



Health & Human Services and Public Safety Committee

Tuesday, May 11, 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 Information:

Please click the link below to join the webinar:

<https://zoom.us/j/96496508092?pwd=c1JURTIpQVgrbGlEejg5enB0RjdyZz09>

Passcode: 032258

Or One tap mobile :

US: +19292056099,,96496508092#,,, *032258# or
+13017158592,,96496508092#,,, *032258#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or
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Webinar ID: 964 9650 8092

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International numbers available: <https://zoom.us/j/96496508092?pwd=c1JURTIpQVgrbGlEejg5enB0RjdyZz09>

2. Review and Approval of Minutes from April 13, 2021

a. April 13, 2021 Draft Meeting Minutes

3. Updates
 - a. HHS Updates
4. Bayside Shelter Moratorium
 - a. Staff Update
 - b. Public Hearing
 - c. Committee Questions and Discussion
5. Shelter Licensing
 - a. Staff Update
 - b. Committee Questions and Discussion
6. June 8, 2021 Agenda Planning
7. Adjourn

NOTE: There will be opportunity for public comment at this meeting on a proposed moratorium on new shelters in the Bayside neighborhood. 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, April 13, 2021, 5:30pm, Remote Meeting

Committee Attendance:

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

Councilors in Attendance: Andrew Zarro (District 4), April Fournier (At-Large)

Mayor Kate Snyder

City Staff:

Kristen Dow, Director of HHS; 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; Bob Fowler, Public Health Director.

Meeting called to order at 5:34 PM.

AGENDA ITEM 1 – Announcements

- March 4, 2021 draft workshop minutes.
 - o Councilor Ray moved to accept the minutes; Councilor Dion seconded and the minutes were accepted unanimously.
- March 9, 2021 draft meeting minutes.
 - o Councilor Ray moved to accept the minutes; Councilor Dion seconded and the minutes were accepted unanimously.

AGENDA ITEM 2 – Updates

- March totals for the City's General Assistance Program:
 - o Total Applications: 1685
 - o Number of approvals: 1392
 - o Number of denials: 81
 - o Denial rate: 4.81%
- Oxford Street Shelter:
 - o OSS average nightly census: 28
 - o Contract hotel average nightly census: 76
- Overview of the Family Shelter:
 - o Number of on-site at the family shelter: 24 families/72 individuals
 - o Number of families at local hotels for shelter overflow: 69 families/ 219 individuals
- March totals for the Needle Exchange Program (NEP) are as follows:
 - o Total number of exchanges: 497
 - o Total number of needles collected: 27,655
 - o Total number of needles distributed: 31,175

- o Total number of Narcan doses distributed: 113 kits (226 doses)
- o Public Health staff have modified Portland NEP exchange policy to retain 1:1+ exchange model, but increase no-exchange limit from 10 up to 50 syringes per exchange*
 - This recommendation was made based on their review of materials, our current operation practices (access 7 days per week) as well as feedback from the staff working the exchange.
 - * This change is while the governor's executive order remains in place.
- o Staff will Consider a rebranding of the Portland Needle Exchange Program to something more reflective of the integrated nature of the service.
- Clinic Numbers:
 - o STD Clinic: Patients seen: 111, new patients: 37
 - o PCFC: Patients seen: 82, new patients: 15
- Resettlement Coordinator interviews completed last week.

Committee questions and discussion,

- Councilor Ray asked if there is any follow up from the Needle Exchange workshop.
 - o Staff recommended continuing with a one-to-one plus model, increasing the allotment from 10 to 50.
 - o Proposing name change to be consistent with syringe services programs.
- Councilor Dion requested the monthly update numbers posted; Director Dow will write a memo.
- Councilor Dion asked about outreach as more people will move to encampments.
 - o What is the status of street outreach with the loss of volunteers?
 - o One staff member goes out with the mobile medical outreach team.
 - Ongoing weekly outreach.
 - o Outreach done by community partners.
 - o Creating an engagement board to coordinate with other syringe services programs.
- Councilor Ray is happy to hear the 10 has been increased to 50. She hopes this can be a regular part of the updates. She is interested in the engagement board and updates as vacancies are filled.
- Councilor Chong requested knowing where needles are collected.
 - o Councilor Ray is interested in knowing the number of needles collect from sharps boxes versus the ground.
 - o Number of needles collected this year is much larger than last year.
 - o We have 22 needle boxes and will install more in bathrooms.

AGENDA ITEM 3 – HHS Facility

- Director Dow gave background on the department's goal to consolidate the department to break down siloed and duplicative work dates back to 2004. She and the Social Services Director toured the space a year ago but the process was derailed by Covid.
- Director Dow addressed comments made at last night's City Councilor meeting that criminalized our clients, saying they would be a danger to college students. She as worked in the clinic and the characterization of out clients cannot be further from the

truth. She understands there will be neighborhood concerns and will be meeting with neighborhood associations and coordinate a public meeting with Portland Downtown.

- Public Health staff currently work at India Street, the Rieche Community School, and the Cummings Center.
- Maintenance staff work across worksites at India Street and Lancaster Street.
- Prevention and Diversion program has the funding to hire but not the space for staff to work.
- Lack of a space has impacted
 - Need a counseling room.
- Ongoing maintenance issues.
 - There have been water issues at India street for years and the clinic had to close for 10 days in November.
- 39 Forest Ave is 37,000 square feet. GA is just over 10,000 square feet and India Street is 6,000 square feet.
- There are three entrances: one for staff, one for Social Services and one for Public Health.
- There will be no metal detector at the needle exchange door; there will be a metal detector at GA.
- Public Health will be on the first floor.
 - Large training room has many possibilities for client education.
- General Assistance and Prevention and Diversion will be on the second floor.
- The building is accessible to people who use wheelchairs. Accessibility has been an issue at India street; it is difficult to get through the entrance doors.
- Staff parking will be at the Spring Street Garage.
- The Facility will be open 7 days a week on an average from 8:00am to 7:00pm. It will not be open 24 hours per day and will not have overnight accommodations.
- Co-locating will increase health equity.
- Some minor repairs need to be done before moving operations.
 - July 1 for GA to start.
 - HHS staff from City Hall and Reiche move in July.
 - Clinic operations will move by November 1st.

Committee Questions and discussion.

- Councilor Ray asked what is the total number of employees moving into this space?
 - 84.
- What has been the feedback from staff who will be moving?
 - Very positive. Clinic staff, managers and GA staff have visited and are excited.
- Councilor Ray likes the room for growth.
- Councilor Ray asked about the phone number; will it be 24 hours?
 - Yes. The line goes directly to the shelters which is operate 24/7 and Social Services Division Managers rotate on-call responsibilities.
- Councilor Ray commented that the price per square foot is a deal.

- Councilor Dion wants to make sure we have done the work that's necessary including addressing abutters.
 - It would be helpful for Chief Clark assess security in and around the facility.
 - Chief Clark has toured the building.
 - It is important for the Chief to assert what any real public safety concerns are.
 - The City went through a continuous process when services changed at the India street clinic.
 - He would like client and patient feedback be solicited.
 - Poll the patients asking if the move would impact their relationship with care.
 - He said it makes sense for the programs but wants to see details.
- Councilors Chong asked about services that exist in the area already.

Public hearing opened at 6:27 PM

- Anita Stewart of 23 O'Brian and the Portland Stage. They want to recognize the dignity of everyone in the community. They understand the benefits of consolidating programs but feel left out of the process, as neighbors. Inclusion could have helped the process. They have children in their programs and want to know how it will be safe. Students are in their building 6 days a week. They have shows at night with 200 attendees who then walk back to their cars late at night, many of whom are elderly. She wants to know if it is safe for children to be next to a needle exchange is concerned about what happens when the facility is closed. She understands there is a number to call but thins it won't be helpful. She wants to work with the City to make sure her students and patrons are safe.
- Jonathan Culley of Redfern Properties which is working with MECA on a project at 45 Forest Ave which shares an alley with 39 Forest Avenue. He said the process is insufficient with a total public process of only 4 weeks. The project would change the environment where services are delivered. What will be the impacts on the Arts district? Does colocation of so many services spread the burden or concentrate the burden on the needihood. The process for finding the homeless services center took years and was a public process. He urged the council to view the proposal to be more than a realestate transaction and consider the people impact with a public process and outreach.
- Donna Yellen, social worker and Deputy Director of Preble Street at 38 Portland Street is the deputy director of Preble Street and asks the committee support the move of HS programs under one roof. It will be accessible on foot on the peninsula and bus lines. Space and meeting rooms were needed before the pandemic. During the Covid pandemic, people needing assistance has to wait outside. Having the space to socially distance indoors will solve this. There were surprising statements last night. It's always a challenge when people seeking services are misunderstood.
- Sarah Michniewicz of the BNA is looking out her window to the General Assistance parking lot. It is empty like it usually is. There are legitimate concerns but she does not see that activity around the GA office. The City controls the space and the area around it. Concerns about residence halls: the current GA office is sandwiched between two high

schools and an early education center. Having everything being co-located helps with issues of people lingering. The current office is a labyrinth and is very confusing. Security issues need to be paid attention to.

- Cullen Ryan of Community Housing of Maine (CHOM) has served homeless populations for 34 years and applauds this move. He is familiar with the clientele that seeks services; treating people with dignity and respect is important. The way services are delivered now has people waiting outside on full display. It requires waiting one place only to need to travel to another. Having service in one location will treat people with dignity and respect. One of the things about the homeless services center, is that it will treat people with dignity and respect; this move is in keeping with that and he fully supports it.
- Rebecca Hobbs of 1251 Congress Street and Executive Director of Through These Doors, a domestic violence resource center in Cumberland County. She was particularly moved by Director Dow's presentation tonight: her expertise and her concerns about negative stereotypes. She agreed with Cullen Ryan, Donna Yellen and the neighbor Sarah. The victims of domestic abuse would benefit from one centralized location and thinks it is a good move.
- Harold Pachios is an attorney at Preti Flaherty Beliveau and owns a building on Forest Avenue near this location. He is struck by the discussion that if you oppose it, you are ignorant. It is about people but also about planning and real estate. Looking at the plan for the city that considers many things including social services. He is against this because he had planned to build something on his lot nearby; if this happens it would not be as good as a fit and would affect him economically. He would like the process be slowed down and think of alternatives. He was part of the task force in Washington in the 1960s that created the war on poverty. He spent a lifetime serving the democratic party. This is a land use issue. If you think downtown is where the social services center should be. Some people think this is the Arts district.
- Elizabeth McCormack of Smith Street in Portland. She is concerned about what the security staff would look like. Everyone deserved safety: art students, unhoused people, and drug users. Unhoused people face harassment from police and security services. People with mental health issues are much more likely to be killed by police. She understands security has been a part of these facilities but thinks now is the optimal time to examine its use. She is interested in knowing more about the whose input was sought in the planning process: were clients surveyed, etc.
- Jayden Brasure of Cumberland Street is speaking in support of the proposal and is sickened by the ideology characterizing the homeless population as criminals/bad people. Real estate fighting the placement of this feels like a modern form of segregation.
- Heidi Souerwine appreciates the abutter engagement piece. She lives closeby. This doesn't seem planned with a lot of other moving parts. She can't help but think the City is purposely creating another social services corridor. For people who don't live in West Bayside, the planning can be jarring but West Bayside carries a high burden already. Consolidating services is a good and the end of the lease was known. The impact on the area will be significant and would like time to understand what the impact will be. Did

the City explore any other neighborhoods and did the City explore any other properties?
Is the city balancing impacts?

- Beth Ellicker is the Executive VP of Maine College of Art acknowledged that there are real benefits to consolidating services. They are asking for a broader consideration of location. They have concerns as they have plans for a project adjacent at 45 Forest Ave which would house 180 students. 500 students, 100 employees and 1,200 community members exist across their 5 buildings. They have a green space at the backside of the Oak Street entrance. Their population moves regularly between Congress and Cumberland with 24/7 student access. Students travel between them at night and they feel a sense of responsibility for safety. They respectively request a slowdown of the process and to consider other neighborhoods.
- Joey Brunelle of 61 Kellogg Street thanked Director Dow for the presentation which answered all of his questions. A lot of the drama at last night's meeting was from a lack of information and communication. There was little communication with abutters. The first the publicly heard of this was in the packet or the paper which did not include floor plans and other information. As there was no public comment planned for this meeting, he and others felt the need to give an agenda'd comment last night and misunderstood parts of the proposal because it wasn't shared. It was only after last night that public comment was added to this meeting. It needs to be a public process.
- Jason Tropp, resident on Mechanic Street is not debating the benefit of consolidation. He asked because it is similar to the project on Riverside, is it possible that this derails that project? said there is a possibility of creating an L shaped corridor for clients to pass through. There is already heavy foot traffic that affects residents such as needing to pick up human feces. It feels rushed and that this decision is being driven by a lease deadline. This building is not technically in Bayside but it is close; the consolidation of services did not work there. That is with scattered sites and this is under one roof.
- Tori Errington on Row Avenue in Portland. They said public comment can be difficult. We are talking about people and often time it seems like we are not. Does the City's Public Health Division Engage with the community on where to deliver services. Does having security guards at the door create a welcoming environment? Why are we spending money on this when we don't have public bathrooms? We are funneling more money to the police. It's not going to be great for unhoused people to have security guards at the door.
- Erin Kiley thanked the committee for taking public comment. It is emotional for the clients and abutters while people see each other's sides. Some concerns could be allayed if Director Dow shared what issues did occur at the various locations as they suspect people think there are more than there actually are. Also, how many people would be accessing the location at any given time?
- Jim Hall of Cedar Street said consolidation is good for people seeking services. People walking from one location to another is when people get preyed upon. He takes offense at being told he is weaponizing people while being concerned for his own safety. Security protects the clients at the Oxford Street shelter and not just the neighbors. Bayside is

unique with one ways and Forest Ave would have much more foot traffic to mitigate issues. Was this really because a lease is up?

- Ben Strick of the Rosemont neighborhood and Spurwink. Spurwink is excited to see the City consolidate services. Our staff walk clients back and forth between India Street and GA multiple times a day. There will be a benefit to staff and clients. He thinks there's a misconception of what will be located there. It will not be a homeless shelter. It will serve families, students, there are struggles in the bayside neighborhood but those are very different than what would be seen here due to the services offered in the space.
- Diana is a client of the Teen Center on Preble Street. It is hard waiting for food, standing outside during winter. As much as she hates being homeless, she shouldn't be hated for being homeless. Everyone is trying to be housed and be functioning members of society and doesn't appreciate the negative comments.

Public comment closed at 7:17 PM.

- Councilor Ray answered questions:
 - o What will security look like at this facility:
 - Who it will be: There is no security at India Street for lack of need. Director Geyer explained there are two security staff at Social Services. They have had security since 2006, contracting out before switching to two City staff members in 2017. We have two staff, one at the entrance and one patrolling the building.
 - This is a civilian security service.
 - The only entrance with security is for Social Services.
 - o What was the process and were other buildings considered?
 - Director Dow and Director Geyer happened upon this location in February of last year and progress got supplanted by Covid. Contacting the owner, it was still available.
 - o Per the plan for the riverside homeless services center, there is a planned triage and referral center on the peninsula.
 - o Jason mentioned a Jennings proposal for ultra-low barrier housing.
 - Councilor Ray to follow up with Jason.
 - o The \$280,000 is the current cost plus the rent for the prevention and diversion program. This will be spent if we move or not.
 - Councilors Ray invites the commenter to email her to discuss public restrooms.
 - o Do we currently have a lot of calls for service occurring at the current locations?
 - We do not.
 - Chief Clark said the most frequent call type is for building alarms.
 - 19-44 calls for service per year at 196 Lancaster Street over the past three years. Some calls are happening outside and the address is used as a landmark.
 - Between 8 calls per service to a high of 18 in 2020 at India Street, mostly for alarms

- Several at India Street were from burst pipes or staff going through secure doors and one was the wind blowing open an unlatched door: 12 in total.
 - Are there any land-use issues?
 - This use is compatible with zoning use requirements.
- Mayor Snyder clarified that the cost comparison is based on rental. Regardless of location, the city will be spending this money. Costs for renovation and moving is not part of this comparison. She is happy to share more information on bathrooms throughout the budget process. She thanked the committee for having this conversation. The City of Portland have so many services and professional staff; these thoughts have been happening since 2005. The City's Council's job is to work with professional staff and engage with constituents. On Friday the memo was posted, covered in the media on Saturday, preliminary thoughts were shared last night and a thorough presentation was given tonight. It may seem like everything is being rushed, but the Councilors take this very seriously. The resolution passed in February of 2020 called for a triage facility on peninsula. We are talking about daytime services into the evening but not into the night to a really broad audience of people.
- Councilor Fournier thanked the committee. She had a different idea coming into this meeting and Director Dow's presentation answered many questions. She works with families in her day job and appreciates trying to find a way to removing barriers to the services people need, Her main question is understanding where the process goes from here. It feels very condensed with a posting 4 days ago and less than 24 hours' notice for public comment. When we looked at other big projects, there were full council workshops. The mayor mentioned professional staff have had the opportunity to work through all of this and that would be helpful for her. From here, where does this go? The visual presentation wasn't in the packet and hopes it can be uploaded. Does it go to a full council vote next?
 - Process for HHS and communication:
 - Initial communication was tonight's meeting.
 - Throughout the next couple of weeks into the beginning of May have talks with the public including neighborhood associations.
 - Director Mitchel is finalizing the terms of the lease with the landlord and Corporation Counsel.
 - The lease would need to be voted on by the full Council.
- Councilor Ray asked if it is possible to do a neighborhood meeting with notice. For the public, the district and at-large councilors and abutters to attend.
- Councilor Ray said it was brought up in Public comment that the Lancaster Lease is up in June. Is there a way to get more time if needed?
- Councilor Ray said it is really hard to be careful with language, but it is important. We will do our best to get the language right, but we will still make mistakes.
- Mayor Snyder said that the full council would like to be engaged and will work with Councilor Ray to bring people to the table.

- Councilor Dion asked Director Mitchel if there is some flexibility for a grace period in the leases. He heard that one commenter believes her comment being taken was just a courtesy and the decision had been made. Knowing what the grace periods are, the actual timeline, would help.
- Councilor Chong reminded the public that HHS has been looking to this since 2005 and planning this since 2020. Throughout the process we have had to respond to asylum seekers and covid-19 and are searching for an assistant director; this was off their radar until checking to see if it was still available. The price of the building is phenomenal. It is healthier for the clients and staff. He agrees to creating a better process and wants to know what happens if we don't renew the lease.
 - If we do not renew the lease on Lancaster; what does that look like?
 - Staff.
 - It's not out of place even if it's in the Arts District. When there are more calls for service because of alarms, that doesn't translate into a security concern.
- Next steps
 - Community outreach.
 - Information back from Greg Mitchell on if there is a grace period in the lease.
 - Larger dialogue at the council level.

AGENDA ITEM 4 – Shelter Moratorium Discussion with Corporation Council

Memo:

<https://civicclerk.blob.core.windows.net/stream/PORTLANDME/5da0320af5.pdf?sv=2015-12-11&sr=b&sig=yuHZ%2BNt%2FZJrirN5s7hx71Zwzdf13nIre9aSwjPNL1nU%3D&st=2021-05-07T13%3A56%3A36Z&se=2022-05-07T14%3A01%3A36Z&sp=r&rsc=cache&rsct=application%2Fpdf>

- Community members expressed interest in a moratorium on new emergency shelters in Bayside and this presentation on moratoriums.
- Recently did a moratorium on Munjoy Hill and one for Marijuana facilities.

Committee questions and discussion,

- What is the time frame for a moratorium?
 - 180 days with the opportunity to extend by another 180 days.
 - It is his understanding that moratoria are to give time for the City to catch up with regulation.
 - This could be used while the City finalizes shelter licensing.
 - Can these be location based?
 - Yes.
- Councilor Ray considered the “WHERE AS” statements on why this would be necessary and the goal would be to have this until licensing is in place.
 - In terms of a timeline, as soon as possible is better.
 - Could the committee submit suggestions to Corporation Counsel and Corporation Counsel have “where as” statements at the next meeting?
 - Would the committee vote to recommend to the full council?

- Usually would get consensus from the committee before drafting but will take this direction.
- This is normally a 2 read but Corporation Counsel can check to see if this could be an emergency one read.
- It makes sense to limit this to a geographical.
- Councilor Dion could support a moratorium
 - Bayside residents need assurances of an effective barrier while licensing is finalized.
 - At the same time, he doesn't want to hurt out capacity to respond to emergency needs.
- Councilors Zarro asked about the maximum moratorium.
 - It is possible to extend a moratorium a third time past? Yes, but it must meet requirements.
- What is the typical time frame an emergency shelter goes from proposal to approval?
 - A conditional use approval.
 - Building permits to a certificate of occupancy
 - Licensing (once it's in place.)
- Director Grimando explained it can be as quickly as workshop and a public hearing. There is noticing requirements for the paper and the public.
 - It is unlikely to see a proposal to finalized project in 180 days.
- Councilor Zarro asked if this is a bridge to licensing and the difference with the Munjoy Hill demolition moratorium?
 - Munjoy Hill development was imminent.
 - Both are preventative measures to be put in place for new regulations.
 - Licensing for Shelters,
 - Zoning for Munjoy hill
 - Regulations for marijuana.
- Councilor Ray said it generally takes three to four months to go from submitting a proposal to it getting approved.
 - Once something has had its first meeting it has moved to pending/proceeding status.
 - Once it has that pending/proceeding status, new regulations won't apply to it.
 - There is potential for more imminent possibility.
 - We don't want to hamstring our ability to respond to emergencies. This could be a moratorium on permanent emergency shelters so we are able to respond to emergencies as we with asylum seekers in the Expo.
- Councilor Dion sees rather than a bridge, a moratorium would give Bayside safe harbor as licensing is worked out.
- Councilor Ray thought of potential for public harm: facilities developed without adequate day space presents potential harm to clients if they have to be somewhere else during the day. As our ordinance is currently written, day space is not required if a shelter is within a quarter mile of a metro line. Our zoning is deficient in this area and creates public harm. This is not geographic and raises a different concern.

- Councilor Dion learned upper forest is in bayside; it would be helpful to get a tight geographic boundary for Bayside.
 - The boundary can be established as needed.
- Councilor Chong would not support this. It is a triple assurance that we will limit the number of shelters.
- Councilor Ray said that the council does not decide.
 - If someone submitted materials and have an initial review with planning board, they would no longer be bound by anything the City Council passes.
 - Director Grimando clarified that pending/proceeding is established deepening on who is doing the review.
 - Subject to staff review is
 - Subject to planning board review
 - Once a project is in pending/proceeding they are no longer subject to new regulation.
 - Attorney Torregrossa clarified that pending/preceding does not mean there is a vested right. If the law changes, they can be made retroactive. Licensing can be made applicable to existing businesses. She does not prefer from a legal perspective to use retro activity, but it is possible. Simply being in pending/proceeding status within the one month does not mean it is untouchable.
- Councilor Ray asked of Corporation Counsel would ever advice retroactivity.
 - It would not be Attorney Torregrossa's first choice.
- Councilor Ray would like to pursue it and supports moving it to the full council.
- Councilors Dion would like to pursue it; the history of the neighborhood demands we take some sort of action.
- Councilor Chong asked how many new shelters the have been created in Bayside in the past 10 years?
 - The city has added capacity.
 - The new Preble street shelter.
 - There are rumors of another proposal.
- How quickly can a moratorium go into effect?
 - You can skip the committee process and waive a second read, if the council chose to do so; it could be done in one meeting.
 - The moratorium on new buildings abutting parks in r6 and the moratoria on Munjoy hill and marijuana all went straight to the full council.
- Should Corporation Counsel work on moratorium language for the committee to vote to recommend? Going to the city council without the committee would require speaking with the mayor to get on the council agenda.
- Councilor Dion wanted to have this discussion to see what is possible with a mortarium. He thinks it should be sorted out at the committee and wants proposed language from Anne.
- Councilor Ray would like the moratorium to pass. She would like to see it to go straight to the Council but will also agree to having it come back to the committee.

- Councilor Chong requested Corporation Counsel draft language.

AGENDA ITEM 3 – Shelter Licensing Updates

- Bed density and shelter proximity:
 - Met with shelter providers for feedback and some residents for feedback.
 - Looking at what licensing means for our shellers in their current locations.
- Councilor Dion requested that pre-existing shelters have their own section.
 - Lawfully operating with all required permits and approvals.
 - Operating a conditional use approval that is not expired
 - Operating with a change of use that has not expired.
- Bed density would not disqualify a shelter and proximity to other facilities will not disqualify.
- Councilor Ray would like to postpone this item to the next meeting for an opportunity to ask questions.
 - The committee agreed.

AGENDA ITEM 4 – Encampment Discussion

- Chief Clark explained encampments are handled on a case by case basis. Most action is based on complaints or officers on patrol looking for ordinance violations.
- Larger encampments have included structures, generators and heat sources. These have resulted in accidental fatalities.
- There have a three-person team in their behavioral health unit. They are clinical civilians working out of the department.
- Works with social services partners to get people in encampments connected to services.
 - Provides a warning and information verbally or post it.
- Determine if camping is on private property, checking with the property owners to see if people are allowed to camp there.
- Criminal Trespass Orders
- There were only two encampments related summons' in the past 5 years.

Committee questions and discussion.

- Councilor Chong asked that over those five years there would have been hundreds of interactions at encampments and only two summonses were issue.
 - Does not have the hard number but that is accurate.
- Councilor Dion asked if there is good communication between the department and railroad police? People are camping right next to the tracks out on ala nave all way to Falmouth.
 - Fatalities can occur.
 - Are they being patrolled?
 - There is only one Railroad Police office that covers the rail line form Portland down to Boston.
- Councilor Chong asked as the weather warms up, what kind of patrols are in the area? Community policing or based on calls?
 - Community policing will come in at 2:00 am checking the East end train and other usual places people camp to address them while people are still there.
 - Patrol officers and community placing respond to calls.

- o Mostly wellness checks and are about connecting people to services they need.

AGENDA ITEM 4 – Next Meeting Agenda Discussion

- The next meeting is May 13, 2021.

The meeting adjourned at approximately 9:12 PM

DRAFT



Health & Human Services Department
Kristen Dow, Director

MEMORANDUM

To: Members of the Health & Human Services & Public Safety Committee
From: Kristen Dow, Director of Health & Human Services
Date: May 11, 2021
Re: April Health and Human Services Updates

The following data and information is to serve as the monthly update from the Health & Human Services Department to the HHS & PS Committee:

39 Forest Ave relocation update:

- The following outreach has been conducted for this proposal:
 - April 16th survey distributed to clinic and Needle Exchange clients,
 - April 16th community questions began to be collected on HHS webpage to inform FAQ,
 - April 20th meeting with MECA officials and Jonathan Culley,
 - April 21st, email from HHS Director to abutters,
 - April 23rd Portland Downtown Forum focused upon this topic,
 - April 27th meeting with Portland Stage officials,
 - May 3rd information on the proposal translated into 8 languages and posted on the HHS webpage,
 - May 4th Bayside Neighborhood Association meeting,
 - May 5th on site exterior tour with MECA officials, developers and city staff from HHS, Economic Development and Portland Police Department,
 - May 5th community meeting
- Proposed lease first read on the May 10, 2021 Council agenda.

The April totals for the City's General Assistance Program are as follows:

- Total Applications: 1446
- Number of denials: 87
- Denial rate: 6%

Overview of Oxford Street Shelter and contract hotel:

- OSS average nightly census: 42
- Contract hotel average nightly census: 96

Overview of the Family Shelter:

- Number of on-site at the family shelter: 23 families/71 individuals
- Number of families at local hotels for shelter overflow: 63 families/ 192 individuals

April totals for the Needle Exchange Program (NEP) are as follows:

- Total number of exchanges: 459
 - Number of on site exchanges: 312
- Total number of needles collected: 24,551
- Total number of needles distributed: 30,269
- Total number of Narcan doses distributed: 129 kits (258 doses)
- Community Needles collected 432:
 - Collected from community sharps containers: 225
 - Collected elsewhere: 207

Clinic Numbers:

- **STD Clinic:** Patients seen: 102, new patients: 38
- **PCFC:** Patients seen: 59, new patients: 5

Portland Police Department

Interdepartmental Memorandum

May 11, 2021

To: HHS & Public Safety Committee
Fm: Chief Frank Clark
Re: 39 Forest Ave Site

The topic of safety was raised last month in regards to the proposed HHS site at 39 Forest Ave. A common metric in terms of assessing safety is looking at police calls for service. As discussed at the last meeting, we looked at the two current city locations (196 Lancaster St and 103 India St.), where the services intended to be offered at 39 Forest Ave. are currently being provided.

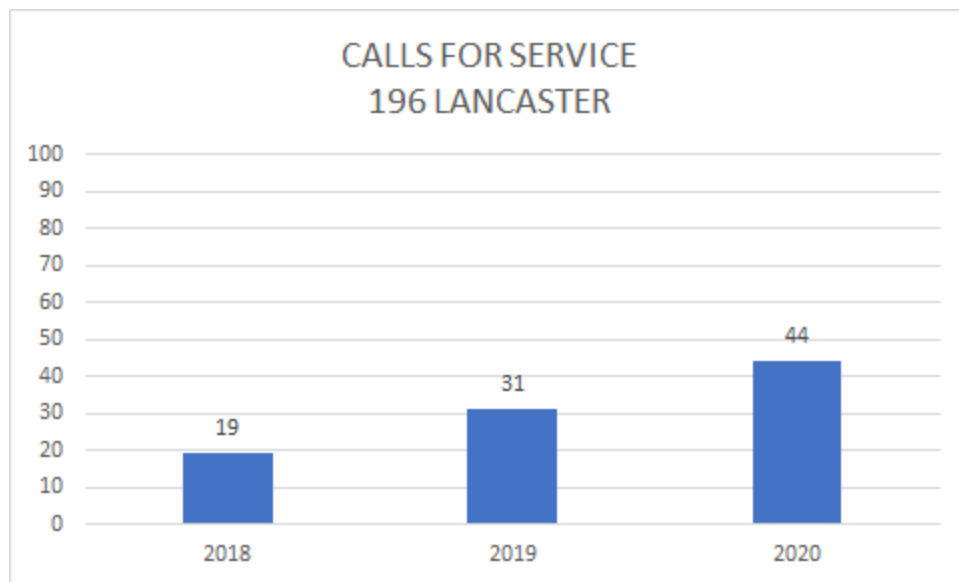
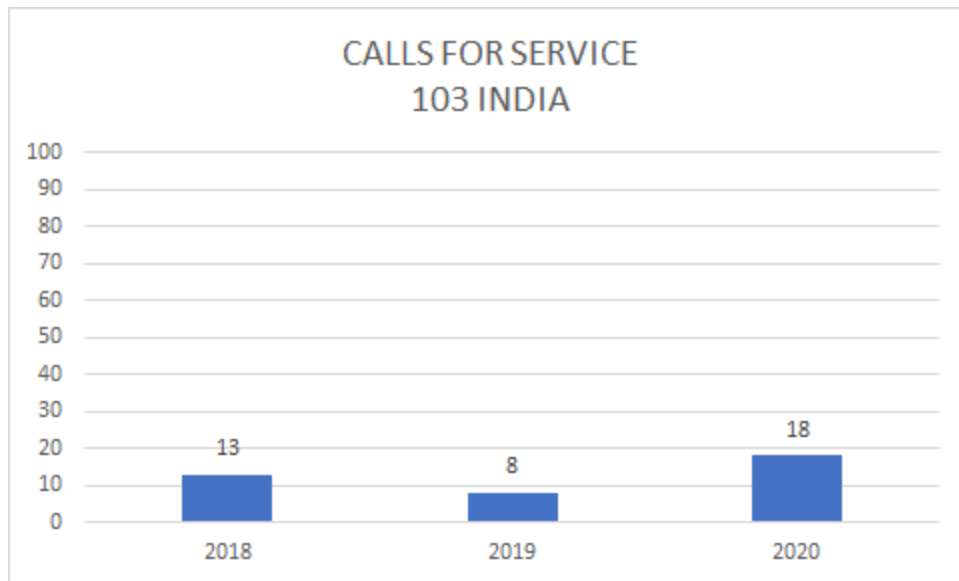
The high level call for service data, 2018 to 2020, is included, below. The largest single call type at India St., for was for Alarm activation (e.g., 12 of the 18 calls in 2020). For Lancaster St., the most frequent call (7 out of 44) was for a General Disturbance. It should be noted that some calls captured in these numbers (e.g., crashes, traffic stops, pedestrian checks, etc.) are not directly related to the actual facility or services offered at each location, but are taking place nearby and those addresses are automatically tagged as a landmark in our dispatch center computer. If consolidation is approved, our plan is to use the call for service data from the existing locations as a benchmark, and work with HHS staff, abutters and other stakeholders on an ongoing basis to communicate and address any concerns relative to call frequency, call types, or crime.

I have also toured the site with Director Dow, HHS staff, and, most recently, an abutting property owner. Considering CPTED principles, there are two controlled client access points to enter for services, both on the Forest Ave. side of the building. I have recommended some engineering changes for one (to reduce the likelihood of loitering or camping), but both have clear sight lines and natural surveillance capacity from Forest Ave., providing visibility for clients, visitors, and officers on patrol. There is also a separate door for employee access. The northern side of the building is fenced (also to be improved), with an alley (possible future courtyard) with controlled access limited to Consolidated employees, and likely future MECA students and staff.

We have also recommended assessing lighting around the perimeter of the building and providing signage with hours and telephone numbers to access services when this location is closed. Two (non-PPD) security staff are also slated to be in and around the building, allowing for addressing any concerns relative to safety, security, refuse or health. Surveillance cameras were discussed, but are not currently in use in either of the existing locations and it was determined that their presence at the health clinic would implicate HIPPA and privacy concerns.

Please let us know if there are any additional questions or clarifications that are needed.

Appendix A:



MORATORIUM
RE: CONDITIONAL USE APPROVAL FOR EMERGENCY SHELTERS
IN THE BAYSIDE NEIGHBORHOOD

- WHEREAS,** the Bayside neighborhood, which for purposes of this moratorium only, is defined as the area within the City of Portland bounded by Interstate 295 on the north side, Franklin Street to the east, Congress Street to the south, and Forest Avenue to the west, as further depicted in the map attached as Exhibit A;
- WHEREAS,** the Bayside neighborhood currently houses a majority of the City’s social services providers, including four emergency shelters and five overflow sites, which contain more than 500 emergency shelter beds;
- WHEREAS,** an additional 40-bed emergency shelter received conditional use approval in the Bayside neighborhood, and is expected to begin operating in the near future;
- WHEREAS,** the comprehensive plan of the City of Portland states that, “No one area of the city carries all the expectations for accommodating development and all areas can expect appropriate City services and amenities;”
- WHEREAS,** the City of Portland’s homeless population has higher rates than the general public of individuals with lower socioeconomic status, individuals who are racial minorities, and individuals who suffer from substance use disorder and other mental health disorders, leading to a concentration of vulnerable individuals in the Bayside neighborhood;
- WHEREAS,** calls for service in the Bayside neighborhood make up approximately 20% of the calls for service to the Portland Police Department, despite making up only 5% of the population of the City and 1% of the land area of the City;
- WHEREAS,** calls for service in the Bayside neighborhood make up approximately 10% of the calls for EMS response by the Portland Fire Department, despite making up only 5% of the population of the City and 1% of the land area of the City;
- WHEREAS,** *the current City of Portland Code of Ordinances does not require that emergency shelters provide adequate indoor space to permit all shelter guests day shelter where the emergency shelter is located within ¼ mile of a METRO station, which creates a situation where shelter spaces may be closed during the day, requiring clients to leave the premises. As a result, shelter clients may be without shelter during the day, resulting in potential harm to those clients, as well as the potential concentration of individuals loitering in the surrounding neighborhood;*
- WHEREAS,** the current City of Portland Code of Ordinances also does not require any buffer between emergency shelters, and does not have any bed density restrictions to ensure that emergency shelters are not clustered and do not have the effect of

overburdening one area or concentrating individuals with a lower socioeconomic status and higher rates of disabilities in one area;

WHEREAS, the current City of Portland Code of Ordinances is inadequate to protect the Bayside neighborhood from the further concentration of emergency shelters in that neighborhood, potentially creating further serious harm from emergency shelter development in that area;

WHEREAS, the current City of Portland Code of Ordinances is also inadequate to prevent the potential overburdening of police, fire, and other City services from concentrating additional homeless shelter services in the Bayside neighborhood;

WHEREAS, the City has begun the process of developing licensing requirements and examining the zoning requirements for emergency shelters, but requires additional time to do so in order to address the potential public health, safety and welfare concerns, as well as the overburdening of public resources, associated with the concentration of emergency shelters in one area;

WHEREAS, a temporary prohibition on conditional use approval for new, permanent, emergency shelters in the Bayside neighborhood is appropriate in order to determine what additional regulations are necessary to prevent such ill effects; and

WHEREAS, *a temporary prohibition on shelters outside of the Bayside neighbor that would otherwise be constructed without adequate indoor space to house clients is also appropriate in order to determine what additional regulations are necessary to prevent such ill effects;*

NOW, THEREFORE, pursuant to its authority in 30-A M.R.S. §§ 3001 and 4356, the Portland City Council hereby ordains that a Moratorium is imposed on any and all conditional use applications and approvals in the Bayside neighborhood, as depicted on the map attached hereto as Exhibit A; and

BE IT ORDERED, that no conditional use permit applications shall be accepted, processed, or reviewed by the City or the Planning Board for the period of this Moratorium for 1) any new, permanent emergency shelters in the Bayside neighborhood, or 2) any expansion of an existing permanent emergency shelter such that the expansion would add additional emergency shelter beds in the Bayside neighborhood; ; and

BE IT FURTHER ORDERED, *that no conditional use permit applications shall be accepted, processed, or reviewed by the City or the Planning Board for the period of this Moratorium for 1) any new, permanent emergency shelters outside the Bayside neighborhood, unless the proposed emergency shelter provides adequate indoor space to permit all shelter guests day shelter, or 2) any expansion of an existing permanent emergency shelter such that the expansion would add additional emergency shelter beds unless the existing emergency shelter provides adequate*

indoor space to permit all shelter guests day shelter, or the expansion would add such adequate indoor space; and

BE IT FURTHER ORDERED, that this Moratorium shall remain in effect for one hundred and eighty (180) days thereafter, unless extended, repealed, or modified by the Portland City Council; and

BE IT FURTHER ORDERED, that to the extent any provision of this Moratorium is deemed invalid by a court of competent jurisdiction, the balance of the Moratorium that shall remain shall be considered valid.

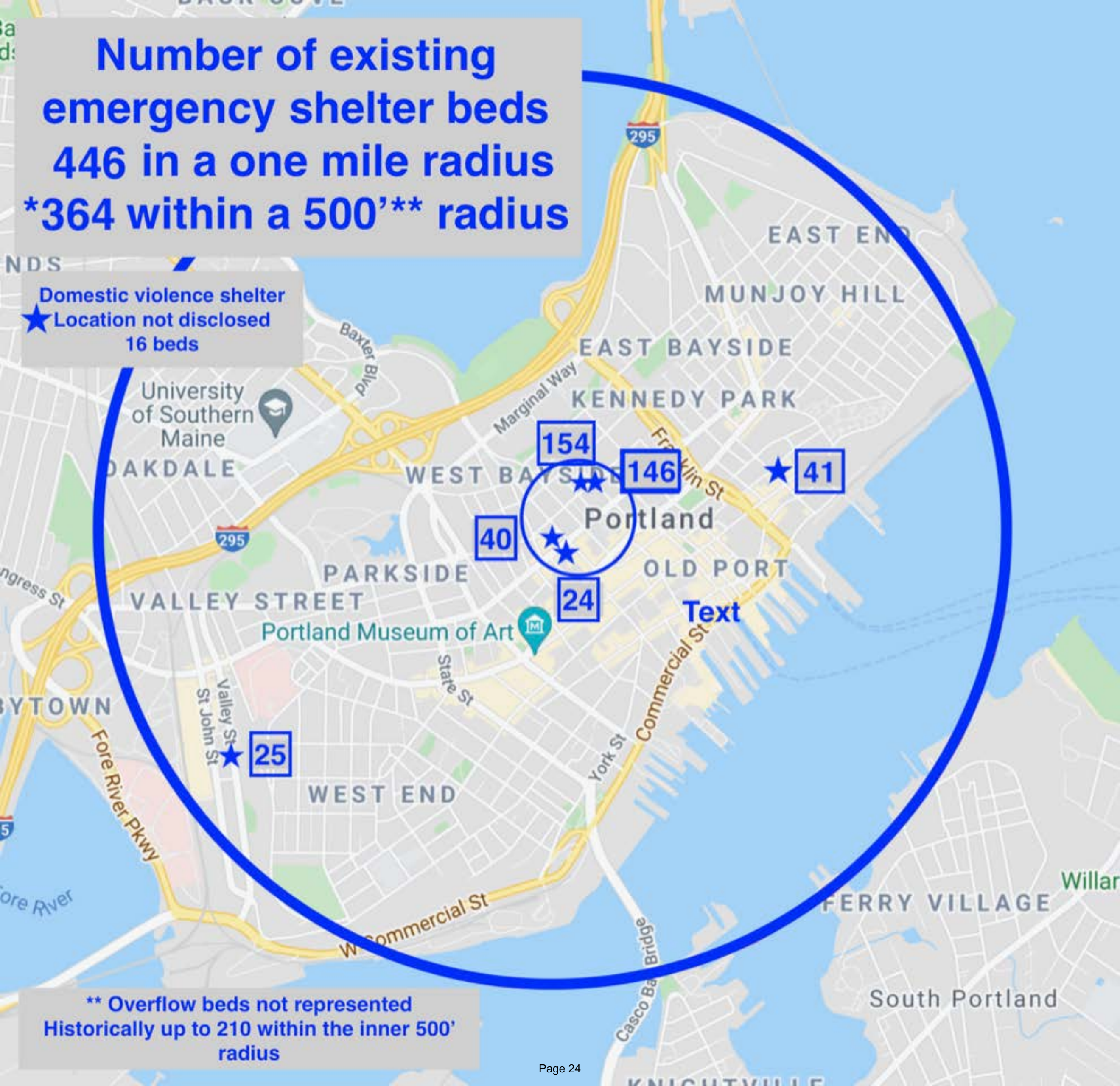
[DISCUSS EFFECTIVE DATE, EMERGENCY ENACTMENT, RETROACTIVITY]

EXHIBIT A



**Number of existing
emergency shelter beds
446 in a one mile radius
*364 within a 500' radius**

Domestic violence shelter
★ Location not disclosed
16 beds



**** Overflow beds not represented
Historically up to 210 within the inner 500'
radius**

BAYSIDE Existing emergency shelter beds 364 within a 500' radius



Distance between existing emergency shelters 446 within a 1 mile radius

Domestic violence shelter
Location not disclosed
16 beds

City of Portland
Adult Shelter
154 Beds

50'

2500'

Milestone
Adult Men's
Shelter
41 Beds

City of Portland
Family Shelter
146 Beds

800'

Preble Street
Adult Shelter
40 Beds

Preble Street
Teen Shelter
24 Beds

250'

PARKSIDE

DOWNTOWN

OLD PORT

6000'

Portland Museum of Art

Holiday Inn
Portland-by the Bay

Maine Medical Center

Portland Lobster

Luke's Lobster
Portland

Becky's Diner

Preble Street
Florence House
Adult Women's Shelter
25 Beds

WEST END

Rules & Procedure for Public Testimony

Council committees use the City Council rules for public testimony. You can find the complete rules in the *Rules of Procedure for the City Council, Rule 31. Procedure for Addressing Council*. This document is available on the City Website:

<http://www.portlandmaine.gov/DocumentCenter/View/1184>

Below is a summary of the main points:

- If you wish to speak, please raise your hand or line up.
- When you are recognized by the Chair, you will have up to three (3) minutes to offer your comments. Please begin by stating your name and where you live.
- While someone is speaking, others in attendance will not interrupt.
- There should be no expressions approval or disapproval (applause, snapping, boos, hissing).
- Remarks shall be confined to the merits of the pending item.
- The Chair may limit or cut off any commentary that is not germane or that is scurrilous, abusive, or not in accord with good order and decorum.
- Any person who shall continue to violate these rules, after warning by the Chair, may be ejected for the remainder of the meeting then in progress.



Health & Human Services Department
Kristen Dow, Director

-

MEMORANDUM

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

From: Kristen Dow, Director of Health & Human Services

Date: May 7, 2021

Re: Staff Recommendations for Maximum Bed Density & Shelter Buffer Zones

At the March 9, 2021 meeting of the Health & Human Services and Public Safety Committee, when reviewing the draft shelter licensing ordinance, it was requested that staff provide recommendations on *maximum density of beds* and *proximity to other shelters* (Performance Standards G & H in the document) for the May 11th, 2021 committee meeting. Since that time, staff from the Health & Human Services Department have met with area social service providers and developed a questionnaire that was sent to residents of Bayside via the Bayside Neighborhood Association. This was done to gather additional information on local concerns to better inform recommendations to the committee.

Information was gathered from social service providers in two separate meetings. The first was a meeting of shelter operators in the city, the other was through ESAC. A total of fourteen organizations were represented in these meetings. The response from area providers was unanimous in that they did not feel that they could provide a recommendation on maximum bed density *or* proximity to other shelters (buffer zone), because they are not supportive of shelter licensing at this point. It was stated that current shelters are already struggling and that placing further restrictions would cause significant issues to the current shelter system. At the ESAC meeting it was mentioned that the biggest threat is that if this is not done correctly, the risk of encampments will grow.

The questionnaire that was distributed to residents through the Bayside Neighborhood Association received a total of fourteen responses. These responses spoke heavily to the need for equitable distribution of services across the city and the existing high number of shelter beds in a one mile radius in the city. A recommendation of 250 beds in a one mile radius was given and a 2500 foot buffer zone was recommended in five different responses. In addition to equitable distribution of services, other reasons given as a need for these parameters were the ability to track and address problems with the correct agency when services are spread out, as well as the safety of shelter guests, particularly women and children.

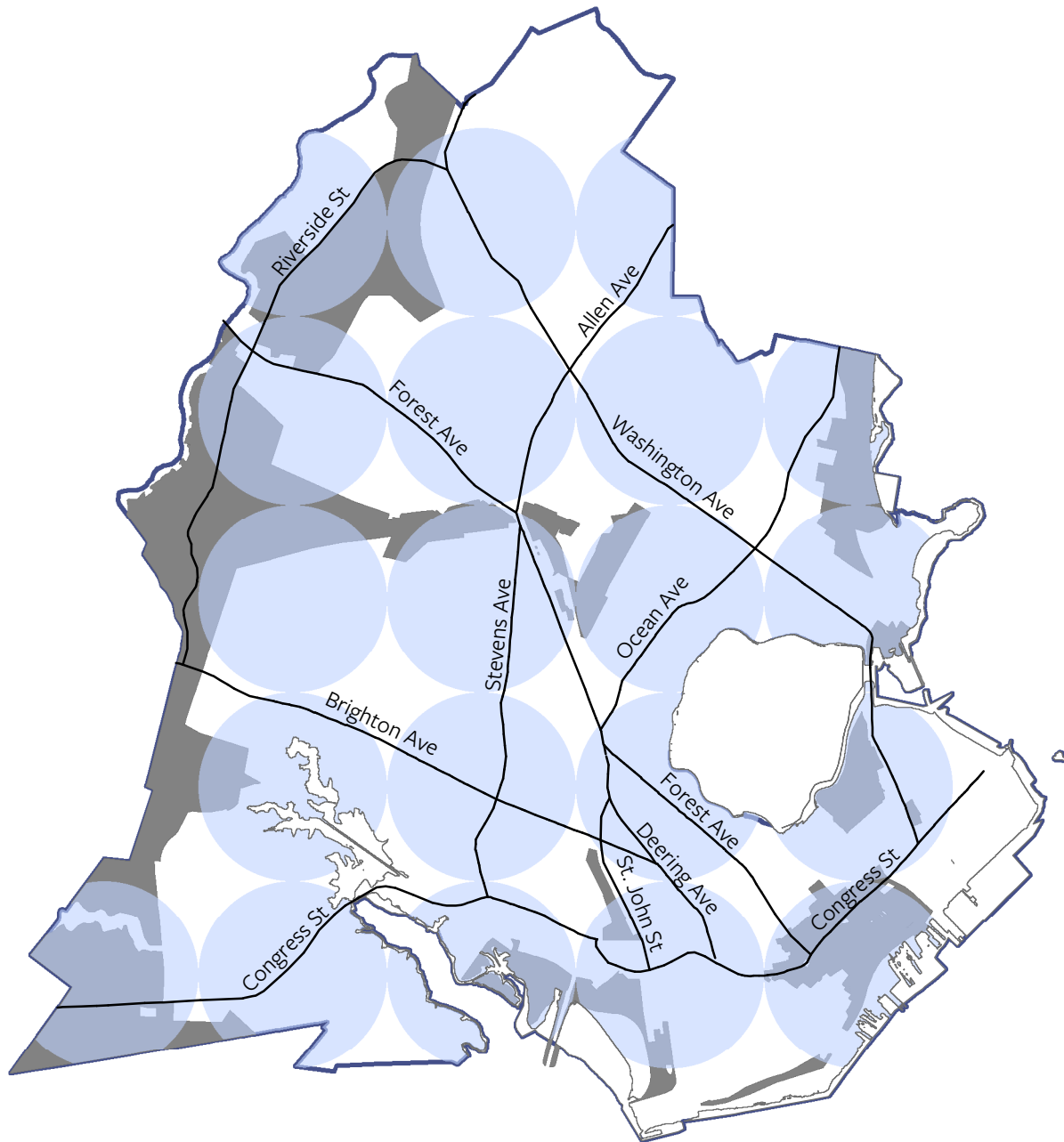
In November of 2020 at the request of the HHS & PS Committee, staff conducted research on licensing and zoning mechanisms used to regulate privately operated emergency shelters in other municipalities. This was provided to members of the HHS & PS Committee in a November, 2020

memo. The information on buffer zones collected at that time shows a 500 foot buffer zone in several municipalities, including Brunswick, ME. Additionally, after checking with our own Permitting and Inspections Department, currently our most stringent buffer is 500 ft, between marijuana businesses and schools, which is mandated by the state. All others range from 100 to 300 feet.

With all of the above information in mind, staff would recommend a 500ft buffer between shelters with a bed density of 250 beds in a 1 mile radius. This radius allows for equitable shelter distribution throughout the City while allowing for as many as 20 plots. The potential plots would accommodate more than twice the capacity we've seen throughout the pandemic. It is also the recommendation of staff that a legacy clause be put into place to protect existing shelters.

Striking the balance between neighborhood concerns with equity and safety as well as provider concerns for access to emergency shelter services is challenging. Staff worked to strike a balance that will provide shelter options for those in need while also allowing for more equitable placement of shelters throughout the city.

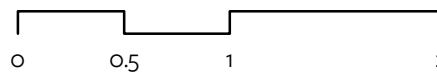
Shelter Spacing (1 Mile)



 1/2 Mile Buffer

 Zones with Emergency Shelter Conditional Use

 City Boundary

 Miles
0 0.5 1 2

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	Small Emergency Shelter (1-40 beds)	\$250.00	July 1
	Large Emergency Shelter (41+ beds)	\$500.00	July 1

[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 is 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 90 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 ~~and renewal~~ license applications shall be reviewed ~~and may be approved~~ by the City Council. After a public hearing, the Council shall grant, grant with conditions, or deny the license shall be held prior to the issuance of any initial license.
- (b) Except as provided by Subsection (c) below, all renewal applications shall be reviewed by the Permitting and Inspections Department. The Permitting and Inspections Director shall grant, grant with conditions, or deny the license. Except that, at the request of the City Manager or designee, or at the request of any member of the City Council or the Mayor, a renewal application shall be reviewed by the City Council in accordance with Subsection (a) above..
- (c) All renewals of shelter licenses held by the City of Portland shall be reviewed by the City Council in accordance with Subsection (a) above.

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[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 Permitting and Inspections Department.
- (b) If the Permitting and Inspections Department 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 Permitting and Inspections Department's request, the application may be denied administratively with no further action.
- (c) Before the City Council issues its decision on an initial or renewal application, the Police Department, Fire Department, Permitting and Inspections Department, and the Health and Human Services Department shall review the application and recommend to the City Council whether to issue, issue with conditions, or deny the license. The Departments shall review the application for the following standards:
- (i) Whether the shelter has complied with its approved operations and security plans.

- (ii) Whether the operations and security plans are more likely than not adequate to protect the public health, safety, and welfare.
 - (iii) Whether the operations and security plans are more likely than not adequate to meet all performance standards and requirements in this ordinance.
 - (iv) Whether there are any outstanding Code violations at the shelter.
- (d) In reviewing license applications, the City Departments and the City Council 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 thirty (30) 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 City Council 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) A corporate supplement form 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 population to be served by the shelter.
- (d) A description of the premises for which the license is sought, including a floor plan of the premises.

(e) 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.

(f) 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.

(g) Whether the applicant has experience running a shelter in Portland or elsewhere and a description of that shelter, including size, location, and population served.

(g)(h) An operations plan describing the following:

(i) The experience and qualifications of shelter management and staff, sufficient to demonstrate that the shelter can meet its obligations under this ordinance, including providing appropriate services to shelter guests;

(ii) How the shelter will meet the performance standards and other requirements of this ordinance;

(iii) Management responsibilities;

(iv) A process for effectively resolving neighborhood concerns;

(v) Staffing; ~~and~~

(vi) Controls for resident behavior and noise levels; ~~and~~

(vii) Security, safety and protective measures:

(1) On-site surveillance;

(1)(2) Provisions to provide ~~and~~ access to recordings of exterior public ways by city staff upon request;

(2)(3) Safety measures;

(3)(4) Access restrictions;

(4)(5) Environmental design, engineering or procedural measures to reduce crime, loitering and disorder in and around the facility;

~~(5)(6)~~ Emergency and response protocols, including but not limited to:

- a) Medical emergencies, including overdoses;
- b) Intruder response;
- c) Criminal trespass guidance;
- d) Recovery of weapons;
- e) Recovery of illicit drugs;
- f) Incidents involving violence, serious injuries or death;

(i) The most recent MaineHousing annual monitoring report shall be provided to the City with any renewal application; ~~and-~~

~~(h)(i)~~ A description of the strategies to be implemented to help residents utilize public transit, as required by [Section] (d).

[NEW SECTION]. Performance Standards

In order to obtain a license pursuant to this Ordinance, the Licensee shall demonstrate to the City Council 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 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 must~~ implement strategies to help residents utilize public transit;
- (e) The facility must provide indoor space to permit shelter guests day shelter. If it would cause the shelter an undue burden to provide the indoor, the shelter may apply for a waiver of this requirement if they are able to provide alternative indoor day shelter space within ¼ mile of the shelter.

~~(e)~~(f) The facility must provide on-site services to support residents, such as case management, life skills training, counseling, employment and educational services, or other programs.

~~(f)~~(g) Maximum Density of Beds. The total bed capacity for individual residents within emergency shelters in the City shall not exceed 250 beds within an 1 mile radius. Distance shall be measured between property lines of the homeless shelters.

Commented [1]: Please see March memo.

~~This limitation shall not disqualify any shelters that are operating with all required permits and approvals, have received conditional use approval, or have received a change of use approval as of January 31, 2021.~~

~~(g)~~(h) Proximity to Other Facilities. There shall be a 2,500ft buffer between emergency shelters. Distance shall be measured from the nearest property line of each shelter in a straight line.

Commented [2]: Please see March memo.

~~This limitation shall not disqualify any shelters that are operating with all required permits and approvals, have received conditional use approval, or have received a change of use approval as of January 31, 2021.~~

~~(h)~~(i) Monitoring Reports. Each shelter shall quarterly file a management report with the Department of Health and Human Services, which shall share the report with the other responsible City agencies, including the Police Department. The report shall contain containing, at a minimum, the following information:

- (i) Number of unique individuals served at the this specialized shelter
- (ii) Total number of bednights accessed at the 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 chronically homeless individuals accessing the shelter
- (vi) Total number of individuals who are defined as having long time stayer status
- (vii) The average length of stay
- (viii) Number of housing placements
- (ix) Record of neighborhood concerns and resolutions
- (x) Summary of meetings with individual neighbors, neighborhood associations and businesses
- (xi) Number of crisis calls for service
- (xii) Number of Criminal Trespass Orders ("CTO") issued, the reasons for those CTOs, the length of those CTOs, and whether the person issued the CTO has been issued a CTO previously
- (xiii) Record of police calls for service related to mental health, substance use, crime or other reasons and outcomes

- (xiv) Any additional information requested by the Department of Health and Human Services.

~~(i)~~ Shelter management will meet with and communicate monthly with neighbors and other stakeholders, that will include the Police Chief or designee, to prevent and/or respond proactively to public safety and quality of life concerns.

Review Process for Domestic Violence Shelters

(a) Due to the need for confidentiality for safety reasons, a shelter serving survivors of domestic violence may request a waiver of any of the provisions of this ordinance that may jeopardize the confidentiality of the shelter, including, but not limited to the following:

(i) The requirement to provide a description of the premises for which the license is sought, including a floor plan of the premises.

(ii) The limitations on the number of beds.

(iii) The limitation on the distance between shelters.

(b) A shelter applying for this exemption must provide its request for a waiver in writing, including the reasons why a waiver is required, and how the shelter will ensure that the public health, safety, and welfare will not be negatively impacted by that waiver.

(c) At its sole discretion, the City Council may grant a requested waiver if it finds that the waiver is required to protect the confidentiality and safety of the shelter and its guests; and that the public health, safety, and welfare will not be negatively impacted by the waiver.

Enforcement and Penalties

- (a) This Chapter shall be enforced by the City Manager's 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) 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.
- (b) Appeals from the grant or denial of a license by the City Council shall be taken to Superior Court.
- ~~(b)~~(c) Appeals from the grant or denial of a renewal license by the Permitting and Inspections Department shall be taken to the City Council within 30 days of the decision.

[NEW SECTION]. Pre-existing Shelters

- (a) For purposes of this Article, "pre-existing emergency shelter" shall mean an emergency shelter that, as of January 31, 2021, (i) is lawfully operating with all required permits and approvals, (ii) has received conditional use approval that has not expired, or (iii) has received a change of use approval that has not expired.
- (b) Pre-existing emergency shelters shall comply with all of the requirements of this ordinance, except as provided in this section.

(c) A pre-existing shelter's inability to meet the maximum density of beds requirement in [SECTION] (g), shall not operate to disqualify that pre-existing shelter from obtaining a license.

(d) A pre-existing shelter's inability to meet the proximity to **other facilities requirement in [SECTION] (h)**, shall not operate to disqualify that pre-existing shelter from obtaining a license.

(e) Any expansion of a pre-existing shelter shall be subject to the requirements of [SECTION] (g) and (h).

(f) The beds and distance to any pre-existing emergency shelter shall be counted for purposes of determining whether any new shelter is eligible for a license.

[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.

Commented [3]: @kjd@portlandmaine.gov
@jhanscombe@portlandmaine.gov
@cdg@portlandmaine.gov
Will you ladies please give this a read over and make sure it makes sense please?