

LEWISTON CITY COUNCIL
WORKSHOP AND SPECIAL MEETING AGENDA

Tuesday, August 23, 2022

City Council Chambers

6:00pm Workshop

WORK SESSION

1. Review of proposed city ordinance regulating Shelters
2. Review of proposed HOME-ARP PY21 Allocation Plan funds

SPECIAL MEETING IMMEDIATELY FOLLOWING WORK SESSION

- ES-1. Executive Session pursuant to MRSA Title 1, section 405 (6) (c) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.
- ES-2. Executive Session to discuss labor negotiations regarding the International Association of Firefighters, Local 785.
- * ES-3. Executive Session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter.

Code of Ordinances:

Chapter 22 Businesses

(Note: this is all new language proposed in Chapter 22.)

Homeless shelters.

a. Purpose and authority.

This subsection is enacted pursuant to authority granted under 30-A M.R.S. § 3001. The purpose of this subsection is to set forth procedures and standards for the issuances of local licenses for homeless shelters in order to protect public health, safety and welfare.

b. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means a person that has submitted an application for licensure as a homeless shelter pursuant to this subsection.

Guest means a person who is staying at a homeless shelter. Guests are not tenants.

Homeless shelter means a homeless shelter as defined in the Appendix A of the Code of Ordinance, Zoning and Land Use Code.

Licensed premises means the premises specified in an application for a license pursuant to this subsection or within a license issued pursuant to this subsection.

Licensee means any holder of a valid and current license or permit issued by the city.

Licensing authority means the city clerk or designee or, if referral to the city council is required pursuant to this subsection, the city council.

Owner means a person whose beneficial interests in a homeless shelter is such that the person bears risk of loss other than as an insurer and/or has a controlling interest in a homeless shelter.

Person means a natural person, partnership, association, company, corporation, limited liability company or organization, or a manager, agent, owner, director, servant, officer or employee thereof. "Person" does not include any governmental organization.

Premises means all lands, buildings, structures, places and also the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to, or is otherwise used in connection with, any such business conducted on such premises

c. License requirement.

Effective _____, a homeless shelter shall not begin operations unless it has received and is in possession of a license issued pursuant to this subsection. **A license is not required for temporary accommodations using existing homes, apartments, hotels or motels or facilities in receipt of**

federal, state, or municipal subsidy when deemed a local emergency by City of Lewiston pursuant to Chapter 30 of the Code of Ordinances.

d. Licensing authority.

- 1) Applications, whether new or renewal, shall be made in writing using a form prepared by the city for the purpose and must include all information required by this Article and by the form and submitted to the city clerk.
- 2) Prior to any action on a new or renewal license application, the city clerk or designee shall give public notice of the application by publication in a newspaper of general circulation in the city of Lewiston at least seven (7) days prior to action.
- 3) It shall be the duty of the city clerk to notify the applicant of the time and place of the city council hearing. Such notice shall be mailed by the city clerk, postage prepaid, to the applicant at their last known address at least 48 hours prior to the date set for such hearing.
- 4) **(NOTE: Staff is looking for guidance on which of the following to adopt)**
 - a. All new license and renewal applications shall be reviewed by the City Council. After a public hearing, the Council shall grant, with conditions, or deny the license.
 - b. All new license applications shall be reviewed by the City Council. After a public hearing, the Council shall grant, with conditions, or deny the license. All renewal application shall be reviewed and may be approved or denied by the city clerk. **(Shelter Committee Rec)**
 - c. All new license and renewal applications shall be reviewed and may be approved by the city clerk.

e. Review procedures.

The review procedures described below shall be the same for initial license applications as well as renewals. In reviewing license applications, the licensing authority and any consulting city officials may consider the approval standards under this subsection as well as other applicable local, state or federal laws and, for license renewals, the licensee's record of compliance with the same.

- 1) The city clerk shall be responsible for the initial investigation of the application to ensure compliance with the requirements of this subsection and to obtain recommendations from other city officials as required.
- 2) The licensing authority shall have the authority to impose any conditions on a license that may be reasonably necessary to ensure compliance with the requirements of this subsection or to address concerns about operations. Failure of any licensee to comply with such conditions shall be considered a violation of the license and this subsection.
- 3) No license shall be granted by licensing authority until the police department, fire department, and planning and code enforcement department have all made positive recommendations regarding the applicant's ability to comply with this subsection or any other applicable city ordinance or state or federal law enforced by such officials. The city clerk or designee shall provide a copy of the license application to each department along with a form upon which the department shall note their findings and conclusions, as well as any recommended conditions of approval. The licensing authority shall automatically include any conditions of approval recommended by the officials on the issued license.

- 4) If any department consulted by the city clerk or designee finds that a license application should not be approved, the application shall be forwarded to the city council for further review. The city council shall, upon review of all staff recommendations and applicable laws, make the final determination as to whether the license should be issued and/or any conditions to be attached.
- 5) Licenses shall be approved only for the type(s) of homeless shelter(s) identified in the application. A licensee who intends to expand the licensed premises or convert the licensed premises to a type of homeless shelter that is not specifically approved in a license must seek to obtain a new license for that use.
- 6) Any municipal official with authority to make recommendations, grant licenses or enforce this or other municipal ordinances regulating homeless shelters shall have authority to enter the premises of an applicant or licensee without notice to make inspection reasonably necessary to ensure compliance.

f. Application submission requirements.

Each applicant for a homeless shelter license shall complete and file an application on the form provided by the city clerk or designee, together with the applicable license fee as well as the following support materials:

- 1) Attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the homeless shelter.
- 2) An affidavit that identifies all owners, officers, members, managers or partners of the applicant, their ownership interests upon which the city clerk shall order background checks from the State of Maine. Updated background checks shall be conducted annually at the time of license renewal.
- 3) Evidence of an adopted policy whereby the applicant has provided background checks of all *Persons* as defined in Section b, *Definitions*.
- 4) Evidence of all land use approvals or conditional land use approvals required to operate the homeless shelter, including, but not limited to, development review approval, conditional use approval, building permit, change of use permit, and/or certificate of occupancy.
- 5) Evidence of all other local approvals or conditional approvals required to operate the homeless shelter, including any applicable food license.
- 6) A description of the premises for which the license is sought, including a floor plan of the premises.
- 7) A description of the population to be served by the shelter.
- 8) An operations plan describing the following:
 - a) The experience and qualifications of shelter management and staff, sufficient to demonstrate that the shelter can meet its obligations under this Article, including providing appropriate services to shelter guests;
 - b) How the shelter will meet the performance standards and other requirements of this Article;
 - c) Management responsibilities;
 - d) A process for effectively resolving neighborhood concerns;

- e) Staffing;
- f) Controls for resident behavior and noise levels; and
- g) Security, safety and protective measures:
- h) On-site surveillance;
- i) Emergency and response protocols, including but not limited to:
 - a. Medical emergencies, including overdoses; intruder response; criminal trespass guidance; recovery of weapons; recovery of illicit drugs; and incidents involving violence, serious injuries or death.
- j) **Whether the shelter serves youth or families.**

If the city clerk or designee determines that a submitted application is not complete, the applicant shall be notified within ten (10) business days of the additional information required to process the application. If such additional information is not submitted within thirty (30) days of the city clerk's or designee's request, the application may be denied.

g. License term and renewal.

Each license issued under this subsection shall be valid for a term of one (1) year. Applications for renewal licenses shall be submitted at least ninety (90) days prior to expiration of the existing term. Any licensee who fails to submit a renewal application by the applicable deadline shall not have authority to operate until a license is granted. A late fee shall apply as set forth in city's policy manual.

h. Denial, suspension or revocation of a license.

A license application for a homeless shelter may be denied by the licensing authority. Any homeless shelter or person who violates any provision of this article or the terms of any license issued under this article may be penalized in the following manner:

- 1) Temporary suspension. The city clerk is authorized, pursuant to section 22-44, to immediately and temporarily suspend any license when continued operation of the licensed premises or activity presents a danger to the health, safety or the general welfare of the public.
- 2) The city council may suspend or revoke a license for a homeless shelter, if the applicant, or any owner of the applicant or licensee:
 - a) Fails to meet the requirements of this subsection.
 - b) Has provided false or misleading information in connection with the license application.
 - c) Is in violation of any other City of Lewiston ordinance or state law and has failed to correct the violation within the period of time prescribed by the relevant enforcement agency.
 - d) **Is in violation of any provisions pursuant to Chapter 22, Section 35 (b) and (c) of the Code of Ordinances.**
- 3) Civil penalties. A violator may be required to pay the penalties imposed by section 1-8 of this Code or 30-A M.R.S.A. (4452 et seq. as amended). A court judgment in the city's favor may result in a court order that the owner and/or operator of said homeless shelter abate any violations, pay a penalty in accordance with the city's policy manual as approved by the city council, and pay the court costs and legal and expert witness fees incurred by the city.

i. Approval and operation requirements.

In order to obtain a license pursuant to this subsection, the licensee shall demonstrate to the licensing authority and all reviewing officials that the following requirements will be met. The licensee shall comply with all of these requirements during the term of the license:

- 1) *Display of license.* The current license shall be displayed at all times in a conspicuous location within the premises.
- 2) *Hours of operation.* Shelters must operate twenty-four (24) hours per day, and seven (7) days per week. Once a guest is registered, they must have 24-7 use of the facility. Different portions of the facility may have designated hours of access, so long as some portion of facility is always available to registered guests. Curfews may be applied for guests to return to the shelter.
- 3) *Staffing:* On-site supervision shall be required for a homeless shelter twenty-four (24) hours per day, and seven (7) days per week.
- 4) *Maine State Housing Authority monitoring.* Applicable only to homeless shelters participating in the Maine housing monitoring program on an annual basis. Each annual monitoring report received over the course of the license term shall be provided to the licensing authority with a renewal application.
- 5) *Coordinated Entry System.* Participation in the statewide Coordinated Entry System, and the availability to all guests of on-site case management, service coordination, and re-housing assistance, either by shelter staff or a third-party.
- 6) *Maximum beds in Lewiston. (NOTE: Staff is looking for guidance on which of the following to options adopt and recommends referencing page 35 of the Report and Recommendations to City Council on Homeless Shelters in Lewiston. The following options may be considered)*
 - Option 1: The total capacity for shelter beds within all homeless shelters in the city of Lewiston shall not exceed (134, 191, 202, or 270 beds; refer to Report)
 - Option 2: There shall be no cap on the number for shelter beds. (Shelter Committee Rec)
 - Option 3: The total capacity for shelter beds shall be based upon the following formula for a self-adjusting shelter bed limit based on state Point In Time (PIT) count :

$$\begin{array}{c} \text{(Maine State PIT Count)} \\ \div \\ \text{(Population of Maine)} \\ \times \\ \text{(Population of Androscoggin County)} \\ \times \\ \text{(Individuals in Androscoggin PIT count with last known address in Lewiston as \% of total} \\ \text{individuals in Androscoggin PIT count reporting last known address)} \\ = \\ \text{(Limit of Total Shelter Beds)} \end{array}$$

- 7) *Maximum beds in a homeless shelter. (NOTE: Staff is looking for guidance whether there should be a maximum number of beds allowed per shelter).*

- *Option 1:* The total capacity for individual residents within a single shelter in the city of Lewiston shall not exceed 40.
 - *Option 2:* There shall be no cap on the number of beds allowed in a shelter. **(Shelter Committee Rec)**
- 8) *Public transportation:* The shelter must be located on or within a quarter mile of public transit.
- 9) *Proximity to school, parks, and daycares:* **(NOTE: Staff is looking for guidance on which of the following to options adopt)**
- *Option 1:* Shelters which do not serve youth or families shall not be located within 500' feet of the property of any pre-existing school, park, or daycare.
 - *Option 2:* Shelters which do not serve youth or families shall not be located within 500' feet of the property of any pre-existing school or daycare. **(Shelter Committee Prefers)**
 - *Option 3:* Shelters shall not be located within 500' of a pre-existing school, park, or daycare.
 - **(Shelter Committee does not recommend any proximity limits)**
- 10) *Proximity to other homeless shelters:* **(NOTE: Staff is looking for guidance on which of the following to options adopt)**
- *Option 1:* Not including expansion of existing shelters, any new homeless shelter may not be located within 500 feet (measured at the property line) of any preexisting homeless shelter.
 - *Option 2:* There shall be no buffer between shelters. **(Shelter Committee Rec)**
- 11) *Sanitation, property maintenance, and life safety:* The shelter must be clean and well maintained meeting the applicable requirements of Chapter 38, Article II, Fire Prevention Code and Chapter 18, Article III, Property Maintenance Code for the exterior and interior of the licensed premise including, but not limited to bathrooms, sleeping areas, and common areas.
- 12) *Demographics:* On an annual basis, a report must be provided of the number guests, their age, familial and employment status, their last known residence, and the success rate of self-sufficiency and placement into permanent housing, as well as total number of unique individuals who were denied service. Said report received over the course of the license term shall be provided to the licensing authority with a renewal application.
- 13) *Accessibility:* ADA accessible common areas and a minimum proportion of ADA accessible beds, bathrooms, and kitchen facilities must be provided.
- 14) *Beds:* No more than two unrelated individuals are allowed per bedroom
- 15) *Staff certifications:* Provide the annual documentation of certifications for staff training, requiring that a certain level of training is maintained that is consistent with the level of service being provided based upon the description of the population to be served by the shelter. If the facility is monitored by Maine Housing, then a monitoring report can meet this standard.
- 16) *Good Neighbor Agreement.* Evidence of an adopted Good Neighbor Agreement that establishes a policy for how guests will be respectful to neighbors including area residents and businesses; whereby guests at the shelter abide by the policy are held accountable for their behavior within an 800' radius of the premises. Under such a policy, guests are held to account for complaints received by neighbors, and if disturbances are not minimized, then

the guest may be declined further service. The policy must also include safeguards to protect shelter guests from human traffickers, abusive ex-partners, drug dealers, and other people seeking to exploit shelter guests.

j. Exemptions: Existing shelters in operation upon as of (adoption date of this ordinance) are exempt from Section i, Approval and Operations criteria as follows:

Existing shelters are permanently exempt from: Section 8, Public Transportation; Section 9, Proximity to school, parks, and daycares; Section 10, Proximity to other homeless shelters; Section 13 Accessibility; Section 14, Beds.

With the exception of Section 12, Demographics, existing shelters as of (the adoption date of this ordinance) must bring their facilities into compliance with the remaining Approval and Operations criteria by not later than January 1, 2028. Otherwise, existing shelters must comply the Approval and Operations criteria, Section 12, Demographics.

k. Transfer of ownership or change of location.

Licensees issued under this subsection are not transferable to a new owner. Any change in ownership shall require a new license. Licenses are limited to the location for which they are issued and shall not be transferable to a different location. A licensee who seeks to operate in a new location shall acquire a new license for that location.

l. Appeals. The following appeals may be decided by the board of appeal upon a de novo hearing in which it will hear evidence on the application and make its own findings of fact and conclusions of law:

- a) Appeal of the city clerk or designee's or the city councils denial of an application for lack of completeness.
- b) Appeal by any aggrieved party having legal standing of any decision by the city clerk or designee or city council to grant a license under this subsection.
- c) Appeal by the applicant of any permit granted by the city clerk or designee or city council with conditions to which the applicant/licensee objects.

Appeals must be filed with the planning and code enforcement department within thirty (30) days of the date of the decision subject to appeal. The board of appeals shall hold the hearing on the appeal and render a decision within thirty (30) days of the date of the appeal, unless all parties consent to a delay.

Appeals of final determinations issued by the board of appeals pursuant to this subsection shall be made to the Androscoggin Superior Court within thirty (30) days of the date of the decision being appealed.

m. Enforcement and penalties.

The operation of any homeless shelter without the required license or in violation of the requirements of this subsection shall be in violation of this subsection. The city shall enforce the provisions of this subsection. A violation of any provision of this subsection shall be a civil violation, and a civil penalty in accordance with the city's policy manual and those provisions in subsection (h) above.

n. Severability.

The provisions of this subsection are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.

o. Other laws.

In the event of a conflict between provisions of this subsection and the provisions of any other applicable state or local law or regulation, the more restrictive provision shall control.

Zoning and Land Use Code:

Article II, Section 2: Definitions. (Note: this is all new language proposed in this section.)

Homeless Shelter: A facility, the primary purpose of which is to provide temporary overnight accommodations to homeless persons that are guests, free of monetary charge, in either a dormitory-style arrangement (i.e. bedrooms with no cooking facilities), or *dwelling unit*-style, or any combination of such arrangements. Accommodations are provided on a temporary basis, meaning that the facility is intended to serve as a refuge and a bridge between homelessness and residency in a suitable fixed location. Such facility may also provide accessory support services such as food, hygiene, laundry, staff offices; and meeting rooms for counseling, job training, and referrals to other agencies. **The term does not include federal, state, or municipal subsidy of temporary accommodations using existing homes, apartments, hotels or motels or facilities when deemed a local emergency by City of Lewiston pursuant to Chapter 30 of the Code of Ordinances.**

Article XI: District Regulations. (NOTE: Staff is looking for guidance on which of the following to adopt)

- Shelters are/would be permitted as a conditional use in the Neighborhood Conservation “B” and Downtown Residential districts.
- **Shelters would also be permitted as a conditional use in the Urban Enterprise, Mill, Riverfront, and Centreville district. (Shelter Committee Rec)**

Article X. Section 3 Sec. 3. Standards for conditional use permits. (NOTE: this is existing language with no changes at this time)

A conditional use permit shall be granted by the board of appeals or planning board unless the board finds that the granting of the permit would violate one or more of the following standards:

- (1) Neither the proposed use nor the proposed site upon which the use will be located is of such a character that the use will have significant adverse impact upon the value or quiet possession of surrounding properties greater than would normally occur from such a use in the zoning district. The board may not find that this standard is satisfied unless it finds that: a. The size of the proposed use is comparable to surrounding uses; and b. The amount and type of traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces are comparable to surrounding uses; and c. The generation of noise, dust, odor, vibration, glare, smoke, litter and other nuisances is comparable to surrounding uses; and d. The impact of the use on the quality and quantity of groundwater available to abutting properties is comparable to surrounding uses; and e. Unusual physical characteristics of the site, including size of the lot,

shape of the lot, topography, and soils, do not aggravate adverse impacts upon surrounding properties.

(2) Vehicular and pedestrian access to, into, and within the site will be safe and will not be overburdened or create hazards because they are inadequate. The board may not find that this standard is satisfied unless it finds that:

a. Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.

1. Adequate capacity means that: (i) Intersections on major access routes to the site within one-half mile of any entrance road will function after development at a minimum at Level of Service C; or (ii) If they are functioning at a Level of Service D or lower prior to the development, the project will not reduce the current level of service.

2. The board of appeals or planning board may approve a conditional use permit for an application not meeting this requirement if the applicant demonstrates that: (i) A public agency has committed funds to construct the improvements necessary to bring the level of access to said standard, or (ii) The applicant will assume financial responsibility for the improvements necessary to bring the level of service to said standard and will guarantee the completion of the improvements within one year of approval of the permit.

b. The topography of the site shall permit the construction of all driveways, entrances or proposed streets to meet the standards of the City of Lewiston's Policy for the Design and Construction of Streets and Sidewalks.

c. Facilities are present to assure the safety of pedestrians passing by or through the site.

(3) Municipal or other facilities serving the proposed use will not be overburdened or create hazards because they are inadequate. The board may not find that this standard is satisfied unless it finds that:

a. The capacity of sewerage and water supply systems is adequate to accommodate the proposed use;

b. The capacity of the storm drainage system is adequate to accommodate the proposed use; and

c. The ability of the fire department to provide necessary protection services to the site and development is adequate.

(4) The soils on the proposed site shall have adequate capacity and stability to support all loadings, including fill, developed by the proposed use and the use will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water to the extent that a dangerous or unhealthy condition may result on the site or upon the land of abutters or the environment. In considering whether this standard is satisfied, the board shall take into account the elevation

above sea level of the site and surrounding properties, its relation to flood plains, the slope and vegetation of the land and their effects on drainage.

(5) The scale and design of the proposed structures with respect to materials, scale and massing shall be compatible with existing structures within 500 feet of the site in areas where the existing structures are of a similar scale and architectural treatment.

Article XII. Section Off-street parking and loading (NOTE: this is all new language proposed in this section.)

Homeless shelters must have sufficient off-street parking spaces for supervisors, housekeeping staff, and social service workers expected to provide assistance at the shelter. The parking standard is one (1) space for every six (6) shelter beds.

8/18/22

City of Lewiston
27 Pine Street
Lewiston, ME 04240

RE: Low Barrier Shelters

To the Lewiston City Council, Mayor, and City Administrator,

In consideration of addressing concerns of the public and city council in order to best ensure that shelters would be appropriately utilized by guests and would minimize dangerous behavior, the draft ordinance as proposed requires the following of all shelters:

- 1) Good Neighbor Agreement which addresses safety and activity of residents at the shelter and within an 800' radius of the shelter.
- 2) Description of “safety, security, and protective measures” that must be submitted as a component of the application.
- 3) Staff certifications for training relevant to the type of service and demographic of the guest being served, so that they are able to operate in a safe and professional manner that de-escalates conflict and refers guests to appropriate resources to improve their health and wellbeing. For example, people who work with survivors of domestic violence must have training that is specific to the needs and experience of that population.

The Shelter Committee’s report also makes a recommendation against any additional municipal regulation of the programming decisions of shelters, and instead requires shelters to develop their own programming that best meets their mission and complies with their funding sources. The following are recommendations from the report on page 38-39:

“Beyond what is proposed, it is not recommended that the city government attempt to regulate the programmatic elements of a shelter. Each shelter may have different target groups they are trying to serve, different levels of capacity for service, varying regulations from funders, all coupled with the best practices for shelters are constantly evolving. To codify all of the best practices in municipal ordinance would be too rigid and would quickly become outdated. If any shelter receives MaineHousing funding, they will be monitored by MaineHousing as a condition of that funding, and that funding will dictate best practices for the shelter. Additionally, other federal or state funding streams come with standards or operations both for the physical location and the programmatic service and supports provided. As a direct recipient of federal funding for the state of Maine, MaineHousing remains up to date on best practices and laws regarding housing and sheltering more effectively than the City of Lewiston. If the City does wish to be more involved in shelter programming, then an RFP for shelter proposals is the best approach for achieving that goal.”

Lewiston Mayoral Ad Hoc Shelter Committee

“City ordinance should not require that all shelters be low-barrier, nor should it require that all shelters be medium- or high-barrier. There has been much discussion of the issue of “barriers” to accessing shelter. The recommendations included here have attempted to parse out the barriers that exist and how they can be addressed. Many of the barriers are discriminatory and cannot be codified into ordinance. For example, the city cannot require physical inaccessibility by ordinance, and cannot require religious participation in any form. This committee does not recommend codifying a requirement that barriers be added to any or all shelters. It should be up to each shelter to determine what subpopulations they are trying to serve, and what entry criteria and conditions for stay best serve those groups. Some shelters may choose to require sobriety. Other shelters may only serve families with children, or may only accept residents with a referral from a case manager. Background checks for guests should not be required by ordinance. Each facility will have a certain criteria for admission that they will need to customize, within the bounds of the law and with regards to non-discrimination, federal and state laws, and shelter services. In place of dictating exact entry and program requirements, the license can require shelter operators to provide the City with annual documentation of certifications for staff training, requiring that a certain level of training is maintained that is consistent with the level of service being provided. See item “g” above under licensing requirements.”

Based upon City Council’s request to further discuss the issue of low-barrier shelters and potentially address low-barrier shelters in the ordinance, we have provided 3 options for language that could be considered for inclusion in the ordinance. Due to the short period of time between workshops, these options were created with some input from Shelter Committee members, but have not been endorsed by the Shelter Committee. The Shelter Committee’s recommendation remains that this level of detail for programming for shelters should not be regulated by ordinance as it creates undo barriers to service provision.

Sincerely,



Craig Sadldemire, Co-Chair

Additional Ordinance Language for Low-Barrier Shelters

OPTION 1:

During application for license, homeless shelters must submit their policy describing criteria for applicants to register as guests upon entry, and criteria to remain at the shelter as guests after entry.

“No Barrier Shelter” is a homeless shelter that does not deny entry to homeless persons seeking shelter, but may enforce safety requirements for guests, staff, place, and others.

“Low Barrier Shelter” is a homeless shelter that follows Federal and State best practices and maintains a policy whereby entry and service is denied to guests who do any of the following: (i) carry weapons or exhibit violent behavior, (ii) are in possession of illegal substances or drug paraphernalia, (iii) do not observe the shelter’s safety rules, (iv) refuse to identify themselves, or (v) have a known outstanding warrant for their arrest. Low Barrier Shelters enforce safety requirements for guests, staff, place, and others, and may have other programmatic reasons for denying entry.

Homeless shelters that serve survivors of domestic violence, human trafficking, and sexual exploitation are exempt from items iv and v.

No Barrier Shelters are not permitted to operate in Lewiston.

OPTION 2:

During application for license, homeless shelters must submit their policy describing criteria for applicants to register as guests upon entry, and criteria to remain at the shelter as guests after entry.

Homeless shelters shall maintain a policy whereby entry and service is declined to guests who do any of the following: (i) carry weapons or exhibit violent behavior, (ii) are in possession of illegal substances or drug paraphernalia, (iii) do not observe the shelter’s safety rules, (iv) have an outstanding warrant for their arrest, or (v) refuse to identify themselves.

Homeless shelters that serve survivors of domestic violence, human trafficking, and sexual exploitation are exempt from items iv and v.

OPTION 2A (OPTION 2 + the following):

“Low Barrier Shelter” means a homeless shelter that does not require any of the following for a client to stay at the shelter: (i) criminal background checks, (ii) credit checks or income verification, (iii) program participation, (iv) sobriety, or (v) identification. Low Barrier Shelters enforce safety requirements for guests, staff, place, and others, and may have other programmatic reasons for denying entry.

Homeless shelters that serve children, youth, or survivors of domestic violence, human trafficking, and sexual exploitation are permitted to operate as Low Barrier Shelters.

Homeless shelters that serve the general population of homeless adults shall require one or more of the following conditions for each guest within 24 hours of registration at the facility: (i) criminal background checks, (ii) credit checks or income verification, (iii) program participation, or (iv) identification.

Economic and Community Development

To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: Public Hearing HOME-ARP Plan
Date: June 15, 2022

Background

Lewiston and Auburn together form the Auburn Lewiston HOME Consortium (ALHC). Auburn is the lead partner, handling the majority of the administrative and reporting burden. In that role, they receive 75% of the 10% cap on administrative costs allowed under HOME program guidelines.

In 2021, as part of the federal government's response to the pandemic and associated increase in homelessness, Congress provided additional funding to the HOME program, known as the HOME-American Rescue Plan (HOME-ARP). HOME-ARP funds came with the caveat and requirement that the additional funds be used specifically to address homelessness in communities. The program is administered by the U.S. Department of Housing and Urban Development (HUD). The ALHC received \$1,700,829.

HOME-ARP funds can only be used to assist qualifying populations that include:

1. Homeless or those imminently at risk of becoming so
2. Homeless youth
3. People fleeing domestic violence, sexual assault, human trafficking, or stalking
4. People making 30% or less of area median income with a housing cost burden of 50% or more.
5. Veterans or families that include a veteran that meet the above criteria

The types of support HOME-ARP can be used for include:

- a) Provide supportive services to
- b) Acquisition and development of non-congregate shelters
- c) Develop new affordable rental housing
- d) Tenant Based Rental Assistance
- e) Capacity Building for non-profits that provide HOME ARP services

Plan Development

HUD required a comprehensive public engagement process to help determine how to best invest HOME-ARP funds. Staff from both cities engaged stakeholders, non-profits that work with the qualifying populations, other municipal departments in both cities, as well as residents through surveys and public meetings and a comment period on the draft plan.

The plan can be viewed at: [AL Consortium ARP Plan July 2022.pdf \(auburnmaine.gov\)](#)

Auburn was the lead author of the plan. The recommended allocation of funding can be viewed on page 24. Although each city has its own funding priorities for use of its share of the HOME-ARP funds, HUD requires the ALHC to submit one plan and one combined budget.

Below is how Lewiston plans to use its funding:

Lewiston's Share of HOME-ARP Allocation	\$799,389
Affordable Rental Development	\$250,000
Support Services	\$172,852
Non Congregate Shelter Development	\$300,000
Planning and Administration	\$ 76,537

The Affordable Rental Development will likely be used to help leverage development of housing in the Choice neighborhood. The City will issue an RFP to our local non-profits that provide support services to the qualifying populations.

Requested Action

To hold a public hearing on the proposed plan and to take action on the resolve approving the Auburn-Lewiston HOME Consortium HOME-ARP PY21 Allocation Plan.

LEWISTON CITY COUNCIL

MEETING OF AUGUST 23, 2022

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. ES-1

SUBJECT:

Executive Session pursuant to MRSA Title 1, section 405 (6) (c) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

State statutes define the purposes for entering into an executive session.

HAH/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (c) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL

MEETING OF AUGUST 23, 2022

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. ES-2

SUBJECT:

Executive Session to discuss labor negotiations regarding the International Association of Firefighters, Local 785.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

HAH/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the International Association of Firefighters, Local 785.

LEWISTON CITY COUNCIL

MEETING OF AUGUST 23, 2022

AGENDA INFORMATION SHEET: **AGENDA ITEM NO. ES-3**

SUBJECT:

Executive Session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

Entering into executive session is permitted and defined under Maine State Statutes.

HAH/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To enter into an Executive Session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter.