

Neighbor Plan Sticking Points and Issues

With Initial Comments to Second Draft

February 5th, 2012

Procedural issues

1. The police need to come to a meeting as well as answer questions in writing.
2. The second draft does not have revision markers as previously requested.
3. The final version needs to be emailed to committee members 10 days before being submitted to town staff. This will allow committee members to point out any serious issues for consideration by IFC.
4. The drafts have not been made available to the public on the website.
5. There remains a very serious concern that this plan can be watered down the future. There are many aspects and requirements and promises that should be placed in the section where it is agreed now that these particular stipulations should not be changed.

Draft Comments and Sticking Points

1. Some stipulations need to be defined as immutable (or require at least 90 days notice to neighbors, 2 readings at town council, plus a 2/3 Town Council vote to change):
 - a. Sex offender limitations (page 7)
 - b. Government issued photo ID for any resident and guest
 - c. Reporting Requirements (with specifics)
 - d. Will not operate on any night another shelter near CH/C is open
 - e. etc.
2. There are no consequences defined if IFC does not follow the good neighbor plan.
3. There are no consequences defined if this facility results in impacts that IFC fails to mitigate.
4. There is still ambiguity on when “resident” refers to transitional vs. emergency clients in many places in the document. The document should start with a “Definitions” section to make sure that terms are understood. I recommend using “TH resident” where that is intended and “ES guest” in other places.
5. Page 9: Mail is not listed as a service. Mail needs to be specifically included for TH residents and specifically excluded for emergency shelter guests, per prior conversations.
6. Page 10 should state “government issued photo ID”. “photo” is missing from the wording.
7. Government issued ID must be required in all cases. You cannot perform a background check without a “government issued photo ID”.
8. Page 10 states that emergency shelter guests will be screened to assure “possession of a government issued ID”, HOWEVER there is no asterisk or qualification on the statement itself (such as “except as noted below”). This will result in folks being misled. After all of the discussion on this point, it is very concerning that was worded in this misleading manner.
9. Page 10: Orange County Emergency Management will offer shelter during a declared state of emergency and Community House should be transporting emergency shelter

- guests to the OC shelter. These statements pertain to: “During and in the aftermath of snowfalls, thunderstorms, tornadoes, ice storms, hurricanes and community emergencies”
10. Page 10: We need more specifics regarding “When contacted by law enforcement officers and/or Emergency Management Personnel”
 11. Page 10: The statement on suspending emergency shelter needs to be reworded to “Community House is willing to will suspend emergency shelter services when any night that another emergency shelter facility opens is operating in or near Chapel Hill or Carrboro.”
 12. Because IFC promised that emergency shelter was only an interim provision, IFC must state in this document and the lease must stipulate that IFC will permanently forego all emergency shelter operations when another permanent mens emergency shelter facility opens in or within 5 miles of Chapel Hill and Carrboro.
 13. After-hours intake requirements and reporting is missing (see also - reporting in excerpts of stipulations below). There appears to be less content on this than before. The statement “or be referred by law enforcement, court officials, or other bona fide agencies.” is far to broad and needs to have more specificity.
 14. Page 11: Transportation to be provided by Chapel Hill Transit? So an emergency shelter guest can take the bus?
 15. Page 11: So IFC is now providing breakfast on site to emergency shelter guests before transporting off site? THIS IS A CHANGE to IFC’s testimony at the SUP hearing.
 16. There is nothing in neighbor plan that requires IFC to routinely certify that it is in fact following the promises that it has made to neighbors during the hearings or in the neighbor plan. The basic promises and assurances which have been and are being made by IFC are not clearly documented and can be changed at any later date. (see also - reporting in excerpts of stipulations below)
 17. The town council approved the SUP because the facility was to have a “no drop in” policy, but that terminology does not appear in the document.
 18. The criteria used to intake intoxicated or high men is not spelled out. Laurie indicated that no man smelling of alcohol be allowed in the facility. This needs to be documented.
 19. There is a lack of specificity about from where and from how far away the emergency shelter clients will be transported.
 20. There is a lack of specificity about where men who are discharged during the night will be taken, if anywhere.
 21. The distinctions between services provided for transitional men versus emergency shelter men is not clearly outlined. For example, men using emergency shelter are not provided medical services nor are they allocated a mailbox, according to statements made in the meeting.
 22. The consequences to an emergency shelter and transitional men who do not follow certain policies need to be explicitly stated in the neighbor plan.
 23. There are no limits placed on men who were brought to the facility by the police. It is possible for example, for men to routinely call 911 from the corner of MLK and Homestead and be admitted in the facility via the police in effectively a drop-in scenario. IFC needs to agree and document that it will not allow such workarounds to skirt the “no drop-in” policy.
 24. If the police are going to vouch for someone brought in in the middle of the night, then the police need to sign the voucher.

25. Page 14: Any change to the neighbor plan must notify all neighboring property owners within 1000 feet by mail at least 90 days before said changes are scheduled with the Town Council. All changes must be approved by the Town Council. Otherwise, the IFC-stacked CHAC can gut the neighbor plan.

Ongoing Concerns

26. Many of the neighbors want IFC to affirm on a monthly basis that it is abiding by background checks, identification checks, the no drop-in policy, occupancy limits, and a variety of statistics which backup statements made that certain situations are rare. Such reporting would also show trends to indicate whether problems may be emerging. At least one of the neighbor plan members wants to defer the definition of particular reporting requirements to the CHAC. However, the neighbors who support these reporting requirements believe that the initial neighbor plan is EXACTLY the place to specify these reporting requirements.
27. IFC should actively advocate and support projects which will provide emergency shelter in the community, particularly those which would allow the emergency shelter component at Community House to be shut down. IFC should agree that it is *not* to be the sole provider of emergency shelter. IFC should agree *not* to get into any turf battles with organizations who wish to open an emergency shelter, even if that organization or alternate shelter will compete for donations.
28. It is troubling that Rick Edens commented in the 2nd November meeting that there will probably never be another emergency shelter. I do not recall him or IFC ever stating that during the information sessions or the hearings. This is clearly a bait and switch that the neighbors have every reason to be concerned about.

IFC Promises...

The document should start out with promises that IFC is making to the neighbors and park users.

- IFC Promises that we will not allow drop-ins.
- IFC Promises that we will not go over our occupancy limits.

Excerpts from Prior Stipulations Document submitted 12/11/11

1. Emergency Shelter Operation
 - a. On any night that a facility within Chapel Hill or Carrboro (or near them) will house at least 17 men for emergency shelter, IFC will not provide emergency shelter services.
 - b. Once a permanent emergency shelter opens in Orange County which will house more than 17 men, IFC will forever cease to allow emergency shelter at the Homestead location.
2. Self-Imposed Penalties
 - a. IFC will voluntarily shut down the emergency shelter for 30 days if

- i. It fails to abide by the promised terms in the good neighbor plan or in the SUP hearings
- ii. It fails to follow intake procedures
- iii. It fails to abide by the restrictions on drop-in rules
- iv. It allows more than the 17 bed maximum

3. Client Intake Requirements

- a. Due to proximity to preschools and given current sex offender laws, positive government-issued photo identification is required for all clients and background checks are required prior to intake.
 - b. No one under the influence of drugs or alcohol should be allowed. No man who smells of alcohol will be allowed onto the premises.
 - c. Anyone admitted must agree to stay and must be kept until 7am the next morning. Anyone who leaves early will lose services for 60 days.
4. IFC will not evict any residents after nightfall except to the custody of law enforcement officers or medical care providers.
5. Health services and mail services may only be provided on premises for persons who are either residing as a transitional resident on premises or residing as a transitional resident at Homestart for Women on Homestead Road.
6. IFC should state that it will not try to site any other facilities within 1 mile of Community House and that it will advocate for fair share.
7. IFC must report to the Town and publish on its website on or before the 15th of each month the following data for the preceding month and year to date:
- a. The number of men admitted without a current, government issued photographic identification.
 - b. A list of nights in each month that the emergency shelter was operating along with how many emergency shelter guests stayed on each night.
 - c. An accounting of nights that IFC takes more than 17 men for emergency shelter on a single night.
 - d. The accounting of incidents where a sex offender was found to have been staying in the facility and was trespassed, detained, or escorted off the premises.
 - e. An accounting of men who were brought in after the curfew by police, with specificity as to whether it was initiated by the police or by the individual, and whether or not the individual was picked up within 1 mile of the facility.
 - f. An accounting of men who failed to follow rules, along with the infraction and the suspension time of each man in a non-identifying manner.
 - g. An accounting of every instance where a client was kicked out of facility after curfew.
 - h. An accounting of all instances where someone was told to leave the premises, with specificity as to whether the police were called to trespass individual.

- i. A log of occasions when 911, law enforcement, fire protection or other emergency personnel have been called to the premises.
- j. A log with reasonable specificity of all incidents recorded within the building or on the premises or involving a resident off the premises.
- k. A log of incidents where a transitional or emergency shelter resident was charged with a crime that occurred on or off premises.
- l. An anonymized accounting of residents for the given month who are on parole and for what crimes.
- m. Confirmation that background checks were run on all clients
- n. An accounting of visitors who have been given prior approval by management staff