

Order 260-20/21
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**CITY OF PORTLAND
IN THE CITY COUNCIL**

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**ORDER ESTABLISHING A 180-DAY MORATORIUM
FOR EMERGENCY SHELTERS
IN THE BAYSIDE NEIGHBORHOOD**

- WHEREAS,** the Bayside neighborhood, which for purposes of this moratorium only, is defined as the area within the City of Portland bounded by Interstate 295 on the north side, Franklin Street to the east, Congress Street to the south, and Forest Avenue to the west, as further depicted in the map attached as Exhibit A;
- WHEREAS,** the Bayside neighborhood currently houses a majority of the City’s social services providers, including four emergency shelters and five overflow sites, which contain more than 500 emergency shelter beds;
- WHEREAS,** an additional 40-bed emergency shelter received conditional use approval in the Bayside neighborhood, and is expected to begin operating in the near future;
- WHEREAS,** the comprehensive plan of the City of Portland states that, “No one area of the city carries all the expectations for accommodating development and all areas can expect appropriate City services and amenities;”
- WHEREAS,** the City of Portland’s homeless population has higher rates than the general public of individuals with lower socioeconomic status, individuals who are racial minorities, and individuals who suffer from substance use disorder and other mental health disorders, leading to a concentration of vulnerable individuals in the Bayside neighborhood;
- WHEREAS,** calls for service in the Bayside neighborhood make up approximately 20% of the calls for service to the Portland Police Department, despite making up only 5% of the population of the City and 1% of the land area of the City;
- WHEREAS,** calls for service in the Bayside neighborhood make up approximately 10% of the calls for EMS response by the Portland Fire Department, despite making up only 5% of the population of the City and 1% of the land area of the City;
- WHEREAS,** the current City of Portland Code of Ordinances also does not require any buffer between emergency shelters, and does not have any bed density restrictions to

ensure that emergency shelters are not clustered and do not have the effect of overburdening one area or concentrating individuals with a lower socioeconomic status and higher rates of disabilities in one area;

WHEREAS, the current City of Portland Code of Ordinances is inadequate to protect the Bayside neighborhood from the further concentration of emergency shelters in that neighborhood, potentially creating further serious harm from emergency shelter development in that area;

WHEREAS, the current City of Portland Code of Ordinances is also inadequate to prevent the potential overburdening of police, fire, and other City services from concentrating additional homeless shelter services in the Bayside neighborhood;

WHEREAS, the City has begun the process of developing licensing requirements and examining the zoning requirements for emergency shelters, but requires additional time to do so in order to address the potential public health, safety and welfare concerns, as well as the overburdening of public resources, associated with the concentration of emergency shelters in one area;

WHEREAS, a temporary prohibition on conditional use approval for new, permanent, emergency shelters in the Bayside neighborhood is appropriate in order to determine what additional regulations are necessary to prevent such ill effects; and

WHEREAS, in the judgment of the City Council for the City of Portland, these facts create an emergency within the meaning of 30-A M.R.S. § 4356(1) and the City Charter, and require the following Moratorium as immediately necessary for the preservation of the public health, safety and welfare

NOW, THEREFORE, pursuant to its authority in 30-A M.R.S. §§ 3001 and 4356, the Portland City Council hereby ordains that a Moratorium is imposed on any and all conditional use applications and approvals in the Bayside neighborhood, as depicted on the map attached hereto as Exhibit A; and

BE IT ORDERED, that no conditional use permit applications shall be accepted, processed, or reviewed by the City or the Planning Board for the period of this Moratorium for 1) any new, permanent emergency shelters in the Bayside neighborhood, or 2) any expansion of an existing permanent emergency shelter such that the expansion would add additional emergency shelter beds in the Bayside neighborhood; and

BE IT FURTHER ORDERED, that this Moratorium shall remain in effect for one hundred and eighty (180) days thereafter, unless extended, repealed, or modified by the Portland City Council; and

BE IT FURTHER ORDERED, that in view of the emergency cited in the preamble above, that it is hereby found and determined by the Portland City Council that it is necessary

that this Moratorium take effect immediately as an emergency pursuant to Article II, Section 8 of the City Charter; and

BE IT FURTHER ORDERED, that to the extent any provision of this Moratorium is deemed invalid by a court of competent jurisdiction, the balance of the Moratorium that shall remain shall be considered valid.

EXHIBIT A

