



Health & Human Services and Public Safety Committee

Tuesday, June 8, 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/99293848020?pwd=Qi9UTlJaNzIqbjA0VG9FYTBvNmpGZz09>

Passcode: 341608

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International numbers available: <https://zoom.us/j/99293848020?pwd=Qi9UTlJaNzIqbjA0VG9FYTBvNmpGZz09>

2. Review and Approval of Minutes from May 11, 2021

a. May 11, 2021 Draft Minutes

3. Updates
 - a. HHS Updates
4. Referendum
 - a. Corporation Counsel interpretation of the citizen initiative to add a referendum question to the November ballot that would limit shelters to a 50-bed max capacity if passed.
 - b. Committee Questions and Discussion
5. Shelter Licensing
 - a. Staff Update
 - b. Public Hearing
 - c. Committee Questions and Discussion
6. July 13, 2021 Agenda Planning

NOTE: There will be opportunity for public comment at this meeting on Shelter Licensing. 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, May 11, 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), Andrew Zarro (District 4).

Mayor Kate Snyder

City Staff:

Kristen Dow, Director of HHS; Jen Thompson, Associate Corporation Counsel; Anne Torregrossa, Corporation Counsel; Aaron Geyer, Director of Social Services Adam Harr, Executive Assistant for Social Services.

Meeting called to order at 5:31 PM.

AGENDA ITEM 1 – Announcements

- April 13, 2021 draft workshop minutes.
 - o Councilor Ray moved to accept the minutes; Councilor Dion seconded and the minutes were accepted unanimously.

AGENDA ITEM 2 – Updates

- 39 Forest Avenue Update
 - o 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
 - o Proposed lease first read on the May 10, 2021 Council agenda.
- April totals for the City's General Assistance Program:
 - o Total Applications: 1,446
 - o Number of denials: 87
 - o Denial rate: 6%

- Oxford Street Shelter:
 - o OSS average nightly census: 42
 - o Contract hotel average nightly census: 96
- Overview of the Family Shelter:
 - o Number of on-site at the family shelter: 23 families/71 individuals
 - o Number of families at local hotels for shelter overflow: 63 families/ 192 individuals
- March totals for the Needle Exchange Program (NEP) are as follows:
 - o Total number of exchanges: 459
 - o Total number of needles collected: 24,551
 - o Total number of needles distributed: 30,269
 - o Total number of Narcan doses distributed: 129 kits (258 doses)
 - o Community needles collected: 432
 - Collected from community sharps containers: 225
 - Collected elsewhere: 207
- Clinic Numbers:
 - o STD Clinic: Patients seen: 102, new patients: 38
 - o PCFC: Patients seen: 59, new patients: 5
 - o Now offering Covid vaccine at the Portland Community Free clinic.
 - One dose Johnson and Johnson Vaccine.
 - Clinics are Mondays and Tuesdays.

Committee questions and discussion,

- Councilor Dion asked for a breakdown of where the “elsewhere” needles are being collected.
 - o Councilor Chong said roughly the number of needles we are collecting are up 50% compared to last year.
 - Sharps boxes are collecting about 1.5% of what was distributed.
 - What happens to the other needles?
 - o Director Fowler is asking clients about the use and where sharps containers are needed. Another organization opened an exchange.
 - o Councilor Dion would like pins on a map.
 - o Councilor Ray said we have a lot of GIS maps; is it possible to create a GIS map where we are finding needles.
 - We have the location of where the needles were collected and a map is currently being developed.
 - We have ‘fix it’ information as well.
 - o Mayor Snyder asked what a person should do if they see discarded needles.
 - Should people dispose of needles on the ground if they know where sharps boxes are?
 - No, we would never recommend a community member pick up a discarded needle.
 - There is a phone number to call for City staff to properly dispose of syringe litter: 207-874-8493
 - o The search box helps navigate the city website.
 - Needles can be reported on the fix it app.

- Councilor Chong asked for an update on the resettlement coordinator position.
 - o We had an amazing pool of applicants and completed second interviews last week.
 - o HHS Deputy Director Tina Pettingill starts Monday.

AGENDA ITEM 3 – Bayside Shelter Moratorium

- Councilor Dion asked two questions to corporation council.
 - o On April 20th, a group of citizens advocating new ordinance governing shelters for unhoused individuals sought ballot petitions to get a referendum question on the November ballot.
 - Does this act of securing voter petitions and the date of the submission of the request function to prevent the approval of a new shelter that does not comply with the language of the referendum?
 - Attorney Thompson replied no unless and until it is adopted; the citizen's initiative is in its infancy and it is unclear whether the necessary number of signatures will be gathered and whether and how the question will be added to the ballot in November. If it is adopted, the retroactivity language may impact applications filed between now and then.
 - Assuming they get enough signatures, does this preclude the need for a moratorium until after the election?
 - o No, it needn't. Corporation Counsel prepared a memo for the last meeting where she went over the statutory requirements for adopting moratoria: "whether there is a need to prevent a shortage or over burden of public facilities..." That analyses something the council would do. The Council may disagree and that is its prerogative.
 - Councilor Dion was trying to consolidate questions from the community that demonstrate a belief that the referendum could bar an action on the moratorium or shelter licensing.
- Councilor Ray had questions about the referendum and thinks it could be helpful to set aside time to discuss what it does and does not do and what it prohibits and does not prohibit. Maybe later this meeting or at the next meeting.
- Councilor Chong clarified no action is taken based on a petition until a vote in November.
- Councilor Ray asked about retroactivity: the retroactivity in the ordinance could be challenged if they get into the process and are approved but then if passed, could they take up litigation to remedy it?
 - o Maine permits retroactivity but there is a general rule with land use approval s.
 - o A municipality can't adopt or amend an ordinance that would nullify an approval 45 days after it is final approval.
- Where as language walks through the concerns at the heart of this discussion. Language added in italics was requested by Councilor Ray.

- Councilor Ray: Where As statements on how we do not have a requirement for day space and how detrimental it is if there is only sleeping space and nowhere for people to be during the day. It forces people to get out and find places to be. We want shelters to be accommodating during the day. We currently do not require day space if a shelter is within a quarter mile of a metro stop. The second provision has a prohibition on emergency shelters outside bayside if applicants don't have day space to allow for time to create that requirement in licensing.
 - “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, 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;”
 - “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”
- Councilor Dion supports the moratorium if it was precisely for the bayside neighborhood. The proposed expansion outside the specific neighborhood makes him reluctant to support the moratorium. Bayside residents have shouldered an incredible burden over the past decade. If this were necessary outside the bayside district, the moratorium could be expanded.
 - This proposal makes sense with Bayside but he may depart from Councilor Ray's analysis of the expansion.
 - The Preble Street wellness center was approved in 11 weeks; it does not take long.

Public comment opened at 6:06 PM

- Sarah Michniewicz of the Bayside Neighborhood Association. She thanked Councilor Dion and his comment on breathing room. She appreciates the idea of keeping it narrow however the point on day space. Day space is needed. Could these both be in one moratorium and then tease out one of only one is needed in 180 days? The referendum is

suggesting not only would the Oxford shelter not move, it would continue to operate at its current capacity. Were the referendum to pass, it would only prove why the moratorium is necessary. you've demonstrated as a committee that you get this and have the information to make an informed decision and the will to take action. The question is not why should more shelters be added to bayside. She hopes this will be recommended to pass as an emergency measure and that the full Council will understand the issue as clearly as the committee does. Abutters are community members and not obstacles to be navigated around.

- Elizabeth McCormack of Smith Street in Portland and technically a Bayside resident. She is concerned about the shelter licensing and the bed density and buffer zones. She thinks it will negatively affect people and lead to more people on the streets. Keeping people sheltered during our harshest seasons should be a priority. She has seen human feces in the park near her place due to the lack of bathrooms. The moratorium would put limits for six months from adding new beds. Unhoused people are her neighbors and she cares about them.
 - Note: Smith Street is in East Bayside.
- Jim Hall. He too got emotional over the breathing room comment. Day space is not bed space. Preble Street has been acting like a rogue nation that still wants to cluster people on the street that bears their name. If you don't do something they will act. He hopes the committee can see that we can move in a better direction and the moratorium is a necessary part of that.
- Angus Ferguson of Sheraton Street. He is an attorney, indigent defense, and represents people affected by poverty and related circumstances. He was lucky enough to serve a client living in Logan place, housing first housing. It was like visiting social service in Scandinavia, going from the street to his own apartment with support services. On the moratorium, it seems like smaller high-quality shelters would better serve the homeless. He thinks it is doomed to failure. The centralized facility won't get built from stringent licensing and NIMBY resistance which captures the position of the councilors where felicitities are proposed. It may make more sense to requisite rooms from vacant hotels.
- George Rheault of 28 Hanover Street has been a Bayside Resident and homeowner since August, 2015. He purchased with the knowledge of the neighborhood and the comprehensive bayside plan. It was clear Bayside was a center for social services. The idea that the husband and wife team on cedar street are overwhelmed by the shelter has been an effort to stigmatize homeless people and the staff who serve them. They have insufficient grant resources. The people who profited the most of the opioid crisis, the Sackler family, have escaped accountability. Instead of going after them, the city is going after social worker. You are adding more burdens to that work. The people of bayside are not represented by the bayside neighborhood association. There isn't a single renter on their board. There is no one from the BNA from Franklin Towers or any Avesta projects. They are not at the table for any discussion.
- Stephanie Neuts lives in Riverton and is part of the coalition working on the referendum. She disagrees with the moratorium. We are not hoping OSS operate at 154 beds. If they continue to operate, they hope it operates at 50 at most. It doesn't make sense when

people say Riverton doesn't want a shelter, they disagree with the site and the plan, but they would welcome a 50-bed shelter. They are more than welcoming to any shelter that comes there. She doesn't believe any one area can help the homeless as a team if it is not made to work. The homeless seem to want something specific and we should listen.

- Jason Lambert of Ruby Lane is opposed to the moratorium and appreciates what Stephanie said. He loves Bayside and grew up in the City. He loves going down bayside and visiting the restaurants and breweries, the architectural salvage store but her understands why people would want a moratorium, feeling like they've done their share and it's someone else's turn. Whether shelters are in bayside or not, property values in bayside will skyrocket and eventually bayside will not be as it is. Homelessness in Portland per capita is huge. When people with different problems altogether doesn't address people's individual needs. There has to be a way forward that includes everybody.
- Sally Bowden-Schaible is opposed to the moratorium, licensing requirement and large shelters. She is part of the coalition seeking to limit new City shelters to 50 beds. There is a plan being developed statewide funded by the American Rescue Plan and consider what these resources will provide before doing anything. She understands the moratorium but agrees with George Rheault. Bayside has had social services and homeless shelters for a very long time. Not everything should stay there but services need to be integrated. In a comprehensive sort of way. Limits on Bayside is not a good idea.
- Oliver Bradeen is the Executive Director of Millstone Recovery on India Street. The additions on the moratorium: while he agrees on the need, there is no funding. HUD only has funding for overnight space and beds. The moratorium with this language could prohibit anyone from meeting it because there is no funding. Perhaps the American Rescue Plan money could fund day space. It makes sense coming together to make a long-term solution. He is not really for or against it, but is against how it could affect people. He understands it won't impact the opening of the 5 Portland Street Preble Street shelter. If there was an emergency need to add ten beds to their shelter, would the moratorium prohibit that? He worries about the slipper slope of it just being bayside today but could be the entire city later. He agrees day space is needed resource but there is not funding for it, making it difficult for nonprofits. They run a wet shelter so it makes things difficult to follow the law because folks can't use on-site. Methamphetamine use is increasing. Their model is good and the moratorium could impact their ability to meet the needs of the community.
- Debbie Groff of 55 Harris Avenue in Portland said the moratorium seems to be more of a paper tiger issue if the voters vote for more scattered shelters in November. We anticipate this going to the citizens of the city. The greater methamphetamine use makes her think of the slow response from the state on the opioid crisis. We see on the horizon there is more suffering because of the pandemic. There is great opportunity for concentrated efforts directed by the will of the voters in November. The state is working with the American Rescue Plan money and was looking at solutions for statewide resources ahead of time. She appreciates the importance of day space but doesn't trust the motives.

- Bill Higgins of 60 high street and executive director of Homeless Advocacy 4 All. He has been a resident of OSS 4 times. There is new voucher funding coming that could bring people out of hotels and into apartments. Oxford Street is not viable as it is but it could be modified.
- Mary Cook is the clinical manager of the PATH program serving people experiencing unsheltered homelessness. She does not support the moratorium. Instead of setting moratoriums, we should be seeking why people do not feel safe accessing shelter. People experiencing unsheltered homelessness are not able to go to the bathroom or take showers, get shelter from inclement weather or charge their phones.
- Carolyn Megan of Mechanic Street. She is confused by the moratorium city wide and is commenting on just the bayside component. She appreciates people from around the city is calling in and feels it's wonderful that the community is having the conversation. She feels bayside has worked diligently hosting shelters and working with the homeless. She supports the moratorium in Bayside; it is only for 180 days. She wants to give other communities a chance. She can't speak to the city-wide aspect.
- Syd Avitia-Jacque of Bailey Ave in Riverton and organizer of People's Housing Coalition. They oppose the moratorium. Women with children are denied shelter at the family shelter and general assistance. The goal should be creating a process that distributes resources equitably. Limiting beds with this moratorium will not take away need. The riverside shelter is concerning because it is not possible to be there and get all the services people need. During the pandemic, shelters have been at half capacity. We do not want to limit shelters from their full capacity. There is lack of licensing and conditional use on shelters. We need to put energy into coordinating services. Bayside will be a healthy neighborhood when its residents are healthy.
- Jim Devine is an advocate of Homeless Voices for Justice and lives on Congress Street. He is against the moratorium and any restriction on resources. He heard the bayside has borne the burden of homelessness but thinks the people who experience homelessness have the burden of homelessness.
- Heidi Sourwine of Mechanic Street has heard a lot of misinformation in the comments. It was clear to her after reading the memo, the city should advocate for this. Public harm in the neighborhood has happened and there is long overdue balance and equity issues here. Many residents are low income residents who can't leave the neighborhood.

Public comment closed at 6:52 PM.

- Councilor Ray clarified the moratorium has zero impact on existing shelters and she suggested that the moratorium include a provision that would disallow new, permanent facilities that don't have adequate day space within the city. Shelters should not be allowed to operate if they kick people out in the morning. It creates a great burden for people experiencing homelessness. This is done at OSS and is not anymore.
 - o Adding the provisions is creating confusion and she will strike them to create a more targeted provision if the committee wills it.
 - o There is conditional use permitting for shelters; shelters are not allowed anywhere except as a conditional use. They should still only be allowed as a conditional use.

- Someone mentioned the referendum is for scattered shelter s but there is nothing in the referendum about scattered site shelters.
 - The packet shows the density of shelters are in Bayside and it is not ok to concentrate people in one area. The ordinance requires services be on site.
 - Oliver Bradeen wondered the impact on the Preble Street wellness shelter; there would be no impact. All existing shelters are not impacted nor are temporary emergency shelters. If people arrived in Portland, we could open a facility like the Expo, even in Bayside; the moratorium only prevents permanent, new faculties form locating in this small defined location. There have been murmurings of new shelters proposed for this area and it only takes 11 weeks for new shelters to be approved. This gives time for licensing to be put in place that makes sure facilities are adequately spaces/scattered and not concentrated in one area. We will stop doing what is not working.
 - She has thought of an exchange program where people who live in other areas stay in the Bayside neighborhood for a few weeks because it would be eye-opening.
- Councilor Dion thinks Councilor Ray lays out a clear argument and welcomes the removal of the language requiring day space thorough out the city. The sunrise guarantees any shelters existing today will exist later. It is not a paper tiger, but a break that gives time to work out a licensing model that works for everyone. We should consider how our strategy has equitable distribution. He does not have sinister motive and there is a neighborhood that has made its case for relief. We will continue to get licensing right and day space must be part of any new projects. It is part of a continuum of care expected of any shelter operator. He continues to support this moratorium because it is only for 6 months.
- Councilor Chong wants the public to know there are roughly 488 towns in the state and Portland services half of the people experiencing homelessness in the state. There are 20 neighborhoods in Portland; Bayside houses almost all shelter beds.
 - How many new low barrier shelters have been created in the past ten years in the past ten years, there than the wellness center.
 - None.
 - How many towns have created low barrier shelters in the past ten years?
 - Very few.
 - 402 people were in our shelters. He is skeptical to think we will create 8 new shelters at 50 beds per shelter when we haven't created low barrier shelters in the recent past. Westbrook is an up and coming city as are the surrounding towns. These communities could apply for funding and create shelters but only the City of Portland is shouldering this burden and only Bayside within Portland. This is only for new shelters and does not hinder the people being sheltered now. It is only 180 days of assurance for bayside while licensing is completed.
 - The moratorium could be discounted earlier by council vote if licensing is completed before the 180 days. It could be extended for another 180 days but licensing will likely be completed in two to three months.

- o Councilor Chong welcomes striking the day space language.
 - o The city council can amend and revoke the moratorium at any time. It is a commitment to bayside that we will have a fair process. This will not affect current shelters or the people sheltered there.
- The concentration of shelters without services on site does not serve people well. People have said they cannot get to a stable place in this neighborhood. It has become a difficult place to get services. Jim divine said the d=burden of homelessness is a big burden to carry, we are trying t ensure people are receiving good services and are not segregated according to socioeconomic status. It has been a bad situation for the unhoused and housed.
- Councilor Chong said that everyone in City leadership have asked surrounding communities to step up for years. Most people stay at the shelter for less than 2 days and most people are not from Portland. A lot of the GA offices in the state are not open 7 days a week. When you are experiencing homelessness and you need a space to satay immediately and your GA office is closed, you still need a place to stay. We have advocated for GA to help people stay in their communities for years and have been seeking cooperation with other municipalities to make GA accessible. We have worked with the State to try and get more shelters around the state. It is not that we are not trying. He is hopeful other towns will do this using the American Rescue Plan funds.
- Councilor Ray moved to strike all of the italicized language and recommend to the full Council for passage. Councilor Dion seconded and the motion passed unanimously 3-0.
 - o Is a mortarium a two read or singe read item?
 - It is a two read item unless it is adopted on an emergency basis.
 - The Council would have to vote if they would consider it a
 - o Would the committee support it passing as an emergency?
 - Councilor Dion agreed.
 - o Councilor Ray moved to add to the agenda that the committee recommends the second read be waived and this be passed as an emergency. Councilor Dion seconded and the motion passed unanimously 3 – 0.

AGENDA ITEM 4 – Shelter Licensing Updates

- We will take public comment at the next meeting.
- Director Dow noted Attorney Anne Torregrossa added language to the document.
 - o Director Dow recommends indoor day space for any non-apartment style shelters. The family shelter is apartment style and doesn't have day space but because it his apartment style, people have somewhere to be during the day.
 - o Corporation Counsel has made several additions to the document.
 - o There is a staff recommendation on the bed density and proximity to shelter/buffer zone. We held meetings with shelter providers, ESAC and surveyed the bayside neighborhood. There were no recommendations from the shelter providers because they oppose shelter licensing in general including the 14 organizations of the Emergency Shelter Assessment Committee. The BNA gave 14 responses and mirrored the 2,500-foot buffer zone and 250 bed density in a one-mile radius and shared concerns on equity.

- o Recommended:
 - No more than 250 beds in a one-mile radius;
 - 500-foot buffer between shelters.
 - o Staff hope that this combination will prevent the type of consolidated beds in some small area.
- Councilor Ray asked if Director Dow went to ESAC after the March 10th meeting.
 - o Yes, she met with them in April.
 - o The recommendations we were looking for was not on licensing in general, but these two specific components. There was unanimous opposition to all licensing.
 - They could not provide recommendations on something they fundamentally do not believe in but she cannot elaborate on the opposition to shelter licensing.
 - o Councilor Ray read into the record an email from Cullen Ryan, an author of the ESAC letter: “I see how a carefully crafted ordinance could help neighbors feel supported with adequate accountability, especially where shelters are neighbors. The Health & Human Services and Public Safety Committee appears to be earnestly working to balance that. It is working to resolve flaws to improve this ordinance, including ones that concerned me about potential discrimination and the committee appears to be open to more input in that process. That is a great thing and I am optimistic it will help this reach an optimal outcome.”
 - It would be helpful for ESAC to clarify their position and if ESAC thinks there should not be oversight of shelters.
- Councilor Ray would like to consider a 1,000-foot buffer. She thinks 500 feet is too small.
 - o She is happy with the recommendation for the indoor day space for any non-apartment style shelter.
 - o She does not think there should be a waiver for day space for new facilities.
 - Day space could be where people sleep.
 - These facilities need to be built to adequately serve clientele and day space should be part of that.
- Attorney Torregrossa asked a clarifying question: as it is written in the licensing ordinance, day space would be required by all. Should it be added to the lawfully existing shelter section?
 - o D refers to distance not day space.
 - o It should be added to this section so it only applies to new buildings. Milestone should continue to operate without meeting that requirement unless they expand or relocate.
- Councilor Dion thinks if an existing shelter wants to significantly change their footprint then it could be required but he doesn’t want to penalize shelters currently operating.
- Councilor Chong asked about ESAC and if the City of Portland is part of ESAC.
 - o Yes. The City abstained from the vote. The letter said it was a unanimous vote without listing the abstentions.
 - o Shelter providers felt reporting requirements were an undue hardship.
 - o Director Geyer prepared the memo on reporting requirements that don’t already exist for shelters’ funding.

- Shelters funded through Maine Housing submit this data through HMIS. He spoke with MaineHousing on what data is entered.
- What is not already being collected:
 - Neighborhood concerns and resolutions
 - Number of crisis calls
 - Number of CTOs are reported at ESAC monthly.
- The majority can be obtained easily. There is a report in service point that gives these unique data points.
- We are not asking for anything not already easily accessible.
- It has been a tough year understands anything may feel onerous. She hopes that by clarifying that this data already exists, we are not asking for a hugely onerous reporting mechanism.
- Councilor Dion is looking at the list and is looking to pair down the list.
 - Crisis calls for service? What are those because we ask for police calls later?
 - What defines long term stayer status? We should define LTS
 - He is concerned on average length of stay and if there was a referral to a different shelter.
 - He wants to make it more efficient.
- We will take public comment next month.
- Councilor Ray would like to discuss the referendum at some point.

AGENDA ITEM 5 – June 8, 2021 Agenda Planning

- Staff update and Corporation Counsel interpretation of the referendum.
- Shelter Licensing
 - Public comment

The meeting adjourned at approximately 7:47 PM



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: June 8, 2021
Re: May Health and Human Services Department 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:

- Estimated timeline:
 - Early June: begin renovations.
 - Mid to late July: move City Hall and Cummings Center staff.
 - Mid to late August: move Lancaster Street operations.
 - Mid to late October: move India Street Clinic operations.
- * Currently these dates are estimates and are based on renovation schedules.
- Additional community outreach and input will be forthcoming as programs begin relocation to the new space.

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

- Total Applications: 1269
- Denials: 104
- Denial rate: 8%

Overview of Oxford Street Shelter and contract hotel:

- OSS average nightly census 45
- Contract hotel average nightly census 122

Overview of the Family Shelter:

- Average number of Families/individuals onsite in shelter 28 families/84 individuals
- Average number of families/individuals in hotel overflow 64 families/ 196 individuals

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

- Total number of exchanges: 605

- Number of on site exchanges: 333
- Total number of needles collected: 27,197
- Total number of needles distributed: 36,706
- Total number of Narcan doses distributed: 207 kits (414 doses)
- Community Needles collected: 841
 - Collected from community sharps containers: 452
 - Collected elsewhere: 389
- Additional NEP updates:
 - Staff met with Amistad to discuss syringe services in Portland, including questions of where additional sharps boxes might be needed and how the current boxes are being utilized.
 - The sharps box at Oxford Street is by far the most heavily utilized (812 syringes deposited there since November 2020) with Chestnut Street Garden the 2nd highest (66 syringes)
 - The two least used sharps boxes (at 3 and 4 each since November 2020) are at the Deering Oaks playground and the Stone Street playground; would recommend these remain despite low utilization given their placement in playgrounds
 - General feedback from exchange clients indicate some reluctance to use sharps boxes due to concern about being caught with excessive needles. Have added questions to exchange sheets at NEP to request more specific information from clients about why they do and don't use sharps boxes. Appears that many people are finding alternative ways to dispose of their used sharps (placing in empty detergent bottles and throwing in trash; others placing used needles in sharps containers at hotels). Amistad is also planning to seek feedback from clients about their use (or non-use) of sharps boxes
 - Plan to continue regular meetings with Amistad to share data, coordinate outreach activities, and collaborate on information such as sharps box placement needs, community clean-up events, community education, etc.

Clinic Numbers:

- **STD Clinic:** Patients seen: 88, new patients: 34
- **PCFC:** Patients seen: 65, new patients: 9
- **COVID Vaccinations:** 64 doses administered

MEMORANDUM

TO: Portland City Council; Mayor Snyder

FROM: Danielle West, Corporation Counsel

DATE: May 28, 2021

RE: Impact of Emergency Shelter Referendum on New Emergency Shelter Proposals

There is currently a referendum petition circulating for signatures that would change certain conditional use approval criteria for emergency shelters in the City's Land Use Code, including limiting the size of emergency shelters in Portland. Specifically, the petition would:

- Require adequate space for all basic shelter operations, and removes the specific requirement for providing space for security searches.
- Remove the requirement for providing a centralized office on each level providing sight lines to sleeping areas.
- Remove the requirement to be within ¼ mile of a METRO line.
- Require that the facility be open 24 hours per day.
- Provide that, except for family and domestic violence shelters, the emergency shelter may serve no more than 50 people at a time.

The petition asserts that "the effective date of the proposed amendments . . . shall be April 20, 2021." There is some question whether that effective date will be valid, given the conflicts in language between Section 11 of the City Charter and the provisions of Chapter 9.

Regardless of whether the April effective date is valid, under state statute, it cannot act to reverse any final decision that is reached 45 days prior to passage. 30-A M.R.S. § 3007(6) states, "A municipality may not nullify or amend a municipal land use permit by a subsequent enactment, amendment or repeal of a local ordinance after a period of 45 days has passed after: A. The permit has received its lawful final approval; and B. If required, a public hearing was held on the permit." Thus, any emergency shelter that receives conditional use approval at least 45 days before the vote on the referendum (if any) will not be impacted by that referendum.



CITY OF PORTLAND
Social Services Division
Aaron Geyer, Director

MEMORANDUM

TO: The Health & Human Services and Public Safety Committee

FROM: Aaron Geyer, Social Services Division Director

DATE: June 8, 2021

RE: Shelter Licensing Reporting Requirements and Definitions

At the last meeting, Councilor Dion asked if referrals to a different shelter were included in the list of reporting requirements and expressed interest in pairing down the list in order to increase efficiency. Referrals to other shelters are not currently included. Shelter to shelter referrals currently occur informally as a mechanisms to maximize beds across our shelter continuum and provide the best possible options for guests. Adding a shelter referral reporting requirement would be complicated to get accurate reporting given the nightly cross over that occurs.

In an effort to streamline the reporting requirements, I recommend eliminating (v) "total number of chronically homeless individuals accessing the shelter" with (vi) "total number of individuals who are defined as having long time stayer status" due to the overlap with individuals who meet both criteria. I also recommend Eliminating (xi) Crisis Calls for services, as those calls in large part could be captured in (xiii) police calls for service.

Below are two definitions the committee requested, but please note: eliminating (xi) completely removes the term "crisis calls for service" from the proposed ordinance:

- Long Term Stayer - An individual staying over 180 days in shelters (or outdoors) within a 365 day period (not necessarily consecutive).
- Crisis Calls for services- Calls placed to crisis line (774-HELP) and those to the Behavioral Health team within the Police Dept.

196 Lancaster Street • Portland, ME 04101 • 207-482-5131
aeg@portlandmaine.gov • www.portlandmaine.gov

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; ~~;~~

(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 ¼ 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.
- ~~(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.

~~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 ~~1,000~~ 2,500ft buffer between emergency shelters. Distance shall be measured from the nearest property line of each shelter in a straight line.

~~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.

Commented [1]: Given the overlap between chronic homelessness and Long Term Stayers, the majority of people will be captured under the LTS definition.

Commented [2]: These calls would likely be reported in number xiii as calls to the behavioral health team.

- (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.

[NEW SECTION] 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.

[NEW SECTION] Enforcement and Penalties

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

(ii) However, any expansion of a pre-existing emergency shelter shall be required to meet the maximum density of beds requirement in [SECTION] (g).

(iii) The number of beds at any pre-existing emergency shelter shall still be counted for purposes of determining whether any proposed new shelter is eligible for licensure.

(d) Applicability of proximity requirements in [SECTION] (h):

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

(ii) However, a pre-existing emergency shelter may not expand unless it meets the proximity to other facilities requirement in [SECTION] (h).

(iii) Any new emergency shelter must still meet the proximity to other facilities requirement in [SECTION] (h) with respect to any pre-existing emergency shelter.

(e) Applicability of indoor space performance standards in [SECTION] (e):

(i) A pre-existing emergency shelter is not required to provide indoor space as required in [SECTION] (e) if it did not have such indoor space at the time of original approval.

(ii) However, if there is any expansion of a pre-existing emergency shelter, that emergency shelter shall be required to add indoor space sufficient to meet the requirements of [SECTION] (e).

[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.

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.



Adam Harr <ash@portlandmaine.gov>

Fwd: Shelter Licensing

1 message

Belinda Ray <bsr@portlandmaine.gov>
 To: Adam Harr <ash@portlandmaine.gov>

Mon, Mar 15, 2021 at 12:04 PM

Belinda S. Ray (*she / her / hers*)
 City Council, District 1
 389 Congress Street
 Portland, ME 04101
BSR@portlandmaine.gov

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Please Note: Under Maine law, emails sent or received by public officials or city employees may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

----- Forwarded message -----

From: **Michael Gelsanliter** <mrgelsanliter@gmail.com>

Date: Tue, Mar 9, 2021 at 8:36 AM

Subject: Shelter Licensing

To: <mdion@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Ali Pious <pali@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, <afournier@portlandmaine.gov>, <azarro@portlandmaine.gov>, Jon Jennings <jjp@portlandmaine.gov>, Frank Clark <fclark@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>, <ksnyder@portlandmaine.gov>, <tchong@portlandmaine.gov>

Dear Councilors and Mayor Synder,

Please justly consider a moratorium on additional new shelters in Bayside until adequate time can be given to study how shelters can best serve the greater Portland community.
 The effort, time and energy should not be spent on another new Bayside Shelter when we just had one approved. In good conscience shouldn't the location of additional new shelters be more equitable around the city.

Thank you for your consideration and all your hard work,

Sincerely,

Michael Gelsanliter
 32 Mechanic Street



Adam Harr <ash@portlandmaine.gov>

Fwd: Emergency shelter licensing

1 message

Belinda Ray <bsr@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Mon, Mar 15, 2021 at 12:03 PM

Belinda S. Ray (*she / her / hers*)
City Council, District 1
389 Congress Street
Portland, ME 04101
BSR@portlandmaine.gov

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----- Forwarded message -----

From: **Sarah Michniewicz** <sarahmichniewicz@icloud.com>

Date: Mon, Mar 8, 2021 at 4:38 PM

Subject: Emergency shelter licensing

To: Tae Chong <tchong@portlandmaine.gov>, <mdion@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>
Cc: Kate Snyder <ksnyder@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Ali Pious <pali@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, <afournier@portlandmaine.gov>, <azarro@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>, Frank Clark <fclark@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>

Hello Chair Chong and Councilors Dion and Ray,

Thank you for continuing to diligently pursue emergency shelter licensing. I'm pleased that City staff is recommending outreach be conducted with neighborhood associations and the community to get feedback regarding buffers and spacing, and asking for a community survey on emergency shelter licensing.

It's refreshing but bittersweet to see support for giving neighbors a voice in the process. It's an opportunity that Bayside has never had. If you choose to vote the current recommendations out of committee at Tuesday's meeting, please require that suggested outreach for when the full council considers them.

Although staff hopes the data gathering will be complete and ready to present in May, between now and then there's still a lot at risk for this neighborhood, with nothing to stop another shelter proposal before licensing is enacted. Please do not discount that possibility. One new Bayside shelter has already been sped through in under three months, increasing the already excessive bed total by 12%, up to 451 within the suggested 1 mile radius. That's 201 (80%) more than the suggested maximum of 250. Please see the attached graphic for reference, and [this](#) BNA blog post for a comprehensive overview of shelter density in Bayside compared to the rest of the City, county, and state.

It would be indefensible to allow yet another shelter to enter the planning pipeline when the City's clear will is to first get its arms around how and where shelters are best able to serve the needs of providers, consumers, and constituents; even more so when there are vast areas in the rest of the City a shelter could be sited, even without additional zoning changes.

So I ask that as part of this licensing conversation this Committee recommend to the City Council an *immediate and complete moratorium on allowing any additional shelters or shelter beds in the Bayside neighborhood*. Although plans for eventually relocating the Oxford Street shelter are in motion, and licensing is presumably proceeding apace, nothing is certain.

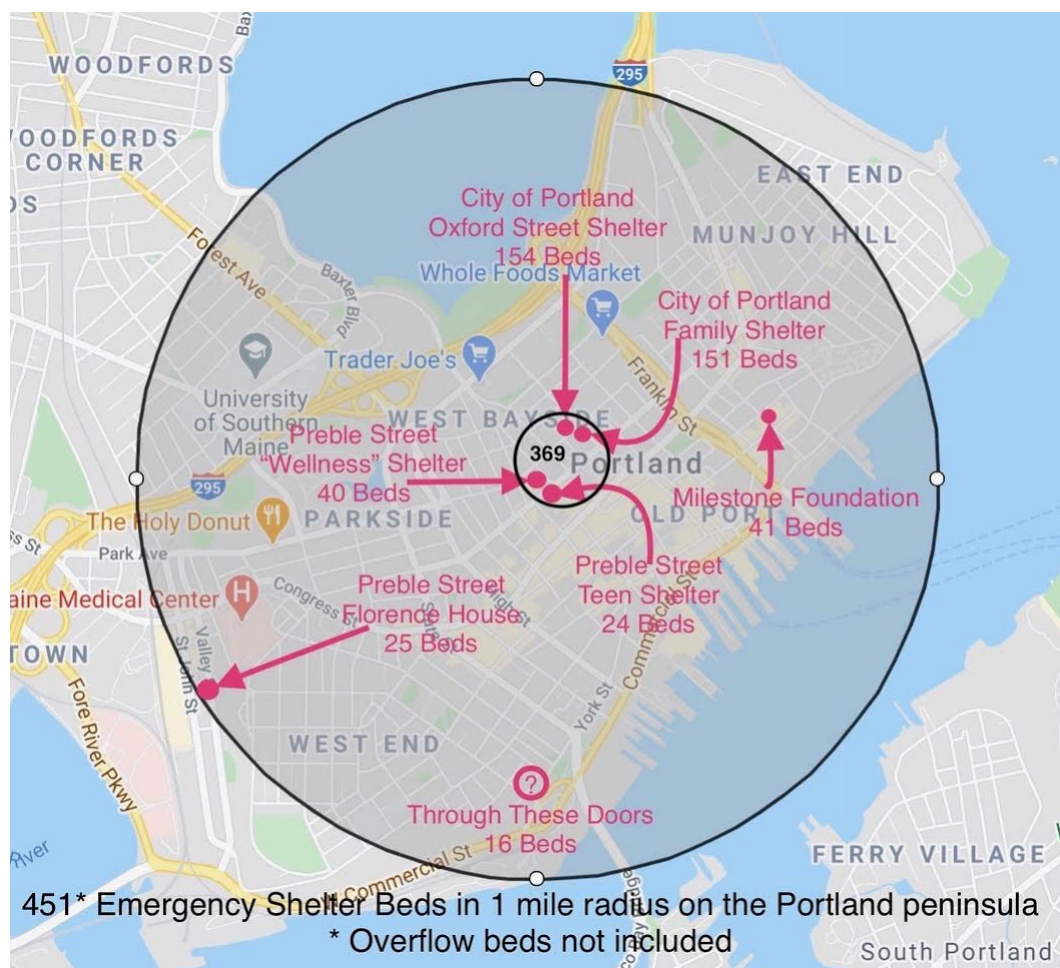
Just as a moratorium on demolitions created a pause to think about the future of Munjoy Hill, a moratorium on new shelters in Bayside will give the neighborhood and the City a safe, depressurized space in which to make fair and durable policy on the location of shelters within the community. But to allow the status quo to continue in Bayside, whilst thoughtfully engaging the rest of City about their preferences, would only serve to affirm that some neighborhoods are more equal than others.

Portland is on the cusp of finally creating a thoughtful and intentional shelter system. Please ask the City Council to enact a moratorium on any new shelters in Bayside so that we can honestly assess the City's role in addressing homelessness, and holistically decide how Portland's shelter system can best fill that role.

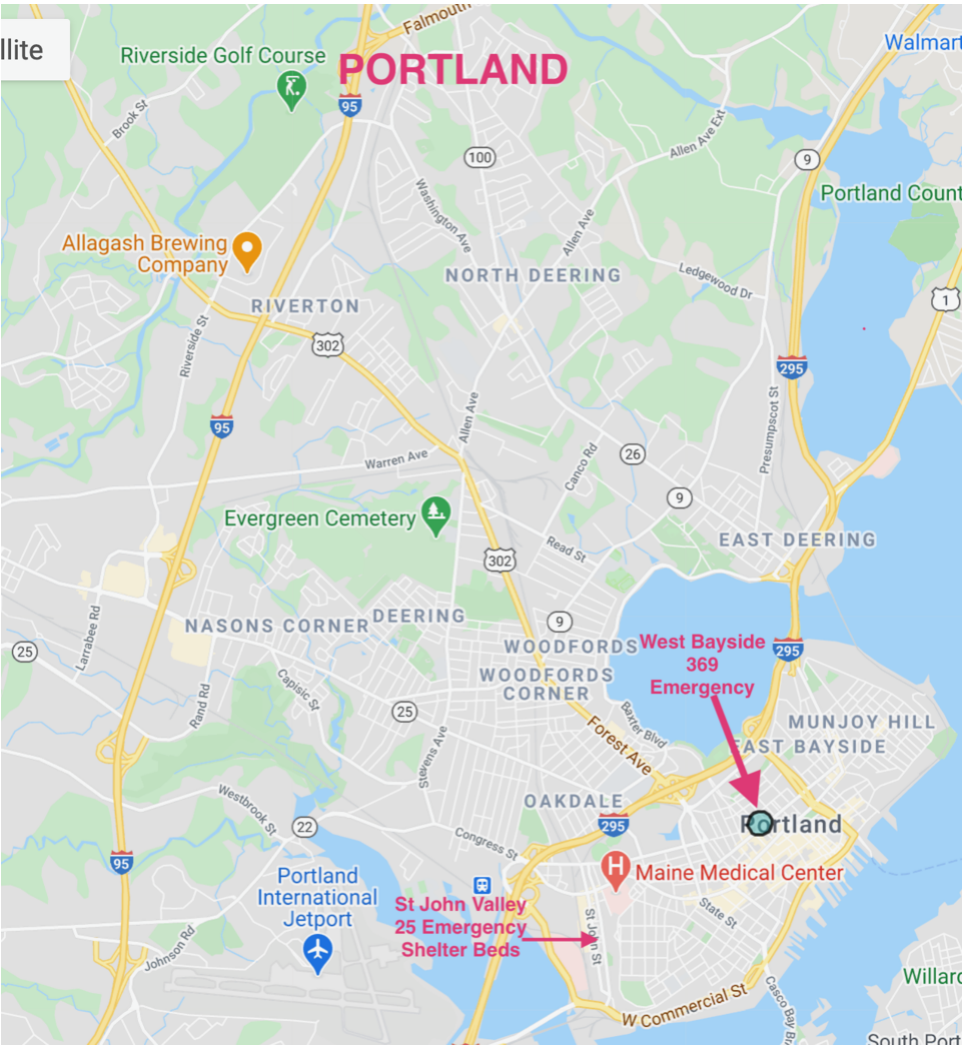
Thank you,

Sarah Michniewicz

Cedar Street, Portland









Adam Harr <ash@portlandmaine.gov>

Fwd: FW: ESAC votes unanimously on Shelter Licensing ordinance

2 messages

Aaron Geyer <aeg@portlandmaine.gov>
To: "Harr, Adam" <ash@portlandmaine.gov>

Tue, Mar 9, 2021 at 3:34 PM

----- Forwarded message -----

From: hvj <hvj@preblestreet.org>
Date: Tue, Mar 9, 2021 at 1:24 PM
Subject: FW: ESAC votes unanimously on Shelter Licensing ordinance
To: Anna Brewer <abrewer@preblestreet.org>, Aaron Geyer (aeg@portlandmaine.gov) <aeg@portlandmaine.gov>, amy@portlandmaine.com <amy@portlandmaine.com>, billhj5659 <billhj5659@yahoo.com>, Benjamin Martineau <bmartineau0613@gmail.com>, briant@amistadmaine.org <briant@amistadmaine.org>, bstrick@spurwink.org <bstrick@spurwink.org>, Cullen Ryan <cullen@chomhousing.org>, Deb Ibonwa <dibonwa@mejp.org>, Donna Yellen <dyellen@preblestreet.org>, ejackson@greaterportlandhealth.org <ejackson@greaterportlandhealth.org>, Frank D'Alessandro <frank@mejp.org>, Jim Devine <jameswdevine@yahoo.com>, Jennifer S <jennys@throughtheseddoors.org>, Joseph McNally <jmcnally@milestone-recovery.org>, Mary Cook <mary.cook@opportunityalliance.org>, Mary Beth Twomey <marybeth.twomey@opportunityalliance.org>, Mark Swann <Mswann@preblestreet.org>, Norman Maze <NMaze@shalomhouseinc.org>, Oliver Bradeen <obradeen@milestone-recovery.org>, Peter McLaughlin <pretty.purgatory.records@gmail.com>, rebeccah@throughtheseddoors.org <rebeccah@throughtheseddoors.org>, Rob Liscord <rliscord@mejp.org>, Sydney Avitia-Jacques <s.avitia.jacques@gmail.com>, Vickey Rand <vickey@chomhousing.org>, meredithp@amistadmaine.org <meredithp@amistadmaine.org>, Dan Coyne <dcoyne@unitedwaygp.org>, Jess Falero <wanderingpoet97@gmail.com>

Hello ESAC members,

Below is the email sent to the members of the HHS Committee, and attached is the final letter on ESAC letterhead.

From: hvj
Sent: Tuesday, March 9, 2021 1:11 PM
To: tchong@portlandmaine.gov; Belinda Ray <bsr@portlandmaine.gov>; Mark Dion <mdion@portlandmaine.gov>
Subject: ESAC votes unanimously on Shelter Licensing ordinance

Good afternoon Chairperson Chong, Counselor Ray and Councilor Dion,

Please consider this urgent request from Portland's Emergency Shelter Assessment Committee (ESAC) recommending you vote against the proposed shelter licensing regulations. ESAC has gathered twice during the last week, discussing this issue for hours in depth. The vote was unanimous, with two abstaining votes.

As a collaboration of more than 15 organizations of homeless service providers, funders and people with lived experience that have expertise and many collective years of experience in addressing shelter needs in Portland, this position is telling. Please read the attached letter. Thank you for your consideration.

On behalf of ESAC,

Jim Devine, Homeless Voices for Justice

--

Aaron Geyer
Director of Social Services
[City of Portland](#)
[196 Lancaster Street](#)
Portland, ME 04101
(207) 482-5131

aeg@portlandmaine.gov

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ESAC Letter on Shelter Licensing.pdf
111K

Belinda Ray <bsr@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Mon, Mar 15, 2021 at 11:58 AM

Belinda S. Ray (*she / her / hers*)
City Council, District 1
[389 Congress Street](#)
Portland, ME 04101
BSR@portlandmaine.gov

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[Quoted text hidden]



ESAC Letter on Shelter Licensing.pdf
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Emergency Shelter Assessment Committee

To: Portland City Council Health and Human Services and Public Safety Committee

From: Portland's Emergency Shelter Assessment Committee

Date: March 9, 2021

Re: Shelter Licensing

The Emergency Shelter Assessment Committee was formed in 1987 to monitor and respond to the homeless emergency shelter needs of the City of Portland. It has diligently continued this mission ever since.

ESAC has voted unanimously to oppose the proposed shelter licensing regulations for homeless shelters.

ESAC and its membership are happy to work with city leaders to address any concerns or issues that the licensing regulations aimed to address.

The overarching concern with the shelter licensing regulations are that they will work in direct opposition to what the City has been dedicated to since 1987, when the City Manager made a decree that no one shall be homeless and unsheltered in the City of Portland, and that homeless shelters will be commensurate with need to ensure the safety and wellbeing of people experiencing homelessness. This ordinance has three primary flaws:

1. It demonizes people who experience homelessness rather than supports their needs. It does this by representing them as criminals rather than people facing circumstances beyond their control, including inability to afford housing, mental illness, substance use disorder, being victims of domestic violence, or being temporarily or permanently unable to live with parents/family (unaccompanied youth).
2. It arbitrarily limits the amount of homeless resources based on geography rather than need. It does this by declaring limits on the number of people experiencing homelessness served within a square mile or other measures and it does this in a way that is discriminatory.
3. It offers grandfathering that diminishes the current homeless response, while handicapping future response, ignoring the patterns the City of Portland has seen with unmet homelessness demand, and putting homeless emergency shelter providers in an ultimately failing position to deliver emergency services as needed by the City.

All three of these will expose the City to a failed response to homelessness leading directly to homeless encampments – something counterproductive to the City and counterproductive to efforts to end homelessness.

We are dismayed that the proposed shelter licensing regulations are silent on efficiently, effectively, and ethically meeting the needs of people experiencing homelessness. They instead focused solely on how to manage a misperceived threat of people maligned and ostracized for experiencing the circumstances of homelessness.

We urge the City's Health and Human Services and Public Safety Committee to immediately terminate this proposed ordinance. We urge the City's Health and Human Services and Public Safety Committee to instead undertake efforts to meet with professional homeless service providers to develop strategies to directly and precisely address any concerns experienced by the City and its residents. The proposed ordinance would undo current efforts to end and prevent homelessness, and it would do so cruelly amid a pandemic, at a time where just last week four people experiencing homelessness died due to shelter occupancy limitations caused by a COVID-19 outbreak.

Please terminate this ordinance immediately and allow us to ensure people have safe access to emergency shelter in the City of Portland. Please help us end homelessness rather than exacerbate it.

A Collaborative of Services Providers, Consumer Groups, and Health & Human Services Agencies whose Primary Objective is to Ensure the Safety and Well-Being of Portland's Homeless.



Adam Harr <ash@portlandmaine.gov>

Fwd: Fw: New Homeless Shelter Licensing Standards - Legal Application and Critical Role

1 message

Belinda Ray <bsr@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Mon, Mar 15, 2021 at 12:03 PM

Belinda S. Ray (*she / her / hers*)
City Council, District 1
[389 Congress Street](#)
[Portland, ME 04101](#)
BSR@portlandmaine.gov

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----- Forwarded message -----

From: **Laura S. Underkuffler** <lu27@cornell.edu>
Date: Mon, Mar 8, 2021 at 12:08 PM
Subject: Fw: New Homeless Shelter Licensing Standards - Legal Application and Critical Role
To: Belinda Ray <bsr@portlandmaine.gov>

Hi Belinda, I used the wrong email for you! I am sorry - here is the email I previously sent. Thank you, Laura

From: Laura S. Underkuffler
Sent: Monday, March 8, 2021 5:06 AM
To: tchong@portlandmaine.gov <tchong@portlandmaine.gov>; mdion@portlandmaine.gov <mdion@portlandmaine.gov>; bray@portlandmaine.gov <bray@portlandmaine.gov>
Cc: dwchuhta@portlandmaine.gov <dwchuhta@portlandmaine.gov>; kjd@portlandmaine.gov <kjd@portlandmaine.gov>; cityclerk@portlandmaine.gov <cityclerk@portlandmaine.gov>
Subject: New Homeless Shelter Licensing Standards - Legal Application and Critical Role

Dear Counselors Chong, Dion, and Ray:

At the last public hearing on the proposed licensing standards for homeless shelters, an attorney for Maine Equal Justice objected to the Committee's decision that new shelters permitted after January 31, 2021 will be subject to the new licensing requirements.

The grounds for this objection were obscure. To the extent that some rationale was articulated, it seemed to be that because shelters in existence as of January 31, 2021 would be exempt from concentration limits, all shelters which can manage to rush to permitting between January 31, 2021 and the date of adoption of the licensing standards should be, as well. The reason given was that somehow this would be "best practice" (of some sort).

This attorney gave no legal reason for this position, because there is none. In Kittery Retail Ventures, LLC v. Town of Kittery (2004), the Maine Supreme Court unequivocally and finally held that a town can apply new regulations to existing uses and projects. Neither the submission of a development application nor the issuance of a development permit establishes vested rights, and neither the submission nor the issuance of a permit prevents a city from applying later-adopted police power regulations to that project.

Indeed, common sense dictates that this must be the case, in order to prevent a notorious problem in land use law. If entities know that proposed requirements are being considered by a city (which they always will because of public hearing requirements for any change), and (under the law) they are exempt from those new requirements if an application is made or a permit obtained, they can repeatedly defeat the city's attempt at regulation. There are two ways to deal with this problem: for the city to put everyone on notice that all applications after a certain date will be subject to the new regulations (as done here), or for the city to declare a moratorium pending adoption of the new regulations. Either avenue is expressly permitted by Maine law, as stated in the Kittery case.

The reason is this. Prohibitions against retroactivity exist to prevent unfairness to project applicants who have invested large sums of money in reliance on the absence of existing regulations, who have no notice of the pending change in the law. Where this substantial investment occurred before any notice of the pending change was given to the public, the developer could legitimately claim surprise and unfairness. (Thus the common law rule, in all states, that "vested rights" (and exemption from regulatory change) require *both* permitting *and* substantial construction.) However, where -- as here -- any applicant for a new homeless shelter is now aware of the pending adoption of licensing standards, any claim of "surprise" or "unfairness" is specious.

Indeed, if applicants could subvert new regulations every time by rushing to file permit applications before the public processes -- necessary for any adoption of new regulations -- are completed, a city would -- by definition -- be powerless to maintain any status quo while the public adoption processes finish.

Murmurings about "best practices" does not change these fundamental rules.

There is an odd twist to this attorney's remarks that I also want to address. It was stated that any licensing should focus on the health and wellbeing of people in the homeless shelters in question, and (impliedly) that consideration of impacts on others are illegitimate. What this kind of thinking ignores is that *all of us are in this together*. City government and its police power do not exist only to protect one segment of the public; they exist to represent the interests of all. Homeless shelters can exist in harmony with neighbors, as some exemplary homeless shelters now operating in Portland prove. Licensing requirements -- as now exist in other Maine cities -- are critical to the creation and maintenance of homeless shelter operations that protect *both* the homeless populations (as opposed to the criminal elements that are attracted to them) and the residential neighbors (generally low-income) that live there.

We have lived at 215 Oxford Street for 13 years. We have employed -- sometimes for years -- people who stayed at the OSS, and become lasting friends with them. I can tell you that they don't want to live in crowded and dangerous conditions, with a gauntlet of drug dealers on the street outside, any more than we do. They don't want to be relegated to sitting on curbs and parking lot barriers, or in a tiny courtyard mere feet from the street -- and being gawked at by people in passing cars. In short, they don't want to be relegated to the kind of place that the "West Bayside ghetto" has become, any more than those who are trying to scratch out an existence living in West Bayside want to live in those conditions.

The City must get control of this homeless situation, for everyone, and on multiple levels. These licensing standards are a tremendous step forward. For the first time, the City will have the legal authority to control

shelter operations and locations for the good of the homeless population and other city residents. Thank you for taking this very critical and important step.

Sincerely,

Laura Underkuffler
215 Oxford Street

Work:
J. DuPratt White Professor of Law - Property and Land Use
Cornell University



Adam Harr <ash@portlandmaine.gov>

Fwd: HHS & PS Committee meeting

1 message

Belinda Ray <bsr@portlandmaine.gov>
 To: Adam Harr <ash@portlandmaine.gov>

Mon, Mar 15, 2021 at 12:03 PM

Belinda S. Ray (*she / her / hers*)
 City Council, District 1
 389 Congress Street
 Portland, ME 04101
BSR@portlandmaine.gov

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----- Forwarded message -----

From: **K. Scott Morrison** <kscottmorrison2@gmail.com>
 Date: Mon, Mar 8, 2021 at 11:00 AM
 Subject: HHS & PS Committee meeting
 To: <tchong@portlandmaine.gov>, <mdion@portlandmaine.gov>, <bsr@portlandmaine.gov>
 Cc: <knyder@portlandmaine.gov>, <sthibodeau@portlandmaine.gov>, <nmm@portlandmaine.gov>, <pali@portlandmaine.gov>, <azarro@portlandmaine.gov>, <afournier@portlandmaine.gov>, <cityclerk@portlandmaine.gov>

Good day HHS/PS city council committee members,

We've been following with significant interest your work on shelter licensing and small shelter zoning. From our perspective as 11 year Parris Street residents, shelter licensing and zoning is seriously needed and long overdue.

Your draft recommendations affirm our thoughts that the Bayside neighborhood has unfairly become the default Portland neighborhood for shelters and social services. Recommendations for a reasonable 2,500 foot spacing between facilities, and a buffer of no more than 250 beds within a 1 mile radius, are fair to neighborhoods as well as to recipients of shelter services. The recommendation that all shelters have adequate space for people to stay off the street during the day is essential for neighborhood safety.

While you continue your work we request the city council immediately enact a **moratorium** on allowing additional shelters in Bayside. Recent news that the city of Scarborough opened a new shelter managed by our Preble Street Inc. neighbors clearly demonstrates that new shelters can be established outside of Bayside. A moratorium in Bayside will help direct providers to consider other neighborhoods as locations for any needed shelter expansion or relocation. Given the statistics from our Oxford Street shelter, that upwards of 2/3 of that shelter's residents come from outside Portland, it is encouraging to hear that another municipality shares in providing shelter services.

Thank you again for your work and service to our city.

Best regards,

K. Scott and Mary Beth Morrison
[9 Parris St.](#)



Adam Harr <ash@portlandmaine.gov>

Fwd: Shelter Licensing & Zoning

1 message

Belinda Ray <bsr@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Mon, Mar 15, 2021 at 11:58 AM

Belinda S. Ray (*she / her / hers*)
City Council, District 1
389 Congress Street
Portland, ME 04101
BSR@portlandmaine.gov

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----- Forwarded message -----

From: **Jim Hall** <mtjimhall@gmail.com>
Date: Sun, Mar 7, 2021 at 10:12 PM
Subject: Re: Shelter Licensing & Zoning
To: Tae Chong <tchong@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>, Mark Dion <mdion@portlandmaine.gov>
Cc: Kate Snyder <ksnyder@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, Pious Ail <pali@portlandmaine.gov>, April Fournier <afournier@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Andrew Zarro <azarro@portlandmaine.gov>, Jon Jennings <jjp@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>, Christine Grimando <cdg@portlandmaine.gov>, Jessica Hanscombe <jhanscombe@portlandmaine.gov>, Frank Clark <fclark@portlandmaine.gov>, Rich Bianculli <richb@portlandmaine.gov>, Jonathan Sahrbeck <sahrbeck@cumberlandcounty.org>, <cityclerk@portlandmaine.gov>

Dear HSSPS Chair Chong, Councilors Ray and Dion,

Re: Shelter Licensing & Zoning

Thanks for continuing to prioritize management of the emergency system Portland provides for the region. I'm glad to see baby steps toward county participation in their allocation of federal funds for a resettlement coordinator. And I'd like to applaud the ways staff are clearly taking to heart the public desire for better engagement and transparency, without creating inordinate delay.

Previously I've made blanket statements on the need for proactive community protections, but considering good actors like Milestone and Through These Doors, I now feel that licensing instead needs to include strong mechanisms to detect and control any specific cases where the operator needs to be compelled to respect their neighbors. It's clearly possible to manage a shelter without pissing off your community. The city shelter has also demonstrated that an honest partner can improve relations after letting impacts get out of hand. But not all actors in this space behave appropriately of their own accord.

I urge the HSSPS committee to recommend a narrow moratorium on new Bayside shelters in particular. The Bayside neighborhood needs more targeted protection than licensing can provide, and requires active healing medicine, not just passive "organic" growth. The so-called neighborhood vision of 20 years ago died on the vine, and this neighborhood is frankly still being abused. Was it right to cram the latest new, permanent emergency shelter into Bayside? Well, it technically met code, and apparently wider neighborhood context is out of scope for reviewing authorities. That leaves the city council as the only body that can produce any kind of holistic oversight.

As to more specific licensing solutions:

- Please consider a sunset provision for grandfathered operations. You've arrived at best practices with thorough research and collaboration, and it would be negligent to allow non-compliance in perpetuity just because a shelter already set up shop.
- The narrative that the proposed licensing language is too focused on neighbors is ridiculous. In the "Requirements" section (h)(vii)(6) is more explicit about internal emergency response than anything to do with community protections. The city shelter's own management model secures residential streets in an appropriate radius, and I'd like to see an explicit requirement to require this at other shelters when necessary. The phrase "around the facility" in (h)(vii)(5) appears similar to conditional use language denoting impact on "surrounding properties", which both planning and zoning have said limits their scope of consideration to abutting buildings, not overall neighborhood impacts. That wider context matters and must be considered at some stage.
- "Review Procedures" (c), (d) and (f) describe protocols only when the City Council reviews; shouldn't these include Permitting and Inspections as well?
- The current language regarding waivers for separate day space could effectively double the number of allowable shelters in a given buffer, and re-create the kind of neighborhood foot traffic that has proved so disastrous in Bayside.
- Removing metro proximity is an improvement that allows for creative strategies to help guests utilize transit in additional areas.
- Please define the domestic violence waiver better. Surely someone must review site plans, safe bed counts and such. The current language appears to give permission to site new shelters without allowing any determination of appropriate facilities. A clause calling for something like executive session seems more appropriate than an outright exemption.
- There are areas where code still needs rationalizing between shelter-specific conditional use standards and licensing. Some examples:
 - Sight-line requirements in conditional use would disallow a dorm/apartment style layout, but it's mentioned twice in licensing.
 - Buffers and densities should be described in shelter conditional use standards (e.g. see ch.14–6.5.6.K.1)
 - Conditional standards still include the loophole allowing zero day space within 1/4 mile of metro.
 - A specific amendment to January's conditional use approval required an advisory panel, and the approved plan included a 24-hour abutter hotline – while licensing requires a named community liaison – all good ideas, but not consistently applied.
 - Some conditional use requirements need clearer definition – for instance what constitutes adequate central office, sight-lines, onsite services & amenities, and day space. Preble Street's 5 Portland Street shelter was allowed to invent definitions that fit their plans, not the other way around, so it seems the current code doesn't produce the intended governance outcome. (... etc...)

I'll close by saying I'm proud of the way this city takes on more than our share when we see a regional problem that needs fixing. I'm grateful for specific attempts to correct previous failures of governance. And I can see that the HHSPS committee is committed to getting this right, and doing so in as timely a manner as possible.

Thanks,
Jim Hall
Cedar St

On Feb 8, 2021, at 9:45 PM, Jim Hall <mtjimhall@gmail.com> wrote:

To HSSPS Chair Chong, Councilors Ray and Dion,

Re: Shelter Licensing

Thank you for continuing to prioritize emergency shelter management. I'm glad to see some urgency now to complete the city's toolkit for overseeing this type of important but high-impact use.

After looking at the proposed ordinance, I have some concerns, comments, questions. I've attached a "redline" version I put together comparing last month's draft since one was not provided.

- **RENEWAL:** Under "Expiration Date"—Is "July 1" an example date, or intended as the actual ordinance (i.e. indicating that all shelters must renew by July 1st each year)? The first draft spelled out "Twelve Months" expiration. Please ensure that code does explicitly require yearly renewal.
- **PUBLIC HEARING:** Please consider requiring public hearing on renewal, not just initial application.
- **TIMING:** There are currently two dates affecting grandfathered locations – in "Licensing Requirements" (b) and "Performance Standards" (f) & (g). My reading is that a shelter use with all permits in hand as of Jan 31 but not technically "*in operation*" as of the effective date would simply need to obtain its initial license at a future date before they could begin operating. Please just make sure there's no loophole created.
- **GRANDFATHERING:** Some but not all of the language regarding shelter-specific conditional use standards is duplicated in this licensing ordinance ("management plan" etc) – but some existing shelters will have other requirements waived (e.g. to provide central office, sight lines, onsite services & amenities). I ask you to ensure that all relevant *operational* requirements *are* applied, even to grandfathered locations.
- **SUNSET:** Please consider a "sunset" for grandfathering, giving prior operations something like 5-10 years to meet ALL conditional use and licensing standards, else relocate to make all code requirements possible. There should not be an option for an inadequate facility to continue operating in perpetuity.
- **ZONING:** It would be appropriate at this time to openly acknowledge that the city is allowing (and operating) illegally zoned shelters, and lay out exactly how / when those need to come up to code.

- **AMENDMENTS:** Last month's planning approval for 5 Portland Street added several amendments creating additional conditions to the permit. and it's worth considering which of these should actually be permanent conditions. Some portion of code should definitely require a maximum allowable capacity both in terms of persons served and space used to be *set in writing*. Most of the monitoring metrics suggested by DHHS have been included in this licensing proposal, which makes conditional use language outdated.
- **ADVISORY PANEL:** This licensing proposal includes a requirement to meet monthly with neighbors – but an advisory panel with a broader array of stakeholders is a more beneficial forum. We have evidence that mere attendance at neighborhood meetings is not adequate to resolving concerns.
- **PUBLIC REPORTS:** There should be a requirement that monitoring reports be made publicly available on the operator's website.
- **CODE LANGUAGE:** I am of the opinion that the approved management plan for 5 Portland did not adequately meet code requirements in several ways - no centralized office; staff workstations will not provide sight lines to all sleeping areas; the only services actually offered "on site" will be case management and housing assistance; there is not a kitchen or pantry "for guests" (only separate production operations that will deliver meals); etc etc... Please consider whether that language needs to be clarified to better instruct the reviewing body as to intention of the law, or to spell out minimum allowable thresholds.
- **DAY SPACE:** Requirements for indoor day space should be tightened up. The current conditional use language has been copied to this licensing proposal, allowing shelters within 1/4 mile of a METRO line to ignore the need for day shelter space. Shelters with no day space force clients out into the neighborhood, and are not considered a best practice. Please consider striking the "*within 1/4 mile OR*" clause entirely – i.e. simply require all new emergency shelters to be located within 1/2 mile of metro AND provide day space AND draw up transit strategies. This is better for clients and for neighborhoods.
- **COMMUNITY PROTECTIONS:** The community must be ACTIVELY protected. Waiting for renewal to count complaints against an unspecified threshold next year is not enough. The proposed licensing language does at least mention things like "security plan", and reducing crime "around" the facility. Please explicitly require *preemptive prevention* of the right kind of neighborhood impacts, not just vague review of an undefined security plan. The proposed licensing language clearly lists many explicit requirements for *internal* safety – it needs to also include equally explicit *community* safety requirements. Please require active mitigation of known community impacts. This is especially important given the overall plan to expand small shelter zoning, which may site future emergency shelters in close proximity to residential homes.
- **THRESHOLDS:** The language around department review removed any mention of appropriate number of calls for service, public safety hazard, or life safety – despite requests from councilors to provide more definition in these areas. In my opinion this can and should operate similarly to the existing "disorderly house" ordinance. Please determine what a reasonable threshold is, enforce penalties, require oversight when necessary, and ultimately revoke the license if a shelter is unable to operate safely at the given location and capacity.

- **SUB-POPULATION:** I'm glad to see applicants will be required to describe the intended population. This language should be stronger to align with city policy and plans. Please require that intake *only* be allowed via the city's central system. I would also suggest any proposed shelter prove it will fill a gap in the existing system. Emergency shelter should not be a "competitive" business; all parties must submit to the fact that this municipality is overseeing a complex system, and has the right and responsibility to manage it appropriately.
- **STANDARDS:** This licensing proposal includes items such as requirements for crime prevention by environmental design; community relations liaison; emergency contact; emergency response protocols, etc. – which need to be included in the conditional use standards.
- **INSPECTIONS:** Last month's minutes show councilors requested that inspections should happen more than twice a year, and that there should be a method of overseeing city operations, but the new language doesn't describe this. Please consider filling this in.
- **ENFORCEMENT:** Generally, this city needs to correct course from a history of failure to actively enforce existing laws surrounding homeless services. Chapter 15.8 is largely reactive unless there is immediate danger of irrevocable harm (I would submit that in many ways irrevocable harm has already been created in the Bayside Neighborhood). The more explicit licensing can be about ways that applicants must *reduce and prevent* known adverse effects, the better.

I'm very hopeful that the full council will soon pass really strong and durable licensing that protects everyone involved – clients, staff, and the host community. I'm also hopeful that the current council & city staff may find ways to encourage other municipalities, regional bodies, the state, and even federal actors, to participate more actively. Many thanks to you and everyone in this city who goes above and beyond to provide regional services, and to ensure they are managed well.

Sincerely,
Jim Hall
Cedar St Portland

<Shelter Licensing - ANNOTATED.pdf>



Adam Harr <ash@portlandmaine.gov>

Fwd: Shelter licensing

1 message

Belinda Ray <bsr@portlandmaine.gov>
 To: Adam Harr <ash@portlandmaine.gov>

Mon, Mar 15, 2021 at 11:59 AM

Belinda S. Ray (*she / her / hers*)
 City Council, District 1
 389 Congress Street
 Portland, ME 04101
BSR@portlandmaine.gov

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----- Forwarded message -----

From: **Carolyn Megan** <carolynmegan@gmail.com>

Date: Tue, Mar 9, 2021 at 11:21 AM

Subject: Shelter licensing

To: Tae Chong <tchong@portlandmaine.gov>, <mdion@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Ali Pious <pali@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, <afournier@portlandmaine.gov>, <azarro@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>, Frank Clark <fclark@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>, Kate Snyder <ksnyder@portlandmaine.gov>

Dear Councilors Chong, Dion and Ray:

Thank you for the time and care you have brought to the discussion of licensing shelters in Portland. This work and conversation is long overdue and is crucial for the well-being of both shelters and the neighborhoods in which they are situated. As there is no recourse for residents to be heard in expressing concerns about shelters' impact on neighborhoods, your work is timely and much needed. Additionally, the work underscores the larger visioning for how the city as whole - each neighborhood - can address issues of homelessness.

As an extension of this work, I ask that you urge the City Council to place a moratorium on any new shelters in Bayside until the city can best address Portland's shelter system as a whole.

No doubt there are difficult conversations ahead but this work is a good first start.

Thank you,
 Carolyn Megan



Adam Harr <ash@portlandmaine.gov>

Fwd: tonight's discussion - emergency shelter licensing

1 message

Belinda Ray <bsr@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Mon, Mar 15, 2021 at 11:59 AM

Belinda S. Ray (*she / her / hers*)
City Council, District 1
389 Congress Street
Portland, ME 04101
BSR@portlandmaine.gov

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----- Forwarded message -----

From: **Heidi Souerwine** <heidi.souerwine@gmail.com>

Date: Tue, Mar 9, 2021 at 3:54 PM

Subject: tonight's discussion - emergency shelter licensing

To: Tae Chong <tchong@portlandmaine.gov>, <mdion@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>

Cc: Kate Snyder <ksnyder@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Ali Pious <pali@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, <afournier@portlandmaine.gov>, <azarro@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>, Frank Clark <fclark@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>

Dear HHS Committee members and Councilors,

Thank you for the continued discussion, consideration of, and movement forward on our city's shelter regulations. I've been encouraged by thoughtful questions during the committee's dialogue on this topic over the past several months. It's complicated, and I know these topics are especially challenging in our current climate, so I thank you for your continued engagement, and desire for alignment.

I write in support of the more thoughtful shelter licensing and zoning policies under discussion. I think these policies help move away from the dense concentration of social services that has neither benefited individuals experiencing homelessness, nor the neighbors who wish to be in community with them.

I encourage you to take action on shelter licensing at the meeting tomorrow, and send it to the full Council. In the documents posted online I see many things I support that will be crucial to building public understanding and support for shelters around our city, and, are normal parts of licensing and zoning regulations:

1. a buffer of no more than 250 beds within a 1 mile radius.
2. spacing of 2500 feet between facilities.
3. requirement that all shelters must have adequate space for people ONSITE to be able to stay off the street during the day.
 1. I see waivers have been suggested, and I would STRONGLY recommend finding a way to limit those. Otherwise, we're setting up a scenario of ping-ponging vulnerable people between spaces, again, which goes against best practices to serve these individuals and help them overcome permanent homelessness.

However, there's one thing I don't see yet that is CRITICAL: strict rules preventing institutions from undermining this process and skirting the policies in progress:

a moratorium on any new shelters in Bayside.

Why is this so important? As you all know, one shelter has already been added to Bayside, bringing our tiny half of this neighborhood up to 451 beds within the suggested 1 mile radius. That's almost as many beds OVER (201) the suggested maximum of 250.

The City was able to do something similar for development in Munjoy Hill. Doing so right can only help you, our Council, serve our City better in making sound, thoughtful policy decisions by looking at a complete picture, absent of counterproductive pieces running in parallel.

If the City staff are recommending that before further action is taken, [outreach](#) should be conducted with neighborhood associations and shelter providers to get feedback and information (GREAT idea, wish our neighborhood had this), AND they are also recommending [community surveys](#) be conducted to hear what people think about small shelter zoning, allowing other things to proceed in tandem will undermine these efforts. and the transparency I know you all strive for.

Thank you for your diligent work, and I look forward to the discussion this evening.

Heidi Souerwine
Mechanic St.

Fwd: Updated Letter on Shelter Licensing from ESAC

3 messages

Kristen Dow <kjd@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Fri, Jun 4, 2021 at 10:26 AM

For backup.

Thank you,
Kristen

Kristen Dow
Director of Health & Human Services
[City of Portland](#)
[389 Congress Street](#)
[Portland, ME 04101](#)
207-874-8633

----- Forwarded message -----

From: **Jon Jennings** <jpj@portlandmaine.gov>
Date: Fri, Jun 4, 2021 at 10:22 AM
Subject: Fwd: Updated Letter on Shelter Licensing from ESAC
To: Kristen Dow <kjd@portlandmaine.gov>

Please add to the backup for the committee meeting.

----- Forwarded message -----

From: **Pious Ali** <pali@portlandmaine.gov>
Date: Fri, Jun 4, 2021 at 10:20 AM
Subject: Re: Updated Letter on Shelter Licensing from ESAC
To: Homeless Voices for Justice <hvj@preblestreet.org>
CC: Kate Snyder <ksnyder@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>, Dena Libner <dlibner@portlandmaine.gov>, Katherine Jones <klj@portlandmaine.gov>

Mayor

Can we add this to the backup materials as well Thanks. I have copied the city clerk and the manager just as FYI.
Thanks

Respectfully

Pious Ali

City Councilor At-Large

City Hall

[389 Congress Street](#)

[Portland, ME 04101](#)

PALI@PortlandMaine.gov

[2078074283](tel:2078074283)

On Thu, Jun 3, 2021 at 3:21 PM Homeless Voices for Justice <hvj@preblestreet.org> wrote:

To: Portland City Council Health and Human Services and Public Safety Committee, and City Council

From: Portland's Emergency Shelter Assessment Committee

The Emergency Shelter Assessment Committee (ESAC) was formed in 1987 to monitor and respond to the emergency shelter needs of individuals who are homeless in the City of Portland. One of the ways ESAC works to accomplish this objective is by collecting, aggregating, and disseminating crucial data that illustrates the scope and magnitude of need.

ESAC recognizes that the integrity of our work relies on the accuracy of the data we share. In our March 9th letter to the City Council we wrote, "just last week four people experiencing homelessness died due to shelter occupancy limitations caused by the COVID-19 outbreak." After submission ESAC learned this information was not accurately portrayed. We take full responsibility and want to correct the record. While all of the people referenced in our letter had long histories of homelessness contributing to their deaths, their deaths were not caused by shelter occupancy limitations. We apologize for any confusion this may have caused.

Additionally, we stated that "ESAC has voted unanimously to oppose the proposed shelter licensing regulations." We wish to amend this statement to include ESAC voted unanimously to oppose the proposed shelter licensing regulations with two members abstaining.

Emergency shelter providers have worked tirelessly to help some of our most vulnerable community members during this pandemic and we in no way want to detract from their efforts. The number of individuals experiencing homelessness in Portland has grown exponentially over the last year, recently setting a new record of 321 individuals accessing emergency shelter. 64 people who were homeless died in Portland in 2020, up from 43 the year before. We appreciate the City Council's vote to continue working with community members and providers on this issue and look forward to partnering with the Council to end and prevent homelessness in Portland.

Signed,

ESAC Tri-Chairs: City of Portland, United Way, Homeless Voices for Justice

--
Jon P. Jennings, MPA
City Manager
[City of Portland](#)
[389 Congress Street](#)
[Portland, ME 04101](#)
(207) 874-8689 Office
jpj@portlandmaine.gov
www.portlandmaine.gov

Anna Brewer <abrewer@preblestreet.org>

Mon, Jun 7, 2021 at 4:24 PM

To: "Aaron Geyer (aeg@portlandmaine.gov)" <aeg@portlandmaine.gov>, Adam Harr <ash@portlandmaine.gov>

From: Pious Ali <pali@portlandmaine.gov>
Sent: Friday, June 4, 2021 1:53 PM
To: Jon Jennings <jjp@portlandmaine.gov>
Cc: Dena Libner <dlibner@portlandmaine.gov>; Homeless Voices for Justice <hvj@preblestreet.org>; Kate Snyder <ksnyder@portlandmaine.gov>; Katherine Jones <klj@portlandmaine.gov>
Subject: Re: Updated Letter on Shelter Licensing from ESAC

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Thank you

Respectfully

Pious Ali

City Councilor At-Large

City Hall

389 Congress Street

Portland, ME 04101

PALI@PortlandMaine.gov

2078074283

<http://www.portlandmaine.gov>

[Sign up to receive updates on my work](#)

On Fri, Jun 4, 2021 at 10:23 AM Jon Jennings <jjp@portlandmaine.gov> wrote:

I forwarded this to HHS staff to include in the backup for the committee.

[Quoted text hidden]

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

Kristen Dow <kjd@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>
Cc: Aaron Geyer <aeg@portlandmaine.gov>

Mon, Jun 7, 2021 at 5:13 PM

Hi Adam,

This is a correction to an item that is currently in the HHS & PS Committee packet for tomorrow night's meeting and should also be added as backup materials.

Thank you,
Kristen

Kristen Dow
Director of Health & Human Services
City of Portland
389 Congress Street
Portland, ME 04101
207-874-8633

----- Forwarded message -----

From: **Aaron Geyer** <aeg@portlandmaine.gov>
Date: Mon, Jun 7, 2021 at 4:53 PM
Subject: Fwd: FW: Updated Letter on Shelter Licensing from ESAC
To: Dow, Kristen <kjd@portlandmaine.gov>

Good Afternoon Kristen,
I wanted to send this along as an FYI from earlier today.

----- Forwarded message -----

From: **Anna Brewer** <abrewer@preblestreet.org>
Date: Mon, Jun 7, 2021 at 4:47 PM
Subject: FW: Updated Letter on Shelter Licensing from ESAC
To: Aaron Geyer (<aeg@portlandmaine.gov>) <aeg@portlandmaine.gov>

From: Homeless Voices for Justice
Sent: Monday, June 7, 2021 2:05 PM
To: Homeless Voices for Justice <hvj@preblestreet.org>; tchong@portlandmaine.gov; Mark Dion <mdion@portlandmaine.gov>; Belinda Ray <bsr@portlandmaine.gov>
Cc: Azarro@portlandmaine.gov; afournier@portlandmaine.gov; Nicholas Mavodones <nmm@portlandmaine.gov>; Spencer Thibodeau <sthibodeau@portlandmaine.gov>; Kate Snyder <ksnyder@portlandmaine.gov>; Pious Ali <pali@portlandmaine.gov>
Subject: RE: Updated Letter on Shelter Licensing from ESAC

Dear City Council Members,

We are emailing to make a correction to the updated ESAC letter on shelter licensing that we sent last Thursday, 6/3. The email was signed the "ESAC Tri-Chairs: City of Portland, United Way, Homeless Voices for Justice." However, the City of Portland and United Way of Greater Portland abstained from the vote as referenced in the body of the letter. We are emailing to correct the record, noting that the City and UWGP abstained and should be removed as signers.

Thank you,

ESAC

From: Homeless Voices for Justice
Sent: Thursday, June 3, 2021 3:21 PM

To: tchong@portlandmaine.gov; Mark Dion <mdion@portlandmaine.gov>; Belinda Ray <bsr@portlandmaine.gov>
Cc: Azarro@portlandmaine.gov; afournier@portlandmaine.gov; Nicholas Mavodones <nmm@portlandmaine.gov>;
Spencer Thibodeau <sthibodeau@portlandmaine.gov>; Kate Snyder <ksnyder@portlandmaine.gov>; 'Pious Ali'
<pali@portlandmaine.gov>
Subject: Updated Letter on Shelter Licensing from ESAC

To: Portland City Council Health and Human Services and Public Safety Committee, and City Council

From: Portland's Emergency Shelter Assessment Committee

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Signed,

ESAC Tri-Chairs: City of Portland, United Way, Homeless Voices for Justice

--

Aaron Geyer
Director of Social Services
[City of Portland](#)
[196 Lancaster Street](#)
Portland, ME 04101
(207) 482-5131

aeg@portlandmaine.gov

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