

\*\*\* DRAFT 3-25-21 \*\*\*

**ANCHORAGE, ALASKA**  
**AO No. 2020-\_\_\_\_\_**

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.**

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5  
6 **WHEREAS,**

7  
8 **WHEREAS,** ; now, therefore,

9  
10 **THE ANCHORAGE ASSEMBLY ORDAINS:**

11  
12 **Section 1.** Anchorage Municipal Code is hereby amended by adding a new  
13 chapter, 16.125, to read as follows:

14  
15 **CHAPTER 16.125 – HOMELESS AND TRANSIENT SHELTER LICENSING**

16  
17 **16.125.001 – Purpose and intent.**

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

31  
32 **16.125.002 – Powers of the department.**

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

- 1 4. Entering into contracts and agreements necessary to carry out
- 2 the functions, powers, and duties of the department under this
- 3 chapter.
- 4 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 6. Enforcing requirements of this chapter.

11  
12 **16.125.005 – License required.**

- 13  
14 A. A homeless and transient shelter may not operate within the
- 15 municipality after                     (date)                     unless it has obtained the
- 16 applicable annual homeless and transient shelter license from the
- 17 municipality for the premises and the license remains in effect in
- 18 conformity with the provisions of this chapter. Upon approval by the
- 19 assembly, the director will issue the following homeless and transient
- 20 shelter licenses under this chapter:
- 21 1. A low barrier overnight shelter license, in accordance with
  - 22 section 16.125.010.
  - 23 2. A high barrier overnight shelter license, in accordance with
  - 24 section 16.125.015.
  - 25 3. A transitional living facility license, in accordance with section
  - 26 16.125.025.
  - 27 4. A day shelter license, in accordance with section 16.125.030.
- 28 B. Any homeless and transient shelter license issued under this chapter
- 29 is for three years and renewal shall be for three years thereafter.
- 30 However, if the license was suspended, subject to a plan of
- 31 improvement, or the applicant or licensee previously held a shelter
- 32 license that was revoked, the director may establish a shorter duration
- 33 for the renewed license.
- 34 C. The municipality will issue only one overnight homeless shelter or
- 35 transient license for a single premise. These facilities may also have
- 36 a day shelter license.
- 37 D. Excluded facilities. The following facilities are not subject to this
- 38 chapter:
- 39 1. An assisted living facility, correctional community residential
  - 40 center, or habilitative care facility, as those uses are defined in
  - 41 Title 21, section 21.05.030B., unless such facility also operates
  - 42 a homeless or transient shelter collocated on the property.
  - 43 2. An emergency shelter operated for purposes of housing eight
  - 44 (8) or less persons, not including on-site residential staff, for
  - 45 purposes of sheltering victims of domestic violence or crime for
  - 46 the immediate safety and well being of the individual.
  - 47 3. An emergency shelter operating only under authority of chapter
  - 48 16.120 does not require a homeless and transient shelter
  - 49 license under this chapter. The director may determine an
  - 50 emergency shelter's actual operations subject it to the license

1 requirement of this chapter, and if so determined shall give  
2 notice to that emergency shelter of the requirement to obtain a  
3 license under this chapter.  
4

5  
6 **16.125.010 – Low barrier overnight shelter license.**  
7

- 8 A. A low barrier overnight shelter is a homeless and transient shelter that  
9 has very limited admission requirements and is open to all who seek  
10 services. Low barrier shelters may have minimum requirements for  
11 handling behavior and medical needs of the clients. Admission to a  
12 person may be denied only for good cause. Compliance with basic  
13 behavioral standards of conduct may be required.  
14 B. In addition to the other operating standards of this chapter, a low  
15 barrier shelter shall have  
16 1. a security plan for handling incidents of assault or other  
17 physical violence  
18 2. a plan for screening persons admitted under the influence of  
19 alcohol or controlled substances and providing for their  
20 immediate needs;  
21 3. [PROVIDERS tell us what else should go in here, Check what  
22 are their behavioral standards?]  
23  
24

25 **16.125.015 – High barrier overnight shelter license.**  
26

- 27 A. A high barrier overnight shelter is a homeless and transient shelter  
28 that has substantive admission requirements an individual must meet  
29 to be admitted such as requiring attendance of religious services,  
30 demonstrating sobriety upon entry, abstention during the stay, or  
31 attending educational or vocational instruction.  
32 B. A high barrier shelter shall list all admission requirements that would  
33 bar entry to the shelter on its application and in its operations plan.  
34 C. [PROVIDERS: what barrier standards currently in place?]  
35  
36

37 **16.125.020 – Runaway overnight shelter license.**

38 [FOR DISCUSSION PURPOSES – MAY BE EXCLUDED  
39 FROM MOA LICENSING]  
40

41 A runaway overnight shelter license shall hold a current valid state license  
42 for a residential program pursuant to AS 47.10.310 and regulations  
43 thereunder. In addition to the state requirements, a runaway overnight  
44 shelter shall:

- 45 A. Adopt and enforce a good neighbor policy;  
46 B. Apply for a license or renewal thereof as set forth in 16.125.045B; and  
47 C. Meet the minimum standards set forth in 16.125.060.  
48  
49

50 **16.125.025 – Transitional living facility shelter license.**

1  
2 A transitional living facility provides temporary shelter for an extended period  
3 with active services to assist homeless persons and families to prepare for  
4 and obtain permanent housing.

5  
6 **16.125.030 – Day shelter license.**

7  
8 A day shelter is a facility which provides services or undertake activities to  
9 advance the welfare of individuals experiencing homelessness and others in  
10 need, such as food or clothing distribution, job or life skills counseling or  
11 training, connections and on-site engagement with appropriate social  
12 services and public assistance providers, planning for more permanent  
13 housing and employment, and the like. A day shelter may provide for basic  
14 medical needs.

15  
16 **16.125.035 – Posting of license.**

17  
18 Each licensee of a homeless and transient shelter licensed under this chapter  
19 shall post the homeless and transient shelter license prominently in a  
20 conspicuous place at or near the entrance to such shelter so that it may be  
21 easily read at any time.

22  
23 **16.125.040 – License conditions and restrictions; surrender of license.**

24  
25 A. The municipality will issue each homeless and transient shelter  
26 license for a specific location identified on the license as the licensed  
27 premises. A homeless and transient shelter must have a right to  
28 possession of its licensed premises at all times, and may lease its  
29 licensed premises to another person or entity for related provision of  
30 services. Modifications to the size of a licensed premises are allowed  
31 in accordance with sections 16.125.xxx and 21.xx.xxx.

32  
33 B. The municipality will not issue a homeless and transient shelter license  
34 1. for premises which do not meet the requirements of Title 21.  
35 Designated emergency shelters under Chapter 16.120 must  
36 meet the requirements of Title 21 exclusive of their emergency  
37 shelter designation in order to receive a license.

38  
39 2. to any person(s) if the applicant or any of the applicant's  
40 officers, directors, partners, operators, employees, or any other  
41 person involved in the operation of the homeless and transient  
42 shelter has been convicted of a barrier crime pursuant to 7 AAC  
43 10.905, unless granted a waiver by the Director.

44  
45 3. to a person unless the person is qualified to do business in the  
46 state.

47  
48 C. The assembly may impose conditions or restrictions on a license  
49 issued under this chapter in addition to those in this chapter should it  
50 find that it is in the interests of the public to do so.

- 1  
2 D. The holder of a homeless and transient shelter or day shelter license  
3 that ceases to operate the shelter under that license for more than 6  
4 months shall surrender the license to the director or designee within  
5 ten days.  
6  
7 E. A license under this chapter must be surrendered to the director or  
8 designee.  
9

10 **16.125.045 – Application for new license.**  
11

- 12 A. An applicant for any new homeless and transient shelter license must  
13 submit to the director a municipal homeless and transient shelter  
14 license application, which shall be submitted on a form prescribed by  
15 the director, and which shall provide the director with all information  
16 necessary to ensure that the applicant complies with the standards in  
17 this chapter. However, if the applicant is also required to apply for a  
18 special land use permit then the application shall be submitted to the  
19 planning department such information shall include, but is not limited  
20 to:  
21 1. The name, address, telephone number, and principal  
22 occupation of the applicant and any other person who will be  
23 directly managing the shelter;  
24 2. The name, address, and telephone number of the shelter;  
25 3. If the applicant is not the owner of record of the real property  
26 proposed for the licensed premises, the name and address of  
27 the owner of the real property upon which the homeless and  
28 transient shelter is, or will be, located and a letter authorizing  
29 use of the property for a transient or homeless shelter. If the  
30 proposed premises are in a building or structure owned by a  
31 person other than the owner of the underlying real property,  
32 only the authorization of the building or structure owner is  
33 required;  
34 4. An affidavit that identifies all owners, officers, members,  
35 managers, or partners of the applicant, and for each of them  
36 that holds majority ownership or control a criminal background  
37 check in accordance with section 16.125.055;  
38 6. Attested copies of any articles of incorporation, bylaws,  
39 operating agreement, partnership agreement, or articles of  
40 association that govern the entity, if any, that will own and  
41 operate the homeless and transient shelter;  
42 7. The name of the community council area in which the proposed  
43 licensed premises is to be located;  
44 8. A sworn statement from the applicant that the premises are in  
45 compliance with the Anchorage Municipal Code and a sworn  
46 statement that the applicant will, in the conduct and operation  
47 of the homeless and transient shelter, comply with all  
48 applicable laws;  
49 9. A criminal background check in accordance with section  
50 16.125.055 on each applicant. A sworn statement attesting

- 1 that the applicant has no convictions for a barrier crime in the
- 2 ten years preceding the application date;
- 3 10. A sworn statement that a criminal background check will be
- 4 performed for any officer, director, employee, agent, volunteer,
- 5 or any other person having direct contact with a minor at the
- 6 shelter, and at least every two years thereafter;
- 7 [PROVIDERS; how broad the background check, how often to update]
- 8 12. If the applicant has ever had a license or permit for providing a
- 9 shelter or group living facility revoked or suspended in this or
- 10 any other jurisdiction, the reasons therefore, and the business
- 11 activity or occupation of the applicant subsequent to the
- 12 suspension or revocation;
- 13 13. A sworn statement that no applicant owes past-due taxes, fees,
- 14 or fines to the municipality;
- 15 14. A statement on whether the applicant seeks a new license for
- 16 a homeless and transient shelter and any evidence to show that
- 17 the applicant can qualify for a license;
- 18 15. A copy of the rules of conduct, policies and procedures, and
- 19 operating plan for the shelter, including, but not limited to,
- 20 support services to be provided, projected staffing level, and
- 21 the proposed maximum stay;
- 22 16. A copy of a good neighbor policy that details the applicant's
- 23 plan for community communication, minimizing neighborhood
- 24 impacts, including policing of trash and loitering on or near the
- 25 premises.
- 26 17. A copy of a current land use application initiated for the proposed
- 27 shelter or, if previously approved then the conditional use
- 28 permit for the premises as applicable under Title 21.
- 29 18. A profile description of the targeted population that will be
- 30 served at the shelter;
- 31 19. Proof of any other business or food license needed to operate
- 32 the homeless and transient shelter as proposed;
- 33 20. Proof of insurance for the premises and the business, in
- 34 compliance with AMC section 16.125.100;
- 35 21. Such other relevant information as the director may require;
- 36 and
- 37 22. An oath or affirmation that the information provided on the
- 38 application is true.
- 39 B. In addition to the information in subsection A., an applicant for a
- 40 runaway shelter license must have submitted to the State Department
- 41 of Health and Social Services an application deemed completed by
- 42 the Department for a state runaway shelter license, and must file with
- 43 the director a copy of all materials the applicant submitted to the State
- 44 Department and Social Services in accordance with 7 AAC 50.030. An
- 45 applicant must initiate a new runaway shelter license application only
- 46 after submitting to the State and Social Services a complete
- 47 application for a related runaway shelter license.
- 48 C. The applicant carries the burden of proof to show the required
- 49 qualifications for a homeless and transient shelter license are met.
- 50

- 1 D. When the director receives an application for a homeless and transient  
2 shelter license, the director shall determine if the application is  
3 complete. If the director determines the application is complete, the  
4 municipality shall, as soon as is practicable, give written notice to the  
5 applicant and shall provide for mailed, posted, published, and  
6 community council notice in the manner required by AMC section  
7 21.03.020H. When a special land use permit is not required due to a  
8 current permit in place or nonconforming rights, notice is still required  
9 and references to the director shall be to the health department  
10 director.
- 11 F. If an application for a homeless and transient shelter license is  
12 incomplete, the director shall notify the applicant by electronic mail at  
13 the address provided by the applicant, and
- 14 1. Return an incomplete application in its entirety to the  
15 applicant; or
  - 16 2. Request the applicant to provide additional identified  
17 items needed to complete the application.
- 18
- 19 G. When the director informs an applicant that its application is  
20 incomplete, as provided in subsection E., the applicant must complete  
21 the application not later than 90 days after the date of the director's  
22 notice. If an applicant fails to complete its application during the 90-  
23 day period after the director's notice, the applicant must file a new  
24 application.
- 25 H. If an applicant maintains an accreditation...Reserved  
26 [Providers: get information/feedback from providers and depts  
27 on how this could/should interplay with application process]

28

29 **16.125.050 – Application for a renewal of license.**

30

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

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



1 revoke a license.  
2  
3

4 **16.125.055 - Criminal history and background checks.**  
5

6 A criminal history and background check required by this chapter must be  
7 provided in compliance with this section. The requirement may be met by  
8 providing the results and report of either a fingerprint based criminal  
9 background check from the Alaska Department of Public Safety, or a third-  
10 party primary source locator background check.  
11

- 12 A. A fingerprint based criminal background check obtained through the  
13 Alaska Department of Public Safety, which shall:
- 14 1. Include processing through the Alaska automated fingerprint  
15 system;
  - 16 2. Include a national criminal history record check and review of  
17 the United States Department of Justice National Sex Offender  
18 database;
  - 19 3. Be processed by the Alaska Department of Public Safety with  
20 the applicant to pay all fees requested for Federal Bureau of  
21 Investigation processing of fingerprints, and processing of  
22 information requests including fees for contacting other  
23 jurisdictions to determine the disposition of an out-of-state  
24 arrest or to clarify the nature of an out-of-state conviction; and
  - 25 4. Have been produced less than 60 days from submission to the  
26 director and not be altered or marked by any person other than  
27 authorized employees or agents of the Alaska Department of  
28 Public Safety or the municipality, except that any sealed  
29 records or reports of the same shall be excluded from the  
30 submission.
- 31 B. A third-party primary source locator background check shall be local  
32 and national in scope and review:
- 33 1. A multi-state or multi-jurisdiction criminal records locator or a  
34 similar commercial nationwide database with validation; and
  - 35 2. The United States Department of Justice National Sex Offender  
36 Public Website;
- 37 C. The director may require additional information, including, but not  
38 limited to, the date, location, and nature of any crime of conviction that  
39 appears in the criminal history and background check report.
- 40 D. The director shall review requests for a waiver of the prohibition on  
41 barrier crimes restriction submitted to the department. The director  
42 may approve a waiver if the director determines the person for whom  
43 the waiver is requested demonstrated sufficient rehabilitation or  
44 recovery since the conviction, the risk of harm from the waiver  
45 applicant to clients or others is sufficiently mitigated, and the director  
46 is satisfied client safety is not compromised by granting the waiver. A  
47 waiver application may include supporting statements and  
48 recommendations from persons familiar with the applicant, proof of  
49 completion of a program of rehabilitation or counseling, and any other  
50 information supporting the waiver. An appeal from a decision of the

1 director on a variance application shall be afforded in accordance  
2 with section 16.125.220.  
3

4 **16.125.060 Approval of license: application review, inspections, .**  
5

- 6 A. The department shall issue a license to the applicant if the department  
7 finds, after inspection and investigation:
- 8 1. The shelter facility and premises, together with the operating  
9 plan demonstrate the shelter complies with the requirements  
10 and procedures of this chapter, including background checks  
11 or waivers;
  - 12 2. The applicant has paid all applicable fees; and
  - 13 3. The shelter complies with other applicable local, state, and  
14 federal laws and regulations.
- 15 B. If the department determines the application cannot meet the  
16 requirements of this chapter or of other applicable law, the department  
17 shall deny the application and inform the applicant in writing of the  
18 reasons for denial. The department shall deny the application if
- 19 1. the applicant, any individual on the application as a licensee, or  
20 any officer, director or managing member of the applicant, was  
21 convicted of a barrier crime within the barrier time period and  
22 the director has not approved a waiver.
  - 23 2. The application does not demonstrate the shelter can protect  
24 the safety and well being of clients in its care, or maintain the  
25 minimum standards of care, health and safety required under  
26 this chapter for the duration of the license term.
- 27 C. Notwithstanding the remainder of this section, where the director  
28 determines that the interest of the public would be best served  
29 thereby, a conditional approval of the license may be granted, pending  
30 compliance with specified requirements within a specified reasonable  
31 period of time. Noncompliance within the time specified may result in  
32 denial, or, if the director determines the applicant can meet the  
33 requirements of this chapter with modifications or corrective measures  
34 in the application, in placing the applicant under a plan of improvement  
35 under section 16.125.210.  
36

37 **16.125.065 - Operations under an approved license.**  
38

- 39 A. The Department shall publish guidance to assist licensees to comply  
40 with the standards that shall govern the operations of homeless and  
41 transient shelters.
- 42 1. The published guidance shall be reviewed not less than every  
43 X years utilizing a process that includes inviting input from  
44 stakeholders, community councils, homeless and transient  
45 shelter providers, and through additional community outreach.
  - 46 2. 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. ~~shall be submitted to the~~  
49 ~~Assembly for approval.~~

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

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

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

20 a. Structure and materials. Delete from the ESG Standards  
21 the requirement to use Energy Star and Water Sense  
22 products and appliances in any renovation.

23 b. Access.

24 c. Space and security.

25 i. Lockers or other secure forms of storage for  
26 clients to store personal belongings shall be  
27 provided.

28 ii. Appropriate window coverings to ensure client  
29 comfort and privacy shall be installed and  
30 maintained.

31 iii. Sleeping areas shall provide a minimum of 6 feet  
32 of lateral separation between each client's  
33 bedding, and a minimum vertical separation of  
34 3.5 feet between the top of a bed frame to the  
35 lowest hanging section of an overhead object.  
36 The separation distances may be relaxed for  
37 members of the same family unit or household.  
38 Cribs, cradles, and bassinets may encroach on  
39 separation space if arranged in a manner that  
40 minimizes spread of communicable disease,  
41 does not block walking paths or sightlines, and  
42 does not endanger clients.

43 iv. In addition to the sleeping area, each client shall  
44 be provided a minimum of 50 gross square feet  
45 of personal living space not including common  
46 areas.

47 d. Interior air quality.

- 1 e. Water supply.
- 2 f. Sanitary facilities. There shall be separate restroom
- 3 facilities for men and women, and at least one restroom
- 4 facility for private use by one individual at a time.
- 5 Number of restrooms. Shower facilities may be used by
- 6 all genders, but use by men and by women shall be
- 7 segregated by time or with separate facilities. There
- 8 shall be a plan for providing private use of shower
- 9 facilities by one individual as needed. The number of
- 10 restrooms and showers, and minimum number of
- 11 fixtures of each, may be determined by the director and
- 12 published in the guidance.
- 13 g. Thermal environment.
- 14 h. Illumination and electricity.
- 15 i. Food preparation. Food preparation shall be in
- 16 accordance with the Anchorage Food Code, chapter
- 17 16.60.
- 18 j. Sanitary conditions.
- 19 k. Fire safety.
- 20 3. Written policies for client rights and conduct.
- 21 4. A policy and procedure for requiring any employee or agent of
- 22 the licensee to obtain a background check and have it reviewed
- 23 prior to being employed at the shelter in any capacity where the
- 24 person is responsible for care or safety of clients, and for
- 25 prohibiting any employee or agent convicted of a barrier crime
- 26 within the barrier time from working directly with clients of the
- 27 shelter or being responsible for any client's care or safety. The
- 28 procedures may include requesting a waiver from the barrier
- 29 crime prohibition for an individual employee or agent. All such
- 30 requests for a waiver must be approved by the director before
- 31 such employee or agent may be employed at the shelter in any
- 32 capacity where the person is responsible for care or safety of
- 33 any client.
- 34 C. reserved.

#### 16.125.070 – Minimizing neighborhood impacts

- 38 A. Shelter Commitment
- 39 1. Good Neighbor Policy Requirements.
- 40 2. other
- 41 B. Municipality of Anchorage Commitment
- 42 1. No tolerance for unlawful loitering, soliciting in streets or
- 43 roadways, or unauthorized camping within 1/4 mile of the
- 44 Shelter.
- 45 2. other

#### 16.125.075 – Variances and waivers.

- 1 A. A homeless and transient shelter may apply to the director for a  
2 variance or waiver from the standards and requirements of this  
3 chapter.  
4 B. The department may waive a provision of this chapter if it determines  
5 that the health and protection of the public and the satisfaction of the  
6 purpose of the provision is reasonably assured and the requirements  
7 of applicable state and federal law are satisfied.  
8 C. An application for a waiver shall be made in writing to the department  
9 and shall include:  
10 1. Identification of the Code requirement for which the waiver is  
11 requested;  
12 2. Reasons why the provision cannot be met or would create an  
13 undue hardship; and  
14 3. A description of the alternative method proposed for meeting  
15 the purpose of the provision for which the waiver is being  
16 requested.  
17 D. For waivers from the background checks and barrier crime  
18 requirements, see section 16.125.055D.  
19

20 **16.125.100 – Insurance requirements.**  
21

- 22 A. A homeless and transient shelter shall maintain insurance coverage  
23 at all times as required by this section. It is unlawful to provide shelter  
24 services regulated by this chapter without the required insurance  
25 coverage in effect.  
26 B. A homeless and transient shelter shall maintain comprehensive  
27 general liability insurance, including transportation coverage, if  
28 applicable, with a company authorized to write insurance policies in  
29 the state of Alaska, in an amount not less than:  
30 1. \$500,000.00 per occurrence, and \$500,000.00 aggregate, for  
31 a facility licensed for nine through forty clients;  
32 2. \$1,000,000.00 per occurrence, and \$2,000,000.00 aggregate,  
33 for a center licensed for 41 or more children.  
34 C. The insurance policies required by this section shall contain a clause  
35 obligating the insurer or surety to give the director written notice no  
36 less than 30 days before the cancellation, expiration, nonrenewal,  
37 lapse, or other termination of such insurance. A lapse, cancellation,  
38 expiration, nonrenewal, or termination of insurance coverage shall  
39 automatically require the licensee to cease operations and services  
40 for so long as the insurance required by this section is not in effect.  
41 The insurance policy shall list as a certificate holder:  
42  
43 Municipality of Anchorage  
44 Anchorage Health Department  
45 P.O. Box 196650  
46 Anchorage, Alaska 99519  
47  
48 D. Verification of the insurance policies. The shelter shall provide written  
49 proof of a policy required by this section with the initial application,  
50 whenever the policy is renewed, and when the shelter's license from

1 the municipality is renewed.

- 2
- 3 E. A shelter that has insurance expire, lapse or otherwise terminate while
- 4 it was continuing to provide shelter or day services shall be subject to
- 5 plan of improvement under section 16.125.210, or to closure by order
- 6 of the director.
- 7

8 **16.125.120 – Miscellaneous provisions.**

9

- 10 A. Discounted development fees. Upon approval of the director, a
- 11 shelter with a completed application and undergoing construction,
- 12 reconstruction, renovation or redevelopment according to plans
- 13 approved by the planning department or development services
- 14 department as applicable, may have fees for permits, inspections, and
- 15 other development services discounted by up to 25%.
- 16 B. Duty to keep information current. It shall be the responsibility of the
- 17 licensee to file with the director a notice of any change in the address
- 18 or phone number of the licensee and the shelter from the information
- 19 provided in a new or renewal license application, or from a previous
- 20 notice of change, within 15 days of such change.
- 21

22 **16.125.200 – Reports to the Assembly; review of licenses.**

23

- 24 A. The department shall provide the Assembly a report of notices of
- 25 violations and other enforcement action taken under the published
- 26 standards and this chapter not less than quarterly.
- 27 1. The Assembly may request a public hearing and review of any
- 28 licensee that has repeated violations under this chapter.
- 29 2. After public hearing and review, the Assembly may impose
- 30 other conditions or restrictions on a license issued under this
- 31 chapter when it finds that it is in the interests of the public to do
- 32 so.
- 33 3. The department will implement a process for performance
- 34 improvement when a licensee is found to have repeated
- 35 violations under this chapter and process will be detailed in the
- 36 department's published standards **up to revocation**. A decision
- 37 to revoke a license may be appealed to the Assembly.
- 38

39 **16.125.210 – Enforcement.**

40

- 41 A. *Inspections.* The director or designee shall have the authority, upon
- 42 showing proper credentials and at reasonable times, to enter upon any
- 43 and all parts of the premises in a homeless or transient shelter to
- 44 examine and investigate its sanitary condition and to determine
- 45 whether any provisions of this chapter are being violated. Refusal to
- 46 allow inspections may be grounds for license suspension.
- 47 B. Compliance notice; plan of improvement.
- 48 1. If the department has reasonable cause to believe that a violation of
- 49 an applicable provision of this chapter, statute or regulation has occurred, the
- 50 department shall provide a compliance notice to the licensee of the

1 violation(s) and an opportunity to cure the violation within a reasonable time  
2 specified by the department. The notice must include a description of the  
3 violation(s), statement that the licensee may submit a written response to the  
4 report, any department requirement that the licensee submit a written  
5 response to the report, a description of any subsequent enforcement action  
6 the department intends to take. The compliance notice may require the  
7 licensee to be subject to a plan of improvement.  
8

9 2. If the department requires the licensee to be subject to a plan of  
10 improvement, the licensee shall submit a plan for corrective actions to the  
11 department within the time specified in the compliance notice. The department may  
12 accept the corrective action plan and inspect the shelter to verify the violations have  
13 been cured, or may serve the licensee with a plan of improvement describing the  
14 corrective actions the licensee is required to take, changes to its policies and  
15 procedures, and other requirements of the licensee to satisfy the plan. The licensee  
16 shall cooperate with the department for follow up inspections and plan requirements.  
17 The department may release the licensee from a plan of improvement upon  
18 satisfactory completion of its requirements and curing the violations in the  
19 compliance notice. The department may, at any time, for violations identified on a  
20 compliance notice or during the course of oversight under a plan of improvement,  
21 issue a notice of violation, or commence a license suspension or revocation action.  
22 The licensee may appeal to the director in writing to be released from a plan of  
23 improvement, such appeal hearing before the director shall be conducted under  
24 chapter 3.60. A decision .  
25

26 B. *Notice of violation.* If it is determined at any time that the requirements  
27 of this chapter have been violated, the department shall notify the  
28 licensee of the violations by means of an inspection report form or  
29 other written notice. This written notice shall set forth the specific  
30 violations, establish a reasonable period of time for correction of the  
31 violations and state that failure to comply with any notice issued in  
32 conformance with the provisions of this chapter will subject the  
33 licensee to fines, a plan of improvement, suspension or revocation of  
34 the license. Violations of the provisions of this chapter subject the  
35 violator to a civil penalty as set forth in Section 14.60.030, or, if no  
36 penalty is included in Section 14.60.030, a civil fine not to exceed  
37 \$300.00.

38 C. *Service of notice of violation.* Notices provided for under this section  
39 shall be properly served when delivered personally to the licensee or  
40 to the person in charge on the premises, or when sent by registered  
41 or certified mail, return receipt requested, to the last known address of  
42 the licensee. A copy of such notice shall be filed with the department.

43 D. *Suspension or revocation of license.* The decision to suspend or  
44 revoke a license shall be made following an administrative hearing  
45 open to the public, upon at least ten day notice, before the director.  
46 Revocation, rather than suspension, may be ordered when the  
47 violations found to exist are either numerous, repetitive of previous  
48 violations of the same or other provisions of this chapter, or of such a  
49 nature as to pose a serious threat to the health or well-being of the  
50 shelter clients or other persons or property. The director shall issue

1 findings of fact to support a decision pertaining to the suspension or  
2 revocation. Hearings under this section may, at the option of the  
3 director, be conducted by an administrative hearing officer designated  
4 by the director. If the director elects to refer the matter to an  
5 administrative hearing officer, the hearing officer shall conduct the  
6 hearing and prepare findings and conclusions. These findings and  
7 conclusions must be forwarded to the director for adoption,  
8 modification or rejection and issuance of a final order or decision by  
9 the director.

- 10 E. *Immediate suspension of permit.* If violations of this chapter or  
11 applicable law pose an immediate threat to the health or well-being of  
12 persons or property, the director may suspend a permit pending the  
13 conduct of an administrative hearing open to the public or suspension  
14 or revocation, provided, however, the immediate suspension shall  
15 expire if an administrative hearing open to the public is not held  
16 thereon within ten days of the date of suspension.
- 17 F. *Authority to prescribe additional regulations.* The director shall enforce  
18 the provisions of this chapter and shall promulgate and enforce rules  
19 and regulations upon due notice, as he deems necessary, to carry out  
20 the intent of this chapter. Such rules and regulations shall, upon  
21 approval of the assembly, become a part of and subject to the  
22 provisions of this chapter.

#### 23 **16.125.220 – Appeals.**

- 24
- 25
- 26 A. An appeal from a decision of the department or director under this  
27 chapter that affects the license status, such as suspension, denial,  
28 revocation, or requiring a plan of improvement, shall be within the  
29 jurisdiction of the administrative hearings officer as provided in Title  
30 14, section 14.20.020A.2., whom is hereby designated to hear and  
31 decide such appeals. Hearing procedures shall be conducted in  
32 accordance with chapter 3.60. A notice of appeal shall be submitted  
33 on a form provided by the department and filed with the director, who  
34 shall forward the notice to the administrative hearings office. A notice  
35 of appeal must be filed with the director within 15 days after receipt of  
36 the notice of the enforcement action or of the date of notice of the  
37 department decision for other actions.
- 38
- 39 **B. A fine or penalty imposed under this chapter may be appealed**  
40 **to the administrative hearing officer under title 14.**

#### 41 **16.125.300 – Definitions.**

42

43

44 “Barrier crime” means a criminal offense described in 7 AAC  
45 10.905(a) - (e), as may be amended or modified by the state.

46

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

50



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

- 7
- 8 A. The new license application requirements that may be unduly
- 9 burdensome or impossible for the operator to meet within a
- 10 reasonable time, and a plan to mitigate the effects of such deficiencies
- 11 or to amortize compliance over time.
- 12 B. Identify the operator’s current operations plans that are inconsistent
- 13 with the published standards, and whether the operator is able to
- 14 modify its operations to come into compliance or intends to request a
- 15 variance or waiver.
- 16 C. Establish a timeline for coming into compliance and obtaining either a
- 17 license for permanent use as a shelter or designation for emergency
- 18 shelter under 16.120, not to exceed 24 months for the transition.
- 19

20 **Section x.** This ordinance shall be effective immediately upon passage and  
 21 approval by the Assembly.

22

23 PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day  
 24 of \_\_\_\_\_, 2021.

25

26

27

28 \_\_\_\_\_  
 29 Chair

30 ATTEST:

31

32 \_\_\_\_\_  
 33 Director

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36

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11

Meeting with Meg, 11/20

- Focus on substance and not into the weeds too much
- Renewal process:

Health Dept – punt to them guideline, and reporting directives if number of violations etc, report.

Cross check w general T 16 license requirements

DRAFT