



HUMAN RIGHTS BOARD
City of Albuquerque

PRELIMINARY FINDINGS

September 15, 2024

FILE NO: HRB OC-2024-03

FROM: Chair Dass, Human Rights Board

SUBJECT: Preliminary Findings from the HRB Hearing on Anti-Homeless Sentiment & Discrimination

Executive Summary

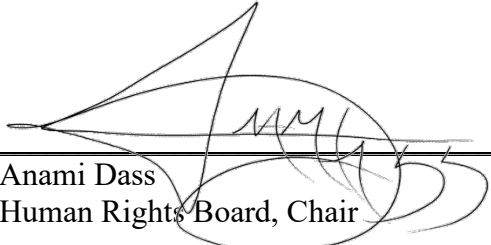
The Albuquerque Human Rights Board's initial discussion of its preliminary findings took place during the July 18, 2024 meeting of the board. The Board was informed that this discussion satisfied the requirements of §11-3-9 with regards to the timeframe by the legal counsel assigned to the Board by the City. The Board has elected to continue its investigation beyond the minimum legally required due to the urgency required of the situation. The Board's August 15, 2024 meeting was cancelled due to technical issues. On September 19, 2024, the City Attorney, Director of Albuquerque Community Safety, the City's Homelessness Innovations Officer, and others representing various departments within the City Government presented their responses to the preliminary findings proposed by the Board.

Attachments

- HRB Preliminary Findings & Recommendations
- HRB 6/22/2024 - Hearing Reports
- HRB Resolution No. 2024-01
- HRB Resolution No. 2024-04

Distribution:

- **Honorable Mayor**
- **Council President**
- **City Council**
- **City Attorney**
- **Chief of Police**
- **Director of Health Housing & Homelessness**
- **Director of General Services**
- **Director of Solid Waste Management**


Anami Dass
Human Rights Board, Chair

Background

Pursuant to §11-3-5 & §11-3-9 of the Albuquerque Code of Ordinances, The Albuquerque Human Rights Board (“Board” or “HRB”) held a public hearing on Anti-Homeless Sentiment and Discrimination Based on Housing Status on June 22, 2024 at the International District Library located at 7601 Central Ave NE, Albuquerque, NM 87108, as ordered in [HRB Resolution No. 2024-01](#), Section 5.

Members of the public were invited to testify or comment on their experiences of the topic via 30 days advanced notice approved by the board on May 18, 2024. The public was also allowed to offer their statement via email to the Office of Civil Rights and an informal survey was conducted of those who were present for the hearing. These 4 documents make up the “[Hearing Reports.](#)” (**Attachment A**)

On July 18, 2024, the Board approved Resolution No. 2024-04, which recommends adding crimes targeting people experiencing homelessness categorically be prohibited in the Albuquerque Hate Crimes Ordinance.

References

- *HRB Resolutions*
 - [HRB Resolution No. 2024-01](#): Homeless Rights (2/15/2024) (**Attachment B**)
 - [HRB Resolution No. 2024-04](#): Hate Crimes (7/18/2024) (**Attachment C**)
- *HRB Meeting Minutes*
 - [HRB February 2024 Meeting Minutes](#)
 - [HRB March 2024 Meeting Minutes](#)
 - [HRB April 2024 Meeting Minutes](#)
 - [HRB May 2024 Meeting Minutes](#)
 - [HRB June 2024 Meeting Minutes](#)
- *CABQ Code of Ordinances*
 - [§2-6](#): Boards, Commissions, and Committees
 - [§11-3](#): Human Rights Ordinance
 - [§12-3-1](#): Criminal Damage to Property
 - [§12-2-27](#): Hate Crimes Ordinance
- *Other CABQ Policies*
 - [Policy for Responding to Encampments on Public Property – Revised October 2022](#)

Preliminary Findings

The Albuquerque Human Rights Board finds that:

1. The Hearing Reports support the existence of:
 - a. wide-spread discrimination against people experiencing homelessness;
 - b. deliberate exclusion in society experienced by people who are unhoused; and
 - c. a pervasive stigma against people experiencing homelessness.

(Exhibits A, B, E, F, H, I, J, L, M)
(PC-1, PC-2, PC-3, EC-1, EC-2, EC-4, EC-5, EC-7, EC-8, EC-9, EC-10, EC-11)
2. The hearing was presented to the public as a forum for discussing the subject of Anti-Homeless Sentiment and Discrimination Based on Housing Status broadly. However, many of the Hearing Reports focused on actions taken by the City of Albuquerque against people experiencing homelessness, suggesting the need for a holistic review of the city's impact on homelessness.

(Exhibits A, B, D, E, F, H, I, J, K)
(PC-1, PC-2, PC-3, EC 2, EC-3, EC-4, EC-5, EC-7, EC-8, EC-9, EC-10, EC-11)
3. The Hearing Reports include multiple statements regarding the inadequate provision of services offered to people experiencing homelessness, including that of organizations contracted by the City of Albuquerque and by Departments of the City.

(Exhibits A, E, F, H, I, J, L, M)
(PC-1, PC-3, EC-2, EC-8)
4. The Hearing Reports indicate the city and/or some its employees have engaged, at times, in questionable or wasteful practices in its efforts relating to encampment clearings, with some employees either intentionally misleading members of the public as to their rights or unintentionally spreading harmful misinformation on the subject.

(Exhibits A, E, H, I, J)
(PC-1, EC-2, EC-4, EC-5, EC-7, EC-8, EC-9, EC-10, EC-11)
5. The Hearing Reports featured descriptions of recent actions taken by the Albuquerque Metro Security Division (“MSD”) & Albuquerque Police Department (“APD”) that when considered all at once suggest the need for close independent monitoring regarding their usage of force, and other forms discriminatory conduct taken against people experiencing homelessness, such as profiling or over policing.

(Exhibits A, H)
(PC-1, EC-8, EC-10, EC-11)
6. Of the testimony given by people currently experiencing homelessness, most convey that their housing status was is caused by acute financial problems that resulted in a temporary loss of housing that spiraled into longer-term homelessness, which could have been prevented by the implementation of a financial first aid program.

(Exhibits B, C, F, I, L, M)
7. There is not a system in place that provides necessary oversight in the provision of social services, including organizations operated by, contracted by, or partnered with the city of Albuquerque, and that the lack of monitoring has allowed for inconsistency in the provision of services which in many ways harm people experiencing homelessness.

(Exhibits A, B, D, H, J, K)
(PC-1, PC-3)

8. The lack of a unified complaint filing process has meaningfully reduced the relationship between people who live in Albuquerque and their local government because without such a system, the people of Albuquerque could be misled and ignored either intentionally or unintentionally in the process of filing their grievance(s).

(Exhibits D, H, J)
(PC-1, PC-3)

9. The City of Albuquerque has not adequately met its obligations to protect, preserve, and promote the human rights and human dignity of people experiencing homelessness as ordered by the Article VIII of the City Charter and in Chapter 11, Section 3 of the Albuquerque Code of Ordinances.

(Exhibits A, E H, I, J, K)
(PC-1, PC-3, EC-4, EC-9, EC-10, EC-11)

10. Additional time is required to meaningfully address the contents of the Hearing Reports. The Board intends to continue discussion, analysis, and research on this topic and will report any additional findings to the Mayor's Office, City Council, and the People of the City of Albuquerque, with the inclusion of any additional recommendations for remedial or preventative action along with any related findings.

Preliminary Recommendations

1. The Board reaffirms its initial recommendations from sections of **HRB Resolution No. 2024-01**:
 - 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.
 - 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.
 - c. The Department of Health, Housing, and Homelessness report an accurate nightly headcount and publishing the number of residents each week on the relevant page of the City Housing and Homelessness Department webpage.
 - d. The Department of Health, Housing, and Homelessness offer space and facilitation of 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.
 - e. 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 destruction is no longer allowed.
 - f. The City of Albuquerque guarantee the rights of all people to access affordable, sustainable, and adequate housing, allow the use of public space and ensure the human right to rest is accessible to all, and provide safe emergency shelter that is both free of discrimination and accessible by the standards set in the Americans With Disabilities Act of 1990, and shelter free of staff abuse, theft, and neglect.
2. The Board re-affirms the recommendations described in sections of **HRB Resolution No. 2024-04** relating to amending the city's Hate Crimes Ordinance which could help repair the relationship with vulnerable populations and their local government.
3. The Board hereby recommends that representatives from the city's administration and members of City Council attend meetings of the Albuquerque Human Rights Board with some frequency or regularity to stay updated of the Board's efforts moving forward.
4. The Board recommends that the City of Albuquerque publish information about complaints and or grievances submitted to 311 with sufficient detail to access the number of complaints submitted by unhoused people, the nature of those complaints, and the city's resolution of those complaints.

CITY OF ALBUQUERQUE
HUMAN RIGHTS BOARD



City of Albuquerque
Human Rights Board

HUMAN RIGHTS BOARD *City of Albuquerque*

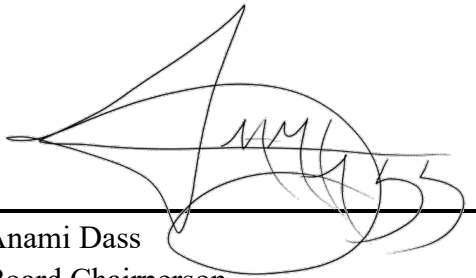
Office of Civil Rights
Albuquerque, NM 87102
Telephone: 505-768-4595
civilrights@cabq.gov

Verbatim Transcript

Date:07/18/2024

SUBJECT: Transcripts from the June 22, 2024 Public Hearing on Anti-Homeless Sentiment & Discrimination Based on Housing Status by the Albuquerque Human Rights Board & All Electronic Submissions relating to the Hearing.

STATUS: Approved



Anami Dass
Board Chairperson

Background

HRB Resolution No. 2024-01 was introduced to the Board during the January 18, 2024 meeting and adopted on February 15th, 2024. The resolution offered initial recommendations to the city, and thus far only one has been partially implemented. Section 5 called for the Board to hold a public hearing on anti-homeless sentiment and discrimination based on housing status. The public hearing was held on June 22, 2024 at 1:00 PM in the Community Room of the International District Branch Location of the Albuquerque Public Library System, with notice posted to the appropriate channels as required. Testimony was taken under oath by a notary public and anonymous public comments were heard during the hearing. Additional comments were delivered via emails from the public to members of the board or via civilrights@cabq.gov. Electronically submitted comments were accepted between May 22, 2024 and June 28, 2024, with the exception of 2 comments. [See EC-10 & EC-11 for more details]

Transcript of Public Hearing

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 by Notary Public, and public comments were made anonymously. Public commenters whose names were mentioned during the event will 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. Addresses of those who testified were redacted from this report but remain in the Notary’s Ledger.

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 who attended the hearing were Chair Dass, Vice Chair Champagne, Member Hinojos Jr., and Member Boulton. Board staff present included Mari Kempton as parliamentary counsel, Lisa Y. Schatz-Vance as general counsel for the Board, and Jennifer Lucero as minute taker and presiding notary.



(Timestamps relate to the corresponding audio file, not the time of recording.)

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APPROVED
5/16/2024

Notice of Public Hearing



human rights board

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.

APPROVED
5/16/2024



Junta de Derechos Humanos

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 intergrupales 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.

APPROVED
5/16/2024



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.

Verbatim Transcript

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. Board members 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.

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 specialists in harm reduct-.

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 injunction 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

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 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 their own resources, we're busting our guts for everything. As Sarah 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? I'll give you a warning at you one minute left.

Jennifer Lucero

Speak your name and your address.

Amanda Roybal

My name is Amanda Roybal. And I live at that motel.

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

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

Exhibit B - Amanda Roybal

Yes. So yeah, and the one that Ilse 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, I was at that motel but I don't live anywhere.

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

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

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 Adam.

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

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

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.

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?

Rosemary Blanchard

To the best of my ability, it is the truth, I still affirm.

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

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

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

Yes *[See Exhibit F]*

Exhibit F - Bonnie Readers

I've been homeless 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. That's all I've gotta say.

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., I live at that motel, or outside.

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

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

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.

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.

Janus Herrera

I speak the truth, yes [\[See Exhibit H\]](#)

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.

Chair Dass

Up next is testimony from Mo.

Mahad Ahmed

And then afterward it will be Courtney

Chair Dass

So, for testimony, we gotta do the oat.

Mahad Ahmed

My name is Mohad Ahmed. And my address is 1 Albuquerque, NM

Jennifer Lucero

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

Mahad Ahmed

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

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

Yes. [\[See Exhibit J\]](#)

Exhibit J – Courtney Hegelmeyer

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 Cardiel

[See Exhibit K]

Exhibit K - Enrique Cardiel

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. Its 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.

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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.

Chair Dass

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

Andrew Romero

Okay, Andrew Romero, What I'm about to say is completely true.

Jennifer Lucero

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

Andrew Romero

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

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. [REDACTED]. And this is the truth, the whole truth, and nothing... What's the phrase?

Jennifer Lucero

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

Anami Dass

Yes it is. [\[See Exhibit M\]](#)

Exhibit M - Anami Dass

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,

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>

Electronic Statements

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 then 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. [FN1] 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."

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.

Office of Civil Rights
<https://www.cabq.gov/civilrights/human-rights-board>
civilrights@cabq.gov
505-768-4595

HUMAN RIGHTS BOARD
RESOLUTION NO. 2024-01

-

CITY OF ALBUQUERQUE HUMAN RIGHTS BOARD 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 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

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

31 WHEREAS, the Albuquerque Human Rights Board is tasked with protecting and
32 promoting equality of access to public goods and services in order to assure public safety, public
33 health, and general welfare pursuant to Article VIII of the Albuquerque City Charter. ('74 Code, §
34 12-3-2) (Ord. 106-1973; Am. Ord. 2022-023); and

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

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

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

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

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

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

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

61 Whereas, The City of Albuquerque Human Rights Board hereby uses the definition that
62 United States Department of Housing and Urban Development (“HUD”) established in the 2011
63 Homeless Emergency Assistance and Rapid Transition to Housing (“HEARTH”) Homeless
64 Definition Final Rule, FR–5333–F–02, which states that a “person experiencing homelessness”
65 can be categorized into one or more of the following groups: “Individual(s) and families who
66 lack a fixed, regular, and adequate nighttime residence and includes a subset for an individual
67 who resided in an emergency shelter or a place not meant for human habitation and who is
68 exiting an institution where [they] temporarily resided”, “Individual(s) and families who will
69 imminently lose their primary nighttime residence”, “unaccompanied youth and families with
70 child(ren) and youth who are defined as homeless under other federal statutes who do not
71 otherwise qualify as homeless under this definition”, and “individual(s) and families who are

72 fleeing, or are attempting to flee, domestic violence, dating violence, sexual assault, stalking, or
73 other dangerous or life-threatening conditions that relate to violence against the individual(s) or a
74 family member.”

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

77 Section 1. All departments, divisions, and bureaus of the City of Albuquerque cease the
78 practice of no-notice encampment closures as the practice initiates distrust, tension, and hostility
79 toward all government agencies, is indistinguishable from theft, and violates the autonomy,
80 dignity, and rights of people experiencing homelessness.

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

85 A) Reporting an accurate nightly headcount and publishing the number of residents each
86 week on the relevant page of the City Housing and Homelessness Department
87 webpage.

88 B) Offering space and facilitating public listening sessions where executive leadership
89 representatives from shelter service providers and leadership representing the City of
90 Albuquerque would hear comments and concerns from residents of shelters within the
91 city.

92 i. The City should require the attendance of its assigned representatives.

93 ii. The City should require the attendance representatives of all shelter service
94 provider’s representatives.

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

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

99 A. This ordinance should guarantee the rights of all people to access affordable,
100 sustainable, and adequate housing.

101 B. This ordinance should allow the use of public space and ensure the human right to
102 rest is accessible to all.

103 C. This ordinance should require the provision of safe emergency shelter that is both
104 free of discrimination and accessible by the standards set in the Americans With
105 Disabilities Act of 1990, and shelter free of staff abuse, theft, and neglect.

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

109 A) The public hearing shall serve as part of an investigation into claims of intergroup
110 hostility and tension between people experiencing homelessness and people without
111 such experience.

112 B) The intention of the hearing shall be to increase understanding between the two
113 groups in a good faith effort to remedy existing tension and hostility.

114 C) This hearing shall follow the procedure described in the Albuquerque Human Rights
115 Ordinance ('74 Code, § 12-3-9) (Ord. 106-1973).

116 D) The finding(s) and recommendation(s) that result from this public hearing shall
117 include a statement regarding the intersections of other forms of prohibited

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

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

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

128 A. Notice of the completion of this delivery shall be sent to the appropriate staff
129 member of the City of Albuquerque via email; and

130 B. Discussion of the meeting where this resolution was discussed shall be added
131 to the agenda for the next possible Human Rights Board meeting.

132 PASSED AND ADOPTED this 15th day of February 2024

133 BY A VOTE OF 4 FOR and 0 AGAINST

134

135 Members Absent: Member Galvez-Trujillo, Vice Chair Champagne

136

137 Members Voting Against: 0

138


139 CITY OF ALBUQUERQUE
140 HUMAN RIGHTS BOARD

141

142 By:

143

144



145

Anami Dass

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Chairperson of the Board

147

148 ATTEST:

149

150 /s/ Lisa Y. Schatz-Vance

151

152

Lisa Y. Schatz-Vance

153 Attorney for the Human Rights Board

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 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

13 APPROVED AND ADOPTED BY THE BOARD ON JULY 18, 2024 BY A VOTE OF 4 IN
14 FAVOR, 0 OPPOSED, AND 3 ABSENT.

15

16 MEMBERS IN FAVOR: Dass, Champagne, Hinojos, Boulton

17 MEMBERS OPPOSED: none

18 MEMBERS ABSENT: Assed, Andujo, Galvez-Trujillo

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**CITY OF ALBUQUERQUE
HUMAN RIGHTS BOARD**

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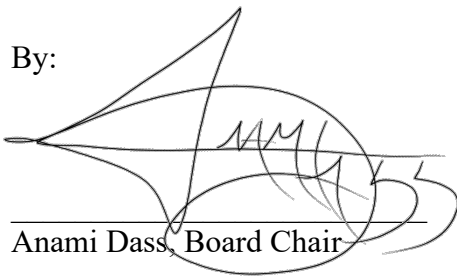
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By:



Anami Dass, Board Chair