

ANCHORAGE, ALASKA
AO No. 2021-55(S-1), As Amended

**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 **oversight [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 monitoring for compliance ~~[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. **Publishing and adopting rules and regulations reasonable and necessary to carry out the purposes and provisions of this chapter.**
 5. Entering into contracts and agreements necessary to carry out the functions, powers, and duties of the department under this

chapter.

6[5]. Investigating shelters, applicants, administrators, caregivers, licensees, employees of licensees, individuals associated with licensees, and other persons for compliance with this chapter, including such persons or entities the department reasonably believes are operating a shelter with or without a license or who may be in violation of this chapter.

7[6]. Enforcing requirements of this chapter.

16.125.010 – License required.

- A. A homeless and transient shelter may not operate within the municipality after January 1, 2023 unless it has obtained the applicable **[annual]** homeless and transient shelter license or provisional license from the municipality for the premises and the license remains **[in-effect]** in conformity with the provisions of this chapter. Upon approval by the assembly, the director will issue the following homeless and transient shelter licenses under this chapter:
1. An overnight shelter license, in accordance with section 16.125.015.
 2. A day shelter license, in accordance with section 16.125.025.
- B. Any homeless and transient shelter license issued under this chapter is for three years and renewal shall be for three years thereafter. However, if the license was suspended, subject to a plan of improvement, or the applicant or licensee previously held a shelter license that was revoked, the director may establish a shorter duration for the renewed license.
- C. The municipality will issue only one overnight homeless shelter or transient license for a single premise. These facilities may also have a day shelter license. Colocated ~~[Collocated]~~ licenses may be submitted on a single application.
- D. Excluded facilities. The following facilities are not subject to this chapter:
1. An assisted living facility, correctional community residential center, or habilitative care facility, as those uses are defined in Title 21, section 21.05.030B., unless such facility also operates a homeless or transient shelter colocated ~~[collocated]~~ on the property.
 2. An emergency shelter operated for purposes of housing eight (8) or **fewer [less]** persons or an unspecified number within a familial group, not including on-site residential staff, for purposes of sheltering victims of domestic violence or **other** crime for the immediate safety and well being of the individual.
 3. An emergency shelter operating only under authority of chapter 16.120 does not require a homeless and transient shelter license under this chapter. **At the request of an operator, t[T]he director may determine an emergency shelter's actual operations are in substantial compliance with Chapter 16.125 and request the operator to submit a licensure application in accordance with 16.125.040. If approved for operations under 16.125.060, the emergency shelter shall**

1 also be covered under the remaining portions of this
 2 Chapter during the time an emergency is deemed to
 3 authorize operations under 16.120. [subject it to the
 4 license requirement of this chapter, and if so determined
 5 shall give notice to that emergency shelter of the
 6 requirement to obtain a license under this chapter.]
 7

8 **16.125.015 – Overnight shelter license.**

- 9
- 10 A. An overnight homeless and transient shelter means a facility
 11 designed to provide minimum necessities of life on a limited, short-
 12 term basis for individuals and families during periods of dislocation
 13 or emergency pending formulation of longer-term planning. Facility
 14 elements may include providing the physical care required,
 15 including shelter, food, necessary medical and clothing needs,
 16 directly or by referral to appropriate agency; and planning for a
 17 more permanent solution to the problem, including contact with
 18 community resources for housing and employment ~~[in the case of~~
 19 ~~transients]~~.
- 20 B. Overnight shelters may have minimum requirements for handling
 21 behavioral and medical needs of the clients. Admission to a person
 22 may be denied only for good cause. Compliance with basic behavioral
 23 standards of conduct may be required.
- 24 C. An overnight shelter facility may provide day time services at the
 25 same facility consistent with the definition of a day shelter
 26 without a separate application and approval of a day shelter
 27 license.
- 28 D. In addition to the other operating standards of this chapter, a homeless
 29 and transient shelter shall have
- 30 1. a security plan for handling incidents of assault or other
 31 physical violence.
 - 32 2. a plan for screening persons to determine if they are under
 33 the influence of alcohol or controlled substances, and a
 34 plan to provide for their immediate needs if the shelter will
 35 admit such persons ~~[admitted under the influence of~~
 36 ~~alcohol or controlled substances and providing for their~~
 37 ~~immediate needs]~~.

38 **16.125.020 – Runaway overnight shelter license. (Reserved)**

39 **16.125.025 – Day shelter license.**

40

41 A day shelter is a social services facility primarily engaged in providing
 42 [which provides] services or [undertake] activities to advance the welfare
 43 of individuals experiencing homelessness and others in need, such as food
 44 or clothing distribution, job or life skills counseling or training, connections
 45 and on-site engagement with appropriate social services and public
 46 assistance providers, planning for more permanent housing and
 47 employment, and the like. A day shelter may provide for basic medical care
 48 to the clients otherwise being served by the facility, such as first aid
 49 [needs]. A day shelter facility may not provide overnight
 50
 51

1 **accommodation unless it is *colocated* [~~collocated~~] with an overnight**
 2 **shelter and meets requirements of this chapter.** If a day shelter is
 3 ***colocated* [~~collocated~~]** with or on **a [~~an~~]** **site** adjacent **[site]** to **a[n] licensed**
 4 **overnight shelter [license],** the application shall include an operating
 5 **agreement between the shelter types describing how they will coordinate**
 6 **services [space used by both is transitioned each morning and night].**

7
 8 **16.125.030 – Posting of license.**

9
 10 Each licensee of a homeless and transient shelter licensed under this chapter
 11 shall post the **[homeless and transient shelter]** license **[prominently]** in a
 12 conspicuous place at or near the entrance to such shelter so that it may be
 13 easily read at any time.

14
 15 **16.125.035 – License conditions and restrictions; surrender of license.**

16
 17 A. The municipality will issue each homeless and transient shelter
 18 license for a specific location identified on the license as the licensed
 19 premises. A homeless and transient shelter must have a right to
 20 possession of its licensed premises at all times, and may lease its
 21 licensed premises to another person or entity for related provision of
 22 services. Modifications to the size of a licensed premises are allowed
 23 in accordance with this chapter and Title 21.

24
 25 B. The municipality will not issue a homeless and transient shelter license
 26 1. for premises which do not meet the requirements of Title 21.
 27 Designated emergency shelters under Chapter 16.120 must
 28 meet the requirements of Title 21 exclusive of their emergency
 29 shelter designation in order to receive a license.

30
 31 2. to any person(s) if **the applicant, or any individual on the**
 32 **application as a licensee, or any [officer, director or**
 33 **managing member of the applicant, [or any officer, director**
 34 **or managing member of the applicant] [or any of the**
 35 **applicant's officers, directors, partners, operators,**
 36 **employees, or any other person]** *[involved in the operation of*
 37 *the homeless and transient shelter]* has been convicted of a
 38 barrier crime pursuant to 7 AAC 10.905, unless granted a
 39 waiver by the Director.

40
 41 3. to a person **not [unless the person is]** qualified to do business
 42 in **Alaska [the state].**

43
 44 C. The director or the assembly may impose conditions or restrictions on
 45 a license issued under this chapter in addition to those in this chapter
 46 should they find that it is in the interests of the public to do so.

47
 48 D. The holder of a homeless and transient shelter **[or day shelter]**
 49 license that ceases to operate the shelter under that license for more
 50 than 6 months shall surrender the license to the director or designee
 51 within ten days.

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

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

- 6 A. An applicant for any new homeless and transient shelter license must
7 submit to the director a municipal homeless and transient shelter
8 license application, ~~[which shall be submitted]~~ on a form prescribed
9 by the director, and which shall provide ~~[the director with]~~ all
10 information necessary to ensure that the applicant complies with the
11 standards in this chapter. However, if the applicant is also required to
12 apply for a land use permit then the application shall be submitted to
13 the planning department. Required information [such information
14 shall] includes, but is not limited to:

- 15 1. The name, address, telephone number, and principal
16 occupation of the applicant and any other person who will be
17 directly managing the shelter;
18 2. The name, address, and telephone number of the shelter;
19 3. If the applicant is not the owner of record of the real property
20 proposed for the licensed premises, the name and address of
21 the owner of the real property upon which the homeless and
22 transient shelter is, or will be, located and a letter authorizing
23 use of the property for a transient or homeless shelter. If the
24 proposed premises are in a building or structure owned by a
25 person other than the owner of the underlying real property,
26 only the authorization of the building or structure owner is
27 required;
28 4. Attested copies of any articles of incorporation, bylaws,
29 operating agreement, partnership agreement, or articles of
30 association that govern the entity, if any, that will own and
31 operate the homeless and transient shelter;
32 5. The name of the community council area in which the proposed
33 licensed premises is to be located;
34 6. A sworn statement from the applicant that the premises are in
35 compliance with the Anchorage Municipal Code and a sworn
36 statement that the applicant will, in the conduct and operation
37 of the homeless and transient shelter, comply with all
38 applicable laws;
39 7. A criminal background check in accordance with section
40 16.125.050 on the [055 on each] applicant, any individual on
41 the application as a licensee, or any [officer, director or]
42 managing member of the applicant. A sworn statement
43 attesting that the applicant, any individual on the application
44 as a licensee, or any [officer, director or]managing
45 member of the applicant has no convictions for a barrier crime
46 in the ten years preceding the application date or disclosing
47 such convictions;
48 8. ~~[A sworn statement that a criminal background check will~~
49 ~~be performed for any officer, director, employee, agent,~~
50 ~~volunteer, or any other person having direct contact with a~~
51 ~~minor at the shelter, and at least every two years~~

- 1 **thereafter;]**
- 2 **[9].** If the applicant has ever had a license or permit for providing a
- 3 shelter or group living facility revoked or suspended in this or
- 4 any other jurisdiction, **and** the reasons therefore, ~~and the~~
- 5 ~~business activity or occupation of the applicant~~
- 6 ~~subsequent to the suspension or revocation];~~
- 7 **9[10].** A sworn statement that **the [no]** applicant owes **no** past-due
- 8 taxes, fees, or fines to the municipality;
- 9 **10[11].** A copy of the rules of conduct, policies and procedures,
- 10 and operating plan for the shelter, including, but not limited to,
- 11 support services to be provided, projected staffing level,
- 12 **trespass and admission denial criteria, client feedback**
- 13 **collection methods,** and the proposed maximum stay;
- 14 **11[12].** A copy of a good neighbor policy that details the
- 15 applicant's plan for community communication, minimizing
- 16 neighborhood impacts, including policing of trash and loitering
- 17 on or near the premises.
- 18 **12[13].** Evidence of a conditional use permit for the premises or
- 19 that the shelter is permitted to operate at the proposed site as
- 20 applicable under Title 21.
- 21 **13[14].** A profile description of the targeted population that will
- 22 be served at the shelter;
- 23 **14[15].** Proof of any other business or food license needed to
- 24 operate the homeless and transient shelter as proposed;
- 25 **15[16].** Proof of insurance for the premises and the business, in
- 26 compliance with AMC section 16.125. **075[100];**
- 27 **16[17].** Such other relevant information as the director may
- 28 require; and
- 29 **17[18].** An oath or affirmation that the information provided on
- 30 the application is true.
- 31 B. The applicant carries the burden of proof to show the required
- 32 qualifications for a homeless and transient shelter license are met.
- 33 C. When the director receives an application for a homeless and transient
- 34 shelter license, within 30 days the director shall determine if the
- 35 application is complete. If the director determines the application is
- 36 complete, the municipality shall, as soon as is practicable, give written
- 37 notice to the applicant and shall provide for mailed, posted, published,
- 38 and community council notice in the manner required by AMC section
- 39 21.03.020H. When a land use permit is not required due to a current
- 40 permit in place or nonconforming rights, notice is still required and
- 41 references to the director shall be to the health department director.
- 42 D. If an application for a homeless and transient shelter license is
- 43 incomplete, the director shall notify the applicant by electronic mail at
- 44 the address provided by the applicant, and
- 45 1. Return an incomplete application in its entirety to the
- 46 applicant; or
- 47 2. Request the applicant to provide additional identified
- 48 items needed to complete the application.
- 49
- 50 E. When the director informs an applicant that its application is
- 51 incomplete, as provided in subsection **D[E].**, the applicant must

1 complete the application not later than 90 days after the date of the
 2 director's notice. If an applicant fails to complete its application during
 3 the 90-day period after the director's notice, the applicant must file a
 4 new application.

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

10
 11 **16.125.045 – Application for a renewal of license.**

- 12
 13 A. Application for a renewal of a license shall be made at least 90 days,
 14 but not before 150 days, before the expiration of the current license.
 15 Renewal applications filed after that time period are delinquent and
 16 subject the homeless and transient shelter to potential closure
 17 pending approval of the application.
- 18 B. Within 90 days prior to the expiration of the license, it shall be the
 19 responsibility of the licensee to arrange for inspection of the licensed
 20 premises for compliance with all applicable codes by the Department.
- 21 1. If, during the inspection of the homeless and transient shelter,
 22 deficiencies are identified, such deficiencies will be submitted
 23 to the licensee. Identified deficiencies shall be corrected and
 24 the licensed premises reinspected at least five days prior to the
 25 date upon which the license expires. If the required repairs are
 26 not completed at the time of reinspection, the license may be
 27 subject to suspension or revocation under section
 28 16.125.~~090~~**[125]**.
- 29 C. A homeless and transient shelter renewal application must include:
- 30 1. Identification of the license sought to be renewed by license
 31 number, license type, shelter name, and premises address;
- 32 2. ~~An [statement of no change or]~~ update to ~~[all]~~ the information
 33 required for a municipal license under AMC section
 34 16.125.~~040~~**[045 which was last filed with the department by**
 35 **the applicant]**;
- 36 3. ~~[Any change from the homeless and transient shelter's~~
 37 ~~original license application or last renewal application in:~~
 38 ~~a. The name of the homeless and transient shelter;~~
 39 ~~b. The licensed premises from the last diagram~~
 40 ~~submitted; and~~
 41 ~~c. The homeless and transient shelter's operating~~
 42 ~~plan;]~~
- 43 4. A report for each licensee:
- 44 a. A criminal background check issued within ~~the~~ past 60
 45 days ~~for the applicant, any individual on the application~~
 46 ~~as a licensee, and, the applicant's [officers, directors,~~
 47 ~~or]partners; [-]~~
- 48 ~~b. Any criminal charge on which the persons above have~~
 49 ~~[that licensee has] been convicted in the current and~~
 50 ~~previous three calendar years; and~~
- 51 ~~c[b]. Any civil violation of this chapter in the current and~~

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

- 1 A. A fingerprint based criminal background check obtained through the
2 Alaska Department of Public Safety, which shall:
3 1. Include processing through the Alaska automated fingerprint
4 system;
5 2. Include a national criminal history record check and review of
6 the United States Department of Justice National Sex Offender
7 database;
8 3. Be processed by the Alaska Department of Public Safety with
9 the applicant to pay all fees requested for Federal Bureau of
10 Investigation processing of fingerprints, and processing of
11 information requests including fees for contacting other
12 jurisdictions to determine the disposition of an out-of-state
13 arrest or to clarify the nature of an out-of-state conviction; and
14 4. Have been produced less than 60 days from submission to the
15 director and not be altered or marked by any person other than
16 authorized employees or agents of the Alaska Department of
17 Public Safety or the municipality, except that any sealed
18 records or reports of the same shall be excluded from the
19 submission.
- 20 B. A third-party primary source locator background check shall be local
21 and national in scope and review:
22 1. A multi-state or multi-jurisdiction criminal records locator or a
23 similar commercial nationwide database with validation; and
24 2. The United States Department of Justice National Sex Offender
25 Public Website;
- 26 C. The director may require additional information, including, but not
27 limited to, the date, location, and nature of any crime of conviction that
28 appears in the criminal history and background check report.
- 29 D. The director shall review requests for a waiver of the prohibition on
30 barrier crimes restriction submitted to the department. The director
31 may approve a waiver if the director determines the person for whom
32 the waiver is requested demonstrated sufficient rehabilitation or
33 recovery since the conviction, the risk of harm from the waiver
34 applicant to clients or others is sufficiently mitigated, and the director
35 is satisfied client safety is not compromised by granting the waiver. A
36 waiver application may include supporting statements and
37 recommendations from persons familiar with the applicant, proof of
38 completion of a program of rehabilitation or counseling, and any other
39 information supporting the waiver. An appeal from a decision of the
40 director on a variance application shall be afforded in accordance
41 with section 16.125.~~090~~~~095~~~~220~~.
- 42 **E. The director may grant a waiver or variance from the**
43 **requirements of this section pursuant to 16.125.070, if satisfied**
44 **the applicant or licensee demonstrates it has an appropriate**
45 **alternate method of ensuring safe operations.**
46

47 **16.125.055 Approval of license: application review, inspections.**
48

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

- 1 to the applicant allowing it to commence operations. A provisional
 2 license may only be modified for good cause.
- 3 B. The department shall issue a license to the applicant if the department
 4 finds, after inspection and investigation:
- 5 1. The shelter facility and premises, together with the operating
 6 plan demonstrate the shelter complies with the requirements
 7 and procedures of this chapter, including background checks
 8 or waivers;
 - 9 2. **The operating plan demonstrates the facility is appropriate**
 10 **for the intended use and clients to be served.**
 - 11 **3.** The applicant has paid all applicable fees; and
 - 12 **4[3].** The shelter complies with other applicable local, state, and
 13 federal laws and regulations.
- 14 C. If the department determines the applicant [~~application~~]
 15 cannot meet the requirements of this chapter or of other applicable law, the
 16 department shall deny the application and inform the applicant in
 17 writing of the reasons for denial. The department shall deny the
 18 application if
- 19 1. the applicant [~~application~~], any individual on the application as
 20 a licensee, or any [~~officer, director or~~] managing member of
 21 the applicant, was convicted of a barrier crime within the barrier
 22 time period and 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 **3. The applicant does not demonstrate the shelter can mitigate**
 28 **impacts on neighboring residents, businesses, and property**
 29 **owners.**
- 30 D. Notwithstanding the remainder of this section, where the director
 31 determines that the interest of the public would be best served
 32 thereby, a conditional approval of the license may be granted, pending
 33 compliance with specified requirements within a specified reasonable
 34 period of time. Noncompliance within the time specified may result in
 35 denial, or, if the director determines the applicant can meet the
 36 requirements of this chapter with modifications or corrective measures
 37 in the application, in placing the applicant under a plan of improvement
 38 under section 16.125.090[240].

16.125.060 - Operations under an approved license.

- 41
- 42 A. The Department shall publish guidance to assist licensees to comply
 43 with the standards that shall govern the operations of homeless and
 44 transient shelters.
- 45 1. The published guidance shall be reviewed not less than every
 46 2 years utilizing a process that includes inviting input from
 47 stakeholders, community councils, homeless and transient
 48 shelter providers **and their clients**, and through additional
 49 community outreach.
 - 50 2. **The guidance shall complement and coordinate with the**

federal HUD approved continuum of care written standards.

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

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

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

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

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

3. Written policies for client rights and conduct.

4. *A policy and procedure for ensuring the safety of clients, staff, volunteers and visitors. The procedures may include performing a criminal background checks, having codes of conduct and plans for staff, volunteer and visitor supervision. [A policy and procedure for requiring a criminal background check for any officer, director, employee, agent, volunteer, or any other person having direct contact with clients at the shelter [any employee or agent of the licensee to obtain a background check and have it reviewed prior to being employed at the shelter in any capacity where the person is responsible for care or safety of clients, and for prohibiting any employee or agent convicted of a barrier crime within the barrier time from working directly with clients of the shelter or being responsible for any client's care or safety]. The procedures may include requesting a waiver from the barrier crime prohibition for an individual employee or agent. All such requests for a waiver must be*

~~approved by the director before such employee or agent may work [be employed] at the shelter in any capacity where the person is responsible for care or safety of any client.]~~

5. Policies and practices that deter and reduce client loitering and prohibited camping in parks and public spaces and other impacts on neighboring residents, businesses, and property owners.

6. An overnight shelter shall[;]

~~[a. — provide for stay continuity for repeat clients, and~~

~~b.] participate in the municipality's coordinated entry system.~~

7. A day shelter shall have protocols and a cooperation agreement with one or more overnight shelter(s) for referral and to a plan to facilitate transportation of clients between the facilities. If a day shelter is colocated [collocated] with an overnight shelter, the operations plan shall describe the separate daytime and nighttime operations and management of the transition of space and personnel.

8. A day shelter shall not provide its services between 9 p.m. and 7 a.m.

C. ~~D[HMIS-d]~~ata collection. Each licensed homeless and transient shelter shall collect and submit data compatible with the Homeless Management Information Systems used in the municipality as determined by the department. The department may publish guidelines describing technical standards for compatibility and resources for technical assistance.

16.125.065 – Minimizing neighborhood impacts

A. Shelter Commitment

1. Each shelter shall have a “Good Neighbor Policy” that outlines its commitment *and policies* to reduce impacts on surrounding areas by its operations, loitering of its clients, trash and litter, and other activities.

B. Municipality of Anchorage Commitment

1. No tolerance for unlawful loitering, soliciting in streets or roadways, or unauthorized camping within one-quarter [1/4] mile of a licensed overnight or day shelter [the Shelter]. Municipal law and code enforcement shall support this commitment as resources allow, subject to federal, state and local law.

2. Resources and technical assistance may be provided by the municipality based on location and site-specific needs [mayor and health department].

16.125.070 – 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 16.125.050D.

19
20 **16.125.075 – 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,
- 30 **1.** in an amount not less than \$500,000.00 per occurrence, and
31 \$500,000.00 aggregate, for a facility licensed for nine through
32 forty clients; **or**
- 33 **2.** **\$1,000,000.00 per occurrence, and \$2,000,000.00**
34 **aggregate, for a center licensed for 41 or more clients.**
- 35 C. The insurance policies required by this section shall contain a clause
36 obligating the insurer or surety to give the director written notice no
37 less than 30 days before the cancellation, expiration, nonrenewal,
38 lapse, or other termination of such insurance. A lapse, cancellation,
39 expiration, nonrenewal, or termination of insurance coverage shall
40 automatically require the licensee to cease operations and services
41 for so long as the insurance required by this section is not in effect.
42 The insurance policy shall list as a certificate holder:
- 43
44 Municipality of Anchorage
45 Anchorage Health Department
46 P.O. Box 196650
47 Anchorage, Alaska 99519
- 48
49 D. Verification of the insurance policies. The shelter shall provide written
50 proof of a policy required by this section with the initial application,
51 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 16.125.090, or to closure by order
- 6 of the director.

7

8 **16.125.080 – 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 **16.125.085 – 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 **16.125.090 – 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
- 49 violation of an applicable provision of this chapter, statute or
- 50 regulation has occurred, the department shall provide a

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

10 2. If the department requires the licensee to be subject to a plan
11 of improvement, the licensee shall submit a plan for corrective
12 actions to the department within the time specified in the
13 compliance notice. The department may accept the corrective
14 action plan and inspect the shelter to verify the violations have
15 been cured, or may serve the licensee with a plan of
16 improvement describing the corrective actions the licensee is
17 required to take, changes to its policies and procedures, and
18 other requirements of the licensee to satisfy the plan. The
19 licensee shall cooperate with the department for follow up
20 inspections and plan requirements. The department may
21 release the licensee from a plan of improvement upon
22 satisfactory completion of its requirements and curing the
23 violations in the compliance notice. The department may, at
24 any time, for violations identified on a compliance notice or
25 during the course of oversight under a plan of improvement,
26 issue a notice of violation, or commence a license suspension
27 or revocation action. The licensee may appeal to the director in
28 writing to be released from a plan of improvement, such appeal
29 hearing before the director shall be conducted under chapter
30 3.60.

31 C. *Notice of violation.* If it is determined at any time that the requirements
32 of this chapter have been violated, the department shall notify the
33 licensee of the violations by means of an inspection report form or
34 other written notice. This written notice shall set forth the specific
35 violations, establish a reasonable period of time for correction of the
36 violations and state that failure to comply with any notice issued in
37 conformance with the provisions of this chapter will subject the
38 licensee to fines, and that repeated violations may result in [a plan of
39 improvement,] suspension or revocation of the license. Violations of
40 the provisions of this chapter subject the violator to a civil penalty as
41 set forth in Section 14.60.030, or, if no penalty is included in Section
42 14.60.030, a civil fine not to exceed \$300.00. Appeals of a notice of
43 violation imposing fines are made to the administrative hearing officer.
44 At any time the department may suspend the fines, and offer a plan of
45 improvement to the licensee. The suspension of fines shall be
46 conditioned on participation in, or completion of conditions in, a plan
47 of improvement as determined by the department.

48 D. *Service of notice of violation.* Notices provided for under this section
49 shall be properly served when delivered personally to the licensee or
50 to the person in charge on the premises, or when sent by registered
51 or certified mail, return receipt requested, to the last known address of

- 1 the licensee. A copy of such notice shall be filed with the department.
2 E. *Suspension or revocation of license.* The decision to suspend or
3 revoke a license shall be made following an administrative hearing
4 open to the public conducted in accordance this section and Chapter
5 3.60. [~~upon at least ten days notice, before the director~~]. Revocation,
6 rather than suspension, may be ordered when the violations found to
7 exist are either numerous, repetitive of previous violations of the same
8 or other provisions of this chapter, or of such a nature as to pose a
9 serious threat to the health or well-being of the shelter clients or other
10 persons or property. The department may initiate a license suspension
11 or revocation action by filing an accusation with the administrative
12 hearing office authorized under Title 14, and serving it on the licensee.
13 After conducting a hearing under chapter 3.60, the administrative
14 hearing officer shall prepare written findings of fact, conclusions of law,
15 and a recommended decision. These shall be attached to an
16 assembly resolution forwarded to the municipal clerk for action by the
17 assembly at its next regular meeting more than 15 days after the date
18 of the administrative hearing officer's recommended decision is
19 issued. The assembly shall make a final decision by adoption of a
20 resolution, which shall be forwarded by the municipal clerk to the
21 parties and department with a statement indicating it is a final
22 appealable decision and that the licensee has 30 days to appeal
23 pursuant to section 3.60.080. [~~The director shall issue findings of fact~~
24 to support a decision pertaining to the suspension or revocation.
25 Hearings under this section may, at the option of the director, be
26 conducted by an administrative hearing officer designated by the
27 director. If the director elects to refer the matter to an administrative
28 hearing officer, the hearing officer shall conduct the hearing and
29 prepare findings and conclusions. These findings and conclusions
30 must be forwarded to the director for adoption, modification or
31 rejection and issuance of a final order or decision by the director.]
32 F. *Immediate suspension of license [~~permit~~].* If violations of this chapter
33 or applicable law pose an immediate threat to the health or well-being
34 of persons or property, the director may suspend a license [~~permit~~]
35 pending the conduct of an administrative hearing open to the public or
36 suspension or revocation, provided, however, the immediate
37 suspension shall expire if the department does not serve an
38 accusation and file it with the administrative hearing office [~~an~~
39 administrative hearing open to the public is not held thereon] within
40 ten days of the date of suspension.
41 G. *Authority to prescribe additional regulations.* The director shall enforce
42 the provisions of this chapter and shall promulgate and enforce rules
43 and regulations upon due notice, as the director [~~he~~] deems
44 necessary, to carry out the intent of this chapter. Such rules and
45 regulations shall, upon approval of the assembly, become a part of
46 and subject to the provisions of this chapter.
47 H. Appeals from a decision of the director on a variance application shall
48 be to the administrative hearing officer under the procedures of
49 chapter 3.60.

~~A. An appeal from a decision of the department or director under this chapter that affects the license status, such as suspension, denial, revocation, or requiring a plan of improvement, shall be within the jurisdiction of the administrative hearings officer as provided in Title 14, section 14.20.020A.2., whom is hereby designated to hear and decide such appeals. Hearing procedures shall be conducted in accordance with chapter 3.60. A notice of appeal shall be submitted on a form provided by the department and filed with the director, who shall forward the notice to the administrative hearings office. A notice of appeal must be filed with the director within 15 days after receipt of the notice of the enforcement action or of the date of notice of the 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. The Anchorage Health Department shall report quarterly on the efficacy and implementation of this ordinance by information memorandum to the Assembly, until the last quarter of 2024. In the fourth year after the effective date of this Ordinance, the Assembly Committee on Homelessness and Housing shall review the ordinance and its efficacy and propose improvements to the ordinance and its implementation.

Section 4. *(Newly added to the S-1) Anchorage Municipal Code section 16.120.020 is hereby amended by adding a new subsection to read as follows (the remainder of the section is not affected and therefore not set out):*

16.120.020 - Emergency shelter plan activation and deactivation.

*** *** ***

D. Emergency shelter locations activated under this section shall be for no more than 150 clients in a single location without Assembly approval. Emergency shelter locations activated by the Mayor under a declaration of civil emergency and extended by the Assembly may exceed the 150 client capacity, and shall be allowed to remain operational at the activated capacity at the time of the termination of the civil emergency for up to one year following the termination of a declaration of civil emergency.

(AO No. 2010-46, § 1, 6-8-10; AO No. 2012-14, § 1, 2-14-12; AO No. 2019-98(S) , § 1, 8-20-19)

Section 5. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 22nd day of June, 2021.

Suzanne LaFrance

Chair

ATTEST:

Jennifer Veneklasen

Municipal Clerk



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 392-2021(A)

Meeting Date: June 22, 2021

1 **From:** Assembly Members Zaletel, Constant, and Weddleton

2
3 **Subject:** AO 2021-55(S-1): AN ORDINANCE OF THE ANCHORAGE
4 ASSEMBLY ESTABLISHING A MUNICIPAL LICENSE
5 REQUIREMENT FOR HOMELESS AND TRANSIENT SHELTERS
6 BY ADDING A NEW CHAPTER TO THE ANCHORAGE MUNICIPAL
7 CODE AND OTHER RELATED CODE AMENDMENTS.
8

9 Following the public hearing on AO 2021-55(S) at the June 8, 2021 regular
10 Assembly Meeting, sponsors of this legislation have agreed to incorporate several
11 changes, including most of the amendments proposed at that meeting. The
12 substantive changes in the S-1 version are:

- 13 • In the list of powers of the Anchorage Health Department, changes
14 “supervising” to “monitoring for compliance.” (p. 1 line 31)
- 15 • In several places, changes the term “collocated” to “colocated,” a subtle
16 difference but the common dictionary meaning of the latter aligns with the
17 intended context. (p. 2 lines 31 and 38; p. 4 lines 2 and 4; page 12 line 16)
- 18 • Adds the phrase “unspecified number within a familial group” to the
19 emergency shelter exemption from licensing, in order to exempt a these
20 when it shelters families, regardless of the number of persons sheltered. (p.
21 2 line 41)
- 22 • Clarifies language in the prohibition to issue a license applicant who has been
23 convicted of a barrier crime. (p. 4 line 32)
- 24 • Adds grounds to deny a license application if the applicant cannot
25 demonstrate it can mitigate impacts on the area sufficiently. (p. 10 line 27)
- 26 • Changes the policy and procedure for background checks required of a
27 licensee to be less burdensome, replacing with a standard to ensure the
28 safety of everyone. (p. 11 line 31)
- 29 • Requires a shelter’s policies and practices to also deter and reduce impacts
30 on surrounding area residents, businesses and properties. (p. 12 line 5)
- 31 • Removes the requirement to provide continuity for repeat overnight clients,
32 to maintain the emergency overnight sheltering character. (p. 12 line 9)
- 33 • Revises the enforcement and appeals processes. Notices of violation will be
34 issued by AHD staff for fines, and if appealed will be heard by the
35 Administrative Hearing Officer under usual procedures for civil fines under
36 Title 14. Plan of improvement and variance issues will be heard and decided
37 by the AHD director, and appeals from these are heard by the AHO for a final
38 decision under procedures of Chapter 3.60. License suspension or
39 revocation actions will be heard by the AHO to make findings of fact,
40 conclusions of law, and issue a recommended decision to the Assembly. The
41 Assembly makes the final decision on alicense suspension or revocation by
42 Resolution. After the final process in each of the foregoing, an appeal may

1 be taken to the superior court. Because the appeals process is now fully
2 described in the Enforcement section, the Appeals section is deleted. (p. 15-
3 16)

- 4 • Adds a new AO Section to add a section to AMC 16.120.020 that requires
5 any designated emergency shelter set up or activated under a Mayor's
6 proclamation of emergency that will serve more than 150 people to have
7 Assembly approval. (p. 18 line 8)

8
9 **We request your support for the S-1 version of the ordinance.**

10
11 Prepared by: Assembly Counsel

12 Respectfully submitted: Meg Zaletel, Assembly Member
13 District 4, Midtown

14
15 Christopher Constant, Assembly Vice-Chair
16 District 1, Downtown

17
18 John Weddleton, Assembly Member
19 District 6, South Anchorage, Girdwood, and Turnagain
20 Arm