



Health & Human Services and Public Safety Committee

Tuesday, September 28, 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. Please click the link below to join the webinar:
<https://us06web.zoom.us/j/88079509531?pwd=N2t4YXJzUnBaRjMvRFRNbWNxS2hOdz09>
Passcode: 421021
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US: +19292056099,,88079509531#,,, *421021# or
+13017158592,,88079509531#,,, *421021#
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Dial(for higher quality, dial a number based on your current location):
US: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or
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Webinar ID: 880 7950 9531
Passcode: 421021
International numbers available: <https://us06web.zoom.us/j/kw4gP5yv0>
2. Review and Approval of Minutes from July 13, 2021
 - a. July 13, 2021 Draft Minutes
3. Next Meeting: October 12, 2021
4. Updates
 - a. HHS Updates
5. Shelter Licensing
 - a. Draft Shelter Licensing

- b. Public Comment
- c. Committee Questions, Discussion, and Possible Vote

NOTE: Public comment on Shelter Licensing will be heard at this meeting. Please feel free to send comments to members of the committee on any issue at any time via email. Councilors email addresses are available on the city website: www.portlandmaine.gov

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

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

www.portlandmaine.gov/shelterplanning



Health & Human Services and Public Safety Committee Minutes

Tuesday, July 13, 2021, 5:30pm, Remote Meeting

Committee Attendance:

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

Councilors in Attendance: Pious Ali, April Fournier, Andrew Zarro

Mayor Kate Snyder

City Staff:

Tina Pettingill, Deputy Director of HHS; Anne Torregrossa, Associate Corporation Counsel; Aaron Geyer, Director of Social Services; Adam Harr, Executive Assistant for Social Services. Keith Gautreau, Fire Chief.

Guest Speaker:

Lauren Bustard, Director of Programs with MaineHousing

Meeting called to order at 5:31 PM.

AGENDA ITEM 1 – Announcements

- June 8, 2021 draft workshop minutes.
 - Councilor Ray moved to accept the minutes; Councilor Dion seconded and the minutes were accepted unanimously.

AGENDA ITEM 2 – Updates

- 39 Forest Avenue Update
 - Renovations are ongoing, but slightly delayed.
 - Looking to move out of 196 Lancaster St by the end of September.
 - Planning to move our India Street space at the end of October.
 - Working to solidify a date to move City Hall staff first.
- June totals for the City's General Assistance Program:
 - Total Applications: 1,275
 - Number of denials: 103
 - Denial rate: 8%
- Oxford Street Shelter:
 - OSS average nightly census: 49
 - Contract hotel average nightly census: 120
- Overview of the Family Shelter:
 - Number of on-site at the family shelter: 31 families/95 individuals
 - Number of families at local hotels for shelter overflow: 66 families/ 199 individuals
- June totals for the Needle Exchange Program (NEP) are as follows:

- o Total number of exchanges: 495
 - Number of on-site exchanges: 495
- o Total number of needles collected: 28,576
- o Total number of needles distributed: 34,173
- o Total number of Narcan doses distributed: 364
- o Community needles collected: 1,491
 - Collected from community sharps containers: 622
 - Collected elsewhere: 869
- Clinic Numbers:
 - o STD Clinic: Patients seen: 109, new patients: 33
 - o PCFC: Patients seen: 62, new patients: 11

Committee questions and discussion.

- Councilor Ray said we sheltered 363 on average in June. We sheltered an average of 169 single adults and have 75 beds at OSS. Of the 294 individuals in families, only 95 are in the shelter.
 - o We can increase our capacity at the FS by 7 families once some renovations are complete.
 - o As of Monday morning, hotels were up to over 80 families for 255 individuals with 16 new families in the past two weeks.
 - We will see an increase in July's numbers.
 - o We can never go back to 154?
 - Awaiting guidance from the CDC.
- Mayor Snyder asked if MaineHousing is funding the contracted hotel sheltering 120 people.
 - o Yes. We were a month to month contract and now it is under a 3-month contract through the end of September.
 - o Do you funding ending?
 - Yes, the funding will end at the end of September. It coincides with the end of the federal fiscal year and the end of the non-congregate funding.
 - o Does that look like a lot of people needing shelter at the end of September?
 - Yes.
 - o The 40-bed Preble Street will open before that?
 - The last update he heard was the Fall.
 - o How many people are sleeping outside?
 - It fluctuates and we are engaging with our outreach team but we do not have an estimate. If individuals from the outreach team report people sleeping out, we line up hotels for them.
- Councilor Dion asked if we are experiencing pushback from hotels to return to their previous use?
 - o Yes. We have been attempting to foster relationships but they have conveyed it is a tough balance to be partially GA and non-GA.
 - o There could be a demand on this resource for the hotel owner and viewing this as a perpetual resource is speculation.
 - o How many beds are needed to meet the demand?

- 395
 - We have 75 beds at OSS with a varying census; we reached 74 last week but it varies nightly.
 - 120 at contracted hotel (fluctuates 120-128)
 - 65 estimated at the Preble Street hotel.
 - 135 people in hotels paid for by GA (over two hotels not including families.)
 - When we say family, it is talked about as a unit but that breaks down to separate beds. When we say family, how many beds are we talking about?
 - Roughly 335.
 - For the total need of about 750 beds, how many beds do we have access to tomorrow morning?
 - 75
 - 135
 - 142 at the Family Shelter
 - Gap is made up through hotel placements which is not a fixed resource.
 - When we say families, how many of those are restricted to GA resources specifically?
 - 80% to be safe; it could be closer to 85%.
 - How many are refugees or asylees?
 - That is the 80%
 - Do new arrivals account for racial disparity?
 - Yes
- Councilor Ray asked about the number of beds the City has available is 217. There are other shelters but the total available beds fall short of the need
 - We are trying to get at that the permanent available beds cannot meet the current need.
- Councilor Chong asked how many beds are in the State of Maine for people experiencing homelessness?
 - 1,222, not including private shelters; there are about 1,300 emergency shelter beds in Maine.
- Councilor Chong said Portland needs nearly 730 beds.
 - Roughly the City has a capacity to serve 29.4% of people experiencing homelessness.
 - Nearly 70% of the people we serve are sheltered in an over flow or hotel with GA.
 - 50% of all beds in the State wouldn't meet Portland's needs.
- Councilor Chong is impressed with the numbers of needles we are collecting.

AGENDA ITEM 3 – Corporation of Supportive Housing Final Report

- Lauren Bustard, Director of Programs with MaineHousing presented.
- Maine Homeless Response System.
 - Currently group of dedicated but independent service providers, not a system.
 - HUD requires a Coordinated Entry system for prioritizing resources.
 - The pandemic demonstrated the need for coordination.

- Primary goal is to reduce homelessness to functional zero, when new individuals accessing the system equals or is less than the number of people leaving the system.
- Corporation for Supportive Housing (CSH) started with a system analysis and interventions:
 - Diversion
 - Emergency Shelter
 - Transitional Housing
 - Rapid Rehousing
 - Supportive Housing.
 - Affordable Housing
- Key take-aways
 - Reliance on initial front door (shelter).
 - 32% enter from rental housing, home ownership, self-paid hotel/motel or another situation someone can be diverted from entering a shelter.
 - They had been paying on their own and may just need some financial assistance to be diverted.
 - Low number of long-term stayers in the system.
 - Over reliance of shelter and transitional housing.
 - General lack of housing available on the back end.
 - Once housed, people stay housed with a 7% success rate when under 15% is good.
- Race Equity
 - Asylum seekers do not qualify for federal funding.
 - Mayor Snyder asked about the BIPOC people in shelter; most are in the Portland and Lewiston area.
- Resource Map
 - There are resource deserts in the rural areas of Maine.
- Looking to move into systems and address homelessness holistically.
- Working with the Statewide Homeless Counsel, CSH came up with the 9 hubs.
 - Shelters
 - Outreach/PATH
 - Supportive providers CAP agencies.
- Summary of the final report on Appendix A is page 23.
- Many people have focused on the shelter reduction number without the disclaimer that the analysis is dependent on a fully operational diversion program that diverts 70% of people.
- The Numbers
 - Statistics are from 2019; post Covid shelter capacity has not been established.
 - Shelter numbers didn't include clients supported by GA because there is no way to get those numbers statewide.
 - The decrease in shelter beds is contingent on an extremely high success rate. In the first 3-5 years, the percentage is around 20% successful. The timeline to get to 70% is around ten years. If these assumptions weren't met, shelter capacity would remain at current levels.
 - Increase Rapid Rehousing opportunities is difficult without available units.

- Transitional housing numbers include BRAP which is not an accurate portrayal; of transitional housing.
- The Funding
 - Service Hub Coordination would cost \$899,620 annually.
 - Statewide Capacity and Support?
 - Councilor Chong asked how much of this funding do asylum seekers qualify for?
 - Philanthropy; it is limited by federal eligibility.
 - The funding sources in red are colored to note they are insufficient.
 - Mayor Snyder thought 2025 looks very quick and the funding is a lot of money needed; she would like to hear more on if the timeframe is realistic with all of the contingencies in this plan?
 - We asked for recommendations from a consultant but given the need for construction, even a ten-year goal is pushing it considering the cost and construction labor shortages.
 - We are trying to get more funding but we get \$3-5 million a year for supportive housing.
- Councilor Dion said the industry diversion rate is three times the normal practice. There are people in our community that think this document represents realistic goals when the report says 5 years and the professional at this meeting says 10 years.
 - How many items require legislative approval?
 - Potentially do not require legislative approval.
 - Is this an aspirational document?
 - Very aspirational.
 - We asked for a holistic approach to functional zero and we do need the elements of the report but the timing is unrealistic.
- What is missing?
 - Building back shelter capacity.
 - Renovation needs.
 - Covid money is going away.
 - Professionalizing shelter staff with core competency trainings lack funding.
- MaineHousing has contracted with Community Solutions, a national organization that helps sub populations reach functional zero that specialize in ground up work.
- Looking to stabilize shelters with diversion programs and looking to add housing on the back end.
- Councilor Dion asked we account for the decrease in white individuals in shelter?
 - We don't know.
 - If the numbers are not reliable, why do we document them?
 - Funding. There is a Point in Time count that we know is an under count but it is a HUD requirement for funding.
 - We are compelled to come up with numbers that are not always the most accurate.
- Councilor Ray sees homelessness is on the rise for BIPOC people and a large number are people arriving to this community for the first time and once settled do not need help. That is a vastly different statistic than someone losing a job or resources causing homelessness.

- In many places around the country, asylum seekers are not counted in the homeless system.
 - These statistics are not about people in our community losing our homes, it is about people entering our community who need homes.
 - HMIS cannot collate data by immigration status. We would need to establish a way to record them separately.
- Councilor Chong said this shows the homeless services system is working well for white people experiencing homelessness, but it is not working for people resettling or asylees who do not have eligibility.
- Councilor Fournier said that the number of Native American people has doubled; this their indigenous land and is not a resettlement issue.
 - HUD is trying to improve reporting tools to get greater detail to look at racial equity.
 - Whether or not someone grew up in Maine and then lost housing, or came to Maine, they are people who need housing.
 - Seeing the number of BIPOC people experiencing homelessness increasing while the number of white people decreases is compelling in the context of the racial equity.
- Councilor Chong said that the Hispanic/LatinX population is over 30,000 and doesn't have any data
 - This research looked at race, not ethnicity.
- Councilor Dion asked to see the numbers distinguish between populations experiencing chronic homelessness and circumstantial homelessness.
 - Refugees and asylees fall under circumstantial homelessness.
- Councilor Ali asked if some of the money coming into the state is going to be used to address racial disparity?
 - There is money coming into the counites and some are looking to partner around issues of homelessness.
 - \$16 million can be used to buy things, acquisition and renovation of buildings like hotels for shelter.
- Councilor Dion asked if there is an inventory of available units in the categories of the CSH plan.
 - There are no empty units/resources that get left on the table.
 - Transitional housing and supportive housing are actual units.
- Councilor Ray explained that the citizens referendum capping bed capacity as a response to this report is frustrating when we are attempting to restore lost shelter capacity, not create new shelter beds.
- Councilor Ray said municipal zoning changes will be difficult. We allow supportive housing, apartments, etc. but we have surrounding communities that don't even allow multi-unit housing.
- The figure around 1,200 shelter bed capacity is based on 2019 and will need to be updated because beds were lost since then.
- Councilor Zarro asked how do we address racial disparities that we know exist so we don't ere on the side of a one size fits all solution that prioritizes white people over BIPOC people? How will we account for this, prioritizing diversion and housing?

- She thinks the hub approach will help as people will be more aware of needs at all levels and where discrimination is happening. At the local level, there is more knowledge of this.
- Mayor Snyder asked for guidance on where 730 beds needed for Portland are coming from. She is trying to understand how to use this report right now, going into the referendum question. Diversion is baked into the proposed Homeless Services Center.
 - Looking statewide, we are looking broadly over time versus the crisis situation Portland is experiencing.
 - Portland has 730 people in crisis that a long-term aspirational report isn't as useful for.
 - We are looking at other funding streams in case we need to continue in hotels.
 - What can be done with unprecedented monies coming to the state from the American Rescue Plan and Emergency Rental Assistance.
 - We need to look at the resources that are out there. There are resources at the County that could help creating more new units such as purchasing hotels turning them into SRO units.
- Councilor Fournier asked about the most marginalized people in the hubs and how there needs to be the right tools in place at the hub and state level to make sure there are accountability measures that can measure and course correct for disparities. For example, Wabanaki studies have been prescribed by law for years but no mechanism is in place to make sure it is implemented.
 - When talking about who needs to be part of the HUB teams, the cultural broker agencies will be included. HUD has recommendations and is focused on equity.
 - We are looking to make sure there is accountability.
- Councilor Ray asked about \$8.1 million for supportive housing. Was that an annual allocation?
 - No; those are project-based vouchers. When MaineHousing provides funding for SROs, they tend to be projects with a smaller number of units.
 - The \$8 million was an estimate over five years.
- Councilor Ray asked about the capital costs and annual operational expenses for supportive housing. It was \$750,000 a year needed for a facility like Huston commons for their operations. Are the annual operational costs factored in?
 - Yes, they sorted between capital costs, operational (mostly paid by vouchers), and services; staff salaries usually paid through the services bucket. The services piece has been an obstacle. Most of Maine Housing's funding is tied to housing and cannot be used for services. There is a new Maine Care Health Home section that is going through the approval process in January that would provide Maine Care reimbursement for specific populations with health conditions experiencing chronic homelessness.
- Councilor Ray talked about the racial equity work and the asylum seeker influx of 400 to 450 people where the community came together to rapidly rehouse 200 of them in one

month during the time period looked at in this report. The families were assisted quickly who may be easier to rehouse than single adults.

- o There was discontentment among the chronically homeless who saw the community come together to house recent arrivals but no them.
- Councilor Chong said it seems like there should be two reports: one for the state and one for Portland. This report doesn't take into account the large number of asylees that largely don't qualify for the interventions outlined in the report.
 - o Our solutions are leading in the state and other communities aren't even close to what we are doing.
 - o We would like other communities to listen to Portland and help take pressure off of Portland.
 - o Local municipalities close their GA offices and have limited hours.
 - o The 2-1-1 GA program should be 24/7.

AGENDA ITEM 4 – Shelter Licensing

- Associate Corporation Counsel Anne Torregrossa made requested changes.
 - o Language changed homeless shelter to emergency shelter.
 - o People first language and changed homeless individuals to individuals experiencing homelessness.
 - o Substantively we talked about how to measure distance; a memo is attached with examples.
 - o Buffer went from 250 to 300 People.
 - o Comment on the requirement for centralized operations and sightlines to sleeping areas; clarified how this would be treated for a preexisting shelter; they must specify how they will ensure client safety.
 - o Changed 250 to 300 beds within a one-mile radius.
 - o Added a section on
 - Several concerns surrounded enforcement and what enforcement would look like and if a shelter would lose their license if they were out of compliance.
 - Attorney Torregrossa explained how the city does enforcement in the memo.
 - City official will give a notice of violation and give an opportunity to fix them. It is not one violation and the license get yanked immediately unless there is an imminent threat to health and safety or if it is a significantly repeated violation.
 - There are procedures in Chapter 15 for suspension and revocation of a license.
 - Added language for the Preble Street Teen Shelter conciliation to not be subject to some of the ordinance.
 - Added fair housing language that reasonable modifications would be considered if necessary, under the Fair Housing Act.

Committee questions and discussion.

- Councilor Ray:
 - Thinks measuring property line to property line makes sense.
 - Likes the Teen Center language.
 - Could someone get a license as a domestic license shelter and convert to a general use shelter; do we need to make it clear that if a shelter was established as a DV shelter with the buffer waived that they would not be able to convert unless the new use would be in compliance with the ordinance?
 - Right now, it says it has to be a shelter serving surviving of domestic violence. We may want to say “solely” serving survivors of domestic violence.
 - What mechanism would make a shelter come back and get a license?
 - DV shelters still have to reapply for a license annually but have a waiver for certain information required in the application.
 - There could be checkbox on the renewal application to certify that they are a DV shelter.
 - Will add “solely.”
- Councilor Chong asked if the committee would like to open back up for discussion or vote to move it to the full Council?
 - Councilor Dion would like another opportunity for public comment before forwarding to the full Council. The committee members all agree.
 - Councilor Fournier asked at which point can the council request a workshop?
 - A workshop will be recommended to the Mayor in September, after voting out of committee. It can be scheduled now and postponed if needed.

AGENDA ITEM 5 – Next Meeting, September 14, 2021

- Shelter Licensing with public comment.

The meeting adjourned at approximately 7:46 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: September 28th, 2021
Re: July & August 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:

- Moves for the various locations have been scheduled for the following dates:
 - City Hall HHS staff- September 28th
 - Lancaster St staff & GA operations- October 18th
 - India Street staff, clinic & exchange operations- October 28th
- We held a community update/ Q&A on September 21st from 4-5pm via zoom, for those that would like to hear from or ask questions to HHS staff about the relocation process.

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

- July
 - Total Applications: 1231
 - Denials: 109
 - Denial rate: 9%
- August
 - Total Applications: 1232
 - Denials: 85
 - Denial rate: 7%

Overview of Oxford Street Shelter and contract hotel:

- July
 - OSS average nightly census 56
 - Contract hotel average nightly census 124
- August

- OSS average nightly census 57
- Contract hotel average nightly census 125

Overview of the Family Shelter:

- July
 - Average number of Families/individuals on site in shelter **32 families/95 individuals**
 - Average number of families/individuals in hotel overflow **80 families/ 247 individuals**
- August
 - Average number of Families/individuals on site in shelter **32 families/97 individuals**
 - Average number of families/individuals in hotel overflow **91 families/ 293 individuals**

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

- July
 - Total number of exchanges: 779 (282 onsite, 497 outreach)
 - Total number of needles collected: 35,437
 - Total number of needles distributed: 46,424
 - Total number of Narcan doses distributed: 235 kits (470 doses)
 - Community Needles collected: 1,364
 - Collected from community sharps containers: 880 (65%)
- August
 - Total number of exchanges:
 - Number of on site exchanges: 769 (261 onsite, 508 outreach)
 - Total number of needles collected: 28,149
 - Total number of needles distributed: 43,237
 - Total number of Narcan doses distributed: 247 kits (494 doses)
 - Community Needles collected: 1629
 - Collected from community sharps containers: (978 from sharps containers, or 60% of total)
 - As of 8/31/21, the City of Portland's syringe services program resumed operating on a 1:1 exchange basis (meaning clients can only receive the number of syringes they turn in). This change was prompted by the expiration of Governor Mills' executive orders (EOs 27 and 33) which temporarily allowed syringe services programs to operate as "needs-based" where clients could potentially receive more syringes than they turned in, along with providing greater flexibility as to where syringe programs could operate. In response to the resumption of the state's



Health & Human Services Department
Kristen Dow, Director

1:1 exchange rule, Portland's syringe services program has been working with Amistad (which also operates a syringe services program in Portland) to coordinate and maximize outreach services, as well as increasing staff presence at our fixed outreach location. Staff will continue to monitor impacts of the change in state rules on service recipients, and seek to adjust our services and resources all within those rules in order to best support the people the program serves as well as the general community.

Clinic Numbers:

- July
 - **STD Clinic:** Patients seen: 105, new patients: 43
 - **PCFC:** Patients seen: 46, new patients: 6
- August
 - **STD Clinic:** Patients seen: 106, new patients: 34
 - **PCFC:** Patients seen: 46, new patients: 7

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
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...

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 [individuals experiencing homelessness](#) ~~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 an [emergency homeless](#) shelter within the City without first obtaining a license from the City, except that any [emergency 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 an an emergency ~~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.

[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 emergency shelter ~~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 ½ mile of a METRO line and provide adequate indoor space to permit all shelter guests day shelter, as well as~~ must implement strategies to help residents utilize public transit;

(e) The facility must provide indoor space to permit shelter guests day shelter.

(f) The facility must have centralized shelter operations on each level of the emergency shelter providing for sight lines to sleeping areas. However, a pre-existing shelter, as defined in [SECTION] below, shall not be required to meet this requirement, so long as alternative measures are provided to ensure resident safety while sleeping. This requirements shall also not apply to apartment-style shelters.

~~(e)~~(g) _____ 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)~~(h) _____ Maximum Density of Beds. The total bed capacity for individual residents within emergency shelters in the City shall not exceed 300~~250~~ beds within an 1 mile radius. Distance shall be measured between property lines of the emergency ~~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)~~(i) _____ Proximity to Other Facilities. There shall be a 1,000~~2,500~~ft 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 individuals who are defined as having long time stayer status
- (vi) The average length of stay
- (vii) Number of housing placements
- (viii) Record of neighborhood concerns and resolutions

- (ix) Summary of meetings with individual neighbors, neighborhood associations and businesses
- (x) 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
- (xi) Record of police calls for service related to mental health, substance use, crime or other reasons and outcomes
- (xii) Any additional information requested by the Department of Health and Human Services.

~~(j)~~(k) _____ 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 solely 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

- (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 with this Article, the applicant or licensee's application or license, or other applicable provisions of the City Code.

~~(b)~~(c) Upon finding a violation of this Article, of an application, license or permit, or of any other provision of the City Code, the inspecting municipal official shall issue a notice of violation and provide a reasonable opportunity to correct that violation before issuing civil penalties, taking action to suspend or revoke a licensee's license, or taking court action against the licensee. However, there shall be an exception to this requirement where a violation poses an imminent threat to health or safety, or if the violation is a repeat violation.

~~(e)~~(d) 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)~~(e) 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)~~(f) 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 Section, “pre-existing emergency shelter” shall mean (i) an emergency shelter that, as of January 31, 2021, is lawfully operating with all required permits and approvals; (ii) an emergency shelter that, as of January 31, 2021, has received conditional use approval that has not expired, or (iii) the consolidation of the operations of the Joe Kreisler Teen Shelter at 38 Preble Street and the Preble Street Teen Center at 343 Cumberland into one 24/7 emergency shelter facility for teens at 343 Cumberland Avenue provided that there is no expansion of the number of individuals served or beds currently provided between the two existing locations.

(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.

[NEW SECTION]. Reasonable Modifications

The City of Portland may make reasonable modifications to the requirements of this Article to accommodate the needs of persons with disabilities as defined in Title VII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

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.