

A Dignified and Lawful Approach to Encampments on Conserved Lands

Nationwide housing shortages and inadequate societal supports for our most vulnerable populations have resulted in a sharp increase in Americans who lack one of the most basic human needs – shelter. As a result, unauthorized encampments of unhoused persons on conserved lands are rising. Encampments can include single or multiple tents, vehicular camping and structural construction. This resource offers an approach, to be applied consistent with local law, to relocating unhoused persons in a manner that preserves an individual’s dignity and upholds conservation values. There is no “one size fits all” approach, so this guidance should be uniquely tailored for each land trust.

In working through the issues identified here, a land trust must seek to mitigate the risks of encampments. These risks include safety of staff, neighbors, visitors and unhoused individuals; adverse impacts to conservation values; fire danger; health code violations; criminal activity; overdose or other fatalities; reputational risks; and exposure to legal liability. Legal liability can be to staff, guests, visitors or neighbors harmed by an act or crime committed by an unhoused person encamped on land trust property. Liability can also be to the unhoused individual encamped on the property based on claims that the land trust did not follow legally required procedures for relocation of the person and their belongings. These risks should inform your approach to the considerations below.

Steps to take before encampments are established:

State and local law. Ask an attorney competent in trespass to advise you as to both state law and local law to learn what steps you must take when removing persons and their belongings from conserved properties. Legal compliance is critical and full documentation of the steps you took in each instance will help protect the land trust from exposure to legal liability to the unhoused individual encamped on the property and from reputational risks. Documentation should include taking photos of encampments and keeping copies of correspondence regarding any actions.

Relationship Building. Develop relationships with the appropriate social support groups and local agencies, if available in your area, as these will be your partners in efforts to relocate encamped persons. Relationships with mental health professionals are recommended to help your land trust develop tools to approach encamped persons in a trauma informed manner. Trauma informed means that you’ve been trained to understand how past traumatic experiences could impact an encamped person and their behavior, and how to approach that person with care and without triggering a trauma response. To learn more, consider attending this free virtual training in [Trauma Informed Care for Land and Water Stewards](#).

Relationships with local law enforcement are critical. Some land trusts report on the value of having established relationships with specific law enforcement officers who are known to use trauma informed

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approaches. Having an established relationship and point of contact with neighbors is also helpful as neighbors are often the first to notice an encampment. Encroachments can span multiple properties, so partnering with neighbors to share cleanup costs has helped land trusts. Neighbors can also help monitor for returned encampments on a former campsite. Relationship building might also extend to holders of rights-of-way, as land trust partnerships with railroad companies for example, have led to successful outcomes.

Due diligence. As part of acquisition due diligence, inquire as to whether a property has a history of encampments and if so, evaluate the potential risks of such an acquisition based on the property itself and adjacent properties.

Signs. Post no trespassing signs on properties closed to the public. On properties open to the public, post signs notifying persons when the property is closed for access. Consider posting additional signage in areas where encampments are likely to or have occurred in the past. Keep boundaries well marked and maintained.

Policies and procedures. Develop a board approved policy and/or procedure for the dignified removal of unauthorized persons and their belongings from conserved properties. Boards of land trusts with staff might want to delegate the authority to draft and revise a procedure to staff. Stewardship staff should not navigate this on their own, especially given the visibility of the issue and the potential for adverse consequences. The board should have a policy of removal at the earliest opportunity possible in order to minimize risks to all persons including those encamped without authorization. The policy and/or procedure should include contact information and procedures for when to call local social support groups/shelters, government agencies and law enforcement. They should contemplate frequent monitoring for sites with reoccurring encampments. In addition, staff training requirements, safety procedures, and documentation requirements should be addressed. The land trust board should have a set of media and public relations guidelines in the event of relocation, disturbance or criminal activity in an encampment.

Training and Support. Train stewardship staff and administrative staff on the unhoused community, trauma-informed care, and appropriate actions when undertaking this difficult work. The goal is that both stewardship staff and the unhoused person(s) are safe throughout the process of relocation. Also, recognize and provide support to staff for the mental and emotional impacts that come with this work.

Considerations after becoming aware of an encampment:

Policy/Procedures/Legal Advice. Review the land trust's relevant policies and procedures and consult legal counsel as appropriate.

Land Steward Safety. Safety is priority. As one land trust describes, "[t]he psychological state of an unsheltered person encountered on the land is unknown. They may be approachable or reclusive or agitated and aggressive." Consider working in pairs, using [remote monitoring](#) in keeping with best practices, or scheduling a police or a mental health professional trained in de-escalation as an escort where encampments are known or expected. Some land trusts recommend bringing an animal control officer if the encampment includes pets or has attracted wild animals.

Beware of fire danger. One of the many reasons to quickly address encampments is the threat of brush fires. Brush fires caused by cooking on an open flame are a risk of encampments, especially during times of high fire danger. This becomes increasingly high risk as we are seeing a rise in litigation associated with wildfires started on private property.

Relocation. Analyze the situation, risks and options to determine when quick action is required. The response will vary, for example, a different approach will be required upon finding a landfill in the making versus finding someone whose presence is almost invisible. Approaches on when to ask law enforcement to accompany stewardship staff vary widely amongst land trusts. Some do initial conversations with the encamped person without law enforcement while others highly recommend always bringing law enforcement along.

One land trust uses the following approach: “If a new campsite is discovered, make contact with the person(s) ASAP. Often this involves a site visit by staff, possibly accompanied by a local partner working in the unhoused community or by law enforcement. The goal is to introduce [the land trust] as the property owner, explain the purpose of the preserve and how we manage it, and let the unhoused person know that camping is not allowed. We use a trauma-informed and respectful approach to our communications. We think about what we are wearing, our tone, what words we are using, etc. We bring out a flyer so we can leave this information in writing if we don’t encounter anyone during the visit. The flyer includes a name and phone number for contacting land trust staff. If we can make direct contact with folks, we work with them on a reasonable timeline to move their belongings off the preserve.”

One thing that is agreed upon, is that when those in an encampment don’t leave voluntarily, the land trust must follow the procedures set forth in local and state law and if they have not already, contact law enforcement. *Don’t engage in self-help by trying to remove persons and their belongings yourselves. It is the job of law enforcement to enforce trespass laws and order the person to leave.* Other recommendations include providing any persons being relocated with trash bags and/or the location of disposal bins. Where there are partner services available, try using those to help the encamped person to avoid future experiences of being unhoused.

Site cleanup. Follow state and local laws for storing property removed from an encampment. For seemingly abandoned camps, one land trust recommends posting a notice at the site warning folks of the date planned for the removal of belongings. This land trust noted “[w]e feel that this is a compassionate approach at all locations, but in some jurisdictions, this is actually required by law. This is where it pays to understand the laws in each jurisdiction you may be working in.”

Consider reaching out to your municipal or county government to partner on site cleanup. Some municipalities will take on all cleanup and restoration work, potentially saving the land trust thousands of dollars. Document the site with photographs before and after cleanup. Some land trusts do the cleanup of minor encampments themselves. Personal protective equipment should include trash grabbers and sharps boxes, gloves, pest protection, heavy boots and masks. For more extensive encampments, many land trusts retain environmental and hazardous waste handlers. Restore the site in a manner that deters future encampments. Some land trusts do this by placing downed wood across the disturbed area and densely installing plants or “restoration in progress” signs. Another opposite approach is to open site lines to reduce privacy under the theory that when people feel they are not hidden, they tend not to repopulate a former campsite. One land trust conducts invasive species

removal, where appropriate, to achieve this. And lastly, consider if any environmental restoration is necessary, for example if trees were removed by the encampment and erosion is a concern.

Biohazards. Proceed with caution as used needles, adult diapers and other biohazards can all be present on an encampment. Some land trusts have reported their preserves becoming breeding grounds for rats while others report being found in violation of health codes due to the extent of medical waste. Cleanup costs can be high and are at the expense of the land trust. The land trust policy and procedures should include extra steps in the event that any biohazards are observed. Professional removal might be advisable in order to keep land trust staff safe. Some biohazards should only be removed using special protective equipment and disposal.

Conservation Easements. The practices outlined herein are recommended for properties subject to a conservation easement as well. It is the land trust's responsibility to alert the landowner that unhoused encampments are a violation, and it is the landowner's responsibility to cure. Land trusts can help connect landowners to resources to assist with this. Encampments tend to be more common on government owned property under conservation easement than private land.

Partner with advocates for long term solutions. While removing encampments can address immediate issues, land trusts may consider engaging in partnerships that can support root-cause solutions. Follow the lead of land trusts that have begun partnering with affordable housing advocates to address these root causes. For more on this see the Land Trust Alliance's publication [Breaking Ground: An Affordable Housing Resource Guide for Land Trusts](#). Look at state models for success such as the [Vermont Housing and Conservation Board](#).

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Related Resources:

- [Trauma Informed Care for Land and Water Stewards](#), virtual self-guided training.
- [Unauthorized Camping and Abandoned Property Procedure](#), Skagit Land Trust.

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