



Health & Human Services and Public Safety Committee

Tuesday, January 12, 2021, 5:30 PM
Remote Meeting

Councilor Tae Chong, District 3, Chair
Councilor Belinda Ray, District 1
Councilor Mark Dion, District 5

1. Announcements

a. Zoom invitation:

Please click the link below to join the webinar:

<https://zoom.us/j/98507289368>

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Webinar ID: 985 0728 9368

International numbers available: <https://zoom.us/u/acWAZi1OKH>

2. Review and Approval of Minutes from November 10, 2020

a. November 10, 2020 draft minutes

3. Updates

4. Small Shelter Zoning

a. Recommendations from Planning Department based on September, 2020 memo.

5. Shelter Licensing

a. Draft shelter license requirements.

6. Mental Health
 - a. Support Resources
7. 2021 Workplan
 - a. People's Housing Coalition
8. Next Meeting: February 9, 2021

NOTE: Since there are no action items on the agenda, there will be no opportunity for public comment at this meeting. Please feel free to send comments to members of the committee on any issue at any time via email. Councilors email addresses are available on the city website: www.portlandmaine.gov

The meeting can be watched online via livestream: www.portlandmaine.gov/livestream

Keep up to date with the new shelter design and planning process at the City's website

www.portlandmaine.gov/shelterplanning



Health & Human Services and Public Safety Committee Minutes

Tuesday, November 10, 2020, 5:30pm, Remote Meeting

Committee Attendance:

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

Councilors in Attendance:

Mayor Kate Synder.

City Staff:

Kristen Dow, Director of Health and Human Services; Christine Grimando, Director of Planning and Urban Development; Bob Fowler, Director of Public Health; Bridget Rauscher, Chronic Disease Prevention Program Manager; Adam Harr, Executive Assistant for Social Services.

Meeting called to order at 5:34 PM.

AGENDA ITEM 1 – Announcements

- Two staff are having internet issues and will join the meeting as they are resolved.

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 Expo transition and the current state of homeless services.
- Moved out of Expo on October 29th.
 - Joyce House contract was not ready at that point, but the hotel the City is contracting with MaineHousing to use was available.
 - OSS is at capacity with 75 people.
- Negotiations continue for the Joyce House.
 - Meeting yesterday with City and County attorneys to work through insurance.
- Councilor Ray and City Manager Jennings were in a regional meeting today and learned that the City shelter 539 people last night across the Family Shelter and Oxford Street shelter, including hotels.

Committee Questions and Discussion.

- Councilor Chong asked how many people were assisted with GA; what is the GA denial rate?
 - Will return with number of people.
 - We make up 5% of the population and have half of the state's GA clients.

- Denial rate was 8.1% going into the month of October and finished at 9.7%. The higher denial rate is due to applications at the shelter.
- GA assists with rental vouchers and other basic needs and is not limited to hotels.
- Housing counselors are working with individuals sheltered by the City to secure permanent housing.
- We are the only municipality operating a shelter and that has a GA office that is open seven days a week.
 - All municipalities are required to administer general assistance.
 - There is an afterhours line to access GA 24-hours a day, but Portland is the only municipality that is staffing seven days a week.
- People are not turned away from shelter.
 - Previously through our shelters.
 - Under Covid, people needing shelters assisted using hotels through GA.
- How many agencies are we working with to coordinate wrap around services?
 - 12 different agencies and four different city departments meet weekly.
- Councilor Ray asked about two questions from the public comment for topics not on the agenda at last night's City Council meeting.
 - During public comment for topics not on the agenda, a person said a number of people at the expo did not transition to a hotel.
 - Director Dow does not know of people that were not able to transit; hotels were offered to people staying at the expo. People can go to Oxford Street for shelter either at the shelter or in hotels. OSS remains our central location for intake.
 - Another speaker stated that there are some people who are "shelter-resistant."
 - The working group discusses how to engage people who do want to stay in shelter.

AGENDA ITEM 4 – Licensing and Buffers for Emergency Shelters

Overview of staff findings:

- Staff researched licensing for overnight or 24-hour emergency shelters (sleep overnight) throughout the country. The memo and staff research is not meant to be all-encompassing.
 - Only a few municipalities had licensing in place.
 - Community impact (litter, noise, etc.) were not considered.
 - Programmatic aspects not covered.
 - Guest behavior issues were addressed by criminal laws outside of licensing.
 - Some requirements covered in other municipalities licensing is covered in Chapter 14 of our City code.
 - Some differences found
 - No mandated buffer zone in Portland.
 - No buffer between any two shelters.
 - No cap on the number of shelter beds in the municipality or any one facility.
 - No restriction on guest length of stay.
- Brunswick began requiring shelters be licensed in 2019; existing shelters were exempted from the new requirements.

- Governing documents
- Affidavit
- Certificates
- Plans for the premises
- Ordinance limits the collective capacity of all homeless shelters in the town to 85 beds.
- 500 feet buffer between any two shelters.
- Licenses are good for a 5-year period.
- Phillipsburg, NJ
 - Licenses must be obtained by town clerk and are reviewed annually.
 - Licenses consider proximity to other public gatherings and traffic.
 - Licensing requirements enforced by the building director.
 - May only serve 15 people at once.
 - People can only stay for one month (capped per person).
 - Only permitted as an add-on, not the principal use.
- Oak Lawn, IL
 - Licensed annually by City Manager.
 - Statement that the shelter must make reasonable efforts to assist people previously living in Oak Lawn.
 - All operating entities must be nonprofit/free of charge.
 - Unlawful to provide medical treatment at a shelter.
- Zoning restrictions
 - Puyallup, WA passed a law which limited homeless service centers to 150 parcels of land in industrial zones with buffers to other shelters.
 - 500 ft. buffer to other homeless service centers, hospitals and businesses.
 - 1,000 ft. buffer to schools and childcare.
 - Monterey County, CA
 - Size limits and staffing requirements in operational plans which as similar to what is in the City's comprehensive plan.
 - Caps length of stay.
 - Establishes a buffer of 300 feet between any two shelters.
 - Requires off-street parking.
 - Newport Beach, CA
 - Requires must articulate target populations needs.
 - Allows shelters by right in areas designated for private entities and airport zones; conditional use needed for other zones.
- Relevant Portland City Code
 - Portland's Land Use Code (Sec. 14-474, enclosed) establishes the use-specific standards applicants must meet as part of the Planning Board review and approval of emergency shelters as a conditional use. It requires:
 - Management Plan outlining management responsibilities;
 - processes for resolving neighborhood concerns;
 - staffing;
 - access restrictions;
 - on-site surveillance;
 - safety measures;

- controls for resident behavior and noise levels;
- monitoring reports.
- City has ordinances outside of Chapter 14 that protect health and safety.
 - Sound oversight committee process for noise complaints.
 - Disorderly house process for rental properties.

Committee questions and discussion.

- Councilor Ray would like to decide the direction for staff to continue.
- Councilor Ali asked Director Dow if the municipalities that have a cap, do they use scattered sites and what were the caps for each shelter?
 - Staff did not find municipalities that have caps on the number of shelters, just the number of beds.
- Are any of these cities similar in size to Portland?
 - Large cities were discussed but were so much larger they were not deemed comparable.
 - Brunswick, ME has 15,000 people.
 - Phillipsburg, NJ has 14,000 people.
 - Oak Lawn, IL has 50,000 people.
 - Puyallup, WA has 42,000 people.
 - Monterey has 80,000 people.
- Councilor Chong would like our licensing in-line with recovery homes and rooming houses, more so than apartments.
 - Director Grimando said there is not licensing for recovery homes or lodging houses.
 - Perhaps the internal lodging house discussion may extend to this:
 - There is not a great template for this particular use or concerns.
 - Pulling from other lessons learned on licensing is informing staff discussions.
 - If we do shelter licensing would it affect lodging or vice versa? Which is easier to do?
 - The questions of easier and urgency is important to consider with some progress in lodging houses.
 - What gaps need to be filled?
 - How do we do it now?
 - Buffers, caps and spacing are one element.
 - What happens with a management plan after one is approved?
- What's the difference between a rooming house and a shelter?
 - Shelter is temporary overnight shelter explicitly to shelter homeless individuals.
 - A lodging house or rooming has so many niches; they are not explicitly for homeless people.
 - People pay to live in lodging houses.
 - No limit on occupancy time.
 - There are shared spaces but the occupancy refers to the rooms people rent out for more than a month (not short term).
- Councilor Chong asked if there are more people staying in shelter?
 - Roughly 50% more.

- Families are mostly individuals coming from the Southern border.
 - Director Dow will speak with staff on why the increased number of singles are reporting why they need emergency shelter.
- Councilor Chong asked if the City has done a recent Point in Time count of people sleeping outside.
 - Not since the pandemic started.
 - There are groups of people sleeping outside we are trying to engage.

Committee questions, discussion and requests for January:

- Councilor Ray would like to come up with some sort of licensing process. There are parameters set up that would allow renewals that could be refused if not meeting obligations.
 - Interested in annual renewal, biannual at most.
 - Buffers for shelter facilities.
 - Smaller facilities limited to how close they are to each other.
 - Limit number of beds that could be in a given radius.
 - Ensure we are not concentrating or segregating people based on socio-economic demographics.
 - Fleshed out requirements similar to what is found in the memo.
 - Interested in grace periods for shelters but is not exemptions for existing shelters.
- Councilor Ray would like specific recommendations from Director Grimando based on her memo in September.
- Does the above make sense to the committee and director Grimando?
 - Yes.
- Committee appointments will be and before the next meeting.

AGENDA ITEM 5 – Overdose Prevention Sites

Overview of available local resources:

- Bob Fowler, Director of Public Health explained the list on the memo focuses on programs that provide substance use disorder treatment specifically. While there is overlap with cooccurring substance use and mental health services and harm reduction services, such programs were not included.
- Capacity: when Maine Care was expanded many people gained health insurance but the residential treatment series did not have capacity to serve them.
- Program had changes in capacity due to COVID-19.
 - Some outpatient programs switched to telehealth which increased capacity for many people.
 - Telehealth highlighted inequities such as technology access.
- The continuum of care model describes levels and intensity of care:



Committee questions and discussion

- Councilor Chong asked if there is a bottle neck in Portland; where are we not meeting demands of people who need treatment?
 - Higher levels of care such as longer term residential care and medical detox programs.
- What can the City do to address these higher levels of care?
 - Note: residential care is a distinct term from recovery houses. Recovery houses are sometimes called sober houses or recovery residences.
 - It is unclear what the City can do especially with Covid and the need for physical distancing.
 - The state submitted a waiver to the federal government to allow go over the caps of those programs.
 - Review Medicaid rates for various levels of care.
 - Recovery houses have been a tremendous benefit; they are not treatment but mutually supportive housing focused on recovery. There hasn't been an increase in residential treatment capacity, but it has increased the ability to care for those who need it.
- Councilor Chong asked about the increase in overdoses, what can be done to mitigate this increase?
 - Real time collaboration and outreach efforts between service providers and other city departments maximizes capacity.
- Should more education and prevention can be done now?
 - Always more public education.
 - Increase telehealth: this helps work around barriers such as stigma and transportation.
 - Reducing stigma.
 - Engagement through services.

- Councilor Ray said that their recommendations that included training parks and rec staff and people who work in schools on recognizing adverse childhood experiences (ACEs).
 - Follow up to the workshop.
 - All children are experiencing trauma during Covid.
- Councilor Ali asked if we have data on all the providers in Portland?
 - Not in one location, but 2-1-1 has a listing of many of the services in Portland.
 - Information is not updated in real time. They update about every year or so.

Public hearing was opened at approximately 6:47 PM

- Caitlin Corrigan, Director of Health Services of Preble Street who works at the learning collaborative at 20 Portland Street. They support safe consumption sites in Portland because they are concerned for individual who use opiates and are at risk of overdose and death. Her team supports individuals with barriers to MAT and detox. All folks are worthy of dignity and respect no matter where they are on the spectrum of substance use. People using drugs in Portland are in unsafe spaces, outside and in areas where emergency services may not have access. An older gentleman was lost this weekend; she and her colleagues will miss him. He was trying to access detox. He didn't deserve to die because he was still injecting drugs.
- Cait Voghn of Woodford Street. Her mother used drugs during pregnancy; she uses drugs herself and cares many people who use drugs. She organizes with the Portland Overdose Prevention Society which was cofounded by Jesse Harvey who died of an overdose in September may he rest in peace and power. On this exact date five years ago she lost her colleague David and two weeks later lost her friend Shawn; may they rest in peace and power. She's lost count of loved ones and neighbors who have died in this way. She supports establishing sites in Portland. It is a public health intervention to drastically reduce death and people deserve the same rights to dignity, wellbeing, and safety as everyone. People who use drugs deserve respect. The primary function of safe consumption sites is for people to use drugs without criminalization or stigma. This conversation will include homelessness. Unhoused residents are most likely to benefit from safe consumption sites. The housing affordability crisis must be considered simultaneously with the overdose crisis, diverting funds from police to life saving services. She has had thousands of conversations with Mainers throughout the state. She urges this committee to recommend sanctioned safe consumption sites.
- Adam Rice works with Church of Safe Injection and Peoples Housing Coalition. He is in recovery and practices abstinence with hard drugs. Substance use services did not lead to his recovery; it was the day that he overdosed and was resuscitated from a member of his own community. 21 of the people who have died were close to him. He supports this and encourages people look at Portugal as a model where they used harm reduction to reduce instances of disease, death and addiction. He is also here speak on behalf of Jesse Falero as they were not able to speak at this meeting. They organized the organized the encampment at City Hall. They are grieving someone lost this weekend for the reason he is speaking today. This individual did not have to day; overdose is preventable and he urged the committee to support safe consumption sites.
- Elizabeth McCormack at 371 Preble Street in South Portland. She supports developing a safe consumption site in Portland. She is involved in community work that supports the unhoused community. Members of the unhoused community help each other and too

many have been lost to overdose. Why would we wait to try something that would improve public health and reduce the number of needles on the street. It will save money in the long run by reducing HIV infection. People who use drugs are valuable and are irreplaceable. Please develop a safe consumption site here.

- Kari Morisette Executive Director of the Church of Safe Injection and naloxone distributor. She is wearing two hats: harm reduction and personal. Harm reduction: a vigil was just held for 70 people lost in Portland; they were just the names that families gave permission to share and there are many more. She lost two community members shortly before the meeting tonight and three members are in the hospital with endocarditis. There is always a budget question, but how much does it really cost to send an ambulance to Narcan people and send them to a hospital? A safe consumption site could be staffed with volunteers. Adding those up, a safe consumption site would cost less. There was a confirmed Covid case at the India street needle exchange and she had to fill a gap when the exchange temporality closed; they were told by police they were not an essential service. They are a recovering heroin user and remembers the stigma around being a “junky” when she was a homeless, addicted prostitute at the time; she remembers the dehumanizing looks and comments that made her feel she could not do better. She is living with HIV from sharing needles. Having a place where you wouldn’t have to be ashamed to walk through the door would help. She said people removed from this are against it because they are afraid their property values will fall. A doctor in Miami intervened and told her she is worthy and enough; everyone wants to face the overdose crisis with treatment and sober living but it will never happen unless these people feel like they’re worthy.
- Kina Thakrar works at Bramhall Street in Portland and is a board certified addiction medicine and infectious disease physician in Portland. She advocates for safe consumption sites and has spent the last 12 years treating patients and studying the intersection of substance use disorders and infectious disease. She served in the infectious disease society of America that develops policy recommendations. People who inject drugs face a lot of fatal and non-fatal overdoses as well as conditions such as HIV, HEPC and endocarditis, a serious heart infection. It is one of their policy recommendations to expand access to safe consumption sites. Data show they reduce overdoses, link to care, and screen for STIs. These sites have been in existence for decades in Canada and Europe. They save money; the median cost for treatment of endocarditis at Maine Med is \$150,000. One study said you could save \$20 million over 10 years. She visited a site in Toronto, Canada that has a safe injection room with sterile equipment, screened for STIs, and reverses hundreds of overdoses over a few weeks. They are equipped to reverse drug overdoses and act as a gateway to treatment that can save lives in our community.
- Mollie Kravitz is a Portland resident a law student at UMaine School of Law. She is here to advocate her unwavering support for safe injection sites. Two months ago, she lost her best friend to a preventable death from overdose. Jesse Harvey was her second friend to lose to overdose. Using a seatbelt in a car, helmet while riding a bike, condoms with sex and masks with Covid reduce risk of injury and death from potentially dangerous activities. Unfortunately, Jesse succumbed to his substance use disorder. Jesse was a graduate student at the Muskie School of Public Service. He was the founder of multiple sober houses and the church of safe injection. Jesse had a right to life. The church fills a void for people experiencing substance use disorders, providing clean needles, naloxone,

testing strips and training. Why have these tasks fallen on the shoulders of youth and organizers? People are replaced by statistics. The fact that the church is saving lives, did not matter to police because those lives were deemed not saving; unnecessarily punitive laws and incarceration will not deter people from using drugs. Human life should be the priority. Regardless of drug use, people deserve to be treated with respect and dignity; they are not just addicts. The unhoused community in Deering Oaks Park have saved many lives. Safe consumption sites will not promote drug use. Using drugs is not a choice and even if it was, people have a right to life. The time to act was yesterday; lets make sustainable and fundamental changes that will actually make a difference using people first policies to those directly affected by them.

- Danny Kachonowski is a social worker and peer support specialist from Gray, Maine and services peer support services. He read testimony gathered from unhoused community members at Deering Oaks Park. On November 8th: “I’m sleeping outside on the sidewalk. I have a housing voucher and can’t find an apartment. I have three caseworkers helping me, so that’s four people trying to find an apartment for one person and we still can’t find one, so I’ve been sleeping on the sidewalk. A safe consumption site would benefit me because cops aggravate us out here a lot when we are trying to use out here, but we are homeless, this is the only place to do our stuff. Obviously, if we had a house, we’d be in tit, not outside in the public where people can see us. It’s not like we want people see us shooting up, but this is literally the only place have can go. We can try to hide it and stuff, but the cops seem to want to arrest us for being out here and doing it. So we end up in jail for the stupidest stuff. And that messes everything up because then we’re in jail and we are missing out on stuff that we need to be doing. I’ve personally been arrested for being out in public and having needles on me. You’re only supposed to have ten at a time, and I had way more in my bag. So they consider that paraphernalia and didn’t see me using. It was just sitting beside me and they still arrested me for it; they didn’t find drugs or anything. I was in jail for a week and a half. We could definitely use a safe injection site out here for people to go to and if something happens, we’d be right there where people know what to do. I’ve saved so many people; I’ve pushed people out the way who have no idea how to save someone’s life and I had to save them. There are a lot of people who use heroin and don’t know how to save someone’s life. It’s sad. They need to teach people how to do this; people who use heroin need to know how to do this because it’s not a joke. You literally die from this stuff and you need to keep people alive until the ambulance gets here, which I’ve done so many times. I’ve saved so many lives out here before the ambulance even got here. I’ve done it with my own mom for so many years and that’s why I know how to do it. It’s sad but true. I think the City leaders should be more lenient and talk to people about it more. There should be more people out here like us that have been though the stuff going on and relate instead of being stuck up about it. We don’t need that out here. We won’t even work with people like that. We don’t have time to listen to people who haven’t lived through this and have never even lived in a homeless shelter. We don’t need people saying we know this and we know that, because they really don’t know anything; we’re currently living it. We need more people out here who actually understand and talk with us, not who just try to give out their ideas and not listen to us.” I urge you to enact this morally imperative policy.
- Al Cleveland is a resident of Portland in the Riverton neighborhood and supports safe consumption site and urges the committee to work to get them going immediately. She

loves people who use drugs and have lost too many people to drugs. She urges the committee to think of the safe consumption site as something that helps all community members, not just those who use drugs. She will send via email the data for progress report that shows the role safe consumption sites play in Covid response; we need to preserve EMS and hospital capacity. Safe consumption can help with Covid testing and avoiding use in close quarters or outside. In the long run, safe consumption sites will save Portland residents and Maine residents money. Too many women and youth are incarcerated due to drug use because they did not have a safe place to go. She believes in the committee can find the political will to get us there.

- Maggie Bushard lives in Riverton in Portland and supports safe consumption sites. They would like to lift up voices in public comment. It is hard to say thing in public comment. They are a community member and an advocate for survivors of trauma and is tired of people needing to share their very personal experiences to drive efforts forward. In the ways they support survivors, they meet them where they're at and give space and time to build skills meeting people where they are at. They love people who use drugs and use drugs themselves. They feel when we meet people where they're at, we give people the autonomy to make decisions about their care and life; safe consumption sites do this. We need policy change and community spaces. They thanked the committee for the opportunity to speak and hope the committee can make it work.
- Olivia of Parris Street thanked the people who spoke before them; as a black queer femme, they understand the need to speak to issues that are triggering and traumatizing because the issues directly affect them. They support safe consumption sites.
- Kristen Silvia is an addiction medicine physician at Maine Medical Center but is speaking for themselves only. They treat people who have substance use disorder. Many of their patients have had great lives in recovery but many have died. Not all people are ready to stop using and we need to keep them save. We can only treat people who are still alive. There is overwhelming evidence of the benefits of safe consumption sites. Safe consumption sites prevent disease and overdose deaths. Establishing safe consumption sites will take great leadership from the City. Guided by the evidence, those that use and those that don't will be thankful for it.
- Asher Havlin is a resident of Portland and is taking their testimony to represent the story of a 19-year-old youth who is unhoused. "I've had foster homes, but I was kicked out of my house at age 12. I was twelve when I started using. I now use heroin and I did not use safely. When I came to Portland, I changed that and started using safely, because when I use, I don't want to die. I want to feel better. My family doesn't know that I'm addicted to anything. I always swore that I wouldn't turn into my biological mom and that I would be better than her. But I have an opportunity to either be like her or be different and I'm going to be different because I am going to use this story to fight for other people. I am an addict and very recently active. Just a couple nights ago, I MEDCU'd from the CTC with a suspected overdose. None of the staff were trained and they had to call the cops. Cops are great and they help a lot with certain things, but no drug use. I was planning on going to bed that night but I wasn't around other addicts. Even though I had Narcan on me, what would that do for me? No one is going to go through my pockets and say "oh, they have Narcan." Unless I'm at a safe consumption site, at which point they would have Narcan already ready. A lot times people just pass it off as "oh they were addicts, they used." Yes, that is part of me, but that is not who I am. I am also a daughter; I'm

also a person; I'm someone who has worked in the community and fought for the community. But I can't show this community that I use. I can't reach out for help from my own community because I would go to jail if I reached out; I would go to the hospital if I reached out: I'd go to a psyche ward; I'd go to jail; I'd get housing restrictions; I'd get voucher restrictions; I'd get job restrictions. What would be ideal for me about a safe consumption site would be a place where I could safely use without being harassed by police. I wouldn't have to use about using a dirty pipe and finding supplies off the ground. I want the City Council to know that your community members are out here. You get to go into your nice, warm house, your nice, warm office every day. I will sleep outside of your steps every day until you see me, and it's because I want attention. You want to know why I use? It is because I don't feel like I'm good enough. It's about making people feel like they're good enough. Regular society gets to feel like they're good enough every single day. If you get to go to work, you feel like you're good enough. I do not have a job right now, but I am trying to. But, how am I supposed to get a job when I am living out of a shelter. I don't even know if a house exists for me right now. I've had the three friends die of suicide to drugs. They died because they felt like they weren't good enough. Society says "you're a drug user; you're an addict. You're not good enough for us." I watched them load their last needle and smoke their last pipe with me. A safe consumption site would support me."

- Jake Kulaw works with the Portland Public Schools as a health teacher. They worked on the Portland Overdose Prevention Society. They spoke with the committee about a year and a half ago when it seemed like there was progress until the lawsuit. They are in recovery themselves and have been in recovery for 20 years free from substances. While they were not an injection drug user, there is a lot of stigma associated with it and the safe consumption sites would allow them to be treated with respect. People would be taken care of by trained medical professionals if they experienced an overdose. People need to be met where they are; someone may not be ready for recovery but eventually with the help of places like Insite in Vancouver. Harm reduction: condoms, bike helmets, and nicotine gum reduce harm. They have watched people die. There is criminalization of substance use when people need help. There was an illegal site in Vancouver that the police thanked because the police were having to revive people from overdoses. This can work and Portland can be a front runner.
- Marcy Main, Chair of the Poor People's Campaign. She doesn't like public speaking but this issue is important. She highlighted the importance of harm reduction and compassion. The Insight program in Vancouver said addictive patterns of behavior are rooted in alienation and emotional suffering. Both are part of our culture. We favor striving and acquiring over noticing and caring for one another; we end up short changing people who end up traumatized. People living in stressful situations are more likely to become addicts. The poor people's campaign is here to say we can do better. Each committee member received the Poor People's Jubilee Platform that claims moral policy is also economically sound policy. The campaign demands fully funded public resources to mental health and addiction recovery programs. It is exciting that this can happen in Maine. Everyone has a right to live and they believe everyone has a right to housing, healthcare, welfare, living wages in dignified jobs and the right to organize to realize those rights. We are human and the way we are treated has an impact on us.

- Sydney Avitia-Jacques is a renter in district 5 and a member of the Peoples Housing Coalition. They support safe consumption sites. They have lost family to addiction and have struggled with addiction themselves. While not to opioids, they learned the opposite of addiction is connection. They want to live in a City that prioritizes that and help people break out of shame and isolation. There were people at the encampment who overdosed but there were no deaths. That wasn't because staff or police were there; it was because people who use drugs were there who could help. People felt safe there because they could sleep the whole night without being asked to move. Safe consumption sites won't do everything but people know they will come into a space where they will be asked how their day is. To survive on the street here, some people feel like they have to use to get through the day; there is no amount of wishing will change that. They need help changing material conditions and safe consumption sites can do that. They are sure people will be opposed this because they don't want to see people using drugs or their property values fall; they would tell those people that they do not want to see preventable deaths.
- Dana Colihan of Hammond Street in Portland advocates for the creation of a safe consumption site in the city. They believe everyone deserve the right to live regardless of people use or do not use substances. We have the opportunity to prevent preventable deaths. We are facing multiple crises: covid, climate change, white supremacist backlash against the movement for black lives. Safe consumption sites can save lives; no one has ever died at a safe consumption site. Community members are saving each other every day. People are calling for peer support and safe space with a buffer zone where they won't be arrested; a place with medical staff that doesn't feel like a jail. They urge the committee to be visionary for the community and pass a safe consumption site.
- June Morvant lives on State Street in Portland and adds their support for the creation of safe consumption sites in Portland and save lives. People who use drugs are their neighbors, themselves and are people, period. They have seen infrastructure made for the benefit of tourists but not for people who live here. That support can be actualized through safe consumption sites and save people's lives.

The public hearing closed at 7:45 PM.

- Councilor Ray thanked those who spoke. She found what was shared powerful and was sincerely moved.
- This is the last committee meeting of this term; the makeup of the committee may change. This item will remain on the committee's work plan next year.
- Councilor Chong said it is difficult to speak in public, disclosing losses and traumas in public. It spoke volumes and was moving. It is more powerful hearing from the community firsthand than just statistics.
- Councilor Ali thanked those who spoke as well as the members of the committee.

AGENDA ITEM 5 – Next Steps

- The next meeting is January 12, 2020.

The meeting adjourned at approximately 7:55 PM.



CITY OF PORTLAND

Planning & Urban Development Christine Grimando, AICP, Director

To: Chair Chong and members of the Health & Human Services and Public Safety Committee

From: Christine Grimando, Director, Planning & Urban Development Department
Nell Donaldson, Director of Special Projects, Planning & Urban Development

Date: January 7, 2021

RE: Shelter Zoning Update

In the summer of 2017, the Health and Human Services (HHS) Committee and Planning Board considered expanding shelter zoning city-wide, with size tiers (20 beds in some zones, 40 in others) for smaller shelters. Those changes were not adopted or voted on. However, the Planning Board at the time indicated that it would reconsider the topic when additional information could be provided on impacts, outreach, and potential City licensing. The current HHS & Public Safety Committee has recently renewed discussion of both small shelter zoning and licensing. Previous workshops included overview of the 2017 process, and reintroduction of some areas of potential change to the last draft ordinance. Planning staff has since newly delved into further consideration of shelter zoning, with a brief summary provided below.

Preliminary Review of Best Practice in Shelter Zoning

In the Planning Board's review of the 2017 small shelter amendments, they identified the need for additional refinement of standards for emergency shelters before the amendments moved forward. In this vein, in the time since HHS's September workshop on this issue, staff has undertaken some preliminary research into zoning best practice around standards for emergency shelters and facilities for the homeless. Additional review is needed, but initial research yields a variety of zoning approaches, with regulations addressing a number of dimensions:

- **Scale:** Communities often attempt to control for scale of facility within their zoning ordinances, either by limiting the total number of beds (as was originally proposed in the 2017 small shelter amendments), or by limiting the total square footage of the facility or the square footage required per person (i.e. density). As noted in a previous memo on this topic, minimum lot sizes are another potential tool to ensure buffers, adequate space for operations, and mitigation of impacts in residential neighborhoods. Additional research into both shelter best practice and zoning tools to control for scale are necessary in terms of crafting policy which is both practically applicable and addresses concerns about facility size.
- **Concentration:** Often, communities include separation requirements within their zoning in an effort to control for the concentration of homeless shelters. Distances vary, but, for example, Green Bay, WI requires 2,500 feet between facilities, and Oklahoma City requires that staff identify all similar facilities within one mile. Less frequently, communities tie facility approval to population ratios (e.g. the population of the facility may comprise no more than x percent of the total

population of the associated census tract). Separation requirements may also be present in licensing standards, and it's generally recommended that spacing standards be housed in licensing rather than zoning standards.

- **Access:** Some communities, like Portland, include provisions requiring that shelters be placed in proximity to services deemed critical to the homeless population (e.g. transit), and occasionally some communities include requirements they be buffered from certain uses and facilities, such as schools.
- **Management:** As in Portland, many communities include provisions for good neighbor plans or management plans to address neighborhood impacts and develop mitigation strategies as necessary. Examples of these regulations include requirements that the facility operator participate in a neighborhood advisory group to build ongoing communication channels around shelter operations, that trash, smoking, and loitering are monitored and addressed, that the operator develop a 24-hour complaint response program, and that on-site security and CPTED (Crime Prevention Through Environmental Design) principles be employed. Portland's code already includes some of these provisions in zones where shelters are permitted as conditional uses.
- **Licensing:** Last, a number of communities use licensing as a means of both encouraging compliance with good neighbor plans and ensuring the health and safety of facilities.

Public Involvement

As part of the process of reviewing potential changes to shelter zoning, meaningful public input will be important. Staff has reviewed the approach of several cities where recent shelter zoning has passed, including Salt Lake City, where a significant initiative around homeless resource centers has resulted in two new facilities over the past several years. Salt Lake's zoning and development review process included open houses, neighborhood presentations, and surveys, and additional public engagement following the opening of the homeless resource centers.

Staff is continuing to research public involvement approaches, particularly in the current context of Covid-19, but initial thinking centers around the idea of a two-pronged approach including both a targeted web presence and outreach directly to neighborhood associations:

- A web-based interface would allow staff to broadly share best practices in homeless shelter design and operation from across the country (and examples of associated regulations). In addition, it could be designed to allow residents to share ideas about optimal locations for homeless services and provide input on neighborhood impacts. A survey component could be included. A web-based interface would build upon the work that the city has already done around emergency shelter siting and zoning.
- Outreach through neighborhood associations for staff to share findings of best practice research and facilitate a guided discussion zoning changes.

It should be noted that, in the review of practices in other communities, long-term public engagement around homeless shelters as they operate also seems critical. As noted above, successful case studies include tools to foster positive long-term relationships between shelters and the neighborhoods in which they reside.

Conclusion

Included as attachments is the small shelter zoning draft from 2017, as well as two previous memos on the shelter zoning process. Full materials for those meetings can be found at:

<https://portlandme.civicclerk.com/Web/Player.aspx?id=1418&key=-1&mod=-1&mk=-1&nov=0> and
<https://portlandme.civicclerk.com/Web/Player.aspx?id=1408&key=-1&mod=-1&mk=-1&nov=0>

There's no new iteration of the draft amendment proposed at this time. Previous communications to this committee in the past year included a summary of past initiatives, as well as considerations of potential improvements to the 2017 small shelter zoning initiative. Though in 2017 there was some research into best practices by other communities, Planning took a fresh look at this important policy consideration both from the perspective of successful shelter regulations in other parts of the U.S. and public involvement strategies. Next steps include incorporation of additional dimensional requirements and performance standards to the draft zoning, as well as initiation of public engagement.

Attachments

1. July 2020 Shelter Zoning memo
2. September 2020 Shelter Zoning memo
3. 2017 Small Shelters Draft Amendment



CITY OF PORTLAND
Planning & Urban Development
Christine Grimando, AICP, Director

To: Health and Human Services and Public Safety Committee

From: Christine Grimando, Director

Date: July 8, 2020

Re: Shelter Zoning Summary

Below is a summary of current zoning for emergency shelter, a timeline of shelter zoning deliberations including a set of amendments discussed in 2017 but not advanced, other supporting materials.

- On [January 10, 2017](#) there was an initial discussion with the HHS Committee and the Planning & Urban Development Director on where shelters were then permitted and their review process. A map of the B3 zone, where they were permitted as conditional uses, and potential additional Business and Industrial Zones to permit shelters in was included:
<https://www.portlandmaine.gov/AgendaCenter/ViewFile/Item/4495?fileID=20452>
- On [February 14, 2017](#) the topic was continued, accompanied by draft conditional use standards as well as maps showing transit corridor buffers: <http://me-portland3.civicplus.com/AgendaCenter/ViewFile/Item/4612?fileID=20912>
- The [March 28, 2017](#) HHS Committee meeting included a full package of materials that would form the basis of what was reviewed and adopted including a memo:

<https://me-portland3.civicplus.com/AgendaCenter/ViewFile/Item/4731?fileID=22931>

Revised use standards:

<https://me-portland3.civicplus.com/AgendaCenter/ViewFile/Item/4731?fileID=22932>

¼ mile transit buffer map:

<https://me-portland3.civicplus.com/AgendaCenter/ViewFile/Item/4731?fileID=22933>

½ mile transit buffer map:

<https://me-portland3.civicplus.com/AgendaCenter/ViewFile/Item/4731?fileID=22934>

And a map of proposed zones:

<https://me-portland3.civicplus.com/AgendaCenter/ViewFile/Item/4731?fileID=22943>

Maps of the ¼ and ½ mile transit corridor line buffers, as well as the zones where emergency shelters were recommended to be permitted are included as Attachments 1, 2, and 3, respectively.

- The **April 11, 2017** meeting was a continuation of the March discussion and included the same supporting materials. At the April 11th meeting the Committee voted to send the draft amendments to the Planning Board for their review.
- The Planning Board held a preliminary workshop on draft changes at their **April 6, 2017** in anticipation of the Committee recommendations, and a public hearing at their **April 25, 2017** meeting. The meeting materials include a report with background, existing language, proposed language, policy discussion, and supporting materials on shelter best practices: <https://me-portland3.civicplus.com/AgendaCenter/ViewFile/Item/4902?fileID=24197>

The Board voted (6-1) to recommend adoption of the changes to the Council. These recommended adding maintaining Emergency Shelters as a conditional use in the B-3 zone, as well as adding them to the following zoning districts: B-4, B-5, I-L, I-Lb, I-M and I-H.

The proposal also included expanded conditional use standards. Though emergency shelter permitted locations were expanded, the changes included a requirement that shelters be within ¼ mile of a METRO line or within ½ mile of METRO line if there is adequate indoor space for day time shelter use as well as strategies to help residents utilize transit. Other requirements include: adequate space for conducting security searches and other assessments; that the facility be designed with a centralized shelter operations office on each level providing sight lines to sleeping areas; a Management Plan; the provision of various on-site services such as case management, life skills training, counseling, employment and educational services, housing assistance, or other programs; the provision of suitable laundry, kitchen, pantry, bicycle storage, and secure storage facilities for shelter stayers; and outdoor areas for guest use.

- The City Council reviewed the zoning amendments on **May 15** (1st read) and **June 5, 2017**: <https://www.portlandmaine.gov/AgendaCenter/ViewFile/Item/6501?fileID=34541> (begins p. 213). Council adopted the zoning amendments as recommended by the Planning Board 8-0 (Duson absent). An amendment had been offered to limit shelters within 2.75 miles of Monument Square, but the amendment did not pass. The final order as adopted is included as Attachment 4.

Earlier iterations of the amendment excluded B-5b, but the final version sent to the City Council includes all subzones (map of final zones is included as Attachment 5):

EMERGENCY SHELTERS ALLOWED AS CONDITIONAL USES IN BUSINESS & INDUSTRIAL ZONES						
	B-3/B-3-b/B-3c	B-4	B-5/B-5b	I-L/I-Lb	I-M/I-Mb	I-H/I-Hb
Emergency shelters	●	●	●	●	●	●

- Shortly upon adoption of the new emergency shelter zone changes, the City Council, at their [June 19th](#) meeting, referred the topic back to the HHS Committee for discussion of zoning for small shelters. The associated memorandum sponsored by then Mayor Strimling is included as Attachment 6.

At a [July 11, 2017](#) meeting the Planning & Urban Development Director gave an overview of an alternative framework for shelter zoning, in this case retaining the new conditional use provisions, expanding where they could occur to city-wide (ROS excepted) but with size limits depending on the zone. A brief memo and draft proposal was included for discussion. Council members requested additional information on size requirements and additional visuals:

<https://www.portlandmaine.gov/AgendaCenter/ViewFile/Item/5140?fileID=26328>

- In addition to the zoning discussions taking place at this time, at the HHS Committee's [September 12, 2017](#) meeting there were discussions regarding a new City shelter. This meeting was not focused on land use code changes.
- At the HHS Committee's [October 10, 2017](#) meeting a revised zoning language for small shelters was presented, including changes to maximum beds, total number of size categories, and clarification on the applicability of design standards:
<https://www.portlandmaine.gov/AgendaCenter/ViewFile/Item/5458?fileID=27561>

A map of the potential shelter areas by size tier as presented in October is included as Attachment 7.

- On [October 24, 2017](#), the Planning Board held a hearing on new zoning amendments for emergency shelters, including the following size tiers:

Zone	Max. # of Beds
R-1, R-2, R-3, R-4, R-5, R-5a, R-6, R-6a, R-7, B-1, B-1b	20
B-2, B-2b, B-2c, B-6, B-7, IS-FBC	40
All other zones where permitted	No maximum

The Planning Board report, full text of the changes, and illustrative map can be viewed here: <https://portlandmaine.gov/AgendaCenter/ViewFile/Item/5512?fileID=27633>

Board deliberation touched on questions of public outreach, a wish to have other dimensional standards included, transit limitations, the viability of small shelters, and the impacts of new transient uses in residential zones. They were surprised by the timing of the proposal so soon after the adoption of amendments that had significantly expanded the geographic area and use standards for shelters. The Planning Board tabled the item, concluding they needed additional information before they could make an informed recommendation. They agreed to revisit it when it could be brought forward simultaneously with shelter licensing requirements.

Attachments:

1. ¼ mile transit buffer map
2. ½ mile transit buffer map
3. Draft shelter zoning map
4. Council Order
5. Zones as adopted map
6. Small shelter ES memo
7. Draft small shelter tiers map



CITY OF PORTLAND
Planning & Urban Development
Christine Grimando, AICP, Director

To: Chair Ray and Members of the Health & Human Services and Public Safety Committee

From: Christine Grimando, Director of Planning & Urban Development

Date: September 4, 2020

Re: Shelter Zoning Update

Following the July Committee meeting, below is a recap of current emergency shelter zoning, the previously proposed small shelter zoning, accompanying maps for each, as well as information on how other uses asked about by the Committee are currently addressed in the City's Land Use Code.

Emergency Shelter Existing Zoning

There are six emergency shelters currently in the City of Portland. Five are shown on the attached map, and a sixth, Through These Doors, serving women that have been subjected to domestic violence, has an address not mapped out of consideration of the safety of those it serves.

Portland's emergency shelters:

Shelter	Address	Zone
Family Shelter (City of Portland)	54 Chestnut Street	R-6
Oxford Street Shelter (City of Portland)	203 Oxford Street	R-6
Milestone Emergency Shelter (Milestone Recovery)	65 India Street	IS-FBC
Florence House (Preble Street)	190 Valley Street	Contract Zone
Joe Kreisler Teen Shelter (Preble Street)	38 Preble Street	B-3
Through These Doors		

In addition, there have been provisional shelter arrangements in the City, including overflow beds at the Preble Street Resource Center, temporary shelter beds provided by USM in the first months of Covid-19, and beds at the Portland Expo, in response to urgent conditions, but not planned as permanent

arrangements. An application for a new emergency shelter at the Preble Street Resource Center is currently under review.

An emergency shelter is defined by the City of Portland Land Use Code as:

Emergency shelter: A facility providing temporary overnight shelter to homeless individuals in a dormitory-style or per-bed arrangement.

Though a simple definition, requirements for emergency shelters are included as conditional use standards, specifically that they

- 1) provide adequate space for conducting security searches and other assessments;
- 2) be designed with a centralized shelter operations office on each level providing sight lines to sleeping areas;
- 3) include a Management Plan;
- 4) provide adequate access to and from METRO service, with maximum distances from a Metro line, and assistance to shelter guests for utilizing transit;
- 5) provide on-site services to support residents, such as case management, life skills training, counseling, employment and educational services, housing assistance, or other programs; include laundry, kitchen, pantry, bicycle storage, and secure storage facilities for shelter stayers on-site; and
- 6) include an outdoor area for guest use with adequate screening for privacy.

Zones where emergency shelters are currently permitted as conditional uses are:

EMERGENCY SHELTERS ALLOWED AS CONDITIONAL USES IN BUSINESS & INDUSTRIAL ZONES						
	B-3/B-3-b/B-3c	B-4	B-5/B-5b	I-L/I-Lb	I-M/I-Mb	I-H/I-Hb
Emergency shelters	●	●	●	●	●	●

In addition to the zones that explicitly permit emergency shelters, the B-2 zone allows for performance based uses, and the IS-FBC could permit them if the standards of the form based code were met, making it a potential use in each.

Per City Land Use Code, 7/9/2020



The small shelter zoning amendments that were last considered by the Planning Board in 2017 included two new tiers of shelter zoning, adding a maximum number of beds to a number of other zones:

All other zones that permit shelters have no bed # maximums. At the time, the Planning Board expressed a wish for greater public outreach on the topic, a wish to have other dimensional standards included, concerns about transit limitations, the viability of small shelters, and the impacts of new

transient uses in residential zones. They also wished to review the changes when there were licensing requirements were developed, for a fuller picture for how these would be regulated.

Planning staff's current assessment of the last draft is that it offers several positive contributions to the overall shelter zoning framework. These include making all shelters, regardless of size, subject to Planning Board review. Currently certain shelter proposals of a smaller scale would be reviewed as conditional uses by the Zoning Board of Appeals. This change makes for consistency in the review process for all shelters. The proposal also gives more certainty to the two zones where shelters aren't explicitly permitted, but could be allowed if they were to meet other standards. These include the B-2 and the India Street Form Based Code, which would be given size maximums and clear conditional use standards.

The draft submitted to the Planning Board included a section on design which read: *Design guidelines for emergency shelters may be adopted by the Planning Board. At a minimum, emergency shelters shall be sited to provide privacy for any abutting residential properties through screening, location of windows, siting of outdoor areas, and comparable factors.* The Planning Board may always adopt design guidelines, and the Design Manual contains some design standards for this use already (attached). Some of the design elements mentioned, such as screening, may best work in the Land Use Code, in the conditional use standards. This draft standard regarding design could use some additional teasing out and reworking before new shelter zoning is adopted.

Regarding dimensional standards, one of the areas of concern the Planning Board flagged, the maximum number of beds is one way that the overall size of the project will be determined, but there are other potential ways to set standards for size and neighborhood impact. These could include minimum lot sizes, minimum square footage per person sheltering at the facility, minimum outdoor space, and minimum standards for facilities. Similarly, staff has been discussing introducing additional lodging house requirements into the Land Use Code, into Chapter Six (Buildings), and into a licensing framework, with different requirements having their most appropriate place in each.

The Planning Board raised some other concerns worth addressing here, as well. One was the introduction of additional transitory uses to residential zones. This is sure to be a shared concern in many neighborhoods, but residential zones already allow for some non-residential, transitional, and institutional uses (see attached draft Residential Use table from ReCode Phase I). Adequate attention to scale, design, and mitigation of impacts will be critically important, but the use itself is not a drastic

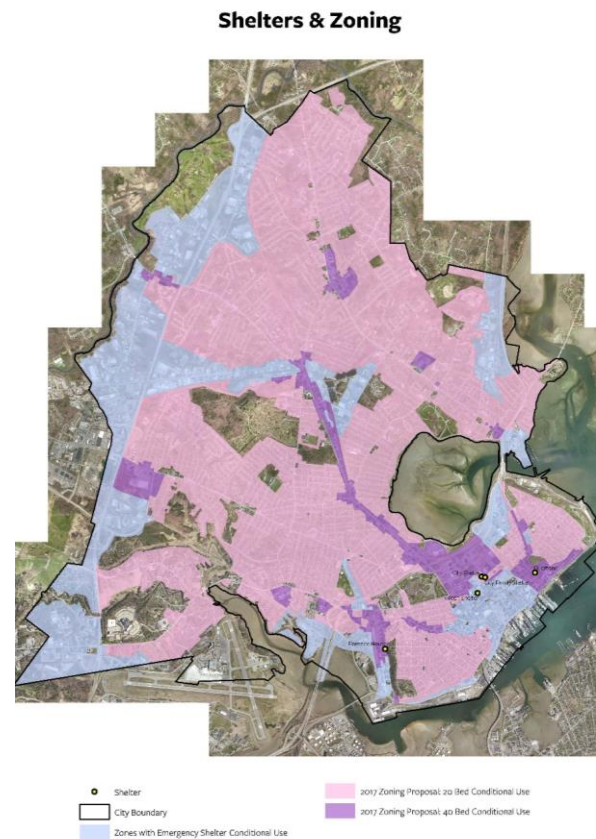


Figure 2, 2017 Small shelter zoning proposal + current shelter locations

outlier in the context of the full use table. It's worth noting that only one of the five mapped shelters is located in a zone that currently permits shelters.

The value of the proximity to transit requirement was also raised as a concern by the Planning Board and warrants some additional discussion. The principle of proximity to transit guiding land use decisions was not questioned, but whether our transit system was robust enough to support the proposal was. However, the proximity to transit standard is one that reinforces existing transit patterns and reinforces the City's land use and transportation goals for future growth in [Portland's Plan 2030](#), which identified major corridors and intersections of particular importance for new development and transit, and which largely align with current transportation corridors.

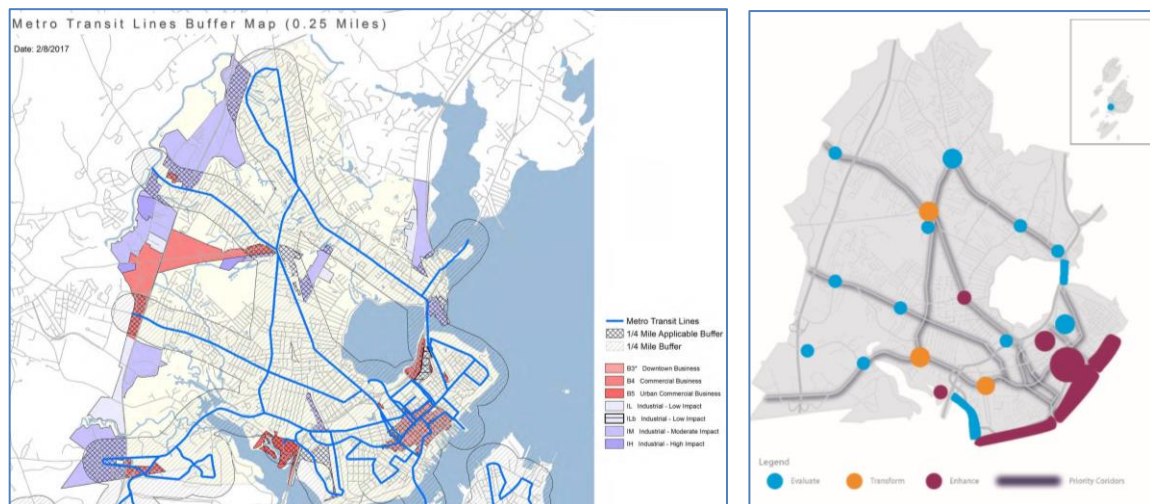


Figure 3, 1/4 mile metro line buffers/Portland's Plan priority corridors

In sum, there are some elements of the 2017 proposal that could benefit from some additional fleshing out around site design and dimensional requirements, but the overall land use framework for small shelters previously discussed is a solid basis to work from. This assessment doesn't evaluate questions of spacing requirements or other elements that would be incorporated into a complementary licensing framework still need to occur.

Finally, the Committee raised other questions about related but distinct uses, such as group homes, places that offer various supporting services, and others. Some of these uses are difficult and/or sensitive to map, and so there's not a corresponding visual at this time of the universe of accommodations and services discussed in July. However, a spreadsheet as an attachment is included that shows a range of related uses that offer accommodation and/or services, for discussion. It does not include changes to certain definitions included in the table that are being proposed as part of ReCode Phase I.

Attachments

1. Current Shelter Zoning map
2. Small Shelter Zoning + shelters map

3. Draft 2017 small shelter zoning amendment
4. ReCode residential use table
5. Design Manual excerpt
6. Accommodations spreadsheet

[TO BE ADDED TO EACH ZONE WHERE SHELTERS WILL BE PERMITTED]**Sec. 14-xxx.1. Conditional uses.**

The following use shall be permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses), and any special provisions, standards or requirements specified below:

(xx) xx. Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474 and the use specific standards of Section 14-474 (c) 3.

[TO BE ADDED TO THE NEW CONDITIONAL USE STANDARDS]**Sec. 14-474. Conditional uses.**

...

3. *Use Specific Standards.* The following additional standards of review apply to the specific uses.

a. Emergency shelters are subject to the following conditions, in addition to the provisions of section 14-474 (c) 2. Notwithstanding section 14-474(a) or any other provision of this Code, the Planning Board shall be substituted for the Board of Appeals as the reviewing authority for any shelter ~~also subject to Level III site plan review:~~

1. The facility shall provide adequate space for conducting security searches and other assessments;
2. The facility shall be designed with a centralized shelter operations office on each level providing sight lines to sleeping areas;
3. A Management Plan adequately outlining the following areas shall be provided: Management responsibilities; Process for resolving neighborhood concerns; Staffing; Access restrictions; On-site surveillance; Safety measures; Controls for resident behavior and noise levels; and Monitoring Reports.

- i. Adequate access to and from METRO service shall be provided. The facility shall be within a ¼ mile of a METRO line, or shall be within ½ mile of a METRO line and provide adequate indoor space to permit all shelter guests day shelter, as well as implement strategies to help residents utilize transit;
 - ii. The facility shall provide on-site services to support residents, such as case management, life skills training, counseling, employment and educational services, housing assistance, or other programs;
4. Suitable laundry, kitchen, pantry, bicycle storage, and secure storage facilities for shelter stayers shall be provided on-site; and
 5. An outdoor area for guest use shall be provided on-site with adequate screening to protect privacy of guests.
 6. Design guidelines for emergency shelters may be adopted by the Planning Board. At a minimum, emergency shelters shall be sited to provide privacy for any abutting residential properties through screening, location of windows, siting of outdoor areas, and comparable factors.
 7. The number of beds permitted in an emergency shelter shall be limited as follows:

<u>Zone</u>	<u>Maximum Number of Beds</u>
<u>R-1, R-2, R-3, R-4 ,R-5, R-5a, R-6, R-6a, R-7, B-1, B-1b</u>	<u>20</u>
<u>B-2, B-2b, B-2c, B-6, B-7, IS-FBC</u>	<u>40</u>
<u>All other zones where permitted</u>	<u>No maximum</u>

Sec. 15-12. Fees and expiration dates.

(a) Unless specified elsewhere in this Code, fees for licenses issued pursuant to this Code and the expiration date of each license shall be as follows:

Location in Code	Description	Fee	Expiration Date
. . .			
XXX	Emergency Shelters	\$XXX	Twelve months

[NEW ARTICLE]

[NEW SECTION]. Definitions.

Emergency Shelter: A facility providing temporary overnight shelter to homeless individuals in a dormitory-style or per-bed arrangement.

[NEW SECTION]. Licensing Requirements.

- (a) Chapter 15 to apply. Except as otherwise provided in this Article, the provisions of Chapter 15 shall apply to all licenses applied for and issued under this Article.
- (b) Operating without a license prohibited. No individual or entity may operate a homeless shelter within the City without first obtaining a license from the City, except that any homeless shelter in operation as of the effective date of this Article must apply for and receive a license within XX days of the effective date.
- (c) Burden of proof. The applicant for any license under this Article bears the burden of proving that all qualifications for licensure have been satisfied.
- (d) Current information. Any applicant or licensee must keep all information disclosed in their application current and must notify the City of any change in information within ten business days of any such change.

- (e) No vested rights. No person shall have any entitlement or vested right to a license under this Article, and operating a homeless shelter is a privilege and not a right in the City.

[NEW SECTION]. Licensing Authority

(a) All new license applications shall be reviewed and may be approved by the City Council. A public hearing shall be held prior to the issuance of any initial license.

(b) Renewal licenses may be issued by the City Manager or his/her designee without a public hearing. However, at the request of the City Manager or designee, or at the request of any member of the City Council or the Mayor, a public hearing shall be held prior to the issuance of any renewal license.

[NEW SECTION]. Review Procedures.

The following review procedures shall apply to both initial and renewal applications:

- (a) Applications shall be made in writing using a form prepared by the City for the purpose and must include all information required by this Ordinance and by the form. Applications shall be submitted to the City Manager or his/her designee.
- (b) If the City Manager or his/her designee determines that a submitted application is not complete, he or she shall notify the applicant of the additional information required to process the application. If such additional information is not submitted within thirty (30) days of the City Manager's or his/her designee's request, the application may be denied administratively with no further action.
- (c) Before the application is submitted to the licensing authority, the following City departments shall review the application and recommend to the licensing authority whether to issue, issue with conditions, or deny the license:
 - (i) The Police Department shall review to determine whether the shelter has created a public safety hazard or has had an unacceptable number of calls for service that could have been mitigated by appropriate management.
 - (ii) The Fire Department shall review to determine whether the shelter has created a public safety hazard or has had an unacceptable number of calls for service that could have been mitigated by appropriate management. The Fire Department shall also review whether there have been an unacceptable number of fire or life

safety violations, or whether there are any outstanding fire or life safety violations at the time of application.

- (iii) The Health and Human Services Department, to determine whether the Management Plan is adequate to meet all performance standards and requirements in this ordinance.
 - (iv) The Permitting and Inspections Department to determine whether there have been an unacceptable number of license or code violations, or whether there are any outstanding license or code violations at the time of application.
- (d) In reviewing license applications, the City Departments and the licensing authority may consider the approval standards under this Ordinance as well as other applicable local, state or federal laws and, for license renewals, the Licensee's record of compliance with the same.
- (e) Applications for renewal licenses shall be submitted at least ninety (90) days prior to expiration of the existing term. Any Licensee who fails to submit a renewal application by the applicable deadline shall not have authority to operate until a license is granted.
- (f) The licensing authority shall have the authority to impose any conditions on a license that may be reasonably necessary to insure compliance with the requirements of this Ordinance, to address concerns about operations, or to protect the health, safety, and welfare of the public. Failure of any Licensee to comply with such conditions shall be considered a violation of the license and this Ordinance.

[NEW SECTION]. Application Submission Requirements

Each applicant for a Emergency Shelter license shall complete and file an application on the form provided by the City, together with the applicable license fee as well as the following supporting materials:

- (a) Attested copies of any articles of incorporation, bylaws, operating agreement, management plan, partnership agreement or articles of association that govern the entity that will own and/or operate the Homeless Shelter.
- (b) An affidavit that identifies all owners, officers, members, managers, partners, and/or board members of the Applicant, and their ownership interests, if applicable.

- (c) A description of the premises for which the license is sought, including a plan of the premises.
- (d) The name and contact information for a community relations liaison, who shall be responsible for receiving and responding to inquiries from, and reasonably addressing concerns raised by, members of the public and other individuals.
- (e) The name and contact information for an emergency contact, who shall respond to all non-emergency contacts by the City within 72 hours of contact, and to any emergency contact by the City within two hours of contact.
- (f) A management plan describing the following:
 - (i) How the shelter will meet the performance standards and other requirements of this ordinance;
 - (ii) Management responsibilities;
 - (iii) A process for effectively resolving neighborhood concerns;
 - (iv) Staffing;
 - (v) Access restrictions;
 - (vi) On-site surveillance;
 - (vii) Safety measures;
 - (viii) Controls for resident behavior and noise levels; and
- (g) The most recent MaineHousing annual monitoring report shall be provided to the City with any renewal application.

[NEW SECTION]. Performance Standards

In order to obtain a license pursuant to this Ordinance, the Licensee shall demonstrate to the City Manager or his/her designee and all reviewing officials that the following requirements will be met, and must maintain compliance throughout their licensure

The Licensee shall comply with all of the following standards.

- (a) Display of License. The current License shall be displayed at all times in a conspicuous location within the Premises.
- (b) On-Site Supervision. On-site supervision shall be required for any non-apartment style emergency shelter, whenever clients are present.
- (c) Maine State Housing Authority Monitoring. Any Emergency Shelter shall participate in the MaineHousing monitoring program.
- (d) Adequate access to and from METRO service shall be provided. The facility shall be within a $\frac{1}{4}$ mile of a METRO line, or shall be within $\frac{1}{2}$ mile of a METRO line and provide adequate indoor space to permit all shelter guests day shelter, as well as implement strategies to help residents utilize transit;
- (e) The facility shall provide on-site services to support residents, such as case management, life skills training, counseling, employment and educational services, or other programs.
- (f) Maximum Density of Beds. The total bed capacity for individual residents within emergency shelters in the City shall not exceed XXXX within an XXXX mile radius. Distance shall be measured between property lines of the homeless shelters.
- (g) Proximity to Other Facilities.
- (h) Monitoring Reports. Each shelter shall quarterly file a management report with the Department of Health and Human Services containing, at a minimum, the following information:
 - (i) Number of unique individuals served at this specialized shelter
 - (ii) Total number of bednights accessed at this specialized shelter
 - (iii) Number of intakes during that reporting period
 - (iv) Total number of individuals who had previously been unsheltered and staying outside in Portland
 - (v) Total number of individuals served who experience untreated mental illness
 - (vi) Total number of individuals served who struggle with substance use
 - (vii) Total number of chronically homeless individuals accessing the shelter
 - (viii) Total number of individuals who are defined as having long time stayer status
 - (ix) The average length of stay

- (x) Number of housing placements
- (xi) Record of neighborhood concerns and resolutions
- (xii) Summary of meetings with individual neighbors, neighborhood associations and businesses
- (xiii) Number of crisis calls for service
- (xiv) Number of Criminal Trespass Order issued
- (xv) Record of police calls for service related to mental health, substance use or other reasons and outcomes
- (xvi) Any additional information requested by the Department of Health and Human Services.

Enforcement and Penalties

- (a) This Chapter shall be enforced by the City Manager and his/her designee(s).
- (b) Any municipal official with authority to enforce this or other municipal ordinances regulating Emergency Shelters shall have authority to enter the premises of an Applicant or Licensee without notice to make inspection reasonably necessary to ensure compliance.
- (c) Each day that a violation of this Chapter exists shall be a civil violation subject to civil penalties. Each violation of this Chapter shall be subject to civil penalties in the minimum amount of \$100 and the maximum amount of \$2,500 per day that the violation has existed. However, the maximum amount of civil penalties may be increased where: (i) There has been a previous violation or judgment against the same party within the past two years for a violation of this Article, except that the maximum civil penalties may not exceed \$25,000 per day; or (ii) The economic benefit resulting from the violation exceeds the applicable penalties, except that the maximum civil penalty may not exceed an amount equal to twice the economic benefit resulting from the violation.
- (d) The City Manager or his/her designee is authorized to cause to be instituted by the corporation counsel, in the name of the City, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this Chapter.
- (e) If the City is the prevailing party in any legal action to enforce this chapter, the municipality must be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust.

[NEW SECTION]. Appeals

- (a) Where the City Manager's designee is the licensing authority, appeals from the grant or denial of a license shall be taken to the City Manager pursuant to Sec. 15-9.
- (b) Appeals of the suspension or revocation of a license, or of a notice of violation issued pursuant to this Article, shall be to the City Manager pursuant to Sec. 15-9.
- (c) Where the City Council is the licensing authority, appeals from the grant or denial of a license shall be taken to Superior Court.

[NEW SECTION]. Severability

The provisions of this Ordinance are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.

Support Resources:

Maine Statewide Crisis Hotline

1-888-568-1112 (Voice) or 711 (Maine Relay)

The Maine Crisis Hotline helps to stabilize individuals and families while assisting in crisis resolution and action planning. If you are concerned about yourself or about somebody else, call the 24-hour crisis hotline and speak with a trained crisis clinician who can connect you to the closest crisis center.

For more information visit: www.sweetser.org/.

NAMI Maine Helpline

1-800-464-5767 (Press 1)

The NAMI Helpline is a safe and confidential mental health service for peers, law enforcement, professionals, friends and family members. It provides support, education and advocacy for anyone with questions about mental health concerns. Helpline available Monday - Friday, 8:00am to 4:00pm.

For more information visit: www.namimaine.org.

helpline@namimaine.org

Intentional Peer Support Warmline

1-866-771-WARM (9276) or 711 (Maine Relay)

The Intentional Peer Support Warm Line is available toll-free from anywhere in Maine, 24 hours a day, seven days a week. It is a mental health peer-to-peer phone support program offering mutual conversations with a trained specialist who has life experience with mental health and/or substance use issues and recovery. The focus is to encourage and foster recovery, moving toward wellness and reconnecting with community.

For more information, [visit the Office of Behavioral Health](#)

OPTIONS program:

<https://www.maine.gov/governor/mills/news/mills-administration-announces-options-initiative-support-maine-people-substance-use-disorder>

StrengthenME:

207-221-8198

<https://www.strengthenme.com/>

We believe that there are several things the Health and Human Services and Public Safety Committee can do immediately to address the growing concerns regarding community members who are unhoused and community members who use drugs. We hope that these recommendations can be the first step of a longer conversation aimed at collaboratively responding to the crisis of homelessness and unsafe drug use like the emergencies they are.

1. Repair and reimagine the shelter system

- a. City shelter staff must be trained in de-escalation and trauma-informed care from experienced professionals outside of city staff.
- b. Work with the unhoused community, service providers, and community organizers to develop immediate plans to create additional shelters. Eight shelters have closed in Portland in the last two decades, while only two new shelters have opened.
- c. Create an oversight committee/advisory board of people experiencing homelessness and community groups/service providers to advise the city council and staff on changes and improvements going forward to the shelter system and other issues impacting people experiencing homelessness and substance use.

2. Put an end to the use of CTOs on unhoused people seeking shelter

- a. CTO stands for Criminal Trespass Order, although the “infractions” that lead to a CTO are frequently not crimes. The current use of CTOs is cruel and unusual punitive punishment. It must be replaced with trauma-informed care and restorative justice when necessary. The shelters must be safe, but CTOs do not keep the shelters safe. They contribute to further violence and suffering in the unhoused community.
- b. While staff are being trained and policies reimaged, the Department of Health and Human Services must immediately:
 - i. reverse the 2019 decision to increase CTOs from 6 months to 12 months. No one should be banned from the shelter for a year for having a bad day.
 - ii. restrict the power to give CTOs to veteran shelter staff. New hires should not have the same level of authority.
 - iii. make public their policy for staff use of CTOs and the infractions. The current powers are broad and unclear. Shelter residents deserve transparency around policies that affect their survival.
 - iv. hold a public hearing on CTOs with input from shelter residents, affected people, and service providers.

3. Provide a clear and transparent timeline for the construction of the new shelter

- a. The city should provide updates to the public beyond inaccessible council meetings such as posting information clearly on the city website, in buildings like the GA office and Oxford Street Shelter, and providing regular updates to social service providers, community organizers, and local media.

- b. Proactively seek substantial input from people experiencing homelessness, so that this new shelter works to repair rather than perpetuate the systemic issues in Portland's shelter system around xenophobia, racism, sexism, transphobia, homophobia, ableism, and other forms of discrimination and oppression.

4. Guarantee overnight indoor space for anyone who needs it

- a. Stop turning people away from hotels because they owe money to GA.
- b. Stop kicking people out of hotels for minor policy violations like having visitors, especially when these policies haven't been shared with them.
- c. Stop turning people away due to the appearance of being under the influence, being searched and having paraphernalia, or overdosing.
- d. Provide all the services folks would receive at a Portland shelter to hotels in South Portland and all other locations. People should not be denied regular meals, case management, or other essential services because of where they're staying. Work with the City of South Portland to coordinate essential resources, such as South Portland's community para-medicine program.
- e. Decriminalize camping out and sleeping outside, especially while not everyone can access shelters.. Additionally, police need to stop trashing people's things when they are found sleeping outside, and instead have a system for preserving people's belongings, connecting them with resources, and giving them a reasonable amount of time to move locations if they must. Existing while poor should not be a crime.

5. Plan for permanent affordable housing led by impacted people

- a. Change calculation of the Area Median Income, which is currently calculated based on the greater Portland area, to be more specific to communities where people need affordable housing. For example, you could break it down by zip code to make sure that housing deemed "affordable" is literally affordable for people working and living in that area.
- b. We need programs to support housing stability after folks become housed. Specifically, we believe peer-support-based programs would be effective.
- c. Increase budget for rental assistance programs in 2021 and do everything in the city's power to decrease evictions.

6. Learn about harm reduction organizations in Portland and how their work is vital to the safety of our community

- a. Schedule a meeting with local organizations actively engaging with people who use drugs who are often unhoused and criminalized for their drug use. We recommend meeting with the Portland Overdose Prevention Society to learn about harm reduction

services being offered in the community as well as several plans to expand syringe service programming (formerly referred to as needle exchange programs) in Cumberland County.

- b. Align the city priorities with the State of Maine's Opioid Response Strategic Plan and work to ensure that all harm reduction organizations in Portland can access state funding for harm reduction services.

7. Defund the police and reallocate funds to essential services

- a. We support Black P.O.W.E.R.'s demands and believe the solutions we are proposing are steps towards this demand. Criminalizing and brutalizing Black, Indigenous, and people of color in poverty is cruel, unnecessary, expensive, traumatizing, and consistently makes it more difficult for people to find stability financially and mentally. We should fund the solution, which is housing and support-- not the problem, which is making it a crime to exist while poor and Black.