



Health & Human Services and Public Safety Committee Minutes

Tuesday, March 9, 2021, 5:30pm, Remote Meeting

Committee Attendance:

Tae Chong, Chair (District 3), Belinda Ray (District 1), Mark Dion (District 5).

Councilors in Attendance: April Fournier (At-Large)

Mayor Kate Snyder

City Staff:

Keith Gautreau, Fire Chief; Frank Clark, Police Chief; Anne Torregrossa, Associate Corporation Council; Aaron Geyer, Director of Social Services Adam Harr, Executive Assistant for Social Services; Christine Grimando, Director of Planning and Urban Development; Jessica Hanscombe, Licensing and Housing Safety Manager.

Meeting called to order at 5:32 PM.

AGENDA ITEM 1 – Announcements

- February Minutes:
 - o Councilor Ray moved to accept the minutes; Councilor Dion seconded and the minutes were accepted unanimously.

AGENDA ITEM 2 – Updates

- 1,355 GA applications in February
 - o Denial rate is low at 6.4%.
- OSS nightly census down at 22 individuals due to positive cases and using hotels.
 - o Contracted hotels average 91 per night in February.
 - o GPH continues to do testing at OSS and Westbrook Fire is doing testing at the contracted hotel.
- Family Shelter:
 - o 20 families for 65 individuals onsite at the shelter on Chestnut Street.
 - o 67 families of 207 individuals in local hotels.
 - o 22 new families for 69 individuals in February.
 - 9 new families so far in March.
- Barron Center:
 - o Outbreak closed on February 24th.
- Needle Exchange
 - o 432 exchanges.
 - o 21,197 needles collected.
 - o 23,164 needles distributed.
 - o 218 Narcan doses distributed.
- CDBG funded Resettlement Coordinator position is posted and is closing today.

- Deputy HHS Director is posted and closing March 24th.
Committee questions and discussion.
- Councilor Ray asked how many single adults are in our shelters because 91 looks low.
 - This does number not include general assistance hotels.
- Councilor Ray asked what the third position the needle exchange is looking to hire.
 - It is a full time community health promotions specialist.
- Councilor Dion asked about the ratio of needles collected at drop boxes vs those at transactions with patients.
 - Hypodermics management: he is concerned about the efficacy of the drop box program and the rate of recovery at a box vs an exchange context with staff.
 - Numbers are small
 - There is anxiety in the public on abandoned hypodermics; he wants to frame this through facts.
- Councilor Chong is impressed by our GA acceptance rate at nearly 94% and being on pace for one-to-one needle exchanges. The Resettlement Coordinator position demonstrates the

AGENDA ITEM 3 – Shelter Licensing

- Licensing Authority
 - (a) replaced with language from other licensing areas.
 - (b) put back in that renewals shall be processed by Permitting and Inspection unless someone asks to put it on the City Council agenda, consistent with liquor and entertainment licensing.
 - (c) puts all renewal licenses for City shelters in front of the Council to address public process.
- Review Procedures
 - Changed “adequate” to “more likely than not” in (ii) and (iii).
- Application Submission Requirements
 - Added (g) which asks if an applicant has experience running a shelter in Portland or elsewhere and to describe it.
 - Reformatted (vii) security, safety and protection measures.
 - Concern about access to video of private areas; it is for review of public spaces.
 - (j): Compromised on the longer distance to transportation but as part of the application, applicants must demonstrate how they will help clients access.
 - Open more areas to a shelter but shelters must explain how clients will access their shelter.
- Performance Standards
 - (d) removes the distance requirement, but applicants must help people access transit.
 - (e) requires day shelter and allows alternative indoor shelter space within ¼ mile.
- Monitoring reports.
 - Subsection 1 and 2 cleaned up mistaken language.

- o Committee asked shelter reporting number of CTOs, reason and length, and of the person issued a CTO had had a CTO issue to them previously.
- Domestic Violence Shelters
 - o Tried to protect confidentiality while also making sure shelters fit the goals of the ordinance.
 - There are other ways to accomplish this such as exemptions or exemptions at a certain size, etc.
 - Looking to speak with DV providers to make sure it meets their needs.
 - o Items most likely requiring a waiver to help
 - Description of the space
 - Number of beds
 - o Waivers must demonstrate how the waiver would affect health and safety.
 - Waivers for removing identifiable information: distance to shelter could reveal where the shelter is.
 - Demonstrate why a waiver is required and why public health, safety and welfare won't be impacted by the waiver.
 - Council can grant waiver if it demonstrates it wouldn't hurt public health and safety
 - o Appeals
 - Clarified an appeal at permitting and inspections would go to the Council and an appeal at the Council would go to Superior Court.

Committee questions and discussion

- Councilor Ray asked about the waiver process and day space.
 - o Waiver is domestic violence only.
 - o Day space provision allows for a waiver if they can contract with an alternative within ¼ of a mile.
 - o No general provision for a waiver in licensing.
- Councilors Ray likes how day space and metro are spaced out.
 - o Requiring to be within ¼ mile of metro is still in zoning and will need to be addressed.
- Councilor Ray asked about monitoring reports and the feedback that they would be onerous. How many of these things are already tracked for MaineHousing?
 - o 9 or so are and this will be highlighted at the next meeting to demonstrate what extra is being asked of shelters.
- Councilor Ray asked if the Police Department is able to isolate calls from the shelter itself and third parties based on its logs.
 - o It is possible and can be worked out through process.
 - o Does PD make a record of police calls available to shelters to be able to report to the council on a quarterly basis?
 - Moving to a new platform and it should be possible.
 - This is not currently tracked at OSS.

- It would be an addition and doable. Some calls are not calls because the duty officer is on-site.
- Consider what the best mechanism is to get this information?
 - Entities report it themselves?
 - Directly from PD on a quarterly basis?
 - Whatever is easiest to get the information.
- Councilor Ray gave background that in 2017 the City expanded zoning of where emergency shelters of any size could exist to allow for a centralized intake to replace the Oxford Street Shelter. The Council then looked for how to allow smaller shelters and zoning to open up the entire city to shelter beds of some size. This request was for zoning to the planning board and licensing simultaneously. Licensing was important to make sure there was a balance without concentrating in any one area. Planning board did not want to take it up until licensing was ironed out. This was part of the 2019 and 2020; having been delayed by the pandemic, the committee is able to take it up now.
- Councilor Dion says it is helpful if the police department supplies raw data for calls for services. The chief could then engage operators around their facility's data.
 - Patrol officers will use the most familiar address which could affect data.
- Councilor Dion has met with shelter providers and their public comments are in the public record.
 - Balance is a key principle between neighborhood interests, public safety and X
 - Fear of the criminalization of people who are unhoused/homeless.
 - Expectation public safety maintained.
 - Considering the abutting neighbors quality of life and the interests of hosting neighborhoods is reasonable.
- Councilor Dion said for all the externalities there is not much concern for what is happening inside the facility.
 - If we are truly concerned for the unhoused we should have some language indicating a floor for the level of service we expect from license operators.
 - Providers submitted comment on blind spots.
- Councilor Dion said we haven't address adverse fiscal impacts on existing facilities.
 - We should solicit this information from existing shelters.
- Councilor Dion has received emails that a moratorium would be appropriate for the bayside neighborhood to acknowledge the burden they have had.
- Grandfathering
 - There is not enough clarity in the renewal language.
 - Needs to be explicit to what we mean by grandfathering.
 - Should have a sunset provision attached to it?
- Domestic Violence Shelters
 - Some of our concerns around externalities are not in existence with that.
 - There are tangible threats of outside parties coming to the shelter.
 - If the PD is called it is more likely than not to be about the shelter and they should not be penalized for it.

- Mayor Snyder said that elected officials are stewards of neighborhoods and this licensing demonstrates that.
 - Mayor Snyder thinks the request for a moratorium in the bayside neighborhood should be discussed.
 - Costs should be considered
- Mayor Snyder asked if the inclusion of indoor space gets at programming or simply the need for day space.
 - There is a huge lack of day space in the city, making it essential.
 - There needs to be day space in a shelter to allow someone to exist outside of a bed.
 - Day space separated into its own requirement so that it isn't only required for shelters over ¼ from a METRO stop.
- Councilor Dion requested that people submit written public comment ahead of the meetings.
- Councilor Ray thinks it makes sense to have another public hearing before voting on this and encouraged written public comment before the meeting.
- Councilor Chong said this licensing will apply to the City. It is not just about safety for the community but safety for the clients and staff. A lot of programming is answered in the ordinance and there are programming funding requirements.
 - What are the fiscal hardships?
- Councilor Ray is interested in the comments on a moratorium on Bayside. Should Corporation Council look at its legality?
 - Councilor Dion thinks it would take work between planning and legal but it could be achieved.
 - He thinks the proposition might have merit and should be explored.
- Chief Gautreau said that in a memo Director Dow said that staff would come back on bed density at the May 11th meeting. He asked if the committee would like licensing to wait for the May meeting to address all at once.
 - Councilor Ray agreed to come back to licensing in May and will accept any information given earlier.
 - The committee agreed and Councilor Dion suggested that service providers address density before that meeting.
- Councilor Ray said her understanding of the grandfathering is an attempt to say any shelter that is open now will not close, for example if they exist in a buffer zone. Licenses are not transferable to new locations.
 - She does not want to grandfather nonconforming uses forever.
 - What should staff be looking at?
 - All shelters would need to meet the requirements except for those that are already open would not need to meet bed density.
 - Everyone would need to get a license.
 - Councilor Dion said that on something he was working on there was a specific section on grandfathering.
 - It is unclear amongst the operators.

- We want to say if they are operating in a particular space, they are protected.
- People that read the rules want specific language with a heading alerting them.
- Anne will put it into its own section using language without the history “grandfathering” has.
 - Director Grimando noted that the term grandfathering has a racist history. It’s rooted in attempting to limit enfranchisement of black voters.
- Councilor Dion hopes HHS would consider language on an expectation of a basic level of service in the facility.
- Councilor Ray asked which items are already needed to produce for MaineHousing monitoring and what is “extra.”

AGENDA ITEM 3 – Shelter Zoning

- Planning board in 2017 thought small shelter zoning needed more time.
- There was a draft in 2020:
 - Implementable and rational.
 - Would allow small shelters up to 20 beds or 40 beds, depending on zone.
- Left the last meeting to get community feedback.
- Preview of the unpublished outreach webpage:
 - Story map on shelter zoning.
 - Overview of 2017 zoning expansion beyond B3.
 - Can zoom in on the map.
 - Explains zoning and what does.
 - Current shelter policies and locations as well as how they have change over time.
 - Looks at shelter policy elsewhere.
 - Zoning
 - Comparative look at what kinds of zones and districts are permitted today.
 - Licensing
 - Scale
 - Shelters are smaller in residential zones.
 - Management measures.
 - Noise
 - Trash
 - Management plans
 - Neighborhood committee
 - Complaint process.
 - Design review
 - Specific to shelters (Portland has broad review and some is done but not specific to shelters.)

- o Separation requirements.
- Small
- Where we are now links to background information.
- Ends on a survey.

Committee questions and discussion.

- Councilor Ray thanked Director Grimando and asked what questions are we asking; what feedback are we soliciting? What is the timeline for that feedback and where is that feedback going?
 - o Survey is short and asked about a person's neighborhood and residence.
 - o Asks if a person is homeowner or renter.
 - o Interactive map with a placeable pin asking people to locate where they think a shelter should be located and why.
 - o Asks context question on where it feels best (where would a 20 bed shelter best fit.)
 - o Timing: live this week and feedback to taper after three weeks.
 - Come back with results in May.
 - o Apprise planning board of where we are in the process within the next month or two.
- Councilor Ray asked when draft zoning may be ready.
 - o It is not starting from scratch; if comments really don't work with it they will change, but this survey asks questions to bring the current framework to the next level. There will be a window to make changes.
- Councilor Chong recapped that we will get survey information in May.

AGENDA ITEM 4 – Next Steps

- The next meeting is April 13, 2021.

The meeting adjourned at approximately 7:15 PM