

Jim Hall
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LD 2146

I am writing to oppose LD2146 as written. It does nothing positive, it does not provide equal protection under the law, it overreaches local control of complex situations, and is unlikely to be effective.

(A) This is a purely scolding proposal providing nothing from the state to help humans. With several bills before the HHS committee (LD 599, LD1426, LD 2136, LD 2138 etc) that could actually make a real difference helping people experiencing emergency transition to more stable lives — My first request here would be to simply recommend “ought not to pass”, and spend the people’s time better.

(B) Targeting 3 specific communities over 30,000 (really just designed to force Lewiston’s hand) sends an inappropriate message that the population centers can and should continue to shoulder Maine’s entire burden of responding to homelessness. The adverse impacts to forcing people to separate from any of their direct support networks in order to find service elsewhere are well known — which is why state statute requires each municipality to respond to the emergency of homelessness where and when it happens with general assistance. But because of the low reimbursement rates, the de facto practice is to send people on a trek to a population center in a plausibly deniable way, which actively harms the most vulnerable among us. Fully two-thirds of people presenting for emergency services in Portland have had to trek from elsewhere (and that’s not even counting global migration of asylees). Please don’t double down on blaming service hubs for noncompliance elsewhere that underlies harmful practices. Please don’t consider recommending this bill without removing the reference to population size. Although I still don’t feel it would do active good, in that form at least it would avoid supporting a tacit discrimination that creates problems rather than solving them

(C) There are legitimate cases where a targeted moratorium is the right governance tool for a complex local situation, and I outline a recent example below. If you do find value in forcing Lewiston specifically to remove its current moratorium, please add modifiers like “city-wide moratoria” or “indefinite moratoria”, or perhaps some requirement that any pause must include present language indicating what specific actions are to be taken during its tenure. As written this bill is too broad in removing an entire tool from the municipal toolbox, with no recognition of the complexities of local issues that may recommend its usage.

Example:

In 2018, a proposal came before the Portland planning board to expand residential zones in which smaller shelters (under 20 beds) could be developed as a conditional use. The board unanimously determined that licensing to govern density in residential neighborhoods needed to be put in place before they would even consider it. While the council committee on health and human services & public safety worked with staff to research best practices in place across the country, a very targeted 6-month moratorium was put in place to protect only a six-block, poor & disproportionately BIPOC residential neighborhood, where outdated “urban renewal” ordinance still on the books from mid-century had segregated as the only neighborhood in the state where clustering high-impact emergency uses was allowed. This strategy led to the successful adoption of licensing, and the targeted moratorium was allowed to retire naturally once its purpose was achieved. Although the next year’s council did decide to overturn and table licensing (leaving no path for expanded small shelter zoning in Portland), the point stands that this was a legitimate use of moratorium, that should remain a more targeted option under local control.

(D) Governing bodies in municipalities where there is strong political will against helping the homeless locally are going to find workarounds in other ways, rendering this bill a waste of time in its current form. For instance, this bill would not prevent the adoption of stricter zoning ordinance with the same outcome of preventing the

siting of emergency shelters, or even delaying application by asking the courts to decide on moratorium itself, which again, is not a valid use of the people's time and money. See for instance the way many municipalities have resisted recent top-down requirements to institute growth zones, which has now coming back to haunt us in LD1672 proposing to create an entirely separate review board and process. I would advocate for anything that incentivizes municipalities to site needed shelters instead, but even if you do determine you want a "stick" in addition to a carrot, this bill would still need a lot of work to actually make it harder for municipalities to block shelter development.

In short - please reject this deeply flawed proposal, or at the very least spend time making it better. Instead, please support the measures that provide state resources to actually help solve homelessness.

Sincerely,
Jim Hall
Portland ME