

**ANCHORAGE, ALASKA
AO No. 2021-55**

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

THE ANCHORAGE ASSEMBLY ORDAINS:

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

CHAPTER 16.125 – HOMELESS AND TRANSIENT SHELTER LICENSING

16.125.001 – Purpose and intent.

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

16.125.005 – Powers of the department.

- A. The powers of the department include, but are not limited to:
1. Licensing and supervising homeless and transient shelters in all areas of the municipality.
 2. Coordinating and developing policies, programs, and planning related to licensure and operation of homeless and transient shelters regulated by this chapter.
 3. Publishing and adopting guidance consistent with the provisions of this chapter and supportive to facilitate compliance and the quality of shelter services regulated by this chapter.
 4. Entering into contracts and agreements necessary to carry out the functions, powers, and duties of the department under this chapter.
 5. Investigating shelters, applicants, administrators, caregivers,

1 licensees, employees of licensees, individuals associated with
2 licensees, and other persons for compliance with this chapter,
3 including such persons or entities the department reasonably
4 believes are operating a shelter with or without a license or who
5 may be in violation of this chapter.

6 6. Enforcing requirements of this chapter.

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8 **16.125.010 – License required.**

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

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48 **16.125.015 – Overnight shelter license.**

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50 A. An overnight homeless and transient shelter means a facility
51 designed to provide minimum necessities of life on a limited, short-

1 term basis for individuals and families during periods of dislocation
2 or emergency pending formulation of longer-term planning. Facility
3 elements may include providing the physical care required,
4 including shelter, food, necessary medical and clothing needs,
5 directly or by referral to appropriate agency; and planning for more
6 permanent solution to the problem, including contact with
7 community resources for housing and employment in the case of
8 transients.

9 B. Overnight shelters may have minimum requirements for handling
10 behavior and medical needs of the clients. Admission to a person may
11 be denied only for good cause. Compliance with basic behavioral
12 standards of conduct may be required.

13 C. In addition to the other operating standards of this chapter, a homeless
14 and transient shelter shall have

- 15 1. a security plan for handling incidents of assault or other
16 physical violence.
- 17 2. a plan for screening persons admitted under the influence of
18 alcohol or controlled substances and providing for their
19 immediate needs.

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21 **16.125.020 – Runaway overnight shelter license. (Reserved)**

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23 **16.125.025 – Day shelter license.**

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25 A day shelter is a facility which provides services or undertake activities to
26 advance the welfare of individuals experiencing homelessness and others in
27 need, such as food or clothing distribution, job or life skills counseling or
28 training, connections and on-site engagement with appropriate social
29 services and public assistance providers, planning for more permanent
30 housing and employment, and the like. A day shelter may provide for basic
31 medical needs. If a day shelter is collocated with or on an adjacent site to an
32 overnight shelter license, the application shall include an operating
33 agreement between the shelter types describing how space used by both is
34 transitioned each morning and night.

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36 **16.125.030 – Posting of license.**

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38 Each licensee of a homeless and transient shelter licensed under this chapter
39 shall post the homeless and transient shelter license prominently in a
40 conspicuous place at or near the entrance to such shelter so that it may be
41 easily read at any time.

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43 **16.125.035 – License conditions and restrictions; surrender of license.**

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45 A. The municipality will issue each homeless and transient shelter
46 license for a specific location identified on the license as the licensed
47 premises. A homeless and transient shelter must have a right to
48 possession of its licensed premises at all times, and may lease its
49 licensed premises to another person or entity for related provision of
50 services. Modifications to the size of a licensed premises are allowed
51 in accordance with this chapter and Title 21.

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- B. The municipality will not issue a homeless and transient shelter license
 1. for premises which do not meet the requirements of Title 21. Designated emergency shelters under Chapter 16.120 must meet the requirements of Title 21 exclusive of their emergency shelter designation in order to receive a license.
 2. to any person(s) if the applicant or any of the applicant's officers, directors, partners, operators, employees, or any other person involved in the operation of the homeless and transient shelter has been convicted of a barrier crime pursuant to 7 AAC 10.905, unless granted a waiver by the Director.
 3. to a person unless the person is qualified to do business in the state.
 - C. The director or the assembly may impose conditions or restrictions on a license issued under this chapter in addition to those in this chapter should they find that it is in the interests of the public to do so.
 - D. The holder of a homeless and transient shelter or day shelter license that ceases to operate the shelter under that license for more than 6 months shall surrender the license to the director or designee within ten days.
 - E. A license under this chapter must be surrendered to the director or designee.

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16.125.040 – Application for new license.

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- A. An applicant for any new homeless and transient shelter license must submit to the director a municipal homeless and transient shelter license application, which shall be submitted on a form prescribed by the director, and which shall provide the director with all information necessary to ensure that the applicant complies with the standards in this chapter. However, if the applicant is also required to apply for a land use permit then the application shall be submitted to the planning department such information shall include, but is not limited to:
 1. The name, address, telephone number, and principal occupation of the applicant and any other person who will be directly managing the shelter;
 2. The name, address, and telephone number of the shelter;
 3. If the applicant is not the owner of record of the real property proposed for the licensed premises, the name and address of the owner of the real property upon which the homeless and transient shelter is, or will be, located and a letter authorizing use of the property for a transient or homeless shelter. If the proposed premises are in a building or structure owned by a person other than the owner of the underlying real property, only the authorization of the building or structure owner is required;

- 1 4. Attested copies of any articles of incorporation, bylaws,
2 operating agreement, partnership agreement, or articles of
3 association that govern the entity, if any, that will own and
4 operate the homeless and transient shelter;
- 5 5. The name of the community council area in which the proposed
6 licensed premises is to be located;
- 7 6. A sworn statement from the applicant that the premises are in
8 compliance with the Anchorage Municipal Code and a sworn
9 statement that the applicant will, in the conduct and operation
10 of the homeless and transient shelter, comply with all
11 applicable laws;
- 12 7. A criminal background check in accordance with section
13 16.125.055 on each applicant. A sworn statement attesting
14 that the applicant has no convictions for a barrier crime in the
15 ten years preceding the application date;
- 16 8. A sworn statement that a criminal background check will be
17 performed for any officer, director, employee, agent, volunteer,
18 or any other person having direct contact with a minor at the
19 shelter, and at least every two years thereafter;
- 20 9. If the applicant has ever had a license or permit for providing a
21 shelter or group living facility revoked or suspended in this or
22 any other jurisdiction, the reasons therefore, and the business
23 activity or occupation of the applicant subsequent to the
24 suspension or revocation;
- 25 10. A sworn statement that no applicant owes past-due taxes, fees,
26 or fines to the municipality;
- 27 11. A copy of the rules of conduct, policies and procedures, and
28 operating plan for the shelter, including, but not limited to,
29 support services to be provided, projected staffing level, and
30 the proposed maximum stay;
- 31 12. A copy of a good neighbor policy that details the applicant's
32 plan for community communication, minimizing neighborhood
33 impacts, including policing of trash and loitering on or near the
34 premises.
- 35 13. Evidence of a conditional use permit for the premises or that
36 the shelter is permitted to operate at the proposed site as
37 applicable under Title 21.
- 38 14. A profile description of the targeted population that will be
39 served at the shelter;
- 40 15. Proof of any other business or food license needed to operate
41 the homeless and transient shelter as proposed;
- 42 16. Proof of insurance for the premises and the business, in
43 compliance with AMC section 16.125.100;
- 44 17. Such other relevant information as the director may require;
45 and
- 46 18. An oath or affirmation that the information provided on the
47 application is true.
- 48 B. The applicant carries the burden of proof to show the required
49 qualifications for a homeless and transient shelter license are met.
- 50 C. When the director receives an application for a homeless and transient
51 shelter license, within 30 days the director shall determine if the

- 1 application is complete. If the director determines the application is
2 complete, the municipality shall, as soon as is practicable, give written
3 notice to the applicant and shall provide for mailed, posted, published,
4 and community council notice in the manner required by AMC section
5 21.03.020H. When a land use permit is not required due to a current
6 permit in place or nonconforming rights, notice is still required and
7 references to the director shall be to the health department director.
- 8 D. If an application for a homeless and transient shelter license is
9 incomplete, the director shall notify the applicant by electronic mail at
10 the address provided by the applicant, and
- 11 1. Return an incomplete application in its entirety to the
12 applicant; or
 - 13 2. Request the applicant to provide additional identified
14 items needed to complete the application.
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- 16 E. When the director informs an applicant that its application is
17 incomplete, as provided in subsection E., the applicant must complete
18 the application not later than 90 days after the date of the director's
19 notice. If an applicant fails to complete its application during the 90-
20 day period after the director's notice, the applicant must file a new
21 application.
- 22 F. An applicant that maintains an accreditation for its shelter shall
23 disclose that on its application and identify the accrediting institution.
24 The director shall review the accreditation requirements and
25 standards, and the applicant's accreditation application approved by
26 the accrediting institution.
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28 **16.125.045 – Application for a renewal of license.**

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- 30 A. Application for a renewal of a license shall be made at least 90 days,
31 but not before 150 days, before the expiration of the current license.
32 Renewal applications filed after that time period are delinquent and
33 subject the homeless and transient shelter to potential closure
34 pending approval of the application.
- 35 B. Within 90 days prior to the expiration of the license, it shall be the
36 responsibility of the licensee to arrange for inspection of the licensed
37 premises for compliance with all applicable codes by the Department.
- 38 1. If, during the inspection of the homeless and transient shelter,
39 deficiencies are identified, such deficiencies will be submitted
40 to the licensee. Identified deficiencies shall be corrected and
41 the licensed premises reinspected at least five days prior to the
42 date upon which the license expires. If the required repairs are
43 not completed at the time of reinspection, the license may be
44 subject to suspension or revocation under section 16.125.125.
- 45 C. A homeless and transient shelter renewal application must include:
- 46 1. Identification of the license sought to be renewed by license
47 number, license type, shelter name, and premises address;
 - 48 2. A statement of no change or update to all the information
49 required for a municipal license under AMC section 16.125.045
50 which was last filed with the department by the applicant;
 - 51 3. Any change from the homeless and transient shelter's original

- 1 license application or last renewal application in:
- 2 a. The name of the homeless and transient shelter;
- 3 b. The licensed premises from the last diagram submitted;
- 4 and
- 5 c. The homeless and transient shelter's operating plan;
- 6 4. A report for each licensee:
- 7 a. A criminal background check issued within past 60 days.
- 8 Any criminal charge on which that licensee has been convicted
- 9 in the current and previous three calendar years; and
- 10 b. Any civil violation of this chapter in the current and
- 11 previous three calendar years;
- 12 5. A declaration under penalty of unsworn falsification that:
- 13 a. The application is true, correct, and complete;
- 14 b. The applicant has read and is familiar with chapter
- 15 16.125 and any relevant state law; and
- 16 c. The applicant will provide all information the director
- 17 requires in support of the renewal application;
- 18 6. The scheduled date for inspection of the licensed premises;
- 19 and
- 20 7. Any other information required by the director.
- 21 D. If the director determines that the renewal application is complete, the
- 22 director shall give notice, as soon as practicable, of a renewal
- 23 application to:
- 24 1. The applicant;
- 25 2. The community council in which the licensed premises is
- 26 located, but only on the first renewal.
- 27 E. On or before 150 days before license expiration, the director shall
- 28 deliver a renewal notice to each homeless and transient shelter that
- 29 has not filed a complete application for renewal of a license, along with
- 30 the applicable affidavit unless the homeless and transient shelter has
- 31 notified the director that it does not intend to seek a renewal of its
- 32 license. A homeless and transient shelter is not excused from filing a
- 33 license renewal application later than 90 days before license
- 34 expiration even if the homeless and transient shelter does not receive
- 35 notice of expiration described in this section.
- 36 F. If the renewal application is not tendered in a timely fashion, the
- 37 municipality may serve notice to the licensee that the failure to submit
- 38 the renewal application within ten business days may be deemed an
- 39 abandonment of the license, and the director may order the shelter to
- 40 cease accepting individuals within seven (7) days after such
- 41 abandonment. Service of the notice under by this subsection shall be
- 42 deemed complete upon certified mailing, return receipt requested, or
- 43 personal delivery. A licensee that failed to file a renewal 90 days
- 44 delinquent after the due date and was not granted an extension by
- 45 the director prior to that shall not be permitted to continue to operate
- 46 in any case. The director may give a delinquent licensee a notice to
- 47 participate in a plan of improvement and provide a due date to respond
- 48 G. Nothing in this section supersedes any proceeding to suspend or
- 49 revoke a license.
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16.125.050 - Criminal history and background checks.

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

- 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 16.125.220.

16.125.055 Approval of license: application review, inspections.

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- 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 license may only be modified for good cause.
 - B. The department shall issue a license to the applicant if the department finds, after inspection and investigation:
 - 1. The shelter facility and premises, together with the operating plan demonstrate the shelter complies with the requirements and procedures of this chapter, including background checks or waivers;
 - 2. The applicant has paid all applicable fees; and
 - 3. The shelter complies with other applicable local, state, and federal laws and regulations.
 - C. If the department determines the application cannot meet the requirements of this chapter or of other applicable law, the department shall deny the application and inform the applicant in writing of the reasons for denial. The department shall deny the application if
 - 1. the applicant, any individual on the application as a licensee, or any officer, director or managing member of the applicant, was convicted of a barrier crime within the barrier time period and the director has not approved a waiver.
 - 2. The application does not demonstrate the shelter can protect the safety and well being of clients in its care, or maintain the minimum standards of care, health and safety required under this chapter for the duration of the license term.
 - D. Notwithstanding the remainder of this section, where the director determines that the interest of the public would be best served thereby, a conditional approval of the license may be granted, pending compliance with specified requirements within a specified reasonable period of time. Noncompliance within the time specified may result in denial, or, if the director determines the applicant can meet the requirements of this chapter with modifications or corrective measures in the application, in placing the applicant under a plan of improvement under section 16.125.210.

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16.125.060 - Operations under an approved license.

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- A. The Department shall publish guidance to assist licensees to comply with the standards that shall govern the operations of homeless and transient shelters.
 - 1. The published guidance shall be reviewed not less than every 2 years utilizing a process that includes inviting input from stakeholders, community councils, homeless and transient shelter providers, and through additional community outreach.
 - 2. After the review process is complete the department shall submit a report to the assembly describing the process and providing the published guidance.
 - B. Minimum operations and habitability standards. Homeless and

1 transient shelters shall be subject to the following operations and
2 habitability standards. In the case of a conflict between standards
3 below or between these and other standards or requirements of this
4 code, the more restrictive or stringent standard shall apply.

5 1. A shelter shall obtain and maintain in good standing all required
6 licenses, permits, and approvals from state and municipal
7 agencies or departments as applicable to the shelter's use,
8 building(s), and operations. An emergency shelter shall comply
9 with all state and local health and safety requirements for food,
10 medical, and other supportive services provided on-site.

11 2. The minimum standards for emergency shelters for safety,
12 sanitation, and privacy promulgated by the U.S. Department of
13 Housing and Urban Development (24 C.F.R. 576.403(b) as it
14 existed on [*insert effective date of ordinance*] and subsequent
15 amendments thereto) ("ESG Standards") are adopted and
16 incorporated by reference except as supplemented or modified
17 in this chapter, including:

18 a. Structure and materials. Exempt from the ESG
19 Standards the requirement to use Energy Star and
20 Water Sense products and appliances in any renovation.

21 b. Food preparation. Food preparation shall be in
22 accordance with the Anchorage Food Code, chapter
23 16.60.

24 3. Written policies for client rights and conduct.

25 4. A policy and procedure for requiring any employee or agent of
26 the licensee to obtain a background check and have it reviewed
27 prior to being employed at the shelter in any capacity where the
28 person is responsible for care or safety of clients, and for
29 prohibiting any employee or agent convicted of a barrier crime
30 within the barrier time from working directly with clients of the
31 shelter or being responsible for any client's care or safety. The
32 procedures may include requesting a waiver from the barrier
33 crime prohibition for an individual employee or agent. All such
34 requests for a waiver must be approved by the director before
35 such employee or agent may be employed at the shelter in any
36 capacity where the person is responsible for care or safety of
37 any client.

38 C. HMIS data collection. Each licensed homeless and transient shelter
39 shall collect and submit data compatible with the Homeless
40 Management Information Systems used in the municipality as
41 determined by the department. The department may publish
42 guidelines describing technical standards for compatibility and
43 resources for technical assistance.

44 **16.125.065 – Minimizing neighborhood impacts**

45 A. Shelter Commitment
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- 1 1. Each shelter shall have a “Good Neighbor Policy” that outlines
2 its commitment to reduce impacts on surrounding areas by its
3 operations, loitering of its clients, trash and litter, and other activities.
4 B. Municipality of Anchorage Commitment
5 1. No tolerance for unlawful loitering, soliciting in streets or
6 roadways, or unauthorized camping within 1/4 mile of the
7 Shelter. Municipal law and code enforcement shall support this
8 commitment as resources allow.
9 2. Resources and technical assistance may be provided by the
10 mayor and health department.

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12 **16.125.070 – Variances and waivers.**
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- 14 A. A homeless and transient shelter may apply to the director for a
15 variance or waiver from the standards and requirements of this
16 chapter.
17 B. The department may waive a provision of this chapter if it determines
18 that the health and protection of the public and the satisfaction of the
19 purpose of the provision is reasonably assured and the requirements
20 of applicable state and federal law are satisfied.
21 C. An application for a waiver shall be made in writing to the department
22 and shall include:
23 1. Identification of the Code requirement for which the waiver is
24 requested;
25 2. Reasons why the provision cannot be met or would create an
26 undue hardship; and
27 3. A description of the alternative method proposed for meeting
28 the purpose of the provision for which the waiver is being
29 requested.
30 D. For waivers from the background checks and barrier crime
31 requirements, see section 16.125.050D.
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33 **16.125.075 – Insurance requirements.**
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- 35 A. A homeless and transient shelter shall maintain insurance coverage
36 at all times as required by this section. It is unlawful to provide shelter
37 services regulated by this chapter without the required insurance
38 coverage in effect.
39 B. A homeless and transient shelter shall maintain comprehensive
40 general liability insurance, including transportation coverage, if
41 applicable, with a company authorized to write insurance policies in
42 the state of Alaska, in an amount not less than \$500,000.00 per
43 occurrence, and \$500,000.00 aggregate, for a facility licensed for nine
44 through forty clients;
45 C. The insurance policies required by this section shall contain a clause
46 obligating the insurer or surety to give the director written notice no
47 less than 30 days before the cancellation, expiration, nonrenewal,
48 lapse, or other termination of such insurance. A lapse, cancellation,
49 expiration, nonrenewal, or termination of insurance coverage shall
50 automatically require the licensee to cease operations and services
51 for so long as the insurance required by this section is not in effect.

1 The insurance policy shall list as a certificate holder:
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3 Municipality of Anchorage
4 Anchorage Health Department
5 P.O. Box 196650
6 Anchorage, Alaska 99519
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- 8 D. Verification of the insurance policies. The shelter shall provide written
9 proof of a policy required by this section with the initial application,
10 whenever the policy is renewed, and when the shelter's license from
11 the municipality is renewed.
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- 13 E. A shelter that has insurance expire, lapse or otherwise terminate while
14 it was continuing to provide shelter or day services shall be subject to
15 plan of improvement under section 16.125.090, or to closure by order
16 of the director.
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18 **16.125.080 – Miscellaneous provisions.**
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- 20 A. Discounted development fees. Upon approval of the director, a
21 shelter with a completed application and undergoing construction,
22 reconstruction, renovation or redevelopment according to plans
23 approved by the planning department or development services
24 department as applicable, may have fees for permits, inspections, and
25 other development services discounted by up to 25%.
26 B. Duty to keep information current. It shall be the responsibility of the
27 licensee to file with the director a notice of any change in the address
28 or phone number of the licensee and the shelter from the information
29 provided in a new or renewal license application, or from a previous
30 notice of change, within 15 days of such change.
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32 **16.125.085 – Reports to the Assembly; review of licenses.**
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- 34 A. The department shall provide the Assembly a report of notices of
35 violations and other enforcement action taken under the published
36 standards and this chapter not less than quarterly.
37 1. The Assembly may request a public hearing and review of any
38 licensee that has repeated violations under this chapter.
39 2. After public hearing and review, the Assembly may impose
40 other conditions or restrictions on a license issued under this
41 chapter when it finds that it is in the interests of the public to do
42 so.
43 3. The department will implement a process for performance
44 improvement when a licensee is found to have repeated
45 violations under this chapter and process will be detailed in the
46 department's published standards up to revocation. A decision
47 to revoke a license may be appealed to the Assembly.
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49 **16.125.090 – Enforcement.**
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- 1 A. *Inspections.* The director or designee shall have the authority, upon
2 showing proper credentials and at reasonable times, to enter upon any
3 and all parts of the premises in a homeless or transient shelter to
4 examine and investigate its sanitary condition and to determine
5 whether any provisions of this chapter are being violated. Refusal to
6 allow inspections may be grounds for license suspension.
- 7 B. Compliance notice; plan of improvement.
- 8 1. If the department has reasonable cause to believe that a
9 violation of an applicable provision of this chapter, statute or
10 regulation has occurred, the department shall provide a
11 compliance notice to the licensee of the violation(s) and an
12 opportunity to cure the violation within a reasonable time
13 specified by the department. The notice must include a
14 description of the violation(s), statement that the licensee may
15 submit a written response to the report, any department
16 requirement that the licensee submit a written response to the
17 report, a description of any subsequent enforcement action the
18 department intends to take. The compliance notice may
19 require the licensee to be subject to a plan of improvement.
- 20 2. If the department requires the licensee to be subject to a plan
21 of improvement, the licensee shall submit a plan for corrective
22 actions to the department within the time specified in the
23 compliance notice. The department may accept the corrective
24 action plan and inspect the shelter to verify the violations have
25 been cured, or may serve the licensee with a plan of
26 improvement describing the corrective actions the licensee is
27 required to take, changes to its policies and procedures, and
28 other requirements of the licensee to satisfy the plan. The
29 licensee shall cooperate with the department for follow up
30 inspections and plan requirements. The department may
31 release the licensee from a plan of improvement upon
32 satisfactory completion of its requirements and curing the
33 violations in the compliance notice. The department may, at
34 any time, for violations identified on a compliance notice or
35 during the course of oversight under a plan of improvement,
36 issue a notice of violation, or commence a license suspension
37 or revocation action. The licensee may appeal to the director in
38 writing to be released from a plan of improvement, such appeal
39 hearing before the director shall be conducted under chapter
40 3.60.
- 41 C. *Notice of violation.* If it is determined at any time that the requirements
42 of this chapter have been violated, the department shall notify the
43 licensee of the violations by means of an inspection report form or
44 other written notice. This written notice shall set forth the specific
45 violations, establish a reasonable period of time for correction of the
46 violations and state that failure to comply with any notice issued in
47 conformance with the provisions of this chapter will subject the
48 licensee to fines, a plan of improvement, suspension or revocation of
49 the license. Violations of the provisions of this chapter subject the
50 violator to a civil penalty as set forth in Section 14.60.030, or, if no
51 penalty is included in Section 14.60.030, a civil fine not to exceed

1 \$300.00.

- 2 D. *Service of notice of violation.* Notices provided for under this section
3 shall be properly served when delivered personally to the licensee or
4 to the person in charge on the premises, or when sent by registered
5 or certified mail, return receipt requested, to the last known address of
6 the licensee. A copy of such notice shall be filed with the department.
- 7 E. *Suspension or revocation of license.* The decision to suspend or
8 revoke a license shall be made following an administrative hearing
9 open to the public, upon at least ten day notice, before the director.
10 Revocation, rather than suspension, may be ordered when the
11 violations found to exist are either numerous, repetitive of previous
12 violations of the same or other provisions of this chapter, or of such a
13 nature as to pose a serious threat to the health or well-being of the
14 shelter clients or other persons or property. The director shall issue
15 findings of fact to support a decision pertaining to the suspension or
16 revocation. Hearings under this section may, at the option of the
17 director, be conducted by an administrative hearing officer designated
18 by the director. If the director elects to refer the matter to an
19 administrative hearing officer, the hearing officer shall conduct the
20 hearing and prepare findings and conclusions. These findings and
21 conclusions must be forwarded to the director for adoption,
22 modification or rejection and issuance of a final order or decision by
23 the director.
- 24 F. *Immediate suspension of permit.* If violations of this chapter or
25 applicable law pose an immediate threat to the health or well-being of
26 persons or property, the director may suspend a permit pending the
27 conduct of an administrative hearing open to the public or suspension
28 or revocation, provided, however, the immediate suspension shall
29 expire if an administrative hearing open to the public is not held
30 thereon within ten days of the date of suspension.
- 31 G. *Authority to prescribe additional regulations.* The director shall enforce
32 the provisions of this chapter and shall promulgate and enforce rules
33 and regulations upon due notice, as he deems necessary, to carry out
34 the intent of this chapter. Such rules and regulations shall, upon
35 approval of the assembly, become a part of and subject to the
36 provisions of this chapter.

37
38 **16.125.095 – Appeals.**

- 39
40 A. An appeal from a decision of the department or director under this
41 chapter that affects the license status, such as suspension, denial,
42 revocation, or requiring a plan of improvement, shall be within the
43 jurisdiction of the administrative hearings officer as provided in Title
44 14, section 14.20.020A.2., whom is hereby designated to hear and
45 decide such appeals. Hearing procedures shall be conducted in
46 accordance with chapter 3.60. A notice of appeal shall be submitted
47 on a form provided by the department and filed with the director, who
48 shall forward the notice to the administrative hearings office. A notice
49 of appeal must be filed with the director within 15 days after receipt of
50 the notice of the enforcement action or of the date of notice of the
51 department decision for other actions.

- B. A fine or penalty imposed under this chapter may be appealed to the administrative hearing officer under title 14.

16.125.100 – Definitions.

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

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

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

- A. The new license application requirements that may be unduly burdensome or impossible for the operator to meet within a 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. 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