



# Addressing Homelessness

*A report to the City of Albuquerque and Bernalillo County from Our Volunteer and Advisor, Daymon Ely*

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*This proposal was informed by the City of Albuquerque staff, dozens of stakeholders and individuals with lived experience.*

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**DRAFT PROPOSAL FOR  
CITY OF ALBUQUERQUE/COUNTY OF BERNALILLO TO ADDRESS  
HOMELESSNESS<sup>1</sup>**

**EXECUTIVE SUMMARY**

These are bullet points to identify those items which I think should be highlighted from the report/plan below.

\*There should be a plan. Rather than another “big picture” plan, this should be an implementation plan with specific projects (and budgets), timetables, funding sources, leveraging opportunities, proposed policy changes, responsible individuals or departments, service partners, and outcome measures. With a plan, the public and providers will know: (1) the goals; (2) the timetables; (3) measurements to meet the goals; (4) where individual programs fit into the plan; and (5) put everyone “on the same page”. Otherwise, we are just playing “whack-a-mole” and the problem will get worse. This should be considered the first outline of such a plan.

\*The development of the plan and its implementation should be the responsibility of a combined city/county team overseen by a single individual dedicated to the project. This individual should be agreed to by both the county and city – particularly the staff at both entities.

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<sup>1</sup> The Homeless Coordinating Council, working with Community Solutions, is approaching this problem with a best practices model. This proposal is not intended to interfere with that approach.

\*The goal of this plan is simply stated: (1) **Prevent**: keep at-risk people in their current housing environment; (2) **Help**: get as many people off the streets as quickly as possible; (3) **Support**: work with them towards housing with supportive services to fit their needs; and (4) **House**: ramp up the production of multiple housing options so that there is enough supply to meet the diverse needs of all of Albuquerque. In the meantime, provide efficient use of and access to services so that needs are met and goals achieved.

\*Have short, medium, and long-term goals all working at the same time. Short-term goals can be accomplished in the next eight months, *i.e.* the end of 2024. Medium-term goals should be accomplished in the next two years, and Long-term goals in more than two years. Foundations are being laid now to set long-term goals up for success.

\*Recognize the urgency of the problem for three reasons: (1) the problem continues to get worse by the day; (2) people out in the elements continue to suffer and die at alarming rates (with an estimated 30-year reduction of life expectancy); and (3) the court system is gradually becoming involved which will delay real solutions to this problem for years.

\*Short-term, let's continue supporting the programming at the Gateway Center. The programs are innovative and forward thinking and we need this same commitment in everything we do.

\*Let's make immediate improvements to the West-side Shelter. It's a vital component to the landscape of emergency low barrier shelter currently serving hundreds of people night and day. Right now, it has the appearance of a jail. We need to make it welcoming and supportive via internal and external improvements and support the City's Strategic Capital Improvement plan that will address this. Look at the feasibility of creating a campus which could include the integration of various services – mental health support, drug counseling, case management, medical support, portable housing, food/essentials retail store, job training and regular 24/7 transportation. There should be a robust engagement center that accomplishes a true community approach.

\*Why the West-side shelter? Regardless of the additional and/or alternate shelter sites, the Westside Shelter provides shelter for people now and will be needed for at least some time. People are there now and they need help and a decent place to stay. Siting new facilities within the City may face opposition extending the time to completion. The Westside Shelter can be used now without much neighborhood opposition. We know there are two key criticism of the shelter: (1) The perception of pushing people out of our community; and (2) Large, congregate shelters are not consistent with best practices. At this time, this is the place available and hundreds are choosing to stay there. They need to know there is a plan with clear benchmarks to create and maintain a safe, clean, secure place to stay when needed and get

connected to housing and assistance. However, a large number of the individuals at the Westside Shelter are disabled and medically frail. The Westside Shelter is not a good placement for those individuals. They should be moved as soon as possible to an alternative setting such as a renovated hotel or a shelter within the Gateway Center. For all of those at the Westside Shelter, or any shelter, interim housing is always needed as we get people into affordable housing with appropriate supportive services. However, as explained below, we are not talking about building any new permanent structures at the location. We want the community to understand that this is a temporary solution, not a permanent fix.

\* Other immediate solutions should be evaluated and implemented. This could include using faith-based organizations, supporting expanded capacity at existing shelters, and using temporary structures such as small manufactured homes or portables such as APS portable classrooms. Safe outdoor spaces are not ideal as they have the danger of continued exposure to weather extremes and therefore shorter lives.

\*Other solutions may take time but should be begun immediately. Building other shelters can involve years of fruitless and expensive litigation although after carefully selecting the location, some shelters and facilities met little or no opposition. Evaluation of sites for temporary or permanent shelters and long-term housing should begin immediately.

\*The west-side shelter isn't for everyone. School-age children and youth should not be at the Shelter. Using motels, particularly for families, is a model that is working in Albuquerque and should be continued.

\*All programs connected with providing services to the homeless, need real-time performance measures including the subject being measured, how the measurement is collected, the geographic area served, the capacity of the program and most important, whether the goals are being met.

**\*We have to know our populations – not just numbers and basic demographics. We need to know how they became unhoused to understand their story and our system challenges. We need to consider how ACS and other agencies might be able to spend more time with individual people to determine what services might help them, how to access and connect them. A closed-loop referral system is needed to increase efficiency of those on the streets providing services with real time data to help people right away.**

\*We have to recognize that we can do better. Without a clear plan and immediate action, the problem will get worse. Particularly if the courts become involved in formulating and enforcing policy in this area. Courts are excellent for certain problems. But, in this area, they will be completely ineffective. The courts will be constrained to focus on one aspect of this problem – the rights of the homeless. That is a correct and principled thing to be concerned about, but it will



not lead to a solution. Instead, as we have seen, it will simply lead to more and more litigation as the neighborhoods impacted continue to fight back either through government or through litigation. Litigation will continue over any implementation of any “solution” like safe outdoor spaces. Rather than a legal solution, a political solution, involving all the disparate interests connected with the problem, the homeless, homeowners, neighborhood associations, businesses, community and political leaders is the way to solve this problem.

**\*The only way to truly get the courts out of this debate is by providing enough shelters so that the homeless have somewhere to go. Once that happens, courts will likely lose jurisdiction, and our community will then be in control of its own destiny.**

**\*While lessons can be learned from other communities, there is no cookie-cutter approach. For example, Houston is pointed out as an example where homelessness is effectively being reduced. But Houston, unlike here, can quickly build cheap housing, has endless land, and effectively no zoning. Our community has relative high housing costs, an affordable housing crisis and comprehensive zoning. It took us a long time to get into this problem and it will take us years to get out. That is why, in the meantime, we must focus on encouraging people to get off the streets and into shelters, manufactured sleeping units, and other structures.**

**\*Remember the people providing direct services to the homeless are heroes.**

We are making their work harder by not organizing our approach to this problem. Instead of treading water, let's help them by having a plan and managing this crisis in an effective, thoughtful way.

### ***Introduction***

Homelessness, especially unsheltered homelessness, has been on the rise across the nation since 2017, with high housing costs contributing to the proliferation. Nationally, homeless services continued to expand both temporary and permanent beds in 2022 but resources still fall short of reaching everyone in need. According to the National Alliance to End Homelessness, New Mexico ranks 21<sup>st</sup> in per-capita homelessness with a reported rate of 12 out of every 10,000 residents.<sup>2</sup> There is general agreement that the long-term goal on homelessness is to get as many people housed, with comprehensive supportive services where necessary, and, in the meantime, provide appropriate safety nets and prevention programs to keep people from becoming or returning to homelessness. This “housing first” approach works.<sup>3</sup> The City and County appear to be united around an organization which is a data-driven, multi-disciplinary approach to house people one group at a time. Unhoused

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<sup>2</sup> National Alliance to End Homelessness *State of Homeless: 2023 Edition*

<https://endhomelessness.org/homelessness-in-america/homelessness-statistics/state-of-homelessness/>

<sup>3</sup> As discussed below, Houston is often held up as an example of significantly reducing homelessness. That City has done so largely by encouraging the rapid growth of affordable housing which they have been able to do quickly with inexpensive housing. That is not a model which compares with the situation in Albuquerque.

families are the first target group with the goal to have zero chronically unhoused families by 2025.

However, this will take time. The program started in the fall of 2023. By working with families, we can see the effectiveness of the program. In the interim, the number of unhoused people is growing.<sup>4</sup> Eighty-six percent of homeless people in Albuquerque are from New Mexico.<sup>5</sup> It's urgent because, as we wait for a solution, New Mexicans continue to die on the streets in remarkable numbers<sup>6</sup> and the public's perception of the homelessness issue and how to solve it becomes more politicized and polarized by the day. As to continued growth, just look at the front page of the Sunday, March 19, 2023, New York Times – Phoenix's homeless population is exploding "by hundreds" a year. Conditions are ripe for such an explosion here in Albuquerque – a substantial housing shortage, expected increased evictions, and recent upward trends in rent and housing prices, compounded with substance use – alcohol, opioids, fentanyl, etc.- all point to a growing problem.

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<sup>4</sup> While LFC reported a 48% increase in homelessness in the last two years, that figure may be explained by the Point In Time Count which attributed a higher number of people to better methodology. (2023 PIT Report page 5). But we will soon know the count for 2024 because the PIT count is done each January.

<sup>5</sup> Data from the Coordinated Entry System shows 51% of people are from Albuquerque, 35% are from another city in New Mexico and 14% are from outside the State.

<sup>6</sup> According to the United States Interagency Council On Homelessness report issued in December of 2022, people who experience homelessness die nearly 30 years earlier than the average American (50 versus 77 years old), *See ALL IN: The Federal Strategic Plan to Prevent and End Homelessness*; Cf. In San Diego, unhoused people were 118 times more likely than the general population to die of a drug overdose, 19 times more likely to be murdered, and 8 times more likely to commit suicide. NY Times May 14, 2023.

Mayor Keller's administration has prioritized critical issues of Housing, Homelessness, and Behavioral Health by appointing key leadership positions to oversee and bolster the work done by existing staff in the Community Development, Homeless Programs & Initiatives and Behavioral Health divisions. These new leaders prioritized new assessments of needs and implemented new strategies and record investments that have better equipped the City to address the severe housing shortage and increased needs for emergency shelter and supportive services for people experiencing homelessness. Most recently, the administration created the department of Health, Housing, & Homelessness to put more focus on these issues.

We must move quickly. While we wait for programs we know will work, we need short-term and medium-term goals. Goals should be explained and information updated to the public and their representatives. Public support is critical if we are going to be successful.

There is a direct correlation between what the public (and by public, I mean apart from the homeless people themselves) perceives about homelessness and the motivation to support immediate and meaningful policy change. The public's response to address the urgency of the problem particularly through a short- and long-term solution approach is skeptical due to the understandable frustration over daily observations and interactions with the homeless population, camps, tents, and garbage. In order to build support, motivation and connection between the goals and

the community at large, we should be encouraging the homeless population to get off the streets, provide a safe environment where they can go and then provide the public with an accurate picture of who in our community is homeless — what percentage is made up of children, people who are working, either full or part-time, people who are veterans, disabled, elderly, physically or intellectually impaired or both, struggling with addiction, and the need for affordable housing and behavioral health treatment.

We shouldn't wait to finish the short-term goals and move to the medium-term and long-term goals. Agreement and concurrent work on all the suggested goals must begin *right now*.

One final thought: We need to encourage building of both affordable and market-rate housing. Albuquerque's housing prices are going up. Most of Albuquerque's population can no longer afford housing. We should be considering all approaches: Subsidizing housing, recognizing government's role in funding needed infrastructure, streamlining the permitting process, recognizing that the appellate process, while necessary, is inequitable and takes too long, encouraging density to reduce housing costs and even re-visiting our state tax system to encourage the building of housing should all be considered.

**Short-Term Strategy:**

- 1. Implement one strategic plan that is publicly available and that everyone follows.**

A strategic, straightforward, and simple plan should be disseminated to everyone working on issues involving homelessness in the City and County.<sup>7</sup> While not required, the City/County should consider one person whom they can agree upon to oversee all of the activities connected with the unhoused – short, medium and long term solutions. This plan should have straight-forward goals that everyone understands and can focus on. The city has provided a summary of defined short, medium and long term prioritizations as it works towards its plan to address unhoused issues (See Appendix A). There is opportunity to align this with the other innovations highlighted in this manner. This way program administrators, non-profits and other organizations will know exactly what is expected and where they will fit into the larger picture. The public will know where this is all going, and progress can be measured in a real way that doesn't look like we are playing "whack-a-mole" but rather shows objective progress toward larger goals.

A program's effectiveness should not be measured on *output* (how many people are being treated and what services are being provided) but rather on *outcome* (what is really happening to the people being served, or put another way, are the

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<sup>7</sup> The Homeless Coordinating Council is critical to this partnership. The HCC includes the City, County, VA, and UNM.

programs working?) Programs that are not working should be: (1) evaluated to see if additional support will fix the problem, or (2) quickly cut to maximize the efficient use of tax-payer dollars, while ensuring continuity of care for that program's clients. The Institute for Social Research and the staff at Legislative Finance Committee (LFC) routinely and professionally evaluate progress, success, and issues in programming. They have previously worked on this issue and could support the monitoring already occurring through the City.

## **2. The City/County Need Timelines with Budgets**

To make this work and to build trust between the government entities there should be, along with the goals, specific timelines, budgets and sources for needed funds specifically identified. Short-term goals should be measured in months, not years, reflecting the urgency of the problem. Budgets should be in line with the strategic plan. The City is entering its budgeting process now. It is vital that funding is oriented and prioritized to move this work forward. Polarization on the issues will negatively impact the ability to address urgent needs.

Since 2018, the City has increased investments in supportive housing vouchers and other services for people experiencing homelessness. *See* Appendix B. Appendix C also shows a breakdown of City allocations on homeless services over two budget years.

Explore funding sources that are available quickly. The City recently passed legislation securing funding to investment in Recovery Housing resources by dedicating taxes tied to the Recreational Marijuana Revenue. The forthcoming Recovery Housing voucher program will also leverage the Opioid Settlement agreement funding to support long-term sobriety housing vouchers.

### **3. Get the word out.**

In addition to letting the public know about the plan, the public also needs to know how to access City/County services and understand what help is available now. The City is aggressively moving on both advertising and coordination of services. The City launched a new, dynamic, website in November 2023 to offer much more information about efforts on homelessness, ways to get involved, and how unhoused people can access resources. The City is also working on an advertising campaign which will, at the same time, provide information on the services available and humanize those people experiencing homelessness. Lastly, the City and County are joining the collective efforts of Santa Fe County/City of Santa Fe, Dona Anna County/City of Las Cruces by launching a Social Service Referral Platform that will change the landscape of service access creating one entry point for connection to internal and contracted services.



**4. Use/expand existing programs where possible rather than creating new programs.**

Let's resist the temptation to adopt new programs. Obviously, there are exceptions, but we need to use existing programs because: (a) there is an urgency to get in front of this problem before homelessness gets worse; (b) using existing programs with proven outcomes is usually more cost effective both in resources and capital and avoids the duplication of services; and (c) allow for increase capacity for programs that work. However, this does not mean that we should ignore other jurisdictions' approaches to this problem. Communities like San Diego, Houston, San Antonio and Austin are doing excellent work and have informed a lot of the City's development and implementation programs, like what is being offered at the Gateway.

Once things are up and running, we can then move to employ the energies of the whole city for creative solutions and reduce barriers to pilot projects.

**5. Westside Shelter**

Author's note: The discussion about the Westside Shelter should include the following caveat. There should not be any further permanent structures built at the Westside Shelter. We want the community to understand that this is a necessary but temporary location while we work towards the ultimate solution – providing housing with supportive services (see long term approaches below).

An example of using existing resources as a short- and medium-term solution is the Westside Shelter. The Westside Shelter (“WEHC”) is critical to bridging the gap. While we can work towards building other shelters and permanent housing, we cannot wait for these steps to arrive -- it will take too much time, capital (including political capital), and resources. There is the argument that the Westside Shelter is too far away to be practical for those who need shelter. But any shelter is going to require transportation for some people – usually a bus.<sup>8</sup> The question is do we want to forego full use of an existing shelter because it is 25 minutes away even though it is available now and can be improved and made safer and more suitable, or wait years for a new shelter in a more practical, useable location? We should materially improve the shelter we have. The facility continues to serve over 500 people nightly and is a vital piece to the existing continuum of care for those seeking emergency low barrier shelter.

The Westside Shelter is not a nice place. It needs a lot of work. It looks and still feels like a jail (which it was). This is an area where both the County and City have expressed a willingness to spend significant money and resources. Thus, there is a real opportunity to make this work since there is both agreement on principle and mutual commitment of resources.

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<sup>8</sup> The City is expanding its transportation to WEHC to provide 7-day, 24-hour service. The City should consider expanding the transportation grid to include the Westside Shelter which is also near Amazon and Shamrock. Right now, an expansion would jeopardize the City’s ability to receive federal transportation funds. This will need to be solved.

The poorly situated location of the Westside Shelter can be minimized while we work on medium and long-term solutions. The shelter can, with planning and commitment of resources, become a place where the process of assistance and support begins for many people. The perception, whether true or not, is that the shelter is not safe. We need to test that perception with real data. For example, presently, APD calls are low, but AFR calls are high because of complex medical issues of clients who lose their homes and have no other place to go. Hospitals and Medical service providers transfer/ refer people who would be better served in treatment facility placements or long-term care facilities that do not exist currently. We should test that issue with an AFR/ACS assessment. ACS has nightly interaction with the homeless population and the Shelter. APD could do safety assessments of the Shelters. We can explore discharging practices of the hospital emergency rooms, examine the Managed Care Organizations care coordination data as it relates to the unhoused membership services rendered, examine the transportation systems, Gateway, and other places where services are provided. Objective data can lead the effort to make the shelter safer and more secure.

Landscaping should be added. Pets should continue to be allowed. And people can bring their belongings. Mechanisms should be in place to keep people's belongings secure. The bunks and bathrooms need modification for increased privacy. A dining room should be available, as well as washing facilities for clothes,

and more frequent primary care-level clinic services in addition to the basic triage available now. Case management and behavioral health care services should be expanded. Structured groups and training opportunities, including job training, should be offered within the facility. As noted above, regular and reliable transportation to and from the shelter for medical/mental health care should be reliably available with a dedicated bus line to be established between the shelter and providers. This campus will need a detailed plan to coordinate services including a list of providers with capacity to serve. Why not, for example, get thoughts on a campus-like approach from UNM or the Sandia Foundation?

We should commence a trial run and evaluate, within a specified timeframe, whether it is safe and effective to permit people to reside in personal tents (or better yet, to get them out of the elements, with something like manufactured sleeping units, *see e.g.* <https://palletshelter.com/>) or vehicles immediately outside the Westside Shelter.<sup>9</sup> Measurements of effectiveness and success will relate to safety and use of services. Safe and adequate access to clean water and sanitation stations must be continuously available. Predictably, there will be objections to sanctioning a tent or even sleeping unit area. And there are valid reasons for such objections where a tent city is, at best, a short-term solution until the primary goal of housing

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<sup>9</sup> If tents or vehicles are allowed, there should be safety protocols in place to ensure a safe environment free from the proliferation of drugs or alcohol. Phoenix has adopted an access card system to allow for the administration of the shelter to monitor the habitants of the shelter to assure their safety and access to services.

can be accomplished. However, if the homeless population doesn't have any current option, it will be even more difficult to slow or stop the same situation from growing around businesses and homes across the City. Both the homeless population and the rest of our community are not safe when dispersed under freeways and vacant lots, without access to sanitations and services, and in extremely hot or cold weather.<sup>10</sup> We should be clear that the use of the Westside Shelter is a temporary solution intended to attract people away from the streets and to a more secure and welcoming environment.

The other predictable objection to an expanded use of the Westside Shelter is that wind and weather are not ideal for tent housing. Solutions exist. Structures/barriers are feasible and may have the effect of increasing privacy and security for those who choose to live in tents at the Westside Shelter.

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<sup>10</sup> Some advocates for the homeless argue that "Safe Spaces" will fix this problem. "Safe spaces" is a concept which allows for enclosed encampments in neighborhoods with supportive services. There are several problems with this concept: (1) Setting up the space will almost certainly be controversial and involve potentially years of litigation from the surrounding neighborhoods; (2) There will be a lot of these neighborhood disputes – safe spaces are not supposed to host more than 50 residents at a time (*see* S3 Fe Housing Initiative) so dozens of such sites will have to be set up in Albuquerque; (3) the implementation of such a program will be the source of constant, endless litigation – suits over water stations, enough temporary bathrooms, security, sanitation, etc.; (4) what does the governing body do about persons who will congregate immediately outside the safe spaces?; and (5) most importantly, unless pallet homes or similar housing is made available, the homeless will still be outside and exposed to all of the factors which reduce their life expectancy by approximately 30 years. *See "Nothing feels like enough": surviving the heat in a New Mexico homeless encampment.* The Guardian July 20, 2023 (which includes a dramatic description of poor conditions in the summer in the Las Cruces safe space). However, if safe spaces are set up at the WEHC where there are no businesses or residences, such a concept, with pallet homes, might work. *See e.g.*, January 2, 2024, San Diego Union Tribune: Opinion: Six months later, San Diego's safe campsites for homeless people have been a huge success (which credits success to a location where there are no businesses or residences). If a community is willing to accept a limited safe space site, that should also be considered. *See* Denver's Housing 1000. The question is "where"? That is discussed in medium-term strategies below.

The bottom line is that the Shelter should be made to feel like a campus where people are welcome to reside within the shelter or temporary structures and vehicles, with accessible supportive services, clean water and sanitation, and an overall secure environment.<sup>11</sup> We cannot compel people to go to the campus, but we can attract people there by providing resources and support. Doubtless there will be some who will never use these services, but this model is intended to build a bridge for those who are amenable to services and support and want a safer living environment than what is available on the streets.<sup>12</sup>

One of the concerns expressed is that the Shelter will become a permanent, large fixture in our community. We should not want that to happen. Let's think of planning and establishing benchmarks for both building up the WEHC and then reducing its footprint as the affordable housing crisis recedes, while continuing to advocate for investments in unrestricted housing vouchers to support the placement into stable affordable housing as it is constructed. However, as previously stated, we should not build out permanent structures at the WEHC.

Selection of the operator of the Shelter is key. My suggestion is to have the City or County run the Shelter. The government entity will then have direct control

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<sup>11</sup>The City of Austin, through private funding, has built a 51-acre campus for the homeless through a program call Community First! Village that includes supportive services. The supportive services include laundry, shower facilities, outdoor kitchens, bus stops, a cinema, a market and even an organic farm. The program operates on the philosophy that building a community is the way out of chronic homelessness. Their website can be found at [mf.org](http://mf.org).

<sup>12</sup> The Shelter should be coordinated with efforts like Gateway. The Shelter and Gateway could work together to identify and support those people who need Shelter and those who are ready for transition to supportive housing.

over training and coordination of services. Tiny homes should serve as a cautionary tale of a program that, while it now appears to be working, had such a rough start that the community still thinks the program is failing. And we should be focusing on what will encourage not just the homeless population but also supportive services to become engaged in making the Westside Shelter a place where they will want to come and provide their expertise and support.

Finally, the Shelter should not be used for families with school-aged children and youth. Apart from other concerns, the transportation issue of taking children from the Shelter to another location for a school bus is simply unworkable. However, the City's wellness motels is meeting that need and should continue to be supported as a successful strategy to support families with children .

#### **6. Expand Wellness Motels.**

Wellness motels really work – especially for families. These are referral-based systems (they can't just walk in) that provide safe shelter, case management services on site, and the support families' need to get back on their feet. The City is currently operating one for up to 65 families, called the Family Housing Navigation Center. That program is working and has permanently re-housed more than 360 families (1,100+ people) in three years. Bernalillo County just appropriated funding to make their family hotel operate year-round. There should be more of these motels run by both the County and City and they should be set up as quickly as possible.

They can be bought or leased but there should be safe indoor/outdoor play spaces, community rooms and case managers on site.

APS Title I (McKinney-Vento program, a.k.a. Homeless Project) is an important partner to make connection across existing service providers, schools, and community-based child-care. Existing resources for children can be provided in these locations to offer after school/out of school time including homework assistance, and tutoring, counseling and other support services and activities for school aged children, siblings in early childhood and their families (in accordance with the McKinney-Vento Education Assistance Act, 42 U.S.C. Section 119, Subchapter VI, Part B.).

The challenge to this approach is determining the need and then matching that need with the number of beds at the wellness motels. This should be part of any coordination services that works with families. The Legislature appropriated an additional \$10 million this year for the Governor's Casa Connections program. The City/County should explore a partnership with the State to use this funding for wellness motels.

As mentioned above, consideration should be given to moving the disabled and medically frail currently at the Westside Shelter to a Wellness motel or other site available for occupation quickly.



## 7. Other Specific Sites

We should consider other sites that can be utilized right now or built upon right now. We are looking at locations like Desert Hills, locations in the international district (assuming the neighbor welcomes those sites) and industrial properties. Simultaneous with the improvement of the Westside Shelter, there should be an extensive and methodical evaluation of city, county, state, and federally owned property and private property appropriately zoned for temporary and/or permanent shelters and longer term housing. This includes vacant land, motels, apartment buildings, warehouses, office buildings and structures suitable only for demolition. In doing so, outreach to any neighbors should begin promptly and mitigation measures should be considered. These could include adequate security, clean up crews, public safety infrastructure, and consideration of redevelopment proposals. Going forward, we should develop a list of available sites for shelter/supportive housing and affordable housing that we think are viable. *See also Appendix "F"*.

These approaches to expanding shelter capacity should also be explored:

1. Expanding capacity at all existing shelters (public and private);
2. Using APS portable classrooms that are not currently in use;
3. Pallet homes;
4. Vacant warehouses;

5. Vacant motels and apartment buildings;
6. Vacant commercial buildings (Walmart, Walgreens, Franklin Plaza, etc.)
7. Unused church buildings; and
8. Unused government land and buildings (City/County/UNM/State).

### **8. Pueblos/Native Nations**

This requires a separate section for two reasons: (1) the city and county must recognize and honor tribal sovereignty; and (2) pueblo/native nations cooperation is critical to this process where, according to the latest demographic data, Native Americans compromise 11% of our state's total population but 17% of the homeless population.

As a former Sandoval County Commissioner (where we have eight pueblos and the Navajo Nation chapter houses) I know we accomplished so much more when we brought in the Pueblos and the Navajo Nation to work out difficulties affecting all of our communities. Therefore, create working relationship with Tribally Designated Housing Authorities, the Southwest Tribal Housing Alliance and with local programs that serve Native American community members who are unsheltered such as First Nations Community HealthSource, Homeless Outreach Program, All Nations Healing and Wellness Center and groups such as the Southwest Indigenous Housing Justice Collaborative. In considering other potential sites for shelters and/or housing, the Indian Health Service, the Bureau of Indian

Affairs, and the All Indian Pueblo Council should be consulted. This cooperation is essential to helping almost 1 in 5 of our homeless population.

### **9. NGOs, churches, and private organizations**

The engagement of non-government entities, faith based and interfaith organizations and other private organizations, should be actively pursued in general, and specifically regarding the Westside Shelter. This is a reference to groups that are otherwise not engaged in current partnerships with CABQ. Notwithstanding the good will and compassion present in our community, the community at large does not perceive any real progress on the homeless issue because of a lack of a united and effective approach. We want to attract people who are amenable to services, at least temporarily, into shelters pending achievement of long-term goals regarding permanent housing solutions. The Gateway Center was built to accommodate providers who want to have a satellite presence on a rotating basis and offer additional services to help guests as they work towards housing. This concept should be expanded to the Westside Shelter as well.

A robust “Engagement Center” at both Gateway and WEHC accomplishes three things at once: (1) development of a true community approach which provides more culturally relevant and diverse services and interactions; (2) a mechanism for community groups that want to participate in the effort and will see real value in a concerted approach in partnership; and (3) the ability to connect individuals and

families to resources that can support them in sustaining future stability and housing, create a sense of belonging, and establish/re-establish ties to the community.<sup>13</sup>

The City has also recently leveraged the Civic Engagement volunteer platform to recruit volunteers shelter sites. These one-time and recurring opportunities, in addition to supply drives, channel the public's good will and compassion into useful ways to assist shelter operations and support the people staying there. Community volunteers can make a big difference and should continue to be part of the plan to engage the public in solutions. In addition, both the City and County should consider a place where new ideas can be considered as communities around the country grapple with how to handle this growing problem. One additional suggestion - specifically engage those most directly impacted - the homeless or recently homeless who are, by experience, motivated to help because "they have been there."

#### **10. No more tents?**

Author's Note: I have attached a legal research memo on the lawfulness/constitutionality of banning tents. See Appendix "E". To be clear, this memo is limited to the cases which I provided to the attorney. Policy makers/attorneys should also review several federal district and appellate court

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<sup>13</sup> Gateway and WEHC are a good example of the partnerships that can be formed. WEHC has the population of people needing immediate shelter and Gateway could be used to move a projected 200 people per quarter out of the Shelter to a 90-day program transitioning clients to permanent housing.

decisions out of California and Erwin Chemerinsky's excellent article on "The State-Created Danger Doctrine".

I received a proposal that would allow tents at the Westside shelter but not anywhere else.<sup>14</sup> This is something that I want to be very clear about – this is causing me a great deal of concern. And, policy makers should note that such an action will certainly involve litigation. That is why I attached the memo above. And, the questions additionally raised include how this will be enforced, the effective use of resources and the political capital that will be expended. If such an action is taken, there should be advance notice of removal of tents with information about the Westside shelter and assistance with relocation should be provided. Also, the City has started a storage program that provides a mechanism for preserving and safeguarding personal property – this must be expanded particularly if the policymakers decide that removal of tents and other property is appropriate.

This discussion opens a related topic – places to reside at the WEHC. We should be considering alternatives to the dormitories. Any site plan, discussed above, should consider other resources like pallet homes which are single units that are cheap to set up and operate. They have heating and cooling. These pallet homes

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<sup>14</sup> Currently, the state district court in *Williams, et. al, v. City of Albuquerque*, Second Judicial District Court No. D-202-CV-202207562 has prohibited the government, temporarily, from taking this or any similar action because there are not enough shelter spaces available to meet the need. And, if additional shelter beds or similar accommodations are not available, we could be sleepwalking our way into the courts taking over the subject of homelessness permanently. However, by building more shelter beds and or places for the homeless to safely stay we can remove the courts from the decision-making process at least with respect to encampments. This has been a success in Reno, Nevada. See e.g., *Reno Halves Homeless Living on its Streets*, Wall Street Journal, December 1, 2023.

will get people out of hot/cold weather. *See, e.g.,* <https://palletshelter.com/>. Of course, other options could also be available, 3d printing homes (see Austin) for example. And, for those supporting “safe spaces”, we might consider allowing people to set up tents or sleep in their vehicles provided there are supportive services and sanitation available.

Notwithstanding all of this, once there is sufficient shelter space available, existing laws and ordinances regarding panhandling on narrow curbs or congregated tents which involve safety concerns should be enforced.

## **11. Prevention**

Preventing homelessness is essential to any solution because if we don't address evictions or the conditions which place a person in near-homeless territory, we are just “treading water”. Keeping people in existing housing or restoring housing to those recently dispossessed should be a priority. Non-HUD Housing vouchers should be prioritized and increased annually via the budget process to support the City's work in exiting clients from shelter dependence and into housing. The City/County can leverage investments jointly in this area. Incentives should exist for landlords willing to accept vouchers. The rental assistance programs should continue after ERAP funds run out.

We also need a real partnership with owners/landlords so that there is not a bottleneck of people with vouchers who can't find apartments. Only 35% of

landlords surveyed by the City accept housing vouchers. Landlords need to be enthusiastic about any program, and any workable program must offer immediate benefits to landlords choosing to participate.<sup>15</sup>

Landlords should not be “left to their own devices.” Once we have the trust of landlords in the community and have a real partnership, we might be able to get a handle on this part of the problem.<sup>16</sup> The City now has the Landlord Engagement Program which provides for three landlord liaisons who provide case management and support for landlords including \$2,500 to address damages to property above any security deposit.

Vouchers are key. We know that 95% of families with Permanent Supportive Housing vouchers (housing costs plus supportive services) stay housed after two year. Continuing the City’s historic levels of investment in supportive housing vouchers (see Appendix B) is important to keep pace with the number of people that need this support.

The Legislature appropriated \$20 million for rental assistance this last session (2023) but that will not be enough to continue assistance for the number of people ERAP supported. The City/County will want to have a good plan for targeting rental

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<sup>15</sup> A couple of other thoughts on this topic which might be considered: (1) the use of “master leases” which would allow the provider to sub-let a number of apartments at once and then be responsible for the security and maintenance of the units sub-let; and (2) incentivize providers to provide effective housing through either additional fundings or expanded use of the particular program.

<sup>16</sup> Princeton’s eviction lab has an excellent analysis of the eviction “hotspots” in Albuquerque. Specific buildings are listed, and those owners should be contacted to identify the issues involved in these evictions.

assistance in a way that: (1) doesn't keep people unduly out of the labor force; and (2) doesn't supplant federal section 8 housing.

The new Middle Rio Grande Housing Collaborative should make sure they are tracking the expiration dates for affordable housing subsidies do some planning to keep those units subsidized, especially properties that will expire in the next 5-10 years. This is a great partnership where planning is happening. Additionally, acquiring properties, particularly recently vacated commercial spaces which can be readily converted into multi-family housing units, should be a constant goal. Public-private partnerships in these endeavors are essential.

Finally, this is where the legal system can help. Courts have outreach courts and programs; legal aid and Attorney First Nations all have programs designed to assist people with their legal problems. By personal experience and data from places like Boston, addressing a person's legal problems can help to resolve other issues such as medical and behavioral concerns. Including the legal system in this area – specifically by helping people stay in their homes, can help everyone, the homeless themselves, the landlords and the public. *See also* suggestions from Serge Martinez with NMCH, Appendix "G".

## **12. Opioid Settlement Money**

A significant amount of settlement money is coming to the County and



City to address the opioid crisis. There is a direct correlation between the opioid epidemic and the homelessness epidemic, and it is therefore critical that, to the largest extent possible, these funds be allocated to programs and services aimed at decreasing and eliminating homelessness. The City and County have passed joint resolutions that will move them into a strategic planning process to make sure the funding received is allocated to the most appropriate service areas based on a landscape analysis and community engagement process.<sup>17</sup> This is a great example of cross collaboration to address high impact investments for strategic change and will address the need for resources in the community like substance abuse treatment and medication assistant treatment. If we don't effectively plan where this money is going and bring in providers and resources, handle the capacity of need and sustain services for individuals who are challenged with transportation, follow through, etc., the concern is that the funds will not be effectively utilized.

### **13. Supportive Services**

Wherever immediate shelter is located, provision of supportive services is essential. As mentioned above, attracting providers and government services to the sites is a priority. Readily available transportation to services is essential. And negotiating and leveraging sources of supportive services such as Medicaid,

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<sup>17</sup> Albuquerque's City Council approved R-23-174 In October of 2023, which established a policy for the development of a strategic plan to guide future expenditures of the Opioid Settlement monies. The County passed AR-2023-105 which mirrors the City's resolution. This is an excellent example of the partnership in planning that can occur in this area.

Managed Care Organizations, and Indigent Funded services needs to be a priority. Revision of the Medicaid state plan cannot be done in the short term but negotiation for a revision should be commenced immediately so that resources that are permitted by the federal program are fully utilized in New Mexico. This includes the creation of a waiver that would allow reimbursement for services that include a component of housing such as is allowed by the DD waiver.

**14. State legislation and related items to encourage density**

In the event the legislature meets again this year, we might consider a version of Colorado's HB 24-1107 which permits a court to award reasonable attorney fees to a prevailing government entity [or party] in an action for judicial review of a local land use decision involving residential use. Developers are ones putting up the money and resources to get through the planning process. If, after a successful journey through the government process, they are stopped by an appeal that costs the appellant next to nothing but can cost the developer substantial time, money, and resources, this both discourages investment and is simply unfair. A statute which provided for attorney's fees in the event of a bad faith appeal or one not supported by substantial evidence might level the playing field.

The legislature should also consider expanding the enterprise fund to include monies that would pay for infrastructure for housing projects which would increase the number of units available.

**Medium-Term Strategy:**

**1. Coordinate more services.**

The County and City are both committed to using a closed-loop social referral platform and are in the process of executing an IGA that solidifies that commitment, as well as contracting with a vendor. The idea is that a person presents themselves for care, they are screened for needs, they are placed on a digital dashboard and then, with the person's consent, the information is shared with all the providers the person contacts, the care is coordinated, and outcomes are tracked.

The City has a 311 system as well as a dedicated homeless line operated by the NM Coalition to End Homelessness. Those should be coordinated so that anyone in the public can easily access necessary information. Open 311 and the homeless line to the public for use over 24-hours, not from just 8 – 5. However, as the City moves towards a closed loop referral platform which fills this need, we should add operators and train the 311 operators to send housing related calls to the closed-loop referral platform. Currently the problems with using 311 are: (1) the operators don't know what services are available as they are limited to the data available on the City's website; and (2) because the system is so confusing, no one seems to know who is providing what services or who is able to take on new clients; (3) follow through is delayed; and (4) access is limited. Having 311, 211, 768-HELP, and City

Health & Social Service Centers make all service referrals through a dedicated platform will fix this problem.

The Family Housing Navigation Center on Gibson, while providing excellent service, also highlights a problem. Once families leave the motel, unless they are with the specific organization running the motel, the Motel staff has no way to track the families. Despite their experience with the families, they are not consulted and generally have no idea what happens to these people. So, there is not a coordinated effort to determining whether, long term, any of these services really were effective at getting people exiting to a more stable income and housing situation. Data from the closed-loop referral platform would help alleviate this problem. Currently, agencies are reporting outcomes quarterly. Rather, agencies should be required to report status evidence of case management follow through with vouchers in real time. The City is developing a framework for investments in services that will address this need to ensure clients stay housed. This needs to be prioritized as its a vital component to the system of support.

And there should be ONE form for anything needed – releases for information, reporting etc. to cut down on the red tape.

**2. We need to understand the unhoused population, and recognize it is diverse and not a monolith.**

I have heard a lot about HIPAA preventing the tracking of people being served. This is not a real impediment. Closed loop referral platforms can be set up,

with the client's consent, to share information between providers and restrict information from those who are not permitted to review such information.<sup>18</sup> We did this in the criminal justice field and it can be done here. In the meantime, this HIPAA hesitancy is stopping the City and County from humanizing the problem. We need to know the population we are serving and what their needs are. Are they veterans, native Americans<sup>19</sup> youth, families, have mental illness, addictions, recent evictions, close friends/community, reasons for their being homeless, length of time being homeless, and previous service providers? Some of this information might be available from existing HUD data and from existing service providers.

Mobile units and people that are on the ground, like *Street Connect*, are excellent and really fill a need not provided by law enforcement. However, once contacted, the people should be, with their consent, placed in the data base. They are no longer just a name or number but could be the start of identifying needs and programs to fill those needs.

**3. Implement identified locations where a community might accept another shelter or other protected areas to help people get off the streets.**

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<sup>18</sup> Cf. NMSA 32A-6A-24 (children) (disclosure can be made when it "is necessary for treatment of the child and is made in response to a request from a clinician"); NMSA. 43-1-19 (adult) disclosure can be made "when the disclosure . . . is to the primary caregiver of the client"; "when the request [is] . . . for the continuity of care of inmates"; or "for the purpose research".

<sup>19</sup> State House Representative Lente who serves on LFC noted that while native Americans comprise 11% of the state's total population, they are 17% of the homeless population and yet are not considered by local entities in coordinating responses to homelessness. If we knew our homeless population better we could seek help from the related tribes/pueblos.

While I am skeptical about safe spaces for the reasons expressed above, there may be places where another shelter or a pallet home type community could be placed. As mentioned above, an evaluation of such locations was included in the short term strategies. Building or renovating these locations should be commenced. This will, however, take time and is therefore placed under this category of a **medium-term strategy to implement housing in these other locations.**

#### **4. Implementation of a Medicaid Waiver**

Work on state adoption of a Medicaid Waiver for individuals with serious mental illness was recommended to begin in the short term. However, implementation of such a waiver should be targeted as a mid-term strategy.

#### **5. Zoning changes**

We need to start working towards zoning restrictions that make sense – setbacks, height restrictions, etc. These are items getting in way of planning for the density in units which we will need if we are realistically ready to tackle the lack of available housing (both market rate and affordable) in Bernalillo County.

### **Long-Term Strategy:**

#### **1. Housing<sup>20</sup>**

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<sup>20</sup> Houston is often held up as a model on how to reduce homelessness. They do three things very well: (1) The providers work in unison rather than competing for resources with an overall plan (as recommended here); (2) lack of regulation makes it easy to quickly and cheaply build new apartments; and (3) the focus has been less on providing services to people on the streets and more on moving people into housing and providing on-going care to keep them housed. See Kristof, Nicholas, *Here's How Houston is Fighting Homelessness – and Winning* (NYTimes, November

There can be no long-term solution to the homeless crisis without addressing the need for more affordable housing. Without more affordable housing people will continue to put more and more of their income towards housing and eventually not be able to pay rent and become homeless. This will simply add to the amount of people becoming homeless which will in turn add to the need for more shelters and increased social services. We are then creating an endless loop which we will not be able to build ourselves out of. It is also of no value if we shelter individuals, assist them, provide them access to services, provide temporary housing and then send them back out into the market to places they still cannot afford. Several studies clearly show it is far more economical to provide affordable housing then it is to continuously support the unhoused.<sup>21</sup>

The need for more housing is clear as supply and demand have affected rental and home ownership opportunities for all citizens. Over half of Albuquerque's renters are rent burned, meaning they are paying over thirty percent of their income towards housing. Between 2021 and 2023 rents increased by over 20 %, one of the largest increases since date has been compiled. This has pushed many people with fixed incomes out of the rental market. Less than thirty percent of the population can

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22, 2023). We have yet to address item number 2 which will be a necessary discussion in Albuquerque as we move forward to address housing needs.

<sup>21</sup> Lack of affordable housing is the primary predictor of homelessness in a community. An excellent, short, data-driven analysis on this issue can be found at <https://www.jchs.harvard.edu/calendar/homelessness-housing-problem>. See also Colburn, Gregg, Homelessness is a Housing Problem, 2022.

afford the current medium-priced home, so middle class families have little opportunity to buy a home. The stagnation in wages compared to the increased cost of money, land, infrastructure, building materials that make up the components of housing have made it difficult for most families to afford to live here

Recent localized studies (Urban Institute Study,) has indicated a need for at least 30,000 new units of housing in order to meet demand. Of these units the City of Albuquerque has committed to assisting in the creation of 5,000 units. Units can be created through new construction, rehabilitation, and conversion of existing commercial and Hotel/Motels. A comprehensive land banking program can greatly assist in the endeavor to use abandoned and derelict properties toward the production of affordable housing

The goal of reaching 5,000 new affordable units or 1,000 units/ year, over five years, is an aspirational goal but definitely achievable. The City must make a committed, sustained effort to fund the production of affordable housing units and in order to make a dent in the housing shortage, local funds should be leveraged with, County, State, Federal and private funds.<sup>22</sup> There also need to be many different topologies of housing units, including small and large apartment complexes, patio homes, townhomes, group homes, shared units, cohousing, sober living, transitional housing, permanent supportive housing and single-family units.

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<sup>22</sup> See Appendix D for the City's recent spending and funding sources for affordable housing development.



Some people in housing will need, and continue to require, comprehensive, support services, behavioral health, medical assistance, social services and case management. Others will simply just need low-cost housing units.

In addition to actually funding the construction of new housing, there are policy changes that could support the development of new housing. These include allowing for-profit developers to receive City funding for some projects, increasing the capacity of non-profit developers, fully utilizing the MFA Low Income Housing Tax Credit program, providing landlord support through a mitigation fund, developing a policy to attach project-based vouchers to City funded projects, considering zoning and permitting changes, and evaluating the use of City and County Section 8 vouchers to align with current priorities.

Until Albuquerque gets a handle on the affordable housing crisis, people will continue to feel priced out of the market and at risk of becoming homeless and it will remain more expensive, time consuming, and difficult to help people exit homelessness.

## **2. Building up staffing**

I know there are other groups working on this right now, particularly in the field of behavioral health. But, with respect to dealing with the homeless directly, we need to understand that this is very difficult work. We need to think about practical approaches to training people work with the homeless on a long-term basis.

A certified approach at CNM or other educational institutions along with practical, on the ground, experience might help address the staffing needs in our community and slow down the turnover in these positions.

**Other thoughts:**

MCOs/UNMH –are they monitoring what is happening to their population? They should be motivated to monitor their clients since it is money from their programs. We need a true partnership with the MCOs and UNMH. With UNMH, the County is very positive about this partnership which has just started. The MCO's should be negotiating with Medicaid to get services targeted to the neediest population and providers in the community to build capacity to serve. The state plan could include several services which are permitted by the federal government, but the state has chosen not to include these services in the state plan. This needs to be addressed. It appears that only about half of all services are being billed to Medicaid when, really, all services should be billed. Otherwise, the state is picking up the tab which means fewer people can be served. Also, HSD is working to get rental assistance, post-treatment, covered as a Medicaid billable service and BCBS is running its own Medicaid-funded transitional housing program in several places around the state.

There are scores of services for homelessness and behavioral health. There seems needless “siloing” of private service provider agencies, government programs

and social services organizations; with a lack of coordination. And, yet, ironically, there is not enough behavioral health care services available. LFC did a “secret-shopper” survey this winter and found it took 15 calls for a Medicaid client to find an open slot for such services. If some organization or faith-based organization calls – how are they engaged? Where does the City/County plug them in? Without a plan, it is clear that a lot of good organizations and well-intentioned case managers are going off in various and uncoordinated ways.

Finally, under long term goals, we should consider revisiting both our tax code and IRBs. We should be considering a reduction of GRT on housing to encourage development. And, while IRBs are intended and do create jobs, there is very little thought given to where to house all of these workers. We might consider housing as an part of the IRB process.

***Conclusion:***

*Short term goals:* Start with a person or persons in charge of homelessness for the City and County. Have a real, concise, understandable, and global plan. Consider eliminating encampments (while allowing them at the westside shelter) and get people off narrow curbs and medians. Expand and improve the Westside shelter. Conduct a thorough evaluation to identify additional and/or alternative locations for shelters and housing. Work on prevention so the problem does not get

worse. Start gathering data on provider roles, responsibilities and capacity and the details of the population – assessment and needs.

*Medium term goals:* Develop data bases where you know: (a) the population and their needs; and (b) the providers of services their role and capacity. Then have a system where everyone is keeping track of data based on outcomes in real time, so we know what programs are successful. Use programs like *Unite Us* and or other similar services to effectively coordinate services and get as many people as possible into available services and housing. Construct and/or renovate sites for shelters and temporary housing.

*Long term goal:* House as many people as possible, with services, to keep them in dwellings rather than on the streets. This means we will have to expand our housing capacity and work closely with landowners/owners and builders.

Albuquerque and Bernalillo County are uniquely situated to lead the nation on this problem. There are excellent people at the County and the City and throughout our community working every day to address homelessness. We are a medium sized city and though our homelessness issue is significant, it is manageable compared to other larger cities. We have committed, compassionate, thoughtful, and smart people with great optimism and skills. Though there is not total agreement on approaches, differences in opinion are expressed with integrity and respect, and there

is agreement as to the ultimate goals. Finally, we have both the resources (money and people) and willingness to tackle this problem.

Homelessness is complex but significant positive changes can be made that will lead the way for other communities to follow. What we need is an overall plan, a coordinated effort, a person, or persons to lead the effort and a sense of urgency to get real progress started right now.

DRAFT

**Appendix A:** City of Albuquerque’s short, medium, and long-term plans to bring housing and services online.

Item	Purpose	Goal
<b>Short Term: Next 8 Months, end of 2024</b>		
Continue to fund existing programs including: Tenant-based Rental Assistance, Down payment assistance, and eviction prevention.	Keep people in their homes	Prevent
Re-do city web pages about homelessness and housing	To provide more transparency about effectiveness of programs and outreach and connect unhoused people to resources	Help
Launch public ad campaign	To connect unhoused people to services and build empathy among the general public	Help
Open Receiving Area for First Responders at Gateway	Provide a third location, besides an emergency room or jail, where people can be brought 24/7 to connect to social service resources.	Help
Launch Landlord Liaison Pilot Program	To work with landlords renting to tenants with Permanent Supportive Housing vouchers. Landlords can be financially supported in the event of damages and people with vouchers will have an easier time finding an apartment.	Help
Implement strategic capital improvement plan at WEHC: Renovate 2 dorms and assess utility and infrastructure capacity	Improve conditions for current guests. The assessments will also dictate the viability of any expansion.	Help
Use FY25 City budget to prioritize impact projects	Ensure key projects have the funding needed to succeed	
Maintain and/or expand historic levels of supportive housing voucher funding.	Ensure that current clients do not lose their housing and that agencies can continue to house new clients	Help
Release flexible RFP for WEHC operations	A New RFP will go out to provide more flexibility for how the WEHC is run	Help
County and City launch closed-loop referral platform, start using at city health & social service centers	Make it easier for people to get connected to the help they need, reduce duplication of services and paperwork, and ensure warm handoffs between agencies.	Help

Expand behavioral health programs (FACT and medication assisted treatment as part of PATH)	Get more people the substance use and mental health treatment they need	Help
Open Medical Respite at Gateway Center	Health care for unhoused people exiting hospitals to reduce re-admissions and connect people to other services.	Help
Select provider for Medical Sobering at Gateway Center	Get medical sobering ready to open when construction finishes.	Help
Motel voucher working group will recommend changes to city motel voucher program	A City Council study group convened to ensure that motel vouchers are used as well as possible to help people in need and reduce crime and blight at certain motel properties.	Help
Engage consultant to create strategic spending plan for opioid settlement funds to align with settlement agreement	Create structure for spending opioid settlement funds, as per City Council resolution R-23-174	Help
Begin construction on youth/ young adult housing navigation center	Provide housing navigation and wraparound services to young adults age 18-25 who need targeted resources	Help
Publish feasibility study about Recovery Housing	See a path forward for a new type of housing support for people recovering from substance use disorder	Help
Get all shelters to input data in City bed tracker, including BernCo family hotel	Help first responders connect people to available shelter beds	Help
Engage state-contracted MCOs at WEHC and Gateway	To connect patients at WEHC and Gateway to health care	Help
Lease 90 affordable apartments at Los Altos Lofts	Provide more affordable housing in ABQ	House
Achieve and maintain 48% housing rate from Gateway Housing Navigation Center	Ensure that Gateway's Housing Navigation program is successfully exiting people from shelter into permanent housing.	House
Negotiate acquisition of next hotel to convert to housing	Provide more affordable housing in ABQ	House
Explore acquisition of hotel for non-congregate/ transitional shelter for seniors	Provide an alternative shelter community for seniors currently using the WEHC as long-term housing	House
Finish feasibility study to construct single-site permanent supportive housing at Gateway Center funded by existing federal programs	Provide more affordable housing with built-in wraparound services for people with more needs.	House
Elicit RFP for senior housing project with Bernalillo County using federal 202 funds	Provide more affordable housing in ABQ	House

Fund five new affordable housing developments leveraging tax credits (at least two RFPs)	Provide more affordable housing in ABQ	House
Increase Workforce Housing Trust Fund capacity to \$20 million from \$10 million a year	Provide more available capital to finance affordable housing development	House
Leverage other departments' resources for housing production	Create more affordable housing	House
Begin community engagement process for Choice Neighborhood planning grant	Year-long planning process will put together an application for \$30 million of HUD funding to revitalize Public Housing and other things in the International District	House
Open VIC transitional living campus	To help veterans find stability and transition to long term housing	Help, House
Open Medical Sobering at Gateway Center	Provide a specialized medical location for intoxicated and inebriated individuals to gain sobriety and be connected to long-term support.	Help
<b>Medium Term: Next two years</b>		
Implement opioid settlement spending per strategic plan	Increase education and treatment to reduce opioid use in ABQ	Prevent, Help
Open additional 140 housing navigation beds at Gateway	Exit people from homelessness to housing in a 90-day program	Help
Complete dorm renovations at WEHC, add spaces to provide other services if deemed possible by utility assessment	Improve conditions for current guests, add other services	Help
Show progress on Built for Zero goals for ending chronic family homelessness—50% decrease by 2025	Systemic change to reduce the number of chronically homeless families	Help
Improve PIT count process with NMCEH	Collect more robust data on the population experiencing homelessness	Help
Implement UniteUs platform for additional city departments and partners. Integrate with 311, 211, 768-HELP, create physical hubs in each quadrant of the city	Make it easier for people to get connected to the help they need, reduce duplication of services and paperwork, and ensure warm handoffs between agencies.	Help
Procure operator for Youth/young adult shelter	Get shelter ready to open when construction concludes	Help
Lease complete units from motel/ office conversions	Provide more affordable housing in ABQ	House
Launch ADU loan program	Make it more cost-effective for private citizens to built ADUs if they are rented at affordable rates	House



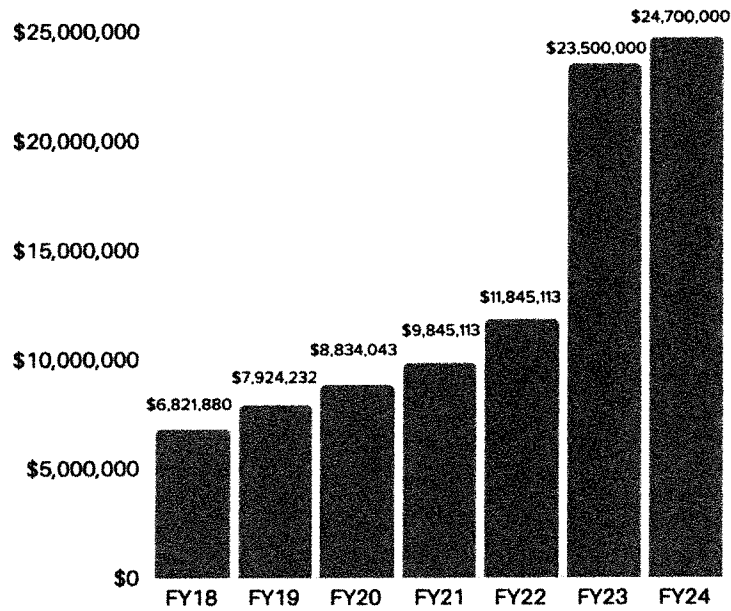
Package land, finance packages for developers to bid on. At least 3 per year	Finance and expedite affordable housing development	House
Create standardized RFP process for hotel and office conversion with production of at least two projects per year	Finance and expedite affordable housing development	House
Bring 170 units of new affordable housing online with completed construction of funded projects	Provide more affordable housing in ABQ	House
Use marijuana tax funds to pay for ongoing recovery housing	Provide Recovery Housing in ABQ	House
Secure funding from HUD Choice Neighborhood program and execute Choice Neighborhood plan	Access substantial funds to invest in and revitalize large parts of the International District	House
<b>Long Term: 2+ Years</b>		
Establish structure and oversight and potential liaison to work with pueblos/ native nations to address issues of homelessness and cultural care	Collaboration with pueblos	Prevent, Help
BernCo/UNM crisis triage center will open and add to system of emergency care	Provide specialized care to people in a behavioral health crisis	Help
Potential expansion of hotel-based non-congregate shelter for families; continue to solidify funding for successful Housing Navigation programs	Build on a program model that is working to re-house families.	Help
Open Youth/young adult Housing Navigation Center	Provide wraparound services to young adults 18-25	Help
Annual affordable housing production rate of 1000 units/year	Ensure enough housing is produced annually to get out of housing deficit	House
Create funding package for developers (land, fee waivers, TIFs, Gap financing)	Finance and expedite affordable housing development	House
Create pre-development fund for non-profit housing developers	Finance and expedite affordable housing development	House
Create capacity building fund for non-profit housing developers	Finance and expedite affordable housing development	House
Create a permanent affordable housing trust fund in addition to the WHTF	Finance and expedite affordable housing development	House

Transition an estimated 350 people and families to permanent housing per year from city housing navigation centers	Exits from homelessness	House
Open PSH @ Gateway will open	To provide single site permanent supportive housing	House
Rehab buildings, land	Anotehr avenue to provide additional affordable housing	House
Finish Choice Neighborhood plan	Rehabilitate public housing and catalyze investment in the International District	House
Open 202 senior housing project with BernCo	Provide affordable housing to seniors	House

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## Appendix B: City Investments in Supportive Housing Since 2018

The City has increased their investment in Supportive Housing vouchers by 250% since 2018. This housing assistance paired with supportive services is one of the most effective ways to help people exit homelessness permanently. City vouchers helped 1,365 families in FY23. Based on previous years, 95% of those families will remain in housing after 2 years.



## Appendix C: City Spending on Homeless Services

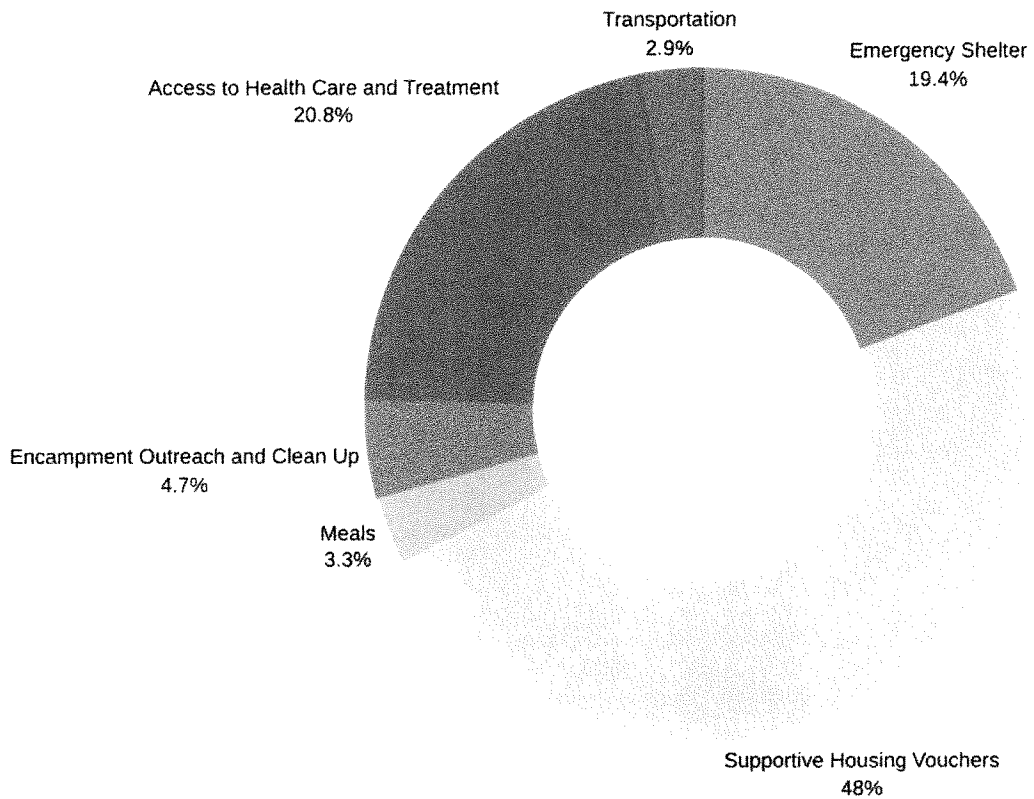
### City Homeless Services Spending FY23

Item	Budget
Emergency Shelter	\$9,216,449
Supportive Housing Vouchers	\$23,500,000
Access to Health Care and Treatment*	Still need—myra working on it
Encampment Outreach and Clean Up	\$1,145,903
Meals	Still need—myra working on it
Transportation	\$1,215,000
Job Training	\$60,000
Eviction Prevention	\$1,565,750

### City Homeless Spending FY24

Item	Budget
Emergency Shelter	\$10,000,000
Supportive Housing Vouchers	\$24,700,000
Access to Health Care and Treatment*	\$10,697,081
Encampment Outreach and Clean Up	\$2,400,000
Meals	\$1,700,000
Transportation	\$1,500,000
Job Training	\$300,000
Eviction Prevention	\$200,000

\*City-funded substance use treatment is accessible to all people regardless of housing status  
**CABQ Fiscal Year 2024 homeless services spending as a percentage of the budget**



The City is spending over \$12 million this fiscal year to operate four shelter sites that serve over 800 people total on the coldest nights in Albuquerque.

- Westside Emergency Housing Center: 7+ million
- Gateway (Housing Navigation program and winter shelter): \$1.5 million
- Family Housing Navigation Center: \$3.5 million

**Appendix D: City Funding commitments on Affordable Housing**

<b>YEAR</b>	<b>FEDERAL PASS-THRU</b>	<b>STATE PASS-THRU</b>	<b>CITY LOCAL FUNDS</b>	<b>TOTAL</b>	<b>NOTES</b>
<b>2020</b>	\$ 3,248,123	\$ 1,485,000	\$400,000	\$5,133,123	\$3.248M LUMINARIA; \$400K GENERATIONS @ WEST MESA; \$1.485M AHA COMMONS@ MARTINEZTOWN
<b>2021</b>	\$ 3,586,842	\$ 1,584,000		\$5,170,842	\$3.586M HILAND; \$1.584M AHA BROADWAY&MCKNIGHT
<b>2022</b>	\$4,871,389	\$372,401	\$4,600,000	\$9,843,790	\$4.6M CALLE CUARTA; \$1.1M AHA ROOFS; \$3.3M HOMEWISE REHAB; \$471K HILAND IMPROV; \$372401 NUEVO ATRISCO
<b>2023</b>	\$9,586,896	\$2,850,000	\$5,201,335	\$17,620,231	\$4.187M FAROLITO; \$3.5M CDC; \$1.701 ROUTE 66; \$5.7M SURESTAY ACQ.; HILAND \$396K; \$1.35M NMVIC; \$1.1M AHA
<b>2024</b>	\$3,009,979		\$20,000,000	\$23,009,979	\$2.409M SOMOS; \$8M WMR; \$6M LAL CONV.; \$6M QUALITY ACQ.; \$600K AHA CANDELARIA
<b>TOTALS</b>	<b>\$24,285,229</b>	<b>\$6,291,401</b>	<b>\$ 30,201,335</b>	<b>\$60,777,965</b>	

## Appendix E:

### MEMORANDUM

TO: Daymon B. Ely

FROM: Larissa M. Lozano

RE: Review of Provided Law re: Banning/Prohibition of Tents DATE: March 22, 2024

**Question Posed:** Can the City/County prohibit tents?

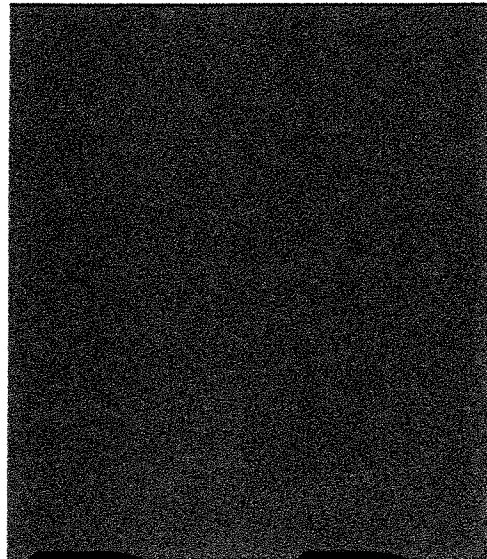
**Short Answer:** California says yes, Oregon says no.

**Longer Answer:** I limited my review to the materials provided to me. Many of the provided cases focus on *seizure of property*. However, *Tobe v. City of Santa Ana*, 892 P.2d 1145 (Cal. 1995) addresses banning of tents, and in that case, the California Supreme Court upheld the statute banning/prohibiting tents/camping. I was not able to locate full copies of *Voeller v. The City of The Dalles*, No. CC02155 (Or. Cir. Ct. 2003) and *State v. Wicks*, Nos. 2711742 & 2711743, (Or. Cir. Ct. Multnomah County 2000), but I found summaries within some manuals and those summaries indicate the banning of tents was held unlawful in Oregon. I used Westlaw, Lexis, and Google and also located an attorney in Oregon for assistance in obtaining copies of the *Voeller and Wicks*, all with no luck. However, the summaries I found for those two cases are provided below and copies of the manuals that contained the summaries are uploaded into Dropbox.

**\*\*Dropbox link to cases/materials discussed herein:** <https://tinyurl.com/mr2zsebb> Provided Caselaw re: Banning of Tents

1) *Tobe v. City of Santa Ana*, 892 P.2d 1145 (Cal. 1995)

- The Supreme Court, Baxter, J., held that: (1) only facial, not “as applied” challenge to ordinance was perfected in trial court; (2) ordinance did not impermissibly restrict right to travel; (3) ordinance did not unconstitutionally permit punishment for status; and (4) ordinance was not unconstitutionally vague or overbroad.
- 1080: **Ordinance of the City of Santa Ana (Santa Ana) which banned “camping” and storage of personal property, including camping equipment, in designated public areas was upheld by the California Supreme Court.**
- 1081: The ordinance provides:  
“Sec. 10-402. Unlawful Camping.  
“It shall be unlawful for any person to camp, occupy camp facilities or use camp paraphernalia in the following areas, except as otherwise provided:



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“(a) any street;

“(b) any public parking lot or public area, improved or unimproved.

“Sec. 10-403. Storage of Personal Property in Public Places.

“It shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in the following areas, except as otherwise provided by resolution of the City Council:

“(a) any park;

“(b) any street;

“(c) any public parking lot or public area, improved or unimproved.”

- **1164:** It is a nondiscriminatory ordinance which forbids use of the public streets, parks, and property by residents and nonresidents alike for purposes other than those for which the property was designed. It is not constitutionally invalid because it may have an incidental impact on the right of some persons to interstate or intrastate travel.
- **1164:** The ordinance prohibits “any person” from camping and/or storing personal possessions on public streets and other public property. It has no impact, incidental or otherwise, on the right to travel except insofar as a person, homeless or not, might be discouraged from traveling to Santa Ana because camping on public property is banned. An ordinance that bans camping and storing personal possessions on public property does not directly impede the right to travel. (*People v. Scott* (1993) 20 Cal.App. 4th Supp. 5, 13, 26 Cal.Rptr.2d 179.)
- **1166:** The Court of Appeal erred in holding that the Santa Ana ordinance impermissibly infringes on the right of the homeless to travel.
- **1166:** The ordinance permits punishment for proscribed conduct, not punishment for status.
- **1167-1168:** The Court of Appeal erred in holding that the ordinance is unconstitutionally vague. The terms which the Court of Appeal considered vague are not so when the



purpose clause of the ordinance is considered and the terms are read in that context as they should be. (*Williams v. Garcetti, supra*, 5 Cal.4th 561, 569, 20 Cal.Rptr.2d 341, 853 P.2d 507; see also, *Clark v. Community for Creative Non-Violence, supra*, 468 U.S. 288, 290–291, 104 S.Ct. 3065, 3067–3068, 82 L.Ed.2d 221; *United States v. Musser* (D.C.Cir.1989) 873 F.2d 1513; *United States v. Thomas* (D.C.Cir.1988) 864 F.2d 188, 197–198; *ACORN v. City of Tulsa* (10th Cir.1987) 835 F.2d 735, 744–745.)

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- **1168:** The ordinance is not vague. It gives adequate notice of the conduct it prohibits.
- **1168:** The Court of Appeal reasoned that the ordinance was broader than necessary since it banned camping on all public property. There is no such limitation on the exercise of the police power, however, unless an ordinance is vulnerable on equal protection grounds or directly impinges on a fundamental constitutional right.

2) *Voeller v. The City of The Dalles*, No. CC02155 (Or. Cir. Ct. 2003)

*Summary taken from National Law Center on Homelessness and Poverty Criminalizing*

#### *Homelessness Report*

- A homeless individual challenged an **anti-camping ordinance** under which he had been convicted and fined, alleging that it violated an Oregon State law, ORS 203.077, which requires municipalities and counties to develop a camping policy that recognizes the social problem of homelessness, and contains certain other explicit elements. The **case was dismissed** at plaintiff's request in 2003 when **the City of The Dalles repealed the anticamping ordinance**, expunged plaintiff's convictions, and refunded the fines he had paid. The ordinance had been modeled on a similar Portland ordinance, which was found to be unconstitutional in *State of Oregon v. Wicks*.

3) *State v. Wicks*, Nos. 2711742 & 2711743, (Ore. Cir. Ct. Multnomah County 2000)

*Summary taken from Housing Not Handcuffs Litigation Manual*

Police officers arrested the Wicks, a homeless father and his son, for violating **Portland City Code, Title 14, 14.08.250, which prohibits "camping" in any place where the public has access or under any bridge or viaduct.** The Wicks claimed the ordinance violated their right to be free of cruel and unusual punishment, the right to equal protection under the Fourteenth Amendment, and their right to travel. **The court agreed and found the ordinance as applied to homeless people violated Article I § 16 of the Oregon Constitution and the Eighth Amendment to the U.S. Constitution.** The court reasoned that one must not confuse "status" with an immutable characteristic such as age or gender as the State of Oregon did in its arguments. The court held that, although certain decisions a homeless person makes may be voluntary, these decisions do not strip away the status of being homeless. Citing the Supreme Court's decision in *Robinson v. California*, 370 U.S. 660 (1962) holding that drug addiction is a status, the Wicks court held that homelessness is also a status. **Furthermore, the court determined it impossible to separate the status of homelessness and the necessary acts that go along with that status, such as sleeping and eating in public when those are**

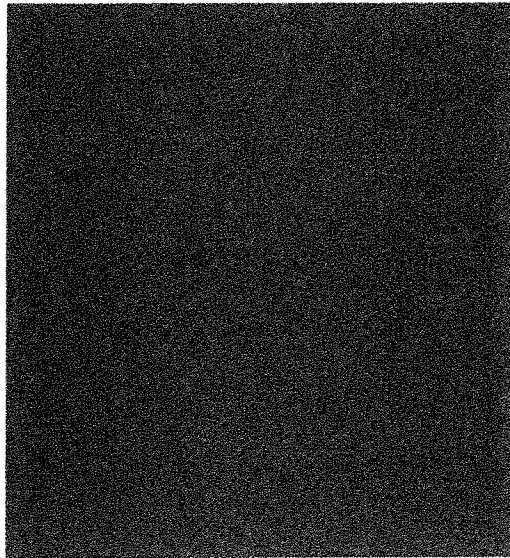
**“the only locations available to them.” Because the ordinance punished necessary behavior due to a person’s status, the court reasoned it was cruel and unusual.** Moreover, the court found the ordinance in violation of both equal protection and the right to travel on the basis that the ordinance denied homeless people the fundamental right to travel. The court rejected the state’s argument that it had a legitimate state interest in protecting the health and safety of its citizens, noting that there were less restrictive means available to address these interests, such as providing sufficient housing for homeless people and adequate services. According to a newspaper report, the state attorney general’s office has dismissed its appeal, citing its inability to appeal from an order of acquittal.

Provided Caselaw re: Seizure of Property

4) *Geddes v. City of Boston*, Civil Action No. SJ-2021- 0408 (Mass. Sup. Ct. 2021)

• **1:** Requires a factual record that is not present at this stage of the proceedings. Such a record is best developed by a Superior Court judge. Factual questions that must be resolved in order to allow me to decide the complaint for declaratory and injunctive relief include, at a minimum:

- 1) the ratio of shelter beds to individuals in need of beds;
- 2) the current process of enforcement when beds are not available;
- 3) the process followed and solutions offered, if any, for individuals whose mental or physical conditions or disabilities mean that they are unable to live in congregate settings, or congregate settings would exacerbate those conditions;
- 4) whether there have been any arrests or threats of arrests for disorderly conduct;
- 5) the types of notice of removal and the timing of the notice provided;
- 6) the handling of the storage and disposal of property, including the amount of property offered to be stored and the process for determining what property is subject to immediate disposal;
- 7) eligibility requirements imposed by shelters that would make individuals ineligible to receive shelter even where empty beds might be available in those shelters, such as restrictions on length of stay or number of days of shelter in a given time period;
- 8) whether the provisions of the executive order have been applied outside the Mass and Cass area;
- 9) the reasonable accommodations the plaintiffs are requesting; Page 4 of 7



**10) the methods used and the individuals making the determination of disability or need for accommodation;**

**11) whether the blocks in that Mass and Cass area that have been cleared have been available for individuals who are unable to live in a congregate setting and who have not been offered a shelter placement consistent with their needs; and**

**12) the progress of the development or acquisition of additional units of “low threshold” housing and single-unit housing by the Boston Public Health Commission referenced in the executive order or discussed at the hearing.**

**• 2: Ordered: The question of class certification, and the motions for a temporary restraining order and a preliminary injunction [will] be transferred to the Superior Court Department, Suffolk Superior Court.**

5) *Lavan v. City of Los Angeles*, 693 F.3d 1022, 1027-1031 (9th Cir. 2012)

- **1024:** Appellees violated their Fourth and Fourteenth Amendment rights by seizing and immediately destroying their unabandoned personal possessions, temporarily left on public sidewalks while Appellees attended to necessary tasks such as eating, showering, and using restrooms.
- **1024:** We conclude that the Fourth and Fourteenth Amendments protect homeless persons from government seizure and summary destruction of their unabandoned, but momentarily unattended, personal property.
- **1025:** Appellees stepped away from their personal property, leaving it on the sidewalks, to perform necessary tasks such as showering, eating, using restrooms, or attending court. Appellees had not abandoned their property, but City employees nonetheless seized and summarily destroyed Appellees' EDARs and carts,

- **1026:** The district court also concluded that Appellees “personal possessions, perhaps representing everything they own, must be considered ‘property’ for purposes of [Fourteenth Amendment] due process analysis.”
- **1027:** The reasonableness of Appellees' expectation of privacy is irrelevant as to the question before us: whether the Fourth Amendment protects Appellees' unabandoned property from unreasonable seizures.

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- **1028:** Although the district court determined that Appellees had a reasonable expectation of privacy in their EDARs and carts, we need not decide that question because the constitutional standard is whether there was “some meaningful interference” with Plaintiffs' possessory interest in the property.
- **1030:** Here, by seizing and destroying Appellees' unabandoned legal papers, shelters, and personal effects, the City meaningfully interfered with Appellees' possessory interests in that property.
- **1030:** The district court properly balanced the invasion of Appellees' possessory interests in their personal belongings against the City's reasons for taking the property to conclude that Appellees demonstrated a strong likelihood of success on the merits of their claim that by collecting and destroying Appellees' property on the spot, the City acted unreasonably in violation of the Fourth Amendment.
- **1031:** The district court did not recognize, and we do not now address, the existence of a constitutionally-protected property right to leave possessions unattended on public sidewalks. Instead, the district court correctly recognized that this case concerns the most basic of property interests encompassed by the due process clause: Appellees' interest in the continued ownership of their personal possessions.
- **1032:** This simple rule holds regardless of whether the property in question is an Escalade or an EDAR, a Cadillac or a cart.

6) *Mitchell v. City of Los Angeles*, Case No.: 16-cv-01750 SJO (JPR) (C.D. Cal. April 2016)

- **4:** As a preliminary matter, the Ninth Circuit has held that homeless individuals have a Fourth Amendment property interest in unattended property left on public sidewalks. See *Lavan v. City of Los Angeles*, 693 F.3d 1022, 1030 (9th Cir. 2012). “The Fourth Amendment protects against unreasonable interferences in property interests regardless of whether there is an invasion of privacy.” *Miranda v. City of Cornelius*, 429 F.3d 858, 862 (9th Cir. 2005) (emphasis added). The Supreme Court has clearly held that personal property located in a public area is protected by the Fourth Amendment, despite its physical location in a public space. See *Soldal v. Cook Cnty*, 506U.S. 56, 68 (1992).
- **6:** Considering the totality of the circumstances, including the significant claims alleged in the affidavits, the Court concludes that some of Defendants' seizures of property are unreasonable under the Fourth Amendment, particularly the seizure of essential medication and medical equipment. As the Ninth Circuit held in *Lavan*, “[v]iolation of a City ordinance does not vitiate the Fourth Amendment's protection of one's property. Were it otherwise,

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the government could seize and destroy any illegally parked car or unlawfully unattended dog without implicating the Fourth Amendment." *Lavan*, 693 F.3d at 1029. Plaintiffs have established a likelihood of success on the merits of their Fourth Amendment claim. *See Lavan*, 693 F.3d at 1030 ("Here, by seizing and destroying Appellees' unabandoned legal papers, shelters, and personal effects, the City meaningfully interfered with Appellees' possessory interests in that property.")

• 7: In *Lavan*, the Ninth Circuit squarely held that homeless individuals retain an "interest in the continued ownership of their personal possessions." *Lavan*, 693 F.3d at 1031. After the decision in *Lavan*, several district courts in this Circuit have echoed its reasoning, concluding that homeless individuals have a property interest in possessions, such as tents, tarps, blankets, and medications, even when these possessions are kept in a public space. *See, e.g., Sanchez v. City of Fresno*, 914 F. Supp. 2d 1079, 1103 (E.D. Cal. 2012) ("If there has ever been any doubt in this Circuit that a homeless person's unabandoned possessions are 'property' within the meaning of the Fourteenth Amendment, that doubt was put to rest by the Ninth Circuit's September 2012 Decision in *Lavan v. City of Los Angeles . . .*"); *Carr v. Oregon Dep't of Transp.*, No. 3:13-CV-02218-MO, 2014 WL 3741934, at \*4 (D. Or. July 29, 2014) ("Within this most basic scope of the due process guarantee is a homeless person's ownership interest in property that she has left unattended but not abandoned.")

[End]

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## Appendix F

OVERNIGHT SHELTERS for Unhoused  
Westside Emergency Housing Center (WEHC Shelter):  
for Adult Men & Women (no families)

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Gateway– Refer families/women: [gatewayservicescabq.com](http://gatewayservicescabq.com)

AOC Men’s Shelter/Heading Home (715 Candelaria NE)  
--(no walk-ins)-best time to call is 8 am, 7 days/wk ... 344-4340

Good Shepherd Center (men only), 218 Iron SW (check in 5-6pm)

Barrett House (24/7-women & children--boys <18) (no walk-ins)  
--call 8 am-5 pm (waitlist) not DV – leave msg ..... 243-4887

Joy Junction (women & families (1 or 2 parent), limited # of men)  
--4500 2 nd St. SW (call first—you can call 24/7 and they will run  
a criminal background check) ..... 877-6967

-----  
**Youth Shelters**

Amistad Shelter, ages 12–17 (24 hours 7 days/wk) 877-0371

New Day Shelter re-opens June 2024, age 11–17..... 938-1060

Casa Q (24/7 for LGBTQ+ youth ages 14-17) ..... 872-2099

-----  
**Domestic Violence Shelters (call 24/7)**

Safe House (in Albuquerque) ..... 247-4219

Haven House (in Rio Rancho) ..... 896-4869

-----  
**Residential programs (usually easy to get into):**

Good Shepherd Center, 218 Iron SW 243-2527 x100  
--Fresh Start Substance Use Recovery Program (stay 6 months)  
Apply Wed or Fri, 9-11 am at 218 Iron SW, or call  
--Reentry Program for homeless men (stay 90 days)

Steelbridge ..... 346-4673  
Residential program for men and for women (Bible-based)  
--214 Coal SW (no walk-ins-call for appointment M-F 8:30-3:00)

Salvation Army Men’s Rehab Program (call M-F 8-5) 242-3112

## Appendix G

**From:** Serge Martinez <[serge@nmchl.org](mailto:serge@nmchl.org)>  
**Date:** Monday, March 4, 2024 at 8:38 PM  
**To:** DAYMON <[daymon@daymonely.com](mailto:daymon@daymonely.com)>  
**Cc:** Allison F <[allison@nmchl.org](mailto:allison@nmchl.org)>, Elizabeth E <[elizabeth@nmchl.org](mailto:elizabeth@nmchl.org)>  
**Subject:** [External] Preventing housing displacement

Hi Daymon,

As we have discussed, my colleagues at NMCHL and I think it is important in any conversation about unhoused Burqueños to talk about how to prevent people from losing housing in the first place. Here are some suggestions—some of which can be handled at the local level, and some that would need to be addressed at the state level (and which would benefit from the advocacy of municipalities with our state legislature). Happy to chat about any/all of these:

1. **Rental assistance.** Putting cash in the hands of renters facing eviction because they can't pay their rent is an extremely straightforward and cost-effective tool to prevent displacement. When we had federal Emergency Rental Assistance Program funds for renters in ABQ, we saw the effect and the promise of having the City, judges, landlords and tenants work together to help keep people housed and avoid the financial and social costs of evictions.
2. **Enforcing existing laws prohibiting source of income discrimination.** In 2022 the City amended its laws to prohibit discrimination in rental based on the source of a renter's income—primarily this means you cannot reject someone just because they have a housing voucher, such as Section 8 vouchers. To our knowledge, the City is not actively enforcing this law, and we have heard anecdotally that this type of discrimination persists. The result is that families with vouchers are not able to use them to secure housing, and an opportunity for stable housing is lost.
3. **Supporting resident and non-market ownership of housing.** As Elizabeth Elia explained in a recent [interview](#), residents of mobile home parks are at risk of displacement if rents are raised, a real possibility in the face of increased investment by institutional investors in mobile home parks. To prevent displacement in these communities, the City can support and facilitate resident purchase and management of their own mobile home parks. Support for other non-market housing structures, such as resident-owned co-ops or community land trusts, can also remove tenants from the risk of losing housing when landlords raise rents beyond affordable levels.

4. **Eviction sealing.** Once someone has been taken to eviction court by their landlord— with or without justification—they face increased obstacles to finding housing. Landlords use public records to screen tenants, using past evictions as grounds to refuse to rent to applicants. In some cases, landlords will even reject an applicant who prevailed in eviction court, simply because their name appears in court records. As described in this [article](#) by Allison Freedman, to prevent the deleterious effect this practice has on access to housing for individuals and families in the most precarious positions, NM should seal eviction cases automatically. We have draft legislation ready to go on this.

5. **Extending the eviction timeline.** NM has one of the shortest eviction timelines in the country, which does not allow renters who experience an income fluctuation much time to resolve the situation before they are sued in eviction court. We have been involved in recent unsuccessful legislative efforts to make changes to give tenants a little more time to find additional sources of funding to pay their rent. We believe that a change to the timeline could reduce the number of families that lose their housing through eviction.

6. **Good cause eviction requirements.** With the exception of some federally-subsidized rental housing, NM landlords are not required to offer to renew leases when they terminate. Because so many NM renters—especially lower-income renters—have month-to-month leases, this means that a large number of tenants—even those who are paying their rent and complying with the lease agreement—are less than 60 days from eviction at all times. This instability creates a potential for displacement and also a power imbalance that heavily favors landlords and discourages tenants from exercising rights such as abating rent or forming a tenant association. To foster housing stability and reduce displacement and becoming unhoused, NM law should prohibit termination of a lease agreement other than for good cause (this is already the law with respect to lot rentals in mobile home parks—see NMSA 47-10-5)

We have more ideas, too—thanks for soliciting our input!

Serge



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