



## **Health & Human Services and Public Safety Committee Minutes**

**Tuesday, June 8, 2021, 5:30pm, Remote Meeting**

Committee Attendance:

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

Councilors in Attendance:

Mayor Kate Snyder

City Staff:

Kristen Dow, Director of HHS; Anne Torregrossa, Corporation Counsel; Ethan Hipple, Director of Parks, Recreation & Facilities; Adam Harr, Executive Assistant for Social Services.

Meeting called to order at 5:31 PM.

### **AGENDA ITEM 1 – Announcements**

- May 11, 2021 draft workshop minutes.
  - Councilor Ray moved to accept the minutes; Councilor Dion seconded and the minutes were accepted unanimously.

### **AGENDA ITEM 2 – Updates**

- Ethan Hipple, Director of Parks, Recreation & Facilities presented a map detailing where syringe litter is collected.
  - Park rangers, safety officers and other staff regularly pick up needles on the ground and in community sharps boxes.
  - This tracking started in a spreadsheet and then a google form.
    - Required manual entry.
  - A GIS staff member created the map.
    - Blue dots are sharps boxes.
    - Pink dots are on the ground.
    - Each dot is a pick up.
    - Dots are locations where people logged the report which could be yards away from where needles were actually picked up.
  - Helps identify where sharps containers are needed.
  - Tracks categories, of open space, parks trail, community sharps box or other.
- 39 Forest Avenue 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.

- o Additional community outreach and input will be forthcoming as programs begin led by Deputy HHS Director Tina Pettingill.
- May totals for the City's General Assistance Program:
  - o Total Applications: 1,269
  - o Number of denials: 104
  - o Denial rate: 8%
- Oxford Street Shelter:
  - o OSS average nightly census: 45
  - o Contract hotel average nightly census: 122
- Overview of the Family Shelter:
  - o Number of on-site at the family shelter: 28 families/84 individuals
  - o Number of families at local hotels for shelter overflow: 64 families/ 196 individuals
- May totals for the Needle Exchange Program (NEP) are as follows:
  - o Total number of exchanges: 605
    - Number of on-site exchanges: 333
  - o Total number of needles collected: 27,197
  - o Total number of needles distributed: 36,706
  - o Total number of Narcan doses distributed: 207 kits (414 doses)
  - o Community needles collected: 841
    - Collected from community sharps containers: 452
    - Collected elsewhere: 389
  - o 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.
  - o Sharps box at Oxford Street is by far the most heavily utilized (812 syringes deposited there since November 2020) with Chestnut Street Garden the 2<sup>nd</sup> highest (66 syringes).
  - o 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.
  - o 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.
  - o 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:
  - o STD Clinic: Patients seen: 88, new patients: 34

- o PCFC: Patients seen: 65, new patients: 9
- o Covid Vaccinations: 64 doses administered

Committee questions and discussion.

- Councilor Ray asked if the Portland Needle Collection Data map and information is available for access.
  - o It is not currently on the city website.
  - o It can be shared on request.
  - o This tool is also used by Public Health.
- Councilor Chong asked if we want to entertain the idea of putting up signs instructing the public to not pick up needles and to contact parks and rec for pick-up in high collection areas or high traffic areas.
  - o We do not have anything yet.
  - o Want to balance informing the public and deterring use of the park.
  - o Will work with Public Health on messaging.
- Councilor Ray asked how we are using this data.
  - o Ethan's point
  - o Inform policies and collaboration with Public Health.
  - o This information has identified the need where new sharps boxes were then installed.
    - Director Dow said community members are helping identify where sharps boxes are needed.
    - We want to hear from people accessing the exchange why they are not using sharps boxes and if there are better locations that may result in them being utilized more.
- Councilor Chong asked of the 22 sharps boxes, how many are not collecting anything?
  - o Will get an answer.
  - o Some boxes are heavily used.
    - Oxford Street
    - Is it possible to have more than one sharps box on Oxford Street?
      - There are several.
  - o We can do a targeted outreach campaign.
- Councilor Chong asked why there was an increase in needles collected in May.
  - o We increased from a 10-1 exchange to a 50-1.

**AGENDA ITEM 3 – Referendum**

- Associate Corporation Anne Torregrossa explained that if the referendum got on the ballot and passed, it would limit the size of shelters to 50 beds. This would preclude 200 bed shelters.
- The referendum's authors intended it to be retroactive to April but that charter may not work with our charter.
- There is a state statute that means permits given conditional use approval at least 45 days before an election.

Committee questions and discussion.

- Councilor Ray thought that this was about enactment not the election date. Does this mean after 30 days after the clerk certifies the election?
  - Corporation Counsel got an outside opinion and decided to consider election day.
- We don't have a requirement that shelters be within a quarter mile of Metro, just day space?
  - This language is problematic; the facility space shall provide adequate space for basic shelter operations.
    - What is the definition of basic shelter operations?
      - Planning board would need to determine if passed.
    - Organizers claim this guarantees day space.
      - It doesn't explicitly require days space; it requires shelters to be open 24/7.
      - If an applicant without days space gets denied, they could challenge this.
    - In striking the metro requirement, we lose the day space requirement.
    - If this passes, it cannot change for 5 years. We lose requiring day space.
- There is a hotel shelter being operated by Preble Street; how many people do they serve?
  - Around 40.
  - This number is separate from the hotel numbers in the HHS Update.
- If this were to pass, we are looking at a minimum of 10 shelters needed to meet our current usage.
  - Many shelters are smaller than 50 (12 beds, 24 beds, etc.) so we could need 20 shelters to meet our current needs.
- How would our licensing be impacted if this was the ordinance?
  - We have been thoughtful in the zoning not conflicting with the ordinance.
  - If new homeless shelters are effectively prevented in the city, there will be a problem.
  - If the licensing and zoning conflict there will be issues (such as licensing requiring day space but not in zoning).
  - If this passed, licensing would need to be revisited.
- Councilor Chong asked how Milestone is categorized? It has 40 beds. If the need for beds for people experiencing shelter beds, they would not be able to exceed 50 beds. Would Milestone need to create a new facility?
  - Director Dow believes they are categorized as an emergency shelter but would need to defer to Milestone to define.
  - They have a treatment facility and an emergency shelter.
- What happens if someone presents for shelter and we are full.
  - Each municipality has a responsibility and Portland uses General Assistance when the shelter is full.
  - People are not receiving the wrap around services including housing and food that are part of shelter operations.
- Mayor Snyder asked about OSS continuing to operate at pre-Covid capacity in the language of the perceived capacity. Her understanding is that that facility and that

capacity does not work. Has the City contemplated reducing the OSS and Riverside capacity to 50, and the feasibility of staffing? There would be many unsheltered. What would the costs be? If you have been to OSS, it's clear it should not continue.

- o Several scenarios were looked at from several years ago that look at staffing and costs.
  - o We realistically have not considered this.
    - Last night we sheltered 171 people between OSS and the contracted hotel.
    - We also had 107 people in GA hotels.
  - o In terms of staffing, we have been staffing two 24-hour facilities since the beginning of Covid. We are fortunate that MaineHousing is paying for the second shelter, including staffing. The budget would look much different if we had to fund both shelters.
- Councilor Dion asked the committee about the seemingly specific elements of the referendum.
  - o At some point there, it seems operational components were picked up where size equates to humane management.
  - o The removal of a security space seems specific.
  - o Have these issues come up in the past?
  - o He hears the idea that we are anxious and will build a big facility when the state will say we only need 20 or so beds.
  - o He would be hopeful to have a workshop led by director Dow to have key individuals to come before the entire Council. Maybe this workshop examining the propositions from the state could be helpful. This could be disastrous for the city.
- Councilor Ray doesn't understand why some provisions were stricken.
  - o Sight lines to sleeping areas did not have opposition to it during discussion. It was understood it is best practice from the shelter staff and counselors visited.
  - o The clear sight line shelter model helps people feel safe; Donna Yellen explained this was a lesson learned at the Sullivan Gym Wellness Shelter.
  - o Basic shelter operations seem to be intended to do more than it could.
  - o Security may have been off-putting.
  - o The transportation requirement was not controversial.
- Councilor Chong said the plethora of empty hotel rooms last season and how it may heat up; what will happen when the hotels are full and we don't have 20 emergency shelters?
  - o We have not come across that.
  - o In the past, we have opened other overflows.
    - Preble Street
    - General Assistance office.
  - o Our overflows were not 24/7 and would need to leave in the morning.
- Councilor Ray said before she was on the Council, the Taskforce to End Homelessness determined there should be one large central intake facility in 2011 and again in 2015 where they compared Two large shelters (one City and one operated by Preble Street), 3

and 5 shelters. 5 was determined to be cost prohibitive. We again came to the conclusion to one central facility with the Homeless Services Center currently planned.

- o Some people who wrote the referendum lobbied for there to be no cap at the City shelter.
- We haven't talked about asylum seekers; could small shelters absorb a migration wave?
- Is there any talk in other towns creating a low barrier shelter?
  - o Not aware of other towns planning on building permanent emergency shelters.
  - o Other towns provided emergency shelter for the first time under Covid using hotels.
- Councilor Ray is not aware of any plans to open facilities. GPCOG is working on supportive housing zoning change as many communities don't even allow apartments.
- Councilor Ray said cost effectiveness was one consideration but a single large shelter's value is in the service model.

#### **AGENDA ITEM 4 – Shelter Licensing**

- Corporation Counsel Anne Torregrossa made requested changes.
  - o Required indoor day space.
    - An existing shelter that has been operating without indoor day space would not be required or fined.
    - Buffer zone went down to 1,000.
- Director Dow explained the changes made to the monitoring requirements.
  - o Referrals to other shelters are not counted.
  - o Eliminated the total numbers of chronically homeless individuals, only tracking Long-Term Stayer status due to the overlap of people who meet both criteria.
  - o Removed crisis calls for service as they are collected elsewhere.
- Councilor Ray suggested a change before public comment:
  - o In speaking with Mark Swann, Executive Director of Preble Street, she learned the Teen Center's day services and night services are across the street from each other. They would like to move to 333 Cumberland. It is not currently approved for that use. This consolidation is in the spirit of our ordinance so Corporation Counsel Torregrossa drafted language in a preexisting shelter that would allow the consolidation of operations of the teen shelters into one shelter.
    - Adds to preexisting shelter section, allowing: the consolidation of the operations of the Joe Kreisler Teen Shelter at 38 Preble Street and the Preble Street Teen Center 343 Cumberland Avenue into one 24/7 emergency shelter facility for teens at 343 Cumberland Avenue provided there is no expansion of individuals served or beds currently provided between the two locations.
    - She will propose this after public comment.
- Councilor Chong said the spirit of the ordinance is to make sure new shelters meet basic requirements based on the operations of existing shelters.
  - o We are trying to get consensus on minimum requirements.

Public comment opened at 6:51.

- Rebeca Hobbs Executive Director of Through These Doors, Cumberland County's Domestic Violence Shelter and resident of Libby town. She is speaking in opposition of the shelter licensing as she did on the moratorium. They receive oversight from MaineHousing and others and must comply with intense oversight. This licensing ordinance does not seem to add anything meaningful except more meetings. This appears to be arbitrary. We are concerned with elements that are punitive but not specific. For example, random inspections with now specificity of what kind of inspection and parameters to pass. MaineHousing has clear parameters. They would be happy to report to the city the operational data they collect. No licensing with an annual application would be necessary to share information. They enjoy operating in the city of Portland and working with the city, but the licensing is a waste of time that takes away from their work.
- Carolyn Sylvius of Pembroke Street in Portland and advocate of Homeless voices for justice. Looking at the licensing they asked, who is this for? It was not for people experiencing homelessness. The language was offensive and failed to recognize what the clients in shelter can do. There is no racial equity or impact assessment. It's already difficult to site shelters and this will exacerbate the problem. The line saying shelters are not accountable to outside parties is false; shelters must report to MaineHousing and are closely monitored by MaineHousing and HUD. As it is written, HVJ cannot endorse the shelter licensing ordinance. People experiencing homelessness should be included in the process. She cannot support this proposal and questions having any shelter licensing at all.
- Jim Hall of cedar street thanked the committee and said after the moratorium passed, he could relax. He wants this to help everyone; the clients, staff and community. Getting licensing right is only one part. There has been fear on the provider side and he hopes some can enter the conversation. He doesn't want the reticence of providers to create a self-fulfilling prophecy. He heard the hopes of the teen shelter and Councilor Ray proposing to accommodate them. What does Milestone or Through These Doors need? Be specific. He thanked Director Dow for thinking of the impact area around the HHS consolidation and this could be done in Riverside. We are a great city.
- Oliver Bradeen, Executive Director of Milestone recovery. It is a 35-bed shelter under Covid and is 41 normally. He appreciates the work done over the past 5 months with staff, city councilors and public comment. Tonight, we are in a place engaging all sides. There was a referendum and questions where we were characterized as being wholly against. A number above 300 causes a strain on a neighborhood. With the Riverside project which he supports, the beds would move; he suggests 300 beds because Bayside would then have 292 and gives some breathing room. He appreciates the change of 2,500 feet to 1,000 but staff did recommend 500 feet and asked the committee to revisit it. All other buffer zones are 100 to 500. We would have a bigger buffer for shelters than marijuana businesses. Day space is important but there is no funding stream for day space. When you ask people to provide day space, that is a barrier. He appreciates the exemption for existing shelters. A milestone board member submitted some documents to corporation counsel explaining that their clients are protected under the Fair Housing Act under the review procedures. Milestone is in support of the riverside project; the path forward is having more services.

- Jenny Stasio, the Director of Operations of Through These Doors spoke against the shelter licensing. Through These doors serve people fleeing abuse and violence in their homes. They are against the shelter licensing as it doesn't improve life for people seeking services and adds stress and takes away from services. Shelters currently have oversight. Adding an additional level of work is duplicative and burdensome in an already overburdened system, this will take staff time and have financial costs. She hopes the City will continue to support shelters.
- Sarah Michniewicz of Cedar Street. She hears that people feel it is an extra level of work but also hears it is reporting that is done anyway and the feeling that this takes focus away from important work. All of the existing reports have to do with the state and funding, not the broader community. In that way, this is not different from other licensing for high impact use. The city is responsive to all constituents and managing businesses and nonprofits so there is not undue impact. Oliver makes a lot of really good points and understand the spacing. There are some expansion possibilities that would make sense but then there would really need to be a 1,000-foot buffer. 500 feet is the spacing we have now. 500-foot buffers seem arbitrary. We need to retain the right to ensure safety. The teen center exception makes sense. In the past, there was discussion about a fee for licensing; is there a budget-based scale or waiver if there is a hardship for small non-profits.
- John Branson serves as general counsel to Milestone Recovery and is on their board of directors. He operates a practice on Congress Street in Portland and has been in the field of recovery housing since 2003. He frequently deals with municipalities who are trying to prevent sober houses and recovery services in their municipalities. Municipalities are shocked as to how little can be done in providing housing people qualified as handicapped persons under the law. People fleeing domestic violence and people with mental illness. 40% of all homeless people have a condition that would qualify them under the act. Any time a city is acting under pressure under neighbors or businesses, it is like they've lost before they've gone to court. The council is not allowed for housing disabled person to be influenced by this. Milestone has concerns and proposed language: the elimination of subsection e ii under pre-existing shelter so that if milestone wanted to offer 5 additional shelter beds, it would not be required to operate a day shelter it does not have funding for. Other language to make sure it is clear that the fair housing act applies, reasonable accommodations need to be made and discriminatory impacts and intent are prohibited.
- Laura Underkuffler of Oxford Street said there are many people who have legitimate interest in this issue: people experiencing homelessness, service providers, and host neighborhoods. There is no law that says the interests of neighbors are required to be ignored. We are convincing neighborhoods to become hosts of future shelters; we need to be sensitive to them for their acceptance. The 1,00 foot is less than three city blocks in Portland. It is reasonable. We need a realistic understanding not only of the shelter population but also that there are people who come and congregate and prey on the shelter population. This relates directly to the need for day shelter. People from the shelters are out on the street because there is no place for them to go. When she moved in, people had to leave OSS when they woke up in the morning. Operating 24/7 doesn't matter if there is no space during the day. She is glad these issues are being addressed so thoughtfully.

Public comment closed at 7:26

- Councilor Dion said one of the reasons they voted for the moratorium was to take the time to do licensing right.
  - The inspection process is general and the city should consider who will do inspections and outline the process further.
  - Maybe racial equity should be included.
  - He supports the proposition around the teen center.
  - We haven't said much about youth services. Should we make some reference to expectations around youth services?
  - He is comfortable around the buffer zone.
  - He appreciates Mr. Branson's testimony and work on recovery houses. He has not read his memo yet.
  - More work is to be done.
- Councilor Ray agreed that there is less urgency given from the moratorium passing. We are close and could be ready to vote next month with a first read as early as July and a vote in August.
  - How often does the Maine State Housing Authority go down to a facility?
    - Annually; it is an announced, scheduled inspection.
    - Peoples housing coalition said facilities run and not run by the city needs a closer look. Shelters were on their best behavior on the scheduled inspection.
      - Unannounced inspections would be authentic.
      - Wanted an inspector from outside the city.
    - She does not think the MaineHousing inspection is sufficient and wants it to stay.
  - How would this impact low barrier services?
    - Nothing in our ordinance talks about ease of entry/barrier. It does not encourage or prohibit any particular service model.
  - She is open to a 300-bed limit instead of 250.
    - Can we find any examples on over 300 beds causing strain on a neighborhood?
  - Corporation Counsel recommended adding the fair housing act language from Chapter 14.
    - Pulled from land use code and will modify for Shelter Licensing; Corporation Counsel has not yet received John Branson's proposed language.
    - Models existing language.
  - Would like to add the Teen Center consolidation language.
  - She is good with eliminating v and xi in the monitoring requirements.
  - Could we change all instances of homeless shelter to emergency shelter?
  - Language of the moratorium is disrespectful.
    - This is a fair criticism; it is hard to get the language right.
    - Use people-first language. "Individuals experiencing homelessness."

- Councilor Dion said that they have read John Branson's memo and asked if the Act treats residential and recovery facilities the same?
  - He still supports the concept of inspections.
    - Should we identify who would inspect?
    - It may be helpful to insert language that we are seeking compliance first and preface improvement if non-compliant.
    - Include what we are looking for?
    - Compliance is the first order of business for state inspectors.
    - Makes sure people are safe.
- Director Dow asked for clarification around inspections; are we looking at it as building code inspections or examining policies and procedures like MaineHousing.
  - Corporation Counsel said existing shelters are already subject to life safety inspections. New inspection piece would be in compliance with the licensing ordinance. It's not an arbitrary standard, but the standards required in this licensing ordinance. Are shelters following the plan set forth in the licensing agreement?
  - Use someone who has experience with licensing standards and it is like a restaurant or entertainment inspection against the standards in the code.
  - Any inspection would be based on substantiating that the operational plan is being followed with life safety.
  - Who do we want to do inspections and that we are looking for compliance first? Chronic non-compliance should be sanctioned but an initial violation should have an opportunity to come into compliance with guidance on how.
    - Chapter 6 has notice of violation language we can mirror.
  - Councilor Ray likes having clear expectations. There are clear sightlines in the ordinance; should this be in licensing and inspected for?
    - Director Dow said clear sight lines are best practice and recommends requiring it for new shelters (and not for apartment style family shelters).
    - Councilor Dion thinks it's a good proposal with harmony between ordinance and the licensing.
- Councilor Ray said under application submission requirements, g iii: management responsibilities are unclear.
  - Management on the premises but can clarify.
- Is item 6, noise levels redundant?
  - It is to ensure that controls are in place at the shelter.
  - Noise level and resident behavior are important; staff training can fall under this.
- Councilor Ray asked we should measure along streets and public ways like with entertainment licensing. As is, the language doesn't account for physical barriers between shelters. (a river, undeveloped land, etc.)
  - Councilor Dion thinks it makes sense and likes being consistent, using the same measurement index across licenses.
  - Add this language and choose between both options next time.
  - Some distances are measured door to door, or property line to property line. Corporation Counsel will lay down options.
- This licensing is for the clients, the neighbors, the employees and the service providers.
  - He agrees with the Teen Center consolidation language.

- o He supports increasing the bed census to up to 300.
- o He supports incorporating Fair Housing language
- o The inspection process should be as simple and basic as possible.
- o Looking for the best option for measuring between shelters.
- o We want everyone to be heard in this process.

**AGENDA ITEM 5 – July 13, 2021 Agenda Planning**

- Shelter Licensing

The meeting adjourned at approximately 8:03 PM