



City of Albuquerque Human Rights Board Agenda

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

Date/Time: Thursday, February 15, 2024, starting at 5:00 pm (MST)
Location: 1 Civic Plaza, Suite 4072, & online at <https://cabq.zoom.us/j/81049077602>
Contact: Brian Moore, 505-526-5935

Accommodations: If you have a disability and need accommodation in order to participate in this public meeting, please contact Brian Moore at 505-526-5935 or bmoore@cabq.gov. Please request any accommodation necessary at least 72 hours prior to the meeting. Best efforts will be made to provide the requester with their auxiliary aid of choice. If doing so is not possible due to time constraints or other logistical concerns, the city will work directly with the requester to provide an alternate method of accommodation.

***Comments** - Please sign up with the Office of Civil Rights, Brian Moore 505-768-4595.

The meeting will occur at 1 Civic Plaza, Suite 4072, & via zoom <https://cabq.zoom.us/j/81049077602>

- 1. Welcome and Call to Order 5:00
- 2. Introductions 5:01
- 3. Approval of Agenda 5:03
- 4. Approval of Previous Meetings’ Minutes 5:05
 - a. Nov. 16, 2023 – as Amended on 1/18
 - b. Dec. 6, 2023 (Special) – as Amended on 1/18
 - c. Jan. 18, 2024
- 5. Public Comment* 5:09
- 6. Proposals & Discussions 5:20
 - a. Vote on Proposed Resolution 2024-01: Homeless Rights [\(Attachment A\)](#)
 - b. Vote on Proposed Resolution 2024-02: Ceasefire in Gaza [\(Attachment B\)](#)
- 7. Director’s Report 6:00
 - a. Office of Civil Rights 6:15
 - b. Office of Equity and Inclusion 6:25
- 8. Announcements 6:50
- 9. Administrative Tasks 6:55
- 10. Adjourn 7:00

Please click the link below to join the webinar:

<https://cabq.zoom.us/j/81049077602>

Meeting ID: 810 4907 7602

Next Meeting: **Thursday, March 21, 2024**

1 Albuquerque Human Rights Board Resolution 2024-01

2 --

3 CITY OF ALBUQUERQUE HUMAN RIGHTS BOARD RECOMMENDATIONS FOR
4 REBUILDING TRUST BETWEEN PEOPLE EXPERIENCING HOMELESSNESS AND
5 ALBUQUERQUE'S CITY GOVERNMENT

6 --

7 WHEREAS, 2024 is the 75th year following the adoption of The Universal Declaration
8 of Human Rights¹, (UDHR) by the United Nations; and

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

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

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

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

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

21 WHEREAS, the UDHR states that "Everyone has the right to rest and leisure"; and

¹ United Nations, *Universal Declaration of Human Rights* (1950) (Am. 2021)
<https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf>

22 WHEREAS, the City of Albuquerque Human Rights Board, the governing body of the
23 Office of Civil Rights, is committed to preserving, protecting, and promoting human rights and
24 human dignity by utilizing the powers granted in the City of Albuquerque’s Human Rights
25 Ordinance²; and

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

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

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

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

² City of Albuquerque, *Human Rights Ordinance* (‘74 Code) (Ord. 106- 1973; Am. Ord. 2021-001; Am. Ord. 2022-023),
<https://www.cabq.gov/civilrights/documents/abq-hro.pdf>

41 WHEREAS, The New Mexico Coalition to End Homelessness’s 2023 Point-in-Time
42 Survey reported 2,394 people are experiencing homelessness in the City of Albuquerque³, and
43 therefore the Albuquerque Human Rights Board recognizes the Community of Albuquerque
44 includes people who are without shelter or who are without stable housing; and

45 WHEREAS, the Albuquerque Human Rights Board recognizes the disproportionate
46 representation of members of other marginalized identities and demographics present in the
47 unhoused population⁴; and

48 WHEREAS, the Albuquerque Human Rights Board recognizes that homelessness is not
49 merely a lack of physical housing, but is also a loss of family, community, and a sense of
50 belonging representative of a failure of multiple systems that are supposed to enable people to
51 benefit from economic growth and lead a safe and decent life⁵; and

52 WHEREAS, the Albuquerque Human Rights Board agrees with the United Nations in
53 stating that homelessness is one of the crudest manifestations of poverty, inequality, and housing
54 affordability challenges in that it affects people of all ages, genders, and socioeconomic
55 background and is a gross violation of the rights to adequate housing, to personal security, to
56 health, and to protection of the home and family⁴; and

57 WHEREAS, the City of Albuquerque is committed to building One Albuquerque, a
58 diverse and caring community of good neighbors who are proud of its legacy, committed to
59 racial equity, and inclusive of our diverse communities⁶;

³ NM Coalition to End Homelessness, *Point in Time Count* (2023),
https://www.nmceh.org/files/ugd/ad7ad8_b97469cdf6494cdd87126009b732d1db.pdf

⁴ City of Albuquerque Family & Community Services, *Changing the Story of Albuquerque’s Homelessness & Behavioral Health System* (2019) <https://www.cabq.gov/health-housing-homelessness/documents/changing-the-story-11-5-19.pdf>

⁵ United Nations Economic & Social Council, *Affordable Housing & Social Protection Systems for All to Address Homelessness* (2019) <https://digitallibrary.un.org/record/3840349?ln=en>

⁶ Mayor Timothy Keller, *EC-18-111: Human Rights Day Proclamation* (2018)
<https://www.cabq.gov/office-of-equity-inclusion/documents/18-111-human-rights-day.pdf>

60 Whereas, The City of Albuquerque Human Rights Board hereby uses the definition that
61 United States Department of Housing and Urban Development (“HUD”) established in the 2011
62 Homeless Emergency Assistance and Rapid Transition to Housing (“HEARTH”) Homeless
63 Definition Final Rule, FR–5333–F–02,⁷ which states that a “person experiencing homelessness”
64 can be categorized into one or more of the following groups: “Individual(s) and families who
65 lack a fixed, regular, and adequate nighttime residence and includes a subset for an individual
66 who resided in an emergency shelter or a place not meant for human habitation and who is
67 exiting an institution where [they] temporarily resided”, “Individual(s) and families who will
68 imminently lose their primary nighttime residence”, “unaccompanied youth and families with
69 child(ren) and youth who are defined as homeless under other federal statutes who do not
70 otherwise qualify as homeless under this definition”, and “individual(s) and families who are
71 fleeing, or are attempting to flee, domestic violence, dating violence, sexual assault, stalking, or
72 other dangerous or life-threatening conditions that relate to violence against the individual(s) or a
73 family member.”

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

76 Section 1. All departments, divisions, and bureaus of the City of Albuquerque cease the
77 practice of no-notice encampment closures⁸ as the practice initiates distrust, tension, and hostility

⁷ HEARTH, *FR-5333-F-02 Homeless Definition Final Rule* (2011)
<https://www.govinfo.gov/content/pkg/FR-2011-12-05/pdf/2011-30942.pdf>

⁸ State of New Mexico County of Bernalillo Second Judicial District Court, *Memorandum Opinion and Order Granting in Part Plaintiff’s Motion for Preliminary Injunction* (2023)
https://sourcenm.com/wp-content/uploads/2023/12/DocumentFragment_54008029-3.pdf

78 toward all government agencies⁹, is indistinguishable from theft¹⁰, and violates the autonomy,
79 dignity¹¹, and rights of people experiencing homelessness.⁴

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

84 A) Reporting an accurate nightly headcount and publishing the number of residents each
85 week on the relevant page of the City Housing and Homelessness Department
86 webpage.¹²

87 B) Offering space and facilitating public listening sessions where executive leadership
88 representatives from shelter service providers and leadership representing the City of
89 Albuquerque would hear comments and concerns from residents of shelters within the
90 city.¹³

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

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

⁹ Chang, Riley, Aquirre, Lin, Corwin, Nelson, & Rodriguez, *Harm of Encampment Abatements on the Health of Unhoused People* (2022) SSM – Qualitative Research in Health Vol 2 <https://doi.org/10.1016/j.ssmqr.2022.100064>

¹⁰ United Nations Human Rights Office of the High Commissioner, *Forced Evictions Fact Sheet No. 25 Rev. 1* (2014) <https://www.ohchr.org/sites/default/files/Documents/Publications/FS25.Rev.1.pdf>

¹¹ National Healthcare for the Homeless, *Impact of Encampment Sweeps on People Experiencing Homelessness* (2022) <https://nhchc.org/wp-content/uploads/2022/12/NHCHC-encampment-sweeps-issue-brief-12-22.pdf>

¹² City of Albuquerque, *Health Housing & Homelessness Reports Webpage* (2023) <https://www.cabq.gov/health-housing-homelessness/transparency/reports>

¹³ City of Albuquerque Family & Community Services, *Assessing Shelter Capacity and Dynamics for Accommodating the Homeless Population in Albuquerque, NM* (2019) <https://www.cabq.gov/health-housing-homelessness/documents/assessing-shelter-capacity-final-report.pdf>

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

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

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

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

102 C. This ordinance should require the provision of safe emergency shelter that is both
103 free of discrimination and accessible by the standards set in the Americans With
104 Disabilities Act of 1990¹⁴, and shelter free of staff abuse, theft, and neglect.

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

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

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

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

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

115 D) The finding(s) and recommendation(s) that result from this public hearing shall
116 include a statement regarding the intersections of other forms of prohibited
117 discrimination that may or may not contribute to the real or perceived discrimination
118 of people experiencing homelessness.

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

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

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

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

1 HUMAN RIGHTS BOARD
2 PROPOSAL RESOLUTION NO. 2024-02

3
4 CALL FOR A CEASE-FIRE IN GAZA

5 WHEREAS, 2024 is the 75th year following the adoption of The Universal Declaration of
6 Human Rights¹, (UDHR) by the United Nations; and

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

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

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

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

16 WHEREAS, the City of Albuquerque Human Rights Board, the governing body of the
17 Office of Civil Rights, is committed to preserving, protecting, and promoting human rights and
18 human dignity; and

19 WHEREAS, the City of Albuquerque Human Rights Board recognizes the ongoing
20 genocide of Palestinian people in Gaza which has cost the lives of over 23,000 people² in the
21 escalating conflict since the fall of 2023³; and

¹ United Nations, *Universal Declaration of Human Rights* (1950) (Am. 2021)
<https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf>

² United Nations News *Gaza Ceasefire ‘more urgent than ever’ as conflict approaches 100 day mark* (2024)
<https://news.un.org/en/story/2024/01/1145462>

³ Defense of Children International – Palestine, *Motion for Preliminary Injunction: Memorandum of Points of Authorities in Support Thereof* (2023) https://ccrjustice.org/sites/default/files/attach/2023/11/PI%20Motion_w.pdf

22 WHEREAS, hundreds of thousands of lives are at imminent risk if a cease-fire is not
23 achieved and if humanitarian aid is not delivered immediately; and

24 WHEREAS, the Albuquerque Human Rights Board recognizes the outcry of advocates and
25 activists across the world including those within the city for an immediate ceasefire; and

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

28 Section 1: The Albuquerque Human Rights Board calls for an immediate humanitarian
29 cease-fire in Gaza by recommending all responsible parties:

30 A. Promote or facilitate negotiations for de-escalation and ceasefire immediately to halt
31 current violence.

32 B. Provide humanitarian assistance to include fuel, water, food, medical supplies, and
33 medical personnel into Gaza so as to alleviate suffering effectively and quickly.

34 C. Pause all military aid to Israel and call upon all allies of combatants to halt the shipment
35 of weapons into the war zone.

36 D. Secure the release of civilians being held hostage or political prisoners being detained
37 and allow foreign nationals freedom of movement.

38 Section 2: The Board recommends that the City of Albuquerque should also call for an
39 immediate humanitarian cease-fire in Gaza by recommending that all responsible parties:

40 A. Promote or facilitate negotiations for de-escalation and ceasefire immediately to halt
41 current violence.

42 B. Provide humanitarian assistance to include fuel, water, food, medical supplies, and
43 medical personnel into Gaza so as to alleviate suffering effectively and quickly.

44 C. Pause all military aid to Israel and call upon all allies of combatants to halt the shipment
45 of weapons into the war zone.

46 D. Secure the release of civilians being held hostage or political prisoners being detained
47 and allow foreign nationals freedom of movement.

48 Section 3. The City of Albuquerque Office of Civil Rights shall publish this signed
49 resolution on the Albuquerque Human Rights Board's webpage alongside the minutes of the
50 meeting during which this resolution was approved by a majority vote of the members of the
51 Human Rights Board, within 72 hours of the signing of this document.

52 Section 4. At least one (1) representative of the Human Rights Board and at least one (1)
53 staff member of the City of Albuquerque Office of Civil Rights or that of another office of the
54 City's Legal Department, are tasked with delivering and presenting this resolution to the City's
55 Chief Administrative Officer and a Member of Albuquerque City Council.

56 A) Notice of the completion of this delivery shall be sent to the Office of Equity & Inclusion
57 Director via email, and a discussion of the meeting where this resolution was discussed
58 shall be added to the agenda for the next Human Rights Board meeting where the agenda
59 has yet to be published.

60 Section 5. If any section, paragraph, sentence clause, word, or phrase of this resolution is
61 for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such
62 decision shall not affect the validity of the remaining provisions of this resolution. The Board
63 hereby declares that it would have passed this resolution and each section paragraph sentence
64 clause word or phrase of this resolution irrespective of any provision being declared invalid or
65 unenforceable.