in order to ensure the safety of City workers, the individuals within the encampment, and any other members of the public.
2. When permitted by law, APD will check for outstanding warrants and take any appropriate action based on an outstanding warrant.
3. Although it will provide notice before clearing the area where an encampment has formed, this Policy does not prohibit APD from taking any law enforcement action based on the conduct of any individual present at an encampment, including the use and possession of drugs and acts of violence.
4. The City may take criminal enforcement action against those who refuse to leave the area or return to the encampment area after it has been cleared.

VI. Record Keeping

City Departments will use their best efforts to maintain a written record of every encounter with a homeless encampment that contains the following information:

1. The location of the encampment;
2. Approximate number of individuals at the encampment;
3. The date of contact;

4. Whether contact was made for the purpose of outreach or encampment removal;
5. If contact was made for the purpose of outreach; what resources were offered and what resources were accepted;
6. If contact was made for the purpose of encampment removal,
 - a. Whether shelter beds were available at the time of contact;
 - b. Whether an offer of shelter was made;
 - c. Whether the offer of shelter was accepted;
 - d. The number of notices issued;
 - e. The amount of time given to vacate the area;
 - f. The date the encampment was removed;
 - g. Whether an offer of storage was made;
 - h. Whether the offer of storage was accepted; and
 - i. Whether personal items were removed and destroyed.

VI. Grievance Process

Grievances regarding the City's response to encampments may be made to 311 or 505-768-2000. Grievances may also be submitted in writing to: Encampment Grievance Process, Department of Health, Housing and Homelessness, PO Box 1293, Albuquerque, NM 87103 or email to hkh@cabq.gov.