

AHD CHAPTER 16.125 – HOMELESS AND TRANSIENT SHELTER LICENSING comments

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Hello Meg,

I appreciate the assembly workgroup's interest in improving the system of services associated with persons experiencing homelessness, and recognize that CHAPTER 16.125 – HOMELESS AND TRANSIENT SHELTER LICENSING is an effort to move forward with that intent. Thank you for the opportunity to weigh in on this draft document and process.

As a point of reference, there are many minute details that AHD, as the possible enforcement agency for the MOA, would want to discuss and have clarified. However, the following written comments are more global, separated by broader categories of query and interest.

Alignment and equity: do these regulations align to other MOA regulations, and when they differ, what is the rationale beyond the individuals they serve?

- Timeline to implement- How does the proposed timeline from draft to passing compare to other new regulations? How does this public process compare to processes when other new regulations have been brought into being and/or updated?
- Public hearing process- while this may be similar to the CUP process and/or the one marijuana distributors use, it is quite different than the process for Child Care Licensing. Considering the extremely volatile and politicized nature of this service sector, making hearings of this nature public, rather than running it through the Administrative Hearing Office, potentially provides a platform for ridicule and rancor. It would be recommended to explore alternative options.
- Assembly level of involvement - the level of involvement of Assembly into this process (to request reports of violations, hold hearings, and/or apply additional sanctions into work plans) seems to set it apart from other AHD regulations, and in that way, could be seen as burdensome and/or discriminatory. Understanding the rationale to borrow the marijuana distributor framework instead of Child Care Licensing could help develop processes. Having elected, not appointed officials, with oversight of these outcomes risks an objective and equitable responses.
- Lack of investigation and inspection standards- with few investigation standards, revocation processes could be hindered. Drafted inspection standards are slim, stating items that would typically be found in an application process. Items one might expect as inspection standards would be focused on participant safety, both environmentally and through staff interactions. Without a series of non-compliances about participant safety, the revocation process becomes more difficult. It would be difficult to close a facility down for "pose[ing] a serious threat to the health or well-being of the shelter clients or other persons or property" without standards focused on the health and well-being of participants.
- Funding support to meet standards- both Child Care Licensing and ESG are governmentally imposed transactional standards: providers follow those types of standards to ensure quality programming though receive financial support to do so. That is not true in this case. Not all providers required to participate in licensing will have access to funding to support the

required licensing process and quality improvement.

Provider burden: though it may not be the intent of these regulations, there is potential for this process to burden providers related to cost and human capital.

- Timeline and costs of process will be an important consideration. Has the Assembly investigated costs shouldered by providers to go through the Conditional Use Permit (CUP) process? Regulatory compliance such as background checks throughout the organization will increase costs, and there is often a significant lag time to receive results that may negatively affect hiring practices. Are the insurance requirements in alignment with threshold norms, or will this licensing process increase costs?
- Sequence of process unclear. Is there an intention of sequence, or which comes first: CUPs or license application? If there are costs on either side, what level of risk are we asking providers to take and are they going to be willing to take those risks to provide a public service?

Unintentional decrease in shelter system capacity: it is hard to know for sure at this moment in time, which is why more provider coordination should occur, but space limitations and the burdensome nature of these regulations could minimize the amount of PEH served.

- Loss of (future) capacity to maintain 6-ft separation as proposed; perhaps use [the 2018 Infection Control in Homeless Shelters in the State of Alaska](#) as a guide.
- Fiscal risk. Compared to other business ventures, like alcohol and marijuana distributors, who stand to make a significant profit at the end of their licensing process, shelter providers are not in a profit-seeking structure. The initial capital investment has a financial benefit once achieving licensing that bears a cost/benefit analysis. This may not be true for future providers.
- Some providers currently providing services (some outside of their core service) may decide to stop delivering services. In October 2020, at least two providers publicly stated that they would stop sheltering this population if required to comply. When the MOA is working to generate a realistic stepdown plan from Emergency Operations Center Mass Care, increasing the risk of decreasing the shelter system capacity is a significant concern.

Background checks: In addition to potentially being slow and/or fiscally burdensome, these regulations could threaten removing the “ladder out” employment opportunities many providers allow for in having previous participants become staff.

- Client vulnerability vs. strength of clients as future staff. The identified vulnerability of participants is clearer when talking about children through Child Care Licensing or adults with fewer abilities through Assisted Living Facilities. Are the background check requirements for all facilities and all clients? Clarification about the motivation for background checks could be helpful. Moreover, weighing out that motivation to the benefits of staff with lived experience (who may be barred from employment by currently drafted license requirements) would be important.

Human capital is required to initiate and maintain licensing requirements: AHD firmly believes that 2-3 staff will be required to start this program and maintain it over time.

- There will be a heavy lift in the initial investment to establish these processes and workflows, from creating applications and inspection checklists to refining inspection and investigation procedures to offering support on provider policies and procedures and AHD-produced guidance. Therefore, there needs to be at least a supervisor and a coordinator to do this work, though two coordinators would be more realistic.
- Relationships required to be an effective compliance officer are time intensive; providers need to trust that you understand them and their services to actively work with you on improvement plans as needed and can self-report on non-compliance issues.
- When there are problems, they are incredibly time-intensive, be that inspection, re-

- inspection, improvement planning, investigations, revocation processes, etc.
- AHD formally requests a Summary of Economic Impacts as it relates to this oversight role.

Again, thank you for the opportunity to provide feedback. We look forward to discussing the licensing process and will work to accommodate the opportunity to connect further.

Respectfully,



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