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For reading: June 8, 2021

ANCHORAGE, ALASKA
AO No. 2021-55(S)

1 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY ESTABLISHING A**
2 **MUNICIPAL LICENSE REQUIREMENT FOR HOMELESS AND TRANSIENT**
3 **SHELTERS BY ADDING A NEW CHAPTER TO THE ANCHORAGE MUNICIPAL**
4 **CODE AND OTHER RELATED CODE AMENDMENTS.**

5
6 **THE ANCHORAGE ASSEMBLY ORDAINS:**

7
8 **Section 1.** Anchorage Municipal Code is hereby amended by adding a new
9 chapter, 16.125, to read as follows:

10
11 **CHAPTER 16.125 – HOMELESS AND TRANSIENT SHELTER LICENSING**

12
13 **16.125.001 – Purpose and intent.**

14
15 The purpose of this chapter is to establish minimum standards of care and
16 operation for homeless shelters in the municipality, enable and maintain data
17 collection and monitoring of the homeless population, to maintain **[the]**
18 appropriate **oversight [level of control and authority]** in order to provide
19 individuals and families experiencing homelessness with the care and
20 services needed, and mitigate impacts of neighboring residents, businesses,
21 property owners and the users of the shelters. The requirements of this
22 chapter are not intended to be overly burdensome on homeless shelter
23 operators. The intent of the Assembly is to permit homeless and transient
24 shelters to locate and operate with as much autonomy as is reasonably
25 allowable. This chapter is intended to specifically detail the Municipality's
26 commitments to the success of shelter operations.

27
28 **16.125.005 – Powers of the department.**

- 29
30 A. The powers of the department include, but are not limited to:
- 31 1. Licensing and supervising homeless and transient shelters in
32 all areas of the municipality.
 - 33 2. Coordinating and developing policies, programs, and planning
34 related to licensure and operation of homeless and transient
35 shelters regulated by this chapter.
 - 36 3. Publishing and adopting guidance consistent with the
37 provisions of this chapter and supportive to facilitate
38 compliance and the quality of shelter services regulated by this
39 chapter.
 - 40 4. **Publishing and adopting rules and regulations reasonable**
41 **and necessary to carry out the purposes and provisions of**
42 **this chapter.**

- 1 **5.** Entering into contracts and agreements necessary to carry out
2 the functions, powers, and duties of the department under this
3 chapter.
4 **6[5].** Investigating shelters, applicants, administrators, caregivers,
5 licensees, employees of licensees, individuals associated with
6 licensees, and other persons for compliance with this chapter,
7 including such persons or entities the department reasonably
8 believes are operating a shelter with or without a license or who
9 may be in violation of this chapter.
10 **7[6].** Enforcing requirements of this chapter.

11
12 **16.125.010 – License required.**

- 13
14 A. A homeless and transient shelter may not operate within the
15 municipality after January 1, 2023 unless it has obtained the
16 applicable **[annual]** homeless and transient shelter license or
17 provisional license from the municipality for the premises and the
18 license remains **[in-effect]** in conformity with the provisions of this
19 chapter. Upon approval by the assembly, the director will issue the
20 following homeless and transient shelter licenses under this chapter:
21 1. An overnight shelter license, in accordance with section
22 16.125.015.
23 2. A day shelter license, in accordance with section 16.125.025.
24 B. Any homeless and transient shelter license issued under this chapter
25 is for three years and renewal shall be for three years thereafter.
26 However, if the license was suspended, subject to a plan of
27 improvement, or the applicant or licensee previously held a shelter
28 license that was revoked, the director may establish a shorter duration
29 for the renewed license.
30 C. The municipality will issue only one overnight homeless shelter or
31 transient license for a single premise. These facilities may also have
32 a day shelter license. Collocated licenses may be submitted on a
33 single application.
34 D. Excluded facilities. The following facilities are not subject to this
35 chapter:
36 1. An assisted living facility, correctional community residential
37 center, or habilitative care facility, as those uses are defined in
38 Title 21, section 21.05.030B., unless such facility also operates
39 a homeless or transient shelter collocated on the property.
40 2. An emergency shelter operated for purposes of housing eight
41 (8) or **fewer [less]** persons, not including on-site residential
42 staff, for purposes of sheltering victims of domestic violence or
43 **other** crime for the immediate safety and well being of the
44 individual.
45 3. An emergency shelter operating only under authority of chapter
46 16.120 does not require a homeless and transient shelter
47 license under this chapter. **At the request of an operator,**
48 **t[T]he director may determine an emergency shelter's actual**
49 **operations are in substantial compliance with Chapter**
50 **16.125 and request the operator to submit a licensure**
51 **application in accordance with 16.125.040. If approved for**

operations under 16.125.060, the emergency shelter shall also be covered under the remaining portions of this Chapter during the time an emergency is deemed to authorize operations under 16.120. [subject it to the license requirement of this chapter, and if so determined shall give notice to that emergency shelter of the requirement to obtain a license under this chapter.]

16.125.015 – Overnight shelter license.

- A. An overnight homeless and transient shelter means a facility designed to provide minimum necessities of life on a limited, short-term basis for individuals and families during periods of dislocation or emergency pending formulation of longer-term planning. Facility elements may include providing the physical care required, including shelter, food, necessary medical and clothing needs, directly or by referral to appropriate agency; and planning for a more permanent solution to the problem, including contact with community resources for housing and employment **[in the case of transients]**.
- B. Overnight shelters may have minimum requirements for handling behavioral and medical needs of the clients. Admission to a person may be denied only for good cause. Compliance with basic behavioral standards of conduct may be required.
- C. **An overnight shelter facility may provide day time services at the same facility consistent with the definition of a day shelter without a separate application and approval of a day shelter license.**
- D.** In addition to the other operating standards of this chapter, a homeless and transient shelter shall have
1. a security plan for handling incidents of assault or other physical violence.
 2. a plan for screening persons **to determine if they are under the influence of alcohol or controlled substances, and a plan to provide for their immediate needs if the shelter will admit such persons** ~~[admitted under the influence of alcohol or controlled substances and providing for their immediate needs]~~.

16.125.020 – Runaway overnight shelter license. (Reserved)

16.125.025 – Day shelter license.

A day shelter is a **social services** facility **primarily engaged in providing [which provides] services or [undertake] activities** to advance the welfare of individuals experiencing homelessness and others in need, such as food or clothing distribution, job or life skills counseling or training, connections and on-site engagement with appropriate social services and public assistance providers, planning for more permanent housing and employment, and the like. A day shelter may provide for basic medical **care to the clients otherwise being served by the facility, such as first aid**

1 **[needs]. A day shelter facility may not provide overnight**
 2 **accommodation unless it is collocated with an overnight shelter and**
 3 **meets requirements of this chapter.** If a day shelter is collocated with or
 4 on an **site** adjacent **[site]** to a**[n] licensed** overnight shelter **[license]**, the
 5 application shall include an operating agreement between the shelter types
 6 describing how **they will coordinate services** ~~**[space used by both is**~~
 7 ~~**transitioned each morning and night]**~~.

8
 9 **16.125.030 – Posting of license.**

10
 11 Each licensee of a homeless and transient shelter licensed under this chapter
 12 shall post the **[homeless and transient shelter]** license **[prominently]** in a
 13 conspicuous place at or near the entrance to such shelter so that it may be
 14 easily read at any time.

15
 16 **16.125.035 – License conditions and restrictions; surrender of license.**

- 17
 18 A. The municipality will issue each homeless and transient shelter
 19 license for a specific location identified on the license as the licensed
 20 premises. A homeless and transient shelter must have a right to
 21 possession of its licensed premises at all times, and may lease its
 22 licensed premises to another person or entity for related provision of
 23 services. Modifications to the size of a licensed premises are allowed
 24 in accordance with this chapter and Title 21.
- 25
 26 B. The municipality will not issue a homeless and transient shelter license
 27 1. for premises which do not meet the requirements of Title 21.
 28 Designated emergency shelters under Chapter 16.120 must
 29 meet the requirements of Title 21 exclusive of their emergency
 30 shelter designation in order to receive a license.
- 31
 32 2. to any person(s) if **the applicant, any individual on the**
 33 **application as a licensee, or any officer, director or**
 34 **managing member of** the applicant ~~**[or any of the applicant's**~~
 35 ~~**officers, directors, partners, operators, employees, or any**~~
 36 ~~**other person]**~~ involved in the operation of the homeless and
 37 transient shelter has been convicted of a barrier crime pursuant
 38 to 7 AAC 10.905, unless granted a waiver by the Director.
- 39
 40 3. to a person **not [unless the person is]** qualified to do business
 41 in **Alaska [the state]**.
- 42
 43 C. The director or the assembly may impose conditions or restrictions on
 44 a license issued under this chapter in addition to those in this chapter
 45 should they find that it is in the interests of the public to do so.
- 46
 47 D. The holder of a homeless and transient shelter ~~**[or day shelter]**~~
 48 license that ceases to operate the shelter under that license for more
 49 than 6 months shall surrender the license to the director or designee
 50 within ten days.
- 51

- 1 E. A license under this chapter must be surrendered to the director or
2 designee.
3

4 **16.125.040 – Application for new license.**
5

- 6 A. An applicant for any new homeless and transient shelter license must
7 submit to the director a municipal homeless and transient shelter
8 license application, ~~[which shall be submitted]~~ on a form prescribed
9 by the director, and which shall provide ~~[the director with]~~ all
10 information necessary to ensure that the applicant complies with the
11 standards in this chapter. However, if the applicant is also required to
12 apply for a land use permit then the application shall be submitted to
13 the planning department. **Required information [such information**
14 **shall]** includes, but is not limited to:
15 1. The name, address, telephone number, and principal
16 occupation of the applicant and any other person who will be
17 directly managing the shelter;
18 2. The name, address, and telephone number of the shelter;
19 3. If the applicant is not the owner of record of the real property
20 proposed for the licensed premises, the name and address of
21 the owner of the real property upon which the homeless and
22 transient shelter is, or will be, located and a letter authorizing
23 use of the property for a transient or homeless shelter. If the
24 proposed premises are in a building or structure owned by a
25 person other than the owner of the underlying real property,
26 only the authorization of the building or structure owner is
27 required;
28 4. Attested copies of any articles of incorporation, bylaws,
29 operating agreement, partnership agreement, or articles of
30 association that govern the entity, if any, that will own and
31 operate the homeless and transient shelter;
32 5. The name of the community council area in which the proposed
33 licensed premises is to be located;
34 6. A sworn statement from the applicant that the premises are in
35 compliance with the Anchorage Municipal Code and a sworn
36 statement that the applicant will, in the conduct and operation
37 of the homeless and transient shelter, comply with all
38 applicable laws;
39 7. A criminal background check in accordance with section
40 16.125.**050 the [055 on each]** applicant, **any individual on**
41 **the application as a licensee, or any officer, director or**
42 **managing member of the applicant.** A sworn statement
43 attesting that the applicant, **any individual on the application**
44 **as a licensee, or any officer, director or managing member**
45 **of the applicant** has no convictions for a barrier crime in the
46 ten years preceding the application date;
47 8. ~~[A sworn statement that a criminal background check will~~
48 ~~be performed for any officer, director, employee, agent,~~
49 ~~volunteer, or any other person having direct contact with a~~
50 ~~minor at the shelter, and at least every two years~~
51 ~~thereafter;]~~

- 1 **[9].** If the applicant has ever had a license or permit for providing a
 2 shelter or group living facility revoked or suspended in this or
 3 any other jurisdiction, **and** the reasons therefore, ~~and the~~
 4 ~~business activity or occupation of the applicant~~
 5 ~~subsequent to the suspension or revocation];~~
 6 **9[10].** A sworn statement that **the [no]** applicant owes **no** past-due
 7 taxes, fees, or fines to the municipality;
 8 **10[11].** A copy of the rules of conduct, policies and procedures,
 9 and operating plan for the shelter, including, but not limited to,
 10 support services to be provided, projected staffing level,
 11 **trespass and admission denial criteria, client feedback**
 12 **collection methods,** and the proposed maximum stay;
 13 **11[12].** A copy of a good neighbor policy that details the
 14 applicant's plan for community communication, minimizing
 15 neighborhood impacts, including policing of trash and loitering
 16 on or near the premises.
 17 **12[13].** Evidence of a conditional use permit for the premises or
 18 that the shelter is permitted to operate at the proposed site as
 19 applicable under Title 21.
 20 **13[14].** A profile description of the targeted population that will
 21 be served at the shelter;
 22 **14[15].** Proof of any other business or food license needed to
 23 operate the homeless and transient shelter as proposed;
 24 **15[16].** Proof of insurance for the premises and the business, in
 25 compliance with AMC section 16.125.075[100];
 26 **16[17].** Such other relevant information as the director may
 27 require; and
 28 **17[18].** An oath or affirmation that the information provided on
 29 the application is true.
- 30 B. The applicant carries the burden of proof to show the required
 31 qualifications for a homeless and transient shelter license are met.
- 32 C. When the director receives an application for a homeless and transient
 33 shelter license, within 30 days the director shall determine if the
 34 application is complete. If the director determines the application is
 35 complete, the municipality shall, as soon as is practicable, give written
 36 notice to the applicant and shall provide for mailed, posted, published,
 37 and community council notice in the manner required by AMC section
 38 21.03.020H. When a land use permit is not required due to a current
 39 permit in place or nonconforming rights, notice is still required and
 40 references to the director shall be to the health department director.
- 41 D. If an application for a homeless and transient shelter license is
 42 incomplete, the director shall notify the applicant by electronic mail at
 43 the address provided by the applicant, and
 44 1. Return an incomplete application in its entirety to the
 45 applicant; or
 46 2. Request the applicant to provide additional identified
 47 items needed to complete the application.
- 48
- 49 E. When the director informs an applicant that its application is
 50 incomplete, as provided in subsection **D[E].**, the applicant must
 51 complete the application not later than 90 days after the date of the

1 director's notice. If an applicant fails to complete its application during
 2 the 90-day period after the director's notice, the applicant must file a
 3 new application.

- 4 F. An applicant that maintains an accreditation for its shelter shall
 5 disclose that on its application and identify the accrediting institution.
 6 The director shall review the accreditation requirements and
 7 standards, and the applicant's accreditation application approved by
 8 the accrediting institution.

9
 10 **16.125.045 – Application for a renewal of license.**

- 11
 12 A. Application for a renewal of a license shall be made at least 90 days,
 13 but not before 150 days, before the expiration of the current license.
 14 Renewal applications filed after that time period are delinquent and
 15 subject the homeless and transient shelter to potential closure
 16 pending approval of the application.
- 17 B. Within 90 days prior to the expiration of the license, it shall be the
 18 responsibility of the licensee to arrange for inspection of the licensed
 19 premises for compliance with all applicable codes by the Department.
- 20 1. If, during the inspection of the homeless and transient shelter,
 21 deficiencies are identified, such deficiencies will be submitted
 22 to the licensee. Identified deficiencies shall be corrected and
 23 the licensed premises reinspected at least five days prior to the
 24 date upon which the license expires. If the required repairs are
 25 not completed at the time of reinspection, the license may be
 26 subject to suspension or revocation under section
 27 16.125.090[125].
- 28 C. A homeless and transient shelter renewal application must include:
- 29 1. Identification of the license sought to be renewed by license
 30 number, license type, shelter name, and premises address;
- 31 2. ~~An [statement of no change or]~~ update to ~~[all]~~ the information
 32 required for a municipal license under AMC section
 33 16.125.040[045 ~~which was last filed with the department by~~
 34 ~~the applicant]~~;
- 35 3. ~~[Any change from the homeless and transient shelter's~~
 36 ~~original license application or last renewal application in:~~
 37 ~~a. The name of the homeless and transient shelter;~~
 38 ~~b. The licensed premises from the last diagram~~
 39 ~~submitted; and~~
 40 ~~c. The homeless and transient shelter's operating~~
 41 ~~plan;]~~
- 42 4. A report for each licensee:
- 43 a. A criminal background check issued within the past 60
 44 days for the applicant, the applicant's officers,
 45 directors, or partners; [.]
- 46 b. Any criminal charge on which that licensee has been
 47 convicted in the current and previous three calendar
 48 years; and
- 49 c[b]. Any civil violation of this chapter in the current and
 50 previous three calendar years;
- 51 5. A declaration under penalty of unsworn falsification that:

- 1 a. The application is true, correct, and complete;
 2 b. The applicant has read and is familiar with chapter
 3 16.125 and any relevant state law; and
 4 c. The applicant will provide all information the director
 5 requires in support of the renewal application;
 6 6. The scheduled date for inspection of the licensed premises;
 7 and
 8 7. Any other information required by the director.
- 9 D. If the director determines that the renewal application is complete, the
 10 director shall give notice, as soon as practicable, of a renewal
 11 application to:
 12 1. The applicant;
 13 2. The community council in which the licensed premises is
 14 located, ~~but only on the first renewal~~.
- 15 E. On or before 150 days before license expiration, the director shall
 16 deliver a renewal notice **and application** to each **licensed** homeless
 17 and transient shelter ~~[that has not filed a complete application for~~
 18 ~~renewal of a license, along with the applicable affidavit]~~ unless the
 19 homeless and transient shelter has notified the director that it does not
 20 intend to seek a renewal of its license. A homeless and transient
 21 shelter is not excused from filing a license renewal application later
 22 than 90 days before license expiration even if the homeless and
 23 transient shelter does not receive notice of expiration described in this
 24 section.
- 25 F. If the renewal application is not tendered in a timely fashion, the
 26 municipality may serve notice to the licensee that the failure to submit
 27 the renewal application within ten business days may be deemed an
 28 abandonment of the license, and the director may order the shelter to
 29 cease accepting individuals within seven (7) days after such
 30 abandonment. Service of the notice under **[by]** this subsection shall
 31 be deemed complete upon certified mailing, return receipt requested,
 32 or personal delivery. A licensee that fails **[ed]** to file a renewal 90 days
 33 **[delinquent]** after the due date and was not granted an extension by
 34 the director prior to that shall not be permitted **[to continue]** to operate
 35 **[in any case]**.
- 36 **G.** The director may **offer the [give a delinquent]** licensee **an extension**
 37 **and** a notice to participate in a plan of improvement **with [and**
 38 **provide]** a due date to respond
- 39 **H[G].** Nothing in this section supersedes any proceeding to suspend or
 40 revoke a license.

41 42 43 **16.125.050 - Criminal history and background checks.**

44
45 A criminal history and background check required by this chapter must be
 46 provided in compliance with this section. The requirement may be met by
 47 providing the results and report of either a fingerprint based criminal
 48 background check from the Alaska Department of Public Safety, or a third-
 49 party primary source locator background check.

- 50
51 A. A fingerprint based criminal background check obtained through the

Alaska Department of Public Safety, which shall:

1. Include processing through the Alaska automated fingerprint system;
 2. Include a national criminal history record check and review of the United States Department of Justice National Sex Offender database;
 3. Be processed by the Alaska Department of Public Safety with the applicant to pay all fees requested for Federal Bureau of Investigation processing of fingerprints, and processing of information requests including fees for contacting other jurisdictions to determine the disposition of an out-of-state arrest or to clarify the nature of an out-of-state conviction; and
 4. Have been produced less than 60 days from submission to the director and not be altered or marked by any person other than authorized employees or agents of the Alaska Department of Public Safety or the municipality, except that any sealed records or reports of the same shall be excluded from the submission.
- B. A third-party primary source locator background check shall be local and national in scope and review:
1. A multi-state or multi-jurisdiction criminal records locator or a similar commercial nationwide database with validation; and
 2. The United States Department of Justice National Sex Offender Public Website;
- C. The director may require additional information, including, but not limited to, the date, location, and nature of any crime of conviction that appears in the criminal history and background check report.
- D. The director shall review requests for a waiver of the prohibition on barrier crimes restriction submitted to the department. The director may approve a waiver if the director determines the person for whom the waiver is requested demonstrated sufficient rehabilitation or recovery since the conviction, the risk of harm from the waiver applicant to clients or others is sufficiently mitigated, and the director is satisfied client safety is not compromised by granting the waiver. A waiver application may include supporting statements and recommendations from persons familiar with the applicant, proof of completion of a program of rehabilitation or counseling, and any other information supporting the waiver. An appeal from a decision of the director on a variance application shall be afforded in accordance with section 16.125.095[220].
- E. The director may grant a waiver or variance from the requirements of this section pursuant to 16.125.070, if satisfied the applicant or licensee demonstrates it has an appropriate alternate method of ensuring safe operations.**

16.125.055 Approval of license: application review, inspections.

- A. The department shall complete its review and make a decision on approval or denial of the application within 90 days. If it cannot be completed within this time, the director shall issue a provisional license to the applicant allowing it to commence operations. A provisional

1 license may only be modified for good cause.

- 2 B. The department shall issue a license to the applicant if the department
3 finds, after inspection and investigation:
- 4 1. The shelter facility and premises, together with the operating
5 plan demonstrate the shelter complies with the requirements
6 and procedures of this chapter, including background checks
7 or waivers;
 - 8 2. **The operating plan demonstrates the facility is appropriate**
9 **for the intended use and clients to be served.**
 - 10 3. The applicant has paid all applicable fees; and
 - 11 **4[3]**. The shelter complies with other applicable local, state, and
12 federal laws and regulations.
- 13 C. If the department determines the application cannot meet the
14 requirements of this chapter or of other applicable law, the department
15 shall deny the application and inform the applicant in writing of the
16 reasons for denial. The department shall deny the application if
- 17 1. the applicant, any individual on the application as a licensee, or
18 any officer, director or managing member of the applicant, was
19 convicted of a barrier crime within the barrier time period and
20 the director has not approved a waiver.
 - 21 2. The application does not demonstrate the shelter can protect
22 the safety and well being of clients in its care, or maintain the
23 minimum standards of care, health and safety required under
24 this chapter for the duration of the license term.
- 25 D. Notwithstanding the remainder of this section, where the director
26 determines that the interest of the public would be best served
27 thereby, a conditional approval of the license may be granted, pending
28 compliance with specified requirements within a specified reasonable
29 period of time. Noncompliance within the time specified may result in
30 denial, or, if the director determines the applicant can meet the
31 requirements of this chapter with modifications or corrective measures
32 in the application, in placing the applicant under a plan of improvement
33 under section 16.125.090[240].

34 **16.125.060 - Operations under an approved license.**

- 35 A. The Department shall publish guidance to assist licensees to comply
36 with the standards that shall govern the operations of homeless and
37 transient shelters.
- 38 1. The published guidance shall be reviewed not less than every
39 2 years utilizing a process that includes inviting input from
40 stakeholders, community councils, homeless and transient
41 shelter providers **and their clients**, and through additional
42 community outreach.
 - 43 2. **The guidance shall complement and coordinate with the**
44 **federal HUD approved continuum of care written**
45 **standards.**
 - 46 3. After the review process is complete the department shall
47 submit a report to the assembly describing the process and
48 providing the published guidance.
 - 49
 - 50

- 1 B. Minimum operations and habitability standards. Homeless and
2 transient shelters shall be subject to the following operations and
3 habitability standards. In the case of a conflict between standards
4 below or between these and other standards or requirements of this
5 code, the more restrictive or stringent standard shall apply.
- 6 1. A shelter shall obtain and maintain in good standing all required
7 licenses, permits, and approvals from state and municipal
8 agencies or departments as applicable to the shelter's use,
9 building(s), and operations. An emergency shelter shall comply
10 with all state and local health and safety requirements for food,
11 medical, and other supportive services provided on-site.
- 12 2. The minimum standards for emergency shelters for safety,
13 sanitation, and privacy promulgated by the U.S. Department of
14 Housing and Urban Development (24 C.F.R. 576.403(b) as it
15 existed on *[insert effective date of ordinance]* and subsequent
16 amendments thereto) ("ESG Standards") are adopted and
17 incorporated by reference except as supplemented or modified
18 in this chapter, including:
- 19 a. Structure and materials. Exempt from the ESG
20 Standards the requirement to use Energy Star and
21 Water Sense products and appliances in any renovation.
- 22 b. Food preparation. Food preparation shall be in
23 accordance with the Anchorage Food Code, chapter
24 16.60.
- 25 3. Written policies for client rights and conduct.
- 26 4. A policy and procedure for requiring **a criminal background**
27 **check for any officer, director, employee, agent, volunteer,**
28 **or any other person having direct contact with clients at**
29 **the shelter [any employee or agent of the licensee to obtain**
30 **a background check and have it reviewed prior to being**
31 **employed at the shelter in any capacity where the person**
32 **is responsible for care or safety of clients, and for**
33 **prohibiting any employee or agent convicted of a barrier**
34 **crime within the barrier time from working directly with**
35 **clients of the shelter or being responsible for any client's**
36 **care or safety].** The procedures may include requesting a
37 waiver from the barrier crime prohibition for an individual
38 employee or agent. All such requests for a waiver must be
39 approved by the director before such employee or agent may
40 **work [be employed]** at the shelter in any capacity where the
41 person is responsible for care or safety of any client.
- 42 **5. Policies and practices that deter and reduce client loitering**
43 **and prohibited camping in parks and public spaces.**
- 44 **6. An overnight shelter shall:**
- 45 **a. provide for stay continuity for repeat clients, and**
46 **b. participate in the municipality's coordinated entry**
47 **system.**

- 1 **7. A day shelter shall have protocols and a cooperation**
 2 **agreement with one or more overnight shelter(s) for**
 3 **referral and to a plan to facilitate transportation of clients**
 4 **between the facilities. If a day shelter is colocated with an**
 5 **overnight shelter, the operations plan shall describe the**
 6 **separate daytime and nighttime operations and**
 7 **management of the transition of space and personnel.**
 8 **8. A day shelter shall not provide its services between 9 p.m.**
 9 **and 7 a.m.**

- 10
 11 C. HMIS data collection. Each licensed homeless and transient shelter
 12 shall collect and submit data compatible with the Homeless
 13 Management Information Systems used in the municipality as
 14 determined by the department. The department may publish
 15 guidelines describing technical standards for compatibility and
 16 resources for technical assistance.

17
 18 **16.125.065 – Minimizing neighborhood impacts**

- 19
 20 A. Shelter Commitment
 21 1. Each shelter shall have a “Good Neighbor Policy” that outlines
 22 its commitment to reduce impacts on surrounding areas by its
 23 operations, loitering of its clients, trash and litter, and other
 24 activities.
 25 B. Municipality of Anchorage Commitment
 26 1. No tolerance for unlawful loitering, soliciting in streets or
 27 roadways, or unauthorized camping within **one-quarter [1/4]**
 28 **mile of a licensed overnight or day shelter [the Shelter].**
 29 Municipal law and code enforcement shall support this
 30 commitment as resources allow, **subject to federal, state and**
 31 **local law.**
 32 2. Resources and technical assistance may be provided by the
 33 **municipality based on location and site-specific needs**
 34 **[mayor and health department].**

35
 36 **16.125.070 – Variances and waivers.**

- 37
 38 A. A homeless and transient shelter may apply to the director for a
 39 variance or waiver from the standards and requirements of this
 40 chapter.
 41 B. The department may waive a provision of this chapter if it determines
 42 that the health and protection of the public and the satisfaction of the
 43 purpose of the provision is reasonably assured and the requirements
 44 of applicable state and federal law are satisfied.
 45 C. An application for a waiver shall be made in writing to the department
 46 and shall include:
 47 1. Identification of the Code requirement for which the waiver is
 48 requested;
 49 2. Reasons why the provision cannot be met or would create an
 50 undue hardship; and

- 1 3. A description of the alternative method proposed for meeting
2 the purpose of the provision for which the waiver is being
3 requested.
4 D. For waivers from the background checks and barrier crime
5 requirements, see section 16.125.050D.
6

7 **16.125.075 – Insurance requirements.**
8

- 9 A. A homeless and transient shelter shall maintain insurance coverage
10 at all times as required by this section. It is unlawful to provide shelter
11 services regulated by this chapter without the required insurance
12 coverage in effect.
13 B. A homeless and transient shelter shall maintain comprehensive
14 general liability insurance, including transportation coverage, if
15 applicable, with a company authorized to write insurance policies in
16 the state of Alaska,
17 1. in an amount not less than \$500,000.00 per occurrence, and
18 \$500,000.00 aggregate, for a facility licensed for nine through
19 forty clients; **or**
20 2. **\$1,000,000.00 per occurrence, and \$2,000,000.00**
21 **aggregate, for a center licensed for 41 or more clients.**
22 C. The insurance policies required by this section shall contain a clause
23 obligating the insurer or surety to give the director written notice no
24 less than 30 days before the cancellation, expiration, nonrenewal,
25 lapse, or other termination of such insurance. A lapse, cancellation,
26 expiration, nonrenewal, or termination of insurance coverage shall
27 automatically require the licensee to cease operations and services
28 for so long as the insurance required by this section is not in effect.
29 The insurance policy shall list as a certificate holder:
30
31 Municipality of Anchorage
32 Anchorage Health Department
33 P.O. Box 196650
34 Anchorage, Alaska 99519
35
36 D. Verification of the insurance policies. The shelter shall provide written
37 proof of a policy required by this section with the initial application,
38 whenever the policy is renewed, and when the shelter's license from
39 the municipality is renewed.
40
41 E. A shelter that has insurance expire, lapse or otherwise terminate while
42 it was continuing to provide shelter or day services shall be subject to
43 plan of improvement under section 16.125.090, or to closure by order
44 of the director.
45

46 **16.125.080 – Miscellaneous provisions.**
47

- 48 A. Discounted development fees. Upon approval of the director, a
49 shelter with a completed application and undergoing construction,
50 reconstruction, renovation or redevelopment according to plans
51 approved by the planning department or development services

1 department as applicable, may have fees for permits, inspections, and
2 other development services discounted by up to 25%.

- 3 B. Duty to keep information current. It shall be the responsibility of the
4 licensee to file with the director a notice of any change in the address
5 or phone number of the licensee and the shelter from the information
6 provided in a new or renewal license application, or from a previous
7 notice of change, within 15 days of such change.

8
9 **16.125.085 – Reports to the Assembly; review of licenses.**

- 10
11 A. The department shall provide the Assembly a report of notices of
12 violations and other enforcement action taken under the published
13 standards and this chapter not less than quarterly.
- 14 1. The Assembly may request a public hearing and review of any
15 licensee that has repeated violations under this chapter.
 - 16 2. After public hearing and review, the Assembly may impose
17 other conditions or restrictions on a license issued under this
18 chapter when it finds that it is in the interests of the public to do
19 so.
 - 20 3. The department will implement a process for performance
21 improvement when a licensee is found to have repeated
22 violations under this chapter and process will be detailed in the
23 department's published standards up to revocation. A decision
24 to revoke a license may be appealed to the Assembly.

25
26 **16.125.090 – Enforcement.**

- 27
28 A. *Inspections.* The director or designee shall have the authority, upon
29 showing proper credentials and at reasonable times, to enter upon any
30 and all parts of the premises in a homeless or transient shelter to
31 examine and investigate its sanitary condition and to determine
32 whether any provisions of this chapter are being violated. Refusal to
33 allow inspections may be grounds for license suspension.
- 34 B. Compliance notice; plan of improvement.
- 35 1. If the department has reasonable cause to believe that a
36 violation of an applicable provision of this chapter, statute or
37 regulation has occurred, the department shall provide a
38 compliance notice to the licensee of the violation(s) and an
39 opportunity to cure the violation within a reasonable time
40 specified by the department. The notice must include a
41 description of the violation(s), statement that the licensee may
42 submit a written response to the report, any department
43 requirement that the licensee submit a written response to the
44 report, a description of any subsequent enforcement action the
45 department intends to take. The compliance notice may
46 require the licensee to be subject to a plan of improvement.
 - 47 2. If the department requires the licensee to be subject to a plan
48 of improvement, the licensee shall submit a plan for corrective
49 actions to the department within the time specified in the
50 compliance notice. The department may accept the corrective

1 action plan and inspect the shelter to verify the violations have
2 been cured, or may serve the licensee with a plan of
3 improvement describing the corrective actions the licensee is
4 required to take, changes to its policies and procedures, and
5 other requirements of the licensee to satisfy the plan. The
6 licensee shall cooperate with the department for follow up
7 inspections and plan requirements. The department may
8 release the licensee from a plan of improvement upon
9 satisfactory completion of its requirements and curing the
10 violations in the compliance notice. The department may, at
11 any time, for violations identified on a compliance notice or
12 during the course of oversight under a plan of improvement,
13 issue a notice of violation, or commence a license suspension
14 or revocation action. The licensee may appeal to the director in
15 writing to be released from a plan of improvement, such appeal
16 hearing before the director shall be conducted under chapter
17 3.60.

- 18 C. *Notice of violation.* If it is determined at any time that the requirements
19 of this chapter have been violated, the department shall notify the
20 licensee of the violations by means of an inspection report form or
21 other written notice. This written notice shall set forth the specific
22 violations, establish a reasonable period of time for correction of the
23 violations and state that failure to comply with any notice issued in
24 conformance with the provisions of this chapter will subject the
25 licensee to fines, a plan of improvement, suspension or revocation of
26 the license. Violations of the provisions of this chapter subject the
27 violator to a civil penalty as set forth in Section 14.60.030, or, if no
28 penalty is included in Section 14.60.030, a civil fine not to exceed
29 \$300.00.
- 30 D. *Service of notice of violation.* Notices provided for under this section
31 shall be properly served when delivered personally to the licensee or
32 to the person in charge on the premises, or when sent by registered
33 or certified mail, return receipt requested, to the last known address of
34 the licensee. A copy of such notice shall be filed with the department.
- 35 E. *Suspension or revocation of license.* The decision to suspend or
36 revoke a license shall be made following an administrative hearing
37 open to the public, upon at least ten day notice, before the director.
38 Revocation, rather than suspension, may be ordered when the
39 violations found to exist are either numerous, repetitive of previous
40 violations of the same or other provisions of this chapter, or of such a
41 nature as to pose a serious threat to the health or well-being of the
42 shelter clients or other persons or property. The director shall issue
43 findings of fact to support a decision pertaining to the suspension or
44 revocation. Hearings under this section may, at the option of the
45 director, be conducted by an administrative hearing officer designated
46 by the director. If the director elects to refer the matter to an
47 administrative hearing officer, the hearing officer shall conduct the
48 hearing and prepare findings and conclusions. These findings and
49 conclusions must be forwarded to the director for adoption,
50 modification or rejection and issuance of a final order or decision by
51 the director.

- 1 F. *Immediate suspension of permit.* If violations of this chapter or
2 applicable law pose an immediate threat to the health or well-being of
3 persons or property, the director may suspend a permit pending the
4 conduct of an administrative hearing open to the public or suspension
5 or revocation, provided, however, the immediate suspension shall
6 expire if an administrative hearing open to the public is not held
7 thereon within ten days of the date of suspension.
- 8 G. *Authority to prescribe additional regulations.* The director shall enforce
9 the provisions of this chapter and shall promulgate and enforce rules
10 and regulations upon due notice, as **the director [he]** deems
11 necessary, to carry out the intent of this chapter. Such rules and
12 regulations shall, upon approval of the assembly, become a part of
13 and subject to the provisions of this chapter.

14 **16.125.095 – Appeals.**

- 15
- 16
- 17 A. An appeal from a decision of the department or director under this
18 chapter that affects the license status, such as suspension, denial,
19 revocation, or requiring a plan of improvement, shall be within the
20 jurisdiction of the administrative hearings officer as provided in Title
21 14, section 14.20.020A.2., whom is hereby designated to hear and
22 decide such appeals. Hearing procedures shall be conducted in
23 accordance with chapter 3.60. A notice of appeal shall be submitted
24 on a form provided by the department and filed with the director, who
25 shall forward the notice to the administrative hearings office. A notice
26 of appeal must be filed with the director within 15 days after receipt of
27 the notice of the enforcement action or of the date of notice of the
28 department decision for other actions.
- 29
- 30 B. A fine or penalty imposed under this chapter may be appealed to the
31 administrative hearing officer under title 14.

32 **16.125.100 – Definitions.**

33

34

35 “Barrier crime” means a criminal offense described in 7 AAC
36 10.905(a) - (e), as may be amended or modified by the state.

37

38 “Barrier time” means the length of time a barrier crime or condition
39 under 7 AAC 10.905 bars an individual from association with a license or
40 licensee under 7 AAC 10.900(b).

41

42 **Section 2. Transition measures.** Homeless and transient shelters currently
43 operating prior to passage and approval of this ordinance shall be required to obtain
44 a license under Chapter 16.125 in accordance with this section. Within 90 days of
45 the effective date of this ordinance each such operator shall arrange for a pre-
46 application meeting with the director. At the pre-application meeting the operator
47 and director will address the following:

- 48
- 49 A. The new license application requirements that may be unduly
50 burdensome or impossible for the operator to meet within a
51 reasonable time, and a plan to mitigate the effects of such deficiencies

or to amortize compliance over time.

B. Identify the operator’s current operations plans that are inconsistent with the published standards, and whether the operator is able to modify its operations to come into compliance or intends to request a variance or waiver.

C. Establish a timeline for coming into compliance and obtaining either a license for permanent use as a shelter or designation for emergency shelter under 16.120, not to exceed 24 months for the transition.

Section 3. The Anchorage Health Department shall report quarterly on the efficacy and implementation of this ordinance by information memorandum to the Assembly, until the last quarter of 2024. In the fourth year after the effective date of this Ordinance, the Assembly Committee on Homelessness and Housing shall review the ordinance and its efficacy and propose improvements to the ordinance and its implementation.

Section 4. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2021.

Chair

ATTEST:

Municipal Clerk

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