

HUMAN RIGHTS BOARD
RESOLUTION NO. 2024-01

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CITY OF ALBUQUERQUE HUMAN RIGHTS BOARD RECOMMENDATIONS FOR
REBUILDING TRUST BETWEEN PEOPLE EXPERIENCING HOMELESSNESS AND
ALBUQUERQUE’S CITY GOVERNMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

132 PASSED AND ADOPTED this 15th day of February 2024

133 BY A VOTE OF 4 FOR and 0 AGAINST

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

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137 Members Voting Against: 0

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139 CITY OF ALBUQUERQUE
140 HUMAN RIGHTS BOARD

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142 By:

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146 Anami Dass
Chairperson of the Board

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148 ATTEST:

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150 /s/ Lisa Y. Schatz-Vance

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Lisa Y. Schatz-Vance

153 Attorney for the Human Rights Board