



Health & Human Services and Public Safety Committee Minutes

Tuesday, September 8, 2020, 5:30pm, Remote Meeting

Committee Attendance:

Belinda Ray, Chair (District 1), Tae Chong (District 3), Pious Ali (At-Large).

Councilors in Attendance:

City Staff:

Kristen Dow, Director of Health and Human Services; Jennifer Thompson, Associate Corporation Counsel; Christine Grimando, Director of Planning and Urban Development; Adam Harr, Executive Assistant for Social Services.

Meeting called to order at 5:32 PM.

AGENDA ITEM 1 – Announcements

- Jesse Harvey, an advocate for safe injection sites passed away. The committee took a moment of silence.
- Possible executive session on federal and state law in relation to the city and Safe Injection Sites/Overdose Prevention Sites. Chair Ray does not think it is likely to go into executive session and will likely just be a part of the work plan discussion after an update from a case the committee is following.

AGENDA ITEM 2 – Approval of Minutes

- Councilor Ali moved to approve the minutes, Councilor Chong seconded and the minutes were approved unanimously.

AGENDA ITEM 3 – Updates

- Kristen Dow, Director of Health and Human Services gave an update on the Oxford Street Shelter including Expo and Family shelter numbers
 - Current Shelter Numbers:
 - Family Shelter
 - 28 families for 80 individuals in the shelter.
 - 18 families for 55 individuals in hotels.
 - Families were moved out of the shelter in March to make room for PUI and respite shelter; hotels are currently used for overflow.
 - Oxford Street Shelter:
 - 59 individuals at OSS and
 - 41 at the Expo.
 - 187 individuals assisted with hotels over the past two weeks.

- o Expo: Originally thought we would need to be out of the Expo by September 30 but we now have until October 25th
 - Still looking for alternative space.
- o Social Services Provider Group that convened to talk about people in Deering Oaks is still meeting.
 - Alternative space is discussed at these meetings.
- o Still looking at the Riverside location around funding plans to have a more detailed plan at the October meeting.
- o Councilor Chong asked if Preble Street has worked with us on mailboxes and storage as well as day spaces as discussed at the last meeting.
 - Preble Street is part of the provider meetings.
 - Mail boxes does not appear to be going away in the immediate future.
 - Focus of conversations with providers has been to collaborate on finding day space.
- o Councilor Chong asked about the 187 GA hotels and where they are coming from if they are new.
 - They are not necessarily new, but are experiencing homelessness without having stayed at OSS in the previous 6 months.
 - Director Dow is not sure why people are
 - GA staff to get a list of why people are experiencing homelessness and accessing GA.
 - Hotels are being phased out to some people as space becomes available at the shelter and as people are not banned from hotels.
- o Councilor Chong asked if there is an increase in renters needed GA or other assistance? Are people talking to use before homelessness; the \$1,000 of state aid does not seem to be enough.
 - Director Dow is not able to speak to this and will ask Social Services staff to bring an update at a future meeting. Including an update on recently approached rapid rehousing funds from Maine Housing that will finds new housing counselor positions.
 - Councilor Chong asked if there is a consortium of housing counselors which will be answered by Social Services Staff.
- o Councilor Ray thinks the Housing Committee's work is linked with this and should be coordinated.
- o Councilor Ali would like updates from Mary Davis on how to access the \$1,000.
- o Mayor Snyder asked if it is at all possible to remain in the Expo past October 25th.
 - It may be a polling place and to Director Dow's knowledge it is a hard-cutoff date.
 - There will be a plan at the October 13th meeting.
 - Mayor Snyder asked if there would need to be Council Involvement.
 - It depends on the solution (if a location needs Council approval for example.)
- o Mayor Snyder confirmed there will be an update on the new shelter at Riverside.
- o Mayor Snyder asked about bathrooms and if there is news.
 - Needle exchange staff are mapping out open public restrooms.

- Porta potties were purchased by Portland Downtown and they were pulled and where they will be deployed will depend on the map.
- Keep ME Healthy funding will be used to purchase hand washing stations to collocate with porta potties.
- Cleaning public restrooms and porta potties has been an issue.
- o Mayor Snyder asked if the mobile meal delivery model will change as we go to the colder weather.
 - Director Dow believes Preble Street intends to continue the mobile meals through the Winter.
- o Councilor Chong asked how much shelter bed usage goes up during Winter.
 - City anticipates around 200-225 in the colder months.
 - Councilor Chong asked if we have the capacity for those numbers socially distanced.
 - The 75 beds used at PSRC is no longer available.
 - Hotels are currently reimbursed because of the 70% GA reimbursement and the remaining 30% is being paid through emergency Covid funding.
 - o Hotels are a temporary solution depending in funding availability.
 - How would Director Dow change GA?
 - More flexibility on how we spend it and lean to the expert recommendations
 - We can include the recommendations in a GA update.
 - Councilor Chong would like the recommendations before the infrastructure committee meets.
- o Councilor Ray thinks the Cross-Insurance Arena is still a viable option.
 - The trustees have a recommendation to do so which will be given that a commissioners meeting on the September 14th.
 - Would this location be good?
 - Public Health would need to asses the space for where bathrooms are located and what staffing would look like for such a large space.
 - Councilor Ray is interested in the space and encourages the commissioners to have that conversation with the City. She asked if the committee would like to send a letter to the County Commissioners before their meeting.
 - Councilors Ali agrees and asked if there is City representation at the County Commission meetings?
 - o In the past, there may currently be.
 - o The Mayor is appropriate to speak for the City.
 - Councilor Chong agrees.
 - The Committee will draft a letter and then decide next steps for getting the letter to the county commission.
 - Mayor Snyder is happy to work with the City Manager on reaching out to the County Commission.

- There is an opportunity to sit on the County Finance Committee coming up.

AGENDA ITEM 4 – Overdose Prevention Sites

- United States v. Safehouse
 - The federal government filed a declaratory judgement against a nonprofit contemplating opening a safe injection site; safehouse countersued allowing them to look at the legal question: does the “crack house” statute truly prevent creating a safe injection site.
 - February, 2020 trial court made a final decision that the federal criminal statute does not apply to safe injection sites as the statute criminalizes the rental providing space for the purpose of engaging in unlawful drug use.
 - Court said it does not violate the statute.
 - Federal Gov. asked for a stay in that decision as they appeal.
 - Until the appeal is decided by the circuit, there is no final say on the legality.
 - Councilor Ray said that because of Covid and outcry from the community, the process was delayed.
 - The standard to issue a stay requires acknowledging the possibility that the gov could win on appeal but understood that there could be public harm.
 - While no public harm without a stay, there could be too much public work done to get ready and impacted by Covid.
 - Jen reminded decisions from different circuits affect their jurisdictions and may get adopted in other circuits.
 - Safehouse is in the 3rd circuit
 - We are in the 1st circuit.
 - Councilor Chong asked if there are municipalities that are seeking to operate a safe injection site or just this non-profit.
 - No government entities to Corporation Council’s knowledge.
 - Councilor Ray said people are racing to be second.

AGENDA ITEM 5 – Small Shelter Zoning

- At the last meeting planning presented the history of the smaller shelter zoning
 - Shelters allowed:
 - Shelters possible:
- Planning Board last saw small shelter zoning in 2017.
- Two tiers of proposed shelter zoning capping at 40 and capping at 20.
- Of the existing shelters, only one is in a zone where shelters are allowed.
- Small Shelter Zoning would look at:
 - All shelters subject to Planning Board review.
 - Greater predictability for B-2 and IS-FBC
 - Specific Conditional Use standards.
 - Site & building design needs to be fleshed out.
 - Relationship to other uses.
 - Relation with density and uses.
 - Licensing

- Lodging houses may inform this conversation.
- Outreach
- Residential zones are not the only zones that would be expanded but may be more controversial.
 - Uses permitted in residential zones are included in the packet.
- Many uses and how they fit together is being looked at.
 - Recode phase one is making some changes to definitions to help sync uses in terms of scale.
- Recode is looking at Lodging Houses.
 - Safety.
 - Licensing standards.

Committee Questions and Discussion

- Councilor Chong asked about the concentration of shelters on the peninsula and if there is a condition that new shelters must be “X” feet apart.
 - There is no spacing requirement or proximity requirement in current zoning.
 - There is a requirement for distance to transit: quarter mile or half mile. `
 - Licensing is more equipped to handle this and planning board wanted to see such information as they looked at this. (such as catchment areas).
 - Buffer zones and asking for spacing requirements has been part of the process and requested.
 - The shelter zoning expansion started from providers saying they would create shelters but none are.
 - We currently have an application for shelter in the B3.
 - It is part of the comp plan to spread out the responsibility of shelters.
 - Councilor Ray asked if applications before them would consider that aspect of the comp plan before zoning changes?
 - A board would likely not deny an application based on that part of the comp plan if the application meets the rest of the zoning requirements.
 - Comprehensive Plan analysis is would be central to zoning change discussions.
 - Councilor Chong is in favor of smaller shelters blended into neighborhoods. There were concerns about the number of visitors going into neighborhood developments; is managing number of visitor’s part of licensing?
 - There is a requirement for a management plan that include plans for staff and congestion for safety reasons.
 - Use of a space would address this more than volume. Capping beds is possible but visitors are difficult.
 - People don’t usually have visitors in shelter; only guests are allowed in the City shelters.
- Chair Ray asked how quickly can we get more specificity in small shelter zoning and move forward?

- o Director Grimando would like to loop back on the lodging house speak to see how much that can be a frame work for small shelters to efficiently move forward in parallel.
- o Housing Committee is looking at lodging houses in October.
- o Recode framework will help accommodate this work.
- o New zoning changes should start in the new code.
- o This could be a late 2020 action, fitting in a new land-use code.

Chair Ray opened up a public hearing at 6:57 PM.

- Jim Hall 47, Cedar Street: While drafting better rules around Portland's response to homelessness please keep in mind failed partner that created an open-air drug market. Preble Street doesn't align with the City's goals. They recently bought city owned property with the state purpose of breaking the land's covenant. While the City staff do what they can with the facility they have, all actors must meet standards before creating new shelters.
- Sarah Michniewicz 47 Cedar Street: It is a timely and important topic and was a huge leap forward when worked on in 2017. The City has finalized the plan for a homeless services center and the State is revamping shelters by 2021. It is stunning that licensing for shelters doesn't exist like it does for other high impact uses. Not having licenses has given no incentive to be a good actor which is seen in Bayside. Setting limits on shelter beds, strong and detailed regulations n neighborhood impact with enforcement should be included. Sheltering people well is the priority and that includes mitigating community impact. She encouraged the committee to prioritizing licensing going forward and not to allow new shelters without it.
- Carolyn Meegan 32 Melon Street: She urged the Council to consider licensing hand in hand with zoning. It is important to consider impact on community. There are a lot of other similar uses in the neighborhood including two of the eight houses on Mechanic street being sober homes. Bayside carries a lot and she thinks if what is happening in Deering Oaks, happened in a different neighborhood, the response would look different. Licensing and zoning need to be looked at hand in hand.
- Jess Falero. When we talk about homelessness we act and speak as if homelessness is a moral failing, not a systemic failure. People in homelessness experience housing instability for years with histories of trauma. People experiencing homelessness sustain themselves and add value to our communities. The shelter system is failing us; it is a larger issue and cannot be handled by just the City. People experiencing homelessness are not a burden and need to be talked about like humans. As a member of the unhoused community, Jess has experienced losses and the people who passed away due to lack of resources were not burdens, they were losses. The conversations do not take into account the hardships people experience. The tone of conversation can be more productive with unhoused people in the room.
- Peter Mcloughlin of Peaks Island asked about the public comment period and said it was unclear which item had public comment; he wanted to speak on overdose prevention sites. He echoed Jess Falero and said zoning issues are not siloed issues. He said while working on the zoning issues should consider the systemic solutions that are low cost or no cost. He said the committee and City leadership should treat people with humanity.

- Zach Berowitz of Hunter Street He has been reading the color of law which describes government actions and zoning used as legal means of segregation. He is suspicious that similar actions wouldn't be taken against the homeless and bureaucratizing the issue away from a solution. The City code doesn't need a scalpel but a meat axe; the recode communities should take up shelter zoning.
- Riley lives in the Westend. They think the language we are using is not helpful as it others and is ineffective. Instead of saying those affected communities, it is our communities; not us and them. Coming from a place of humanity and bringing people with experience in is helpful. The systemic issues in shelter that lead to abuse need to be talked about. They reiterated the importance of changing our language.
- George Rhault of Hanover Street. He identified himself as a downtowner, saying bayside was created as a term by a Racist planning consultant named Arthur Comey in 1943. He named it such when he put it up for demolition. He lives in west bayside which is not a neighborhood but a geography term. He echoed Mr. Berowitz where bureaucracy gets in the way showing how sill the zoning conversation is. He said that they are not making it way to make small scale shelters in the city and even if the committee was heling, the shelters would be hamstrung by costs. If the committee was serious about neighborhood problems, He said the worst actor in the neighborhood is a convenience store in his neighborhood selling cigarettes, snacks and physically destructive alcohol to homeless people. They are who are hurting homeless people in his neighborhood. He said that that bad actors aren't looked at because the goal is to keep well off affluent home owners away from poor people. He said that the city decided to stop talking making small shelters it until Covid forced it.

Public Comment period ended at 7:26 PM.

- Chair Ray noted questions and statements in public comment
 - o Language us important and will continue to try and be respectful of our communities,
 - o We always try and think holistically even if in meetings we talk about things narrowly.
 - o Sarah M. said with the state revamping their system, we may not want to do zoning now and suggested moving forward with a licensing piece.
 - Is it possible to move forward with just licensing as a buffer zone would ease some concerns of neighborhoods?
 - It could be applied to the current rubric even as the current rubric is expanded.
 - Director Grimando spoke on the recode and that some of this work is consistent with recode. licensing isn't expressly a recode item. The recode committee/public process would not look at licensing.
 - Nothing discussed tonight precludes recode or licensing efforts.
 - There will be more public discussion with Planning.
- Next steps
 - o Continue this process.
 - o New code: wait and be part of recode.
 - o Licensing

- Who drives licensing?
 - Jessica Hanscomb
 - Christine Grimando
 - Corporation Council
 - Kristen Dow
- The committee agreed to move forward and come back to finish in late 2020.
- Possible update in October with a possible vote in November.

AGENDA ITEM 6 – Committee Workplan

- Chair Ray listed the four items discussed tonight to determine the rest of the calendar year.
 - Safe injection Sites
 - Mental health is slated to talk about in October
 - Updates on Riverside facility.
 - General Assistance.
- Councilor Chong agreed and thinks GA is important and would like to hear from Bob Fowler on mental health and substance use. Councilor Chong would like more flexibility with GA for services other than rental assistance.
 - Nothing can be done with safe injection sites until there is a legal update.
 - Councilor Chong would like to prioritize Mental Health and General Assistance Reform.
- Councilor Ali would like the work plan to stay as it is in October and continue the conversation on safe injection sites; he would like to create a pathway for a nonprofit interested starting one.
- Chair Ray said since Councilors Chong is able to advocate for general assistance that General Assistance to receive a memo or time at a future meeting for him to advocate.
 - Wants to make a pathway for non-profits to open their own safe injection sites.
 - Councilor Chong would like to hear what the city can and cannot offer before taking public comment on safe injection sites.
 - Public Hearing on Safe Injection Sites in November.
- Chair Ray will draft a letter to the County Commissioners and get feedback from the committee and Mayor to be ready to send Friday

AGENDA ITEM 5 – Next Steps

- The next meeting is October 13, 2020.
 - Mental Health
 - Safe Injection/Overdose Prevention Sites
 - Executive Session.
 - Public Health Document Updated.
 - Update on Riverside Facility.
- The meeting adjourned unanimously at approximately 7:48 PM.