

DECLARATION OF KATHARINE NAPLES-MITCHELL, ESQ.

I, Katharine (Katy) Naples-Mitchell, Esq., state the following to be true to the best of my knowledge, information and belief:

1. I am a Staff Attorney at the Charles Hamilton Houston Institute for Race and Justice at Harvard Law School. I work in coalition with organizers who support people who are unhoused—including people who have been living in tents and other self-constructed shelters in the areas of Southampton Street, Atkinson Street, and Topeka Street that are colloquially referred to as “Mass and Cass.”
2. On October 19, 2021, Mayor Kim Janey released an Executive Order announcing a ban on living in tents in the City of Boston.¹ The Order promised that people would be given notice and offered an available shelter or treatment bed before being forced to move and decamp their setup from the Mass and Cass area and that the City would “provide[] the option of short term storage of personal items.” Order at Part II(3).
3. On October 29, 2021, the Mayor’s Office released a follow-up document, the “Boston Homeless Encampment Liaison Protocol” [the “Protocol”].² The Protocol itself is dated October 28, 2021. That document provided further detail about the available storage.
4. Part VII of the Protocol is entitled “City Storage of Eligible Property,” and it begins:

The City will make available free storage of property that is eligible to be stored (defined below) for up to 90 days. This storage is available to any individual with property at the clean-up site who lacks permanent shelter. The City will provide free transportation of the property to the storage facility, and will maintain a log of all items stored at the facility, including the date each item was put into storage and the name and contact information, if available, of the owner. After 90 days, personal property stored by the city may be discarded or donated. The City will record the date of any personal property discarded or donated.

Protocol at VII.

5. The Protocol clarified that each person would be offered at least one 27-gallon storage bin to store in City storage on the morning of a scheduled tent removal action, to which they would have access for 90 days. Protocol at VII(A)(i), (B). It is not clear how many bins are

¹ Available at: <https://www.boston.gov/news/executive-order-outlines-strategy-address-public-health-and-encampments-boston>. The direct link to the Executive Order itself is: https://drive.google.com/file/d/1n_xJUlt5LTu0ZHatvdMLhN_mdoCxiRhK/view.

² Available at: <https://www.boston.gov/news/fact-sheet-boston-homeless-encampment-liaison-protocol>. The direct link to the Encampment Liaison Protocol itself is: <https://drive.google.com/file/d/1rEtS2vglwCXy5b77P -DIUcwkjNQWaZW/view>.

available to each person and how many bins the City brings to each “clean-up.”

6. In Part VII(E), “Retrieval of Property Stored by the City,” the Protocol also addressed in general terms how people would be able to regain access to any belongings they elected to put in storage:

Individuals or authorized representatives may retrieve stored property within 90 days from the date of storage by contacting the City at the number listed on the notice or by making a request, or by going to the set walk-in hours that will be included on the posted notice. Individuals may establish proof of ownership by, among other methods, describing the location and time the personal property was impounded from a public area, and by providing a detailed and accurate description of the stored items. Government-issued identification is not required to claim stored property. The City will make a record of who claimed what property. Free transportation to pick up stored items may be requested. Additionally, individuals moving into permanent housing may request the delivery of stored items.

Protocol at VII (E).

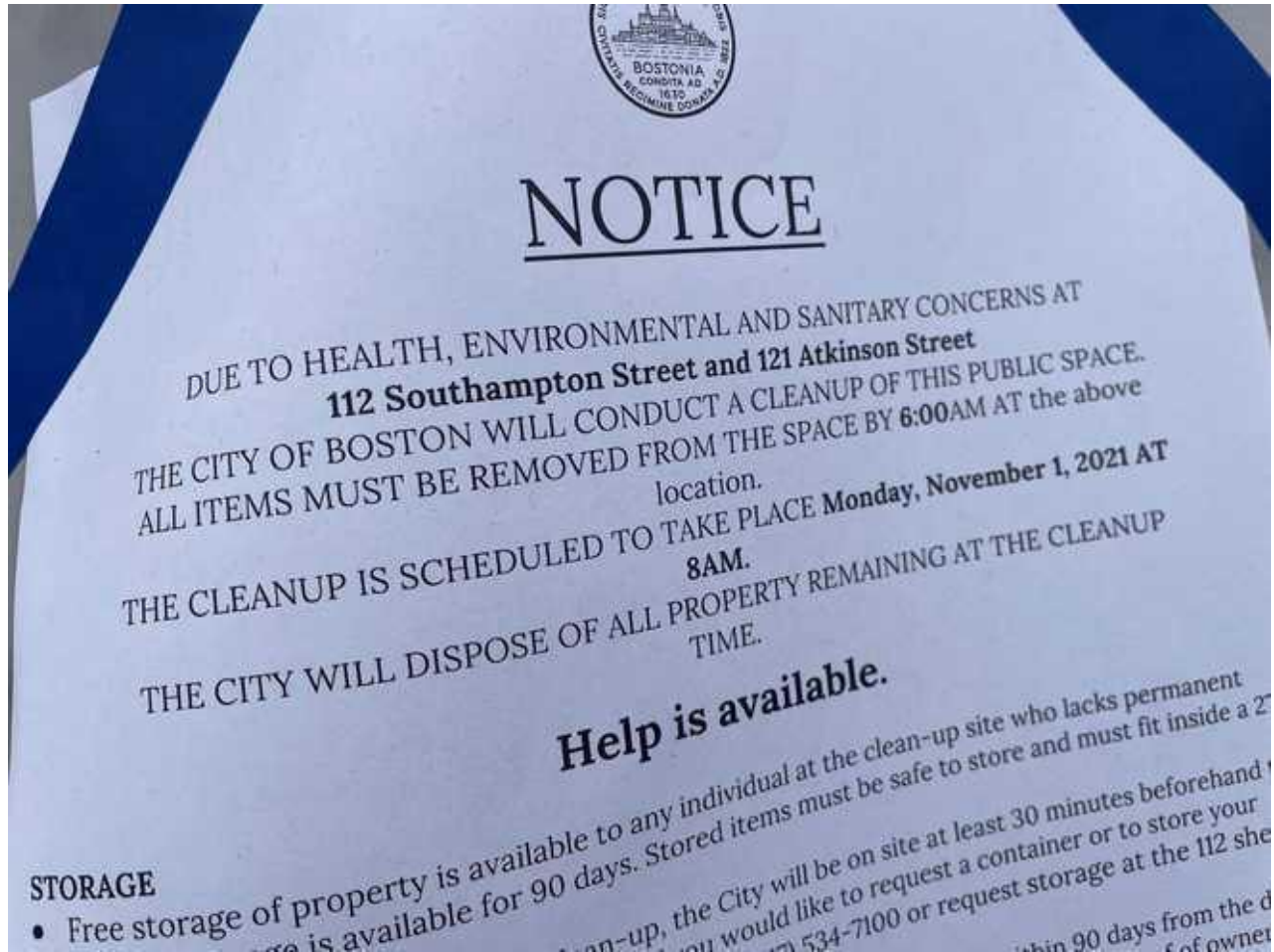
7. The Protocol is silent on whether people can pick up items from storage for temporary use and then return them to storage within the 90-day period.
8. Over the past two weeks, the City of Boston has been placing targeted eviction notices on small groupings of tents. Different notices have given different phone numbers that people can call to access any items they may have opted to place in City-offered storage.
9. On at least one such posted notice, the number to call was (617) 534-7100. (See **Addendum**.)
10. Images of some of the recent notices are included as an Addendum to this Declaration. Even after the release of the Executive Order on October 19th, some of the notices did not include any information about storage access.
11. On the morning of Wednesday, November 3rd, in an effort to obtain information about how people who opted to use the City-provided storage would be able to continuously access their belongings over the next 90 days, I called the number I had seen on the posted notice.
12. I called the phone number, (617) 534-7100, at 7:50 AM. Someone answered and it became clear it was the general line for the Woods Mullen shelter. I explained that the number had been on the eviction notices posted by the City around the Mass and Cass area and I was trying to gather information about the logistics and policy of storage access. I was transferred to Jamila Hussein, Assistant Director of Emergency Shelter Services. She did not answer. I left her a voicemail message with my call-back number. At the time of signing this declaration, I have not received a return call.

Signed under the pains and penalties of perjury this 5th day of November, 2021,



Katharine Naples-Mitchell, Esq.

Addendum | City Eviction Notices





NOTICE

DUE TO HEALTH, ENVIRONMENTAL AND
SANITARY CONCERNS AT

THEODORE GLEN WAY

THE CITY OF BOSTON WILL CONDUCT A
GENERAL CLEANUP OF THIS PUBLIC SPACE.

ALL ITEMS MUST BE REMOVED FROM THE
SPACE BY MONDAY AT 7AM.

SCHEDULED CLEANUP: MONDAY AT 7AM.

Help is available. For information about shelter and
recovery services, call **311**.

This sign posted on 10/23/21, 48 hours from date of clean up.



NOTICE

DUE TO HEALTH, ENVIRONMENTAL AND
SANITARY CONCERNS AT
ATKISON STREET

THE CITY OF BOSTON WILL CONDUCT A
GENERAL CLEANUP OF THIS PUBLIC SPACE.

ALL ITEMS MUST BE REMOVED FROM THE
SPACE BY TUESDAY AT 7AM.

SCHEDULED CLEANUP: TUESDAY AT 7AM

Help is available. For information about shelter and
recovery services, call **311**.

This sign posted on 10-23-21, 48 hours from date of