

City of Portland, Maine

Public Safety/Health & Human Services Committee

October 14, 2014

5:30 PM

Council Chambers, City Hall

Meeting Agenda

1. Approval Of September 9, 2014 Minutes

Documents: [SEPTEMBER 9 2014 MEETING MINUTES.PDF](#)

2. Buffer Zone Update – Trish McAllister

Documents: [MEMO TO PUBLIC SAFETY COMMITTEE OCT2014.PDF](#)

3. Mayor's Food Initiative – Written Communication (No Public Comment)

Documents: [MAYORS FOOD INITIATIVE UPDATE.PDF](#)

4. Public Health Division Update; Maine CDC Capacity/Public Health Nurses - Written Communication (No Public Comment)

Documents: [PUBLIC HEALTH QUARTERLY UPDATE.PDF](#)

5. Seven Point Plan Update And Action Items - Bob Duranleau, Social Services Director And Julie Sullivan, Public Health Director/Acting HHS Director

Documents: [PSHHS HOUSING PLACEMENT UPDATE OCTOBER 2014 JULIE-WITH ATTACHMENTS.PDF](#)

6. Report On Marijuana – Michael Sauschuck, Police Chief

7. Police Department Update

Documents: [POLICE DEPARTMENT UPDATE.PDF](#)

Per Chair Suslovic there is no November meeting for 2014.



Portland Police Department

**City of Portland, Maine
Public Safety / Health & Human Services Department
September 9, 2014**

Meeting Minutes

Committee Attendance: Chair Suslovic, Councilor Leeman, Councilor Duson, Councilor Coyne

City Staff Attendance: Sheila Hill-Christian, Interim City Manager; Julianne Sullivan, HHS; Chief Sauschuck, PPD; Trish McAllister, Corporation Counsel; Chris Corson, Public Health; Jerome LaMoria, Fire Chief;

Meeting Called to Order and Minutes from June and July Accepted

Meeting was called to order at approximately 5:35 PM by Chair Suslovic. Councilor Duson requested the four question marks shown in the June meeting minutes be struck from the record. A clarification was made that the individual taking notes at the June meeting was filling in for staff who were on vacation. June and July meeting minutes were accepted.

These changes were recorded and have been updated on the Committee's website on September 10, 2014.

AGENDA ITEM 1 – Fire Department Update

Fire Chief Jerome LaMoria updated the committee that the Fire Department is in its 2nd year of an annual partnership with the Auburn, Maine Fire Department in hosting a Polish Fire Cadet during his visit to the United States. The cadet is in the States for one month and will be staying with the Portland Fire Department for one week.

Chief LaMoria provided an update on three phases of the Fire Department's organization. The first phase was addressed in accordance with budget cycles and included activation of a 5th ambulance staffed at the Intermediate license level. This 12 month pilot program involved moving a Paramedic from an ambulance to a fire truck. Chief LaMoria reported that data collected through the 12 month program in conjunction with changes in Emergency Medical Dispatch protocols shows efficiencies. The apparatus response has been reduced by 14% in 6 months. Further, fuel usage shows a 4% reduction in a 6 month time period.

Chief LaMoria reports that Phase Two began in January 2014:

The Marine Division utilized an outside vendor to certify 21 members to operate vessels uninspected by the United States Coast Guard. This license is known by the Coast Guard as a "Six Pack License" and describes licensees with the trained ability to operate a vessel carrying 6 paying passengers. This certification was delivered on duty incurring zero overtime costs. In the fall of 2014 additional certification of these same 21 members will bring the license level to a 50 ton certification.

The Department has worked with area communities on a Community Paramedicine Grant intended to provide expanded access and care to patients who experience a regular need for emergency services

and those patients with chronic conditions. The Community response is geared toward preparing area emergency responders to changes in healthcare.

The Department is also on its second administration of the High School Firefighter program beginning this week in September. The program offers an emergency medical responder certification that positions students to pursue a similar course in the regional community college setting. In 2013 12 students participated. This year 20 students are enrolled in this program. In addition, Metro area Fire Chiefs are working with Community Colleges and the Portland Fire Department to make scholarship funding available for this student population. The Portland Fire Department administration is also working with the City of Portland Human Resources department on civil service rules in hopes to be able to offer successful students in this program a conditional offer of employment.

The administrative reorganization of the Fire Department is in effect and reflects three branches: Administrative and Support Services, Emergency Operations and Fire Prevention. Assistant Chiefs have been named and are in place for both the Admin/Support Services and Emergency Operations branches with the Assistant Chief in charge of Fire Prevention being placed in **January 2015**.

The next 6-12 months of Phase Two will focus on consistency in practices and policies. The department has been actively reviewing job descriptions for existing positions to that extent.

Phase Three of the administrative reorganization for the department involves advance planning through the Capital Improvement Process beginning in January 2015 spanning 3-5 years. The Chief discussed several initiatives described in detail in backup material provided by the Fire Department.

Chief LaMoria provided an update on the Confined Space Program initiated by the fire department in an effort to continue funding for 12 positions established by the SAFER grant previously accepted by the City Council. The current revenue totals \$166k. The department has completed a mass mailing to businesses in the City that may qualify for the confined space program. To date there are no new contracts. The Department is seeking alternative funding at this point. The City of Westbrook has asked for assistance with emergency response given recent changes in their capabilities. Cooperative talks are ongoing between Portland and Westbrook with the potential to offset costs when the SAFER grant funding is no longer available to the department.

Chair Suslovic acknowledged that Councilor Coyne has just arrived.

Councilor Duson noted that Phase One items were time sensitive safety priorities that were not all complete because of the budget process. She has asked what is left over for those priorities and what the status of those priorities is.

Chief LaMoria responded that the department was not able to go through a complete facility assessment and requires a better picture of what the needs are for existing structures and a complete analysis to determine what upgrades make sense given the age of structures and geographical location.

Councilor Duson asked when the department planned to do a review of buildings and submit a budget request.

Interim City Manager Sheila Hill-Christian noted the department did pursue a budget request on this topic and noted the request did not make it to the Council through the City Manager's office.

Councilor Duson asked the City Manager's office to provide a copy of that budget request to the Council.

Councilor Leeman questioned what is in an assessment the department needs to complete.

Chief LaMoria answered the comprehensive assessment is needed to ensure it's worth spending money on an older building given current and projected levels of service and the facility's geographical location.

Councilor Leeman asked for a copy of the assessment to which Chief LaMoria said he would provide one.

Councilor Duson asked if Community Paramedicine was similar to a "train the trainer" setting.

Chief LaMoria responded the initiative is a regional grant with a specified number of seats available. There are 12 pilot studies taking place to offer opportunities for acute care and chronic care vs. emergency treatment.

Councilor Duson thanked the Chief for that explanation and further complimented the department on the high school firefighter program.

Councilor Duson asked Chief LaMoria for a visual of the past year, what has been done, what works, what are the outcomes you've expected and what are the actual results. She would also like to see a tieback to what has been done to what the recommendations were from the performance and management review study. Councilor Duson noted the City of Portland provides a robust benefit plan that covers an annual exam so she asked why the fire department needs to fund a program. She thought the program should include thinking about resources that are already available.

Chair Suslovic commended the Chief on progress and agrees with Councilor Duson on updates. He thanked the Chief for the high school firefighter program as well noting the program creates a pathway to regional community colleges and he encouraged the department to think about other high schools as well. Chief LaMoria noted the program does have students from Deering and Portland high schools.

Chair Suslovic mentioned the fire department could think about examining vehicles on an individual basis during apparatus replacement rather than blindly following industry guidelines in an effort to get a bit more time out of such big ticket items.

Chair Suslovic noted the department has identified some needs such as budget items and a health and wellness program, but indicated the SAFER grant is unlikely to be approved moving forward. He pointed out the home page of the Honolulu fire department's web page where they advertise a very low cost of operations. The Chair asked what our cost per capita is, what the gross expense is per capita and asked to take into account the net related to EMS revenues. He asked how we compare to other communities on a per capita basis – not only the fire department, but other departments as well. He noted he recognized some of those changes involve contractual negotiations.

The Chief planned to provide an update in November and the Committee agreed.

AGENDA ITEM 2 – Buffer Zone Alternatives

Chair Suslovic gave a quick overview of the issue leading to discussion at the committee hearing tonight. The Chair recognized Trish McAllister for her extremely excellent service to the City of Portland.

In relation to the preliminary memo provided as back-up material, Trish said until we hear from the court it is unclear if the City needs to pay for legal fees. She discussed options leading to one side of the street/walkway being protest free and noted the fixed buffer zone may be more constitutionally sound if requested by Planned Parenthood vs. the City of Portland and that keeping government out of the process will enable private suits to move forward.

Chair Suslovic asked if the City would have to pay legal fees if someone filed suit citing 1st amendment rights. Trish answered yes and said anything other than this proposal would not be effective.

Councilor Duson noted there is mention, but no analysis provided of the Massachusetts and New York laws. Further discussion revolved around the exercise of free choice and Councilor Duson thinks the Government can take action and has the opportunity to create community expectations for “flare ups” in behavior. She asked if we have local authority to write citations for obstructing. Trish responded yes.

Councilor Duson went into detail discussion options and asking about enforcement for each of the options provided in the memo and concluded the Massachusetts law may be a possible option moving forward.

Danielle West-Chuhta noted that it is possible to pursue amendments to statutes in Augusta and the items discussed by Councilor Duson may be better suited for discussion at that level. She further noted amendments to statutes giving municipalities authority would be beneficial.

Councilor Duson asked Trish if she thought a gauntlet would work. Trish answered no, based on the language in McCullen it's another fixed buffer.

Councilor Duson expressed her opinion she wanted Planned Parenthood to join the City in their lawsuit. She noted the analysis of other state laws is missing from back-up material and asked for another month to review options instead of reporting to the Council that this is it.

Councilor Leeman pointed out she is adamant to do what the City can to protect rights of individuals on both sides of the issue. She understands that government may be involved in suits related to free speech. She feels government can continue to monitor and if an alternative in another venue works, that is great – taking into account taxpayer dollars.

Chair Suslovic asked if it was true in a Supreme Court Case that they could contest behavior vs. _____ and Trish responded, “Yes”.

Chair Suslovic and Trish discussed evidence in cases and traumatic experience. Councilor Suslovic hears that a fixed buffer is unlikely and he does not support one. He asked if the Massachusetts and New York laws already exist in Maine laws. Trish responded that is possible but that Maine laws could change to mimic Massachusetts law.

Councilor Suslovic asked if there are any legal things Portland needed to do to allow private groups to seek injunctive relief. Trish responded No, there is nothing the City can do. Councilor Suslovic asked if this (memo) is the most viable option. Trish responded yes.

Councilor Suslovic thanked the Police Chief and asked for his reaction to enforcement of the Colorado floating buffer. Chief Sauschuck responded that the ordinance did keep people away but they continue to see incidents of non-criminal activity. A warning is required before further action. A warning can be effective, but at that point the damage has already been done and the patients remain traumatized. Splitting zones would have a positive impact and we can take the next steps with Planned Parenthood taking action and there is a clear path to move forward.

Chief Sauschuck noted that bubble enforcement is challenging and he did not see an upside. Officers are hired at an overtime rate by Planned Parenthood. At present, resources are limited to begin with and the police department supports a private injunction.

Councilor Suslovic asked if the police department issued citations under existing ordinances – could a court case be challenged by the 1st amendment? Trish responded that yes the 1st amendment could always be mentioned in a court argument.

Chief Sauschuck noted a difficulty in determination as one person's disorderly conduct can be described as another's right to free speech. Chief Sauschuck noted that Maine State Statute continues to trump City Ordinances.

Councilor Suslovic summed the City and Committee's action to date and supports the alternative actions by Planned Parenthood and if successful the police department can enforce any related court orders.

Councilor Suslovic noted the City's Legislative Committee can ask Augusta to amend the Civil Rights Act to allow for municipal enforcement (**ask Trish if enforcement is the right word**).

The Committee said its action would be to report back to the council regarding the discussion of voting or not voting.

Councilor Leeman suggested the minutes and discussion be presented to the council.

Councilor Duson questioned how the committee needs to report to the council; prefers to review Massachusetts and New York Laws in consultation with the Attorney General's office. She made a motion to take another month and meet with constituent groups as a committee. This motion was seconded by Councilor Coyne.

Chair Suslovic directed a communication be sent to the Council extending the discussion one month following a report to the Council at the October meeting.

Councilor Duson withdrew her motion. The motion was seconded and withdrawn.

Councilor Leeman made a motion to postpone this item to the next meeting. This motion was seconded by Councilor Coyne.

AGENDA ITEM 3 – Mayor's Substance Abuse Sub-Committee Update

Christopher Corson from Public Health presented an update on this topic. He provided a description of the Committee and noted they've met regarding current issues. Guy Cousins, the Director of the State's Office of Substance Abuse provided an update on current substance abuse issues at a recent meeting as well. Work is being done to review programs around the country related to access of treatment related to the Affordable Healthcare Act and changes in Mainecare. In relation to access to treatment, the LEAD program focuses on keeping users out of jail and getting treatment. The next meeting of the sub-committee will discuss various sub groups and those issues. That meeting is on Friday.

Councilor Leeman asked for an email with the mission, membership and minutes of the sub-committee.

Councilor Duson noted that Chris Corson is not a full time employee on this and clarified that he is a full time staff member at public health.

Councilor Suslovic expressed a general concern related to limited staff resources being assigned to multiple and various committees.

Interim Manager Hill-Christian asked that she be kept in the loop on the workplan and staff time on various projects such as this. Councilor Leeman agreed and suggested prioritizing based on staff resources.

Councilor Suslovic noted he thinks the discussion of sharps issues should be on the Mayor's Substance Abuse Sub-committee's meeting agenda.

AGENDA ITEM 4 – Update on General Assistance Lawsuit and Costs

Julie Sullivan, Acting Director of Public Health, provided an update on the ongoing General Assistance Lawsuit. She noted the deadline for reimbursement is coming up. Municipalities have been asked by the

State to verify immigration status for reimbursement requests for general assistance. Potential audits can equal civil penalties. There is \$10.67 million expected in FY15 for general assistance. Undocumented populations account for roughly \$300k/mo that may not be eligible for reimbursement. This accounts for a \$3.6 million risk and an approximate 2.23% tax increase.

Danielle West-Chuhta, Corporation Counsel, announced that her department has prepared a waiver to be accompanied by the State's new form and request for reimbursement. The State has said that all requests for reimbursement could be denied if even one application's immigrant status was found to be in question.

Portland is waiting on Lewiston's decision to grant assistance or not based on these new parameters. If Lewiston decides not to provide assistance, Portland could then be inundated with requests.

Danielle noted that the Maine Municipal Association, City of Westbrook and City of Portland have filed lawsuits related to general assistance – suits did not go through rulemaking and they are asking the court for relief.

Portland will soon start submitting requests for assistance. Further amendments of complaints are due to \$3-10 Million dollar impacts.

Danielle noted that the waiver drafted by her office states the City makes no such certification of citizen status. Corporation Counsel is also working through the process with outside counsel and has requested an expedited review in courts. There have been some procedural issues related to the ACLU and Civil Liberties Union pushing for these items to be moved to federal court.

Councilor Suslovic stated if the City loses court, we could not be reimbursed \$3 million or a total of \$10 million.

Councilor Duson summarized that legal and public health offices in Portland have tried to isolate the impact by complying with the order and still submitting for reimbursement for both demographics of lawful and unlawful applicants. She also noted that legal has covered the City's staff that may be signing any such waiver from civil penalties from signing a form indicating immigration status one way or another.

Councilor Duson noted policy issues and asked that non salary staff (elected officials) sign affidavits vs. staff employees. Julie Sullivan said she would review the GA law related to who must sign the forms.

Julie further noted that the State has said any violation in applications for assistance may result in a complete loss of general assistance funds. A short discussion of the difficulty to determine lawful or unlawful status took place.

Councilor Duson noted that she thinks the impact of this change affects immigrants who are people of color.

Julie Sullivan noted several visa holder statistics that did indicate a high number of individuals coming from countries with high populations of people of color. She noted that visa holders enter the United States on a visa and eventually become "undocumented" while waiting on a passport.

Danielle noted that at a workshop the council agreed to provide service, but Councilor Suslovic notes the council hasn't yet voted on this action. He also asked how long this will take. Danielle explained the process and has asked the courts for expedited review and is hoping for information in the next few months.

Councilor Coyne asked for clarification on other municipalities and their votes to provide assistance or not. Julie Sullivan was unsure if Lewiston intends to provide general assistance or not.

Councilor Duson asked if the council took action or voted to move this in the direction of guidance. Danielle said that yes, the council provided guidance. Sheila also said yes and staff have provided updates on topics.

Councilor Suslovic asked for an update in one month on general assistance. Danielle offered for outside counsel to be available for an in depth conversation, noting that MMA is paying for that service.

Councilor Duson noted she was interested in keeping public assets out of this and keeping the council responsible.

Councilor Coyne excused himself from the meeting. Councilor Leeman also excused herself from the meeting.

AGENDA ITEM 5 – Revisit the Work Plan for the Year

Councilor Suslovic said to move smoking to December and to add noise in the Old Port to December as well.

Sheila mentioned the 7 point plan to include cost and effectiveness to end homelessness in December as well.

Councilor Duson would like to add the police department to brief the committee on equipment received from military branches (in the wake of current events in Ferguson). She wanted to consider pro-active phrasing for the conversation and to learn what the situation is in Portland and asked for a reminder of the public safety culture in Portland. Councilor Suslovic asked for this item to be on the November agenda.

Chief Sauschuck of the Police Department noted he has a follow up meeting with the NAACP on September 30th at the Library to focus questions on these issues to 4 or 5 topics to flesh out the issue.

Councilor Duson noted she wants elected people to be involved. Councilor Suslovic asked for an update in writing at the October 14th meeting and to address follow up in the November meeting.

Councilor Duson wanted something online. Chief Sauschuck confirmed a PowerPoint presentation would be available following the September 30th meeting.

A short discussion was held regarding several of the Mayor's initiatives such as minimum wage, food and healthcare – all related to managing the availability of full time staff to work on these projects. Chair Suslovic suggested that November is a more appropriate time to delegate this work. He also noted the Elder affairs update is included in this discussion.

Councilor Duson would like to see a template for groups and sub committees that are established. She wanted the template to describe the establishment of the committee/task force, include priorities and establish and exit plan to limit the number of groups in establishment.

Julie Sullivan also noted that the State's infectious disease office is asking municipalities to take on public nursing. That was added to the top of the list for the public health update.

The meeting was adjourned quickly at 8:10pm.

MEMORANDUM

To: Public Safety, Health and Human Services Committee
From: Trish McAllister
Re: Analysis of Massachusetts law and New York ordinance addressing safe access to health care
Date: September 25, 2014

This memorandum has been prepared in response to Councilor Dusen's request at the September 9, 2014 public safety committee meeting.

A. Massachusetts law

In July, 2014, after the *McCullen* buffer zone ruling was issued, the Massachusetts Legislature passed new legislation to promote public safety and to protect access to reproductive health care facilities. The text of the adopted legislation is attached.

In short, the Massachusetts law accomplishes the following:

- Authorizes law enforcement officials "to order the immediate dispersal of a gathering that substantially impedes access to or departure from an entrance or a driveway to a reproductive health care facility."
- Once an order has issued, a 25-foot "buffer zone" is established around the entrance or driveway to the facility, and stays in place for eight hours. The zone must be marked and posted, but only applies to those who were part of the "gathering" to whom the dispersal order was directed.
- Anyone who disobeys the order may be arrested and/or fined.
- The law also enacts penalties (arrest and/or fines) for anyone who impedes a person's access or departure from a health care facility "with the intent to interfere with that person's ability to provide, support the provision of or obtain services" at the facility.
- Stricter penalties are established for anyone who, "by force, physical act, or threat of force, intentionally injures or intimidates or attempts to injure or intimidate a person who attempts to access or depart from" such a facility. "Intimidate" means to place a person in reasonable apprehension of bodily harm to that person or another.

Maine's Civil Rights Law (attached) does not include any provisions, other than those related to noise, which specifically apply to reproductive health care facilities. This law could be amended to contain provisions and penalties similar to those in the Massachusetts law.

B. New York City Ordinance

In the *McCullen* decision, the Supreme Court referenced a New York City Ordinance which makes it a crime to obstruct access to a clinic or to “follow and harass” patients within 15 feet of the premises. N. Y. C. Admin. Code §8-803(a)(3) is attached. In an important footnote, the court also said: “We do not “give [our] approval” to this or any of the other alternatives we discuss. We merely suggest that a law like the New York City ordinance could in principle constitute a permissible alternative. Whether such a law would pass constitutional muster would depend on a number of other factors, such as whether the term “harassment” had been authoritatively construed to avoid vagueness and overbreadth problems of the sort noted by Justice Scalia.”

Note that many of the behaviors addressed in this ordinance are already addressed here in Maine by state laws pertaining to harassment (17-A M.R.S. § 506-A), obstruction of public ways (17-A M.R.S. § 505), and Disorderly Conduct (17-A M.R.S. §501-A(B)).

Encl: Massachusetts’ revised law
Maine Civil Rights Law
New York City Ordinance

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act to promote public safety and protect access to reproductive health care facilities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 11H of chapter 12 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following paragraph:-

If the attorney general prevails in an action under this section, the attorney general shall be entitled to: (i) an award of compensatory damages for any aggrieved person or entity; and (ii) litigation costs and reasonable attorneys' fees in an amount to be determined by the court. In a matter involving the interference or attempted interference with any right protected by the constitution of the United States or of the commonwealth, the court may also award civil penalties against each defendant in an amount not exceeding \$5,000 for each violation.

SECTION 2. Chapter 266 of the General Laws is hereby amended by striking out section 120E½, as so appearing, and inserting in place thereof the following section:-

Section 120E½. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

“Driveway”, an entry from a public street to a public or private parking area used by a reproductive health care facility.

“Entrance”, a door to a reproductive health care facility that directly abuts the public sidewalk; provided, however, that if the door does not directly abut the public sidewalk, the “entrance” shall be the point at which the public sidewalk intersects with a pathway leading to the door.

“Gathering”, 2 or more individuals.

“Impede”, to obstruct, block, detain or render passage impossible, unsafe or unreasonably difficult.

“Law enforcement official”, a duly authorized member of a law enforcement agency, including a member of a municipal, metropolitan or state police department, sheriffs or deputy sheriffs.

“Reproductive health care facility”, a place, other than within or upon the grounds of a hospital, where abortions are offered or performed including, but not limited to, the building, grounds and driveway of the facility and a parking lot in which the facility has an ownership or leasehold interest.

(b) A law enforcement official may order the immediate dispersal of a gathering that substantially impedes access to or departure from an entrance or a driveway to a reproductive health care facility. A dispersal order issued pursuant to this section shall include the following statements: (i) the gathering has substantially impeded access to or departure from the reproductive health care facility; (ii) each member of the gathering shall, under the penalty of arrest and prosecution, immediately disperse and cease to stand or be located within at least 25 feet of an entrance or a driveway to the reproductive health care facility; and (iii) the order shall remain in place for 8 hours or until the close of business of the reproductive health facility, whichever is earlier. This subsection shall apply during the business hours of a reproductive health care facility. This subsection shall also apply only if the 25-foot boundary is clearly marked and subsections (a) through (c), inclusive, of this section are posted outside of the reproductive health care facility.

(c) A person who fails to comply with a dispersal order pursuant to subsection (b) shall be punished, for the first offense, by a fine of not more than \$500 or not more than 3 months in a jail or house of correction or by both such fine and imprisonment and, for each subsequent offense, by a fine of not less than \$500 nor more than \$5,000 or not more than 2½ years in a jail or house of correction or by both such fine and imprisonment.

(d) A person who, by force, physical act or threat of force, intentionally injures or intimidates or attempts to injure or intimidate a person who attempts to access or depart from a reproductive health care facility shall be punished, for the first offense, by a fine of not more than \$2,000 or not more than 1 year in a jail or house of correction or by both such fine and imprisonment and, for each subsequent offense, by a fine of not less than \$10,000 nor more than \$50,000 or not more than 2½ years in a jail or house of correction or not more than 5 years in a state prison or by both such fine and imprisonment. For the purpose of this subsection, “intimidate” shall mean to place a person in reasonable apprehension of bodily harm to that person or another.

(e) A person who impedes a person’s access to or departure from a reproductive health care facility with the intent to interfere with that person’s ability to provide, support the provision of or obtain services at the reproductive health care facility shall be punished, for the first offense, by a fine of not more than \$1,000 or not more than 6 months in a jail or house of correction or by both such fine and imprisonment and, for each subsequent offense, by a fine of not less than \$5,000 nor more than \$25,000 or not more than 2½ years in a jail or house of correction or not more than 5 years in the state prison or by both such fine and imprisonment.

(f) A person who knowingly impedes or attempts to impede a person or a vehicle attempting to access or depart from a reproductive health care facility shall be punished, for the first offense, by a fine of not more than \$500 or not more than 3 months in a jail or house of correction or by both such fine and imprisonment and, for each subsequent offense, by a fine of not less than \$1,000 nor more than \$5,000 or not more than 2½ years in a jail or house of correction or by both such fine and imprisonment.

(g) A person who recklessly interferes with the operation of a vehicle that attempts to enter, exit or park at a reproductive health care facility shall be punished, for the first offense, by a fine of not more than \$500 or not more than 3 months in a jail or house of correction or by both such fine and imprisonment and, for each subsequent offense, by a fine of not less than \$1,000 nor more than \$5,000 or not more than 2½ years in a jail or house of correction or by both such fine and imprisonment.

(h) A person who fails to comply with a dispersal order pursuant to said subsection (b) or who violates subsections (c), (d), (e), (f) or (g) may be arrested without a warrant by a law enforcement official.

(i) If a person or entity fails to comply with a dispersal order pursuant to subsection (b) or violates subsections (c), (d), (e), (f) or (g), an aggrieved person or entity or the attorney general or both may commence a civil action. The civil action shall be commenced either in the superior court for the county in which the conduct complained of occurred or in the superior court for the county in which the person or entity complained of resides or has a principal place of business.

(j) In an action pursuant to subsection (i), a court may award as remedies: (1) temporary, preliminary and permanent injunctive relief; (2) compensatory and punitive damages; and (3) costs, attorneys' fees and expert witness fees. In an action brought by the attorney general pursuant to subsection (i), the court may also award civil penalties against each defendant in an amount not exceeding: (A) \$10,000 for a nonviolent violation and \$15,000 for other first violations; and (B) \$15,000 for a subsequent nonviolent violation and \$25,000 for any other subsequent violation.

(k) A violation of an injunction entered by a court in an action brought pursuant to subsection (i) shall be a criminal offense under section 11J

Maine Revised Statutes

Title 5: ADMINISTRATIVE PROCEDURES AND SERVICES

Part 12: HUMAN RIGHTS

Chapter 337-B: CIVIL RIGHTS ACT

§4681. Violations of constitutional rights; civil action by Attorney General

1. Interference with rights; action by Attorney General. Whenever any person, whether or not acting under color of law, intentionally interferes or attempts to intentionally interfere by physical force or violence against a person, damage or destruction of property or trespass on property or by the threat of physical force or violence against a person, damage or destruction of property or trespass on property with the exercise or enjoyment by any other person of rights secured by the United States Constitution or the laws of the United States or of rights secured by the Constitution of Maine or laws of the State or violates section 4684-B, the Attorney General may bring a civil action for injunctive or other appropriate equitable relief in order to protect the peaceable exercise or enjoyment of the rights secured.

[2001, c. 50, §1 (NEW) .]

2. Place and name of action. A civil action under subsection 1 must be brought in the name of the State and instituted in the Superior Court for the county where the alleged violator resides or has a principal place of business or where the alleged violation occurred.

[2001, c. 50, §1 (NEW) .]

3. Jury trial. There is a right to a jury at the trial of an action on the merits under this section, but there is no right to a jury at the hearing of an application for a preliminary injunction or a temporary restraining order.

[2001, c. 50, §1 (NEW) .]

4. Civil penalty for violation. Each violation of this section is a civil violation for which a civil penalty of not more than \$5,000 for each defendant may be adjudged. These penalties must be applied by the Attorney General in carrying out this chapter.

[2001, c. 50, §1 (NEW) .]

5. Service of order or injunction. Each temporary restraining order or preliminary or permanent injunction issued under this section must include a statement describing the penalties provided in this section for a knowing violation of the order or injunction. The clerk of the Superior Court shall transmit one certified copy of each order or injunction issued under this section to the appropriate law enforcement agency having jurisdiction over locations where the defendant is alleged to have committed the act giving rise to the action, and service of the order or injunction must be accomplished pursuant to the Maine Rules of Civil Procedure. Unless otherwise ordered by the court, service must be made by the delivery of a copy in hand to the defendant.

[2001, c. 50, §1 (NEW) .]

6. Violation of restraining order or injunction. A person who knowingly violates a temporary restraining order or preliminary or permanent injunction issued under this section commits a Class D crime.

§4682. Violations of constitutional rights; civil actions by aggrieved persons

1. Remedy.

[1991, c. 821, §2 (RP) .]

1. Interference with rights; private actions.

[RR 2001, c. 1, §11 (RAL); 2001, c. 50, §2 (RPR) .]

1-A. (REALLOCATED FROM T. 5, §4682, sub-§1) Interference with rights; private actions. Whenever any person, whether or not acting under color of law, intentionally interferes or attempts to intentionally interfere by physical force or violence against a person, damage or destruction of property or trespass on property or by the threat of physical force or violence against a person, damage or destruction of property or trespass on property with the exercise or enjoyment by any other person of rights secured by the United States Constitution or the laws of the United States or of rights secured by the Constitution of Maine or laws of the State or violates section 4684-B, the person whose exercise or enjoyment of these rights has been interfered with, or attempted to be interfered with, may institute and prosecute in that person's own name and on that person's own behalf a civil action for legal or equitable relief.

[RR 2001, c. 1, §11 (RAL) .]

2. Place of action. The action under subsection 1 must be instituted in the Superior Court for the county where the alleged violator resides or has a principal place of business.

[2001, c. 50, §2 (NEW) .]

3. Jury trial. There is a right to a jury at the trial of an action on the merits under this section, but there is no right to a jury at the hearing of an application for a preliminary injunction or a temporary restraining order.

[2001, c. 50, §2 (NEW) .]

4. Service of order or injunction. Each temporary restraining order or preliminary or permanent injunction issued under this section must include a statement describing the penalties provided in this section for a knowing violation of the order or injunction. The clerk of the Superior Court shall transmit one certified copy of each order or injunction issued under this section to the appropriate law enforcement agency having jurisdiction over locations where the defendant is alleged to have committed the act giving rise to the action, and service of the order or injunction must be accomplished pursuant to the Maine Rules of Civil Procedure. Unless otherwise ordered by the court, service must be made by the delivery of a copy in hand to the defendant.

[2001, c. 50, §2 (NEW) .]

5. Violation of restraining order or injunction. A person who knowingly violates a temporary restraining order or preliminary or permanent injunction issued under this section commits a Class D crime.

§4683. Attorney's fees and costs

In any civil action under this chapter, the court, in its discretion, may allow the prevailing party, other than the State, reasonable attorney's fees and costs, and the State shall be liable for attorney's fees and costs in the same manner as a private person.

§4684. Application includes interference by private parties

For the purposes of this chapter and Title 17, section 2931, rights secured by the Constitution of the United States and the laws of the United States and by the Constitution of Maine and the laws of the State include rights that would be protected from interference by governmental actors regardless of whether the specific interference complained of is performed or attempted by private parties. [1991, c. 821, §3 (NEW).]

§4684-B. Additional protections

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Building" means any structure having a roof or a partial roof supported by columns or walls that is used or intended to be used for shelter or enclosure of persons or objects regardless of the materials of which it is constructed. [1995, c. 417, §3 (NEW).]

B. "Health service" means any medical, surgical, laboratory, testing or counseling service relating to the human body. [1995, c. 417, §3 (NEW).]

C. "Physical obstruction" means rendering impassable ingress to or egress from a building or rendering passage to or from a building unreasonably difficult or hazardous. [1995, c. 417, §3 (NEW).]

[1995, c. 417, §3 (NEW) .]

2. Violation. It is a violation of this section for any person, whether or not acting under color of law, to intentionally interfere or attempt to intentionally interfere with the exercise or enjoyment by any other person of rights secured by the United States Constitution or the laws of the United States or of rights secured by the Constitution of Maine or laws of the State by any of the following conduct:

A. Engaging in the physical obstruction of a building; [1995, c. 417, §3 (NEW).]

B. Making or causing repeated telephone calls to a person or a building, whether or not conversation ensues, with the intent to impede access to a person's or building's telephone lines or otherwise disrupt a person's or building's activities; [1995, c. 417, §3 (NEW).]

C. Activating a device or exposing a substance that releases noxious and offensive odors within a building; or [1995, c. 417, §3 (NEW).]

D. After having been ordered by a law enforcement officer to cease such noise, intentionally making noise that can be heard within a building and with the further intent either:

(1) To jeopardize the health of persons receiving health services within the building; or

(2) To interfere with the safe and effective delivery of those services within the building. [1995, c. 417, §3 (NEW).]

[1985, c. 417, §3 (NEW) .]

§4685. Short title

This chapter may be known and cited as the "Maine Civil Rights Act."

New York City Administrative Code(NEW)

§ 8-803. Prohibition of activities to prevent access to reproductive health care facilities. a. It shall be unlawful for any person

(1) to knowingly physically obstruct or block another person from entering into or exiting from the premises of a reproductive health care facility by physically striking, shoving, restraining, grabbing, or otherwise subjecting a person to unwanted physical contact, or attempting to do the same;

(2) to knowingly obstruct or block the premises of a reproductive health care facility, so as to impede access to or from the facility, or attempt to do the same;

(3) to follow and harass another person within 15 feet of the premises of a reproductive health care facility;

(4) to engage in a course of conduct or repeatedly commit acts within 15 feet of the premises of a reproductive health care facility when such behavior places another person in reasonable fear of physical harm, or attempt to do the same;

(5) to physically damage a reproductive health care facility so as to interfere with its operation, or attempt to do the same; or

(6) to knowingly interfere with the operation of a reproductive health care facility, or attempt to do the same, by activities including, but not limited to, interfering with, or attempting to interfere with

(i) medical procedures being performed at such facility or

(ii) the delivery of goods to such facility.

b. Violations. Any person who shall violate any provision of subdivision a of this section shall be guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars or imprisonment not to exceed six months, or both, for a first conviction under this section. For a second and each subsequent conviction under this section, the penalty shall be a fine not to exceed five thousand dollars or imprisonment not to exceed one year, or both.

Update: Mayor's Initiative for a Healthy and Sustainable Food System

Public Safety, Health and Human Services Committee

October 14, 2014

Formation:

Mayor Brennan convened the Mayor's Initiative for a Health and Sustainable Food System (aka Food Initiative) in the summer of 2012 in response to a series of discussions with community members and as an outcome of a Community Food Forum hosted by Healthy Portland in April of 2012. Community members present at the forum drafted a purpose and values statement and outlined what they would like to see in a community food council for the city. The current version of that purpose and values statement is included below.

Purpose:

The City of Portland supports a host of initiatives to improve the health and sustainability of the food systems that support our community such as composting programs, community gardens, and the farmers markets. The City also supports increasing access to healthier food at schools, in neighborhoods, and at other community locations. To bolster these initiatives and improve the health and sustainability of the food systems that support our community, the Mayor has established the Mayor's Initiative for a Healthy and Sustainable Food System to:

- Provide continued and increased public engagement in food-related policies and initiatives;
- Identify and implement positive changes in the community's food systems and policies;
- Prioritize and respond to City and community identified needs for food system change and improvement; and
- Increase access to healthier food for residents.

Values:

Food and water sustain life. Food is a shared need and an opportunity to bring together everyone in our community. The City of Portland has many roles in how our community maintains health and vitality through food.

The City of Portland is committed to a food system that supports:

- Justice and fairness in all aspects of the food system
- Equal food access for disadvantaged people
- Healthy people
- Thriving local economies and jobs
- Vibrant gardens and farms
- Sustainable ecosystems
- Strong neighborhoods and communities

The City aspires to produce as much of its own food as possible and supports local growers, processors and workers. The City works to ensure everyone has enough healthy food and that the healthy food choice is the easier choice. The City intends to support a food system that creates economic opportunity and inspires greater human possibility.

Membership and Subcommittees:

Membership of the Food Initiative is open to interested people in Portland. Mayor Brennan and the community member chairs of Food Initiative subcommittees comprise the steering committee. There are six subcommittees of the Food Initiative which focus on different topics as follows: Food Security, chaired by Jim Hanna; School Food, chaired by Craig Lapine; Food Policy, chaired by Ben Tettelbaum; Enterprise and Infrastructure; co-chaired by Jackie Potter and Daniel Wallace; Institutional Purchasing, chaired by Tyler Kidder; and Urban Agriculture, co-chaired by Jeremy Bloom and Jonah Fertig.

Meeting Schedule:

The Food Initiative and the Steering Committee hold meetings on alternating months with a set schedule of 10am on the 4th Friday of each month. Subcommittee meetings convene at the discretion of their chairs.

Sampling of Recent and Current Efforts:

- Convened city-wide partners to coordinate summer meal program promotion efforts which ultimately resulted in a recent grant award of \$50,000 from the National League of Cities to expand summer and after school meals for kids in Portland.
- Received a \$20,000 grant from Gorman Foundation to research parent and student perceptions of School Food programs.
- Partnered with Cultivating Community to secure a Harvard Pilgrim grant of \$16,000 to expand community gardening space on city land.
- Received a \$4,300 grant to conduct a food policy review and hold a series of small community food forums around the city.
- Enterprise and Infrastructure subcommittee launched a forum for local food business leaders and City staff to build common understanding and discuss opportunities for improvement of interface between the two groups. The first such meeting was held in April and the next will take place in late October or mid-November.

For More Information:

Staff contact: Tim Fuller tfr@portlandmaine.gov – 541-6955

City website: <http://www.portlandmaine.gov/healthysustainablefood.htm>

Facebook: <https://www.facebook.com/shapingourfoodsystem>



**Quarterly Update to the Public Safety, Health & Human Services Committee
City Council
October 14, 2014**

Family Health

- Children's Oral Health Program (COHP): Dr. Jenny Fultz deliver 97 dental encounters and provided nearly 300 dental procedures in the first quarter of FY2015.
- Maternal and Child Health (MCH): For more than 15 years, the MCH Program has led a weekly Toddler Play Group. As resources have decreased and the need for home visits increased, alternative strategies to continue this valuable resource were discussed. Effective September 16, the Playgroup has been integrated into the Portland Recreation Program. MCH Nurses will continue to provide periodic health education on a variety of topics.
- Portland Defending Childhood (PDC): The Maine Public Health Association awarded its Public Health Program of Excellence Award to Portland Defending Childhood at the Association's annual conference on October 7. PDC has expanded its program from 5 classrooms to more than 85 in the past two years.
- School-based Health Centers (SBHC): SBHC received a Maine CDC grant at the end of the previous school year to develop written suicide prevention protocols that integrate with the school's suicide prevention protocols; work has begun on this project.

Health Care for the Homeless

Effective 9/2, the Dental Program was reduced to two days per week. Effective 10/16, the Behavioral Health Program will decrease to three days per week. A final patient day of November 18 has been set.

Environmental Health & Safety

- Developed and published new Food Handler Guide, which boils down the complicated and often convoluted Maine Food Code and provides contact information for licensing, regulations and more.
- We conducted 572 inspections in FY14.
- Tracked complaints for the first time – 44 in FY14, 7 confirmed.
- The federal Food & Drug Administration and the National Association of City & County Health Officials are funding Mike Russell to speak about the success of our program and our early success with meeting the retail program standards.

Health Equity & Research

- Released findings from the 2014 Minority Health Assessment. Surveyed more than 1,200 racial and ethnic minority residents in Cumberland County, with a special focus on Portland's Parkside neighborhood. Reports are available on our website at <http://portlandmaine.gov/353/County-Health-Assessments>
- Hiring two new Community Health Workers through our CHW Pilot project, a 2-year, \$326,000 grant from Maine CDC. The new staff are Brendan Johnson and Jessica Long. They will start October 14 and will focus on serving the uninsured, the underinsured, and those living with chronic disease. This is a partnership with MaineHealth.

Chronic Disease Prevention

- Registered Dietitians provided 114 nutrition education classes to 707 unique individuals in Portland who are currently receiving, or eligible to receive, SNAP benefits (formerly known as food stamps).
- In collaboration with the Portland Police Department and the UNE School of Pharmacy, the Substance Abuse Prevention Program hosted a Drug Take Back and Prevention in the Park event in Deering Oaks Park on Saturday 9/27. In addition to collecting unused or unwanted prescription medications, staff and community partners provided information about safe medication storage and disposal and talking to your kids about alcohol and drugs. Fun family activities such as face painting and hula hoop demonstrations were also provided.
- The Mayor's Substance Abuse Sub Committee hosted Kathryn Power, SAMHSA Regional 1 Administrator, who spoke on promising programs from around the country.
- In collaboration with multiple City Departments, provided a handout with information for residents on what to do if they find sharps (such as a needle) on public property.
- Provided a free workshop to local businesses on how food affects productivity and how businesses can help create a healthy work environment. I don't have a count of how many businesses attended, but I have asked.
- Provided two free trainings to behavioral health providers to offer technical assistance in developing tobacco/smoking policies that meet or exceed Maine law and integrating tobacco cessation into their client treatment plans (both new requirements of all behavioral health providers receiving state funding).

India Street Clinical Services

- **GRANTS:** 3 new grants (2 Federal and 1 to the State of Maine) were submitted during this period and so far 2 have been awarded, 1 for the HIV/STD/Hepatitis C Prevention Program for \$253,310 and the second is a capacity development grant for the Ryan White part C Program for \$82,469. This equals a total of \$335,779. We have received provisional

notification that the 3rd grant for \$356,656 will also be successful.

- **STATS:**
 - 264 patients were seen in the STD clinic during the quarter. 6 were treated for syphilis, 13 for gonorrhea and 34 for chlamydia.
 - 61 individuals were tested for hepatitis C
 - There were 1,676 exchanges in the Needle Exchange.
 - 96% of patients in the Positive Health Care program had an undetectable HIV viral load. This rate is equal to the highest of any medical practice in the country.
- The first of 7 **Flu clinics** was conducted on 10/8/14 on Peake's Island. A total of 106 immunizations were given. This is an increase of 50% over last year at the same location.
- Leslie Nicoll, RN, PhD, MBA the Program Coordinator of the Portland Community Free Clinic will be inducted into the prestigious American Academy of Nursing in Washington DC on October 18th.



TO: Chair Suslovic and Members of the Public Safety, Health & Human Services Committee

FROM: Julie Sullivan, Acting Health & Human Services Department Director

CC: Sheila Hill-Christian, Acting City Manager

DATE: October 10, 2014

RE: Update – Homeless Initiatives

Per your request Chair Suslovic, the following is a brief summary of the City's current initiatives to end and prevent homelessness. As reported to the Public Safety, Health & Human Services Committee in May, significant gains have been made to address the complex issues of homelessness since the implementation of the Seven Point Plan in April 2013. The Plan is comprised of seven areas of focus; 1) Case Management, 2) Rapid Rehousing, 3) Increased Outreach, 4) Zoning Constraints, 5) Special Population Housing, 6) Housing First and 7) Regional Approach.

This update will focus on the progress made in moving individuals and families out of the City's shelters and into permanent housing. During Fiscal Year 2014, the Oxford Street Shelter (OSS) staff assisted 496 single adults in securing permanent housing. Likewise, the staff at the Family Shelter (FS) secured permanent housing for 189 families in Fiscal Year 2014 as well. In January of 2014, the decision was made to focus on the most chronically homeless, often referred to as long term stayers, at both the FS and the OSS. The Long Term Stayer (LTS) Initiative is based on the theory that if we are successful in securing housing for folks who are with us night after night, it will create capacity in the shelters and free up resources (e.g. personnel and housing subsidies) that can be made available for others. This is considered best practice by HUD and Continuums are encouraged to adopt this practice. At Oxford Street, the top 30 users were identified, of which, 27 adults located permanent housing, eliminating over 31,368 bed nights. In September, a new group of 30 long term stayers was targeted with eight (8) consumers securing permanent housing.

In February staff implemented the next iteration of the Client Support and Services Plan (CSSP) at Oxford Street. The significant increase in the number of housing placements for LTS can be partially attributed to the original CSSP revision which requires all shelter consumers with regular income to use that income to secure permanent housing. This approach is based on individual assessments with prioritization on those deemed the most vulnerable.

Please note this is not an exhaustive list of all the activities related to homelessness in the city. There are many initiatives currently underway in the city involving homeless providers, healthcare providers and the business community which are not mentioned here.

1. Case management:

As a result of both the Emergency Shelter Client Support and Services Plan Policy (CSSP) and the Long Term Stayers initiative, the number of high bed night users has significantly decreased, resulting in the closing of the Division's Warming Center in Refugee Services (waiting room) and also a marked reduction in use of the General Assistance waiting room and OSS Day Room used as overflow facilities. In September, there were a number of nights when the Preble Street overflow capacity dropped to under 75 consumers sleeping on floor mats.

Shalom House has prioritized both the Family Shelter and Oxford Street for Shelter residents for Shelter Plus Care (S+C) housing subsidies. Shalom House Staff meet with shelter staff on a monthly basis to review the S+C client list and to ensure that subsidies are distributed to eligible clients. This change in prioritization of subsidies has had a huge impact for both adults and families residing in the shelter.

The City works in tandem with the Preble Street Supportive Services for Veterans and their Families (SSVF) Program to prevent and end homelessness among all veterans at the Oxford Street Shelter and all shelters in the Portland area. The City has a designated full time counselor at OSS who provides case management and crisis services to all veterans and links them to the SSVF Program. In FY 2014 a total of 70 veterans were placed into permanent housing. Since 2010, the percentage of veterans at the shelter has been reduced from 15% to less than 5%.

2. Rapid Rehousing:

Home to Stay Program:

The Home to Stay (HTS) Program is modeled after a rapid re-housing approach that provides housing stability services to persons who are experiencing homelessness. This project is funded by Maine Housing (\$175,000) and has just completed its first year. The program covers both city-operated shelters: the Oxford Street Shelter and the Family Shelter. HTS Programs are also available at Preble Street and the Family Crisis Shelter. HTS assists homeless clients seeking permanent housing with education, services and support to meet their health, housing, and employment needs in order to overcome barriers to obtaining and maintaining housing. The goal is to help participants achieve permanent stable housing. Participants are assigned a Navigator who has experience in working with people who are experiencing homelessness. Navigators conduct assessments to determine best course of action and customize a plan that best suits each individual's housing needs. The program has provided assessments for 153 households and located permanent housing for 39 adults and 22 families.

Tenant Based Rental Assistance Program;

The new Tenant Based Rental Assistance (TBRA) Program is fully operational and will be entering year two. This Program uses a portion of the City's HOME funds (\$135,314 for FY 2015). These funds have been used to pay security deposits and short term rental assistance for individuals and families residing in homeless shelters.

There is a centralized intake with a single point of contact located at the Oxford Street Shelter and Family Shelter, utilization of a rapid re-housing approach with a particular focus on reducing recidivism; as such clients are assigned a case manager to provide follow-up care services. The program began on March 1st, 2014, and has successfully

assisted 49 households, totaling 136 individuals moving out of emergency shelters into permanent housing.

100,000 Home Campaign:

In August of 2013, City and Preble Street staff attended an intensive training session to learn how to implement the 100,000 Homes Campaign in Portland. The 100,000 Homes Campaign is a national movement to house 100,000 chronically homeless and vulnerable people. A steering committee was formed and recruited volunteers to get involved in the Campaign's launch event which was a community wide outreach registry day to identify the most at risk people in our community. The event was attended by over 70 people and well over 100 surveys were completed.

The driving force of the campaign is to fully implement the housing first model (no strings attached housing with wrap around services) in participating communities. Resources were focused on the most chronic and vulnerable homeless people. Portland is a member of the Campaign's 2.5% Club, meaning 2.5% or more of our chronic homeless are being housed each month. Only 60 of the 260 participating communities met this threshold.

3. Increased Outreach:

The HOME Team continues to be a valuable resource for the community. The Home Team continues to engage with clients residing on the streets and has had 7,403 street encounters with 466 unduplicated individuals for FY 2014. Research has shown that the vast majorities of transports represent a diversion and cost savings for the community and public safety. The HOME Team had a total of 2,058 transportations and referrals during the Fiscal Year.

Preble Street provides outreach services in the Portland Peninsula on a regular basis. This program is designed to reach teens, adults, and those whose substance abuse and mental health needs create concerns for the community and public safety. Outreach workers have provided services to over 400 unduplicated individuals.

The Oxford Street Shelter has recently started providing outreach to homeless individuals who panhandle on median strips in Portland. Outreach workers assist with case management and have already located permanent housing for four individuals.

4. Zoning Constraints:

The City's Planning and Urban Development Department is conducting research on a variety of housing topics including flexibility in residential dwelling conversions, residential density, variance provisions, disabled adult housing options and peninsula small lot development that may be the basis for future housing amendments.

Planning Staff has been addressing barriers to affordable housing through regulatory reform on an ongoing basis, particularly through zoning, density requirements, and neighborhood strategies. The City considered a rezoning for the entire East Bayside neighborhood from R-6 to R-7 to increase residential density and provide flexible zoning provisions for new housing and conversions. In the end, the City approved a more limited zone change that facilitates a 45-unit housing development proposed by the

Portland Housing Authority which could be a model for other infill projects within their underutilized Bayside campus. The City has been engaged in an extensive process this year in exploring opportunities with neighborhood organizations in providing more flexible residential density and other zoning provisions to encourage housing. This effort is ongoing and eight meetings with peninsula neighborhood groups have been held to date.

5. Special Population Housing:

The United Way of Greater Portland is taking the lead on convening a group of stakeholders to investigate the feasibility of a homeless Medical Respite Program. The group is researching models that have been effective in other communities, potential funding sources and evaluating the need for such a program.

6. Housing First:

The Planning and Urban Development department issued an RFP for new Housing First Projects in March and \$75,000 in funds were awarded for pre-development activities. Avesta Housing received \$50,000 and CHOM received \$25,000.

7. Regional Approach:

The Public Housing Authorities (PHA) and South Portland both remain committed to set aside Section 8 housing vouchers for individuals experiencing long term homelessness. PHA has already allocated 40 subsidies and 2 have been utilized. The City of Westbrook has recently committed ten (10) Section 8 subsidies to this initiative.

Significant gains have been made to address the issue of homelessness in Portland during the past year. The City along with Preble Street, Shalom House, the Maine State Housing Authority and many other providers, has made good progress in some areas of the plan. Current obstacles that we continue to face include the very tight rental market in the Portland area, lack of permanent supportive housing for the chronically homeless and budgetary challenges for both homeless shelters and permanent housing. This is due partially to the recent change in the State of Maine Department of Health and Human Services (DHHS) regarding reimbursement for “unlawfully present aliens” which includes both direct General Assistance (GA) and also assistance provided to shelters for bed nights for expired visa holders. In April of 2014, DHHS issued an audit finding to the City of Portland which states that shelter costs are being inappropriately requested for GA reimbursement based on operating costs and that the emergency shelter presumption eligibility is being improperly utilized to determine eligibility. If this audit finding prevails, it is estimated that the City would experience a reduction of \$1,250,000 in DHHS GA reimbursement provided to shelters for bed night reimbursement.

The City’s projected operating costs for OSS in FY 2015 are \$2,788,328, which consists of 28% grants and MaineCare, 52% GA reimbursements, and 20% from the City General Fund. Operation of the overflow sites account for 22% of the total OSS budget. The City’s projected operating costs for the Family Shelter in FY 2015 are \$891,540, consisting of 53% grants and MaineCare, 23% GA reimbursements, and 24% City General Funds.

ATTACHMENTS: Oxford Street Shelter Long Term Stayer Initiative
 Oxford Street Shelter Housing Placement Matrix
 Family Shelter Housing Placement Matrix

**City of Portland
Health & Human Services Department
Social Services Division**

***Oxford Street Shelter Long Term Stayer Initiative
6 month Report 1/1/14 -6/30/14***

Effective January of 2014, Oxford Street housing staff have focused resources and efforts to house the most chronic and vulnerable clients residing at the shelter. Clients were selected for targeted services using a two part methodology consisting of our top 30 bed night stayers and also selecting other clients based on vulnerability (mental health, substance abuse, physical issues) and the potential to become a long term stayer.

Housing Progress Report for the original top 30 stayers

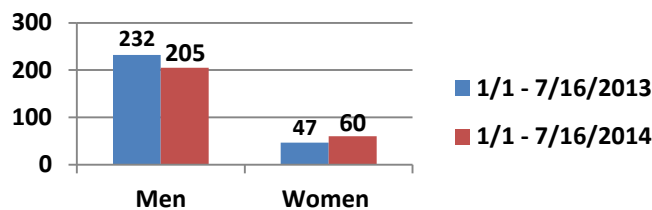
22 Clients have been placed in permanent housing – Only 1 recidivism

7 Clients are actively engaged in services and are working towards housing

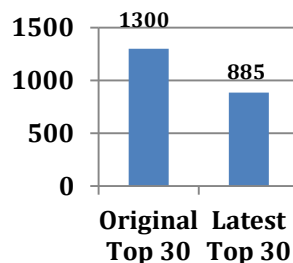
18,376 bed nights have been eliminated as a result of housing placements from this Original Top 30 group. This is the number of bed nights used by the combined total of these 22 clients since their first stay at the shelter.

Top 30: Impact to Date - Original Highest Bed Night Stayers (29 Men, 1 Woman)

Average Clients per Night 2013 vs. 2014

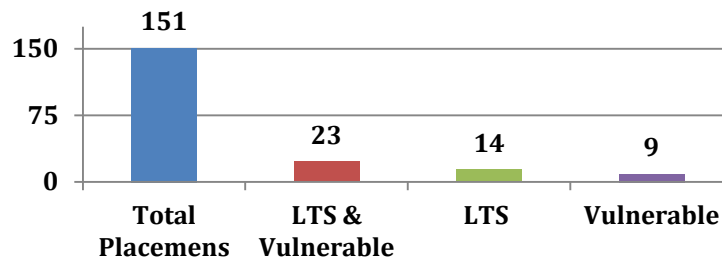


***Average Bed Nights Used
Original Top 30 v. Latest Top 30***



Original Top 30 (2013): The longest term stayer accounted for 3851 bed nights, #30 accounted for 781 bed nights
Latest Top 30 (2014): The longest term stayer accounted for only 2157 bed nights, #30 accounted for 547 bed nights

Total Housing Data Non-Top 30 Placements



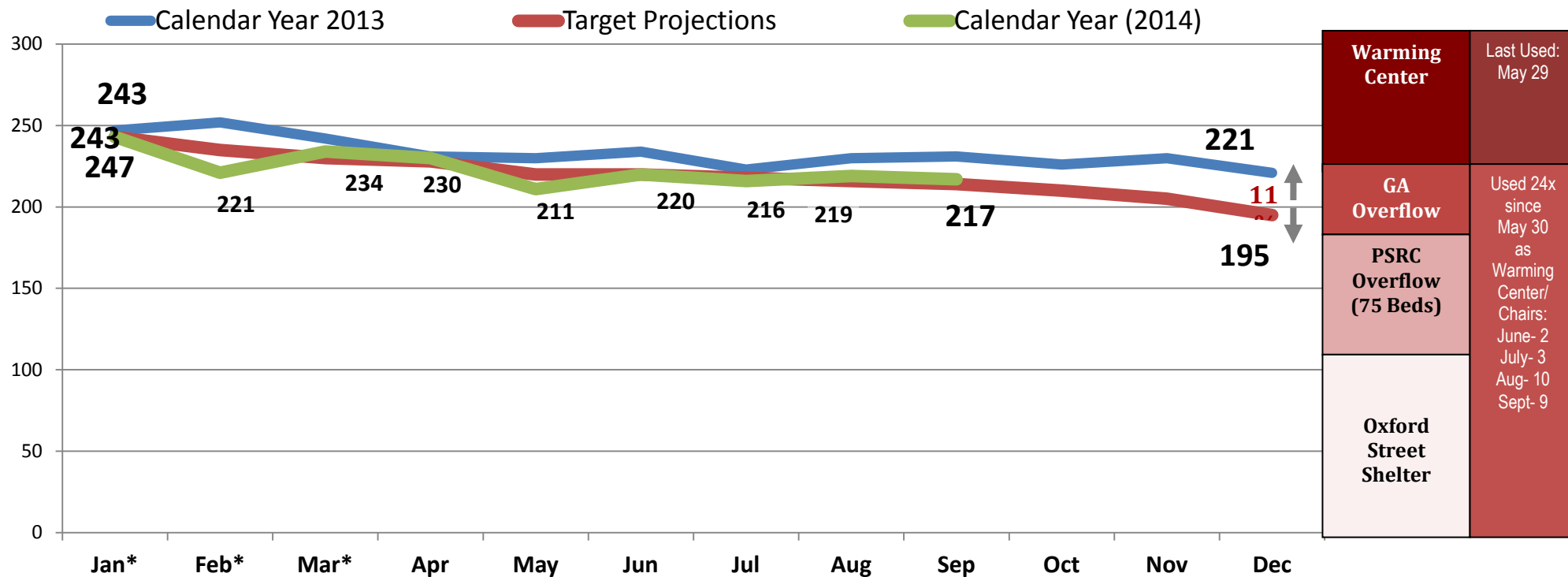
***Vulnerable: At risk of becoming a Long-term Stayer.**

**TOTAL
PLACEMENTS
FOR PERIOD:
173**

CITY OF PORTLAND
HEALTH & HUMAN SERVICES DEPARTMENT
SOCIAL SERVICES DIVISION

OXFORD STREET SHELTER & COMMUNITY OVERFLOW

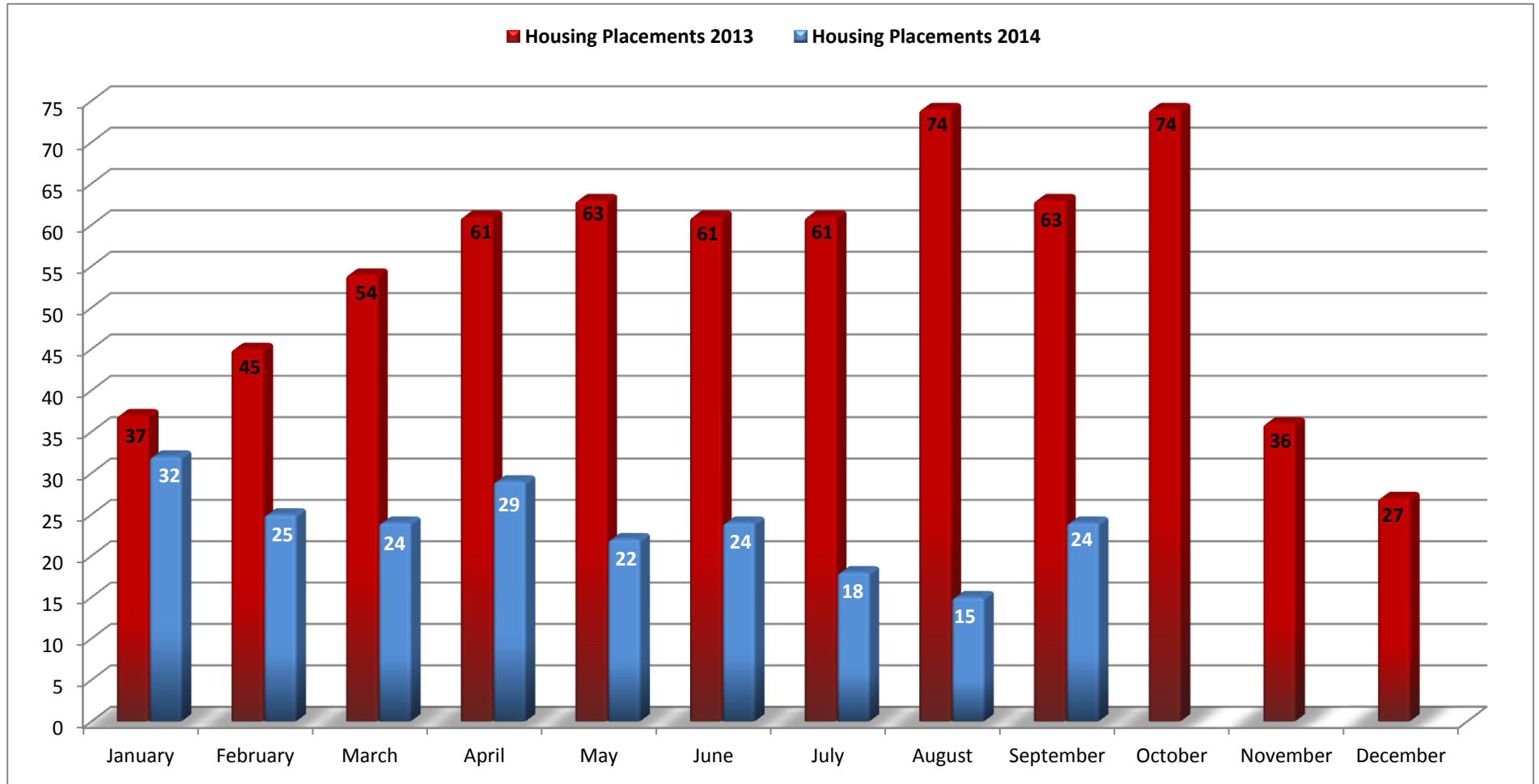
Average Number of Individuals Served On Any Given Night – Per Month



- Preble Street Resource Center (PSRC) Overflow was under capacity (75) 5 times in the month of September
- The GA Warming Center was only used 9 times in the month of September
- Of the 24 housing placements in September, 8 (33%) were long term stayers, saving the shelter over 1,000 bed nights

CITY OF PORTLAND
HEALTH & HUMAN SERVICES DEPARTMENT
SOCIAL SERVICES DIVISION
OXFORD STREET SHELTER & COMMUNITY OVERFLOW

**PERMANENT AND TRANSITIONAL
HOUSING PLACEMENT DATA**



Effective January 2014, Housing Placement focused on Long Term Stayers (LTS), resulting in fewer, but more impactful replacements in terms of bed night reductions and decreased recidivism rates.

CITY OF PORTLAND
HEALTH & HUMAN SERVICES DEPARTMENT
SOCIAL SERVICES DIVISION
OXFORD STREET SHELTER & COMMUNITY OVERFLOW

**PERMANENT AND TRANSITIONAL
HOUSING PLACEMENT DATA**

January 2014		
Total Housing Placements	32	
Permanent, No Subsidy		
• Portland	6	19%
• Westbrook	1	3%
Permanent, With Subsidy		
• BRAP (Portland)	1	3%
• BRAP (Bangor)	1	3%
• Shelter + Care (Portland)	4	12%
• HCV (Portland)	2	5%
• VHS	1	3%
• STEP (Portland)	4	12%
Temporary/Transitional Housing		
• York County Shelter (YCS)	1	3%
Reunification		
• Out of state via OSS-pd bus ticket	9	28%
• Out of state- no bus ticket	1	3%
• In-state via OSS-pd bus ticket	1	3%

February 2014		
Total Housing Placements	25	
Permanent, No Subsidy		
• Portland	6	24%
Permanent, With Subsidy		
• Avesta (Portland)	2	8%
• BRAP (Portland)	2	8%
• Shelter + Care (Biddeford)	1	4%
• Shelter + Care (Portland)	1	4%
• Shelter + Care (Westbrook)	1	4%
• HCV (Portland)	2	8%
• VASH (Portland)	1	4%
• VHS (Portland)	2	8%
• Project Section 8 (Portland)	2	8%
• Regular Section 8 (Portland)	1	4%
Reunification		
• Out of state via OSS-pd bus ticket	2	8%
• Out of state- no bus ticket	1	4%
• In-state via OSS-pd bus ticket	1	4%

March 2014		
Total Housing Placements	24	
Permanent, No Subsidy		
• Portland	3	13%
Permanent, With Subsidy		
• Shelter + Care (Portland)	1	4%
• Shelter + Care (Westbrook)	1	4%
• HCV (Saco)	2	8%
• HCV (Windham)	1	4%
• STEP (Portland)	1	4%
• VHS (Portland)	1	4%
Temporary/Transitional Housing		
• York County Shelter (YCS)	2	8%
Reunification		
• Out of state via OSS-pd bus ticket	9	39%
• Out of state- no bus ticket	1	4%
• In-state via OSS-pd bus ticket	2	8%

April 2014		
Total Housing Placements	29	
Permanent, No Subsidy		
• Portland	7	25%
• Augusta	1	3%
• Bath	1	3%
• Saco	1	3%
• Searsport	1	3%
• South Portland	2	7%
• Springvale	1	3%
Permanent, With Subsidy		
• BRAP (Portland)	3	12%
• Shelter + Care (Portland)	2	7%
• VHS (Portland)	1	3%
• STEP (Portland)	1	3%
Temporary/Transitional Housing		
• York County Shelter (YCS)	1	3%
Reunification		
• Out of state via OSS-pd bus ticket	7	25%

May 2014		
Total Housing Placements	22	
Permanent, No Subsidy		
• Portland	2	9%
• Bangor	1	5%
• Saco	1	5%
Permanent, With Subsidy		
• STEP (Portland)	4	17%
• STEP (Westbrook)	1	5%
• Shelter + Care (Portland)	1	5%
• Shelter + Care (Saco)	1	5%
• Shelter + Care (South Portland)	1	5%
• VHS (Augusta)	1	5%
• VHS (Portland)	3	13%
Reunification		
• Out of state via OSS-pd bus ticket	4	17%
• In-state via OSS-pd bus ticket	2	9%

June 2014		
Total Housing Placements	24	
Permanent, No Subsidy		
• Portland	3	13%
• Lewiston	1	4%
• Saco	1	4%
Permanent, With Subsidy		
• BRAP (Portland)	2	8%
• Project Section 8 (Portland)	5	21%
• PHA Section 8 (Portland)	1	4%
• STEP (Portland)	3	13%
• Shelter + Care (Portland)	3	13%
• Shelter + Care (Westbrook)	2	8%
Temporary/Transitional Housing		
• York County Shelter (YCS)	1	4%
Reunification		
• Out of state via OSS-pd bus ticket	2	8%

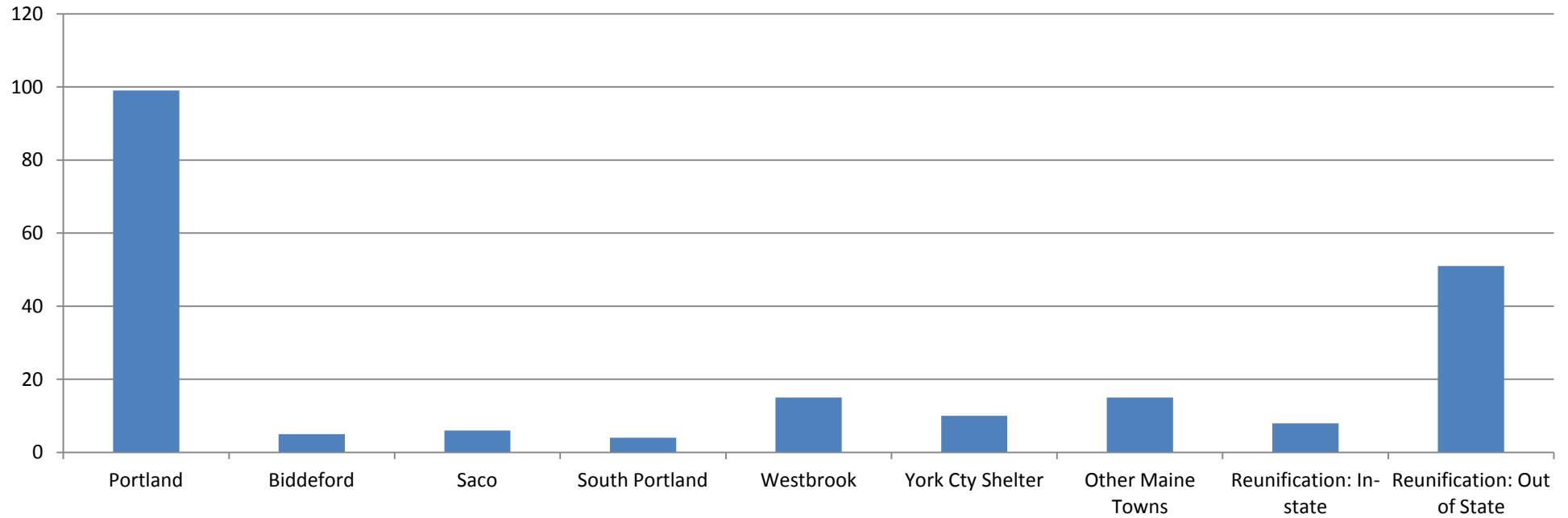
July 2014		
Total Housing Placements	17	
Permanent, No Subsidy		
• Portland	5	27%
• Biddeford	1	6%
Permanent, With Subsidy		
• BRAP (Biddeford)	2	11%
• Section 8 (Portland)	1	6%
• Shelter + Care (Portland)	2	11%
• VHS (Saco)	1	6%
Temporary/Transitional Housing		
• York County Shelter (YCS)	2	11%
Reunification		
• Out of state via OSS-pd bus ticket	3	16%
• In-state via OSS-pd bus ticket	1	6%

August 2014		
Total Housing Placements	15	
Permanent, No Subsidy		
• Portland	2	13%
Permanent, With Subsidy		
• BRAP (Westbrook)	2	13%
• Project Section 8 (Portland)	1	7%
• Home To Stay (Portland)	1	7%
• Shelter + Care (Portland)	4	27%
Reunification		
• Out of state via OSS-pd bus ticket	5	33%

September 2014		
Total Housing Placements	24	
Permanent, No Subsidy		
• Augusta	1	4%
Permanent, With Subsidy		
• Regular Section 8 (Old Orchard Beach)	1	4%
• Home To Stay (Yarmouth)	1	4%
• STEP (Westbrook)	6	25%
• Shelter + Care (Portland)	2	9%
• Shelter + Care (Old Orchard Beach)	1	4%
• VASH (Westbrook)	1	4%
Temporary/Transitional Housing		
• York County Shelter (YCS)	3	14%
Reunification		
• Out of state via OSS-pd bus ticket	7	30%
• In-state via OSS-pd bus ticket	1	1%

CITY OF PORTLAND
HEALTH & HUMAN SERVICES DEPARTMENT
SOCIAL SERVICES DIVISION
OXFORD STREET SHELTER & COMMUNITY OVERFLOW

**PERMANENT AND TRANSITIONAL
HOUSING PLACEMENT DATA**



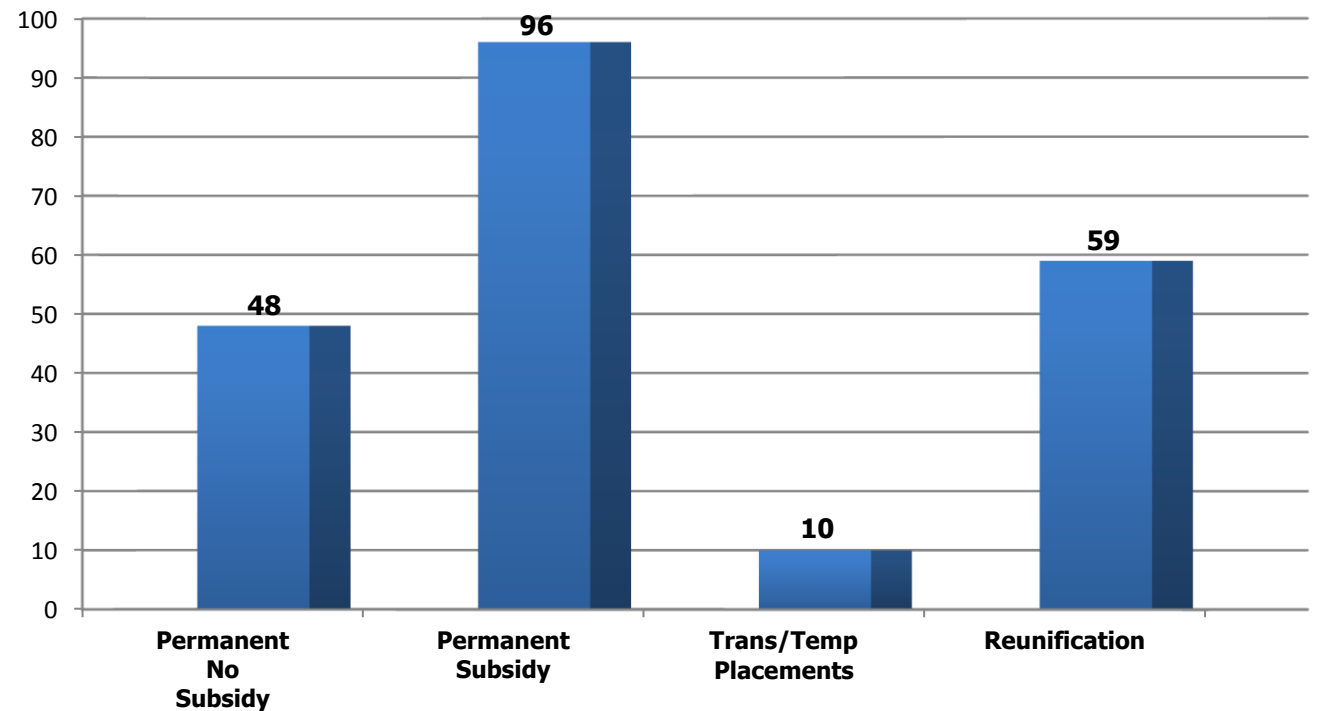
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTAL	%
TOTAL HOUSING PLACEMENTS	32	25	24	29	22	24	18	15	24				213	
Portland	14	19	7	14	10	17	8	8	2				99	46%
Biddeford	1	1	-	-	-	-	3	-	-				5	2%
Saco	-	-	1	1	2	1	1	-	-				6	3%
South Portland	1	-	-	2	1	-	-	-	-				4	2%
Westbrook	1	1	1	-	1	2	-	2	7				15	7%
York County Shelter	1	-	2	1	-	1	2	-	3				10	5%
Other Maine Towns	3	-	1	4	2	1	-	-	4				15	7%
Reunification with friends/family in another Maine town*	1	1	2	-	2	-	1	-	1				8	4%
Reunification with friends/family in another state*	10	3	10	7	4	2	3	5	7				51	24%

*Reunifications may have received assistance with bus tickets

CITY OF PORTLAND
HEALTH & HUMAN SERVICES DEPARTMENT
SOCIAL SERVICES DIVISION
OXFORD STREET SHELTER & COMMUNITY OVERFLOW

**PERMANENT AND TRANSITIONAL
HOUSING PLACEMENT DATA**

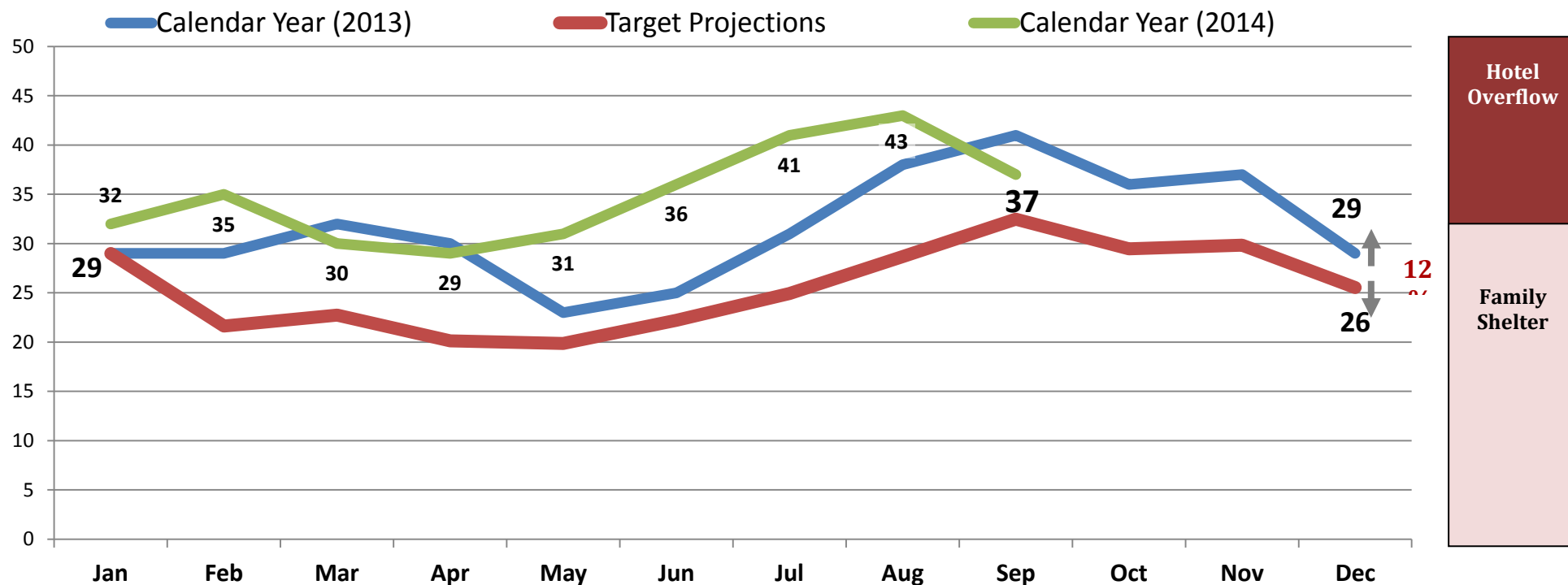
2014					
189					
Permanent, No Housing Subsidy			Permanent, Housing Subsidy		
Portland	34	19%	Avesta	2	1%
Augusta	2	0.5%	BRAP	13	7%
Bangor	1	0.5%	Project-based Section 8	8	4%
Bath	1	0.5%	Regular Section 8	3	1%
Biddeford	1	0.5%	PHA Section 8	1	0.5%
Lewiston	1	0.5%	Shelter Plus Care (S+C)	28	13%
Saco	3	2%	Home To Stay (HCV)	9	4%
Searsport	1	0.5%	STEP	20	7%
South Portland	2	1%	VASH	2	0.5%
Springvale	1	0.5%	VHS	10	5%
Westbrook	1	0.5%			
			Transitional/Temporary Placements		
			York County Shelter (YCS)	10	4%
			Reunification		
			Out of state- bus ticket	48	21%
			Out of state- no bus ticket	3	2%
			In-State	8	4%



CITY OF PORTLAND
HEALTH & HUMAN SERVICES DEPARTMENT
SOCIAL SERVICES DIVISION

FAMILY SHELTER

Average Number of Families Served On Any Given Night – Per Month

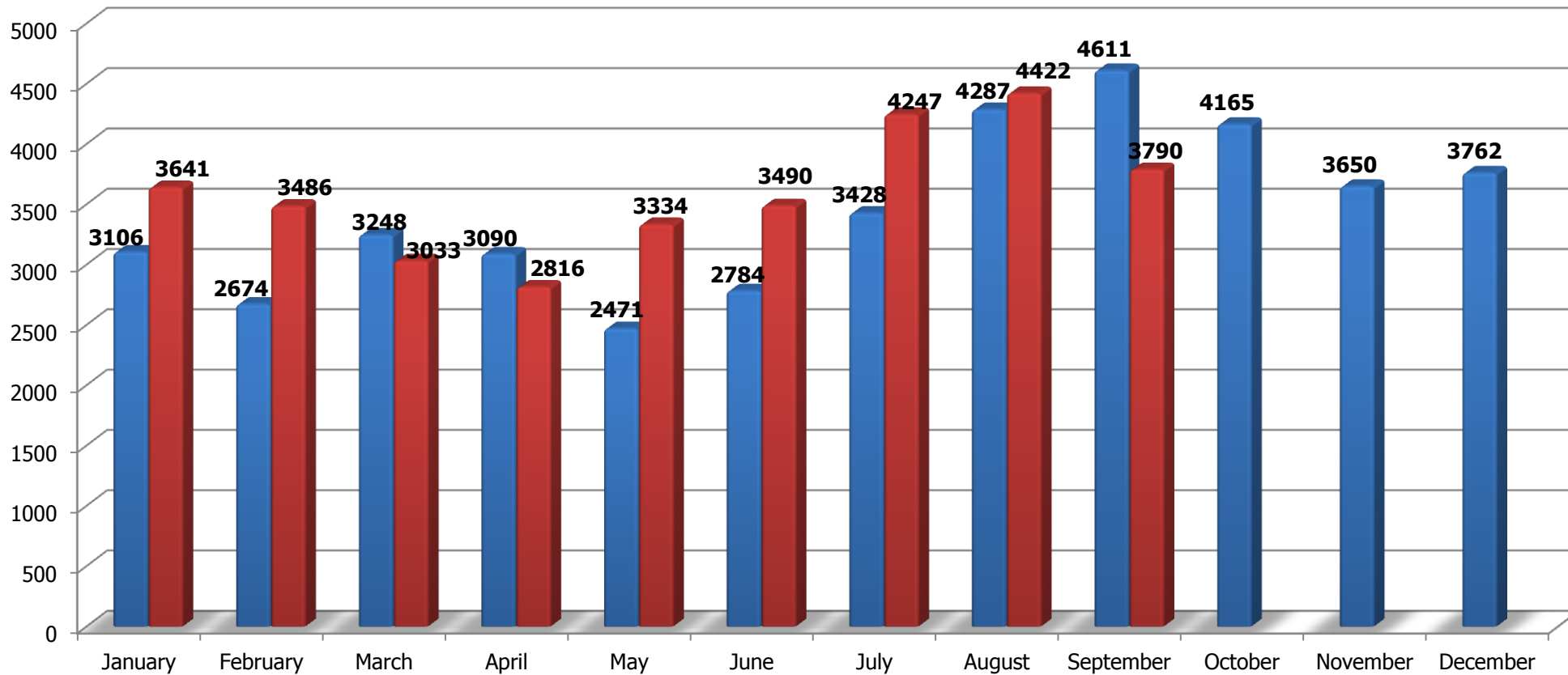


- This summer, the Family Shelter experienced a steady increase in the number of new arrivals from out of country. The majority of these families were in the U.S. on visas
- The number of families declined for the month of September partially due to colder weather and the start of school year

CITY OF PORTLAND
HEALTH & HUMAN SERVICES DEPARTMENT
SOCIAL SERVICES DIVISION
FAMILY SHELTER

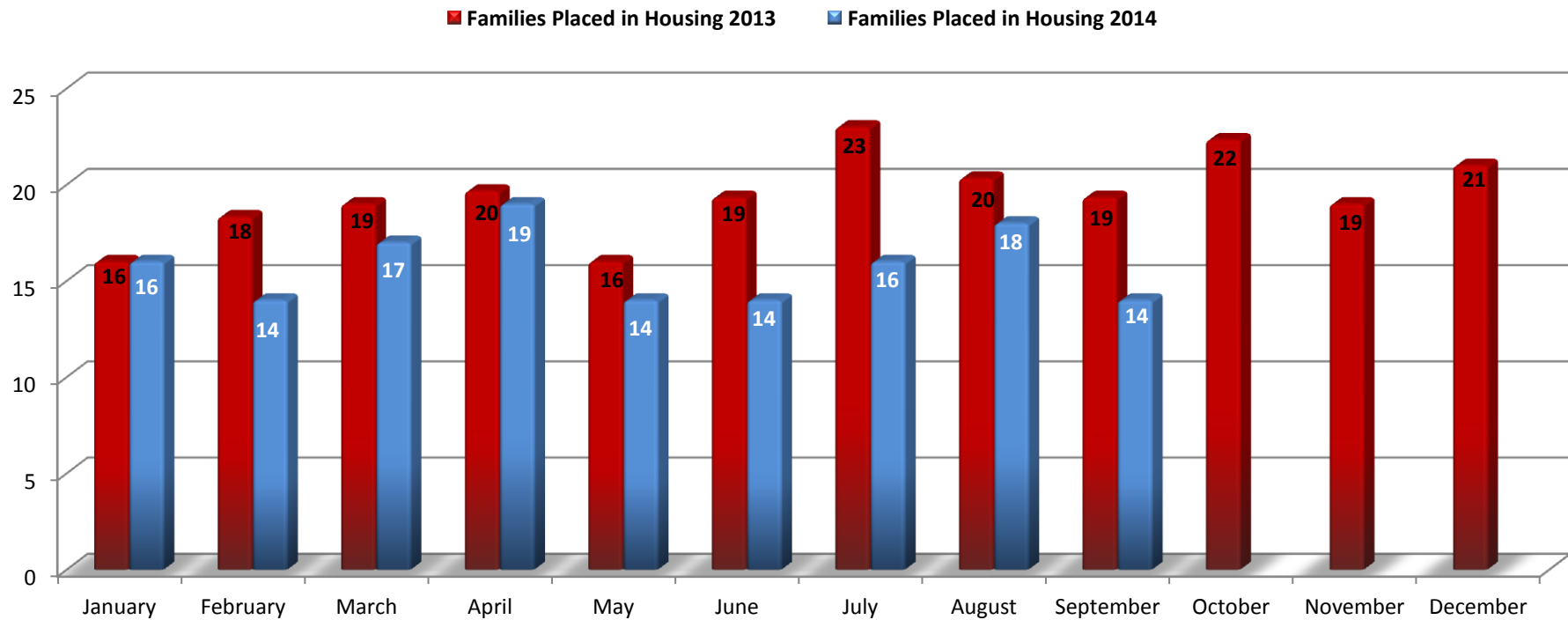
BEDNIGHT USAGE

■ Bednights 2013 ■ Bednights 2014



CITY OF PORTLAND
HEALTH & HUMAN SERVICES DEPARTMENT
SOCIAL SERVICES DIVISION
FAMILY SHELTER

**PERMANENT AND TRANSITIONAL
HOUSING PLACEMENT DATA**



CITY OF PORTLAND
HEALTH & HUMAN SERVICES DEPARTMENT
SOCIAL SERVICES DIVISION
FAMILY SHELTER

**PERMANENT AND TRANSITIONAL
HOUSING PLACEMENT DATA**

January 2014			16
Total Housing Placements (families)			
Permanent, No Housing Subsidy			12
• Portland	8	50%	
• Westbrook	3	20%	
• Out of State	1	6%	
Permanent, Housing Subsidy			1
• CHOM (Portland)	1	6%	
Reunification			3
• Portland	1	6%	
• Lewiston	1	6%	
• Scarborough	1	6%	

February 2014			14
Total Housing Placements (families)			
Permanent, No Housing Subsidy			8
• Portland	7	50%	
• Westbrook	1	7%	
Permanent, Housing Subsidy			5
• BRAP (Portland)	2	14%	
• HCV (Standish)	1	7%	
• Shelter + Care (Westbrook)	2	14%	
Reunification			1
• Milo	1	7%	

March 2014			17
Total Housing Placements (families)			
Permanent, No Housing Subsidy			13
• Portland	13	76%	
Permanent, Housing Subsidy			1
• Shelter + Care (Portland)	1	6%	
Transitional			1
• SteppingStones	1	6%	
Reunification			2
• Portland	1	6%	
• Oxford	1	6%	

April 2014			19
Total Housing Placements (families)			
Permanent, No Housing Subsidy			
• Portland	11	59%	
• Westbrook	1	5%	
Permanent, Housing Subsidy			
• HCV (Saco)	1	5%	
• Section 8 (Old Orchard Beach)	1	5%	
• Shelter + Care (Portland)	2	11%	
Reunification			
• Biddeford	1	5%	
• Westbrook	1	5%	
• Out of State	1	5%	

May 2014			14
Total Housing Placements (families)			
Permanent, No Housing Subsidy			
• Portland	6	44%	
• Westbrook	1	7%	
• Gorham	1	7%	
Permanent, Housing Subsidy			
• HCV (Saco)	1	7%	
• Shelter + Care (Portland)	1	7%	
• STEP (Portland)	1	7%	
Reunification			
• Falmouth	1	7%	
• Portland	1	7%	
• Windham	1	7%	

June 2014			14
Total Housing Placements (families)			
Permanent, No Housing Subsidy			
• Portland	4	30%	
• South Portland	1	7%	
Permanent, Housing Subsidy			
• Section 8 (Portland)	1	7%	
• HCV (Saco)	1	7%	
• Shelter + Care (Portland)	3	21%	
• Shelter + Care (Biddeford)	1	7%	
• STEP (Portland)	2	14%	
Transitional			
• SteppingStones	1	7%	

CITY OF PORTLAND
HEALTH & HUMAN SERVICES DEPARTMENT
SOCIAL SERVICES DIVISION
FAMILY SHELTER

**PERMANENT AND TRANSITIONAL
HOUSING PLACEMENT DATA**

July 2014		16
Total Housing Placements (families)		
Permanent, No Housing Subsidy		
• Portland	6	38%
Permanent, Housing Subsidy		
• HCV (North Waterboro)	1	6%
• HCV (Saco)	1	6%
• Section 8 (Portland)	1	6%
• Shelter + Care (Portland)	1	6%
• STEP (Westbrook)	2	13%
Reunification		
• Portland	2	13%
• Port St. Lucy	1	6%
• Charlotte	1	6%

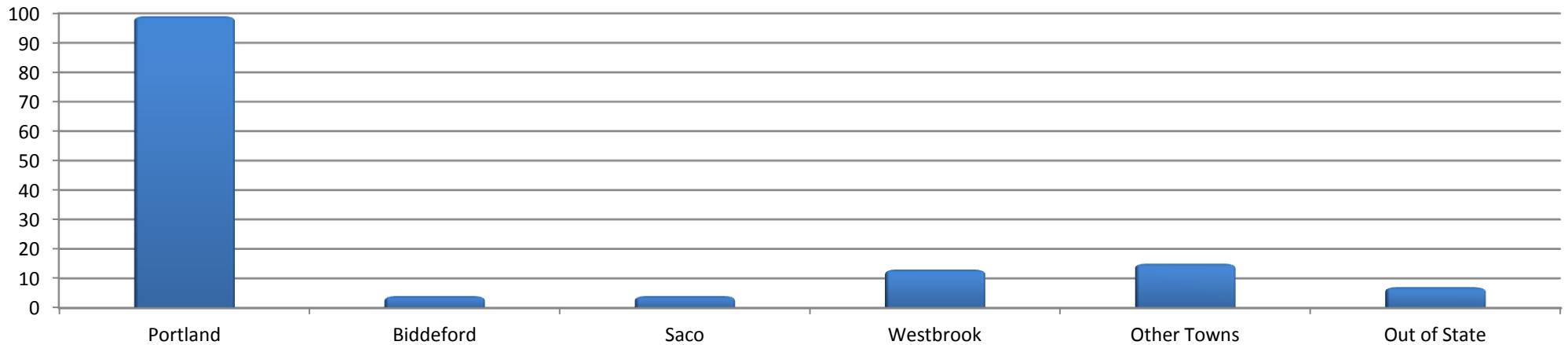
August 2014		18
Total Housing Placements (families)		
Permanent, No Housing Subsidy		
• Portland	6	33%
• Westbrook	2	11%
Permanent, Housing Subsidy		
• HCV (Kennebunk)	1	6%
Transitional		
• Bell Street	3	17%
Reunification		
• Portland	2	11%
• Bangor	1	6%
• Buxton	1	6%
• Massachusetts	1	6%
• New York	1	6%

September 2014		14
Total Housing Placements (families)		
Permanent, No Housing Subsidy		
• Portland	8	58%
Permanent, Housing Subsidy		
• STEP (Portland)	1	7%
• STEP (Fairfield)	1	7%
Reunification		
• Portland	1	7%
• Biddeford	2	14%
• New York	1	7%

CITY OF PORTLAND
HEALTH & HUMAN SERVICES DEPARTMENT
SOCIAL SERVICES DIVISION
FAMILY SHELTER

**PERMANENT AND TRANSITIONAL
HOUSING PLACEMENT DATA**

■ 2014

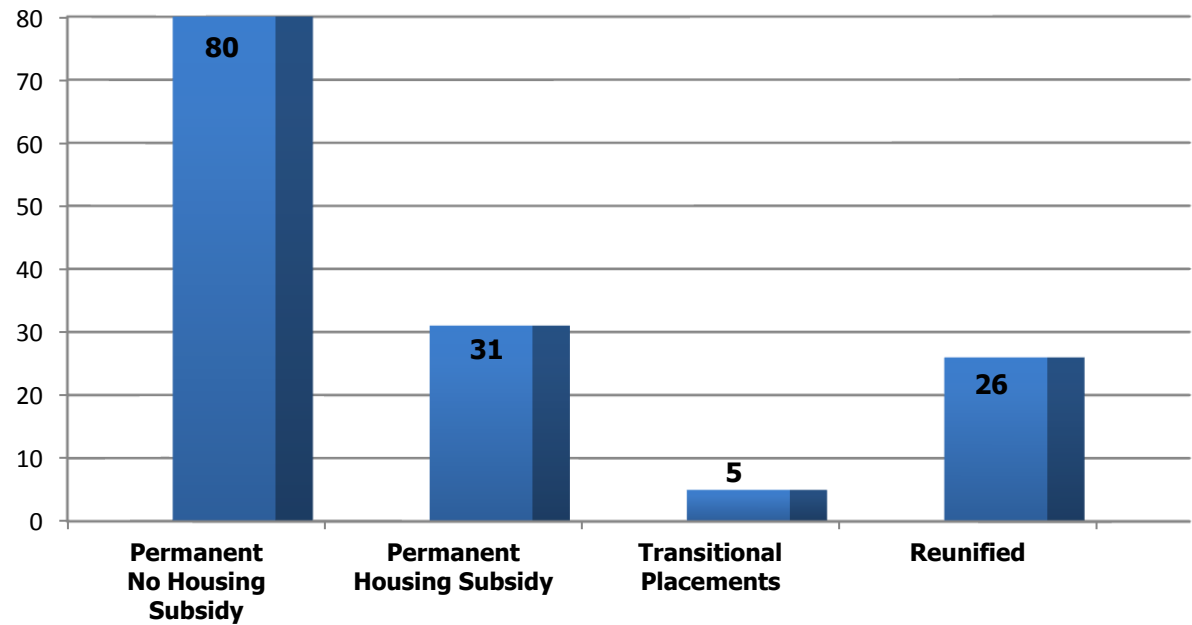


	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTAL	%
TOTAL HOUSING PLACEMENTS	16	14	17	19	14	14	16	18	14				142	
Portland	10	9	16	13	9	11	10	11	10				99	67%
Bangor	-	-	-	-	-	-	-	1	-				1	1%
Buxton	-	-	-	-	-	-	-	1	-				1	1%
Biddeford	-	-	-	1	-	1	-	-	2				4	3%
Fairfield	-	-	-	-	-	-	-	-	1				1	1%
Falmouth	-	-	-	-	1	-	-	-	-				1	1%
Gorham	-	-	-	-	1	-	-	-	-				1	1%
Kennebunk	-	-	-	-	-	-	-	1	-				1	1%
Lewiston	1	-	-	-	-	-	-	-	-				1	1%
Milo	-	1	-	-	-	-	-	-	-				1	1%
North Waterboro	-	-	-	-	-	-	1	-	-				1	1%
Old Orchard Beach	-	-	-	1	-	-	-	-	-				1	1%
Oxford	-	-	1	-	-	-	-	-	-				1	1%
Saco	-	-	-	1	1	1	1	-	-				4	3%
Scarborough	1	-	-	-	-	-	-	-	-				1	1%
South Portland	-	-	-	-	-	1	-	-	-				1	1%
Standish	-	1	-	-	-	-	-	-	-				1	1%
Westbrook	3	3	-	2	1	-	2	2	-				13	8%
Windham	-	-	-	-	1	-	-	-	-				1	1%
Out of State	1	-	-	1	-	-	2	2	1				7	4%

CITY OF PORTLAND
HEALTH & HUMAN SERVICES DEPARTMENT
SOCIAL SERVICES DIVISION
FAMILY SHELTER

**PERMANENT AND TRANSITIONAL
HOUSING PLACEMENT DATA**

2014											
142											
Permanent, No Housing Subsidy				Permanent, Housing Subsidy				Transitional/Temporary Placements			
Portland		69	48%	BRAP		2	1%	SteppingStones		2	1%
Westbrook		8	5%	Shelter Plus Care (S+C)		11	9%	Bell Street		3	2%
Gorham		1	1%	CHOM		1	1%	Reunification			
South Portland		1	1%	HCV		7	5%				
Out of State		1	1%	Section 8		3	2%				
				STEP		7	4%	Reunification		26	17%



MILITARY EQUIPMENT IN LAW ENFORCEMENT

Military Equipment:

Where does it come from?

- **Department of Defense Excess Property Program**
- **Surplus military equipment**
- **Approved purposes: Counter-narcotics, counter-terrorism and to enhance officer-safety**

Military Equipment: What do we have?



1981 Armored Peacekeeper



2012 Bearcat Armored Vehicle

Military Equipment: What do we have?

30 M-16 Rifles
2 M-14 Rifles



20 Red Dot Scopes





NEWTOWN, CT 2012



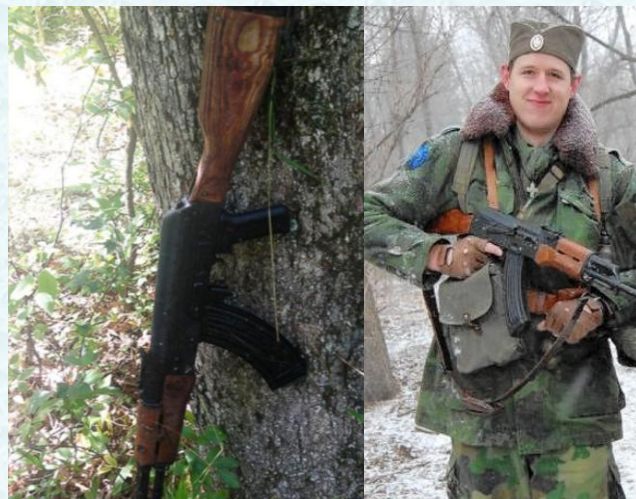
N. HOLLYWOOD, CA 1997



COLUMBINE HS, 1999

What do they have?

NE PENNSYLVANIA 2014



BIDDEFORD, ME 2012



PORTLAND, ME TODAY



AURORA, CO 2012
Denver Post: Aurora gunman carried semi-automatic arsenal to theater

Military Equipment:

Why do we have it?