



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 doe 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 or 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 I 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 he 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 re not sable to go to the bathroom or take showers, get shelter form 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 form their full capacity. There is lack of lichening 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 mortarium 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.

- o Someone mentioned the referendum is for scattered shelter s but there is nothing in the referendum about scattered site shelters.
 - o 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.
 - o 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.
 - o 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.
 - o How many towns have created low barrier shelters in the past ten years?
 - Very few.
 - o 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.
 - o 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