

1. HHS Minutes From June 13, 2017 Meeting

Documents:

[HHS COMMITTEE MTG MINUTES JUNE 13 2017 DRAFT.PDF](#)

2. Sober/Recovery Houses In Portland

Background: What are sober recovery houses? How do they operate in Portland? How are they regulated in Portland? Information for this discussion will be provided by:
Jeff Levine, Director of Planning, Urban Development for the City of Portland
Steve Cotreau, Program Manager at Portland and Recovery Community Center
Sarah Coupe, Founder of Grace House for Women

Committee questions and discussion

Documents:

[HHS COMMITTEE HANDOUT 2 SOBERY RECOVERY HOUSES.PDF](#)
[HHS COMMITTEE HANDOUT 1 ZONING HANDOUT BY JEFF LEVINE.PDF](#)

3. Noise Ordinance: Update From Staff

Where we are in the process of making updates to the noise ordinance, initial recommendations from staff committee questions and discussion

Documents:

[HHS COMMITTEE HANDOUT 3.PDF](#)

4. Shelter: Next Steps

On Monday, June 5th, 2017, the City Council voted to expand shelter zoning in the city. Now that this crucial first step has been taken we will discuss how to proceed with regard to design and planning for a new facility to replace the Oxford Street Shelter.

Note: As there are no action items on this agenda, there is no scheduled public comment on any of these issues at this time.



David J. Jackson
Fire Chief, Fire Department

Health & Human Services Committee

June 13th, 2017
5:30 PM/Room 209
City Hall,
Meeting Minutes

Committee Attendance:

Belinda S. Ray, Chair (District 1), Brian Batson (District 3), Nicholas M. Mavodones, Jr. (At Large)

City Staff Attendance:

Director of Health & Human Services, Dawn Stiles; Police Chief, Michael Sauschuck; Fire Chief, David Jackson; Director of Planning and Urban Development, Jeff Levine; Social Services, Rob Parritt; Corporation Counsel, Victoria Morales

AGENDA ITEM 1 – Meeting Called to Order and Minutes Reviewed:

Meeting was called to order at approximately 5:30PM

Chair Ray moved to accept minutes from previous meeting. The motion was seconded with all in favor.

AGENDA ITEM 2 – Sober/Recovery Houses in Portland

Jeff Levine- addressed the committee and gave an overview regarding the “*Group Housing Types in Residential Zones*” (see handout #1) the handout outlines variances, similar use, zones identifying where permitted, & not permitted

Victoria Morales – addressed the committee regarding regulations concerning recovery/sober houses where recovering addicts are protected by Fair Housing Act & the Americans with Disabilities Act.

The Fair Housing Act prohibits local governments using zoning and other land use requirements to discriminate against housing needs of persons with disabilities.

Steve Cotreau- addressed the committee that he had hopes that he could come to the committee and request for sober houses all to requires MARR certifications but found there is more to just requesting an ordinance change. Victoria Morales clarified you can regulate, just has to be the same as everyone else. He continued the discussion with a detailed explanation to what a sober /recovery home is. He explained a sober home in assisting people back on the path to sobriety where people recovering from addiction can live in a supervised and **sober** environment with structure and rules, i.e. mandatory curfews, chores as well as therapeutic meetings. These houses typically are self-run. A sober house is a drug deterrent environment.

Sarah Coupe – Founder & operator of Grace’s House for Women in Portland. Sarah gave the committee a detailed explanation on how her house is operated (see handout #2 - Bylaws of Maine Association of Recovery Residences) Sarah gave an overview of the handouts she provided.

Council Mavodones asked in regards to a sober house not running well - What are the indicators? What would that look like? Steve Answered – a house with active users, other behaviors brought up by other house members, word of mouth spreads in a small community where everybody knows everybody. Council Mavodones requested that Dr. Sprinkles be able to add to the discussion and Chair Ray approved.



David J. Jackson
Fire Chief, Fire Department

Dr. Ron Sprinkles -added to the discussion that he started a project about a year and a half ago looking to see how many houses recovery houses there are from Hallowell down Old Orchard Beach (61 houses as April 2017) he found some that have some that are furnished with licensed practitioners and that they are registered with the state. Councilor Mavodones asked how many (sober) homes are located in Portland. Dr. Sprinkles responded that (50) of the houses are located in Portland. Councilor Batson asked if Steve has seen any success with other areas in regulating sober houses. Steve said that he found Massachusetts has had great success.

Chair Ray thanked everyone and addressed the committee and will refer to City Manager for guidance in moving forward.

AGENDA ITEM 3 - Noise Ordinance: Update from staff

Chief Sauschuck – gave an overview from provided handout material (see handout #3)

- Update current city ordinance re: outdoor speakers that are not allowed under existing entertainment license
- Prohibit the attachment of speakers on exterior of buildings- preservation ordinance
- Streamline enforcement
- Created noise mitigation plan
- Sound oversight committee active - Chief Sauschuck will continue to work with Andy Downs (Parks & Recreation Facilities) on gathering data from sound meters to establish a baseline

Chair Ray spoke on entertainment licenses surrounding speakers, how do you determine what is allowed for speakers indoors vs. outdoors. Jeff Levine added enforcement by historic preservation is a challenge. Chair Ray would like to see consistency across the board for noise recommendations going forward. Chair Ray thanked Chief Sauschuck.

AGENDA ITEM 4 – Shelter: Next Steps

Dawn Stiles introduced Steve Weatherhead –an architect volunteering on this project. Steve gave an overview to possible next steps going forward for a new shelter

- Budget
- Site selection process
- Building committee
 - Assessing zoning requirements
 - Pro's & con's in developing
 - Understanding of budget process
- RFP process
- Square footage requirement (How many beds needed?)

Chair Ray addressed the committee, site selection process going forward will require a civil engineer and analysis of accessibilities for services required by the shelter.

Rob Parritt addressed the committee that he will work with others on this project and will gather more information and come back in September with a timeline for this project. Until then, he will continue to engage with community of Bayside and work with the current needs of the building he is in now.

Meeting adjourned 7:24 p.m.

Portland, Maine



Yes. Life's good here.

David J. Jackson
Fire Chief, Fire Department

DRAFT

**BYLAWS OF
MAINE ASSOCIATION OF RECOVERY RESIDENCES
*A MAINE NON-PROFIT CORPORATION***

ARTICLE 1. OFFICES

1.1. Principal Office. The principal office of Maine Association of Recovery Residences (the "Corporation") shall be located in Portland, Maine or such other place as the Board of Directors may designate. The Corporation may have such other offices within the State of Maine as the Board may designate or as the affairs of the Corporation may require from time to time.

1.2. Registered Office and Registered Agent; Assumed Name. The registered office and registered agent of the Corporation shall be those designated in the Articles of Incorporation, and either designation may be changed by the Board of Directors. The Corporation, in addition to operating under its formal legal name, may also operate under the assumed name "MARR", which is duly registered as an assumed name of the Corporation with the Maine Secretary of State.

ARTICLE 2. PURPOSES

2.1. Purpose. The non-profit purposes for which the Corporation is organized include, without limitation, the following: (a) to provide organizational support and knowledge-based resources to the operators of recovery residences in Maine; (b) to assist the operators of Maine recovery residences in their efforts to comply with standards, best practices and a code of ethics in regard to the delivery of residential recovery services; (c) to ensure that high quality residential recovery services are available to those in the community who struggle with substance use disorders; (d) to assist promote greater awareness among the public about the need for, and effectiveness of, residential support and recovery services for individuals struggling with substance use disorders; and (e) any other purposes consistent with the Corporation's mission that do not in any way disqualify the Corporation as an exempt organization under section 501(c)(3) of the Internal Revenue Code.

2.2. Prohibitions. In carrying out its purposes, the Corporation shall never be operated for the primary purpose of carrying on a trade or business for profit. In carrying out its purposes, the Corporation shall not engage directly or indirectly in any activity that would prevent it from qualifying as an organization described in section 501(c)(6) of the Internal Revenue Code. No part of the assets or earnings, current or accumulated, of the Corporation shall at any time inure to the benefit of any individual except that the Corporation shall be authorized and empowered to make payment as reasonable compensation for services rendered and/or as a reasonable allowance for authorized expenditures incurred on behalf of the Corporation and to make payments and distributions in furtherance of the purposes set forth above. The Corporation shall not participate or intervene in any political campaign on behalf of, or in opposition to, any candidate for elected public office. The Corporation shall not participate or engage in any lobbying activities to an extent that would disqualify it from tax exemption under section 501(c)(6) of the Internal Revenue Code.

2.3 Use of assets Upon Dissolution. Upon dissolution, the remaining assets of the Corporation shall be used exclusively for charitable, educational and/or social welfare purposes.

ARTICLE 3. BOARD OF DIRECTORS

3.1 General Powers. The affairs of the Corporation shall be managed by the Board of Directors ("Board"). Directors need not be residents of the State of Maine.

3.2 Number and Tenure. The Board shall be composed of no fewer than three (3) Directors and no more than fifteen (15) Directors. The number of Directors may be changed from time to time by amendment to these Bylaws but no decrease in the number of Directors shall have the effect of shortening the term of any incumbent Director. A Director shall hold office for a term of three (3) years or until a successor is elected, whichever occurs later, or otherwise until he or she dies, resigns or is removed. A Director may be elected to successive terms without limitation. The initial Board of Directors shall consist of the following individuals serving as Directors:

Sarah Coupe
Dan Mahoney
Patrick Babcock
Herb Blake
Tyler Brinkmann
Tom Sepulveres

3.3 Regular Meetings. By resolution, the Board may specify the time and place either within or without the State of Maine for holding regular meetings without other notice than such resolution.

3.4 Special Meetings. Special Board meetings may be called by or at the request of the President, Treasurer, Secretary or any two (2) Directors. The person or persons authorized to call special meetings may fix any place either within or without the State of Maine as the place for holding any special Board meeting called by them.

3.5 Notice of Special Meetings. Written notice stating the place, day, and hour of each special Board meeting shall be delivered by mail, e-mail, first class mail or overnight delivery service to each Director at his/her address shown on the records of the Corporation at least two days before the meeting. Notice shall be effective upon delivery at such address, provided that notice by mail shall also be deemed effective if deposited in the United States mail properly addressed with postage prepaid at least five days before the meeting. Neither the business to be transacted at, nor the purpose of any special meeting, need be specified in the notice of such meetings.

3.6 Waiver of Notice.

3.6.1 Whenever any notice is required to be given to any Director under the provisions of these Bylaws, the Articles of Incorporation or the Maine Nonprofit Corporation Act, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice. Neither the business

to be transacted at, nor the purpose of, any regular or special meeting of the Board need be specified in the waiver of notice of such meeting.

3.6.2 The attendance of a Director at a meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

3.7 Quorum. A majority of the total number of Directors shall constitute a quorum for the transaction of business at any Board meeting but, if less than a majority is present at a meeting, a majority of the Directors present may adjourn the meeting from time to time without further notice.

3.8 Manner of Acting. The act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board, unless the act of a greater number is required by law or by these Bylaws.

3.9. Meeting by Conference Telephone. Members of the Board may participate in a meeting by means of conference telephone or similar communications equipment provided all persons participating in the meeting can hear each other. Such participation shall constitute presence in person at the meeting.

3.10. Action by Board Without a Meeting. Any action which could be taken at a meeting of the Board may be taken without a meeting if notice of the proposed action is given in accordance with subsection 3.5 hereof and a majority of all of the Directors consent to such action in writing, which written consent may take the form of an e-mail or a signed resolution. Any such written consent may be inserted in the minute book as if it were the minutes of a Board meeting.

3.11. Resignation. Any Director may resign at any time by delivering written notice to the President or the Secretary, or to the registered office of the Corporation.

3.12 Removal. A Director may be removed from office upon the vote of a majority of the remaining Directors.

3.13 Vacancies. Any vacancy occurring on the Board may be filled by the vote of a majority of the remaining Directors. Unless he/she dies, resigns or is removed, a Director so elected shall hold office until his/her successor is elected.

3.14 Presumption of Assent. A Director of the Corporation present at a Board meeting at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless his/her dissent is entered in the minutes of the meeting, or unless he/she files his/her written dissent to such action with the person acting as the Secretary of the meeting before the adjournment thereof, or unless he/she forwards such dissent by registered mail to the Secretary of the Corporation immediately after the adjournment of the meeting. A Director who voted in favor of such action may not dissent.

3.15 Compensation. Directors shall not receive any stated salaries for their services as Directors, but by Board resolution, Directors may be paid their expenses, if any, of attendance at each Board or committee meeting, or a fixed sum for attendance at each Board or committee meeting;

but nothing herein shall be construed to preclude any Director from receiving compensation for other services rendered to the Corporation.

3.16 Loans. No loans shall be made by the Corporation to any of its Directors.

3.17 Meeting by Conference Telephone. Members of the Board may participate in a meeting by means of conference telephone or similar communications equipment provided all persons participating in the meeting can hear each other. Such participation shall constitute presence in person at the meeting.

3.17 Action by Board Without A Meeting. Any action which could be taken at a meeting of the Board may be taken without a meeting if notice of the proposed action is given in accordance with Section 2.5 and a written consent setting forth the action so taken is signed by a majority of all of the Directors. Any such written consent shall be inserted in the minute book as if it were the minutes of a Board meeting.

ARTICLE 4. OFFICERS

4.1 Number. The officers of the Corporation shall be a President, a Vice President, a Secretary and a Treasurer, each of whom shall be elected by the Board and serve on the Board. The Board may delegate to any officer or agent the power to appoint any such subordinate officers, or agents, and to prescribe their respective terms of office, authority and duties. Any two or more offices may be held by the same person, except the offices of President and Secretary.

4.2. Election and Term of Office. The officers of the Corporation shall be elected by the Board for a term of one (1) year or until a successor is elected, whichever occurs later, or otherwise until he/she dies, resigns, or is removed. An officer may be elected to successive terms without limitation.

4.3 Qualification. Only directors of the corporation shall be eligible to serve as officers.

4.4 Resignation. Any officer may resign at any time by delivering written notice to the President, the Secretary, or the Board.

4.5 Removal. Any officer or agent elected or appointed by the Board may be removed by the Board whenever in its judgment the best interests of the Corporation would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed.

4.6 Vacancies. A vacancy in any office because of death, resignation, removal, disqualification or any other cause may be filled by the Board for the unexpired portion of the term.

4.7 President. The President shall serve as the Chair of the Board of Directors and shall preside over all Board meetings. The President shall oversee the operations of the Board of Directors and assist the Board in the discharge of its duties and obligations. The President shall be the chief executive officer of the Corporation and, subject to the Board's approval, shall supervise and control the assets, business and affairs of the Corporation. Further subject to the Board's approval, the President may sign deeds, mortgages, bonds, leases, contracts, or other instruments, except when the signing and execution thereof have been expressly delegated by the Board or by

these Bylaws to some other officer or agent of the Corporation or are required by law to be otherwise signed or executed by some other officer or in some other manner. Further subject to the Board's approval, the President may appoint or remove any staff or consultants for the Corporation and establish the rate of compensation for any such staff person or consultant. In general, he/she shall perform all duties incident to the office of President and such other duties prescribed by the Board from time to time. The President shall also serve as a Director, provided that, in such capacity, said individual does not vote on any matter pertaining to his or her appointment, compensation, salary, employment and/or termination.

4.8 Vice President. The Vice President shall perform and discharge the duties of the President in the event of the President's absence, resignation, termination or inability to serve, including but not limited to the duty to serve as Chair of the Board. The Vice President shall also serve as a Director, provided that, in such capacity, said individual does not vote on any matter pertaining to his or her appointment, compensation, salary, employment and/or termination.

4.9 Secretary. The Secretary shall: (a) keep the minutes of meetings of the Board in one or more books provided for that purpose; (b) see that all notices are duly given in accordance with the provisions of these Bylaws or as required by law; (c) be custodian of the corporate records; (d) keep registers of the post office address of each Director; (e) sign with the President, or other officer authorized by the President or the Board, deeds, mortgages, bonds, contracts, or other instruments, except when the signing and execution thereof have been expressly delegated by the Board or by these Bylaws to some other officer or agent of the Corporation; (f) prepare and submit an annual report as required by the Maine Nonprofit Corporation Act and (g) in general perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him/her by the President or by the Board. In the absence of the Secretary, an Assistant Secretary may perform his/her duties. The Secretary shall also serve as a Director, provided that, in such capacity, said individual does not vote on any matter pertaining to his or her appointment, compensation, salary, employment and/or termination.

4.10 Treasurer. If required by the Board, the Treasurer shall give bond for the faithful discharge of his/her duties in such sum and with such surety or sureties as the Board shall determine. He/she shall have charge and custody of and be responsible for all funds and securities of the Corporation; receive and give receipts for moneys due and payable to the Corporation from any source whatsoever, and deposit all such moneys in the name of the Corporation in banks, trust companies or other depositories selected in accordance with these Bylaws; and in general perform all of the duties incident to the office of Treasurer and such other duties as from time to time may be assigned to him/her by the President or by the Board. In the absence of the Treasurer, an Assistant Treasurer may perform his/her duties. The Treasurer may also serve as a Director, provided that, in such capacity, said individual does not vote on any matter pertaining to his or her appointment, compensation, salary, employment and/or termination.

4.11 Salary/Compensation. The officers may not receive compensation for their services unless approved and adopted by resolution of the Board. Officers may be reimbursed for their expenses. No loans shall be made by the Corporation to its officers.

ARTICLE 5. CONTRACTS, LOANS, CHECKS AND DEPOSITS

5.1 Contracts. The Board may authorize any officer or officers, or agent or agents, to enter into any contract or execute and deliver any instrument in the name of, and on behalf of, the Corporation. Such authority may be general or confined to specific instances.

5.2 Loans. No loans shall be contracted on behalf of the Corporation and no evidences of indebtedness shall be issued in its name unless authorized by a resolution of the Board. Such authority may be general or confined to specific instances.

5.3 Checks, Drafts, Etc. All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Corporation shall be signed by such officer or officers, or agent or agents, of the Corporation and in such manner as is from time to time determined by the Board.

5.4 Deposits. All funds of the Corporation not otherwise employed shall be deposited from time to time to the credit of the Corporation in such banks, trust companies or other depositories as the Board may select.

5.5 Gifts and Contributions. The Treasurer may accept on behalf of the Corporation any contribution, gift, bequest or device as may be consistent with the established purposes of the Corporation and as may be permitted by any applicable local, state or federal law.

ARTICLE 6. BOOKS AND RECORDS

The Corporation shall keep correct and complete books and records of account, minutes of the proceedings of its Board and such other records as may be necessary or advisable, or required by law at the registered or principal office of the Corporation. All books and records of the Corporation may be inspected by a director for any proper purpose at any reasonable time, upon reasonable notice to the Secretary of the Corporation.

ARTICLE 7. FISCAL YEAR

The fiscal year of the Corporation shall be the calendar year, provided that if a different fiscal year is at any time selected for purposes of federal income taxes, then the fiscal year shall be the year so selected.

ARTICLE 8. EXECUTIVE COMMITTEE

8.1 Number, Tenure and Qualifications. The Board, by majority vote, may elect from its members an Executive Committee, which will assist in preparing and implementing Corporation policies and programs. The number of members of the Executive Committee shall not be less than three (3), including the Chair of the Board, if any. The members shall serve for one year or until their successors are elected, whichever is later, or otherwise until he/she dies, resigns or is removed. A member may be elected to successive terms without limitation.

8.2 Powers. The Executive Committee shall have the authority to direct and oversee the implementation of policies, initiatives and programs recommended by the Board. The Executive

Committee shall also have the authority to approve and oversee the budget and approve contracts on behalf of the Corporation.

8.3 Chair of the Executive Committee. The Chair of the Board of Directors or the President shall serve as Chair of the Executive Committee.

8.4 Meetings. The Executive Committee shall meet, from time to time, when any such meeting is called by the Chair, or by a majority of the members of the Executive Committee. Notice for such a meeting shall be delivered either orally or in writing at least twenty-four (24) hours in advance of the meeting.

8.5 Quorum. A majority of the members of the Executive Committee shall constitute a quorum for the transaction of business at a meeting of the Executive Committee.

8.6 Manner of Acting. The act of a majority of the members present at a meeting of the Executive Committee which a quorum is present shall be the act of the Executive Committee.

8.7 Action by the Executive Committee Without Meeting. Any action which would otherwise be taken at a meeting of the Executive Committee may be taken without a meeting if such action is approved, in writing, by all of the members of the Executive Committee.

8.8 Meeting by Conference Telephone. Members of the Executive Committee may participate in a meeting by means of conference telephone or similar communications equipment provided all persons participating in the meeting can hear each other.

ARTICLE 9. STANDING ADVISORY COMMITTEES

The Board may designate and appoint one or more committees to assist in preparing and implementing Corporation policies and programs and advise and aid the Board, officers and employees of the Corporation in any and all matters designated by the Board, and may include members who are not Directors. If any such committee shall have and exercise the authority of the Board in the management of the Corporation, it shall consist of no fewer than two Directors. Each such committee may, subject to the approval of the Board, prescribe rules and regulations for the call and conduct of meetings of that body and all other matters relating to its procedures and responsibilities. Each such committee shall keep regular minutes of its meetings and deliver such minutes to the Board. The members of any committee shall not receive any stated salary for their services as such, but by resolution of the Board a fixed sum or expenses of attendance, or both, may be allowed for attendance at any meeting of such committee.

ARTICLE 10. AFFILIATE MEMBERS

The Board shall establish a process for the admission of affiliate members of the Corporation ("Affiliate Members"), and shall promulgate rules and standards governing such admission. The Board shall also establish rules and standards governing Affiliate Members' eligibility for continued membership in good standing, which may include the requirement that Affiliate Members pay dues and adhere to certain best practices and ethical standards. In furtherance thereof, and consistent with its powers under Article 9 hereof, the Board may designate and appoint a Compliance Committee to promote adherence to the best practices and ethical standards that are expected of Affiliate Members. The Compliance Committee shall

include no fewer than three Directors to be selected and appointed by the Board, as well as a male and female ombudsman to be selected and appointed by the Board. The Compliance Committee and the ombudsmen shall have such powers, responsibilities and duties as may be delegated to them by the Board, which may include the power to investigate complaints against Affiliate Members and make recommendations to the Board in regard thereto. Affiliate Members shall not be entitled to vote on any of the affairs of the Corporation. Instead, Affiliate Members shall be eligible for certain benefits and resources, as determined by the Board, arising from their affiliation with the Corporation, and shall be allowed to provide input, suggestions and ideas for consideration by the Board. The Board shall establish a schedule of regular meetings of the affiliate members of the Corporation.

ARTICLE 11. INDEMNIFICATION

To the full extent permitted by the General Corporation Law of the State of Maine, the Corporation shall indemnify any person who was or is a party to any civil, criminal, administrative or investigative action, suit or proceeding by reason of the fact that he/she is or was a Director or officer of the Corporation, or is or was serving at the request of the Corporation as a Director or officer of another corporation against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and necessarily incurred by him/her in connection with such action, suit or proceeding; and the Board may, at any time, approve indemnification of any other person which the Corporation has the power to indemnify under the General Corporation Law of the State of Maine. The indemnification provided by this Article shall not be deemed exclusive of any other rights to which a person may be entitled as a matter of law or by contract. The foregoing shall not apply to matters as to which any such person shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of a duty. The Corporation may purchase and maintain indemnification insurance for any person to the extent permitted by applicable law.

ARTICLE 12. AMENDMENTS

These Bylaws may be amended at any regular meeting of the Board of Directors by two-thirds vote of those present, providing the proposed amendment shall have been mailed or e-mailed to the members of the Board of Directors at least ten (10) days before the meeting at which the amendment is to be acted upon.

The foregoing Bylaws were adopted by the Corporation on November ____, 2016.

Secretary, Maine Association of Recovery
Residences

Grace House Grievance Protocol

If you experience something you feel is unfair, unsafe or unreasonable according to the terms of your living agreement at the Grace House, and the management is unresponsive or inconsiderate of your grievance, please follow the Maine Association of Recovery Residences process as outlines below:

Article 6: Complaint Process

Section 1: Ombudsman

The ombudsman shall receive all initial complaints independent of the MARR. The Ombudsman or designee shall be the primary investigator of complaints. The ombudsman shall, as much as possible, have no direct connection with, or interest in, any MARR housing program, or personnel.

The current Ombudsman for the MARR is Terry Ham.

Terry Ham
Portland, ME
Tel: 207-712-0023
Email: terrycjk@gmail.com

Section 2: Receipt of Complaint

1. All complaints from residents living in MARR residences shall be directed to the ombudsman
2. The Board shall be notified only when the Ombudsman considers the complaint to be in need of further review.
3. If the complainant has not gone through the grievance procedure at their house, they will be encouraged to do so. The House Manager or Owner will be informed of the issue by the Ombudsman. The Ombudsmen will follow up with complainant and House Manager or Owner within two weeks after the initial complaint to see if it has been resolved through the grievance procedure of the house. If not, Ombudsmen will open a MARR investigation if he deems necessary.

Section 3: Investigation

1. The investigator shall communicate directly with the primary complainant.
2. Information shall be gathered from other persons associated with the complainant, as necessary.
3. After the complaint is received, the investigator shall contact the MARR representative of the house or program about which the complaint has been received.
4. The specifics of the complaint will be discussed with the house/program representative
5. All relevant staff and house residents shall be made available for interview by the investigator

6. It is at the discretion of the Ombudsman to determine if a complaint requires further investigation.
7. The Ombudsman shall prepare a written report that shall be submitted to the MARR, owner or operator and the complainant.
8. The report shall be an objective summation of the complaint.
9. If the Board believes that a critical incident is not remedied and there is a determination that minimum standards are not being met, the Board will convene a special meeting to determine what action should be taken.
10. The decision to take action shall be based upon whether the complaint poses a continuing risk to residents and/or exposes the housing coalition and its members to disrepute. Such actions to further an investigation shall include:
 - A. Interviewing the complainant, those identified in the complaint and the member;
 - B. Reviewing documentation;
 - C. Requesting and reviewing further documentation;
 - D. Compiling a list of remedies to amicably settle disputes keeping the client at the forefront of deliberation and with the goal of improving the operation of the MARR member's houses to prevent future complaints.
11. Failure to remedy the cause(s) leading to a finding that a member's house does not meet minimum standards, within an applicable remediation time period, shall be cause to take action.
12. Appropriate actions are: warning, probation, suspension, and termination from MARR. As necessary, MARR will notify The Department of Maine State Housing Authority at 1-800-452-4668

Section 4: Appeal Process

The appeal process applies to any investigation, regardless of how it is initiated, if it results in sanctions from the Board.

Should a member disagree with the actions taken by the Board, the following appeal process is available to the member:

1. The member shall request in writing that the complaint be disclosed to the entire membership of the MARR for review.
2. A special meeting of the MARR will be convened with the main contact from each member organization to maximize privacy. A quorum must be verified before scheduling the meeting.
3. A written report of the process and conclusions of the Board will be sent the MARR members in advance of the meeting.
4. The member involved in the complaint may elaborate on the complaint and make a motion for an alternate remedy. A quorum must be present at the meeting and a two-thirds majority must be in agreement to vote on the motion.
5. All decisions made at this meeting are final.
6. If necessary, the Maine State Housing Authority will be notified of the outcome.

OPERATING STANDARDS-Checklist

Section 02 Adheres to legal and ethical codes.

.01 An affidavit is a signed document that attest to adherence to nondiscriminatory requirements.

Section 05 Operate with prudence.

.04 Background checks are only recommended for staff or volunteers for level 2 and 3
May possibly be amended due to possible violation of rights.

Section 08 Support Housing Choice.

.01 Current resident voice in acceptance of new residents.
Doesn't need to be entire house, could be a representation or house managers.

Section 09 Protect Privacy

.02 Can be a filling of consents generated by the Probation Officer or Provider.

*Section 24 Provide a physically,emotionally safe secure respectful environment

.02 Length of stay that supports safety of household and community.
(I STILL HAVE SOME QUESTIONS ABOUT THIS AND HAVE AN E-MAIL OUT)

*Section 25 Provide an alcohol and illicit drug free environment.

.01 I STILL HAVE SOME QUESTIONS ABOUT BULLIT ITEM 2(associated searches)
(Also have an e-mail out about this one)

Section 31 Create a Home-like environment.

.03 Square ft per bed

.04 Sink, toilet shower per # of residents

WE AGREED TO LIST THAT AS ACCORDING TO LOCAL CODE ENFORCEMENT.

Section 33 Create Home Safety

.01 An affidavit again is a written signed statement by owner operator that health and safety codes are being complied with.

Group Housing Types in Residential Zones

	R-1	R-2	R-3	R-4	R-5	R-6
Handicap Family Unit	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
Lodging House	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Conditional Use	Permitted
Sheltered Care Group Home	Conditional Use	Conditional Use	Conditional Use	Conditional Use	Conditional Use	Conditional Use
Special Needs Independent Living Unit	Not Permitted	Not Permitted	Not Permitted	Permitted	Permitted	Permitted

Zoning Definitions Re: Group Living Arrangements

Community living arrangements: A state approved, authorized, certified or licensed group home for eight (8) or fewer mentally handicapped or developmentally disabled persons.

Dwelling: A building or portion thereof used exclusively for residential occupancy, including single-family, two-family and multifamily dwellings, but not including hotels, lodging houses, sheltered care group homes or tourist homes.

Dwelling unit: One (1) or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit.

Emergency shelter: A facility providing temporary overnight shelter to homeless individuals in a dormitory-style or per-bed arrangement.

Family: Not more than sixteen (16) individuals living together in a dwelling unit as a single nonprofit housekeeping unit. A group occupying a hotel, fraternity house or sorority house shall not be considered as a family. The family may include necessary servants.

Handicapped family unit: A dwelling which provides living facilities for handicapped persons. A handicapped family unit may also provide counseling and support services. Staff members may also be included in the population.

Handicapped person: A person with a physical or mental impairment which substantially limits one (1) or more of such person's major life activities, a person with a record of having such an impairment, or a person who is regarded as having such an impairment. This term does not include current, illegal use of or addiction to a controlled substance as defined in 21 U.S.C. ' 802.

Lodging house: A house, building or portion thereof containing two (2) or more rooming units and providing such units, with or without meals, to individuals on not less than a weekly or monthly basis for compensation. A lodging house, except for lodging houses located in the IR-2, IR-3 and I-B zones, shall contain common areas for use by all residents,

including a kitchen. A kitchen need not be available as part of the common areas where all meals are provided on a daily basis. No owner, operator, director, employee, shareholder, partner, corporate officer or agent of a bed and breakfast facility, hostel, hotel, inn, lodging house, motel, or tourist home (as defined in this code) may, for direct or indirect economic remuneration, arrange for or provide any housing accommodations including but not limited to long term, short term or overnight accommodations for an actual or potential guest, customer, or patron of the business at any off-premises site in the City, unless such a facility is authorized, under the applicable provisions of Portland's Land Use Code, to offer such accommodations as a bed and breakfast, hotel, inn, lodging house, motel or tourist home.

Rooming unit: A room or suite of rooms in a house, building or portion thereof rented as living and sleeping quarters, but without full kitchens or bathrooms. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one (1) rooming unit for the purpose of this article. Each rooming unit in a lodging house shall have kitchen privileges unless all meals are provided on a daily basis. There shall be no more than two (2) persons residing in each rooming unit.

Sheltered care group home: A facility which, in addition to providing food and shelter to a defined population, provides guidance or counseling services. Such services are a primary function of the facility.

Zone Language:

Sheltered care group homes, as defined in section 14-47 of this article, for up to twelve (12) individuals, plus staff, and serving a primary population which is not handicapped persons, parolees, persons involved in correctional prerelease programs, or current illegal drug users, provided that:

- a. A sheltered care group home shall not be located within five hundred (500) feet of another, as measured along street lines to the respective property lines;
- b. There shall be no open outside stairways or fire escapes above the ground floor;

- c. The facility shall make provision for adequate on-site staffing and supervision of residents in accordance with applicable state licensing requirements. If a facility is not licensed by the state, there shall be a minimum of one (1) staff person for every ten (10) residents or fraction thereof.

Special needs independent living unit: A dwelling unit developed and managed by a nonprofit organization for habitation by persons with special social, physical or mental needs beyond strictly economic needs. Such persons shall be provided required levels of supervision, care and/or counseling services appropriate to their special needs, and the services shall be provided by either the sponsoring nonprofit agency or through another entity with which the agency has entered into a contractual arrangement.

Zone Language:

Special needs independent living units [on lots of less than two (2) acres][R-5 only], provided that a building housing special needs independent living units shall not house other types of residential or other permitted uses. The owner of a special needs independent living unit building shall file in the Cumberland County Registry of Deeds a statement under oath that the building is a special needs independent living unit building and that any future change of use to a permitted residential use shall require a change in use review by the City of Portland and a decrease in the number of units in the building in accordance with the Portland City Code, chapter 14. The owner shall file proof of such recording with the building inspections division prior to the issuance of any certificates of occupancy for the new uses.



Memorandum

TO: Health & Human Services Committee
FROM: Michael J. Sauschuck, Chief of Police
CC: Jon P. Jennings, City Manager
SUBJECT: Sound Enforcement Policy Recommendations
DATE: June 8, 2017

OBJECTIVE:

The objective is to address increasing public concerns related to the impact of entertainment related sound created by businesses. We hope to clarify and strengthen existing ordinances concerning outdoor amplified sound.

BACKGROUND:

Representatives from the City Manager's Office, Corporation Counsel's Office, Police, Permitting & Inspections, Planning, and Parks, Recreation, and Facilities met and developed recommendations that, upon incorporation into City Code, will provide for more emphasis on sound enforcement.

The Police Department responds to noise complaints generated from both residential and business entities. We have traditionally worked to quiet noise to acceptable levels through voluntary compliance and mediation. This includes the use of a sound meter to determine the actual noise level in decibels. Outdoor speakers have proven to be a significant source of complaints.

The issue of enforcement and a need to better identify and address problems early has also been identified. Steps have been taken in this regard. Police officers are more regularly obtaining sound meter readings on initial calls and the Sound Oversight Committee is now meeting monthly to review all complaints.

OUTCOME:

The following are recommendations to enhance current sound enforcement policy:

1. Update current city ordinance to prohibit outdoor speakers that aren't allowed under an existing entertainment license. Speakers placed in the City ROW can currently be addressed, but this does not adequately deal with the problem.
2. Prohibit the attachment of speakers on the exterior of buildings. This is currently enforceable on HP designated buildings, and this recommendation expands the prohibition.
3. Streamline the enforcement process to allow for a more proactive approach.



4. Create regulations surrounding noise mitigation. Require bars, restaurants, hotels, and all other entertainment license holders to provide noise mitigation plans during the license review process with the city and/or planning board.
5. Continue to have the Sound Oversight Committee review all complaints on a monthly basis to allow for education, mediation, and problem solving whenever possible.