

5/9/19

Homeless Advisory Commission

Minutes-

Present:

Members: John Huettner (Chair), Noel Hogan (Vice-Chair), Elizabeth Robinson, Alder Abby Roth, Clarence Phillips Jr, Diane Ecton, Nilda Torres (Representing LCI)

Guests: Officer Rachel Cain, Officer Sean Maher, Ryan Thoreson, Hope Metcalf, Ming-Yee Lin, Robin Golden, Ester Armmand (Mayor's Office), Daryl Jones (Comptroller), Billy Huang

6:07 meeting to order

Chair John Huettner opened the meeting explaining that we would be focusing on the revision of the Bill of Rights for New Haven Residents Experiencing Homelessness. Feedback from the police department, downtown merchants and others were considered. Input was also received from the Yale Law School's Lowenstein Human Rights clinic (students from this clinic did the research and drafted the original language that was taken up by the Commission).

John then turned to Robin to have her take the group through the changes that were proposed to the original draft that was approved by the Commission on 9/14/2017. This draft had been presented for public comment at the Human Services Committee at its meeting on Tuesday, February 5, 2019. At the end of that meeting, action on the document was tabled by the Human Services Committee and sent back to the Commission. The Commission spent its meeting on March 14th discussing possible changes. At that meeting, Assistant Chief Rachael Cain attended and provided significant input.

Robin stated that her role in the revision of the document was that of a scribe. In order to facilitate having the document revised and returned for a vote, she drafted potential changes that reflected input from the various parties. She also met with Abby Roth, Velma and John to review the proposed changes and get further input. Before beginning to go through the document, Robin indicated that she had discussed the major changes with the Room For All Coalition, a group that she participates in as a consultant to the New Haven Legal Assistance Community and Economic Justice Unit. The Coalition had made some of their own suggested changes (and also wanted to express certain general statements about the process), which Robin had promised the group she would pass on.

The first comment from the Coalition that Robin related to the group was the Coalition's feeling that there should have been a more robust, transparent process for drafting the Bill of Rights. They did not want to hold up the passing of the document but asked that the Commission take more time on the redrafting of the Resolution on the Decriminalization of Homelessness and allow members of the Coalition to help the Commission reach out to people who are experiencing or who have experienced homelessness for their input.

The first change is a critical one. When the YLS Lowenstein Clinic provided the document to HAC it was clearly an Ordinance that would have the authority of law. But somewhere along the line the wording

changed to “policy document.” The Commission agreed to undo that change and return this document to a proposed ordinance resulting in several changes throughout the document

A concern was raised by Assistant Chief Cain regarding two phrases in Section 2, the definition of Homelessness. After some discussion, it was agreed that the following two phrases would be deleted: “or in substandard apartments or dwellings” and “or staying anywhere without tenancy rights.” It was generally felt that these two phrases made the definition over-broad.

In response to a question raised by the Town Green Merchant’s Association about under what conditions would a private citizen be liable under this ordinance, Ryan from the YLC clinic reviewed the document and identified three subsections that would pertain to the actions of private citizens (3 b), g) and j). He also added specific language to two of the three subsections.

Regarding Sub-Section 3c, there was much discussion about how to craft the language that would provide a balance between requiring the City to act to make adequate facilities available to people experiencing homelessness and being aware of the constraints that the City is under in terms of funding and staffing. The Commission agreed to new language that speaks to the City working with partners, to look for funding including grants and gave the City 12 months from the passing of the Ordinance to meet the requirements of the Sub-Section. The Commission also decided that, despite some concern on the part of Human Services Director Dr. Mulay that it was not the HAC’s role to review the adequacy of the facilities, they would retain that language because it appears that it is HAC’s role as it appears in either the Commission’s Charter or by-laws.

The next section with significant changes was Sub-Section 3 e). As discussed in the Commission meeting on March 14th, there are really two different rights being identified here with the proposal for the new title to be “The Right to Protection of Personal Property and The Right to Privacy as Related to Personal Property”. The Commission members agreed.

In terms of the right to privacy, that would be ensured when property is in the proximity of the person experiencing homelessness.

In terms of protection of private property, the NHPD will develop Standard Operating Procedure (SOP) for the safeguarding of property when the person experiencing homelessness is detained, arrested or hospitalized.

Assistant Chief Cain indicated that there already was a General Order (8.07) approved by the Police for the storage and handling of found property generally. An SOP will need to be developed to specifically address this situation. Assistant Chief Cain’s biggest concern is the storage of property (especially for larger items), but she is working on it.

Robin stated that the Room for All Coalition would like to be involved in the development of the final SOP. The Ordinance requires that the police develop the SOP in consultation with the HAC. It is incumbent upon the HAC to enable interested members of the Room for All Coalition and others to weigh in on that process.

The draft needed to be further revised to reflect that fact that the Police are not the ones that do the sweeps of the illegal encampments. That section was separated from the others and language regarding “the appropriate City official” was added.

The list of specific documents that was in the original draft were removed and replaced with “all personal property” to address concerns that only documents would be protected. But a sentence was added to the encampment sweeping that “All best efforts will be made to preserve documents that appear official”

At this point in the meeting, Clarence, a member of the Commission, stated that he wanted to table all the revisions until Velma George is here and all the commissioners are present. He then left the meeting.

Minor changes were made to Sub-Section 3f and 3g

A long discussion ensued regarding Sub-Section 3 k). Given that this was now an Ordinance, there was concern about what is reasonable to require of the City. It was decided that the requirement should be limited to emergency housing. At the request of the Room for All Coalition the phrase “safe and adequate” was replaced with “safe, habitable and ADA compliant.” Also, several people noted that the City cannot be responsible for people who chose NOT to use the shelter or other emergency housing. Language will be added to reflect that. Some still felt that requiring the City to meet the emergency housing needs of all people experiencing homelessness was unrealistic and would not pass the Board of Alders. The following language was added to soften the requirement, “The City will continue to work with community partners and other area governments to provide . . .”

There was also concern that the more emergency housing provided by the City, the more attractive New Haven becomes to people experiencing homelessness from elsewhere. John stated that the region should be expected to work together on these issues.

Assistant Chief Cain raised one other issue in an earlier Sub-Section (3 h). In terms of “the right also to panhandle” she requested language to indicate that panhandling should not constitute criminal conduct under the Connecticut General Statutes or New Haven City Ordinances. Hope pointed out that this is a delicate balance, but the Bill of Rights should tackle visible discrimination, even if there is an economic impact because there is a moral imperative. It was agreed that language would be added to make it clear that, although panhandling was protected, behavior that constitutes criminal conduct under other state or local laws would not be protected.

There was a lengthy discussion about Section 6 in terms of what the police were currently collecting in terms of information, what was possible, what might be useful, how to get more useful information. It was decided that this section should focus more on an Annual Review of whatever data was available, rather than on the documentation of the incidents themselves.

It was also pointed out that a New Haven Ordinance would only be enforceable on the New Haven Police Department and not the other police departments (Yale, Metro North, Amtrak) that have jurisdiction in New Haven. Language was added to instruct the HAC to request or, if necessary, FOIA information from the other police departments and invite leaders from those departments to attend the annual review. Ming-Yee suggested that, in revising the document, “people experiencing homelessness” should be the standard language used in the ordinance (in place of homeless person).

Conclusion of discussion:

Next steps:

Robin will revise the draft and send to John and Velma. They will send the Commissioners the revised copy to review a week before a special meeting. The Commission will approve (or reject) the new draft of the Bill of Rights at the Special Meeting (place and time to be by Velma). Next step after vote (assuming approval of the draft) will be to send it back to the Human Services Committee with a cover letter explaining that the HAC has completed their requests.

Motion to adjourn at 8:36 PM.