



City of Albuquerque
Human Rights Board

Agenda Packet
July 18, 2024

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Report on the Rights of People Experiencing Homelessness **(35)**

Thursday, July 18, 2024
5:00 – 6:30 PM MST

1 Civic Plaza
Vincent E Griego Council Chambers
Albuquerque, New Mexico 87102

Zoom Meeting Information

Meeting ID: 876 4565 1515
Passcode: 998578

Contact:¹ Lisa Y. Schatz-Vance, 505-768-4500

¹ **Accommodations:** If you have a disability and need accommodation in order to participate in this public meeting, please contact Lisa Y. Schatz-Vance at 505-768-4524 or lschatzvince@cabq.gov. Please request any accommodation necessary at least 72 hours prior to the meeting. Best efforts will be made to provide the requester with their auxiliary aid of choice. If doing so is not possible due to time constraints or other logistical concerns, the city will work directly with the requester to provide an alternate method of accommodation.

City of Albuquerque - Human Rights Board
Agenda July 18, 2024

(Items listed on the agenda may be discussed and acted on out of sequential order)

5:00 – 6:30 PM MST

1 Civic Plaza

Vincent E Griego Council Chambers

Albuquerque, New Mexico 87102

Zoom Meeting Information

Meeting ID: 876 4565 1515

Passcode: 998578

1. Call to Order/Introductions
2. Consent Agenda^{2,3}
 - a. Agenda – July 18, 2024 Meeting
 - b. *(Draft)* Minutes – June 20, 2024 Meeting
 - c. *(Draft)* Minutes – June 22, 2024 Hearing *(Found in Prop. Part II)*
 - d. *(Draft)* Verbatim Transcript – June 22, 2024 Hearing *(Found in Prop. Part II)*
3. Public Comment⁴
4. Presentations
 - a. The Albuquerque Human Rights Board 50th Anniversary – *Chair Dass*
5. Director’s Reports
 - a. OCR
 - b. OEI
6. Subcommittee Reports
 - a. Integration & Sustainability
 - b. Access & Accountability – *Member Andujo*
 - c. Advocacy & Representation - *Member Hinojos*
 - d. Research, Investigation, & Policy – *Member Boulton*
 - i. *(Prop.) Report On the Rights of People Experiencing Homelessness*
*Covers, Preface, Part I, Part II, Part III, & Appendix*⁵
7. Approvals
 - a. Recommendations for the Rights of People Experiencing Homelessness
 - i. *Prop. R-2024-04: Hate Crimes Ordinance – RIP Subcommittee*
 - ii. *Prop. R-2024-05: Homeless Rights II – RIP Subcommittee*
 - iii. *Prop. OC-2024-01: APD SOP 2-99 “Naloxone Policy”*
 - iv. *Prop. OC-2024-02: APD SOP 1-4 “Bias-Based Policing/Profiling”*
 - b. Official Communications
 - i. *EC-2024-01*
8. Announcements
 - a. Next Meeting - **August 15, 2024**
9. Adjourn

² Underlined Items require a vote for approval.

³ Items on the consent agenda may be approved through a single vote or separate votes.

⁴ Please sign up through the Office of Civil Rights, Lisa Y. Schatz Vance 505-768-4500.

⁵ Part II contains approvals 2c & 2d from the Consent Agenda, and Part IV contains approvals (Item 7a).



City of Albuquerque - Office of Civil Rights
1 Civic Plaza, Albuquerque, NM 87102
Phone- 505-768-4595, TTY 711
civilrights@cabq.gov

City of Albuquerque Human Rights Board (HRB) Minutes

Date: Thursday, June 20, 2024
Time: 5:00 p.m.
Location: Zoom & Lower-Level Hearing Room, Basement - Plaza Del Sol Bldg

Board Members Present:

Anami Dass, Chair
Jack Champagne, Vice Chair
Larry Hinojos Jr.
Kimberly Andujo
Kate Boulton

City Staff Present:

Lisa Schatz-Vance, Board Attorney
Mari Kempton, Parliamentary Council
Jennifer Lucero, Minute Taker

Board Members Not Present:

Samia Assed
Leticia Galvez-Trujillo

Members of the Public:

Sandra Perea
J.R. Oppenheim
Baruch Campos, Program Director for Together for Brothers
J.J. Griego, Deputy Chief of Albuquerque Police Department
Aja Brooks, Executive Assistant U.S. Attorney at U.S.
Attorney's Office District of New Mexico

I. Call to Order & Introductions

- a) The meeting was called to order at 5:06 p.m. by Chair Dass.
- b) All who were present introduced themselves.

II. Approvals

a) Approval of June 20, 2024 Agenda

i. Chair Dass moved to remove item 6d, item 6di, and add item 6bii. The motion was seconded by member Hinojos. Vice Chair Champagne moved to approve the amended agenda. The motion was seconded by Chair Dass. The motion was approved by unanimous vote. The agenda has been approved.

b) Approval of May 16, 2024 Meeting Minutes

i. Vice Chair Champagne moved to approve the minutes. The motion was seconded by member Boulton. The motion was approved by unanimous vote. The meetings have been approved.

III. Public Comment

- a) No public comment was made.

IV. Presentations

a) Presentation was made by Baruch Campos on behalf of Together for Brothers. Together for Brothers is a nonprofit for boys and young men of color to help facilitate leadership, health, and equity for themselves, their families and communities. Mr. Campos discussed Together for Brothers' Central Avenue Project for a healthier and safer Central Avenue as well as zero fare transit.

V. Director’s Reports

a) Office of Civil Rights:

i. The Office of Civil Rights has secured another contract with the Department of Health, Housing, and Homelessness for fair housing. The position for the Office of Civil Rights has been posted. OCR is participating in a presentation with the EEOC and the New Mexico Human Rights Bureau on June 25th.

b) Office of Equity & Inclusion:

i. There was no report provided and no one from OEI was in attendance.

VI. Discussions & Proposals

a) Subcommittee Reports

i. Accessibility & Accountability has no report or updates.

ii. Advocacy & Representations has no report or updates.

iii. Research, Investigation & Policy has no report. Chair Dass would like to include background research in the report for the Anti-Homelessness Sentiment public hearing for recommendations for City Council and the administration.

b) Proposal: Resolution 2024-04: Hate Crimes

i. Discussion with guests Aja Brooks from the US Attorney’s Office - District of NM and Deputy Chief of Police J.J. Griego from APD. The amendment proposed is to include hate crimes motivated by or relating to age, gender, sex, housing status, veteran status.

ii. Chair Dass moved to table the proposed resolution until next month’s meeting and add in a component regarding officer training. The motion was seconded by Vice Chair Champagne. The motion was approved by unanimous vote.

c) Public Hearing on Anti-Homeless Sentiment Discussion

i. Public hearing will be held at International District Library on June 22, 2024. Report on public hearing is due July 22, 2024.

VII. Announcements

a) The Human Rights Board’s Public Hearing on Anti-Homeless Sentiment is on 6/22/2024 at 1:00 p.m. at the International District Library.

b) The EEOC, NM Human Rights Bureau, and OCR Panel Discussion is on 6/25/2024 at 12:00 p.m. via zoom. Information is on the OCR webpage.

VIII. Adjournment

a) Vice Chair Champagne moved to adjourn the meeting. The motion was seconded by member Hinojos. The motion was approved by unanimous vote. Meeting adjourned at 6:13 p.m.

Next regularly scheduled Human Rights Board Meeting will be Thursday, July 18, 2024.

Anami Dass, Chair

Date



City of Albuquerque - Office of Civil Rights
1 Civic Plaza, Albuquerque, NM 87102
Phone- 505-768-4595, TTY 711
civilrights@cabq.gov

City of Albuquerque Human Rights Board (HRB) Public Hearing on Anti-Homeless Sentiment and Discrimination Based on Housing Status Minutes

Date: Saturday, June 22, 2024

Time: 1:00 p.m.

Location: Community Room of the International District Library, 7601 Central Ave NE, Albuquerque, NM 87108

Board Members Present:

Anami Dass, Chair
Sean “Jack” Champagne, Vice Chair
Larry Hinojos Jr.
Kate Boulton

City Staff Present:

Lisa Schatz-Vance, Board Attorney
Mari Kempton, Parliamentary Council
Jennifer Lucero, Minute Taker

Board Members Not Present:

Samia Assed
Leticia Galvez-Trujillo
Kimberly Andujo

I. Call to Order & Introductions

- a. The meeting was called to order at 1:13 p.m. by Chair Dass.
- b. All board members and city staff who were present introduced themselves.

II. Verbal Questionnaire

(A) Members of the Public were asked to raise their hands if they agree to the following statements:

1. The City of Albuquerque has enough accessible public restrooms.
 - a. No hands were raised
2. The City of Albuquerque does not have enough accessible garbage receptable.
 - a. Majority of hands were raised.
3. Attacking a person who is homeless because they are homeless is a hate crime.
 - a. Majority of hands were raised.
4. The City of Albuquerque is responsible for the current housing crisis.

- a. Majority of hands were raised.
5. The federal government is responsible for the current housing crisis.
 - a. Majority of hands were raised.
6. The City of Albuquerque is solely responsible for the housing crisis.
 - a. No hands were raised.
7. The federal government is partially responsible for the housing crisis.
 - a. Majority of hands were raised.
8. Homelessness is a choice.
 - a. No hands were raised except one individual stated “sometimes.”

III. Public Comments and Testimonies

a. Public comment made by unidentified individual who is a case manager working on behalf of the unhoused assisting with replacing vital documents. This individual addressed concerns regarding the preliminary injunction which was vacated on May 17th. They suggest that landlords should work with landlord liaisons or case managers and case managers can send letter of recommendations to vouch for unhoused individuals.

b. Testimony was given by Rowan Rosen who is a library employee. She stated the library is the only public restroom in the International District. She witnessed Metro Security driving off homeless even during after-hours and have intimidating presence to discourage the presence of unhoused individuals. She states there is no shades at the bus stops and had to call emergency services for heat strokes. Unhoused individuals come in library many times seeking medical care. EMS is not promptly responsive if individuals are homeless.

c. An unidentified local resident of the International District area saw an individual who was perceived to be homeless steal his neighbor’s bike. He stated he feels more threatened by fellow residents than unhoused individuals.

d. An unidentified individual made public comment regarding her concerns with hotel voucher issues. The communication between the City outreach workers, HopeWorks, and hotel managers is miscommunication or non-existent. There is no notice given when the vouchers run out. This past week an outreach worker told hotel manager that vouchers are up and people have to leave immediately while someone else told them they can stay until the end of the month. When folks are forced to vacate the hotel, there is presence from the City of Albuquerque or HopeWorks to provide any support.

e. Amanda Roybale who is a current hotel voucher resident gave testimony regarding her experience with HopeWorks. She states HopeWorks has given many unkept promises. HopeWorks transported her to the motel to live until her housing application gets approved. The application was process then a second background check ultimately prevented her from securing housing. HopeWorks has given inadequate notice when she has to leave the motel and return to living on the streets.

f. Aaron Esquivel who is also a resident of the Motel 6 gives his testimony regarding his concerns of constantly worrying about belongings being taken from him and having to have friends take turns watching their stuff. He states it is

chaos and feels like he will relapse but is still trying to do his best and has children he wants to be reunited with.

g. Adam Litzer, who is a physician's assistant and works in homeless outreach, gave his testimony addressing the safety concerns for unhoused individuals and the misconceptions. He states the middle class doesn't know that homelessness is coming for them. More and more people are one month away from not affording rent and being evicted. He works with First Nations and goes to the Westside shelter once a week as well. He has been working with Maria Wolfe, the Homeless Innovation Officer.

h. Rosemary Blanchard gave testimony regarding her concerns of human rights, human dignity and the sweeping of people's possessions. She states the City and the State has right to provide more rights than the federal constitution. The Human Rights Ordinance protects and promotes human rights and human dignity. She wants the HRB to set a standard for human dignity.

i. Bonnie Readers gave testimony stating she was on SSDI and was evicted for nonpayment which was not true and she is now unhoused. Her parents' ashes were stolen. There is a need for places to keep their belongings safe.

j. Testimony was made by Henry William Jr. who states he has experienced racism. He discusses his use of drugs because he does not have basic necessities such as to shower, food, and money but wants to quit.

k. Testimony was made by Janus Herrera who is a member of Coalition for a Safer Albuquerque. She has been unhoused due to domestic violence and states WIC is not enough. She discussed her experience with a disabled elderly unhoused individual who was turned away from using a restroom due to his clothing and urinated himself. The westside shelter is inadequate due to it being not within city limits and away from services. She witnessed many in dire need of medical care but do not have access and are afraid to abandon belongings.

l. Mohammed Ahmed gave testimony regarding his experiences. He has been unhoused for six months. He was formerly employed by the Social Security Administration but was fired. He feels safest at Jerry Cline dog park due to its access of water and restrooms. He has been perceived as a treat when he was sitting with a friend at the park. Parks & Rec employees told him he needed to leave due to presence of children and drugs. He stated there was no drugs nor children present.

m. Testimony was made by Courtney Heiglemeyer who is an APS teacher at New Futures school for pregnant teens and is also a professor at UNM. She states he has been formerly unhoused. Half of her students live on the streets. She has written letters to City Councils, Mayor's Office, Solid Waste, Parks & Rec., and Chief of Police. She received only once response from Councilor Fiebelkorn. She has also had letters published from the Albuquerque Journal and the Daily Lobo. She spoke an assistant with the Mayor's Office over the phone stating the policy is a three days notice before belongings are removed. She states no notices are given and the policy is not being followed.

n. Testimony was given by Enrique Cardiel who is the director for Health Equity Council for Bernalillo County. He states Unhoused is a serve public health issue but is addressed as a criminal issue. He discusses the need to create

affordable hosing without loopholes. He has had issues with code enforcement not allowing people allowing others on their property. Shelters are kicking folks out if using drugs but shelters are not set up for safe use. There needs to be safe use sites. There needs improvement for temporary housing and medical access. People are limited in belongings they can take on the bus.

o. Testimony was given by Andrew Romero who is currently an unhoused veteran with a Bachelor's degree in Health and Science for personal training. He has noticed there is a lack of empathy. He is currently sober but is not willing to ask family help because he's been using. His cousin was pedestrian who was killed recently on Central due to oncoming traffic. He is unable to sleep because he is worried of his belongings being taken. He does not know how to access a voucher and does not know how to get help.

p. Anami Dass gave testimony speaking on behalf of her friend Levi who was discriminated against. She told a story about how Levi explained to his case manager that he was discriminated and his case manager was dismissive. Dass quoted Levi as having said, "They look at the way I look, the way I behave, the words I'm speaking, my mannerisms, my attitude, how I smell, and assume I'm homeless, dangerous, criminal, and can't be trusted. What they should assume is that I'm poor."

IV. Closing Remarks

q. In his closing remarks, Vice Chair Champagne discussed his experience with Pittsburg homeless. He described his friendships with individuals in Pittsburg and explains it is possible to have relationships with unhoused individuals but here in Albuquerque it is qualitatively different. He commented that the problem is not the homeless but number of homeless and lack of access. He said, "the way you treat the people who have the least amount of power in your society is the best reflection on a society as a whole."

V. Announcements

a. The next Human Rights Board meeting is July 18, 2024 at 5:00 p.m. in the Lower Hearing Room of the Plaza Del Sol building.

b. The report to this public hearing will be published by July 22, 2024.

c. The EEOC, NM Human Rights Bureau, and OCR Panel Discussion is on June 25, 2024 at 12:00 p.m. via zoom. Information is on the OCR webpage.

V. Adjournment

a. Meeting adjourned by Chair Dass at 2:35 p.m.

Anami Dass, Chair

Date



Anami Dass
Board Chairperson

HUMAN RIGHTS BOARD
City of Albuquerque

Office of Civil Rights
Albuquerque, NM 87103
Telephone: 505-768-4595
civilrights@cabq.gov

EXECUTIVE COMMUNICATION

July 22, 2024

FILE NO: HRB EC-2024-01

FROM: Chair Dass, Human Rights Board

SUBJECT: FINDINGS FROM THE BOARD'S HEARING ON ANTI-HOMELESS SENTIMENT AND DISCRIMINATION BASED ON HOUSING STATUS

The Albuquerque Human Rights Board's submits to the public all documents relating to the board's investigation on the rights of people experiencing homelessness including transcripts from the June 22, 2024 Public Hearing on Anti-Homeless Sentiment and Discrimination Based on Housing Status, HRB R-2024-01, HRB R-2024-04, HRB R-2024-05, HRB OC-2024-01, and HRB OC-2024-02.

The Board respectfully offers its Report and Recommendations on the Rights of People Experiencing Homelessness for the consideration of City Council and that of the Administration.

Distribution:

Honorable Mayor
City Council President
City Council

Contents:

- Report & Recommendations on the Rights of People Experiencing Homelessness (2024)



Anami Dass
Board Chairperson

HUMAN RIGHTS BOARD
City of Albuquerque

[HRB OC-2024-01](#)

Office of Civil Rights
Albuquerque, NM 87103
Telephone: 505-768-4595
civilrights@cabq.gov

INTER-OFFICE MEMORANDUM

July 22, 2024

TO: Chief of Police

FROM: Chair Dass, Human Rights Board

SUBJECT: Recommended Change for SOP 2-99 Naloxone Policy

I am submitting the following recommendations for updating the Standard Operating Procedure 2-99 “Naloxone Policy” on behalf of the Albuquerque Human Rights Board through the Office of Civil Rights.

SOP 2-99 Naloxone Policy. The Albuquerque Human Rights Board hereby recommends the following changes to the APD Standard Operating Procedure (SOP) for administering Naloxone (SOP 2-99):

Recommendation 1

- A-3.a:** “When feasible, have a minimum of two (2) sworn personnel present with the individual to ensure the scene is safe before administering naloxone;
- a. Sworn personnel should be aware that the individual may OR MAY NOT wake up and THAT THE OVERDOSE IS REVERSED IF THE INDIVIDUAL IS ABLE TO BREATHE INDEPENDANTLY ~~become combative soon after they administer naloxone and be prepared to protect themselves, if necessary;~~”

Commentary

While it is possible for individuals to become irritated by the administration of Naloxone, the far more common reaction is confusion, fear, and embarrassment. Officers should always prioritize their safety and the safety of those around them, and the focus of this policy should be on proper administration of naloxone.

Now that the New Mexico Department of Health has announced that samples of substances sold in Albuquerque as Fentanyl contained Xylazine, our first responders should be made aware of up-to-date protocol for responding to opioid overdoses. This is why the policy should inform officers that the individual may not wake up, and so long as their breathing returns to normal, the overdose is considered reversed. Administering excess naloxone once an individual is able to breathe independently may harm people who are enrolled methadone programs.

Recommendation 2

A-5. “Request EMS personnel BE SENT to THE LOCATION OF THE OVERDOSE AND INFORM EMS THE AMOUNT OF NALOXONE THAT HAS BEEN ADMINISTERED UP TO THAT POINT ~~advise they administered naloxone and the total amount of doses they administered;~~”

Commentary

Officers should work with EMS to provide the appropriate response to an opioid overdose, but officers should not be the primary responders during such an event.

Recommendation 3

- B.** “Sworn personnel shall not administer naloxone if the individual:
- 1) does not have a pulse, OR
 - 2) IS BREATHING REGULARLY, OR
 - 3) IS ABLE TO RESPOND TO STIMULATION.

Commentary - See the second paragraph of the commentary for Recommendation 1

Recommendation 4

- D-2.** Trained Targeted Responders will:
- a. Complete an initial naloxone administration training program with **BASIC/ADVANCED LIFE SUPPORT (BSL/ASL)** ~~cardiopulmonary resuscitation (CPR)~~ training;
 - b. Every two (2) years, complete a refresher naloxone administration training course with BSL/ASL ~~CPR~~ instruction;...”

Commentary

CPR is not necessary while responding to an opioid overdose, and the use of chest compressions places the individual at unnecessary risk of injury. BLS and ALS classes are more applicable than CPR classes, and the BLS/ALS training curriculum contains CPR instruction as well. CPR is widely considered outdated compared to BLS/ALS training, and the board recommends that targeted Responders be trained with today’s best practices.

Recommendation 5 - Definitions.

“~~Opioid.~~ **OPIATE.** Containing or derived from opium, including but not limited to morphine and heroin.
OPIOID. A SYNTHETIC SUBSTANCE THAT MIMICS THE EFFECTS OF AN OPIATE SUCH AS FENTANYL AND HYDROCODONE...”

Commentary

The current policy mistakes opioids and opiates.



Anami Dass
Board Chairperson

HUMAN RIGHTS BOARD
City of Albuquerque

[HRB OC-2024-02](#)

Office of Civil Rights
Albuquerque, NM 87103
Telephone: 505-768-4595
civilrights@cabq.gov

INTER-OFFICE MEMORANDUM

July 22, 2024

TO: Chief of Police

FROM: Chair Dass, Human Rights Board

SUBJECT: Recommended Change for SOP 1-4

I am submitting the following recommendations for updating the Standard Operating Procedure 1-4 “Bias-Based Policing and/or Profiling” on behalf of the Albuquerque Human Rights Board through the Office of Civil Rights.

SOP 1-4 - Bias-Based Policing and/or Profiling. The Albuquerque Human Rights Board hereby recommends the following changes to the APD Standard Operating Procedure (SOP) on Bias-Based Policing and/or Profiling (SOP 1-4):

Recommendation 1

§1-4-5 (B-1). “Community members with mental disabilities, ~~including~~ **AND** community members who appear to be experiencing homelessness, are free to frequent public places without being questioned or searched...”

Commentary

Experiencing homelessness is not a mental disability.

Recommendation 2

§1-4-5 (B-3). “Sworn personnel shall not arrest someone solely to connect them with mental health services, **SOCIAL SERVICES, OR SHELTER SERVICES.**”

Commentary

People who are experiencing homelessness should not be arrested for the purpose of being connected with social services and shelters. Individuals who request assistance should be connected with ACS immediately, but at no time should officers arrest people for being homeless because homelessness is not a crime.

CITY OF ALBUQUERQUE
HUMAN RIGHTS BOARD
Proposal RESOLUTION No. 2024-04

--
RECOMMENDING AMENDMENTS TO THE HATE CRIMES ORDINANCE (§12-2-27);

--
WHEREAS, the City of Albuquerque (“City”) Human Rights Board (“Board”), the governing body of the Office of Civil Rights, is committed to preserving, protecting, and promoting human rights and human dignity by utilizing the powers granted in the City Human Rights Ordinance (“HRO”); and

WHEREAS, the City of Albuquerque Human Rights Board is tasked by §11-3-5 (F) of the HRO to review passed legislation and make recommendations in the areas of Human Rights; and

WHEREAS, the State of New Mexico’s Hate Crimes Act defines crimes motivated by hate as being “the commission of a crime with the intent to commit the crime because of the actual or perceived race, religion, color, national origin, ancestry, age, handicapped [SIC] status, gender, sexual orientation or gender identity of the victim, whether or not the offender’s belief or perception was correct”; and

WHEREAS, the Board recognizes that people experiencing homelessness, veterans, senior citizens, and gender diverse people are disproportionately victims of crimes motivated by animus including vandalism, theft, harassment, battery, assault, and murder; and

WHEREAS, the Albuquerque Native American Homelessness Task Force identified the need to include hate crimes against people experiencing homelessness in laws that prohibit hate crimes over 10 years ago; and

WHEREAS, the 2022 FBI hate crimes statistics, both for New Mexico and nationwide, document that bias against gender identity comprises 4.0% of single-bias hate crimes for that year, which is more than gender and disability combined; and

WHEREAS, the City of Albuquerque is home to a diverse population who deserve to live without fear of hate motivated crimes; and

NOW THEREFORE BE IT RESOLVED BY THE CITY OF ALBUQUERQUE HUMAN RIGHTS BOARD, the governing body of the Office of Civil Rights, that:

Section 1. The Board recommends that the City’s Hate Crimes Ordinance be amended as follows:

1 “§ 12-2-27 HATE CRIMES.

2 (A) *Short title.* This section may be cited as the “Hate Crime Ordinance.”

3 (B) *Finding.* The Council deems it necessary and proper to create a specific offense and
4 penalty for prohibited conduct involving actions that cause damage to persons or
5 properties and that are motivated by animus toward a certain person because of ~~his or~~
6 ~~her~~ THE actual or perceived AGE, ANCESTRY, COLOR, DISABILITY, GENDER,
7 GENDER IDENTITY, HOUSING STATUS, NATIONAL ORIGIN, race, religion,
8 SEX, ~~color, national origin, ancestry, gender,~~ sexual orientation, or VETERAN
9 STATUS ~~disability~~ OF THAT PERSON.

10 (C) ~~**Hate crime.** A hate crime consists of intentionally injuring a person or intentionally~~
11 ~~damaging his property because of the actual or perceived race, religion, color, national~~
12 ~~origin, ancestry, gender, sexual orientation, or disability of that person, whether or not the~~
13 ~~offender's belief or perception was correct. As used in this section, “disability” means a~~
14 ~~physical, developmental, or mental impairment that substantially limits one or more of a~~
15 ~~person's functions, including caring for oneself, performing manual tasks, walking,~~
16 ~~seeing, hearing, speaking, breathing, or learning.~~ DEFINITIONS. FOR THE PURPOSE
17 OF THIS SECTION;

- 18 1. AGE MEANS THE CLASSIFICATION OF SOMEONE AS BEING A SENIOR,
19 OR ELDER, OVER THE AGE OF 60.
- 20 2. DISABILITY MEANS A PHYSICAL, OR MENTAL IMPAIRMENT THAT
21 SUBSTANTIALLY LIMITS ONE OR MORE OF A PERSON'S MAJOR LIFE
22 ACTIVITIES. A PERSON IS ALSO CONSIDERED TO HAVE A MENTAL,
23 DEVELOPMENTAL OR PHYSICAL DISABILITY IF THE PERSON HAS A
24 RECORD OF PHYSICAL OR MENTAL DISABILITY OR IS REGARDED AS
25 HAVING A PHYSICAL, DEVELOPMENTAL, OR MENTAL DISABILITY.
- 26 3. GENDER MEANS AN INDIVIDUAL OR SOCIETAL EXPECTATION OR
27 PERCEPTION OF A PERSON THAT AS MASCULINE OR FEMININE
28 BASED ON APPEARANCE, BEHAVIOR OR PHYSICAL
29 CHARACTERISTICS.
- 30 4. GENDER IDENTITY A PERSON’S SELF-PERCEPTION, BASED ON THE
31 PERSON'S APPEARANCE, BEHAVIOR, OR PHYSICAL
32 CHARACTERISTICS, THAT THE PERSON EXHIBITS MORE
33 MASCULINITY OR FEMININITY OR THE ABSENCE OF MASCULINITY
34 OR FEMININE WHETHER OR NOT IT MATCHES A PERSON'S GENDER
35 OR SEX.

- 1 5. **HATE CRIME** MEANS THE COMMISSION OF A CRIME WITH THE
2 INTENT TO COMMIT THE CRIME BECAUSE OF ANIMUS TOWARD THE
3 ACTUAL OR PERCEIVED AGE, ANCESTRY, COLOR, DISABILITY,
4 GENDER, GENDER IDENTITY, HOUSING STATUS, NATIONAL ORIGIN,
5 RACE, RELIGION, SEX, SEXUAL ORIENTATION, OR VETERAN STATUS
6 OF THAT PERSON.
- 7 6. **HOUSING STATUS** MEANS THE CONDITION OF A PERSON AS BEING
8 HOUSED, INSECURELY HOUSED, UNSHELTERED, OR UNHOUSED.
- 9 7. **RACE** INCLUDES, BUT IS NOT LIMITED TO, TRAITS HISTORICALLY
10 AND COMMONLY ASSOCIATED WITH RACE OR ETHNICITY,
11 INCLUDING HAIR TYPES, TEXTURE, VOLUME, LENGTH, STYLES, OR
12 CULTURAL HEADDRESSES.
- 13 8. **SEX** MEANS A PERSON'S CHARACTERIZATION IS MALE, FEMALE, OR
14 INTERSEX BASED ON BIOLOGICAL, PHYSIOLOGICAL, AND PHYSICAL
15 CHARACTERISTICS.
- 16 9. **SEXUAL ORIENTATION** MEANS A PERSON'S PHYSICAL, ROMANTIC,
17 OR EMOTIONAL ATTRACTION TO A PERSONS OF THE SAME OR A
18 DIFFERENT GENDER OR THE ABSENCE OF SUCH ATTRACTION; and
- 19 10. **VETERAN STATUS** APPLIES TO ALL CURRENT, ACTIVE DUTY,
20 RESERVE, AND FORMER MEMBERS OF ANY OF ANY SANCTIONED
21 ARMED FORCES IRRESPECTIVE OF THEIR TIME, DURATION, RANK,
22 BRANCH, OR TYPE OF DISCHARGE.

23 (D) *Violation.* It shall be unlawful to commit a hate crime as defined in this section.”

24 **Section 2.** In the ordinance making the amendments from Section 1 of this resolution, a section
25 shall order the following additions or changes to trainings provided to Albuquerque’s Police
26 Department as is deemed appropriate by the Office of Equity & Inclusion and the Police
27 Department:

- 28 (A) Recognizing crimes motivated by anti-senior bias, anti-transgender bias, anti-
29 homeless bias, and/or anti-veteran bias; and
- 30 (B) Cultural Fluency for serving LGBTQ+ populations; and
- 31 (C) Cultural Humility for interacting with people who are unhoused.

32 **Section 3.** In the ordinance making the amendments from Sections 1 and 2 of this resolution, a
33 section shall order the appropriate and effective method for APD to report statistics relating to
34 hate crimes with relevant state and federal law enforcement agencies.

35 **Section 4. Administrative Instructions.** This resolution is to be signed and published on the
36 webpage for the Board under the section titled “Recent Resolutions” within 10 calendar days of

1 the resolution being adopted by the Board and moved into the online archive by request of the
2 chairperson of the board.

3 **Section 5. *Compilation.*** This resolution shall be included in the “Recommendations” section of
4 the Board’s Report & Recommendations on the Rights of People Experiencing Homelessness to
5 be published and distributed on or by July 22, 2024.

6 **Section 6. *Severability*** If any section, paragraph, sentence clause, word, or phrase of this
7 resolution is for any reason held to be invalid or unenforceable by any court of competent
8 jurisdiction, such a decision shall not affect the validity of the remaining provisions of this
9 resolution. The Board hereby declares that it would have passed this resolution and each section
10 paragraph sentence clause word or phrase of this resolution irrespective of any provision being
11 declared invalid or unenforceable.

12

CITY OF ALBUQUERQUE
HUMAN RIGHTS BOARD
Proposal RESOLUTION No. 2024-05

--

Recommending a Homeless Rights Ordinance; and making additional recommendations relating to the City’s approach to homelessness.

--

WHEREAS, the United States Census Bureau estimates that 16.5% of the population of Albuquerque lives in poverty; and

WHEREAS, the most recent Point in Time Count likely underestimates the total number of people experiencing homelessness in Albuquerque as being at least 2,394 in 2023, though experts believe the number to be much higher; and

WHEREAS, people experiencing homelessness often lack the resources necessary to effectively advocate for their needs in local government; and

WHEREAS, the rights of all people’s of Albuquerque should be considered in every decision at every level of government; and

WHEREAS, the participation in policy making is severely limited by the circumstances that most often accompany poverty; and

WHEREAS, the Albuquerque Human Rights Board has worked tirelessly over the last 50 years to preserve and protect the rights of every resident of Albuquerque; and

WHEREAS, the Albuquerque Human Rights Board recognizes the profound disparity between people who live in poverty and people who do not; and

WHEREAS, homelessness and poverty are not the consequences of solely one’s actions, but primarily the consequences of generational poverty, systemic failures both intentional and unintentional, institutional racism, sexism, ablism and similarly unjust forms of prejudice; and

WHEREAS, the City of Albuquerque Human Rights Board is tasked by §11-3-5 (F) of the HRO to review passed legislation and make recommendations in the areas of Human Rights; and

WHEREAS, the City of Albuquerque (“City”) offers waste collection bins to businesses and residents within the city limits; and

WHEREAS, people who are experiencing homelessness still require equitable access to waste collection systems; and

1 **WHEREAS**, the City’s housed residents and business owners frequently report the waste
2 being created by encampments where people experiencing homelessness rest on public property
3 creates an unpleasant environment for all people housed or unhoused in the surrounding area;
4 and

5 **WHEREAS**, the City’s constant efforts to “sweep” encampments are subject to public
6 scrutiny as being expensive, inefficient, inhumane, cruel, unusual, unproductive, traumatizing,
7 criminal activities that worsen already existing hostilities between the residents and the people
8 experiencing homelessness, the people experiencing homelessness and their government, and the
9 residents and their government; and

10 **WHEREAS**, a single public garbage receptacle is an inexpensive solution to remedy the
11 problems rooted in a desire to keep Albuquerque Beautiful; and

12 **WHEREAS**, The Albuquerque Human Rights Board held a public hearing pursuant to
13 the §11-3-5 and §11-3-9 of the Albuquerque Human Rights Ordinance on June 22, 2024 on the
14 subject of Anti-Homeless Sentiment and Discrimination Based on Housing Status; and

15 **WHEREAS**, The Albuquerque Human Rights Board adopted HRB Resolution No. 2024-
16 01 relating to the rights of people experiencing homelessness in Albuquerque on February 15th,
17 2024 during its regularly monthly meeting; and

18 **WHEREAS**, in the time between February 15th, 2024 and June 22nd, 2024, the
19 Albuquerque Human Rights Board heard reports of four urns containing the human remains of
20 someone’s loved one being destroyed by Albuquerque’s Solid Waste Department during
21 encampment closures where the owners of the urns were not provided advanced notice of the
22 closure; and

23 **WHEREAS**, once an urn containing ashes of human remains is destroyed, its contents
24 can never meaningfully be considered whole again; and

25 **WHEREAS**, one urn contained the remains of a man’s daughter, another contained the
26 human remains of a woman’s father, and two contained each of a woman’s parents; and

27 **WHEREAS**, no person, regardless of their housing status, deserves to lose their child nor
28 their parent nor both their parents for a second time; and

29 **WHEREAS**, the Chair of the Albuquerque Human Rights Board has been researching
30 the subject of homelessness, the rights of people experiencing homelessness, the structure of
31 Albuquerque’s government as it related to the people of Albuquerque, the County of Bernalillo,

1 the State of New Mexico, and the United States of America from January 1st, 2024 through the
2 adoption of this resolution; and

3 **WHEREAS**, the Albuquerque Human Rights Board Subcommittee on Research,
4 Investigation, and Policy has thoroughly reviewed the findings of the research by the Board’s
5 Chair; and

6 **WHEREAS**, the Albuquerque Human Rights Board’s 2023 Subcommittee on Mental
7 Health recommended the Board’s action on the rights of people experiencing homelessness in
8 Albuquerque in November of 2023 that resulted in the passage of the Board’s Resolution 2024-
9 01 in February of 2024; and

10 **WHEREAS**, the Board has heard numerous egregious reports of irreparable breaches of
11 trust from the City of Albuquerque against members of the public who are experiencing
12 homelessness or were at the time of the reported incident from advocates calling for the adoption
13 of substantial legislation to prevent the reoccurrence of similar breaches of trust by the City; and

14 **WHEREAS**, 2024 is the 75th year following the adoption of The Universal Declaration
15 of Human Rights, (UDHR) by the United Nations; and

16 **WHEREAS**, the UDHR states in its first article that “all human beings are born free and
17 equal in dignity and rights [as] they are endowed with reason and conscience and should act
18 towards one another in a spirit of [kinship]”; and

19 **WHEREAS**, the UDHR states in its fifth article that “no one shall be subjected to torture
20 or to cruel, inhuman or degrading treatment or punishment”; and

21 **WHEREAS**, the UDHR states in its sixth article that “everyone has the right to
22 recognition everywhere as a person before the law”; and

23 **WHEREAS**, the UDHR states in its ninth article that “no one shall be subjected to
24 arbitrary arrest, detention or exile”; and

25 **WHEREAS**, the UDHR states in its seventeenth article that “everyone has the right to
26 own property alone as well as in association with others”, and that “No one shall be arbitrarily
27 deprived of [their] property”; and

28 **WHEREAS**, the UDHR states that “Everyone has the right to rest and leisure”; and

29 **WHEREAS**, the City of Albuquerque Human Rights Board, the governing body of the
30 Office of Civil Rights, is committed to preserving, protecting, and promoting human rights and

1 human dignity by utilizing the powers granted in the City of Albuquerque’s Human Rights
2 Ordinance; and

3 **WHEREAS**, the Albuquerque Human Rights Board is tasked to “Promote mutual trust,
4 understanding and respect among the citizens of the Albuquerque community and between the
5 citizens and their governmental agencies” by the Albuquerque Human Rights Ordinance in §11-
6 3-4 (E) (1) of the City Code of Ordinances; and

7 **WHEREAS**, the Albuquerque Human Rights Board is tasked with protecting and
8 promoting equality of access to public goods and services in order to assure public safety, public
9 health, and general welfare pursuant to Article VIII of the Albuquerque City Charter. ('74 Code, §
10 12-3-2) (Ord. 106-1973; Am. Ord. 2022-023); and

11 **WHEREAS**, the Albuquerque Human Rights Board is ordered to “make
12 recommendations to the City Council based upon its findings concerning problems occasioned
13 by prejudice and discrimination in all fields of human relations and recommend corrective action
14 to aid in carrying out the purposes of [the article VIII of the Albuquerque City Charter]”; and

15 **WHEREAS**, the Albuquerque Human Rights Board recognizes the disproportionate
16 representation of members of other marginalized identities and demographics present in the
17 unhoused population; and

18 **WHEREAS**, the Albuquerque Human Rights Board recognizes that homelessness is not
19 merely a lack of physical housing, but is also a loss of family, community, and a sense of
20 belonging representative of a failure of multiple systems that are supposed to enable people to
21 benefit from economic growth and lead a safe and decent life; and

22 **WHEREAS**, the Albuquerque Human Rights Board agrees with the United Nations in
23 stating that homelessness is one of the crudest manifestations of poverty, inequality, and housing
24 affordability challenges in that it affects people of all ages, genders, and socioeconomic
25 background and is a gross violation of the rights to adequate housing, to personal security, to
26 health, and to protection of the home and family; and

27 **WHEREAS**, the City of Albuquerque is committed to building One Albuquerque, a
28 diverse and caring community of good neighbors who are proud of its legacy, committed to
29 racial equity, and inclusive of our diverse communities.

30 **NOW THEREFORE BE IT RESOLVED BY THE ALBUQUERQUE HUMAN**
31 **RIGHTS BOARD**, the governing body of the Office of Civil Rights, that:

1 **Section 1. Homeless Rights Ordinance.** The Board hereby recommends that the City Council to
2 adopt the attached Homeless Rights Ordinance, found in Attachment A: Sample Ordinance.

3 **Section 2. Reaffirmation of Initial Recommendations.** The Board hereby reaffirms the initial
4 recommendations found in the Board’s Resolution No. 2024-01 which recommend that:

5 (A) All departments, divisions, and bureaus of the City of Albuquerque cease the practice of
6 no-notice encampment closures as the practice initiates distrust, tension, and hostility
7 toward all government agencies, is indistinguishable from theft, and violates the
8 autonomy, dignity, and rights of people experiencing homelessness; and

9 (B) The City of Albuquerque reassess contracts with all providers of emergency shelter with
10 attention paid toward the quality of service, consistency of service, and safety of the
11 residents, their pets, and belongings; and

12 (C) HHH offer space and facilitation of public listening sessions with attendance required of
13 assigned representations from the city and shelter service providers where executive
14 leadership representatives from shelter service providers and leadership representing the
15 City of Albuquerque would hear comments and concerns from residents of shelters
16 within the city.

17 (D) The Council amend or repeal any passed legislation that allows for the immediate
18 destruction of private property at the discretion of a city employee or contractor so that
19 that destruction is no longer allowed.

20 **Section 3. Additional Recommendations.** The Board hereby recommends that the City implement
21 programs such as those found in Attachment B: Additional Recommendations on the Rights of
22 People Experiencing Homelessness.

23 **Section 4. Administrative Instructions.** This resolution is to be signed and published on the
24 webpage for the Board under the section titled “Recent Resolutions” within 10 calendar days of
25 the resolution being adopted by the Board and moved into the online archive by request of the
26 chairperson of the board.

27 **Section 5. Compilation.** This resolution shall be included in the “Recommendations” section of
28 the Board’s Report & Recommendations on the Rights of People Experiencing Homelessness to
29 be published and distributed on or by July 22, 2024.

30 **Section 6. Distribution.** The Board hereby approves the Report & Recommendations on the
31 Rights of People Experiencing Homelessness and all contents therein for publication on the
32 Board’s webpage on July 24, 2024 and distribution via electronic communication to the Mayor,
33 City Council President, and Council Members

34 (A) The Report shall be assembled in the following order: EC-2024-01, Cover, Preface, Part I
35 (HRB R-2024, Progress Report, Actions on Encampments), Part II (Notice of Public

1 Hearing in English, Spanish, and Vietnamese, Minutes from the Hearing, Verbatim
2 Transcripts, Other documents relating to the hearing), Part III (Research), Part IV (HRB
3 Resolution No. 2024-04, HRB Resolution No. 2024-05 with Attachments A & B, HRB
4 OC-2024-01, HRB OC-2024-02), and then lastly, acknowledgements.

5 **Section 7. Severability** If any section, paragraph, sentence, clause, word, or phrase of this
6 resolution is for any reason held to be invalid or unenforceable by any court of competent
7 jurisdiction, such a decision shall not affect the validity of the remaining provisions of this
8 resolution. The Board hereby declares that it would have passed this resolution and each section
9 paragraph, sentence, clause, word, or phrase of this resolution irrespective of any provision being
10 declared invalid or unenforceable.

11

SAMPLE ORDINANCE

CREATING A NEW ARTICLE 15 IN CHAPTER 11 OF ORDINANCES TO BE KNOWN AS THE “HOMELESS RIGHTS ORDINANCE”.

WHEREAS, the homelessness is not merely a lack of physical housing, but is also a loss of family, community, and a sense of belonging representative of a failure of multiple systems that are supposed to enable people to benefit from economic growth and lead a safe and decent life; and

WHEREAS, the United Nations has found that homelessness is one of the crudest manifestations of poverty, inequality, and housing affordability challenges in that it affects people of all ages, genders, and socioeconomic background and is a gross violation of the rights to adequate housing, to personal security, to health, and to protection of the home and family; and

WHEREAS, the City of Albuquerque is experiencing a housing crisis and thousands of people including families, children, and individuals are currently experiencing homelessness in the city; and

WHEREAS, the loss of stable housing does not mean the loss of one’s human rights; and

WHEREAS, increases in homelessness cannot be managed effectively by diverting people experiencing homelessness into the incarceration system which is already overcrowded; and

WHEREAS, people experiencing homelessness deserve recognition as peers regardless of their housing status; and

WHEREAS, the City of Albuquerque is cannot fulfill its commitment to building One Albuquerque, a diverse and caring community of good neighbors who are proud of its legacy, committed to racial equity, and inclusive of our diverse communities so long as people experiencing homelessness or other forms of poverty are excluded; and

WHEREAS, autonomy, dignity, trust, community, opportunity, respect, and empowerment foster altruism, responsibility, and hope in the people receiving such treatment; and

WHEREAS, homelessness will persist for the foreseeable future; and

WHEREAS, people experiencing homelessness now and in the future deserve to be treated as equal to people not experiencing homelessness in the eyes of the law; and

WHEREAS the Albuquerque Human Rights Board has recommended that the Council Adopt a Homeless Rights Ordinance first in February 2024 and then again in July 2024; and

...

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

1 SECTION 1. Chapter 11, Article 15 of the Revised Ordinances of Albuquerque
2 hereby enacted as follows:

3 **[CHAPTER 11. ARTICLE 15. HOMELESS RIGHTS ORDINANCE**

4 **§11-15-1. SHORT TITLE.**

5 This article shall be known and may be cited as the “Homeless Rights
6 Ordinance.”

7 **§11-15-2. PURPOSE.**

8 The purpose of this article is to:

- 9 (A) Preserve the legal and human rights of persons who are experiencing
10 poverty including those experiencing homelessness; and
11 (B) Preserve the rights of all persons who are experiencing poverty including
12 those experiencing homelessness from exclusion from meaningful
13 participation in their local government; and
14 (C) Seek to end exclusion based on one’s actual or perceived economic status
15 including, but not limited to the following fields:

- 16 1) Commercial;
17 2) Medical;
18 3) Governmental;
19 4) Public; and
20 5) Societal

21 **§11-15-3. DEFINITIONS.**

22 **ACTUAL OR PERCEIVED ECONOMIC STATUS.** The perception or
23 designation of someone as living in poverty and/or experiencing
24 homelessness, regardless of the cause of such circumstances, regardless
25 of the actual economic circumstances of that person.

26 **COMMITTEE.** The Homelessness & Poverty Advocacy Committee,
27 abbreviated as “HPAC”.

28 **COMMERCIAL SPACE.** Any space in a building, structure, or portion
29 thereof, which is used or occupied or intended to be occupied for the
30 manufacture, sale, resale, processing, reprocessing, displaying, storing,
31 handling, garaging, or distribution of personal property; and any space
32 which is used or occupied as a separate business or professional unit or
33 office in any building, structure, or portion thereof.

34 **EXCLUSION.** The lack of access of a person to meaningfully participate in a
35 common element of society. of an act, policy, procedure, design, plan,
36 function, or decision

37 **HOMELESSNESS.** Is defined by the the US Department of Housing and
38 Urban Development and is used to describe both being unhoused and
39 experiencing homelessness

1 **PERSON. One or more individuals, a partnership, association, organization,**
2 **corporation, joint venture, legal representative, trustee, receiver,**
3 **cooperative, or the city and any governmental unit created and/or**
4 **sponsored by the city.**

5 **POVERTY. Is defined by the US Department of Health & Human Services**
6 **Poverty Guideline and may be subject to change from time to time.**

7 **RECENT LIVED EXPERIENCE OF HOMELESSNESS. Any person who is**
8 **currently unhoused as defined by the US Department of Housing and**
9 **Urban Development or who has at some point in the five years prior to**
10 **being appointed to the committee met that definition of unhoused.**

11 **RECENT LIVED EXPERIENCE OF POVERTY. Any person who is currently**
12 **living in poverty as determined by the by the US Department of Health &**
13 **Human Services Poverty Guidelines; or who is a member of a household**
14 **that by that same definition is classified as living in poverty; or who has at**
15 **some point in the five years prior to being appointed to the committee**
16 **personally met that criteria; or who was a member of a household that by**
17 **those same guidelines been classified as living in poverty for at least one**
18 **continuous year within the five years prior to being appointed to the**
19 **committee.**

20 **RECENT RESIDENT OF A SHELTER. Any person with recent lived**
21 **experience of homelessness who during their time spent unhoused spent**
22 **at least five consecutive days in an overnight shelter.**

23 **§11-15-4. HOMELESSNESS & POVERTY ADVOCACY COMMITTEE.**

24 (A) **There is hereby created the Human Rights Board of the city,**
25 **consisting of seven members, all of whom shall be inhabitants of the**
26 **city.**

27 (B) **3 members shall be named by the Mayor with the consent of the City**
28 **Council to fulfill the following positions:**

- 29 (1) **Person with recent lived experience of homelessness; and**
30 (2) **Person with recent lived experience of poverty; and**
31 (3) **Social worker or case manager.**

32 (C) **4 members shall be named by the Office of Health, Housing, and**
33 **Homelessness with the consent of the council to fulfill the following**
34 **positions:**

- 35 (1) **Two Day Laborers of the HHH Day Labor Program; and**
36 (2) **Recent Resident of a Shelter; and**
37 (3) **Person with recent lived experience of poverty.**

38 (D) **4 members shall constitute a quorum of the committee for the**
39 **purpose of conducting HPAC business.**

1 **(E) Each member shall serve no more than two full terms consecutively**
2 **after serving the remainder of the vacant term that they fill.**

3 **(F) Terms begin on January 1st beginning the year, and each term ends**
4 **on the last calendar day of the 3rd year.**

5 **(G) The Council appointed social worker or case manager shall not:**

6 **a. be a member of a board of directors;**

7 **b. be a member of executive leadership at any organization that is**
8 **funded by the City of Albuquerque; and**

9 **c. vote on matters before the committee that presents a conflict of**
10 **interest.**

11 **d. No member shall be an employee of the city of Albuquerque, nor**
12 **have a family member who is employed by the city of**
13 **Albuquerque.**

14 **§11-15-5. POWERS & DUTIES OF THE COMMITTEE.**

15 **The Homelessness & Poverty Advocacy Committee shall:**

16 **(A) Set such rules and regulations as are necessary for the operation of**
17 **the Board.**

18 **(B) Use its best efforts to endeavor that all citizens may enjoy their rights**
19 **and pursue their opportunities on an equal basis without**
20 **discrimination as to homelessness or poverty by:**

21 **(1) Monitoring all programs of the city that serve people**
22 **experiencing homelessness such as shelters, supportive**
23 **housing programs, temporary labor programs, and similar**
24 **programs; and**

25 **(2) Providing review of all existing and proposed ordinances and**
26 **policies which relate to the purpose of this article; and**

27 **(3) Reviewing all city policies and make recommendations for**
28 **changes that improve the conditions of homelessness or**
29 **efficacy in homelessness service; and**

30 **(4) Holding public meetings at least every quarter to discuss**
31 **matters relevant to the purpose of this article; and**

32 **(5) Referring any complaints of unlawful discrimination as**
33 **defined in §11-3-7 to the Human Rights Board and the Office**
34 **of Civil Rights.**

35 **(6) Working with government agencies to improve trainings that**
36 **relate to homeless services, law enforcement and security**
37 **interactions with people experiencing homelessness, and in**
38 **cultural humility trainings for people working with people**
39 **experiencing homelessness and people living in poverty.**

- 1 **(A) Make recommendations to the Mayor and to City Council based on**
2 **its findings concerning problems occasioned by prejudice or**
3 **discrimination based on homelessness and poverty in all human**
4 **fields and recommend corrective action to aid in carrying out the**
5 **purposes of this article.**
- 6 **(B) Submit annually a written report of its activities and an evaluation of**
7 **the effectiveness of this article to the City Council and Mayor with**
8 **recommendations for changes.**
- 9 **(C) Ensure that all people in this city are guaranteed the right to rest, the**
10 **right to access public or commercial space, and the right to own**
11 **personal property that will not be destroyed by a public employee.**

12 **§11-15-6. ADMINISTRATIVE RESPONSIBILITIES.**

13 **The Chief Administrative Officer, or their designee, shall:**

- 14 **(A) Instruct the Director of Health, Housing, and Homelessness to assign**
15 **administrative staff who shall be responsible for:**
 - 16 **(1) Coordinating the Committee to aid in carrying out the purpose**
17 **of this article; and**
 - 18 **(2) Providing reasonable administrative support under the**
19 **direction of the Chair of the Committee or with consent of 4 of**
20 **the committee members to aid in carrying out the purpose of**
21 **this article.**
- 22 **(B) Make available, so far as practicable, the services of all city and city-**
23 **related departments and agencies to the Committee for the purpose**
24 **of carrying out the function herein stated, including the provisions of**
25 **information in the possession of such department or agency when**
26 **the Committee, after consultation with the Chief Administrative**
27 **Officer, so requests.**
- 28 **(C) Instruct the City Attorney to assign counsel to assist the Committee**
29 **in the performance of its functions and make such other**
30 **administrative arrangements as are normal and necessary for the**
31 **functioning of the Committee.**
- 32 **(D) Make their best effort to ensure that vacant seats are filled in a timely**
33 **manner.”**

34 **Section 2. SEVERABILITY CLAUSE. If any section, paragraph, word or phrase of**
35 **this ordinance is for any reason held to be invalid or unenforceable by any court**
36 **of competent jurisdiction, such decision shall not affect the validity of the**
37 **remaining provisions of this ordinance. The Council hereby declares that it would**
38 **have passed this ordinance and each section, paragraph, sentence, clause, word**

1 **or phrase thereof irrespective of any provision being declared unconstitutional or**
2 **otherwise invalid.**

3 **Section 3. COMPILATION.** This ordinance shall be incorporated in and made part
4 **of the Revised Ordinances of Albuquerque, New Mexico, 1994**

5 **Section 4. EFFECTIVE DATE.** This Ordinance shall take effect five days after
6 **publication by title and general summary.**

CITY OF ALBUQUERQUE
HUMAN RIGHTS BOARD

DRAFT

REPORT & RECOMMENDATIONS
ON THE RIGHTS OF PEOPLE
EXPERIENCING HOMELESSNESS

**CITY OF ALBUQUERQUE
HUMAN RIGHTS BOARD**

--

Report & Recommendations
**On the Rights of People
Experiencing Homelessness**

--

**CITY OF ALBUQUERQUE
HUMAN RIGHTS BOARD**

Anami Dass (*Chair*)

Jack Champagne (*Vice Chair*)

Kathryn Boulton

Larry Hinojos Jr.

Kimberly Andujo

Samia Assed

Leticia Galvez-Trujillo

EXECUTIVE COMMITTEE

Anami Dass (*Chair*)

Jack Champagne (*Vice Chair*)

RESEARCH, INVESTIGATION, & POLICY

Kathryn Boulton (*Chair*)

Anami Dass

--

OFFICE OF CIVIL RIGHTS

Lisa Y. Schatz-Vance, *Board Attorney*

Mari Kempton, *Board Parliamentary Counsel*

Jennifer Lucero, *Paralegal & Notary*



July 22, 2024

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<https://www.cabq.gov/civilrights/human-rights-board/>

In Honor of
Pelatia Trujillo
(1980-2023)

Executive Director – D.O.P.E. Services
Health Promotion Specialist - Health Equity Council

“Just don’t stop coming around.”

DRAFT

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Disclaimer

The contents of this report are the work of members of the Albuquerque Human Rights Board, an advisory board established in 1974 by the Albuquerque Human Rights Ordinance (City Code of Ordinances §11-3) to ensure the City’s ordinance adequately fulfills its purpose as listed in Article VIII of the Albuquerque City Charter. The Board works closely with the Office of Civil Rights and the Office of Equity & Inclusion, which are both offices of Albuquerque’s Legal Department. This report in its entirety and each of its parts does not necessarily reflect the views, opinions, or perspectives of any department, division, or bureau of the City of Albuquerque, nor does it reflect the thoughts, views, opinions, intentions, or perspectives of any person(s) employed by the City of Albuquerque. Members of the Board are volunteers appointed by the Mayor’s Office with the consent of City Council and are subject to the rules & regulations of the city, the Human Rights Ordinance “HRO”, the Open Meetings Act (“OMA”), City Ordinances, City Instructions, and the Board’s own Rules and Regulations.



Certain sections, chapters, or parts of this report were edited with the use of Artificial Intelligence software, though each word was reviewed by a member of the board before presentation to the board for approval. Software includes Google AI’s Gemini™, Galaxy AI™, Microsoft Copilot™, ChatGPT™, and Otter.ai™.

Certain information has been removed from this report for individuals’ privacy. Where this report says [REDACTED] content is available through public records request with the City Clerk’s Office. Where this report says [UNKNOWN] (with the color of the word being inverted and placed over a black bloc) content is not available due this document being created with other sources wherein the content had already been redacted.

Content Warning

This report contains at times graphic imagery and descriptive language relating to the following subjects: homelessness, discrimination, injuries, poverty, violence, and similarly sensitive topics.

Glossary

ACS. Albuquerque Community Safety Division

ADA. the Americans with Disabilities Act

AFR. CABQ Fire & Rescue.

APD. Albuquerque Police Department

BernCo. Bernalillo County

BHI. BernCo's Behavioral Health Initiative

CABQ (or) **City**. The City of Albuquerque

Encampment Policy. The City of Albuquerque Policy for Responding to Encampments on Public Property from October 2021 (revised October 2022)

FCS. Family Community Services (Split into *HHH* & *YFS*). (CABQ Department)

HHH. Health, Housing, & Homelessness. (CABQ Department)

HRB. (or) "**Board**". Albuquerque Human Rights Board

HRO. Human Rights Ordinance (City Code of Ordinances Chapter 11, Article 3)

Homeless Rights Resolution. HRB Resolution Number 2024-01 (Adopted February 15, 2024) (Amended 2024)

MOU. Memorandum of Understanding (Type of Legal Agreement)

MDC. Metropolitan Detention Center. Bernalillo County's Local Jail.

MSD. Metro Security Division. (Division of the CABQ General Services Department)

November First Injunction (or) "**Injunction**". The preliminary injunction put in place by Judge Joshua Allison in Williams, et al. v. City of Albuquerque (No. D-202-CV-2022-07562) and the Memorandum Opinion and Order Modifying the Preliminary Injunction filed with the 2nd Judicial District Court on March 1st, 2024. **The injunction has been vacated as of May 17, 2024.**

OCR. Office of Civil Rights. (CABQ Department)

OEI. Office of Equity and Inclusion. (CABQ Department)

P&R. Parks & Recreation. (CABQ Department)

YFS. Office of Youth & Family Services. (CABQ Department)

OEM. Office of Emergency Management. (CABQ Department)

WEHC. Westside Emergency Housing Center (aka. "The Westside Shelter")

Letter from the Board Chair

July 12, 2024

To the Honorable Mayor,

To the Honorable Councilors, &

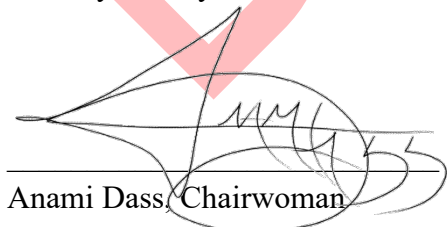
To whom it may concern,

It is my honor to present the Board's report on the Rights of People Experiencing Homelessness during the 50th year of the operation of the Albuquerque Human Rights Board. After being elected by the board to serve as chair for the year of 2024, I began writing what became the Board's first Homeless Rights Resolution, R-2024-01, which was adopted by the board this February. The resolution made preliminary recommendations for improving the relationship between the city and its unhoused/unsheltered residents. The resolution also called for a public hearing on the subject, which was held on June 22, 2024. This report & its recommendations are required by the Albuquerque Human Rights Ordinance, and the Board has approved additional research on the subject.

I am incredibly thankful to the members who approved the original resolution, the board members who volunteered their time to attend the public hearing, and to the board members who contributed to this report beyond just approval. As the youngest chair of the Board's 50-year history, I am additionally grateful to have the opportunity lead a team of such impressive and accomplished community leaders, including all of the members of the board and all of the staff members of the Office of Civil Rights be they former, interim, and current.

When I was first appointed to the board in March of 2023, I was asked to provide a statement on my hopes and intentions as a Board member. I said, "As a person with lived experience [of] homelessness, I hope to amplify the voices of those of us who are currently unhoused in Albuquerque." I believe that this report succeeds in that regard, but just to be safe, I will include a list of direct quotes from people experiencing homelessness and community advocates who I spoke with in the 9 months prior to publication.

Thank you for your consideration,



Anami Dass, Chairwoman

Albuquerque Human Rights Board

*“A lot of us that were there are more than friends;
More than just ‘people that lived in the same camp’. We’re like family...”*

– Amanda R.

*“There’s times I don’t know what to do. Sometimes I feel like giving up.
But I keep on doing it because I have my kids I want to go home to.”*

-Aaron E.

*“It’s what little bit that we have; that’s ours.
Some of it’s very sentimental, and we can’t get it back, just like ashes.”*

- Bonnie R.

“It’s really heavy outside, man.”

- Henry W.

“Please, keep your heads up.”

- Mo A.

*“[My cousin] got run over, and nobody said his name twice the next day. It scared me.
It made me realize that we did not know how to grieve.”*

- Andrew R.

*“They look at the way I look; the way I behave; the words I’m speaking; my mannerisms; my
attitude; how I smell, and they assume based on all of that, that I’m homeless; that I’m
dangerous; a criminal; that I can’t be trusted...”*

What they should assume is that I’m poor.”

- Levy F.

*“I am made to feel as though it is illegal to live.
I have been treated with a felony charge for pushing a shopping cart...”*

- Anonymous

“[Homelessness] is not a color barrier. It’s attacking everybody.

We gotta come together to figure this out and get over this”

- Thomas C.

*“Why did law makers even pass laws if they don’t have to follow it?
We have to follow every single law to the letter, or else we get arrested.
But the city gets to pretend that their own laws don’t even exist?”*

- Ricky A.

“Nobody deserves this.”

- Stormy

Part I: Background

“...homelessness is one of the crudest manifestations of poverty, inequality, and housing affordability challenges in that it affects people of all ages, genders, and socioeconomic background and is a gross violation of the rights to adequate housing, to personal security, to health, and to protection of the home and family...”

- United Nations Economic & Social Council (2019)

Sections

- **Progress Report on Initial Recommendations**
- **Actions on Encampments**
- **HRB Resolution No. 2024-01**

1.1 Progress Report on Initial Recommendations

The Homeless Rights Resolution (“HRR”) was adopted by the Albuquerque Human Rights Board on February 15, 2024. The HRR made recommendations to various departments and government entities, and each has made a separate level of progress in meeting these recommendations. The table below describes the recommendations, assigns the relevant department/entity, and describes the progress made by the city department.

Recommendation	Department(s)	Progress
End No-Notice Encampment Closures	All Departments	No Progress
Reassess City Shelter Contracts	City Purchasing & HHH	Some Progress
Shelter Resident Forum	HHH	No Progress
Nightly Shelter Headcount	HHH	Somewhat Achieved
Prohibition on Property Destruction	City Council & Legal	No Progress
Homeless Rights Ordinance	City Council	No Progress

Table 1.1a Progress on Initial Recommendations

1) No Notice Encampment Closures (see chapter 1.2)

- a. The practice of closing encampments with no notice is still in use consistently throughout the city. While some encampments are provided either 72 hour notice, or more often 24 hours’ notice, there have been significantly more reports of encampment closures that do not feature advanced notice.

2) Re-Assessment of Shelter Provider Contracts

- a. In February 2024, Heading Home announced that they would not be reapplying for the contract to operate the WEHC. The RFP was published initially to end by May 2024, but due to either a lack of applicants or a lack of viable candidates, the RFP was extended until filled, with Heading Home remaining as the providing contractor until a new contractor is selected, at which point their will likely be a transitional period until the new contractor is able to take over entirely.
- b. At the same time, the federal funding allocation process for homeless services was up for renewal through the city and all providers were asked to reapply for their respective funding managed by the city.
- c. During the announcement of the city’s new Young Adult Housing Navigation Center on May 31, 2024,¹ HHH Director Gilbert Ramirez, he responded “We’ve got partners here who actually been doing this a long time, and so as we’re designing the criteria and the intake, we’re really going to work with them to get the feedback as to what that is. Not only that, we’re in the stages now of looking

¹ One Albuquerque Media (2024) *New Young Adult Housing Navigation Center - May 31, 2024*
<https://www.youtube.com/watch?v=bP6NWeTIRSo>

and creating an operational RFP for who would be the best fit to operationalize this and give us that feedback... Our professionals are the ones who are going to tell us that and we are going to cater the RFP to them.”

- i. His statement indicates that the city will only communicate with providers regarding the policies that will be put in place for the center. The partner organizations are trusted to take in feedback from residents rather than the city itself.

3) **Shelter Resident Forum** –No indication of progress

4) **Nightly Shelter Resident Headcount**

The following table was compiled from the HHH Statistics page throughout 2024.²

	JAN	FEB	MAR	APR	MAY	2024 YTD	Monthly Avg.
Shelter Nightly Average*	829	799	877	865	766	4,136	827
Family Housing Vouchers	743	743	734	1,102	1,102	4,424	885
Interactions on Outreach	2,791	2,866	3,403	2,086	1,864	13,730	2,746
Actions on Encampments	1,067	1,148	1,296	706	665	4,882	976
Transportation to Shelter	410	215	247	275	74	1,221	244
Food Boxes	1,951	1,868	1,828	2,043	1,971	9,661	1,932
Prevention Assistance	122	114	74	139	35	484	244
Families Housed	5	6	34	45	61	151	30
Individuals Housed	6	13	20	31	40	110	22

Table 1.1b – HHH 2024 YTD Statistics

- a. In November of 2023, HHH began publishing an average for each month of total residents of the 4 city owned shelters: WEHC, Gateway, Family Navigation Center (formerly AOC) and a youth shelter. While this is not an accurate nightly headcount, the nightly average across these 3 shelters does provide increased insight as to the patterns and trends relating to homelessness.
- b. The four shelters being combined obfuscate the question of capacity at each shelter, and the does not address the shelters not operated by the city (such as Casa Q, New Day’s youth shelter, S.A.F.E. House, Barret Foundation, Good Shepard, Joy Junction, Amistad, Heading Home’s AOC, and Steelbridge.)

² Dass, Anami (2024) *HHH 2024 Statistics* <https://www.anamidass.org/advocacy/data-from-cabq/hhh>

5) Prohibition on Property Destruction during Encampment Closures

- a. One proposal to reduce the damage that the ongoing property destruction had on people's ability to survive by that has been mentioned providing purple fanny-packs to people experiencing homelessness for their most necessary items such as government ID's, medication, glasses, and family photos. The purple fanny packs would be recognizable to solid waste staff and would not be discarded during an encampment clearing where the person was not present to otherwise prevent that from happening. This concept has many potential issues including the following:
 - i. The purple bags would in a way mark someone as being unhoused, thus making identifying victims easier for people who are looking to harm unhoused folks, such as human traffickers, to identify potential victims.
 - ii. The small size of the fanny pack implies that the only items that the person has the right to possess are documents or small medical supplies. Housed people are allowed to own more than they can carry, but the provision of clearing-resistant fanny packs asserts that without access to personal storage, people are not allowed to own anything that is not physically on them.
 - iii. The policy of the city currently is that encampments are required to receive at least 24-hour notice before being cleared, and the city policy also requires the storage of any items that are cleared from a certain area if the owner is not present to claim the items at the time of the clearing. The owner is then meant to have 90 days to collect those items before they are to be auctioned off. If this policy were followed, the provision of the purple fanny packs would be unnecessary.

6) Homeless Rights Ordinance – No indication of Progress

1.2 - Actions on Encampments

The following tables reflect the monthly total “actions taken on illegal encampments” for the year.³ These actions include encampment closures with or without advanced notice.

In a disclaimer on the HHH statistics page,⁴ the city states, “*Actions on illegal camping: Actions included outreach and citations on public and private properties. The injunction allow[ed] the City to move illegal camps on public land if campers [were] blocking rights of way, are on school property, or in parks with children's programming. For all other public land, the city offers shelter beds and personal storage and if those offers are refused, a 72 hour notice to vacate is given. Campers are required to leave private property immediately upon owner's request or if no trespassing signs have been posted.”

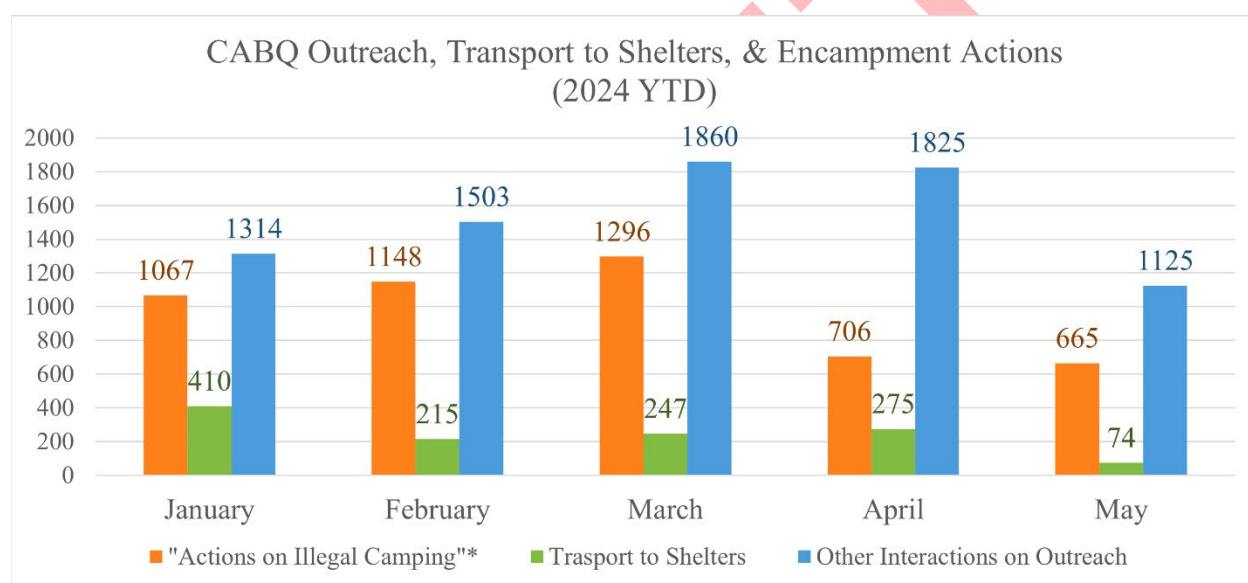


Figure 1.2a Actions on Encampments 2024-YTD

The discrepancy between the datapoints for Actions on camps and transport could be attributed to any number of factors. Transportation to shelters was accepted more in January, and lease (so far) in May. The common assumption was that during the colder months people who are experiencing homelessness are more likely to accept the offer because of the risks associated with hypothermia in the colder months. As for the general disinterest in transportation regardless

³ Dass, Anami (2024) CABQ Homeless Statistics Page Documentation
<https://www.anamidass.org/cabq-data/hhh-stats2024>

⁴ CABQ HHH (2024) *Homeless Statistics*
<https://www.cabq.gov/health-housing-homelessness/homelessness/homelessness-statistics>

of weather, the following quotes were responses given to the question, “If you choose not to utilize a shelter, why is that?” by people who were being “swept”.⁵

1. *“I have sensory processing disorder and autism which makes it difficult to be packed in to crowded, noisy environments without having panic attacks, or becoming non-verbal.”*
2. *“It is unsafe, the staff abuse us, and it is dirty.”*
3. *“I don’t want to get stabbed or treated like garbage. Those shelters are awful.”*
4. *“I’m scared of the shelter. They are full of diseases because they don’t clean stuff there.”*
5. *“I’ve been assaulted every time I’ve stayed there. Also, its gross.”*
6. *“Abuse & overcrowding mostly. There are thousands of us. We don’t fit.”*
7. *“My dog wasn’t able to stay calm.”*
8. *“They lose my stuff and provide terrible case management. They did not help me.”*
9. *“Those shelters are prone to theft. [I] gotta keep my eye on my stuff.”*
10. *“I’m in recovery, so my girlfriend and I don’t go to there so we can stay out of trouble.”*
11. *“They are overcrowded, infested, like- everyone there gets sick all the time.”*
12. *“6 months ago, the main security guard and two others [staff members at the WEHC] came into my pod and verbally abused me while they separated me from my wife. They escalated the situation and the largest guard put me in a headlock and banned me from WEHC and held my property while I waited for their bus.”*

The city’s shelters are in constant flux in terms of how many beds are available at any given time, but luckily advocates are willing to share updates amongst each other as they are discovered. In her affidavit filed along with dozens of reports of injunction violations, Christine Barber, Executive Director of As UR New Mexico, reports that when she contacted the WEHC to inquire about capacity in late 2023, she was informed that the shelter had, “180 beds for women, and 360 beds for men”, and that all of those beds were full during the winter months. Her calls with the Gateway Center, which at the time had an operating men’s shelter as well, stated that there was a 50-person-long waitlist for the men’s and the women’s shelters. The men’s shelter at the time was reported to have had 35 beds and the women’s at the time was reported to

⁵ These Reports were taken between November 1, 2023 and April 1, 2024

have 50.⁶ The Family Housing Navigation Center claimed in early 2023 to house an average of 65 families at any given time (presumably 120 children and 100 adults).⁷

Lastly, Ms. Barber describes the ways in which shelter is offered on the occasion that it is offered during an encampment clearing.

“APD officers and other city employees sweep encampments daily. I have personally witnessed a number of these displacements, including several after this Court’s injunction took effect on November 1, 2023. Sometimes, officers and city employees just tell people to move without providing any other suggestions for available shelter. On other occasions, officers tell people that beds are generally available at the WEHC or at the Gateway Center without checking availability, assessing whether a bed is actually suitable for the person, or offering to arrange any transportation to those facilities.”

Though other shelters are operating to serve the unhoused population in the city, Albuquerque’s shelter system is unable to meet half of the reported need. The lack of beds could also account for the lack of transportation being accepted by people who are being swept. HHH has claimed that Gateway will have 500 beds available by 2025.⁸

	Men	Women	Youth	Total
WEHC	360	180	-	540
Gateway Center	*35	50	-	85
Family Navigation Center (65 Families - avg size of 2.5)	30	60	73	163
Youth Shelter	-	-	6	6
Total	425	290	79	794
<i>Point in Time Count (Unhoused + Unsheltered)</i>	<i>>1300</i>	<i>>700</i>	<i>>250</i>	<i>>2250</i>

Table 1.2a Shelter Bed Availability Estimates

Additional Reading on Shelter Concerns:

- [Disability Rights NM Investigates a Death at the Westside Emergency Housing Center](#)
- [Deaths at the Westside Shelter are Increasing – City Desk ABQ](#)

More Information on Encampment Closures

- [Section 3.6](#)

⁶ CABQ HHH (2023) *Winter Shelter Opens at Gateway* <https://www.cabq.gov/health-housing-homelessness/news/winter-shelter-opens-at-gateway>

⁷ CABQ FCS (2023) *Hundreds of Families Connected to Permanent Housing* <https://www.cabq.gov/family/news/hundreds-of-families-connected-to-permanent-housing>

⁸ CABQ Mayor Keller (2021) *City of Albuquerque Acquires Gibson Medical Center, Cornerstone of Gateway Shelter Network* <https://www.cabq.gov/mayor/news/city-of-albuquerque-acquires-gibson-medical-center-cornerstone-of-gateway-shelter-network-1>

**CITY OF ALBUQUERQUE
HUMAN RIGHTS BOARD**

Resolution No. 2024-01

--

RECOMMENDATIONS FOR REBUILDING TRUST BETWEEN PEOPLE EXPERIENCING
HOMELESSNESS AND ALBUQUERQUE’S CITY GOVERNMENT

-

WHEREAS, 2024 is the 75th year following the adoption of The Universal Declaration of Human Rights⁹, (UDHR) by the United Nations; and

WHEREAS, the UDHR states in its first article that “all human beings are born free and equal in dignity and rights [as] they are endowed with reason and conscience and should act towards one another in a spirit of [kinship]”; and

WHEREAS, the UDHR states in its fifth article that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”; and

WHEREAS, the UDHR states in its sixth article that “everyone has the right to recognition everywhere as a person before the law”; and

WHEREAS, the UDHR states in its ninth article that “no one shall be subjected to arbitrary arrest, detention or exile”; and

WHEREAS, the UDHR states in its seventeenth article that “everyone has the right to own property alone as well as in association with others”, and that “No one shall be arbitrarily deprived of [their] property”; and

WHEREAS, the UDHR states that “Everyone has the right to rest and leisure”; and

WHEREAS, the City of Albuquerque Human Rights Board, the governing body of the Office of Civil Rights, is committed to preserving, protecting, and promoting human rights and human dignity by utilizing the powers granted in the City of Albuquerque’s Human Rights Ordinance¹⁰; and

WHEREAS, the City of Albuquerque Human Rights Board is tasked with reviewing, administering, and enforcing proposed and existing legislation regarding the Human Rights Ordinance along with making recommendations to ensure that all persons are free from discrimination; and

⁹ United Nations, *Universal Declaration of Human Rights* (1950) (Am. 2021)

<https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf>

¹⁰ City of Albuquerque, *Human Rights Ordinance* (‘74 Code) (Ord. 106- 1973; Am. Ord. 2021-001; Am. Ord. 2022-023), <https://www.cabq.gov/civilrights/documents/abq-hro.pdf>

WHEREAS, the Albuquerque Human Rights Board is tasked with protecting and promoting equality of access to public goods and services in order to assure public safety, public health, and general welfare pursuant to Article VIII of the Albuquerque City Charter. ('74 Code, § 12-3-2) (Ord. 106-1973; Am. Ord. 2022-023); and

WHEREAS, the Albuquerque Human Rights Board is ordered to use its best efforts to promote trust, understanding, and respect among the citizens of the Albuquerque community and between the citizens and their government; and

WHEREAS, the Albuquerque Human Rights Board is ordered to “make recommendations to the City Council based upon its findings concerning problems occasioned by prejudice and discrimination in all fields of human relations and recommend corrective action to aid in carrying out the purposes of [the article VIII of the Albuquerque City Charter]”; and

WHEREAS, The New Mexico Coalition to End Homelessness’s 2023 Point-in-Time Survey reported 2,394 people are experiencing homelessness in the City of Albuquerque¹¹, and therefore the Albuquerque Human Rights Board recognizes the Community of Albuquerque includes people who are without shelter or who are without stable housing; and

WHEREAS, the Albuquerque Human Rights Board recognizes the disproportionate representation of members of other marginalized identities and demographics present in the unhoused population¹²; and

WHEREAS, the Albuquerque Human Rights Board recognizes that homelessness is not merely a lack of physical housing, but is also a loss of family, community, and a sense of belonging representative of a failure of multiple systems that are supposed to enable people to benefit from economic growth and lead a safe and decent life¹³; and

WHEREAS, the Albuquerque Human Rights Board agrees with the United Nations in stating that homelessness is one of the crudest manifestations of poverty, inequality, and housing affordability challenges in that it affects people of all ages, genders, and socioeconomic background and is a gross violation of the rights to adequate housing, to personal security, to health, and to protection of the home and family; and

¹¹ NM Coalition to End Homelessness, *Point in Time Count* (2023), https://www.nmceh.org/files/ugd/ad7ad8_b97469cdf6494cdd87126009b732d1db.pdf

¹² City of Albuquerque Family & Community Services, *Changing the Story of Albuquerque’s Homelessness & Behavioral Health System* (2019) <https://www.cabq.gov/health-housing-homelessness/documents/changing-the-story-11-5-19.pdf>

¹³ United Nations Economic & Social Council, *Affordable Housing & Social Protection Systems for All to Address Homelessness* (2019) <https://digitallibrary.un.org/record/3840349?ln=en>

WHEREAS, the City of Albuquerque is committed to building One Albuquerque, a diverse and caring community of good neighbors who are proud of its legacy, committed to racial equity, and inclusive of our diverse communities¹⁴;

Whereas, The City of Albuquerque Human Rights Board hereby uses the definition that United States Department of Housing and Urban Development (“HUD”) established in the 2011 Homeless Emergency Assistance and Rapid Transition to Housing (“HEARTH”) Homeless Definition Final Rule, FR-5333-F-02,¹⁵ which states that a “person experiencing homelessness” can be categorized into one or more of the following groups: “Individual(s) and families who lack a fixed, regular, and adequate nighttime residence and includes a subset for an individual who resided in an emergency shelter or a place not meant for human habitation and who is exiting an institution where [they] temporarily resided”, “Individual(s) and families who will imminently lose their primary nighttime residence”, “unaccompanied youth and families with child(ren) and youth who are defined as homeless under other federal statutes who do not otherwise qualify as homeless under this definition”, and “individual(s) and families who are fleeing, or are attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual(s) or a family member.”

NOW, THEREFORE, BE IT RESOLVED by the City of Albuquerque Human Rights Board, the governing body of the City’s Office of Civil Rights, that:

Section 1. All departments, divisions, and bureaus of the City of Albuquerque cease the practice of no-notice encampment closures¹⁶ as the practice initiates distrust, tension, and hostility toward all government agencies¹⁷, is indistinguishable from theft¹⁸, and violates the autonomy, dignity¹⁹, and rights of people experiencing homelessness.⁴

Section 2. The City of Albuquerque reassess contracts with all providers of emergency shelter with attention paid toward the quality of service, consistency of service, and safety of the residents, their pets, and belongings.¹¹ Suggestions for improving services at shelters may include but would not be limited to;

¹⁴ Mayor Timothy Keller, *EC-18-111: Human Rights Day Proclamation* (2018)

<https://www.cabq.gov/office-of-equity-inclusion/documents/18-111-human-rights-day.pdf>

¹⁵ HEARTH, *FR-5333-F-02 Homeless Definition Final Rule* (2011)

<https://www.govinfo.gov/content/pkg/FR-2011-12-05/pdf/2011-30942.pdf>

¹⁶ State of New Mexico County of Bernalillo Second Judicial District Court, *Memorandum Opinion and Order Granting in Part Plaintiff’s Motion for Preliminary Injunction* (2023)

https://sourcennm.com/wp-content/uploads/2023/12/DocumentFragment_54008029-3.pdf

¹⁷ Chang, Riley, Aquirre, Lin, Corwin, Nelson, & Rodriguez, *Harm of Encampment Abatements on the Health of Unhoused People* (2022) SSM – Qualitative Research in Health Vol 2 <https://doi.org/10.1016/j.ssmqr.2022.100064>

¹⁸ United Nations Human Rights Office of the High Commissioner, *Forced Evictions Fact Sheet No. 25 Rev. 1* (2014) <https://www.ohchr.org/sites/default/files/Documents/Publications/FS25.Rev.1.pdf>

¹⁹ National Healthcare for the Homeless, *Impact of Encampment Sweeps on People Experiencing Homelessness* (2022) <https://nhchc.org/wp-content/uploads/2022/12/NHCHC-encampment-sweeps-issue-brief-12-22.pdf>

- A) Reporting an accurate nightly headcount and publishing the number of residents each week on the relevant page of the City Housing and Homelessness Department webpage.²⁰
- B) Offering space and facilitating public listening sessions where executive leadership representatives from shelter service providers and leadership representing the City of Albuquerque would hear comments and concerns from residents of shelters within the city.²¹
 - i. The City should require the attendance of its assigned representatives.
 - ii. The City should require the attendance representatives of all shelter service provider’s representatives.

Section 3. The Human Rights Board recommends that the City Council amend or repeal any passed legislation that allows for the immediate destruction of private property at the discretion of a City employee or contractor so that that destruction is no longer allowed.

Section 4. The City should draft and adopt a Homeless Rights Ordinance.

- A. This ordinance should guarantee the rights of all people to access affordable, sustainable, and adequate housing.
- B. This ordinance should allow the use of public space and ensure the human right to rest is accessible to all.
- C. This ordinance should require the provision of safe emergency shelter that is both free of discrimination and accessible by the standards set in the Americans With Disabilities Act of 1990²², and shelter free of staff abuse, theft, and neglect.

Section 5. The Human Rights Board shall hold a public hearing to listen to the concerns of the citizens of Albuquerque, with special interest in the concerns of people experiencing homelessness.

- A) The public hearing shall serve as part of an investigation into claims of intergroup hostility and tension between people experiencing homelessness and people without such experience.
- B) The intention of the hearing shall be to increase understanding between the two groups in a good faith effort to remedy existing tension and hostility.
- C) This hearing shall follow the procedure described in the Albuquerque Human Rights Ordinance ('74 Code, § 12-3-9) (Ord. 106-1973).
- D) The finding(s) and recommendation(s) that result from this public hearing shall include a statement regarding the intersections of other forms of prohibited

²⁰ City of Albuquerque, *Health Housing & Homelessness Reports Webpage* (2023)
<https://www.cabq.gov/health-housing-homelessness/transparency/reports>

²¹ City of Albuquerque Family & Community Services, *Assessing Shelter Capacity and Dynamics for Accommodating the Homeless Population in Albuquerque, NM* (2019)
<https://www.cabq.gov/health-housing-homelessness/documents/assessing-shelter-capacity-final-report.pdf>

²² 42 U.S.C. § 12101 et seq. *Americans with Disabilities Act* (1990)
<https://www.ada.gov/law-and-regs/title-ii-2010-regulations/#subpart1>

discrimination that may or may not contribute to the real or perceived discrimination of people experiencing homelessness.

Section 6. The City of Albuquerque Office of Civil Rights shall publish this signed resolution on the Albuquerque Human Rights Board's webpage alongside the minutes of the meeting during which this resolution was approved by a majority vote of the members of the Human Rights Board.

Section 7. A representative of the Human Rights Board and a staff member of any office of the City's Legal Department, is tasked with delivering and presenting this resolution to the City's Chief Administrative Officer, and to the Director of the Office of Policy or Director of Office of Equity & Inclusion.

- A. Notice of the completion of this delivery shall be sent to the appropriate staff member of the City of Albuquerque via email; and
- B. Discussion of the meeting where this resolution was discussed shall be added to the agenda for the next possible Human Rights Board meeting.

DRAFT

Part II: Public Hearing

On Anti-Homeless Sentiment & Discrimination Based on Housing Status

“I think we need to consider what we are becoming.”

- Rosemary Blanchard

Sections:

- Notice of Public Hearing
- Verbatim Transcript
 - Testimony (Exhibit A-M)
 - Public Comments
 - Electronic Communications



Anami Dass
Board Chairperson

HUMAN RIGHTS BOARD *City of Albuquerque*

Office of Civil Rights
Albuquerque, NM 87102
Telephone: 505-768-4595
civilrights@cabq.gov

Findings & Verbatim Transcript

File No. HRB-2024-VT-01

Date: 07/18/2024

SUBJECT: Verbatim Transcripts for the June 22, 2024 Public Hearing on Anti-Homeless Sentiment & Discrimination Based on Housing Status by the Albuquerque Human Rights Board (4 Attachments)

STATUS: Approved for Distribution

Anami Dass, Board Chair

Attachments:

- A – Notice of Public Hearing – Approved 5/18/2024
- B – Verbatim Transcript (with Exhibits A-M)
- C – Compiled Electronic Statements
- D – Results of Informal Survey
- E – Minutes of the Public Hearing



Executive Summary

The following documents are hereby admitted to public record relating to the Albuquerque Human Rights Board investigation into the rights of people experiencing homelessness.

- [\[Attachment A\]](#) Notice of Public Hearing (5/18/2024)
- [\[Attachment B\]](#) HRB Public Hearing Transcript (6/22/2024)
 - [Exhibit A](#) – Testimony of Rowen Rosen
 - [Exhibit B](#) – Testimony of Amanda Roybal
 - [Exhibit C](#) – Testimony of Aaron Esquibel
 - [Exhibit D](#) – Testimony of Adam Letzter
 - [Exhibit E](#) – Testimony of Rosemary Blanchard
 - [Exhibit F](#) – Testimony of Bonnie Readers
 - [Exhibit G](#) – Testimony of Henry William Jr.
 - [Exhibit H](#) – Testimony of Janus Herrera
 - [Exhibit I](#) – Testimony of Mohad Ahmed
 - [Exhibit J](#) – Testimony of Courtney Heigelmeyer
 - [Exhibit K](#) – Testimony of Enrique Cardiel
 - [Exhibit L](#) – Testimony of Andrew Romero
 - [Exhibit M](#) – Testimony of Anami Dass
- [\[Attachment C\]](#) – Compiled Electronic Statements
- [\[Attachment D\]](#) – Result Summary of Informal Survey
- [\[Attachment E\]](#) – Minutes of the Public Hearing

Findings

1. The Board has been made aware of numerous concerning actions taken by various employees of the city against people experiencing homelessness, some of which could constitute criminal acts including but not limited to
 - a. criminal property damages,
 - b. illegal search and seizure,
 - c. unlawful burial, and
 - d. harassment.
2. The Board has concerns that are beyond the outside of the Board's authority as described in §11-3 of the City Code of Ordinances.
3. The Board has reason to believe that the city and/or some of its employees have intentionally engaged in fraudulent, abusive, and or wasteful practices in its efforts relating to encampment clearings.
4. Despite the June 22, 2024 public hearing being about anti-homeless sentiment and discrimination based on housing status in general, the overwhelming majority of testimony, statements, and public comments feature reports of cruel, abusive, wasteful, deceptive, or negligent actions made by employees of the City of Albuquerque rather than private citizens of the city.
5. The Board finds that the city's legal response to the injunction put in place in the Williams et al v. City of Albuquerque case that has since been vacated is evidence of the city's:
 - a. Awareness of the issues perpetuated by the city; and

- b. Disinterest in correcting these issues; and
 - c. Intent to commit further actions aligned with their interest against the human rights of people experiencing homelessness in the city.
6. The Board finds the city's response to the Grants Pass Decision by the SCOTUS to be very concerning in its implications for future actions that may be taken by the city.

Recommendations

1. The Board recommends that the Office of the Inspector General investigate the following departments for their role in the fraud, waste, and abuse mentioned in the board's third finding.
 - a. Solid Waste Department
 - b. Code Enforcement/City Planning/
 - c. Albuquerque Police Department
 - d. Metro Security Division/General Services
2. The Board recommends that the Deputy Director of General Services who oversees the Training Programs for Officers of the Metro Security Division implement a curriculum for interacting with people experiencing homelessness that reminds officers such people are equal members of our society and must not have their rights violated based on their housing status.
3. The Board recommends that housing status be added to the Albuquerque Human Rights Ordinance as a prohibited basis for discrimination in public accommodation and commercial space.
4. The Board recommends that hate crimes committed on based on anti-homeless sentiment be prohibited in the Albuquerque Hate Crime Ordinance (§12-2-27), and the amendments recommended in Board Resolution No. 2024-04 are implemented completely.
5. The Board recommends that the administration of the city government require monthly reporting efforts from the following departments and respective data points
 - a. Metro Security Division: interactions with people experiencing homelessness, 911 call diversions away from APD, individuals connected with services, and requests for service
 - b. Health, Housing, and Homelessness: all data points previously available on the Homelessness Statistics webpage.
 - c. Albuquerque Community Safety: Average response time, Connections with Shelters, Connections with Food services, 911 call diversions from APD, and interactions with people who are housed, unhoused, or unknown.
6. The Albuquerque Police Department implement cultural humility trainings for interactions with people experiencing homelessness.
7. The City Council reconsider its decision to reduce the budget for Permanent Supportive Housing knowing that their people are losing hope and some are losing their housing as a direct result of cuts to the city budget.
8. The City's Administration publicly acknowledges the city's role in the lives of people experiencing homelessness as both a provider of many excellent services and a perpetrator of cruel, harsh, and unnecessary harm, and the City's Administration take meaningful efforts to correct the latter of those roles and expand the former.
9. Further recommendations outline in the Board Report and Recommendations on the Rights of People Experiencing Homelessness to be published on or by June 22, 2024.

Notice of Public Hearing

Attachment A



Notice of Public Hearing

On Anti-homeless Sentiment & Discrimination based on Housing Status.

Saturday, June 22, 2024
1:00 - 2:30 PM MST

International District Public Library
7601 Central Ave NE
Albuquerque, NM 87108

The Albuquerque Human Rights Board, pursuant to [Section 5 \(E\) of the Albuquerque Human Rights Ordinance](#), will hold a public hearing in the community room of the International District Public Library, located at 7601 Central Ave NE, Albuquerque, NM 87108, from 1:00 PM to 2:30 PM on Saturday, June 22, 2024. The Board will hear public testimony on experience(s) of intergroup hostility and tension between people experiencing homelessness and people without such experience as stated in [Section 5 \(A\) HRB Resolution No. 2024-01](#).

The Board solicits testimony, commentaries, and evidence from all interested individuals or organizations having experience or knowledge concerning anti-homeless sentiment(s) in the city and/or incidents of discrimination based on housing status.

Members of the public are invited to make public comment not exceeding 4 minutes during the hearing. Full transcription of the hearing shall be included in the report published to the city's website by July 22, 2024. The board will also accept written statements or audio recordings of statement via email to civilrights@CABQ.gov. Please include "HRB Hearing Statement" in the subject of your submission email. Written statements exceeding 2000 characters will not be read. Audio recordings exceeding 4 minutes will not be considered and must be sent as an MP3 file. Emailed statements will be accepted From May 16, 2024 until June 28, 2024. Written or recorded statements may be given anonymously upon request.

Accommodations: If you have a disability and need accommodation in order to participate in this public meeting, please contact Lisa Y. Schatz-Vance at 505-768-4524 or lschatzvance@cabq.gov. Please request any accommodation necessary at least 72 hours prior to the hearing. Best efforts will be made to provide the requester with their auxiliary aid of choice. If doing so is not possible due to time constraints or other logistical concerns, the city will work directly with the requester to provide an alternate method of accommodation.



Notificación de Audiencia Pública

Sobre el Sentimiento Contra las Personas Sin Hogar y la Discriminación Basada en la Situación de Vivienda.

Sábado, 22 de junio de 2024
1:00 - 2:30 PM MST

**Biblioteca Pública del Distrito Internacional
7601 Central Ave NE
Albuquerque, NM 87108**

La Junta de Derechos Humanos de Albuquerque, de conformidad con la [Sección 5 \(E\) de la Ordenanza de Derechos Humanos de Albuquerque](#), llevará a cabo una audiencia pública en la sala comunitaria de la Biblioteca Pública del Distrito Internacional, ubicada en 7601 Central Ave NE, Albuquerque, NM 87108, de 1:00 PM a 2:30 PM el sábado 22 de junio de 2024. La Junta escuchará el testimonio público sobre la(s) experiencia(s) de hostilidad y tensión intergrupal entre las personas que experimentan el sinhogarismo y las personas sin tal experiencia como se indica en la [Sección 5 \(A\) de la Resolución No. 2024-01 de la Junta de Derechos Humanos](#).

La Junta solicita testimonios, comentarios y evidencia a todas las personas u organizaciones interesadas que tengan experiencia o conocimientos sobre sentimiento(s) contra las personas sin hogar en la ciudad y/o incidentes de discriminación basados en la situación de vivienda.

Se invita al público a realizar comentarios que no excedan de 4 minutos durante la audiencia. La transcripción completa de la audiencia se incluirá en el informe publicado en el sitio web de la ciudad antes del 22 de julio de 2024. La junta también aceptará declaraciones por escrito o grabaciones de audio de declaraciones por correo electrónico en civilrights@CABQ.gov. Por favor, incluya "Declaración de la Audiencia de la Junta de Derechos Humanos" en el asunto de su correo electrónico. No se leerán las declaraciones escritas que superen los 2000 caracteres. Las grabaciones de audio que superen los 4 minutos no se tendrán en cuenta y deben enviarse en formato MP3. Las declaraciones enviadas por correo electrónico se aceptarán desde el 16 de mayo de 2024 hasta el 28 de junio de 2024. Las declaraciones escritas o grabadas podrán realizarse de forma anónima previa solicitud.

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Adaptaciones: Si tiene alguna discapacidad y necesita alguna adaptación para participar en esta reunión pública, póngase en contacto con Lisa Y. Schatz-Vance al 505-768-4524 o en lschatzvance@cabq.gov. Por favor, solicite cualquier adaptación necesaria al menos 72 horas antes de la audiencia. Se hará todo lo posible para proporcionar al solicitante la ayuda auxiliar de su elección. Si no fuera posible por falta de tiempo u otros problemas logísticos, la ciudad trabajará directamente con el solicitante para proporcionarle un método alternativo de adaptación.



hội đồng nhân quyền

Thông báo Phiên Điều trần Công khai **Về Quan điểm chống người vô gia cư & Phân biệt đối xử dựa trên tình trạng nhà ở**

Thứ Bảy, ngày 22 tháng 06 năm 2024
1:00 - 2:30 trưa, Giờ chuẩn miền núi (MST)

Thư viện Công cộng Khu vực Quốc tế
7601 Đại lộ Central NE
Thành phố Albuquerque, NM 87108

Căn cứ theo [Mục 5 \(E\) của Sắc lệnh Nhân quyền Thành phố Albuquerque](#), Hội đồng Nhân quyền Thành phố Albuquerque sẽ tổ chức một phiên điều trần công khai tại Phòng cộng đồng của Thư viện Công cộng Khu vực Quốc tế tọa lạc tại 7601 Đại lộ Central NE, Thành phố Albuquerque, NM 87108, từ 1:00 đến 2:30 trưa ngày thứ Bảy, 22 tháng 06 năm 2024. Hội đồng sẽ lắng nghe lời chứng công khai về (những) trải nghiệm thù địch và căng thẳng giữa các nhóm cộng đồng có những người đang sống trong tình trạng có gia cư và những người đang sống trong tình trạng vô gia cư, theo nội dung được ghi nhận tại [Mục 5 \(A\) của Nghị quyết Hội đồng Nhân quyền \(HRB\) số 2024-01](#).

Hội đồng rất mong nhận được những lời khai, bình luận và chứng cứ của tất cả các cá nhân hay tổ chức có kinh nghiệm và kiến thức liên quan đến (các) quan điểm chống người vô gia cư tại thành phố và/hoặc sự cố phân biệt đối xử dựa trên tình trạng nhà ở.

Hội đồng mời gọi công chúng đưa ra bình luận công khai trong thời gian không kéo dài quá 4 phút tại phiên điều trần. Bản ghi chép toàn bộ diễn biến phiên điều trần sẽ được đưa vào trong bản báo cáo công bố trên trang web của thành phố trước ngày 22 tháng 07 năm 2024. Hội đồng cũng tiếp nhận các tuyên khai bằng văn bản hoặc bản ghi âm được gửi qua email đến địa chỉ civilrights@CABQ.gov.

Xin vui lòng đề cập đến cụm từ "HRB Hearing Statement" (Tuyên khai tại Phiên Điều trần của Hội đồng Nhân quyền) trong phần tiêu đề email trước khi gửi đi. Văn bản tuyên khai không được vượt quá 2000 ký tự. Bản ghi âm phải được gửi dưới dạng tệp tin MP3 có thời lượng không kéo dài quá 4 phút. Xin vui lòng gửi bản tuyên khai qua email từ ngày 16 tháng 05 năm 2024 đến ngày 28 tháng 06 năm 2024. Các bản tuyên khai bằng văn bản hay bản ghi âm có thể được cung cấp dưới hình thức ẩn danh khi có yêu cầu như thế.

Các biện pháp tạo điều kiện thuận lợi: Nếu quý vị bị khuyết tật hoặc cần được cung cấp điều kiện thuận lợi để tham gia phiên điều trần công khai này, hãy liên hệ Lisa Y. Schatz-Vance theo số 505-768-4524 hoặc theo địa chỉ: lschatzvance@cabq.gov. Xin vui lòng đưa ra yêu cầu về bất cứ biện pháp tạo điều kiện thuận lợi cần thiết nào trước khi diễn ra phiên điều trần ít nhất 72 giờ. Các nỗ lực cao nhất sẽ được thực hiện để cung cấp cho người yêu cầu sự hỗ trợ bổ sung theo lựa chọn. Nếu các nỗ lực như thế không thể thực hiện được do thời gian hạn chế hoặc do các vấn đề hậu cần khác, thành phố sẽ trao đổi trực tiếp với người yêu cầu để cung cấp phương cách tạo điều kiện thuận lợi thay thế.

Transcript of Public Hearing

Attachment B

Summary

This transcript was created by recording the event using multiple devices and using artificial intelligence (“AI”) software to produce a rough draft. The draft was then reviewed by the Chair of the Board who compared the generated transcript with the unedited audio recording. Corrections were made to the AI generated transcript.

During the hearing, participants were allowed to choose whether their contribution would be classified as testimony or as a public comment. Testimony was made under oath administered by Notary Public, Jennifer Lucero, and public comments were made anonymously.

Public commenters whose names were mentioned during the event have their names redacted and replaced with “PC-1, PC-2, etc.” where the number represents the order in which they provided public comment.

Those who submitted their statements via email or by way of a board member are included as public comment because there was no method for administering an oath electronically.

Chair Dass called the hearing to order at 1:12 PM on June 22, 2024, in the Community Room of the International District Library located at 7601 Central Ave NE, Albuquerque, NM 87108.

The members of the Board in attendance for the hearing were Chair Dass, Vice Chair Champagne, Member Hinojos Jr., and Member Boulton. Members absent were Member Andujo and Member Assed. Member Galvez-Trujillo was excused for travel noted the May 18, 2024 Human Rights Board meeting minutes, approved on June 20, 2024.



Chair Dass

Hi, Yall! I want to thank you all for being here today. The public hearing that we're about to have might be emotionally taxing for people making public comment for people providing testimony, anyone in the audience with lived experience, and anyone who's like empathetic. So I want to start off by asking that we're all kind to ourselves during testimony, we only share what we're comfortable with. Your inner peace is more important than this hearing, and then this research, so prioritize that, please. My name is Anami Dass, I am the chair of the Human Rights board. This is the human rights board, where we're at the City of Albuquerque, Office of Civil Rights. And this year, we have taken a focus toward homelessness, and specifically the discrimination that is levied toward people based on housing status.

I don't know if y'all have noticed, but in media depictions and in just like, day-to-day life, people seem to have more hostility toward people experiencing homelessness, recently. And that goes back to like 2017, even though probably goes back like 1000s of years. So that's what we're trying to research. We are expected to publish a report based on this hearing and any research relating to this hearing or this topic in 30 days. So, if anyone is providing a public comment or testimony today, it will be included in that.

Real quick; the difference between testimony and public comment. Testimony has a bit more weight to it, and you have to put your name, you have to sign an oath. We have Jennifer administering oaths today, and public comment you can make anonymously. Totally up to y'all which one you want to do. Let's do board introductions.

Hi, my name is Anami Dass. I'm the chair of the human rights board. I have been working in harm reduction for the last six years, specifically in the International District.

Vice Chair Champagne

Hi, I'm Jack Champagne. I'm the board's Vice Chair. I've been here in Albuquerque for about two years. This will be my third year working in and around civil rights and racial justice.

Member Hinojos

Hi everybody, my name is Larry Hinojos, I'm a board member, and I also specialize in harm reduction.

Attendee

We can't hear you, Larry!

Member Hinojos

Oh, sorry. I work with the Health Equity Council, and I also do harm reduction here in Bernalillo County.

Member Boulton

I am Kate Boulton. I think I'm the newest addition to the board. Also newer to Albuquerque. I've been here about two years. In my day-to-day life, I'm helping human rights attorney. Focus on drug policy and harm reduction.

Chair Dass

Members of staff, would you like to introduce yourselves?

Mari Kempton

My name is Mari Kempton. I work with city legal and I'm parliamentary counsel for the board.

Lisa Y. Schatz-Vance

Good afternoon. Welcome, everyone. My name is Lisa Schatz-Vance. I'm also with the City of Albuquerque. And I'm the General Counsel for the Human Rights board.

Jennifer Lucero

Hi, I'm Jennifer Lucero. I'm with the City of Albuquerque as well, and I'm today's minute taker.

Chair Dass

I also do want to mention that the board members are volunteers. We don't have any financial connection to the city. They don't pay us for this. No one does. So, with that, I want to go over a few ground rules for public comment. We have four minutes. If you take all four minutes, that's wonderful. I ask that you take two just so we can get some more folks today. If we have extra time, folks can go again, I suppose. And I have the discretion to cut anyone off if the comment starts to get abusive. If there's any slurs used whatsoever, I will ask folks to leave. And yeah, I suppose that's it. We'll make more ground rules as people make comments, and we need to- if we need to. Is there anyone, in particular. Who would like to go first? I know that that can be a bit daunting.

Okay, perfect. And were you providing testimony or public comment? Okay, wonderful. If you would like to come up to the podium. Perfect. Do you have a preference which way you're facing?

PC-1

It's your preference or whatever your preference is, is to like the board or to the board or to the public.

Chair Dass

It's your choice.

PC-1

"I'm gonna try to make this as quick as I can. So, my comment pertains to the preliminary injunction that was filed for Bernalillo, that was supposed to be enforced starting in November, it was recently vacated may 17. The injection was as a result of someone who sued Albuquerque because their rights had been violated, and it was supposed to stop people from being unjustly incarcerated for being homeless and having their things thrown out. So, I'm a case manager and a volunteer for groups who are doing outreach to people living on the street. I have personally worked with and witnessed people having their things thrown out and being incarcerated. They are telling me that they couldn't make it to an appointment, for instance, for being jailed for being homeless.

So, the injunction obviously, is not being enforced. So in the order vacating the injunction that was filed on May 17. It specifically says and I quote, "*the facts in the record demonstrate that the city has destroyed the property of involuntarily unhoused people, in violation of their*

constitutional rights to due process and against unreasonable seizure of the personal property. The court stands by its previous factual findings that the city has not at times provided involuntary unhoused people the basic constitutional protections before seizing and destroying their personal property.” And the reason in the same document for vacating the injunction says, “thus the court concludes that the enforcement of the preliminary injunction even if modified only to address the destruction of people’s property, is impractical in light of probable changes to plaintiffs legal arguments in the future.”

So as a case manager, I help people replace their documents; their vital documents, which is no small feat, as anyone who works in the field can tell you, and I wanted to just kind of provide a little bit of feedback from my clients and from things that I have seen.

So, many people are homeless and have been displaced or have come to New Mexico just recently may have lost all their documents due to theft, violent crime, and often having no way to pay fees to replace documents, unless an organization has the way to provide a waiver or voucher for these. And often you'll only get one voucher for a year, which if you have multiple instances of being a victim of violent crime can be a problem. So, these people have been victims of human trafficking as well, which has displaced them. And it's not just losing an apartment or house. They're actually physically being displaced and losing their things.

So, many of my clients also report that even though the landlords in in the city have to accept housing vouchers, they are feeling like they're being discriminated based on how they look. Based on whether or not they have low credit. And we're making two to three times the rent, in the case of tax credit properties and their landlords are finding ways to get around accepting vouchers. So, my recommendation there if landlords could work with landlord liaisons, or be willing to create or accept a reasonable accommodation process, this might lower barriers to acceptance to housing. So, that would be like a letter from a case manager serving in place of low credit for some of the requirements, more than having a form that they can offer people who are trying to rent.

It can also take someone with the help of a case manager like me, upwards of several weeks or a month to replace vital documents, I can go through the whole process of helping someone get to the Social Security office, applying with the immediate attestation waiver to pay for an ID going to the HSD office and ordering their birth certificate, which can take up to a month or several months to come in the mail. Only to have those documents, like I can look out the window of my agency and see the city throwing those things away.

Okay. So yeah, these are necessary documents for people to be able to apply for housing vouchers and housing in general. So, I feel like the city is not only violating people's rights by doing this kind of thing, but they're wasting our time, especially for people who are trying to help with housing crisis. So, that's basically the this some of my comments, I could provide details based on like, all of the difficult obstacles that come with getting documents replaced if I had more time. If you're curious to know, you're welcome to ask me or literally any case manager who's out there doing it. So, that's it. Thank you.”

Chair Dass

Thank you. That was a flawless comment. The structure was wonderful. The tone was fantastic. Big Fan.

So, I was told that I am able to ask for audience feedback during this. So, we wanted to go through some of the recommendations that are being considered by the board to be a part of

this report, just to I don't know provide, I guess, an idea of where we're at. So, that if y'all want to add it to your comments or testimony, y'all can.

For this exercise, please Raise your hand if you would agree with this statement. Fabulous. I'm not sure what you're agreeing with there.

So this first statement is "the city of Albuquerque hasn't enough accessible public restrooms for everybody." Let the record reflect no one raise their hand.

'The City of Albuquerque does not have enough accessible garbage receptacles for everyone to throw away their trash.' I'm not going to count each person. I'm going to say the majority have raised their hand.

Third statement, 'attacking a person experiencing homelessness simply because they are a person experiencing homelessness should be considered a hate crime.' Majority raised their hand. Thanks, y'all. And what was the next one?

'The City of Albuquerque is responsible for the current housing crisis.' Majority raise their hand.

'The federal government is responsible for the current housing crisis.' Majority raise their hand.

Attendee

Responsible as in "cause" or "that they are supposed they should be responsible for addressing it" or both.

Chair Dass

Somewhat both. I chose responsible in order to imply cause. I typically say accountable when trying to imply that they have to do something about it.

Rosemary Blanchard

and when there are multiple causes. I personally think it would be better to say at least partially responsible because it sounds when you first say it like they are the ones responsible. And they are one of the ones that's responsible.

Chair Dass

Let's do let's do those last two statements again then. 'The City of Albuquerque is solely responsible for the current housing crisis.'

Attendee 2

"Causing" as in to say...

Chair Dass

I'm gonna find another way to say this statement. 'Albuquerque caused its own housing crisis.'

'The federal government played a part in causing the current housing crisis.' Majority raise their hand. I should also say, for the statement before, no hands were raised.

And lastly, there was one more statement and I'm trying to remember what it was. We'll do this exercise again. Oh, yes.

'Homelessness is a choice made by the person experiencing homelessness.' No one raised their hands.

Attendee 3

Sometimes.

Chair Dass

'Sometimes'? Okay. Did you sign up for public comment? I'm just curious. Okay. No worries. Let's do testimony. That way, we could see what the oath looks like. We're also like figuring this out. This is the first like public hearing the Human Rights board has done in quite some time. So is Rowan here? Oh, wonderful.

Rowan Rosen

How do we do the testimony?

Jennifer Lucero

First, if you can state your name and address. I just need you to state it. Yeah.

Rowan Rosen

My name is Rowan Rosen. [REDACTED]

Jennifer Lucero

Okay. And then secondly, I'm going to ask you, do you affirm that the testimony you're about to give is the truth, the whole truth and nothing but the truth?

Rowan Rosen

Yes. Okay. [\[See Exhibit A\]](#)

Exhibit A - Rowan Rosen

So, I do have to say that I do work here, but I am not speaking for the library. I'm speaking from personal experience. I know that one of the things that you guys are worried about are bathrooms. We do have the only bathroom in the International District that's free that I know of. And it is a constant issue. There can be 20-to-30-minute waits quite often.

I also would like to bring to your attention what I believe to be extreme discrimination by Metro security and EMS. EMS will come quickly if they believe a librarian is in danger, but they won't come quickly if they believe a homeless person is in danger. Metro security often not only tries to intimidate the unhoused people in the area but the people who are supporting them. We've had issues with them harassing Health Care for the Homeless. We had a quite a wonderful group that would come and give out free haircuts, Narcan, training, free clothes, bike assistance, everything someone might need, and Metro security gathered outside in a way that was quite clearly intimidating for them.

As far as issues within the community, there are definitely everyday sadists people who come in and say, oh, like 'it's so disgusting, the library has been ruined by homeless people'. And I do think that that is a very big issue. But the issue that we primarily face is Metro security, and city security and what they do to the homeless people in the area.

I also believe that there are issues because there's no shades at the bus stop, we've had to call EMS multiple times for heat stroke. And like I said, they can come slowly for a homeless person. That was also told by one of our security guards that Metro knows they aren't supposed to drive off the homeless people after hours, but they do it anyway.

We've also seen several homeless encampments just around the corner destroyed, and people will come in after they've lost all of their belongings. Just sort of go off with what you were saying earlier, people will come in to get library cards, and they will not have a driver's license or an ID or proof of address, because these things have been stolen.

There's no consistency of ownership for people who are living on the streets. There's no consistency of safety, there's no consistency of 'I can prove who I am and access these legal rights.'

The violence that I see everyday is extreme. I've had several regulars come in with their orbital socket broken in three places because they were sleeping on the streets, and they were attacked.

I had people sitting on the side of the building with maggots in their legs because they've been unable to access medical care. That's just a little bit I've had someone come in who his hand was skinned all the way down to the bone, and he just wanted a Band-Aid because there was no way he could access medical care.

We really need more places of safety for the unhoused in this community. If we could do a community center, that would be amazing. And we also really need retraining for Metro security because they are consistently, unforgivably perpetrating violence against the unhoused people in our community. Thank you.

Chair Dass

Thank you. We have up next a public comment from [REDACTED]. Real quick, strike the word [REDACTED] from this sentence and the last sentence on the record, please.

PC-2

“Well, I live in the International District, and I'm near the tiny home development and there's a soup kitchen at Tennessee and central. I guess I call it that is also religious oriented organization. So, there are a lot of homeless folks around and one time it has really been a problem for me and I actually don't even know if this person was homeless but he came in one day he scoped out some bicycles in the casita next door to our apartment complex owned he had a bunch of bikes stored in his yard.

The next day comes by and he walks right past one of my neighbors right past me volts up onto the walls steals the bike walks off, and I say “I'm gonna call the cops!” and I I couldn't take a picture of it because I didn't really have my phone really settings where I could that's really the only and they got the bike back despite the fact that I they didn't hear about the theft until like three minutes later, they found that at a convenience store guy apparently got inside no violence. So, I know my neighbor has faced some other more hairy situations with homeless people because he's more of a well there again, I guess I don't know for sure that she even knew where they were homeless or well... I actually can't say that this guy was almost I just wanted to say that it's never really been I've almost felt more threatened by people who live in the neighborhood and then who are maybe unhoused so that's it.”

Chair Dass

Thank you. Up next public comment from [REDACTED]. From now on whenever I name public commenter, please strike the name that I say right after. It's just to get folks' attention here in the room.

Jennifer Lucero

Yeah.

PC-3

So, hi everyone, and there is so much to say, and I've just got such a fury building up in me. I've been accompanying folks for about 10 years now, and it's worse now than it was then. I can really say that. But the one thing, and this is because of my most recent experience accompanying folks who lived in a community on Chico and Utah. Was it because of the injunction? Possibly! We had some, some push, I don't know. But for once the city, we could force them to bring people in. So, that it wasn't just a case that they were chasing them through the neighborhood with nowhere to go, but actually have people come in and have somewhere to go, and we got the hotel vouchers. And Sarah and I have been volunteering, working with the folks. And then that sounds all wonderful, you know, “oh, progress, we're getting somewhere.” And then the structure just starts disintegrating.

And the own resources, we're busting our guts for everything. As [REDACTED] had said, “you know, it takes forever to get all these bloody documents that are just lost to a publisher.” But then also, the care provider that picked up the contract that is paid by the city, to manage the vouchers, and provide wraparound case management, just completely dropped the

ball. There's a community member here, one of four people that they had promised housing to they in the end, it came out they didn't even submit the application.

Playing with people, playing with the minds. People who live outside, live in such precarity, such insecurity and all the stigma and stuff extenuate to just their situation. And people assuming possibly that they might have still stolen something, because they live outside. And then it might not even be them, or might not be an enhanced person (a person who lives outside) who did that.

And we could never have security as to when these jolly vouchers would be running out. City gives one message. Hopeworks does whatever the hell they want, and keep on playing with people.

The worst happened this week. So, Monday, one of these supposed outreach workers arrives. Tell us the hotel manager and says “vouchers are up. People need to leave.” does not want to go up and actually tell the people themselves.

So, then the next day, all the mixed messages arrive. Then Thursday, the hotel owner actually goes to Hopeworks, and says “What's going on? I don't know when this voucher is going remember they're running a business, they sort of need to know what's going on. We've got a whole pile of rooms so it makes it a dent in the profit and all..” he gets a letter signed by Joe Padilla. The dude who rightly writes the checks, saying that the people can stay until the end of the month.

That's Thursday, lunchtime...

Friday lunchtime. Joe Padilla contacts the owner and says “oops, shouldn't have been getting that letter. People need to leave immediately.”

So Thursday, Sarah and I, (mainly Sarah) spread the word and the joy and you can stay and we had a meeting and said that all kinds of forms. And we're now going to make use of these last 10 days and really get people situated. Everyone's fired up. “Yes! Let go.” And they've got hope. And then Friday they synaptic and where do they go? The city doesn't arrive. Most certainly Hopeworks is nowhere to be found.”

Chair Dass

Thank you. Up next we have testimony provided by Amanda. Is Amanda here?

Chair Dass

I'll give you a warning at you one minute left.

Amanda Roybal

I'm the one that [REDACTED] was talking about

Chair Dass

We have to do the oath at the beginning of testimony unless you want to provide a public comment. No? Okay.

Jennifer Lucero

Speak your name and your address.

Amanda Roybal

My name is Amanda Roybal. And my address is Oh, yes [REDACTED].

Jennifer Lucero

Okay. And then last thing, do you affirm that the testimony you're about to give is the truth, truth and nothing but the truth?

Amanda Roybal

[\[See Exhibit B\]](#)

DRAFT

Exhibit B - Amanda Roybal

Yes. So yeah, and the one that also was talking about that Hopeworks said it took us down to the motel told us that they were going to give us resources instead of I had been homeless for about a year and a half, when this...

When I first got here, it was a total blessing for us. A lot of us that were there are more than friends more than just people that lived in the same camp, we're like family. So, a lot of us that were that were like, really excited, we were gonna finally get on our feet, get housing and get medical care for the ones that needed it.

Throughout the weeks, everything was going good, except for a lot of the promises that the whole city was making to us, they weren't coming through with it. There was a lot that are still there. They need medical care, they didn't get it.

The housing stuff. They told me that they had got my application fix, it was all going in, he was all approved, I was gonna get my housing first. And they came to me, they told me that it was the wrong idea with application. So they had to resubmit it, they resubmitted it. And then they said, "Okay, it's good, everything's good, you're gonna get your housing by the first you'll be in your apartment." He came back to me told me that they reroute my background. And I wasn't going to get it because they found stuff on there. That wasn't there. I was how we read another one. We checked in three times. And there was no reason for me not to get my housing. Hopeworks comes to me again and says, "Well, there's absolutely no more funding, there's nothing we could do for you. And as a matter of fact, you got you gotta get out, you got 20 minutes to get your stuff and leave." To tell me that.

I'm going back down to the streets. After all the work I put in. It was crushing, because I'm here to put in the work to try to be with my kids. I'm not just trying to get off the streets myself. I'm feeding my kids and for the city and for Hopeworks to just get a bunch of people together and say, "You know what, we're gonna help you you're gonna make it and then to just say, "No, we're done." There's no hope for you go back to this sheet.

That is just horrible. Because on the street, it ain't no joke. There's any, like I've had my stuff taken numerous to things actually get my ID, maybe six times in the time that I've been out. Columbus was truly Clark, my money stolen from me. I mean, there's times where I wouldn't sleep just because I didn't know what was mostly stolen.

So, I think the city of Albuquerque and Hopeworks they need to be accountable for what they did, not just to the group that these targets would now but for all the other homeless people that are out there; that are struggling; that want to make it; that want to be in a home; that want to have a normal life. Thank you.

Chair Dass

Thank you. Next we have testimony from Aaron.
So I'll give you a warning at One minute left, and then 30 seconds left.

Jennifer Lucero

Your name and address

Aaron Esquibel

Aaron Esquibel [NAME OF MOTEL]

Jennifer Lucero

I'm sorry, I have to ask you one question. Do you affirm that the testimony you're about to give is the truth, the whole truth and nothing but the truth?

Aaron Esquibel

[\[See Exhibit C\]](#)

DRAFT

Exhibit C – Aaron Esquibel

Yes. Okay, so like my friend here. I always have to worry about my stuff getting taken. Like her, I've had to get my license numerous times. It's just, it's just hectic. And then having to just take watch just to get sleep, you know, you have to have a friend watch out for you. And sometimes that so called friend will be the ones to learn from you. And it just it's chaos.

But through all of this, I still got up every day I still do what I have to do. I still showered and cleaned myself as best as I could. And I got myself on the methadone program. Still looking for jobs and stuff like that. And it's just, it's hard. It's really hard on me, right? There's times I don't know what to do. Sometimes I feel like giving up.

But I keep on doing it because I have my kids I want to go home to and I just have one. I want a lot of things, but there's so few things that are there to provide for them, you know? And I just...

I want to relapse. I do. I want to go just forget myself, I really I want to. Especially after what they told us, they just don't know what to do you know? I'm just gonna keep on trying, that all I can do.

Chair Dass

Next we have a public comment from [REDACTED].

Adam Letzter

I didn't know what the difference was. I'm going to turn it into a testimony. My name is Adam Letzter. I'm at [REDACTED].

Jennifer Lucero

Do you affirm that the testimony you're about to give is the truth, the whole truth and nothing but the truth? I do. Thank you.

Adam Letzter

[\[See Exhibit D\]](#)

DRAFT

Exhibit D - Adam Letzter

My name is Adam. I'm a physician assistant at first nations. And so I work in the homeless outreach program. So, I see these people I see I see you every single day. I'm new. I graduated two years ago. So, September is my two-year mark. I'm out at the West Side shelter every Wednesday morning as well. And so, I it's hard because I'm a full time provider. And I'm a part time case manager, and I really don't have enough time to try and do it all.

My time is limited. I know this is mostly about like anti-homeless sentiment. And I'm really passionate about that I'm at this point. And it's like I want to try and meet as many folks who want to try and partner with me and everybody else. I think my vision of what I'm trying to do is to weave together the safety net, or whatever is left of the safety net of Albuquerque. Patch the holes have more collaboration so that we can actually talk to each other because we're currently in this idea of like, we're living in silos, where we're just kind of doing our own thing, and we're not talking or we're not thinking about other people. There's this idea of like systems level/systems thinking, integration there.

My biggest worry is that middle class folks don't know that homelessness is coming for them. Where I'm seeing more and more just because we usually think of homelessness as like, "Oh, they're you know, they've had very traumatic experiences, which has probably led them to either drugs or mental illness, yada, yada, yada," but like more and more, it's just, "I can't pay rent, I got evicted, I don't know what to do."

And so I think it's frustrating for me, because there's so much negative, you know, "the homeless are doing this, the homeless are doing that." And that's just getting in the way. So, my message, I mean, my hope is, as I'm trying to weave together this safety net, because I work in it every single day, is to help our community and help our neighborhood associations say "hey, I need you to work with me on this. Right, because you could be next. Right?"

You know, I've had plenty of, of hard, hard, you know, sort of telling things. I think it's frustrating. I'm going to just keep it short so we can hear from other people. I'm really excited to sort of chat with as many folks. I'm working with Maria wolf pretty closely. She's like the homeless Innovation Officer, Dr. Azka, who's now the city liaison at the West Side shelter. So, and I'm just excited to try and team up.

My vision is we got to tighten up our safety net, and make it actually run efficiently. Because in our late stage capitalism, homelessness is coming for all of you. So, we got to make sure and sure everybody up so that we can take care of everybody. Thank you.

Chair Dass

Thank you up next is Rosemary. I'll let you know when you have a 30 seconds... I'll let you know when you have one minute left or 30

Rosemary Blanchard

Okay, I thought you were saying that's all I had.

Chair Dass

Oh no

Rosemary Blanchard

Okay. Okay. And I'm willing to turn this into testimony. I'm sorry, I didn't entirely understand the difference. I don't know that it's a whole lot of facts based rather than analysis based. But let's do it any just in case.

Jennifer Lucero

You can state your name and address. My name is Rosemary Blanchard, and I live in [REDACTED].

Rosemary Blanchard

My name is Rosemary Blanchett, and I live in [REDACTED]

Jennifer Lucero

Do you affirm that the testimony you're about to give is the whole truth and nothing but the truth? To the best of my ability? It is the truth, I still affirm.

Rosemary Blanchard

[\[See Exhibit E\]](#)

Exhibit E - Rosemary Blanchard

Okay, my name is Rosemary Blanchard, and I am a retired old lady. But I'm here because I have a strong concern with human rights. And with the situation I see developing in our city, around the treatment of the homelessness of homeless people, and the increasing requirements that we seem to put on public and, and medical service and Human Service employees to work in inhumane ways. And I see a deterioration of our culture.

We cannot do the things we are doing to unhoused people without changing who the people are, who do this things. what the culture of the city is. What happens when we get used to seeing people's possessions taken away and thrown in the trash just because those positions were on the street. And so, I think we need to look at what we are becoming this gentleman - who says it's coming for you, for sure.

The disrespect for our humanity is coming fast for all of us who are prepared in a position to buy respect. And I am an old retired lady who could not buy respect anymore. And meanwhile people are looking to the Supreme Court case, Johnson versus grant pass. I'm sorry, we're looking to it so much. I want to point out that we are the City of Albuquerque, and that we are the state of New Mexico. And as a matter of federal constitutional law, when we have a higher standard of human rights at the city or state level, we can apply that. So why are we waiting to see what a very reactionary Supreme Court says is the absolute minimum standard for helping unhoused people. Let's move to our human rights ordinance, let's go to our state constitution, and then look to our interpretation of those documents for the sake of our culture.

And anyhow, the Human Rights Ordinance says that we are to protect and promote human rights and human dignity. And let's remember that second part, "human dignity". I'm a recovering lawyer, and I love human rights. But when we get into these debates, is that really a human rights? We're forgetting? Is this an appropriate way to treat a human being? That's where human dignity comes in. And our ordinance says that we're upholding human dignity. So let's do that.

Our state constitution as a bill of rights that guarantees natural, inherent and inalienable rights at the state level, I'm running out of time. So okay, we need to get to that BS, let us look to that and ask the question, "What kind of a culture are we trying to create here anyhow? If we just keep sweeping people's possessions, throwing them away? What are we turning the person who runs that sanitation system truck into? what happens to you when you do that sort of job all day?" I'm worried about what we're becoming it's going to become so much easier to abuse each other when we're down, because we are getting in the practice of it and we're getting to where we don't see it.

And I really hope the Human Rights board will do what you can to set a standard for what it means to protect the human dignity of all of us. What does that mean what would that look like? Not what does the Supreme Court say is the least standard. So let's do better if we can.

Chair Dass

Thank you. Up next we have testimony from Bonnie.

Bonnie Readers

I'm Bonnie Readers and I've been homeless now on and off for a minute for situations that weren't really my fault.

Chair Dass

Is this testimony.

Jennifer Lucero

State your name and address please any readers and they go

Bonnie Readers

Bonnie Readers. I don't have an address.

Jennifer Lucero

Okay. And then one question. Do you affirm that the testimony you're about to give is the truth, the whole truth and nothing but the truth?

Bonnie Readers

[\[See Exhibit F\]](#)

DRAFT

Exhibit F - Bonnie Readers

Yes. I've been on my phone. I'm off for a couple of times. Now. You know something. Yeah, I might rant because people want to kick us out. Or landlords wanted to get out because we're week late. and I'm on social security & disability and I found out 'hey, look, I get my check, be paid. Just give me a break.' And when the Coronavirus came through, I got approved for that money for the rent and welfare and for the rent. And my landlords just took me to court and I still got kicked out. They tried to say that they didn't find my he didn't get my money from that Coronavirus money, but he did. And so me and my cousins work in for right now.

But during the process of being homeless, I've had my mom and dad's ashes stolen from me. And that's something I can't get back. And if we just had more homes, and places that we could put our stuff back to where we know it's made things instead step onto us. Well, maybe maybe they wouldn't have to be going after our stuff.

Because it's what little bit that what we have is ours and some it's very, very sentimental, and we can't get it back, just like ashes. Thats all I've gotta say.

DRAFT

Chair Dass

Up next, we have testimony from Henry.

Chair Dass

So before the testimony, we got to do the oath. I'll give you a heads up at one minute.

Jennifer Lucero

Can you please state your name and address?

Henry William

Henry William Jr. Jr., [REDACTED]

Jennifer Lucero

Okay, one question. Do you affirm that the testimony you're about to give is the truth, the whole truth and nothing but the truth?

Henry William

[\[See Exhibit G\]](#)

DRAFT

Exhibit G - Henry William Jr.

Yeah. All right. So it's really heavy outside, man. Rained last night. There's a lot of like racism out there. And it's like really heavy about differences. A lot of drugs out there. Right now I'm currently strung out on a lot of crazy stuff. Trying to quit, but due to homelessness, and someone said that its the choice. Yeah, it kind of is and kind of, isn't it because you don't have like the daily necessities, like to take a shower, or like food as well.

Like, you have to stay up to be able to watch your own stuff, you know, so kind of like That's why a downfall like I guess I do drugs. in my case, you know, as being straightforward about it. And money is a necessity as well. So we get food stamps. You had to do what you have to do. But yeah, I'm just gonna say I love you guys. Yeah, take care.

DRAFT

Chair Dass

Thank you. Next we have testimony from Janus Herrera.

Janus Herrera

Everybody take a deep breath with me please.
Hi, my name is Janus Herrera. A live at [REDACTED].

Jennifer Lucero

And you doing a the testimony. You're about to hear the truth, the whole truth and nothing but the truth. Speak the truth. Thank you.

Janus Herrera

[\[See Exhibit H\]](#)

DRAFT

Exhibit H - Janus Herrera

Good afternoon. My name is Janus Herrera and I'm a member of the coalition for safer Albuquerque, and a volunteer with mutual aid. I'm also a harm reductionist as who works in public health. I live in Wells Park neighborhood walking distance from Coronado Park, where I first started handing out food donations in 2015.

While I have only slept outside to were in my car without other options, on a handful of occasions to survive domestic violence, I'm here to speak on behalf of my family members, friends and neighbors who have lived outside and who could not be here today due to lack of transportation or they're not allowed to carry their possessions with some mobility issues, or a lack of a secure place to store their belongings.

I have spoken many times at city council, constructive community conversations with our mayor, and several public health meetings about the need for public restrooms and water stations in addition to shaded a temperature controlled gathering spaces, especially critical and urgent with climate change.

These requirements are not amenities, as the city likes to call them, but social determinants of health. The lack of these basic human rights especially in your service providers, and in neighborhoods like mine with a high relative social vulnerability index is causing preventable disease, death and despair.

As an example, here's a story I was asked to share by the person affected, a disabled elder. A few weeks ago, I was sharing water and food with a street family living near a community center. When the gentleman approached with his walker, and asked if I had any men's clothing. I told him "No, that the bag donated from a friend and my car only had women's clothing. He asked if there was anything that might fit him anyhow, the gesture to his pants, which were wet.

He explained with tears in his eyes that he tried to get to the facilities at the center to relieve himself, but simply couldn't make it fast enough using his walker, there was turned away by city staff due to the condition of his clothing.

Our tax dollars went towards denying a community member basic sanitation. That is disgraceful, and offer him a pair of women's pajama pants, depends, the baby wipes. Apologized it was the best that I could do for now, but promised to return the next day with a pair of men's jeans. Thankfully, by that time, another unhouse person had shared a more fitting set of clothes.

I used the phrase street family with sincere intention. I love the Disney quote, "Ohana means family and family means nobody gets left behind." And one of the richest countries in the so called first world it is outrageous discrimination that a class of people simply trying to survive are prohibited him which would have allowed this man to privately pleading to change his clothes, criminalized for expelling their bodily wastes in public, when there's nowhere else to go, and consistently pushed to the very emergent of society.

To be clear, living outside is not the same as camping. Camping includes barbecue smores, and stargazing. Then you go home to shower and comfortably rest. living outside means eating shelf stable lukewarm food, being thirsty and dehydrated without respite, and trying to find shelter and literally having doors closed in your face or being chased away with threats of legal action, incarceration, violence, and degradation.

City of Albuquerque offers the WEHC as the end all solution for everyone with the facilities at substandard unhygienic old jail institution outside city limits and away from public services and consistent health care access. People regularly die there who are from there. Add to

that the consistent triggering sound of the firing range next door and the smell of raw human feces from the water utility authorities next door to the facility. And I could go on from there.

Albuquerque, you are my hometown and heart. I love this place. And so, I know together we can do better. And I think I still have a moment. I'll give just a couple more examples to use my time. Yesterday, I met two individuals that I'll share what I observed. Neither of them are willing to abandon their belongings despite the fact that one of them has ongoing seizures and had a seizure the night before. The other woman had a chemical burn near her groin. I gave her Neosporin there's a dire need for wound care. I'm paying money out of pocket because I can't get the supplies as a volunteer, and it is so needed.

Thank you very much.

DRAFT

Chair Dass

Up next is testimony from Mohad.

Mohad Ahmed

And then afterward it will be Courtney

Chair Dass

So for testimony, we gotta do the oat.

Mohad Ahmed

My name is Mohad Ahmed. And my address is one

Jennifer Lucero

And is the testimony you're about to give is the truth, the whole truth and nothing but the truth.

Mohad Ahmed

[\[See Exhibit I\]](#)

DRAFT

Exhibit I - Mohad Ahmed

Okay, so I go by Mo outside. I've been out on the streets from about six months from an “unfireable” federal position as a Social Security Administrator, customer support person. Never saw myself here... and the comment that middle class is next, It's true.

I occasionally reside as a safety reason around the Jerry Klein Park. Constitution in Louisiana, there are multiple reasons of why I stay there. It's where I feel the safest, there's access to water in the dog park. Because there is there's access there to bathroom in the facility at the park. And that's as good as life gets when you're outside and surviving.

I consider myself a domestic refugee. I am displaced, disregarded, and de-dignified everywhere I go, because I don't have the funds to participate in commerce, or anything like that. But the moment that I wanted to bring up as my friend, Mr. H, and I were sitting by the tennis courts on the southeast side, discussing, you know, our situation and how to get out... the dream of getting out, I thought I'd be out in two months, you know, I thought I had all the resources available to me. And now I am outside for the past six months.

So, we're sitting by the southeast side of the tennis courts discussing life in these crushing facts, then I'm not going to get out of this hole until something changes. And a city car pulls up and pulls over. And there's what looks to be a supervisor I recognized from the Jerry climate tennis facility, and the park manager perhaps diligently writing notes and taking classes up in assembly, as he writes.

So Mr. H, is like, ‘you know, I feel like we should get out of here.’ And I say ‘no, let's, let's see what's going on here.’ I walk up to the car and say, ‘Hey, how you doing? What are you writing?’ And he says, ‘I got a report.’ You ‘You got to report this. What about?’ ‘This is just for the park safety. We heard that there were drugs and children around?’

I said, ‘Well, I don't see any kids. And I don't see any drugs. It sounds like it's a pretty safe report there.’ He said ‘no, no, no. It's just about you two being here.’

I don't know the definition of discrimination, and I don't know a great bit about what dignity is, but right then and there. This supervisor was able to ID and label me a threat to the safety of this park. Just by sitting there and commiserating with my friend about how we're gonna get out...

This practice is repeated at least twice maybe one a week, when the “city parks and wrecking crew”, they're no longer recreation. That's the city parks and a wrecking crew comes through and removes anything that we can call ours. But yeah, that's it.

Thank you all for your time for the folks that stay outside. Keep your head up, please share the information about this place. Folks that advocate for us. Thank you so much for taking the time to do the good work. God bless you all.

Chair Dass

Next, we have testimony from Courtney. And then the last two folks who have signed up are Enrique and Andrew. So that's the next three we'll do.

Courtney Hegelmeyer

Hi there. My name is Courtney Hegelmeyer, [REDACTED]

Jennifer Lucero

And the testimony you're about to give is the truth, the whole truth and nothing but the truth.

Courtney Hegelmeyer

[\[See Exhibit JJ\]](#)

DRAFT

Exhibit J – Courtney Hegelmeyer

Right Hi guys, my name is Courtney. I am a Albuquerque Public Schools teacher I teach over at new futures, which is the school for pregnant prepared to teach here in Albuquerque. About half of my student population is announced on the street with infants, babies, toddlers, or girls, etc. And I also do some direct outreach on the street have been formally announced myself and in community with a lot of people who are doing direct outreach. So, I can confirm that all of the things that people are saying like are really happening and happening to students and young people and infants and babies as well.

So, I don't want to recover ground that's already been covered. So, one of the things I wanted to bring up was that I've been trying to do the things you're supposed to do: talk to my city councilors, write letters to sanitation, write letters to parks and Wrecking Crew. Chief of Police, the Mayor's office. And so far, the only written response I've gotten is from counselor, Tammy Fiebelkorn. No one else has responded in writing, despite multiple written attempts. I've also written letters to the Albuquerque journal. And the daily Lobo published a letter. So *yay*.

So just like very little response, I also had a really dismaying phone call with the mayor's office last week, where I spoke to an assistant to the mayor who just was completely feeding a line about like, "well, we notify everyone three days before we remove any belongings." And I'm like, "That's a load of crap." But I could not get past kind of the party line. And the policy that we have on the books here in Albuquerque is like a pretty good policy. I'm talking about this policy from the policy for responding to encampments on public property from October 2021.

Which I think Rosemary quoted from as well talking about respecting the dignity and rights of unhoused neighbors, and also has a really good line about seeing our unhoused neighbors as neighbors and as a vital human resource that we are lacking, and that we are wasting... I don't know, as a former on House person who's like teaching pregnant and parenting teens, I was a worthwhile resource. And like, "what are we wasting?"

And I just wanted to sorry, This type is tiny. From this policy, I just wanted to reread just a teeny tiny bit of it.

Okay, thank you. Sorry, it's so small that I don't think I'm gonna be able to find it in time. Oh, well.

I guess just to say that, if we could, at the very least follow the policy that we have here on the books, that would be a huge start. But I also just want to make it part of the public record that our city officials are not responding to these to these issues, and not responding to me, who has a lot of power and privilege and should you know, I'm a professor at you would have like you should be responding to my text to my email. And so it's not working. What we're doing is not working. Thank you.

Chair Dass

Next testimony from Enrique, followed by testimony from Andrew.

Enrique Cardial

[See Exhibit K]

DRAFT

Exhibit K - Enrique Cardial

My name is Enrique Cardiel and the director of the Health Equity Council for Bernalillo County, and I'm here because the situation with our neighbors that don't have addresses is a severe public health issue and something that we don't address as a public health issue.

We address it as a criminal issue, generally, and sometimes there's a sad story. But in reality, it's a public health issue. It's impacting the health, lifespan and wellbeing of everybody, not just those who are living outdoors. But all the rest of us who are either impacted emotionally from watching this happen, or just frustrations and trying to figure out how to work on this.

The city needs to create affordable and accessible housing without any loopholes for developers so that we have truly affordable housing distributed across the city.

We've, as an agency, have been out doing outreach with community and had code enforcement come kick us off of an empty lot because we were "making it dangerous by handing out Narcan and water." Code Enforcement is harassing people who have tried to figure out how to provide housing on their properties, which may or may not be outside of the code, but again, it's an issue of human dignity and public health. And so folks are being harassed for that.

We need to quit moving people without offering resources. That was actually something put out by the CDC during the early part of the pandemic. We're not done with the pandemic, but you know, we're obviously past the emergency phase.

We need to provide public facilities. This was mentioned here, right? There are a few of us in public health, were talking about the likelihood of A1C pandemic coming because people are using the restrooms. And the response was to try to do outreach and give our neighbors without addresses Hepatitis A vaccines, instead of providing restrooms and homes.

We need safe use sites. People are upset that their syringes everywhere their people are using outdoors. But our shelters are currently kicking out folks if they're using. They're somewhat understandable part of that if the shelters not set up for that, but we can set up shelters that do that. Right? So it's not just like, "well, that washes our hands of it." No, we need to step up and provide appropriate shelters.

We need to improve what temporary housing is available. Some of the things that were shared earlier a clear example of that. But if we're not going to provide housing, we have a responsibility to improve the outdoor encampment situations that are that exist or provide somewhere there's none.

I know there's Health Care for the Homeless, but we need to improve medical access for all folks.

We need better public access to transportation, right, folks are limited in what they can carry on to the bus now. So that makes it harder for folks who if they have everything in a few containers and can't get it on the bus, you know, they're not just going to leave their stuff and use the transportation.

All right. Obviously, we need to improve Behavioral Health Access, not just for folks who are unhouse, but for everybody. But especially folks who are outside being traumatized on a day-to-day basis, need to deal with the loss of items sometimes taken. I've had family members who've that their items disappeared after an interaction with APD just for sitting on my car, right, that made them suspicious enough to draw attention. So I know, the stories I've heard from House folks, is probably similar.

We have an opportunity to build the healthiest city in this state and the healthiest city in this country. And we're choosing to throw that out the window by taking care of the folks who need the most support. Thank you.

DRAFT

Chair Dass

We have a testimony from Andrew. Good to see you.

Andrew Romero

Okay, Andrew Romero, were about to say is completely true.

Jennifer Lucero

If you have an address, please state the record, if you don't, please- No? Okay.

Andrew Romero

[\[See Exhibit L\]](#)

DRAFT

Exhibit L - Andrew Romero

So my name is Andrew Romero. I was thinking about what to say. I had a general idea of what to say when he came up here and was more than major in the heart. You know, we speak these things that were tiny.

But um, so there's a scene that always stuck to me, it's, "I'm an American soldier, I'm physically and mentally tough trying to push you my words will never leave a fallen comrade." And it's stuck to me more now that I've been homeless because we develop a camaraderie with people that we live around. Wow. You know, that feeling when you're not homeless, and you're going up and you're going to college or whatnot, and you see an old lady fall to the ground that she scraped her knees and used that feeling..., that's the feeling of not sympathy but empathy. It's something that we actually experienced in life. So it's just something that I'm being seen through the streets now. I've asked my family for no help right now. Because I have the integrity of knowing that I still using trying to get help and I believe that they don't deserve that. I'm sober right now. I came here every time I want to do something at least a sober up and decide to do the right thing.

Right now. We're- we're in a crisis guys, right- right now it's completely horrible. I used to not feel sorry for people that used to do drugs and I used to look at them say, "Oh, that's gross. That's what they choose. That's disgusting." Now, I created sympathy so you understand. I actually help people get better. It sounds strange, but we still haven't understood what the disease of addiction is, you know, and I'm wanting to tell you because I was totally against it for many years when I was in the military.

I was a seven day tingle as a recruiter, was infantry, a truck driver. You know, I had my bachelor's degree in health and science for personal training. I've done many things. And now I'm just on the other side experiencing how tough this is, how tough it is. It's horrible.

A couple of weeks ago, my, my cousin, he was the gentleman that died right across the road. He got run over, and nobody said his name twice the next day. It scared me. It made me realize that we did not know how to grieve. It was scary, because I loved him, his children loved him. Family that loved him. And that day was very special. He went to Healthcare for the Homeless and he was trying to go in and get a voucher, you just tired. He hasn't slept. That's what he said. I'm thinking that he was so tired that he was so delirious that, you know, he didn't know the oncoming traffic was going at them. But it's hard. For a lot of us. I'm not trying to gain any sympathy, but it's tough. Like, I haven't slept in five days. You know, I don't even know how to get a voucher. You know, I don't. I've heard of them, there are steps and processes. And it's just real hard.

So I guess what I'm speaking as I just try to be aware, more of what's going on in the community, you guys because without you guys, we wouldn't have any kind of say, so we're, we're peons right now. But I'm not much drop tears and cry. I try to be the badass all the time. But there's a time when it gets really.

I just wanted to let you guys know that whenever you guys are doing, try to go out and look for it. And try to go out and gain... enthusiasm., just to go in and do whatever we got to do it throughout the year. Make it easier to try to get help on mental illnesses. You know, your post-traumatic stress disorder. I don't even know what to do with it. But I thank you guys for your time and appreciate you guys. Okay, thank you.

Chair Dass

Okay, appreciate that. Everybody. That is everyone who has signed up as far as I'm aware, and we are at time, more or less. I would like to provide testimony if I could be administered we have just to wrap up the testimony part and then we're gonna do any statements from the board. But we got under five minutes.

Anami Dass

My name is Anami Dass. I live at [REDACTED]. And truth, the whole truth, nothing. What's the?

Jennifer Lucero

Is the Testimony you're giving is the truth, the whole truth and nothing but the truth.

Anami Dass

[\[See Exhibit M\]](#)

DRAFT

Exhibit M - Anami Dass

Yes. So, I wanted to speak because my friend, Levy, couldn't be here today. In October, he was on the phone with a case manager. And he was trying to describe what being discriminated against was like when you're unhoused. And the case manager said, 'I'm sure that didn't happen.' She'd been working in the field for five years. She was aware that it happened. She knows it's happened.

But his description of it was the best description that I've ever heard. He said, 'they look at the way I look. The way I behave, the words I'm speaking, my mannerisms, my attitude, how I smell, and they assume based on all of that, that I'm homeless; that I'm dangerous; that I'm a criminal; that I can't be trusted; And what they should assume is that I'm poor.'

That actually concludes my testimony. Thank you,

DRAFT

Chair Dass

I would like to open up the floor for any members of the board who would like to comment on anything or provide a statement of their own.

Vice Chair Champagne

I'm Jack Champagne, Vice Chair of the Board, as I've said before, I went to school in Pittsburgh, Pennsylvania, the university doesn't really have a campus, so to speak, it's really just a collection of buildings within the city proper. And the homelessness there is such that just by virtue of being on being a student, I became familiar with the homeless population that were regular around there, there was a guy, Bill, he was a blind man who had been homeless, basically, since he was 10 years old. He had been sexually abused as a kid and had never recovered, had never gotten the service a CV.

And there was a lady named Jane, who would always come with a new hairstyle, because she would use some of the money that she got to do her hair. It was a simple thing that she did to kind of make yourself feel better about her situation. She always told me, "I don't do drugs and to get my hair done", which I always I always really liked that about her. There was a good friend of mine, Reef, who was always at the Islamic center, who is now I think, a CDL trucker. He's doing a lot better. I say that to say that it was possible to have a personal relationship with a lot of the homeless people in Pittsburgh.

But our current homelessness problem is qualitatively different than anything I ever experienced in Pittsburgh. And I did not realize that until I spent a significant time here and the ID [international district] working on the issue, to realize how extraordinary the problem is. And it's not a problem, I think, with the homeless people themselves, so much as it is the proliferation of problems that are attended with there being so many homeless, and having such poor access to the kinds of basic services needed to ensure your survival in a city.

And, you know, when Mo says, it's coming for you, sooner or later, the LFC I believe, last year, estimated that the percentage of people who are cost burdened and housing that is people who are maybe 1-2 months away from homelessness is about 10 times the current homeless population. It is a much more emergent problem than I think anyone really realizes. There is a good 100,000 People statewide that are one bad day away from being homeless.

And I believe it was Rosemary, who spoke about how the way we treat the homeless is causing a negative effect on the culture. And there is, I think, a truth to the fact that the way that you treat the people who have the least amount of power in your society is the best reflection on a society as a whole. And the fact that we, as a state and as a city have so many people who are so close to homelessness should really make us think about how we treat these people, how we perceive these people, because really, that's how you perceive the person next to you, the person who is your neighbor one day, but you might see them on Central Avenue and Louisiana tomorrow.

So I mean, the stories that we've heard today are I think very, they're very tragic, and they're very touching. And they're very close to home. And I think everyone who sees this testimony who is watching this meeting, should realize, but for the grace of God, there go everyone here; everyone here in the city; everyone in the Roundhouse; everyone in the governor's mansion. This could be you. That's all I have to say. Then

Chair Dass

Lastly, there are some members of the media here, I asked if any photos were taken of anybody that you get permission to publish those first. That's a common issue with people experiencing homelessness; being photographed without their consent. So please make sure to do that.

We are out of time. The next human rights board meeting will be on ~~June~~ 18. The report from This hearing will be published by or on July 22. I said June earlier, I'm in July 18. Open to the public. It's at Plaza del Sol. More information is at www.CABQ.gov/civilrights/

And if anyone would like to provide additional statements to this effort, for the next week, you can email those to civilrights@cabq.gov

If you know me personally, you could send me to that works and anonymized and then send over the last thing, am I missing anything else? We have something in five to three days? EEOC Human Rights Commission event? don't mention it? Please do.

Lisa Y. Schatz-Vance

So, the Office of civil rights is joining the EEOC and the New Mexico human rights Bureau for a presentation. It's by a webinar only on Tuesday at 9:30. The information is available online at www.CABQ.gov/civilrights/

If anyone has an interest in wanting to attend, please don't hesitate to reach out to me after the closure of today's hearing.

Chair Dass

Thank you all for being here. For those who provided public comment. Thank you for those who provided testimony. Thank you. For those who work in this community. Thank you and for those sharing their lived experience in any way, Thank you. With that I closed this public hearing of the Human Rights Board at 2:35 PM

Janus Herrera

I've got blankets! I've got food! Come find me, if you need, please!



Transcribed using <https://otter.ai> with additional review by Chair Dass, Mari Kempton, and Jennifer Lucero.

Compiled Electronic Statements

Attachment C

EC-1

TIME: 06:24 MST

DATE: 6/11/2024

SUBJECT: "Homelessness issues"

"How can you speak bad about business owners kicking the homeless off of property? They steal from the business and destroy the bathrooms and trash the outsides. They have more rights than the business they are ruining daily. Thousands of dollars every day and we can't do anything to stop them and they know it. So they continue to take what they want. Homelessness is ultimately a choice. I use to be homeless and now I have a house and work 3 jobs to keep it. Stop feeling sorry for them and start holding them accountable for their choices!"

EC-2

TIME: 13:31 MST

DATE: 6/11/2024

SUBJECT: "Discrimination against the homeless"

"Hi,

I want to thank you for bringing this issue to the forefront. One thing that I wanted to bring up is the importance of city staff not making negative and unhelpful generalizations about unhoused people. While it's definitely not all employees, I regularly hear city staff perpetuate negative stereotypes about the unhoused - whether it's that they can't be housed because of addiction or blaming them for getting injured or killed by others. One regular example that I hear is blaming our extremely high rate of pedestrian traffic fatalities on the unhoused being on drugs or darting out into the street. It's the city's job to provide safe streets and public spaces and civil servants should be setting an example for civility not engaging in victim blaming or scapegoating the most vulnerable members of society.

Thanks,"

EC-3

TIME: 22:50 MST

DATE: 6/21/2024

SUBJECT: "HRB Statements - B"

"Hi,

You put us through a lot of shit. Just to swallow more shit.

Guess what?

I'll take the power back.

[illustration of voting box]"

EC-4

TIME:11:11 MST

DATE:6/22/2024

SUBJECT: "HRB Hearing Statement, (22 Jun 2024)"

"What is the rationale for this meeting? Gathering data? Who has what power to act based on the input gathered? When will there be a Pro-Homeless Sentiment meeting?"

The biggest "anti" sentiment would seem to be the same from all sides, with public toilets being the one obvious solution.

It must be noted that the homeless community situation changed massively three years ago after two things happened. The WEHC became open 24/7, and a methamphetamine plague (truly) hit the streets. (This and other drugs used openly doesn't seem to constitute probable cause for law enforcement.) The major effort to help the community is mostly only about housing. If there is a paperwork and HUD money roadblock, but no shortage of rooms...

Just go into the community and hand out keys. Those who abuse their place get evicted and barred. Folks also need help as they are and where they are right now. The homeless community isn't going away, ever. (Not anti, sorry), still/yet no homeless person goes hungry in Albuquerque! The "working poor" might always need more groceries. God bless Albuquerque! Sincerely, "

EC-5

TIME:11:58 MST

DATE:6/25/2024

SUBJECT: "Do something!"

"Thank you for giving me, as a concerned community member, a voice. But mine is miniscule compared to the testimonies I heard last Saturday at the ID library.

Listen to the agony in those voices. Listen to the anger, frustration and despair in those voices.

Bring back respect and a sense of dignity by getting unsheltered people into housing with pets if they have them, prevent people from losing their housing, finding medical care as needed and help them on the road to being able to achieve their dreams.

NM can do better. What Anami Dass said on behalf of her friend, hit home. Being poor is not a criminal offense nor a social one. Being poor is the result of failure of our system. Systems can be fixed."

EC-6

TIME:22:50 MST

DATE:6/21/2024

SUBJECT: "HRB Statements - A"

"Just an anonymous homeless out here citizen. I have been shot a lot out here, but I notice we still need a lot of help for the homeless, like in town homeless shelter. I have a little disceza [SIC] from the bullets at the time. I believe that we should get more licensed police from Denver and surrounding areas, speeding signs needed a lot, and more ready jobs for college educated people. I love that so many people were involved in helping the homeless coalition without the LLC. More bathrooms by bus stops, solar outdoor new electronic lights, the water needs to be

cleansed and the drainage system. Water bottles in the backseat at all time by all police officers would help with cold packs and a blanket with aspirin and ibuprofen. Hand pumps would be helpful too [bicycle tire.] The food stamps are way too low for me but maybe just be right on time for a little community help and care form each other. Road and sidewalks need a little repair. Recertification in the hospitals need to be updated. Thank you for cold ice drinks and popsicles on hot days [to Mutual Aid volunteers.] Needed a lot of attention for pedestrian injuries near bus stops. People smoke but I also would like to thank the police and citizens for being noticeable and caring for our needs. Thank you so much for food and blankets in the winter and spring. Can openers was one thing that again was hard to hard to obtain. Extra tent or four would have been good every once and a while. Bridge support is really needed and building repair.”

EC-7

TIME:22:50 MST

DATE:6/21/2024

SUBJECT: “HRB Statements - C”

“I’ve been homeless since 2014. I have had so many people tell me they could find me homes, they could find me housing – that’s like a joke, housing. Here it is 2024. And do I have any housing? No. It’s all a game. Motels, just grabbing city money. I’m 59 years old. If I don’t have an income from Social Security, then I don’t have housing. I’ve been at the [Westside] shelter 10 years, this January my 10 year “anniversary” on the street. All these hotels and motels are grabbing up the city’s guaranteed check. Nobody has given me a voucher. Nobody has given me dog shit, since 2014. January 13, 2014 is when I became homeless as a veteran. Nobody cares because I smoked weed and got kicked out of the military at 3 years, 9 months.”

EC-8

TIME:22:50 MST

DATE:6/21/2024

SUBJECT: “HRB Statements - D”

“I have been homeless now for roughly a year in Albuquerque New Mexico. Frankly, I’d rather be dead. Those of you who do not know or have never experienced what it is to be homeless have no idea how lucky you are. The city allows the police to harass us and talk to us as though the dog shit, they just stepped in is held in higher regards. We are told it is illegal to rest, relax or sleep anywhere in city limits. The Westside Shelter that is offered to us is run like it’s still the county jail and is infested with bed bugs and mice. Businesses shun us away. City workers smile and laugh, and they come through and throw our only belongings into dump trucks while cops threaten us with felony charges.

I am made to feel as though it is illegal to live. I have been treated with a felony charge for pushing a shopping cart, that I found, with my belongings.”

EC-9

TIME:17:23 MST

DATE:6/28/2024

SUBJECT: "Comment on Rights and Treatment of Unhoused Persons in Albuquerque"

"I was present and gave testimony at the hearing held by the Albuquerque Human Rights Board on Saturday, June 22, at 1:00 pm in the International District Library in Albuquerque regarding the treatment of persons experiencing homelessness, particularly the effects of "anti-homeless sentiment(s) in the city and/or incidents of discrimination based on housing status."

... I spoke of the impending U.S. Supreme Court case, *City of Grants Pass v. Johnson, et al.*, in which the Supreme Court was considering whether or not the City of Grants Pass, Oregon was imposing cruel and unusual punishment on unhoused persons by forbidding them to camp in public parks and other public spaces. That case has now been decided in favor of the City of Grant Pass. In my testimony, I referenced the pending case and stated that, regardless of what the U.S. Supreme Court might decide on the issue before it, the Human Rights Board, the City of Albuquerque and the State of New Mexico were in no way barred from providing a higher standard of protection for unhoused members of the community than the U.S. Supreme Court might determine of provided by the U.S. Constitution. Because of the U.S. Supreme Court decision announced today, I want to expand a little on my comments.

The U.S. Supreme Court case of *Grants Pass v Johnson* has only determined that the 8th Amendment of the U.S. Constitution prohibition of cruel and unusual punishment does not prohibit Grants Pass from enforcing an ordinance citing or arresting persons for camping in public spaces. Justice Gorsuch in the majority opinion stated:

"Homelessness is complex. Its causes are many. So maybe the public policy responses required to address it. At bottom, the question this case presents is whether the Eighth Amendment grants federal judges' primary responsibility for assessing those causes and devising those responses. It does not."

In her dissent, Justice Sotomayor suggested that laws like those in Grants Pass might implicate other legal issues, such as the Constitution's Fourth Amendment protections for a person's property and will likely face more litigation. Thus, even at the Federal level, it is important to realize that the decision in *Grants Pass vs. Johnson* only addresses the issue of cruel and unusual punishment and says nothing about the Constitutional protection of property rights that may be violated when a homeless person's property (tents, sleeping bags, birth certificates, drivers licenses, Medicaid cards, etc.) are seized and thrown into city trash trucks, a common practice in our city.

In any case, the Federal law is clear that the Grants Pass decision only affects the Federal issue that was before the U.S. Supreme Court. It in no way limits the power of the State of New Mexico through constitution, statutory provision or through the charters and ordinances of its cities to offer greater protection to the human rights and dignity of unhoused persons. A law review article written by former Supreme Court William Brennan describes the authority that states have to interpret their own laws and constitutional provisions without being second guessed by the Federal courts:

[FN80]. The Supreme Court's jurisdiction over state cases is limited to the correction of errors related solely to questions of federal law. It cannot review state court determinations of state law even when the case also involves federal issues. *Murdock v. City of Memphis*, 87 U.S. (20 Wall.) 590 (1875). Moreover, if a state ground is independent and adequate to support a judgment, the Court has no jurisdiction at all over the decision despite the presence of federal issues. *Fox Film Corp. v. Muller*, 296 U.S. 207 (1935); *Murdock v. City of Memphis*, 87 U.S. (20 Wall.) 590 (1875). ... Our only power over state judgments is to correct them to the extent that they incorrectly adjudge federal rights. *Harvard Law Review*, January, 1977

*489 STATE CONSTITUTIONS AND THE PROTECTION OF INDIVIDUAL RIGHTS

William J. Brennan, Jr. [FNa1] Copyright (c) 1977 by the Harvard Law Review Association; William J. Brennan, Jr.

In other words, the Albuquerque Human Rights Board is not limited by the U.S. Supreme Court decision just announced about the Grants Pass ordinance. The Human Rights Board, subject to review by New Mexico courts, not federal courts, has the first authority to interpret the Albuquerque City Charter, Article VII, which holds in part that "The [City] Council shall preserve, protect and promote human rights and human dignity. ..." as that Charter provision is expressed in the Albuquerque City Ordinance which establishes the Human Rights Board and describes its jurisdiction and authority to investigate and propose findings

"Pursuant to Article VIII of The Albuquerque City Charter, in order to assure the public safety, public health and general welfare, to:

- (A) Preserve, protect, and promote human rights and human dignity;
- (B) Promote and encourage the recognition and exercise of human responsibility;
- (C) Protect and promote equality of access to public goods and services; and
- (D) Prohibit discrimination on the basis of race, color, religion, sex, national origin or ancestry, age or physical handicap, including, but not limited to the following area:
 - (1) in places of public accommodations;
 - (2) In housing accommodations; and
 - (3) In commercial space.

§ 11-3-2 DECLARATION OF POLICY."

Thus the Human Rights Board is empowered, even required to:

- "(E) Use its best efforts to:
 - (1) Promote mutual trust, understanding and respect among the citizens of the Albuquerque community and between the citizens and their governmental agencies.
 - (2) Endeavor that all citizens may enjoy their rights and pursue their opportunities on an equal basis without discrimination as to race, color, religion, sex, national origin or ancestry, age, or physical handicap.
 - (3) Conduct programs of research and investigation into the existence, cause, prevention, and remedy of inter-group tensions and hostility, and prejudice and

discrimination within the community and to inform and educate the citizens as to the results of such research and investigation."

And to :

"(F) Provide review of all existing and proposed ordinances and policies which relate to the objectives of this article.

(G) Work with governmental agencies, including the New Mexico Human Rights Commission, and with community organizations to carry out the purposes of this article.

(H) Make recommendations to the City Council based upon its findings concerning problems occasioned by prejudice and discrimination in all fields of human relations and recommend corrective

action to aid in carrying out the purposes of this article."

§ 11-3-5 POWERS AND DUTIES.

The Human Rights Board also may:

"(A) Hold hearings, request the appearance of witnesses and the production of relevant books, records, correspondence, documents, and other evidence relating to any matter under investigation or in question before the Board.

(B) Make such investigations and studies in the field of human relations as in the judgment of the Board will aid in effectuating its general purposes.

(C) Recommend to the City Council and Mayor legislation to aid in carrying out the purposes of this article."

§ 11-3-6 POWERS OF THE BOARD

In other words, the Albuquerque Human Rights Board has both the authority and responsibility to use the hearing process such as was employed in the hearing of June 22, 2024, and use its own investigative and research powers to give a first level interpretation to the rights guaranteed by the New Mexico Constitution to all persons, including those who are unhoused, including these two provisions:

NM Const art II § 4

"All persons are born equally free, and have certain natural, inherent and inalienable rights, among which are the rights of enjoying and defending life and liberty, of acquiring, possessing and protecting property, and of seeking and obtaining safety and happiness."

NM Const art II § 10

"The people shall be secure in their persons, papers, homes and effects, from unreasonable searches and seizures, and no warrant to search any place, or seize any person or thing, shall issue without describing the place to be searched, or the persons or things to be seized, nor without a written showing of probable cause, supported by oath or affirmation."

I would ask the Albuquerque Human Rights Board to carefully consider the effects on the wellbeing, human dignity and property rights of unhoused persons such as those who testified before the Board at its June 22 hearing of the sweeps of homeless encampments and instances of

individual unhoused persons seeking shelter in a tent, under a blanket, in a sleeping bag, next to a shopping cart of all their possessions, etc. and consider what I believe are violations of rights guaranteed to all persons in New Mexico under the New Mexico Constitution to enjoy life and liberty, to acquire, possess and protect property, and to seek and obtain safety and happiness.

Consider also how the practices described by the unhoused witnesses at the HR Board hearing and by their advocates render unhoused persons INSECURE in their persons, papers and effects and constitute unreasonable seizures of their property.

This is a matter of the culture of human dignity which the State of New Mexico through its Constitution and laws and the City of Albuquerque through its Charter and ordinances has established for our state and the people who live here. I am asking the Human Rights Board to make findings to protect the humanity and human dignity of all New Mexicans who come to the attention of public officials, including law enforcement, sanitation workers and city officials of all levels regardless of their housing status. It is a matter of simple humanity.

Please feel free to contact me further regarding this statement.

With regard,

”

EC-10

TIME:16:54 MST

DATE:6/27/2024

SUBJECT: “Human Rights Board Hearing Statement”

“I’m writing as someone who has worked for the last four years as part of a small church ministry to provide water, a charging station, and snacks every evening to any in need. We work under the care of the Albuquerque Friends Meeting (Quaker) which is in the Wells Park neighborhood. Our team has shared times of deep community caring, of painful suffering, and of immense frustration with so many who have come by our site. I write to you today with my individual point of view, not representing our group effort.

During public testimony to the Human Rights Board on June 22, I heard many points raised that reflected my observations about the terrible situation for unhoused people in Albuquerque right now, about the ways that city policies and lack of constructive action compound suffering for our citizens.

An observation I will add can be simply framed: people have nowhere to go if they don’t have a house. These neighbors are condemned by our city and state policies to wander the streets, with no safe haven, no resources for hygiene, and poor shelter, seeking irregular meals from non-profit sources. For those who want to keep some belongings or a pet or a companion with them, where can they go in Albuquerque? People are chased from one back alley or vacant lot to another, always on the move, always unable to leave their possessions unaccompanied.

People form small camps and help each other out, but are without fail, forced to move at some point by the city. A person living under these conditions can’t maintain a relationship with or even be easily found by a case manager. As was pointed out in testimony, the WEHC is unsafe

and unacceptable to many. And the WEHC was only ever intended for very short-term emergency housing.

These conditions of “nowhere to go” have a secondary negative impact on everyone in our city who is discouraged by the level of suffering we see, or for some who feel fear, anger and powerlessness at conditions in their neighborhood, where they live in a house and also seek a sense of community and safety. We have frequently observed housed neighbors around our Meeting House lashing out with anger and hatred to those who are unhoused. Yet the perpetual cycle of removal and then return to neighborhoods of unhoused people continues with no end in sight in our area.

Former legislator Daymon Ely is developing recommendations for the city, and one of them is to create short-term places where people can stay, with their possessions and pets, perhaps in pallet houses, with services available. The city must move forward immediately with such alternatives for our unhoused neighbors. We must break the cycle. Alternatives to wandering the streets, to regularly losing possessions, to having little access to resources that would help develop a stable living arrangement must be made available, along with provision of permanent housing.

Surely, every human in Albuquerque has a right to a place to be safe and in control of the possessions they have. As I see it the city of Albuquerque is discriminating against people who are unhoused, and creating conditions under which they receive hateful behavior from people living in neighborhoods.”

Note: EC-10 was delivered later than the cutoff time for submissions. However, it is the ruling of the Chair that the electronic communication shall be accepted into the record, as the transcript and the compiled record have not yet been distributed to the members of the Board, and the intention and actions of the commenter clearly illustrated in the email’s repeated error messages that the comment was submitted to the board within the appropriate timeframe but was addressed incorrectly. Provided that this submission is considered a public comment rather than a testimony under oath and thus the comment carries less weight than a testimony. The chair has decided to admit the comment into the record citing powers granted to her in Chapter VIII articles A and B of the Human Rights Board Operational Rules regarding decorum.

EC-11

TIME:16:54 MST

DATE:6/27/2024

SUBJECT: “Human Rights Board – Input on anti-homelessness sentiment in Albuquerque”

“I affirm that what I state below is the truth.

In regard to the anti-homeless sentiment and discrimination that continues to occur in Albuquerque, I am writing as one who has experienced homelessness, and one who walks alongside those still living outside. I have been trying to grasp why a man wearing a black shirt with the One ABQ logo printed upon it has a bed of concrete with a thin sheet covering him as he sleeps every morning in the center of the city. I have been trying to grasp how our

government can support the investment of more money into solid waste and law enforcement inflicting harm upon vulnerable people (during the “summer of non-violence) than in providing housing for them. I have been trying to grasp how the leadership of this One ABQ can be quoted to say, “Hammer the homeless” while these people are dying of thirst, hunger and disease on the streets.

I hold the belief that every human being has value, deserves respect, and dignity. The main cause of homelessness is that people lack a support system. Somewhere along the way, they burned bridges, broke trust, committed an offense and didn’t have a way back home. The saving grace for those who are unhoused in Albuquerque is that the street community provides a support system that fills the void, gives them a place to belong. They become family. When the City displaces a person, the family rallies to share food, clothes, basic necessities to help them begin yet again.

During the past 12 weeks, I have come to know and work with a community of people, a “family” who formed an encampment at Utah and Chico. For months, these people lived in tents upon a dirt lot, kept each other safe from harm, and from being displaced. When the City became aware of them and threatened to displace them all, advocates lobbied for hotel vouchers to create a pilot program helping them work toward housing. This program just reached an unfortunate end and some lessons have been learned.

- Trauma runs deep among people who live outside. Mental health supports – not involuntary commitment to institutions as the Governor has proposed – but supportive spaces for people to grieve, speak, process and receive tools to heal need to be accessible to begin to help people stabilize. Over the course of 8 weeks in a hotel, the 25 residents grieved the loss of two community members who died, one who was imprisoned, feared being evicted from the hotel multiple times all while processing their past and what got them to this point. Mental health professionals are needed as a resource whether mobile or in community spaces to support people through the most stressful experience of their lives.
- Voucher oversight, a hotline and a policy is needed to keep landlords and hotel managers receiving City vouchers in check. People being sheltered through hotel or rental vouchers are at risk of manipulation, discrimination and exploitation any time something goes awry with the payment for their shelter... or when tenants feel indebted to the landlord providing shelter. As a result, people are being exploited for labor they can provide under threat of losing their shelter. They are offered work without contracts for payment. They are asked to commit crimes, make purchases or trade favors to keep a roof over their head. Without a clear policy committing the landlords to the goals of the program, with boundaries in, and a means for communication between the tenant and the voucher provider, people are at risk of greater exploitation. The voucher checks need to come with oversight and tenants need to have an avenue to express issues that arise.
- Provide flexible housing options for single people and broaden the definition of “family” for housing purposes. Street family is the only “family” some people have. They will

move forward together with their support system, or stay together on the street. Acquiring vacant houses, restoring homes for groups of individuals to live in are possibilities to explore and would likely cost less than sheltering people in hotels.

- Engage community in becoming the solution. Denver’s House1000 campaign successfully housed over 1,000 people in six-months time. The campaign was led by Mayor Johnson with compassion, not cruelty, and rallied the whole community to help support the housing need. Calling on the resources churches, nonprofits, community groups provide to keep people alive on the streets and redirecting them all to a coordinated community effort with a mission to house everyone as One ABQ would honor the dignity of all and shape a story of strength along Central and across the City we could all be proud of.
- Public bathroom access everywhere. Needed for everyone with health conditions, disabilities, bladders.
- Lockboxes for methadone programs are needed. A barrier faced when enrolling people in methadone programs is they couldn’t get their weekend dose without a lockbox. A daily treatment program is less effective when missing 2-3 days of dosing.
- Public phone access is needed. The free “Obama” phone program stopped at the end of May 2024 until the new fiscal year. Many people have exhausted all providers, have had their phones stolen or broken. This leaves them disconnected from family, health providers, parole officers, job or other opportunities. Applying for a new phone, waiting for it in the mail, creates greater isolation.

When seeing a person who is burdened by a life on the street, look beyond their torn clothing, the dust on their skin, the garbage bag of their meager possessions. Remember they are somebody’s child, somebody’s sibling, somebody’s former classmate. Know they do not choose to struggle so, but they struggle to trust hope. Give them hope. Give them help. “

Note: EC-11 was delivered to the Board later than the cutoff time for submissions. However, it is the ruling of the Chair that the electronic communication shall be accepted into the record, as the transcript and the compiled record have not yet been distributed to the members of the Board, and the sender of this statement had completed all requisite step to submit their statement to the Board, and the delayed delivery is a result of administrative delays rather than any fault of the sender. However, the Chair will not consider this statement to be another Testimony as requested by the sender because testimony must be offered following the administration of an oath by a Notary Public. Seeing as the board cannot with any confidence claim that a Notary was present while the email was being drafted, this submission is considered a public comment rather than a testimony under oath and thus the comment carries less weight than a testimony.

Compiled and re-formatted by Chair Dass, with additional review by Mari Kempton, and Jennifer Lucero.

Results from Informal Survey

Attachment D

During the HRB Public Hearing on Anti-Homeless Sentiment & Discrimination Based on Housing Status, participants were asked to raise their hands if they agree to the statements below. *(Estimated Audience Size: estimated as 30 people)*

“The City of Albuquerque has enough accessible public restrooms for everybody.”
0/30 of participants agreed.

“The City of Albuquerque does not have enough accessible garbage receptacles for everyone to throw away their trash.”
29/30 of participants agreed.

“Attacking a person experiencing homelessness simply because they are a person experiencing homelessness should be considered a hate crime.”
30/30 of participants agreed.

“The City of Albuquerque is responsible for the current housing crisis.”
29/30 of participants agreed.

“The federal government is responsible for the current housing crisis”.²³
29/30 of participants agreed.

“Albuquerque caused its own housing crisis.”
0/30 of participants agreed.

“The federal government played a part in causing the current housing crisis.”
30/30 of participants agreed.

“Homelessness is a choice made by the person experiencing homelessness.”²⁴
0/30 of participants agreed.

Compiled by Chair Dass, with additional review by Mari Kempton, and Jennifer Lucero.

²³ Attendees requested clarification as to the meaning of the word “responsible” in this and the previous question.

²⁴ One attendee said, “Sometimes.”

Meeting Minutes

Attachment E



City of Albuquerque - Office of Civil Rights
1 Civic Plaza, Albuquerque, NM 87102
Phone- 505-768-4595, TTY 711
civilrights@cabq.gov

City of Albuquerque Human Rights Board (HRB) Public Hearing on Anti-Homeless Sentiment and Discrimination Based on Housing Status Minutes

Date: Saturday, June 22, 2024
Time: 1:00 p.m.
Location: Community Room of the International District Library, 7601 Central Ave NE, Albuquerque, NM 87108

Board Members Present:

Anami Dass, Chair
Sean “Jack” Champagne, Vice Chair
Larry Hinojos Jr.
Kate Boulton

City Staff Present:

Lisa Schatz-Vance, Board Attorney
Mari Kempton, Parliamentary Council
Jennifer Lucero, Minute Taker

Board Members Not Present:

Samia Assed
Leticia Galvez-Trujillo
Kimberly Andujo

I. Call to Order & Introductions

- a. The meeting was called to order at 1:13 p.m. by Chair Dass.
- b. All board members and city staff who were present introduced themselves.

II. Verbal Questionnaire

(A) Members of the Public were asked to raise their hands if they agree to the following statements:

1. The City of Albuquerque has enough accessible public restrooms.
 - a. No hands were raised
2. The City of Albuquerque does not have enough accessible garbage receptable.
 - a. Majority of hands were raised.

3. Attacking a person who is homeless because they are homeless is a hate crime.
 - a. Majority of hands were raised.
4. The City of Albuquerque is responsible for the current housing crisis.
 - a. Majority of hands were raised.
5. The federal government is responsible for the current housing crisis.
 - a. Majority of hands were raised.
6. The City of Albuquerque is solely responsible for the housing crisis.
 - a. No hands were raised.
7. The federal government is partially responsible for the housing crisis.
 - a. Majority of hands were raised.
8. Homelessness is a choice.
 - a. No hands were raised except one individual stated “sometimes.”

III. Public Comments and Testimonies

- a. Public comment made by unidentified individual who is a case manager working on behalf of the unhoused assisting with replacing vital documents. This individual addressed concerns regarding the preliminary injunction which was vacated on May 17th. They suggest that landlords should work with landlord liaisons or case managers and case managers can send letter of recommendations to vouch for unhoused individuals.
- b. Testimony was given by Rowan Rosen who is a library employee. She stated the library is the only public restroom in the International District. She witnessed Metro Security driving off homeless even during after-hours and have intimidating presence to discourage the presence of unhoused individuals. She states there is no shades at the bus stops and had to call emergency services for heat strokes. Unhoused individuals come in library many times seeking medical care. EMS is not promptly responsive if individuals are homeless.
- c. An unidentified local resident of the International District area saw an individual who was perceived to be homeless steal his neighbor’s bike. He stated he feels more threatened by fellow residents than unhoused individuals.
- d. An unidentified individual made public comment regarding her concerns with hotel voucher issues. The communication between the City outreach workers, HopeWorks, and hotel managers is miscommunication or non-existent. There is no notice given when the vouchers run out. This past week an outreach worker told hotel manager that vouchers are up and people have to leave immediately while someone else told them they can stay until the end of the month. When folks are forced to vacate the hotel, there is presence from the City of Albuquerque or HopeWorks to provide any support.
- e. Amanda Roybale who is a current hotel voucher resident gave testimony regarding her experience with HopeWorks. She states HopeWorks has given many unkept promises. HopeWorks transported her to the motel to live until her housing application gets approved. The application was process then a second background check ultimately prevented her from securing housing. HopeWorks has given inadequate notice when she has to leave the motel and return to living on the streets.

- f. Aaron Esquivel who is also a resident of the Motel 6 gives his testimony regarding his concerns of constantly worrying about belongings being taken from him and having to have friends take turns watching their stuff. He states it is chaos and feels like he will relapse but is still trying to do his best and has children he wants to be reunited with.
- g. Adam Litzer, who is a physician's assistant and works in homeless outreach, gave his testimony addressing the safety concerns for unhoused individuals and the misconceptions. He states the middle class doesn't know that homelessness is coming for them. More and more people are one month away from not affording rent and being evicted. He works with First Nations and goes to the Westside shelter once a week as well. He has been working with Maria Wolfe, the Homeless Innovation Officer.
- h. Rosemary Blanchard gave testimony regarding her concerns of human rights, human dignity and the sweeping of people's possessions. She states the City and the State has right to provide more rights than the federal constitution. The Human Rights Ordinance protects and promotes human rights and human dignity. She wants the HRB to set a standard for human dignity.
- i. Bonnie Readers gave testimony stating she was on SSDI and was evicted for nonpayment which was not true and she is now unhoused. Her parents' ashes were stolen. There is a need for places to keep their belongings safe.
- j. Testimony was made by Henry William Jr. who states he has experienced racism. He discusses his use of drugs because he does not have basic necessities such as to shower, food, and money but wants to quit.
- k. Testimony was made by Janus Herrera who is a member of Coalition for a Safer Albuquerque. She has been unhoused due to domestic violence and states WIC is not enough. She discussed her experience with a disabled elderly unhoused individual who was turned away from using a restroom due to his clothing and urinated himself. The westside shelter is inadequate due to it being not within city limits and away from services. She witnessed many in dire need of medical care but do not have access and are afraid to abandon belongings.
- l. Mohammed Ahmed gave testimony regarding his experiences. He has been unhoused for six months. He was formerly employed by the Social Security Administration but was fired. He feels safest at Jerry Cline dog park due to its access of water and restrooms. He has been perceived as a treat when he was sitting with a friend at the park. Parks & Rec employees told him he needed to leave due to presence of children and drugs. He stated there was no drugs nor children present.
- m. Testimony was made by Courtney Heiglemeyer who is an APS teacher at New Futures school for pregnant teens and is also a professor at UNM. She states he has been formerly unhoused. Half of her students live on the streets. She has written letters to City Councils, Mayor's Office, Solid Waste, Parks & Rec., and Chief of Police. She received only once response from Councilor Fiebelkorn. She has also had letters published from the Albuquerque Journal and the Daily Lobo. She spoke an assistant with the Mayor's Office over the phone stating the policy is a three days notice before belongings are removed. She states no notices are given and the policy is not being followed.

n. Testimony was given by Enrique Cardiel who is the director for Health Equity Council for Bernalillo County. He states Unhoused is a serve public health issue but is addressed as a criminal issue. He discusses the need to create affordable housing without loopholes. He has had issues with code enforcement not allowing people allowing others on their property. Shelters are kicking folks out if using drugs but shelters are not set up for safe use. There needs to be safe use sites. There needs improvement for temporary housing and medical access. People are limited in belongings they can take on the bus.

o. Testimony was given by Andrew Romero who is currently an unhoused veteran with a Bachelor's degree in Health and Science for personal training. He has noticed there is a lack of empathy. He is currently sober but is not willing to ask family help because he's been using. His cousin was pedestrian who was killed recently on Central due to oncoming traffic. He is unable to sleep because he is worried of his belongings being taken. He does not know how to access a voucher and does not know how to get help.

p. Anami Dass gave testimony speaking on behalf of her friend Levi who was discriminated against. She told a story about how Levi explained to his case manager that he was discriminated and his case manager was dismissive. Dass quoted Levi as having said, "They look at the way I look, the way I behave, the words I'm speaking, my mannerisms, my attitude, how I smell, and assume I'm homeless, dangerous, criminal, and can't be trusted. What they should assume is that I'm poor."

IV. **Closing Remarks**

q. In his closing remarks, Vice Chair Champagne discussed his experience with Pittsburg homeless. He described his friendships with individuals in Pittsburg and explains it is possible to have relationships with unhoused individuals but here in Albuquerque it is qualitatively different. He commented that the problem is not the homeless but number of homeless and lack of access. He said, "the way you treat the people who have the least amount of power in your society is the best reflection on a society as a whole."

V. **Announcements**

- a. The next Human Rights Board meeting is July 18, 2024 at 5:00 p.m. in the Lower Hearing Room of the Plaza Del Sol building.
- b. The report to this public hearing will be published by July 22, 2024.
- c. The EEOC, NM Human Rights Bureau, and OCR Panel Discussion is on June 25, 2024 at 12:00 p.m. via zoom. Information is on the OCR webpage.

V. **Adjournment**

- a. Meeting adjourned by Chair Dass at 2:35 p.m.

Anami Dass, Chair

Date

Part III: Research

DRAFT

Sections:

- Comparative Overview of Homelessness in the US
- Intersectionality of Homelessness
- Poverty & Unemployment
- The Restroom Problem: Sharing Space
- APD's Use of Force 2022-2023 & Injunction

3.1 Comparative Overview of Homelessness in the US

People in Albuquerque commonly view homelessness as a uniquely challenging issue in New Mexico, but this does not reflect the reality of homelessness as a crisis across American cities.

This section contains information relating to homelessness in the US and were created for this report by utilizing 2023 estimates from the US Department of Housing and Urban Development.²⁵ Data on prison populations comes from the US Bureau of Justice Statistics.²⁶

This Zia symbol is used to indicate Albuquerque (or NM) on the following 4 pages.



DRAFT

²⁵ HUD (2023) *Annual Homelessness Assessment Report*
<https://www.huduser.gov/portal/sites/default/files/pdf/2023-ahar-part-1.Pdf>

²⁶ Bureau of Justice Statistics (2023) *Correctional Populations in the US*. <https://bjs.ojp.gov/document/p23st.pdf>

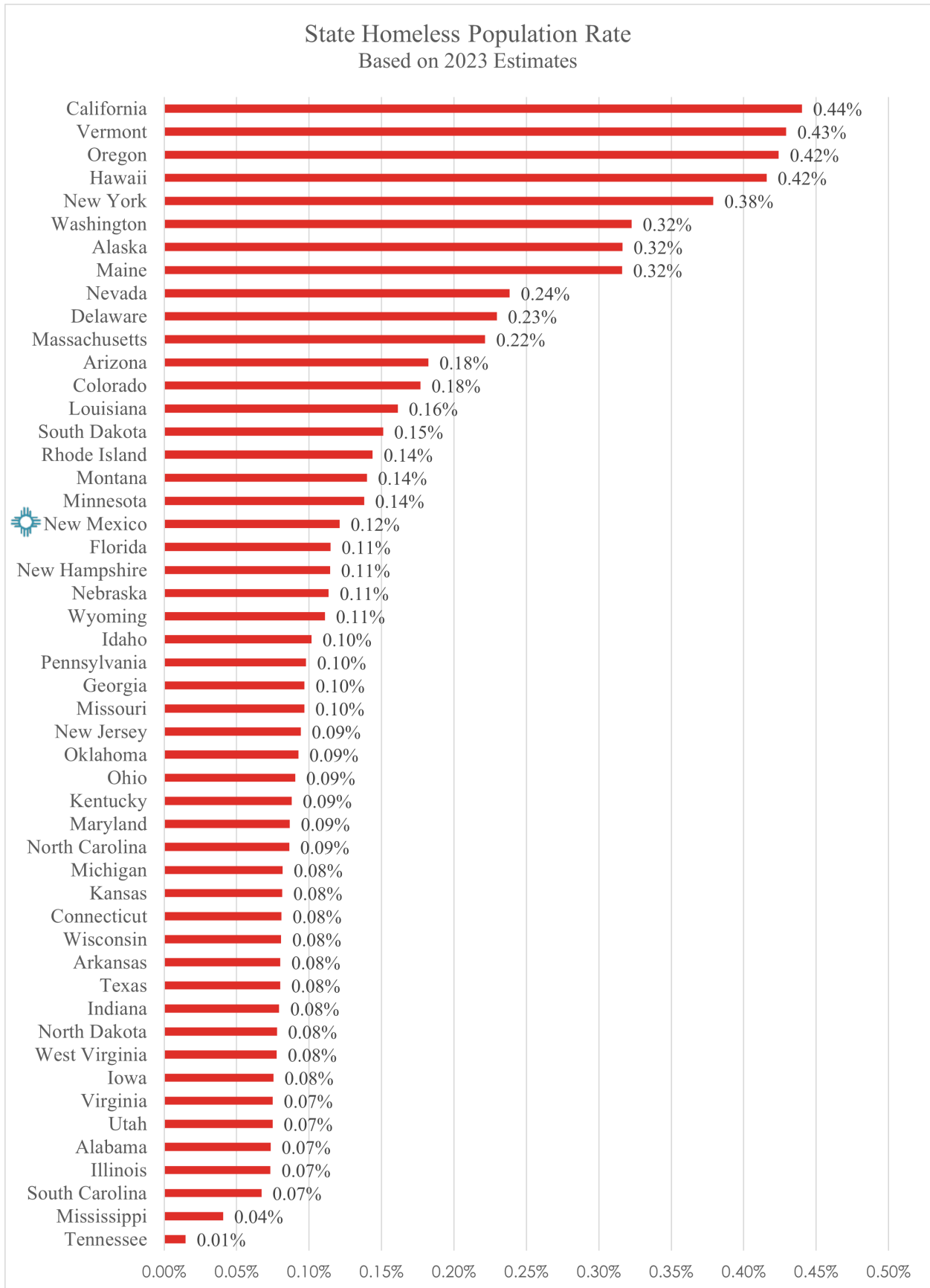


Figure 3.1a – State Rates of Homelessness

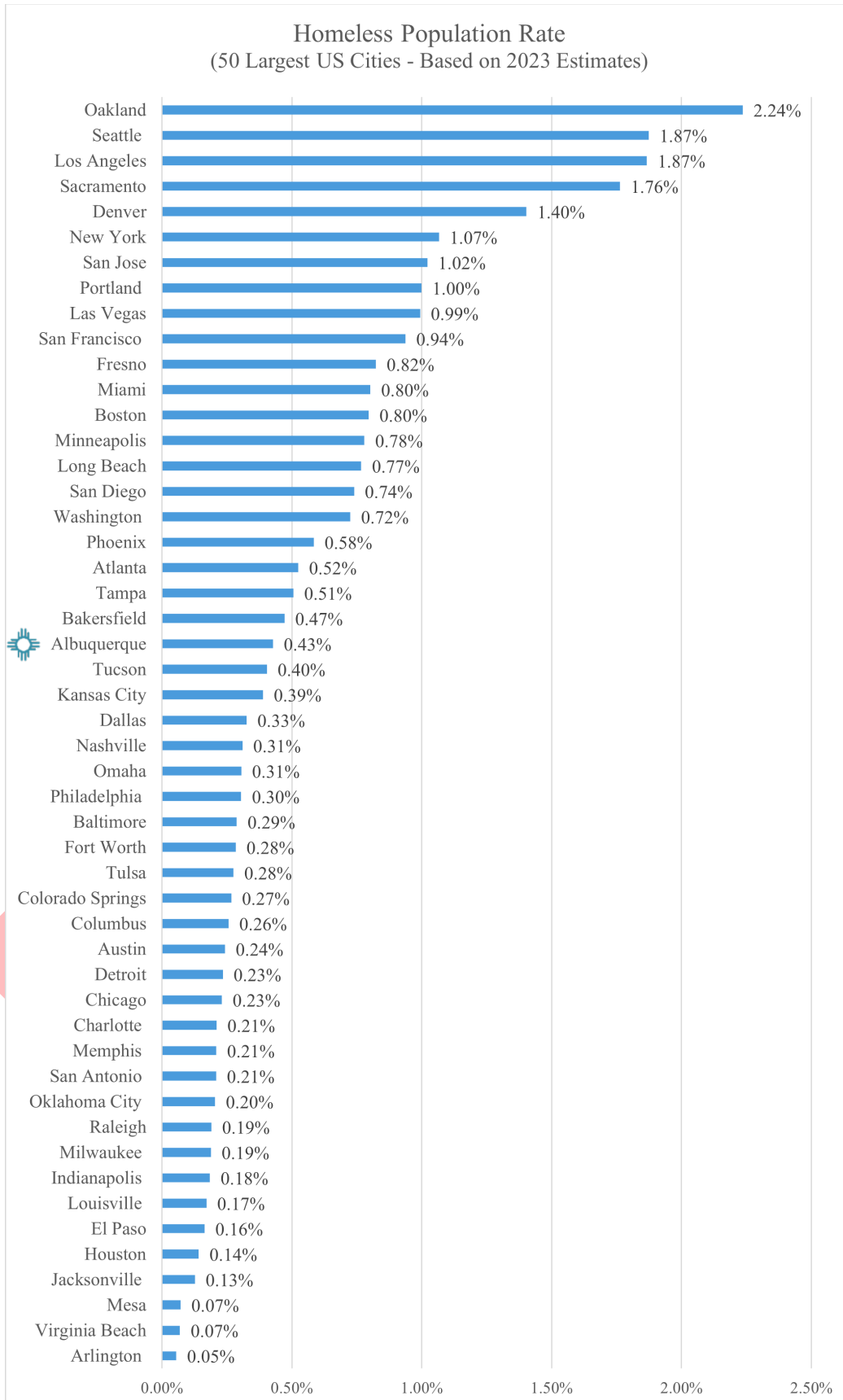


Figure 3.1b – 50 Most Populous US Cities Homeless Population Rate

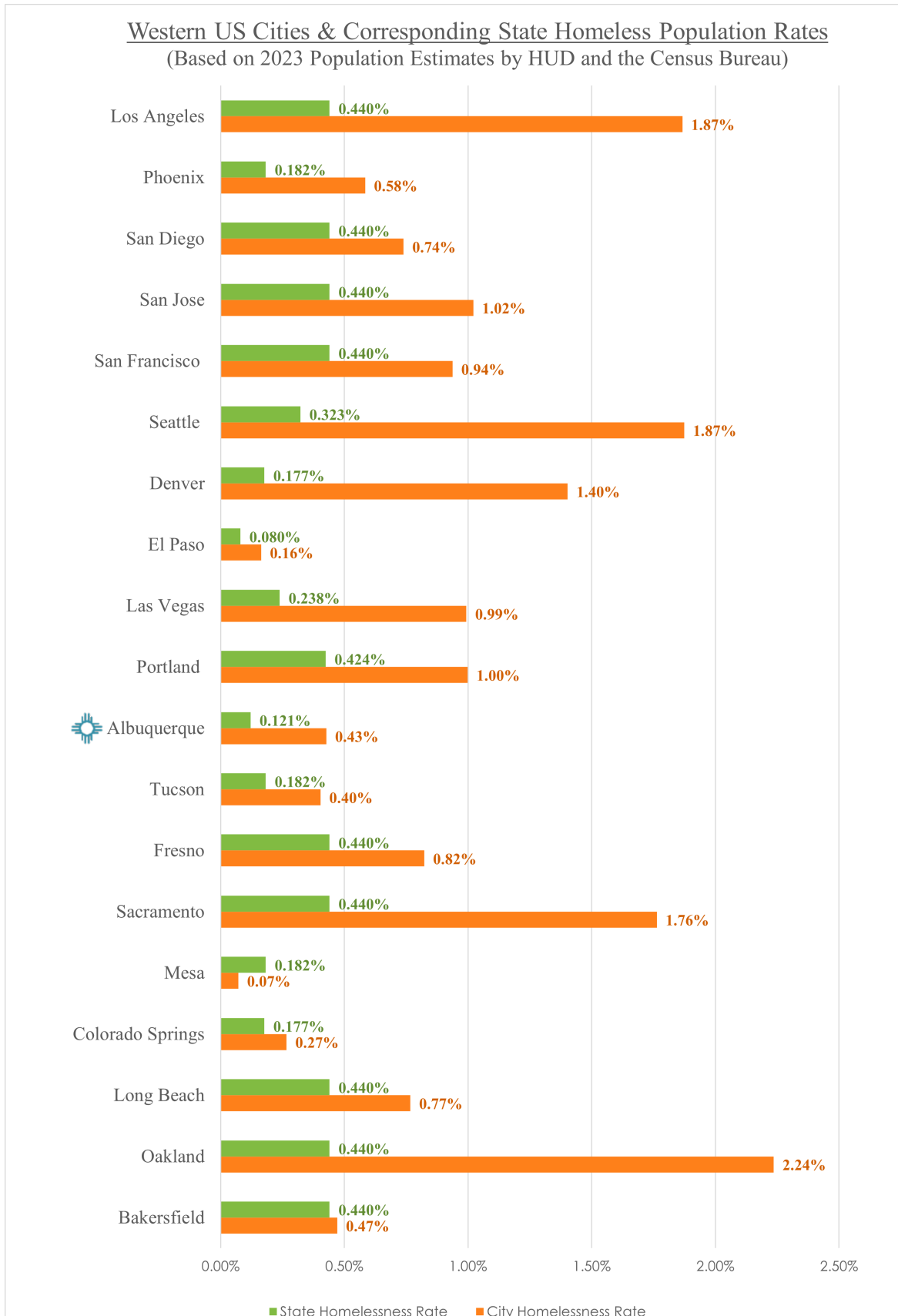


Figure 3.1c – 20 Most Populous, Western US Cities Homelessness Rate w/ States

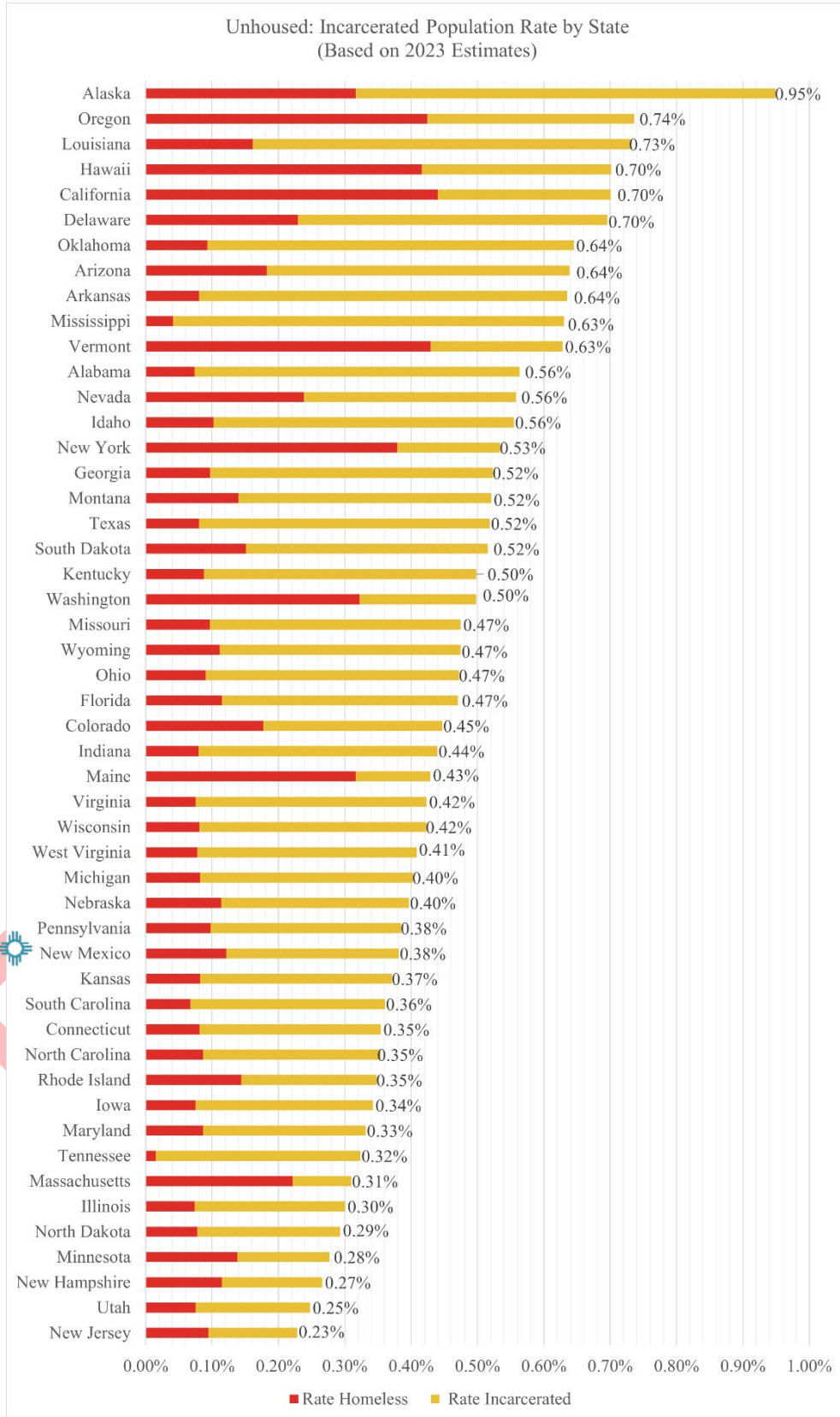


Figure 3.1d – States Homelessness & Incarceration Rates Combined

3.2 Intersectionality in Homelessness

Intersectionality

Intersectionality is defined as, “a theoretical framework rooted in the premise that human experience is jointly shaped by multiple social positions (e.g. race, gender), and cannot be adequately understood by considering social positions independently.”²⁷ For the purposes of this report, this means that being classified as “unhoused” is one of several social positions a person can occupy, and similar to other classifications such as race, gender, national origin, age, religion, ethnicity, marital status, sexual orientation, gender identity, pregnancy status, history of incarceration, and disability status. One’s housing status is one of several factors that when combined influence their experiences and interactions with others.

The Human Rights Board included this quote from the United Nations’ Economic and Social Council in HRB R-2024-01, “homelessness is one of the crudest manifestations of poverty, inequality, and housing affordability challenges in that it affects people of all ages, genders, and socioeconomic background...” because homelessness is not different from any of these other classifications. Housing status is yet another influential factor to consider when assessing one’s access to resources that are meant to be accessible to all.

However, one’s “housing status” is uniquely impactful because of the practical implications that create additional barriers to participation in society. People become less “employable” in the eyes of possible employers when they have bad credit, are assumed to mismanage their finances, cannot access bathrooms regularly, or have difficulties communicating due to stress.²⁸ The effects of the traumas associated with homelessness severely alter one’s ability to navigate social situations like job interviews, attempting to rent a house, or attending school.²⁹

²⁷ Bauer, G. R., Churchill, S. M., Mahendran, M., Walwyn, C., Lizotte, D., & Villa-Rueda, A. A. (2021). Intersectionality in quantitative research: A systematic review of its emergence and applications of theory and methods. *SSM - population health*, 14, 100798. <https://doi.org/10.1016/j.ssmph.2021.100798>

²⁸ Bharat, Cicatello, Guo, & Vallabhaneni (2020) *Homelessness and Job Security: Challenges and Interventions* Univ. Michigan. School of Public Health <https://sph.umich.edu/pursuit/2020posts/homelessness-and-job-security-challenges-and-interventions.html>

²⁹ Andri S. Bjornsson, Jóhann P. Hardarson, Audur G. Valdimarsdottir, Karen Gudmundsdottir, Arnrun Tryggvadottir, Kristjana Thorarinsdottir, Inga Wessman, Ólafía Sigurjonsdottir, Soley Davidsdottir, Audur S. Thorisdottir,

Social trauma and its association with posttraumatic stress disorder and social anxiety disorder, *Journal of Anxiety Disorders*, ISSN 0887-6185, <https://doi.org/10.1016/j.janxdis.2020.102228>

Race has an impact on one's chances of being denied applications when buying a home.³⁰ The relationship between someone's race and age can impact on one's chances of experiencing employment discrimination.³¹ Gender combined with gender identity or sexual orientation impact on one's chances of experiencing sexual harassment and/or domestic violence, and gender combined with race and ethnicity can influence the quality of interactions with health care providers.³² One's housing status can be effected by discrimination,³³ and at the same time, one's housing status as an intersection of one's social identity uniquely contributes towards the likelihood of being violently assaulted, sexual assaulted, and murdered.³⁴ Inversely, being victim of violence or assault increases the likelihood of becoming homeless.³⁵ In the words of an Albuquerque Man experiencing homelessness who was interviewed in late 2023, "[Homelessness] is not a color barrier. It's attacking everybody. We gotta come together to figure this out and get over this."³⁶

While the Supreme Court recently decided in favor of depriving people experiencing homelessness of constitutional protection,³⁷ three states and Puerto Rico³⁸ have implemented regulations protecting the rights of people experiencing homelessness, those being Connecticut,³⁹ Illinois,⁴⁰ and Rhode Island.⁴¹

³⁰ Nat'l Ass. Of Realtors (2023) *Snapshot of Race and Home Buying in America* <https://www.nar.realtor/research-and-statistics/research-reports/snapshot-of-race-and-home-buying-in-america>

³¹ Fekedulegn, D., Alterman, T., Charles, L. E., Kershaw, K. N., Safford, M. M., Howard, V. J., & MacDonald, L. A. (2019). Prevalence of workplace discrimination and mistreatment in a national sample of older U.S. workers: The REGARDS cohort study. *SSM - population health*, 8, 100444. <https://doi.org/10.1016/j.ssmph.2019.100444>

³² SteelFisher, G. K., Findling, M. G., Bleich, S. N., Casey, L. S., Blendon, R. J., Benson, J. M., Sayde, J. M., & Miller, C. (2019). Gender discrimination in the United States: Experiences of women. *Health services research*, 54 Suppl 2(Suppl 2), 1442–1453. <https://doi.org/10.1111/1475-6773.13217>

³³ Nat'l Alliance to End Homelessness (2023) Homelessness & Racial Disparities

<https://endhomelessness.org/homelessness-in-america/what-causes-homelessness/inequality/>

³⁴ Kushel, Margot (2022) *Violence against people experiencing homelessness: The hidden epidemic*. Univ. of San Francisco <https://homelessness.ucsf.edu/blog/violence-against-people-homeless-hidden-epidemic>

³⁵ NNEDV (2018) *Victims of Violence, Housing, and Homelessness* https://nnedv.org/wp-content/uploads/2019/07/Library_TH_2018_DV_Housing_Homelessness.pdf

³⁶ Exhibit No. 45 - *Plaintiffs' Motion for Relief to Remedy Ongoing Violations* NM 2nd Judicial District Court Williams et. Al v. City of Albuquerque (2024)

³⁷ SCOTUS 603 Grants Pass v Johnson et al.: (2024) *Opinion of the court*, https://www.supremecourt.gov/opinions/23pdf/23-175_19m2.pdf

³⁸ Puerto Rico Laws title 8, §1006C <https://casetext.com/statute/laws-of-puerto-rico/title-eight-public-welfare-and-charitable-institutions/chapter-37a-multi-sector-homeless-population-support-council/1006c-declaration-of-the-rights-of-the-homeless>

³⁹ Connecticut (2013) *Raised Bill No. 896* <https://www.cga.ct.gov/2013/TOB/S/2013SB-00896-R00-SB.htm>

⁴⁰ Illinois (2013) 775 ILCS 45/ <https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=3517&ChapterID=64>

⁴¹ Rhode Island (2012) *Senate Bill 2052B* <https://webserver.rilegislature.gov/BillText12/SenateText12/S2052.htm>

3.3 Poverty & Unemployment

The US Census Bureau⁴² estimates that 16.5% of Albuquerque’s population lives in poverty. The table below contains information from the Census Bureau and the US Department of Labor Statistics.⁴³

	Percentage (Estimate)	People (Estimate)
<i>ABQ Population in Poverty</i>	16.5%	92,446
<i>ABQ Unemployment Rate</i>	3.1%	17,369
<i>ABQ Working-Poor Population</i>	13.4%	75,077

Table 3.3a – Population to People Unemployment/Poverty Conversion Table

The US Department of Health and Human Services sets the threshold for poverty that is used by the Census Bureau. The following table indicates the 2024 HHS Poverty Guidelines for the 48 contiguous states in the US and in Washington D.C.

The US Department of Housing and Urban Development considers a household/person that spends more than 30% of their monthly income on housing (rent/mortgage) to be “cost burdened,” meaning that the household is unlikely able to save additional money over time. If over 50% of the household income is spent on housing, it is considered to be “severely cost burdened”, meaning that the member(s) of that household are considered at risk of homelessness. Between 2017 and 2021, the median percentage of household income spent on housing among renters was 29.8%. In Bernalillo County, the median percentage of household income spent by renters on housing was 30.9%.⁴⁴

Family/Household Members	Annual Income Poverty Cutoff
1	\$15,060
2	\$20,440
3	\$25,820
4	\$31,200
5	\$36,580
6	\$41,960
7	\$47,340
8	\$52,720

Table 3.3b – US Poverty Threshold by Household Size

⁴² US Census Bureau (2023) *Albuquerque Quick Facts Table* <https://www.census.gov/quickfacts/fact/table/albuquerquecitynewmexico,US/PST045222>

⁴³ US Department of Labor Stats (2024) *Unemployment Rate as of April 2024* https://www.bls.gov/eag/eag.nm_albuquerque_msa.htm

⁴⁴ Cromwell, M. (2022) *Renters More Likely Than Homeowners to Spend More Than 30% of Income on Housing in Almost All Countries* <https://www.census.gov/library/stories/2022/12/housing-costs-burden.html>

The following graphs show the income spent on rent among renters and homeowners in the Albuquerque area based on the Census ACS 2018-2022.⁴⁵

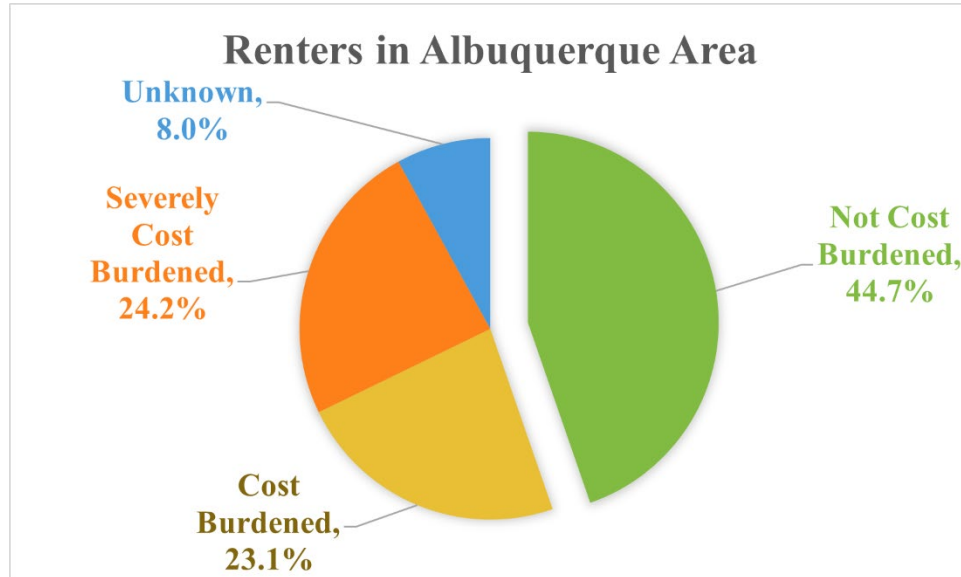


Figure 3.3a – Cost Burdening in ABQ Rents

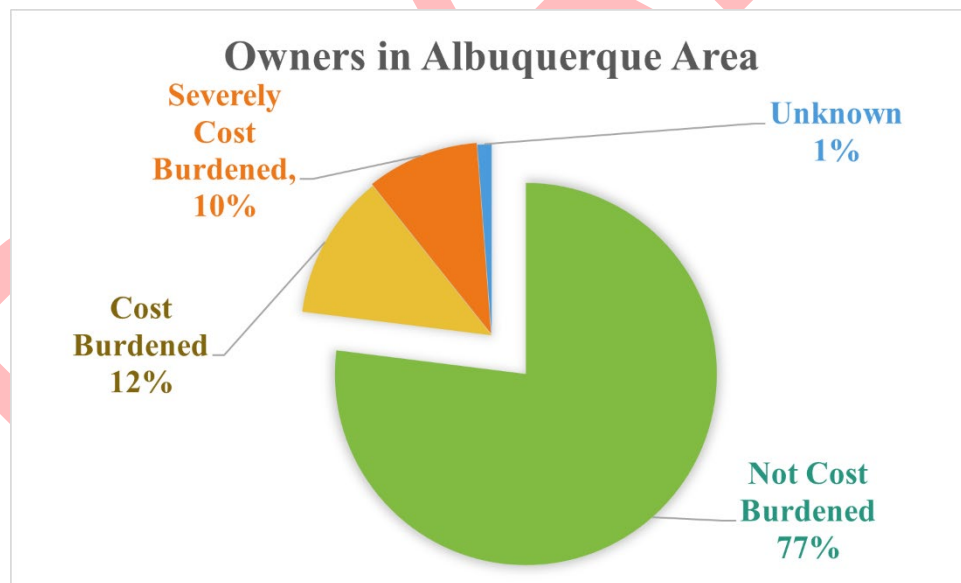


Figure 3.3b – Cost Burdening in ABQ Mortgaged Owners

⁴⁵ US Census Bureau (2022) *5 Year ACS Report* <https://www.census.gov/data/developers/data-sets/acs-5year.html>

Albuquerque’s Minimum Wage is \$12 per hour as of January 1, 2024. A full-time (FTE) job is 40 hours a week, and for the purposes of this report, a part-time (PTE) employee will be calculated with 25 working hours each week. Monthly income was calculated using 4.5 weeks.

	FTE	PTE	FTE	PTE
<i>Hourly Wage</i>	\$12 (Minimum)	\$12 (Minimum)	\$20	\$20
<i>Monthly Income</i>	\$2,160	\$1,350	\$3,600	\$2,250
<i>Cost Burdened (30%)</i>	\$648 Rent	\$405 Rent	\$1,080 Rent	\$675 Rent
<i>Severely Cost Burdened (50%)</i>	\$1,080 Rent	\$675 Rent	\$1,800 Rent	\$1,125 Rent

Table 3.3d – Minimum Wage -Full Time v Part Time Cost Burden Limits

According to Zillow.com as of June 21, 2024:⁴⁶

Albuquerque Rental (Size)	Monthly Rent (Median)	Est. Move In (Cost)⁴⁷	Available Units	(FTE)Unburdened Household Wage
Studio	\$865	\$2,163	84 Units	~\$17/hr
1-Bedroom	\$1,005	\$2,512	286 Units	~\$18/hr
2-Bedroom	\$1,400	\$3,500	388 Units	~\$27/hr
3-Bedroom	\$2,000	\$5,000	292 Units	~\$40/hr
4+ Bedrooms	\$3,123	\$7,807	93 Units	~\$60/hr
All Bedroom	\$1,575	\$3,937	1,043 Units	~\$29/hr

Table 3.3e – Average Monthly Rent by Unit Size (Zillow)

⁴⁶ Zillow (2024) *Albuquerque, NM Rental Market (Updated 6/21/2024)* <https://www.zillow.com/rental-manager/market-trends/albuquerque-nm/>

⁴⁷ Note that the column titles “Estimated Move in Cost” was assumed to be 2 ½ Months of Rent (First Month, Last Month, & Deposit.)

3.4 The Restroom Problem: Sharing Spaces

Historically, public restrooms tend to be a central component of systemic discrimination and exclusion. Throughout racial segregation in the United States, restrooms were separated not only by sex, but by relationship to whiteness.⁴⁸ Though communal restrooms separated by sex have been present for hundreds of years,⁴⁹ regulated access to certain restrooms in the US was not codified until 1887, when Massachusetts passed an Act to Secure Proper Sanitary Provisions in Factories & Workshops.⁵⁰

Modern anti-LGBTQ+ legislation seeks to segregate restroom access based on sex assigned at birth rather than gender,⁵¹ and since that topic has become an object of debate, many transgender and gender non-conforming people have decided that it would be best to simply not use any public restroom due to the safety concerns related to using either. Non-binary and/or gender non-conforming people are often unable to safely use a restroom because their gender expression does not seem appropriate in either space. This issue even impacts cisgender men/women who, for whatever reason, are assumed to be transgender and are therefore excluded or harassed by others. This specific practice is known as “gender policing.” While people who have not had their gender questioned by peers in a restroom may not think of this practice as being that common of a problem, for those who are occasionally barred from entry, the restriction can cause severe issues and even death.^{52,53}

Public substance use is a problem of privacy. People with access to houses are rarely the subject of complaints as they have the means to adequately distance themselves from others while engaging in substance use. People who are physically dependent on drugs find themselves searching for a private space to manage their dependency when they lack reliable access to privacy and restrooms are a discreet option compared to hiding in an alleyway or finding a space

⁴⁸ Abel, Elizabeth (1999) *Bathroom Doors and Drinking Fountains* Critical Inquiry Vol 25 (No. 3) Chicago University <https://www.jstor.org/stable/1344186>

⁴⁹ Rhodan, Maya (2016) *History of Sex Segregated Bathrooms in the US*. Time <https://time.com/4337761/history-sex-segregated-bathrooms/>

⁵⁰ Molotch & Norén (2010) *Sex Separation. Toilet* NYU Press <https://collections.lib.utah.edu/details?id=729717>

⁵¹ Wolfe, Brandon, (2024) *Anti-LGBTQ+ Bathroom Bills take center stage*. Human Rights Campaign <https://www.hrc.org/press-releases/hrcs-weekly-state-fights-report-anti-lgbtq-bathroom-bills-take-center-stage>

⁵² Gomi, Mayer Stinchecum (2001) *Everybody poops* Chronical Books, San Francisco

⁵³ Maroko, Hopper, et al. (2021) *Public restrooms, periods, and people experiencing homelessness: An assessment of public toilets in high needs areas of Manhattan, New York* <https://pubmed.ncbi.nlm.nih.gov/34161351/>

surrounded by trees/bushes.⁵⁴ Hygiene practices, sanitation practices, odor management, and overdose prevention also become much harder without access to a private space. However, the risk of secondary exposure to drugs is nearly non-existent.^{55,56}

On the other hand, syringes that are left out can carry bloodborne pathogens and create an immediate hazard for everyone nearby.⁵⁷ Luckily, New Mexico's Department of Health provides people who use drugs, specifically those whose preferred route of administration is injection, with puncture resistant sharps boxes as part of its Harm Reduction Program.⁵⁸ Increased access to disposal systems results in fewer syringe sightings and incidents of needlesticks.^{59,60} Installing publicly available sharps containers requires regular monitoring of the boxes and would meaningfully reduce the amount of contact people have with improperly discarded syringes. Albuquerque has attempted to install sharps disposal boxes throughout the city in the past but has failed to maintain the boxes after installation. Much like the Bernalillo County Syringe map,⁶¹ these drop boxes need to be emptied regularly to function properly. If left unattended, the boxes increase hostility toward people who use drugs, but if restrooms and sharps disposal solutions are well maintained, both have the potential to meaningfully improve the population's overall safety and hygiene.^{62,63}

⁵⁴ Portland State University (2022) *Hygiene, Storage, and Waste Management for the Unsheltered Community: Gaps & Opportunities Analysis: A report prepared for the City of Portland and Multnomah County Joint Office of Homeless Services* https://www.pdx.edu/homelessness/sites/homelessness.web.wdt.pdx.edu/files/2023-02/Hygiene%20Waste%20and%20Storage%20Analysis%20Report_0.pdf

⁵⁵ Washington State Dept. of Health (2024) *Fentanyl Exposure in Public Places*, <https://doh.wa.gov/community-and-environment/opioids/fentanyl-exposure-public-places>

⁵⁶ Charzuk, Ashley (2023) *Engaging with Community Members Who Use Drugs*. New Mexico Harm Reduction Collaborative, Inc.

⁵⁷ US OSHA (2011) *Bloodborne Pathogens and Needlestick Prevention: Evaluating and Controlling Exposure*. <https://www.osha.gov/bloodborne-pathogens/evaluating-controlling-exposure>

⁵⁸ NMDOH Public Health Division Hepatitis & Harm Reduction Program (2022) *Syringe Service Program (SSP) Protocols* <https://www.nmhealth.org/publication/view/policy/3217/>

⁵⁹ Forchuk, C., Silverman, M., Rudnick, A., Serrato, J., Schmitt, B., & Scott, L. (2023). The need for sharps boxes to be offered in the hospital setting for people who use substances: Removing sharps boxes puts all of us at risk. *Frontiers in health services*, 3, 1113163. <https://doi.org/10.3389/frhs.2023.1113163>

⁶⁰ Atukorala, K. R., Wickramasinghe, S. I., Sumanasekera, R. D. N., & Wickramasinghe, K. H. (2018). Practices related to sharps disposal among diabetic patients in Sri Lanka. *Asia Pacific family medicine*, 17, 12. <https://doi.org/10.1186/s12930-018-0049-7>

⁶¹ [Link to Bernalillo County Syringe Mapping Effort](#)

⁶² Kratzke, C., Short, M., & San Filippo, B. (2014). Promoting Safe Hygiene Practices in Public Restrooms: A Pilot Study. *Journal of Environmental Health*, 77(4), 8–13. <http://www.jstor.org/stable/26330135>

⁶³ Maroko, A. R., Hopper, K., Gruer, C., Jaffe, M., Zhen, E., & Sommer, M. (2021). Public restrooms, periods, and people experiencing homelessness: An assessment of public toilets in high needs areas of Manhattan, New York. *PLoS one*, 16(6), e0252946. <https://doi.org/10.1371/journal.pone.0252946>

As for the inappropriate use of restroom space or utilizing a restroom by people without access to safe storage, this is not exclusively a problem caused by people experiencing homelessness. Ultimately, many issues relating to sharing space boil down to a matter of prejudice, like the animus behind racial segregation⁶⁴ or gender-policing⁶⁵ mentioned earlier in this section. Refusing to provide restrooms out of fear that people experiencing homelessness may use them is similarly unreasonable.^{66, 67, 68, 69, 70}

⁶⁴ Simon B. The Trouble with Bathrooms. *Modern American History*. 2021;4(2):201-207.

<https://doi.org/10.1017/mah.2021.10.20>

⁶⁵ Sumerau, J.E, Grollman, E. A. Black Lives and Bathrooms: racial and gendered reactions to minority rights movements. *Lexington Books. Breaking Boundaries: New Horizons in Gender & Sexualities*

⁶⁶ Day, Kristen (2004) *Being feared: masculinity and race in public space* rev. 2005

<https://wagner.nyu.edu/files/faculty/publications/a37221.pdf>

⁶⁷ Bagagli, B. P., Chaves, T. V., & Zoppi Fontana, M. G. (2021). Trans Women and Public Restrooms: The Legal Discourse and Its Violence. *Frontiers in sociology*, 6, 652777. <https://doi.org/10.3389/fsoc.2021.652777>

⁶⁸ Ploszka A. A Homeless Bill of Rights as a New Instrument to Protect the Rights of Homeless Persons. *European Constitutional Law Review*. 2020;16(4):601-624.

⁶⁹ Hasenbush, A., Flores, A.R. & Herman, J.L. Gender Identity Nondiscrimination Laws in Public Accommodations: a Review of Evidence Regarding Safety and Privacy in Public Restrooms, Locker Rooms, and Changing Rooms. *Sex Res Soc Policy* 16, 70–83 (2019). <https://doi.org/10.1007/s13178-018-0335-z>

⁷⁰ Maroko, A. R., Hopper, K., Gruer, C., Jaffe, M., Zhen, E., & Sommer, M. (2021). Public restrooms, periods, and people experiencing homelessness: An assessment of public toilets in high needs areas of Manhattan, New York. *PloS one*, 16(6), e0252946. <https://doi.org/10.1371/journal.pone.0252946>

3.5 APD’s Use of Force throughout the Injunction

The November First Injunction was in place from November 1, 2023 until being vacated on May 17, 2024. Albuquerque’s Police Department tracks its use of force and publishes an annual analysis. In 2024, the department began publishing monthly reports. The following section contain information from APD’s Annual Use of Force Reports from 2022⁷¹, 2023⁷² and APD’s Monthly Use of Force Reports from January⁷³, February⁷⁴, March⁷⁵, April⁷⁶, and May⁷⁷ of 2024.

It is important to keep in mind that a Use of Force is counted if it occurs, and that the count being hired does not imply that the use of force was in line with policy or out of line. However, an increase in uses of force could reflect a trend toward increased hostility between the police and the people they are interacting with regardless of who is instigating and for what reason. The table below contains the total number of force interactions with the housing status of the individual involved.

<i>Use of Force Total Count</i>	2022		2023	
<i>Housed</i>	312	50%	262	48%
<i>Unhoused</i>	100	16%	90	16%
<i>Unknown</i>	214	34%	197	36%
<i>Unhoused + Unknown</i>	314	50%	287	53%

Table 3.5a - APD Total Use of Force Count 2022-2023

The orange highlighted row titled “Unhoused or Unknown” uses the same data but combines the total force interactions involving people who are unhoused with people with unknown housing status. This does **NOT** indicate that all of the individuals with unknown housing status are unhoused, and it is **NOT** meant to imply that an intentional effort was put into obfuscating the housing status of individuals involved. However, the inclusion of that row is meant to illustrate that the method for collecting housing status information when documenting a use of force needs improvement.

⁷¹ APD (2023) Annual Use of Force Report 2022

<https://www.cabq.gov/police/documents/apd-2022-annual-use-of-force-report-final.pdf>

⁷² APD (2023) Annual Use of Force Report 2023

https://www.cabq.gov/police/documents/apd-2023-annual-use-of-force-report_final.pdf/view

⁷³ APD (2024) Monthly Use of Force Report January

<https://www.cabq.gov/police/documents/monthly-use-of-force-january-2024.pdf>

⁷⁴ APD (2024) Monthly Use of Force Report February

<https://www.cabq.gov/police/documents/monthly-use-of-force-february-2024.pdf>

⁷⁵ APD (2024) Monthly Use of Force Report March

<https://www.cabq.gov/police/documents/monthly-use-of-force-march-2024.pdf>

⁷⁶ APD (2024) Monthly Use of Force Report April

<https://www.cabq.gov/police/documents/monthly-use-of-force-april-2024.pdf>

⁷⁷ APD (2024) Monthly Use of Force Report May

<https://www.cabq.gov/police/documents/may-2024-monthly-use-of-force-report.pdf>

Southeast Area Command

The Southeast Area Command contains the neighborhood known as the International District, which is known to be an area where homelessness is more visible. The bar chart below shows the total count of force interactions in the southeast area command from February of 2023 to May of 2024 with a red box indicating the period of time when the Injunction was in place.

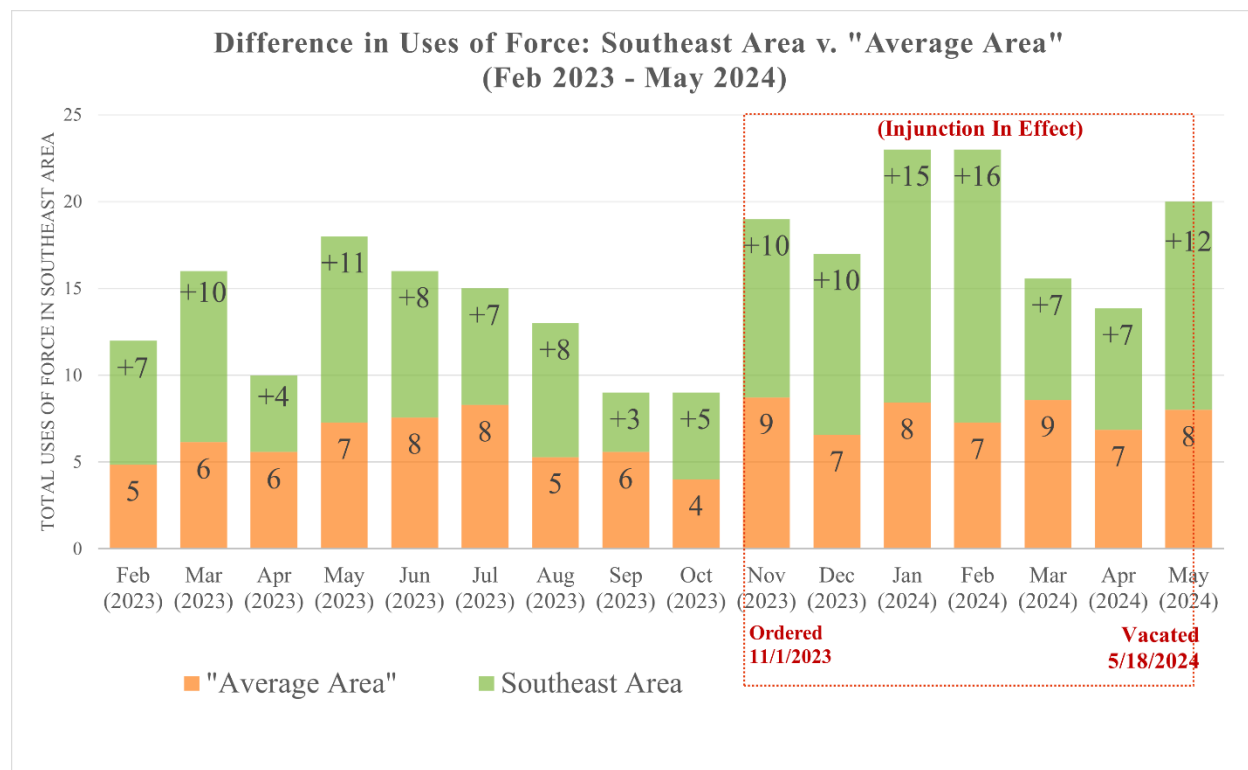


Figure 3.5a – APD Use of Force in Southeast Area Increase during Injunction

	All 6 Areas	Southeast Area
Average Force Instances (Pre-Injunction)	44/month	13/month
Average Force Instances (Injunction)	55/month	19/month
Change in Force Count (Pre-Injunction to Injunction)	+11/month	+6/month
Percent Change (Pre-Injunction to Injunction)	+25%	+46.2%

Table 3.5b – Key findings in Uses of Force during Injunction⁷⁸

The inclusion of this figure is meant to indicate that the tension between police and people in the southeast area command was higher, and it is NOT meant to indicate that police were targeting unhoused people, or that unhoused people were behaving differently because of the injunction.

⁷⁸ Table 3.5b includes all of May's uses of force with the other months of the injunction being in effect because the exact number for each day of the month is not published.

3.6 Documented Instances of No-Notice Encampment Closures

The following are some of the reports from these actions on illegal encampments, compiled from witness testimony, legal documents, photos, and video evidence. Inclusion in this report does not verify the claims made in the following reports, but many of these reports were taken by members of the Board who were present during the events as they transpired.

Names of city employees were redacted in order to comply with the 1976 Mayor Rusk decision on the Human Rights Board elected to include documentation of accusations of discrimination in the personnel files of the relevant members city staff. Mayor Rusk refused to comply with the Board's recommendations, and rather than repeat this incident nearly 5 decades later.⁷⁹

- November 9, 2023** – “There kicking our tents, opening our tents and saying get the f*** out of here, and if not, there was possible arrest... If I didn't accept going into a homeless shelter, that I could be subject to going to jail.” Involuntarily unhoused person who was ordered by Metro Security Division (CABQ General Services) to vacate a city owned lot.⁸⁰
- November 21, 2023** – **APD Officer 1** detains an outreach worker who was offering aid to people experiencing homelessness who **APD Officers 1, 2, & Sargeant 3** had recently detained for alleged embezzlement. 1 claim that the outreach worker was parked too far away from the curb. From the footage, it appears that the vehicle was not obstructing the roadway as the officer claimed. When nearby ‘copwatchers’ protested the officer’s choice to detain an outreach worker, the officer attempts to enforce a non-existent jaywalking ordinance, but gives up when the copwatchers ask the officers to cite the law. The officer runs the outreach workers’ ID before telling her to “have a great night.” The unhoused people accused of embezzling were arrested, and their dog was left on the side of the road.⁸¹

⁷⁹ Packet of correspondence from Human Rights Board, 1975, Box: 21, Albuquerque Bernalillo County Special Collections Library. https://nmarchives.unm.edu/repositories/9/archival_objects/544294 Accessed July 08, 2024.

⁸⁰ AsUR NM (2023) *November 9 Instagram Post* <https://www.instagram.com/p/CzepKZYvxME/>

⁸¹ AsUR NM (2023) *November 21 Instagram Post* <https://www.instagram.com/p/C0TNa4wur9T/>

MVD-11015E
REV. 04/21
ALBUQUERQUE POLICE DEPT
COUNTY CODE 02 AGENCY CODE 200
MICROFILM NUMBER, DO NOT PRINT ABOVE THIS LINE: 7259312 2
STATE OF NEW MEXICO
UNIFORM TRAFFIC CITATION

NAME (LAST) [REDACTED] NAME (FIRST) [REDACTED] NAME (MIDDLE) [REDACTED] NAME (SUFFIX) [REDACTED]
 PHYSICAL ADDRESS [REDACTED] CITY [REDACTED] STATE [REDACTED] ZIP CODE [REDACTED]
 MAILING ADDRESS [REDACTED] CITY [REDACTED] STATE [REDACTED] ZIP CODE [REDACTED]
 STATE [REDACTED] DRIVER LICENSE NUMBER [REDACTED] DATE OF BIRTH [REDACTED] SEX [REDACTED] HEIGHT [REDACTED] WEIGHT [REDACTED] EYE COLOR [REDACTED]
 PHONE NUMBER [REDACTED] EMAIL ADDRESS [REDACTED]
 LICENSE PLATE NUMBER [REDACTED] STATE [REDACTED] VEH YR [REDACTED] COLOR [REDACTED] TYPE [REDACTED] MAKE [REDACTED] MODEL [REDACTED]
 CUV [REDACTED] LICENSE TYPE [REDACTED] HAZ MAT PL [REDACTED] PASS 16+ [REDACTED] DOT NUMBER [REDACTED]
 TRAFFIC LIGHT [REDACTED] WEATHER RAIN [REDACTED] ROAD WET [REDACTED] LIGHT LIGHT [REDACTED] ACCIDENT NO [REDACTED]
 STATUTE 66-7-301 SPEEDING MPH IN A ZONE SC CZ STATUTE 66-5-2290 NO INSURANCE PROOF STATUTE 30-14-01(A) NO SEAT BELTS ORDINANCE
 DATE 11/30/23 TIME 09:58 IDENTIFICATION [REDACTED] DISTRICT 335 MILE POST [REDACTED]
 LOCATION: 7200 CENTRAL AVE SE
 OFFICER'S PRINTED NAME [REDACTED] OFFICER'S SIGNATURE [REDACTED]
 VIOLATION: CRIMINAL TRESPASS (POSTED)
 Essential Facts: [REDACTED] WAS INTERFERING WITH POLICE INVESTIGATIONS AND CRIMINALLY TRESPASSING ON POSTED PRIVATE PROPERTY

Photo 3.6a – Ticket for trespassing on public property

- November 30, 2024 -**
 “[APD] arrested one of our volunteers for trespassing while on public property. [APD] threatened another with arrest for parking too far from a curb. [APD/Solid Waste] have taken photos of us, our cars and our license plates... They started these intimidation tactics in the last few days because we take videos of them violating a judge’s order by moving homeless people from city property...” – Instagram post⁸² caption for the photo (below) containing a traffic citation for alleged criminal trespassing that notes “[REDACTED] was [interfering with police investigations and criminally trespassing on posted private property.](#)” The location is listed as 7200 Central Ave SE, which is public property owned by CABQ according to CABQMaps – Advanced Map Viewer 2.0 (right).⁸³

Description
UPC: 101905704209330224 Owner: CITY OF ALBUQUERQUE Owner Address: PO BOX 2248 ALBUQUERQUE NM 87103-2248 Situs Address: 7200 CENTRAL AVE SE ALBUQUERQUE NM 87108 Legal Description: TR A-1 PLAT OF TR A-1 BLK 11 LA MESA NO. 2 (BEING A CONSOLIDATION OF LTS 1 THRU 8 & LT A BLK 11 LA MESA NO. 2)CONT .9490 AC Acres: 0.949 Tax Year: 2023
Details
UPC 101905704209330224
Owner CITY OF ALBUQUERQUE
Owner Address PO BOX 2248
Owner Address 2 ALBUQUERQUE NM 87103-2248
SITUS Address 7200 CENTRAL AVE SE
SITUSADD2 ALBUQUERQUE NM 87108

Photo 3.6b (right) Screenshot of CABQMaps

⁸² AsUR NM (2023) Instagram Post 1 <https://www.instagram.com/p/C0STXYEvSyG/>

⁸³ ASUR NM (2023) Instagram Post 2 <https://www.instagram.com/p/C0UO8wLaMG/>

- December 1, 2023** – APD, Solid Waste, Planning, & Code Enforcement Clear an encampment on Madeira Rd. **APD Officer 1 & 2, and APD Sargeant 3**, and another officer attend the clearing and at times interact with local non-profit workers who are protesting the clearing as multiple campers report that they were never offered resources or given warning. Some campers report that they received notice and a visit from ACS prior to the clearing. **[City planning/code enforcement 1]** at one point argues with campers and advocates about the ownership of the area of grass between the fence and the curb saying that city property extends until the end of the curb on Madeira despite the CABQ Advanced Map Viewer 2.0 indicating otherwise.



Photo 3.6c (left) – 12/1/23



Photo 3.6d (right)– 12/1/23

- December 7, 2023** - Solid Waste Manager insists that he is allowed to throw away people’s belongings on city property as he participates in a clearing of an encampment.⁸⁴
- December 8, 2023** - Solid Waste workers insist that they are allowed to throw away people’s belongings on city property and that a flyer by the ACLU about the injunction contained false information. An APD officer claims that the outreach worker distributing the flyer were providing false information.⁸⁵ An employee at CABQ Planning/Code Enforcement Employee⁸⁶ claims that the ACLU made flyer is ‘disjustice’ [SIC] then claims that it is “too vague.” **[Solid waste employees]** **later claim** that multiple people have been arrested for giving out ‘wrong information’⁸⁷. An **[APD officer]** **claims** that the

⁸⁴ AsUR NM (2023) December 7 Instagram Post <https://www.instagram.com/p/C0kT4-ovuwX/>

⁸⁵ AsUR NM (2023) December 8 Instagram Post <https://www.instagram.com/p/C0maFieLatt/>

⁸⁶ AsUR NM (2023) December 8 Instagram Post 2 <https://www.instagram.com/p/C0xn-7OrUwQ/>

⁸⁷ AsUR NM (2023) December 8 Instagram Post 3 <https://www.instagram.com/p/C0m9nrUP-8a/>

City informed him that the city does not want people here on public property.⁸⁸

- **December 13, 2023** – An involuntarily unhoused person describes her experience of being cleared while her encampment is being cleared. She describes her inability to feel her hands due to the winter weather at the time of the clearing. The solid waste truck are audible in the recording.⁸⁹
- **Late December 2023** – [APD officer] defend their participation in the process of clearing an encampment. He claims that there is nowhere for the campers to go.⁹⁰
- **January 18, 2024** – Two uniformed officers (either MSD or APD) inform an individual camper that they must leave the public property or face trespassing charges, but said that ACS would come by soon to offer resources. According to the report, ACS arrived and informed the camper that the WEHC was full, and there was no place for them to go that would be considered acceptable.
- **February 8, 2024** – Two young women were asleep in their tent with their cat and dog when they were being cleared by APD and Solid Waste. A total of 3 APD and 5 solid waste staff (all men) stand around on of the young women and stare at her as she is putting on her shirt. The men encircle her tent which leaves her surrounded by 8 men, partially clothed, and unable to move in any direction. She attempts to protest the clearing, or negotiate a bit of time to leave before her belongings are thrown away, but the solid waste employees are already beginning to destroy her belongings.⁹¹ [Another video](#) from the same incident details the cost of personnel involved in clearing the 2 girls.

By the end of the clearing: 3 APD officers were present, 3 Metro Security Officers were present, 2 Solid waste supervisors were present, and 4 solid waste employees were present. With an estimated \$295 cost to the city (not including vehicle related cost).⁹²

- APD average officer pay = \$31.25/hour x 3 officers= \$93.75
 - Metro Security Officer average pay= \$21.35/hour x 3 officers = \$64.05
 - Solid Waste Supervisor average pay is \$30.16/hour x 2 supervisors = \$61.24
 - Solid Waste Employee average pay is \$19.06/hour x 4 employees = \$76.24
- **February 15, 2024** – During an Albuquerque Human Rights Board meeting, two public commenters describe witnessing encampment closures where no notice of intent to

⁸⁸ AsUR NM (2023) *December 8 Instagram Post 4* <https://www.instagram.com/p/C0peLy5vBVn/>

⁸⁹ AsUR NM (2023) *December 13 Instagram Post* <https://www.instagram.com/p/C0zOw5Ylc85/>

⁹⁰ AsUR NM (2023) *Late December Instagram Post* <https://www.instagram.com/p/C1qYFRTu2wN/>

⁹¹ AsUR NM (2024) *February 8 Instagram Post 1* <https://www.instagram.com/p/C3G7L4Vrb54/>

⁹² AsUR NM (2024) *February 8 Instagram Post 2* <https://www.instagram.com/p/C3reaZvOJ18/>

remove was found. The lack of notice was confirmed by residents when asked. One of the commenters described the destruction of an urn containing the human remains of a unhoused camper’s family member.⁹³

- **March 26, 2024** – PRD employees claim that the city has authorized “instant removals” from the Bosque. The reported approach from PRD was notifying the people camping and allowing them to take their time leaving, but according to the report, no services were offered to people as they were informed that they need to leave.
- **March 29, 2024** – Solid Waste Department Employees load an entire tent including its contents onto their truck to be crushed without any inquiry as to what it may contained.



Photo 3.6e – SWD Tent Demolition 3/29/2024

- **April 3, 2024** – City Councilor Nichole Rogers describes witnessing a multi-agency encampment closing in Albuquerque’s council district 6 early in the week during her questions for the Administration.⁹⁴ Rogers stated that two (2) people camping in tents off of Zuni Rd SE. She states that five (5) APD vehicles and 2 Solid Waste trucks were present, but ACS was not present and neither camper was offered storage or shelter during or prior to the encampment closure.
 - The Chief Administrative Officer, Dr. Samantha Sengal, commented that the Councilor’s report on the experience was disappointing and surprising to hear, and that they would follow up with more information.

⁹³ CABQ Human Rights Board *February 15, 2024 Meeting Minutes*

https://www.cabq.gov/civilrights/documents/cabq-hrb_02-15-2024_minutes-accessible_og.pdf

⁹⁴ City of Albuquerque *City Council Meeting April 3, 2024*

https://www.youtube.com/live/P4-EkGSqe7k?si=-S0to_TCb9HZRg4F&t=2776

- Deputy Chief Administrative Office, Whalen, specified that ACS is not expected to attend the clearing so that ACS is not associated APD or Solid Waste.
- **April 26, 2023** – 2x Metro Security Vehicles (shown below) and 2 Solid Waste Trucks and a supervisor truck displace an encampment on Central and Palomas. One of the campers claimed that they were not given notice.



Photo 3.6g – 4/26/2024

- **May 16th, 2024** - ProPublica Published an article Entitled, “Albuquerque is Throwing Out the Belongings of People Experiencing Homelessness, Violating City Policy” by Nicole Santa Cruz⁹⁵. The piece contains multiple accounts of various encampment clearings that violate the encampment policy.
- **May 17th, 2024** – In the Order Vacating Preliminary Injunction by Judge Allison⁹⁶ the seventh concluding finding states that, “the facts in the record demonstrate that the City has destroyed the property of involuntarily unhoused people in violation of their constitutional rights to due process and against unreasonable search and seizure of their personal property.” And that, “The court stands by its previous factual findings that the

⁹⁵ Santa Cruz, Nicole (2024) *Albuquerque is Throwing Out the Belongings of People Experiencing Homelessness, Violating City Policy*”

<https://www.propublica.org/article/albuquerque-homeless-encampments>

⁹⁶ Judge Allison, Joshua (2024) Order Vacating Preliminary Injunction (no. D-202-CV-2022-07562)

<https://www.documentcloud.org/documents/24666156-cv-2022-7562-williams-vac-prelim>

City has not, at times, provided involuntarily unhoused persons these basic constitutional protections before seizing and destroying their personal property.”

- **May 24th, 2024** – An encampment clearing around Central Ave NE and Charleston St featured at least 2 APD vehicles and 3 Solid Waste Trucks. Campers did not receive notice prior to the clearing. The picture below was taken during the clearing.



Photo 3.6h – 5/24/2024

- *Submitted Anonymously by members of the public*
 - *March 26, 2024*
 - *March 29, 2024*
 - *May 24, 2024*
- *Documented by Member(s) of the Human Rights Board*
 - *November 21, 2023*
 - *December 1, 2023*
 - *January 18, 2024*
 - *April 26, 2024*
- *Publicly Documented*
 - *November 9, 2024*
 - *November 30, 2024*
 - *December 7, 2024*
 - *December 8, 2024*
 - *Late December 2023*
 - *February 8, 2024*
 - *February 15, 2024*
 - *April 3, 2024*
 - *May 16, 2024*
 - *May 17, 2024*

Part IV: Recommendations

DRAFT

HRB Resolution No. 2024-04: Hate Crimes Amendments

CITY OF ALBUQUERQUE
HUMAN RIGHTS BOARD
RESOLUTION No. 2024-04

--

RECOMMENDING AMENDMENTS TO THE HATE CRIMES ORDINANCE (§12-2-27);

--

WHEREAS, the City of Albuquerque (“City”) Human Rights Board (“Board”), the governing body of the Office of Civil Rights, is committed to preserving, protecting, and promoting human rights and human dignity by utilizing the powers granted in the City Human Rights Ordinance (“HRO”); and

WHEREAS, the City of Albuquerque Human Rights Board is tasked by §11-3-5 (F) of the HRO to review passed legislation and make recommendations in the areas of Human Rights; and

WHEREAS, the State of New Mexico’s Hate Crimes Act defines crimes motivated by hate as being “the commission of a crime with the intent to commit the crime because of the actual or perceived race, religion, color, national origin, ancestry, age, handicapped [SIC] status, gender, sexual orientation or gender identity of the victim, whether or not the offender’s belief or perception was correct”; and

WHEREAS, the Board recognizes that people experiencing homelessness, veterans, senior citizens, and gender diverse people are disproportionately victims of crimes motivated by animus including vandalism, theft, harassment, battery, assault, and murder; and

WHEREAS, the Albuquerque Native American Homelessness Task Force identified the need to include hate crimes against people experiencing homelessness in laws that prohibit hate crimes over 10 years ago; and

WHEREAS, the 2022 FBI hate crimes statistics, both for New Mexico and nationwide, document that bias against gender identity comprises 4.0% of single-bias hate crimes for that year, which is more than gender and disability combined; and

WHEREAS, the City of Albuquerque is home to a diverse population who deserve to live without fear of hate motivated crimes; and

NOW THEREFORE BE IT RESOLVED BY THE CITY OF ALBUQUERQUE HUMAN RIGHTS BOARD, the governing body of the Office of Civil Rights, that:

Section 1. The Board recommends that the City’s Hate Crimes Ordinance be amended as follows:

“§ 12-2-27 HATE CRIMES.

(A) *Short title.* This section may be cited as the “Hate Crime Ordinance.”

(B) *Finding.* The Council deems it necessary and proper to create a specific offense and penalty for prohibited conduct involving actions that cause damage to persons or properties and that are motivated by animus toward a certain person because of ~~his or her~~ THE actual or perceived AGE, ANCESTRY, COLOR, DISABILITY, GENDER, GENDER IDENTITY, HOUSING STATUS, NATIONAL ORIGIN, race, religion, SEX, ~~color, national origin, ancestry, gender,~~ sexual orientation, or VETERAN STATUS ~~disability~~ OF THAT PERSON.

(C) ~~**Hate crime.** A hate crime consists of intentionally injuring a person or intentionally damaging his property because of the actual or perceived race, religion, color, national origin, ancestry, gender, sexual orientation, or disability of that person, whether or not the offender's belief or perception was correct. As used in this section, “disability” means a physical, developmental, or mental impairment that substantially limits one or more of a person's functions, including caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, or learning.~~ DEFINITIONS. FOR THE PURPOSE OF THIS SECTION;

1. AGE MEANS THE CLASSIFICATION OF SOMEONE AS BEING A SENIOR, OR ELDER, OVER THE AGE OF 60.
2. DISABILITY MEANS A PHYSICAL, OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF A PERSON'S MAJOR LIFE ACTIVITIES. A PERSON IS ALSO CONSIDERED TO HAVE A MENTAL, DEVELOPMENTAL OR PHYSICAL DISABILITY IF THE PERSON HAS A RECORD OF PHYSICAL OR MENTAL DISABILITY OR IS REGARDED AS HAVING A PHYSICAL, DEVELOPMENTAL, OR MENTAL DISABILITY.
3. GENDER MEANS AN INDIVIDUAL OR SOCIETAL EXPECTATION OR PERCEPTION OF A PERSON THAT AS MASCULINE OR FEMININE BASED ON APPEARANCE, BEHAVIOR OR PHYSICAL CHARACTERISTICS.

4. **GENDER IDENTITY** A PERSON'S SELF-PERCEPTION, BASED ON THE PERSON'S APPEARANCE, BEHAVIOR, OR PHYSICAL CHARACTERISTICS, THAT THE PERSON EXHIBITS MORE MASCULINITY OR FEMININITY OR THE ABSENCE OF MASCULINITY OR FEMININE WHETHER OR NOT IT MATCHES A PERSON'S GENDER OR SEX.
5. **HATE CRIME** MEANS THE COMMISSION OF A CRIME WITH THE INTENT TO COMMIT THE CRIME BECAUSE OF ANIMUS TOWARD THE ACTUAL OR PERCEIVED AGE, ANCESTRY, COLOR, DISABILITY, GENDER, GENDER IDENTITY, HOUSING STATUS, NATIONAL ORIGIN, RACE, RELIGION, SEX, SEXUAL ORIENTATION, OR VETERAN STATUS OF THAT PERSON.
6. **HOUSING STATUS** MEANS THE CONDITION OF A PERSON AS BEING HOUSED, INSECURELY HOUSED, UNSHELTERED, OR UNHOUSED.
7. **RACE** INCLUDES, BUT IS NOT LIMITED TO, TRAITS HISTORICALLY AND COMMONLY ASSOCIATED WITH RACE OR ETHNICITY, INCLUDING HAIR TYPES, TEXTURE, VOLUME, LENGTH, STYLES, OR CULTURAL HEADDRESSES.
8. **SEX** MEANS A PERSON'S CHARACTERIZATION IS MALE, FEMALE, OR INTERSEX BASED ON BIOLOGICAL, PHYSIOLOGICAL, AND PHYSICAL CHARACTERISTICS.
9. **SEXUAL ORIENTATION** MEANS A PERSON'S PHYSICAL, ROMANTIC, OR EMOTIONAL ATTRACTION TO A PERSONS OF THE SAME OR A DIFFERENT GENDER OR THE ABSENCE OF SUCH ATTRACTION; and
10. **VETERAN STATUS** APPLIES TO ALL CURRENT, ACTIVE DUTY, RESERVE, AND FORMER MEMBERS OF ANY OF ANY SANCTIONED ARMED FORCES IRRESPECTIVE OF THEIR TIME, DURATION, RANK, BRANCH, OR TYPE OF DISCHARGE.

(D) *Violation.* It shall be unlawful to commit a hate crime as defined in this section.”

Section 2. In the ordinance making the amendments from Section 1 of this resolution, a section shall order the following additions or changes to trainings provided to Albuquerque's Police

Department as is deemed appropriate by the Office of Equity & Inclusion and the Police Department:

- (A) Recognizing crimes motivated by anti-senior bias, anti-transgender bias, anti-homeless bias, and/or anti-veteran bias; and
- (B) Cultural Fluency for serving LGBTQ+ populations; and
- (C) Cultural Humility for interacting with people who are unhoused.

Section 3. In the ordinance making the amendments from Sections 1 and 2 of this resolution, a section shall order the appropriate and effective method for APD to report statistics relating to hate crimes with relevant state and federal law enforcement agencies.

Section 4. *Administrative Instructions.* This resolution is to be signed and published on the webpage for the Board under the section titled “Recent Resolutions” within 10 calendar days of the resolution being adopted by the Board and moved into the online archive by request of the chairperson of the board.

Section 5. *Compilation.* This resolution shall be included in the “Recommendations” section of the Board’s Report & Recommendations on the Rights of People Experiencing Homelessness to be published and distributed on or by July 22, 2024.

Section 6. *Severability* If any section, paragraph, sentence clause, word, or phrase of this resolution is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such a decision shall not affect the validity of the remaining provisions of this resolution. The Board hereby declares that it would have passed this resolution and each section paragraph sentence clause word or phrase of this resolution irrespective of any provision being declared invalid or unenforceable.

HRB Resolution No. 2024-05: Homeless Rights II

CITY OF ALBUQUERQUE
HUMAN RIGHTS BOARD
Proposal RESOLUTION No. 2024-05

--

Recommending a Homeless Rights Ordinance; and making additional recommendations relating to the City's approach to homelessness.

--

WHEREAS, the United States Census Bureau estimates that 16.5% of the population of Albuquerque lives in poverty; and

WHEREAS, the most recent Point in Time Count likely underestimates the total number of people experiencing homelessness in Albuquerque as being at least 2,394 in 2023, though experts believe the number to be much higher; and

WHEREAS, people experiencing homelessness often lack the resources necessary to effectively advocate for their needs in local government; and

WHEREAS, the rights of all people's of Albuquerque should be considered in every decision at every level of government; and

WHEREAS, the participation in policy making is severely limited by the circumstances that most often accompany poverty; and

WHEREAS, the Albuquerque Human Rights Board has worked tirelessly over the last 50 years to preserve and protect the rights of every resident of Albuquerque; and

WHEREAS, the Albuquerque Human Rights Board recognizes the profound disparity between people who live in poverty and people who do not; and

WHEREAS, homelessness and poverty are not the consequences of solely one's actions, but primarily the consequences of generational poverty, systemic failures both intentional and unintentional, institutional racism, sexism, ablism and similarly unjust forms of prejudice; and

WHEREAS, the City of Albuquerque Human Rights Board is tasked by §11-3-5 (F) of the HRO to review passed legislation and make recommendations in the areas of Human Rights; and

WHEREAS, the City of Albuquerque ("City") offers waste collection bins to businesses and residents within the city limits; and

WHEREAS, people who are experiencing homelessness still require equitable access to waste collection systems; and

WHEREAS, the City’s housed residents and business owners frequently report the waste being created by encampments where people experiencing homelessness rest on public property creates an unpleasant environment for all people housed or unhoused in the surrounding area; and

WHEREAS, the City’s constant efforts to “sweep” encampments are subject to public scrutiny as being expensive, inefficient, inhumane, cruel, unusual, unproductive, traumatizing, criminal activities that worsen already existing hostilities between the residents and the people experiencing homelessness, the people experiencing homelessness and their government, and the residents and their government; and

WHEREAS, a single public garbage receptacle is an inexpensive solution to remedy the problems rooted in a desire to keep Albuquerque Beautiful; and

WHEREAS, The Albuquerque Human Rights Board held a public hearing pursuant to the §11-3-5 and §11-3-9 of the Albuquerque Human Rights Ordinance on June 22, 2024 on the subject of Anti-Homeless Sentiment and Discrimination Based on Housing Status; and

WHEREAS, The Albuquerque Human Rights Board adopted HRB Resolution No. 2024-01 relating to the rights of people experiencing homelessness in Albuquerque on February 15th, 2024 during its regularly monthly meeting; and

WHEREAS, in the time between February 15th, 2024 and June 22nd, 2024, the Albuquerque Human Rights Board heard reports of four urns containing the human remains of someone’s loved one being destroyed by Albuquerque’s Solid Waste Department during encampment closures where the owners of the urns were not provided advanced notice of the closure; and

WHEREAS, once an urn containing ashes of human remains is destroyed, its contents can never meaningfully be considered whole again; and

WHEREAS, one urn contained the remains of a man’s daughter, another contained the human remains of a woman’s father, and two contained each of a woman’s parents; and

WHEREAS, no person, regardless of their housing status, deserves to lose their child nor their parent nor both their parents for a second time; and

WHEREAS, the Chair of the Albuquerque Human Rights Board has been researching the subject of homelessness, the rights of people experiencing homelessness, the structure of Albuquerque’s government as it related to the people of Albuquerque, the County of Bernalillo,

the State of New Mexico, and the United States of America from January 1st, 2024 through the adoption of this resolution; and

WHEREAS, the Albuquerque Human Rights Board Subcommittee on Research, Investigation, and Policy has thoroughly reviewed the findings of the research by the Board’s Chair; and

WHEREAS, the Albuquerque Human Rights Board’s 2023 Subcommittee on Mental Health recommended the Board’s action on the rights of people experiencing homelessness in Albuquerque in November of 2023 that resulted in the passage of the Board’s Resolution 2024-01 in February of 2024; and

WHEREAS, the Board has heard numerous egregious reports of irreparable breaches of trust from the City of Albuquerque against members of the public who are experiencing homelessness or were at the time of the reported incident from advocates calling for the adoption of substantial legislation to prevent the reoccurrence of similar breaches of trust by the City; and

WHEREAS, 2024 is the 75th year following the adoption of The Universal Declaration of Human Rights, (UDHR) by the United Nations; and

WHEREAS, the UDHR states in its first article that “all human beings are born free and equal in dignity and rights [as] they are endowed with reason and conscience and should act towards one another in a spirit of [kinship]”; and

WHEREAS, the UDHR states in its fifth article that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”; and

WHEREAS, the UDHR states in its sixth article that “everyone has the right to recognition everywhere as a person before the law”; and

WHEREAS, the UDHR states in its ninth article that “no one shall be subjected to arbitrary arrest, detention or exile”; and

WHEREAS, the UDHR states in its seventeenth article that “everyone has the right to own property alone as well as in association with others”, and that “No one shall be arbitrarily deprived of [their] property”; and

WHEREAS, the UDHR states that “Everyone has the right to rest and leisure”; and

WHEREAS, the City of Albuquerque Human Rights Board, the governing body of the Office of Civil Rights, is committed to preserving, protecting, and promoting human rights and

human dignity by utilizing the powers granted in the City of Albuquerque’s Human Rights Ordinance; and

WHEREAS, the Albuquerque Human Rights Board is tasked to “Promote mutual trust, understanding and respect among the citizens of the Albuquerque community and between the citizens and their governmental agencies” by the Albuquerque Human Rights Ordinance in §11-3-4 (E) (1) of the City Code of Ordinances; and

WHEREAS, the Albuquerque Human Rights Board is tasked with protecting and promoting equality of access to public goods and services in order to assure public safety, public health, and general welfare pursuant to Article VIII of the Albuquerque City Charter. ('74 Code, § 12-3-2) (Ord. 106-1973; Am. Ord. 2022-023); and

WHEREAS, the Albuquerque Human Rights Board is ordered to “make recommendations to the City Council based upon its findings concerning problems occasioned by prejudice and discrimination in all fields of human relations and recommend corrective action to aid in carrying out the purposes of [the article VIII of the Albuquerque City Charter]”; and

WHEREAS, the Albuquerque Human Rights Board recognizes the disproportionate representation of members of other marginalized identities and demographics present in the unhoused population; and

WHEREAS, the Albuquerque Human Rights Board recognizes that homelessness is not merely a lack of physical housing, but is also a loss of family, community, and a sense of belonging representative of a failure of multiple systems that are supposed to enable people to benefit from economic growth and lead a safe and decent life; and

WHEREAS, the Albuquerque Human Rights Board agrees with the United Nations in stating that homelessness is one of the crudest manifestations of poverty, inequality, and housing affordability challenges in that it affects people of all ages, genders, and socioeconomic background and is a gross violation of the rights to adequate housing, to personal security, to health, and to protection of the home and family; and

WHEREAS, the City of Albuquerque is committed to building One Albuquerque, a diverse and caring community of good neighbors who are proud of its legacy, committed to racial equity, and inclusive of our diverse communities.

NOW THEREFORE BE IT RESOLVED BY THE ALBUQUERQUE HUMAN RIGHTS BOARD, the governing body of the Office of Civil Rights, that:

Section 1. *Homeless Rights Ordinance.* The Board hereby recommends that the City Council to adopt the attached Homeless Rights Ordinance, found in Attachment A: Sample Ordinance.

Section 2. *Reaffirmation of Initial Recommendations.* The Board hereby reaffirms the initial recommendations found in the Board’s Resolution No. 2024-01 which recommend that:

- (A) All departments, divisions, and bureaus of the City of Albuquerque cease the practice of no-notice encampment closures as the practice initiates distrust, tension, and hostility toward all government agencies, is indistinguishable from theft, and violates the autonomy, dignity, and rights of people experiencing homelessness; and
- (B) The City of Albuquerque reassess contracts with all providers of emergency shelter with attention paid toward the quality of service, consistency of service, and safety of the residents, their pets, and belongings; and
- (C) HHH offer space and facilitation of public listening sessions with attendance required of assigned representations from the city and shelter service providers where executive leadership representatives from shelter service providers and leadership representing the City of Albuquerque would hear comments and concerns from residents of shelters within the city.
- (D) The Council amend or repeal any passed legislation that allows for the immediate destruction of private property at the discretion of a city employee or contractor so that that destruction is no longer allowed.

Section 3. *Additional Recommendations.* The Board hereby recommends that the City implement programs such as those found in Attachment B: Additional Recommendations on the Rights of People Experiencing Homelessness.

Section 4. *Administrative Instructions.* This resolution is to be signed and published on the webpage for the Board under the section titled “Recent Resolutions” within 10 calendar days of the resolution being adopted by the Board and moved into the online archive by request of the chairperson of the board.

Section 5. *Compilation.* This resolution shall be included in the “Recommendations” section of the Board’s Report & Recommendations on the Rights of People Experiencing Homelessness to be published and distributed on or by July 22, 2024.

Section 6. *Distribution.* The Board hereby approves the Report & Recommendations on the Rights of People Experiencing Homelessness and all contents therein for publication on the

Board's webpage on July 24, 2024 and distribution via electronic communication to the Mayor, City Council President, and Council Members

(A) The Report shall be assembled in the following order: EC-2024-01, Cover, Preface, Part I (HRB R-2024, Progress Report, Actions on Encampments), Part II (Notice of Public Hearing in English, Spanish, and Vietnamese, Minutes from the Hearing, Verbatim Transcripts, Other documents relating to the hearing), Part III (Research), Part IV (HRB Resolution No. 2024-04, HRB Resolution No. 2024-05 with Attachments A & B, HRB OC-2024-01, HRB OC-2024-02), and then lastly, acknowledgements.

Section 7. Severability If any section, paragraph, sentence, clause, word, or phrase of this resolution is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such a decision shall not affect the validity of the remaining provisions of this resolution. The Board hereby declares that it would have passed this resolution and each section, paragraph, sentence, clause, word, or phrase of this resolution irrespective of any provision being declared invalid or unenforceable.

Sample Homeless Rights Ordinance (Attachment A)

ORDINANCE

CREATING A NEW ARTICLE 15 IN CHAPTER 11 OF ORDINANCES TO BE KNOWN AS THE “HOMELESS RIGHTS ORDINANCE”.

WHEREAS, the homelessness is not merely a lack of physical housing, but is also a loss of family, community, and a sense of belonging representative of a failure of multiple systems that are supposed to enable people to benefit from economic growth and lead a safe and decent life; and

WHEREAS, the United Nations has found that homelessness is one of the crudest manifestations of poverty, inequality, and housing affordability challenges in that it affects people of all ages, genders, and socioeconomic background and is a gross violation of the rights to adequate housing, to personal security, to health, and to protection of the home and family; and

WHEREAS, the City of Albuquerque is experiencing a housing crisis and thousands of people including families, children, and individuals are currently experiencing homelessness in the city; and

WHEREAS, the loss of stable housing does not mean the loss of one’s human rights; and

WHEREAS, increases in homelessness cannot be managed effectively by diverting people experiencing homelessness into the incarceration system which is already overcrowded; and

WHEREAS, people experiencing homelessness deserve recognition as peers regardless of their housing status; and

WHEREAS, the City of Albuquerque is cannot fulfill its commitment to building One Albuquerque, a diverse and caring community of good neighbors who are proud of its legacy, committed to racial equity, and inclusive of our diverse communities so long as people experiencing homelessness or other forms of poverty are excluded; and

WHEREAS, autonomy, dignity, trust, community, opportunity, respect, and empowerment foster altruism, responsibility, and hope in the people receiving such treatment; and

WHEREAS, homelessness will persist for the foreseeable future; and

WHEREAS, people experiencing homelessness now and in the future deserve to be treated as equal to people not experiencing homelessness in the eyes of the law; and

WHEREAS the Albuquerque Human Rights Board has recommended that the Council Adopt a Homeless Rights Ordinance first in February 2024 and then again in July 2024; and

...

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

SECTION 1. Chapter 11, Article 15 of the Revised Ordinances of Albuquerque hereby enacted as follows:

[CHAPTER 11. ARTICLE 15. HOMELESS RIGHTS ORDINANCE

§11-15-1. SHORT TITLE.

This article shall be known and may be cited as the “Homeless Rights Ordinance.”

§11-15-2. PURPOSE.

The purpose of this article is to:

- (A) Preserve the legal and human rights of persons who are experiencing poverty including those experiencing homelessness; and**
- (B) Preserve the rights of all persons who are experiencing poverty including those experiencing homelessness from exclusion from meaningful participation in their local government; and**
- (C) Seek to end exclusion based on one’s actual or perceived economic status including, but not limited to the following fields:**
- 1) Commercial;**
 - 2) Medical;**
 - 3) Governmental;**
 - 4) Public; and**
 - 5) Societal**

§11-15-3. DEFINITIONS.

ACTUAL OR PERCEIVED ECONOMIC STATUS. The perception or designation of someone as living in poverty and/or experiencing homelessness, regardless of the cause of such circumstances, regardless of the actual economic circumstances of that person.

COMMITTEE. The Homelessness & Poverty Advocacy Committee, abbreviated as “HPAC”.

COMMERCIAL SPACE. Any space in a building, structure, or portion thereof, which is used or occupied or intended to be occupied for the manufacture, sale, resale, processing, reprocessing, displaying, storing, handling, garaging, or distribution of personal property; and any space which is used or occupied as a separate business or professional unit or office in any building, structure, or portion thereof.

EXCLUSION. The lack of access of a person to meaningfully participate in a common element of society. of an act, policy, procedure, design, plan, function, or decision

HOMELESSNESS. Is defined by the the US Department of Housing and Urban Development and is used to describe both being unhoused and experiencing homelessness

PERSON. One or more individuals, a partnership, association, organization, corporation, joint venture, legal representative, trustee, receiver, cooperative, or the city and any governmental unit created and/or sponsored by the city.

POVERTY. Is defined by the US Department of Health & Human Services Poverty Guideline and may be subject to change from time to time.

RECENT LIVED EXPERIENCE OF HOMELESSNESS. Any person who is currently unhoused as defined by the US Department of Housing and Urban Development or who has at some point in the five years prior to being appointed to the committee met that definition of unhoused.

RECENT LIVED EXPERIENCE OF POVERTY. Any person who is currently living in poverty as determined by the by the US Department of Health & Human Services Poverty Guidelines; or who is a member of a household that by that same definition is classified as living in poverty; or who has at some point in the five years prior to being appointed to the committee personally met that criteria; or who was a member of a household that by those same guidelines been classified as living in poverty for at least one continuous year within the five years prior to being appointed to the committee.

RECENT RESIDENT OF A SHELTER. Any person with recent lived experience of homelessness who during their time spent unhoused spent at least five consecutive days in an overnight shelter.

§11-15-4. HOMELESSNESS & POVERTY ADVOCACY COMMITTEE.

(A) There is hereby created the Human Rights Board of the city, consisting of seven members, all of whom shall be inhabitants of the city.

(B) 3 members shall be named by the Mayor with the consent of the City Council to fulfill the following positions:

- (1) Person with recent lived experience of homelessness; and**
- (2) Person with recent lived experience of poverty; and**
- (3) Social worker or case manager.**

(C) 4 members shall be named by the Office of Health, Housing, and Homelessness with the consent of the council to fulfill the following positions:

- (1) Two Day Laborers of the HHH Day Labor Program; and
 - (2) Recent Resident of a Shelter; and
 - (3) Person with recent lived experience of poverty.
- (D) 4 members shall constitute a quorum of the committee for the purpose of conducting HPAC business.
- (E) Each member shall serve no more than two full terms consecutively after serving the remainder of the vacant term that they fill.
- (F) Terms begin on January 1st beginning the year, and each term ends on the last calendar day of the 3rd year.
- (G) The Council appointed social worker or case manager shall not;
- a. be a member of a board of directors;
 - b. be a member of executive leadership at any organization that is funded by the City of Albuquerque; and
 - c. vote on matters before the committee that presents a conflict of interest.
 - d. No member shall be an employee of the city of Albuquerque, nor have a family member who is employed by the city of Albuquerque.

§11-15-5. POWERS & DUTIES OF THE COMMITTEE.

The Homelessness & Poverty Advocacy Committee shall:

- (A) Set such rules and regulations as are necessary for the operation of the Board.
- (B) Use its best efforts to endeavor that all citizens may enjoy their rights and pursue their opportunities on an equal basis without discrimination as to homelessness or poverty by:
- (1) Monitoring all programs of the city that serve people experiencing homelessness such as shelters, supportive housing programs, temporary labor programs, and similar programs; and
 - (2) Providing review of all existing and proposed ordinances and policies which relate to the purpose of this article; and

- (3) Reviewing all city policies and make recommendations for changes that improve the conditions of homelessness or efficacy in homelessness service; and
 - (4) Holding public meetings at least every quarter to discuss matters relevant to the purpose of this article; and
 - (5) Referring any complaints of unlawful discrimination as defined in §11-3-7 to the Human Rights Board and the Office of Civil Rights.
 - (6) Working with government agencies to improve trainings that relate to homeless services, law enforcement and security interactions with people experiencing homelessness, and in cultural humility trainings for people working with people experiencing homelessness and people living in poverty.
- (A) Make recommendations to the Mayor and to City Council based on its findings concerning problems occasioned by prejudice or discrimination based on homelessness and poverty in all human fields and recommend corrective action to aid in carrying out the purposes of this article.
 - (B) Submit annually a written report of its activities and an evaluation of the effectiveness of this article to the City Council and Mayor with recommendations for changes.
 - (C) Ensure that all people in this city are guaranteed the right to rest, the right to access public or commercial space, and the right to own personal property that will not be destroyed by a public employee.

§11-15-6. ADMINISTRATIVE RESPONSIBILITIES.

The Chief Administrative Officer, or their designee, shall:

- (A) Instruct the Director of Health, Housing, and Homelessness to assign administrative staff who shall be responsible for:
 - (1) Coordinating the Committee to aid in carrying out the purpose of this article; and
 - (2) Providing reasonable administrative support under the direction of the Chair of the Committee or with consent of 4 of the

committee members to aid in carrying out the purpose of this article.

- (B) Make available, so far as practicable, the services of all city and city-related departments and agencies to the Committee for the purpose of carrying out the function herein stated, including the provisions of information in the possession of such department or agency when the Committee, after consultation with the Chief Administrative Officer, so requests.**
- (C) Instruct the City Attorney to assign counsel to assist the Committee in the performance of its functions and make such other administrative arrangements as are normal and necessary for the functioning of the Committee.**
- (D) Make their best effort to ensure that vacant seats are filled in a timely manner.**

Section 2. SEVERABILITY CLAUSE. If any section, paragraph, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

Section 3. COMPILATION. This ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994

Section 4. EFFECTIVE DATE. This Ordinance shall take effect five days after publication by title and general summary.

CITY OF ALBUQUERQUE
HUMAN RIGHTS BOARD

DRAFT

ADDITIONAL RECOMMENDATIONS
ON THE RIGHTS OF PEOPLE
EXPERIENCING HOMELESSNESS

1) “Burque Baños”



The City of Albuquerque needs more public restrooms. The City Council and/or the City Administration could best address the needs of the community relating to reducing the need for public urination/defecation and substance-use. by installing and maintaining public bathrooms. These public restrooms could be installed at public parks, community centers, and any public property where the restrooms could be accessible 24 hours a day. The most important aspect of this program is the follow-up plan for maintenance. Without a maintenance plan, the restrooms will only increase tension between people and the city government. (See “Portland Loo” model to the left.)

The restrooms will require plumbers, custodians, and other maintenance staff. (See Recommendation 2) The restrooms would drastically reduce the financial burden from the program mentioned in City Council R-2024-08 and would instead allocate the majority of the funds to the installation and maintenance of the public bathrooms. The restrooms would allow for the use of public parks for more people and people would be able to utilize our city’s parks for longer periods of time.

The restrooms would provide privacy, dignity, safety, autonomy, and access for people who are in public regardless of housing status. They would shield people from the public while they handle their hygienic needs, and they would shield the public from infectious waste by allowing people who are without housing and people who are unable to pay for



Each “Portland Loo” is equipped with:

- Baby changing table
- External handwashing station and hand sanitizer
- Menstrual products
- Container to safely dispose of sharps
- Naloxone nasal spray used to prevent an opioid overdose
- Signs on the unit with hours, how to submit a service request

access to a bathroom to instead utilize the much-needed resource.

When people have to use the restroom, but have no way of doing so for free, then the only option they have is public defecation/urination which makes for an unpleasant and unsafe environment for everybody, especially the people who are forced to choose between public urination or soiling themselves continuing their search for a place to dispose of their pants.

Construct multi-occupancy restrooms in city parks that see medium to heavy foot traffic and install single-occupancy solutions in spaces with low to medium foot traffic (like the “Philly Phlush” variation of the Portland Loo customized for the needs of Philadelphia (below)).⁹⁷

Impact Summary

- Reduced Instances of Improper Disposal of Syringes and other bio-hazardous waste.
- Reduced burden on businesses who have been overly relied on for providing public restroom access, and do not have the resources to adequately meet the need.
- Reduce the likelihood of bathroom discrimination by focusing on single occupancy units.
- Reduced instances of public indecency relating to a lack of access to privacy.
- Increased ADA compliance regarding public property.



2) Parkkeeper Positions within Parks & Recreation

The creation of a new designation of PRD employee called a “Parks Keeper”. Such an employee would tend to a rotation of parks throughout the day to:

- address any situations that don’t require a complete maintenance crew.
- maintain several parks with restrooms by making rounds to each park throughout the day like
 - o emptying garbage cans, (See “Waste Receptacle Access Plan”)
 - o maintaining hygiene standards throughout the park,
 - o inspecting playgrounds & benches for issues requiring repair, and
 - o checking and replacing sharps containers as needed.

The Parkkeeper would be an essential component in the success of recommendations 1 & 3, and would meaningfully improve the quality of the parks while reducing the cost associated with

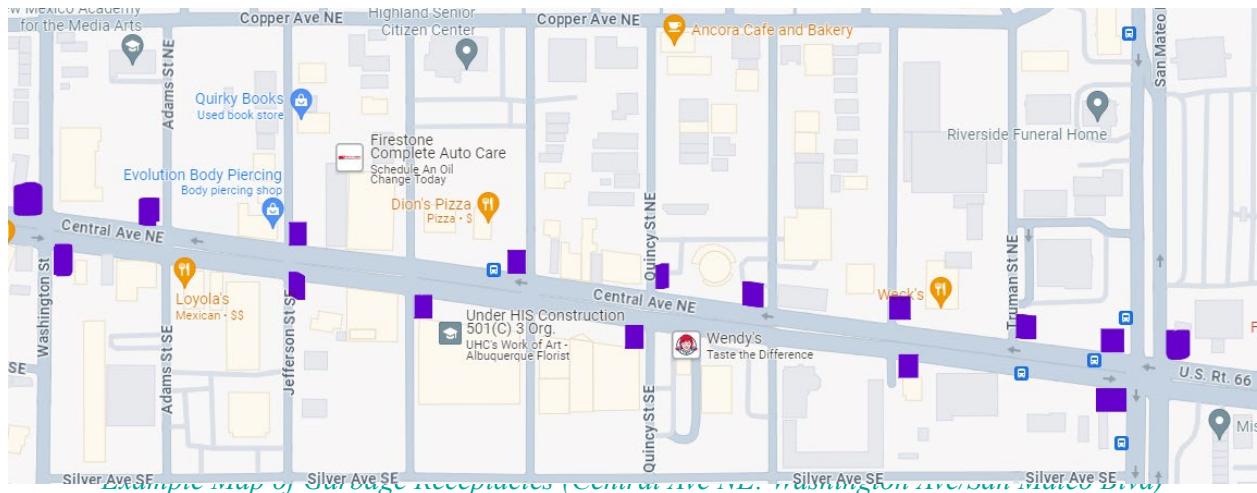
⁹⁷ City of Philadelphia (2022) *Updates on Public Restroom Pilot Program* <https://www.phila.gov/2022-08-16-updates-on-the-philadelphia-public-restroom-pilot/>

long term neglect. The parks keeper could also function as the manager of programs such as “Cash for Trash” in San Jose, CA, where people are offered a small amount of cash in exchange for picking up a garbage bag of litter,⁹⁸ it should be noted that San Jose’s program fizzled out due to the lack of dedicated and consistent methods of proper disposal. However, the program indicated potential for success in incentivizing pro-social behavior.

3) Waste Receptacle Access Plan

When there isn’t any method of disposing refuse properly, people are only able to litter. When a person doesn’t have the means or the destination to carry their garbage out of a specific area, then they will inevitably end up either carrying mostly garbage with them from place to place, eventually abandoning it somewhere they shouldn’t, or they will just give up trying and eventually just litter constantly. People who do not have homes still create garbage, just like everybody else, but people who live indoors are provided garbage receptacles either by their property owner, or by calling the city to begin collecting at a new property. Without access to property (land), people cannot access proper channels of disposal.

Placing garbage receptacles at an interval of 2 per intersection on Central Ave between San Mateo Blvd & Washington. (which has a few intersections that would disrupt the alternating northeast and southwest corner pattern) but could easily feature 16 garbage receptacles within the nearly ½ mile stretch, none of which would present a challenge to be installed, nor a burden to the adjacent businesses, most of which are offset from the corner by a parking lot. The maintenance cost of such an arrangement is estimated to be around \$8,270.72 annually. *See map below.*



The following cost breakdown for 2 garbage receptacles on Central Ave in the international district was included in a document provided by making a public record request

⁹⁸ San Jose (2020) *Cash for Trash* <https://www.sanjoseca.gov/Home/Components/News/News/2096/4699>

with the City Clerk's Office for the "Annual Cost to maintain the two garbage receptacles located at the ART bus stop at San Mateo Blvd & Central Ave" made on April 12, 2024 (Request #:24-4410)

"Average of 5 minutes a day to change bags, or pick/scoop out trash and install a new bag for 5 days a week times 52 weeks out of the year.

- $5 \text{ (minute)} \times 5 \text{ (days)} \times 52 \text{ (weeks)} / 60 \text{ (minutes)} \times \$20.43 \text{ (hourly rate)} = \442.65
- $2 \text{ (bags a day)} \times 5 \text{ (days a week)} \times 52 \text{ (weeks)} \times .53 \text{ (price of trash bag)} = \275.60
- Average of 15 minutes a week cleaning graffiti.
- $15 \text{ (minutes)} \times 52 \text{ (weeks in a year)} / 60 \text{ (minutes)} \times \$20.43 \text{ (hourly rate)} = \265.59
- Approximately \$150 a year in material for graffiti removal.

ESTIMATED TOTAL - \$1033.84 A YEAR" for maintaining 2 garbage receptacles.

Estimated Cost per Public Garbage Receptacle = ~\$516.92/year

Compare that to the cost breakdown of a 2-person encampment clearing in chapter 3.6 of the HRB report published on July 22, 2024, which found the staffing cost alone for the clearing to be nearly \$295. If we were to estimate that half of the monthly "actions taken on an illegal encampment" documented by HHH are clearings, and assuming that half of those clearing were called in because of the garbage affiliated with the encampment. With that series are assumptions, the addition of 2 garbage receptacles could've reduced government spending by over 70,000. In reality, the estimated monthly cost of encampment clearing caused by concerns over garbage is much higher than that, and the receptacles could replace that multi-thousand-dollar expense to the city to just over \$500 each year. Crucially, the installation and maintenance of a garbage can limit the potentially problematic interactions between members of the community who live outside and solid waste employees.

4) Encampment Standards for Delayed Closures

The City of Albuquerque has a reputation amongst people experiencing homelessness as a constant source of anxiety, especially those who are for whatever reason unable to utilize the local shelters. While the city has a very reasonable encampment policy most of that subset cite either inaccessibility due to disability or avoiding unclean spaces, theft, abuse, and being around others who engage in certain activities.

The city will not follow its own encampment policy, despite the demands of advocates, judges, and justices. Instead of showing any sign that storage is being offered, the city has failed to meaningfully indicate any intention of establishing the requisite system for managing the storage described by the encampment policy. This essentially nullifies the procedures laid out in the policy and places every person experiencing homelessness at risk of arbitrary property theft and destruction.

To offer people experiencing homelessness any way of preventing said theft and destruction, the city could establish a clear set of standards that an encampment could maintain in exchange for additional time wherever they have established camp. The standards would need to be straightforward and achievable for the standards to be met.

Suggested standards could include location restrictions such as public property only, no schoolgrounds, a certain distance from public playgrounds and/or buildings. Other standards could establish a maximum capacity for an encampment and maximum occupancy for a single tent, so long as it respects the right of people experiencing homelessness to keep their children and their pets. Furthermore, standards of sanitation must be included, as well as a prohibition on unlawful activity. Last, people in encampments that maintain the standards could be required to enroll in the City and County's Unite Us program for connecting people with appropriate services.

In the interest of maintaining such standards, the department of Solid Waste should either offer garbage receptacles and maintain them, or at least provide the camp with garbage bags and collect them daily. This would meaningfully improve the relationship between SWD and people experiencing homelessness, as well as the relationship between people in neighboring communities, local businesses, and people experiencing homelessness. Offering accessible and maintained public restrooms would also meaningfully improve the situation.

Concept Recommendations

- (A) **Cultural Humility Trainings for Staff Interactions with Members of the Unhoused Community:** SWD, ACS, APD, AFR, MSD, PRD, Libraries, and City Planning.
- (B) **Significantly Increased Public Education on the Source of Income Discrimination in the Human Rights Ordinance:** CAO, OCR, OEI, Legal
- (C) **Sun Shades at Bus Stops:** Transportation
- (D) **OIG Investigation:** into allegations of discriminatory EMS response for calls requesting aid for a person experiencing homelessness
- (E) **Good Samaritan Ordinance** that prevents warrant checks on anyone attempting to save a life from an opioid overdose, alcohol poisoning, or other drug related calls for help.
- (F) **Produce and Publish quality control monitoring for Metro Security Division** including use of force.
- (G) **Free ID program** for all persons to be provided a basic government issued photo ID card.
- (H) **Require all city personnel to disclose employee ID number** when asked by a member of the public for any reason.



Anami Dass
Board Chairperson

HUMAN RIGHTS BOARD
City of Albuquerque

Office of Civil Rights
Albuquerque, NM 87103
Telephone: 505-768-4595
civilrights@cabq.gov

INTER-OFFICE MEMORANDUM

July 22, 2024

TO: Chief of Police

FROM: Chair Dass, Human Rights Board

SUBJECT: Recommended Change for SOP 1-4

I am submitting the following recommendations for updating the Standard Operating Procedure 1-4 “Bias-Based Policing and/or Profiling” on behalf of the Albuquerque Human Rights Board through the Office of Civil Rights.

SOP 1-4 - Bias-Based Policing and/or Profiling. The Albuquerque Human Rights Board hereby recommends the following changes to the APD Standard Operating Procedure (SOP) on Bias-Based Policing and/or Profiling (SOP 1-4):

Recommendation 1

§1-4-5 (B-1). “Community members with mental disabilities, ~~including~~ **AND** community members who appear to be experiencing homelessness, are free to frequent public places without being questioned or searched...”

Commentary

Experiencing homelessness is not a mental disability.

Recommendation 2

§1-4-5 (B-3). “Sworn personnel shall not arrest someone solely to connect them with mental health services, **SOCIAL SERVICES, OR SHELTER SERVICES.**”

Commentary

People who are experiencing homelessness should not be arrested for the purpose of being connected with social services and shelters. Individuals who request assistance should be connected with ACS immediately, but at no time should officers arrest people for being homeless because homelessness is not a crime.



Anami Dass
Board Chairperson

HUMAN RIGHTS BOARD
City of Albuquerque

HRB OC-2024-01

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civilrights@cabq.gov

INTER-OFFICE MEMORANDUM

July 22, 2024

TO: Chief of Police

FROM: Chair Dass, Human Rights Board

SUBJECT: Recommended Change for SOP 2-99 Naloxone Policy

I am submitting the following recommendations for updating the Standard Operating Procedure 2-99 “Naloxone Policy” on behalf of the Albuquerque Human Rights Board through the Office of Civil Rights.

SOP 2-99 Naloxone Policy. The Albuquerque Human Rights Board hereby recommends the following changes to the APD Standard Operating Procedure (SOP) for administering Naloxone (SOP 2-99):

Recommendation 1

A-3.a: “When feasible, have a minimum of two (2) sworn personnel present with the individual to ensure the scene is safe before administering naloxone;

- a. Sworn personnel should be aware that the individual may OR MAY NOT wake up and THAT THE OVERDOSE IS REVERSED IF THE INDIVIDUAL IS ABLE TO BREATHE INDEPENDANTLY ~~become combative soon after they administer naloxone and be prepared to protect themselves, if necessary;~~”

Commentary

While it is possible for individuals to become irritated by the administration of Naloxone, the far more common reaction is confusion, fear, and embarrassment. Officers should always prioritize their safety and the safety of those around them, and the focus of this policy should be on proper administration of naloxone.

Now that the New Mexico Department of Health has announced that samples of substances sold in Albuquerque as Fentanyl contained Xylazine, our first responders should be made aware of up-to-date protocol for responding to opioid overdoses. This is why the policy should inform officers that the individual may not wake up, and so long as their breathing returns to normal, the

overdose is considered reversed. Administering excess naloxone once an individual is able to breathe independently may harm people who are enrolled methadone programs.

Recommendation 2

A-5. “Request EMS personnel BE SENT to THE LOCATION OF THE OVERDOSE AND INFORM EMS THE AMOUNT OF NALOXONE THAT HAS BEEN ADMINISTERED UP TO THAT POINT ~~advise they administered naloxone and the total amount of doses they administered;~~”

Commentary

Officers should work with EMS to provide the appropriate response to an opioid overdose, but officers should not be the primary responders during such an event.

Recommendation 3

B. “Sworn personnel shall not administer naloxone if the individual:
1) does not have a pulse, OR
2) IS BREATHING REGULARLY, OR
3) IS ABLE TO RESPOND TO STIMULATION.”

Commentary - See the second paragraph of the commentary for Recommendation 1

Recommendation 4

D-2. Trained Targeted Responders will:
a. Complete an initial naloxone administration training program with **BASIC/ADVANCED LIFE SUPPORT (BSL/ASL)** ~~cardiopulmonary resuscitation (CPR)~~ training;
b. Every two (2) years, complete a refresher naloxone administration training course with **BSL/ASL** ~~CPR~~ instruction;...”

Commentary

CPR is not necessary while responding to an opioid overdose, and the use of chest compressions places the individual at unnecessary risk of injury. BLS and ALS classes are more applicable than CPR classes, and the BLS/ALS training curriculum contains CPR instruction as well. CPR is widely considered outdated compared to BLS/ALS training, and the board recommends that targeted Responders be trained with today’s best practices.

Recommendation 5 - Definitions.

~~“**Opioid.** **OPIATE.** Containing or derived from opium, including but not limited to morphine and heroin.~~

OPIOID. **A SYNTHETIC SUBSTANCE THAT MIMICS THE EFFECTS OF AN OPIATE SUCH AS FENTANYL AND HYDROCODONE...**”

Commentary

The current policy mistakes opioids and opiates.

Acknowledgements

The Board would like to thank:

- All who attended the public hearing that was held on June 22, 2024, especially those willing to make public comment or testify.
- All who submitted statements electronically.
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- Ashe Wells, of New Mexico Harm Reduction Collaborative.
- Rosemary Blanchard from the Albuquerque Friends Meeting.
- Ilse Biel and Peter Cubra from the Coalition for a Safer Albuquerque.
- Christine Barber from AsUR.
- New Mexico Coalition to End Homelessness, Bernalillo County Health Equity Council, The American Civil Liberties Union of New Mexico, and Disability Rights New Mexico.
- The Near North Valley Neighborhood Association.
- The City of Española.
- Ms. Whitfield (NMDOT), Ms. Brooks (USADA), Mr. Fuity (NMDOH), and Mr. Swatek (NMDOH).
- Councilor Rogers, Ms. Garcia, Councilor Fiebelkorn, Director Ramirez, Dr. Naru, Ms. Moreno, Ms. Wolfe, Dr. Vielehr, Ms. Angel-Ruiz, Director Melendez, Director Begay, Director Lara, Dep. Director Baca, Ms. Brazil, Dep. Chief Griego, Dep. Director Duran, and Director Simon.
- Mrs. Schatz-Vance, Ms. Lucero, and Ms. Kempton.
- Ms. Romero, Mr. Riviera, Ms. Velarde, Mr. Moore, and Mr. Montoya.
- Mr. Montaña, Mr. Scott, Mr. Hasman, Mr. Farnsworth, and Ms. Mycofski.
- The University of New Mexico, Zimmermann Library and Center for Southwest Research
- The Albuquerque International District Public Library
- Albuquerque Special Collections Library.
- Levi, Santi, Mary, Alice, Anthony, Cyrus, Alex, Bella, Will, Destiny, Stormy, Andrew, Bobby, and Jessica
- Mason, Elise, Hannah, Lucy, Kay, Lee, and Alice

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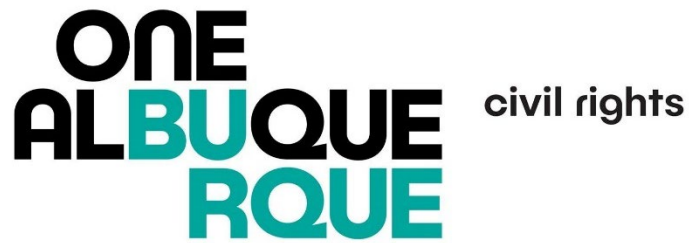
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