

(S) Submitted by: Assembly Chair
Constant

(S) Prepared by: Assembly Counsel's
Office

(S) For reading: June 24, 2025

ANCHORAGE, ALASKA
AO No. 2025-74(S)

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 8.05 AND SECTIONS 8.45.015 AND 15.20.020 TO PROHIBIT CAMPING ON PUBLIC PREMISES BY PROVIDING CRIMINAL PENALTIES AND ENFORCEMENT PROTOCOLS CONSISTENT WITH CITY OF GRANTS PASS V. JOHNSON AND OTHER LAW; AND SUBMITTING A BALLOT PROPOSITION TO THE QUALIFIED VOTERS OF THE MUNICIPALITY OF ANCHORAGE AT A REGULAR ELECTION THE QUESTION OF WHETHER TO APPROVE AN AREAWIDE SPECIAL TAX LEVY DEDICATED TO PAYMENT OF THE COSTS OF ADDRESSING PROHIBITED CAMPSITES AND PROVIDING FOR THE MANAGEMENT AND CARE OF DISPLACED HOMELESS PERSONS.

WHEREAS, Anchorage continues to experience extensive unauthorized encampments that endanger public health, safety, and the quiet enjoyment of public places; and

WHEREAS, on June 28 2024 the United States Supreme Court, in *City of Grants Pass v. Johnson*, held that local governments may criminalize public camping regardless of available shelter capacity without violating the Eighth Amendment so long as the prohibition targets conduct rather than “status”; and

WHEREAS, on April 18, 2024, the Anchorage Municipal Assembly postponed indefinitely proposed AO 2024-39, leaving Title 15’s abatement process (AMC15.20.020) as the Municipality’s primary tool despite heavy litigation burdens, now heightened by the Alaska Supreme Court’s decision in *Smith v. Municipality of Anchorage*, Op. No. 7767 (May 9, 2025), **increasing costs and resources required for abatement actions**; and

WHEREAS, the Assembly now finds it necessary and proper to adopt a clear, constitutionally sound criminal-code alternative that can be enforced expeditiously while protecting due-process rights and personal property

WHEREAS, per the annual Point in Time count there were 479 unsheltered persons in the Municipality at the end of January 2024 (data for 2025 is not yet available), and a total of 2,684 persons experiencing homelessness; and

WHEREAS, according to the Anchorage Coalition to End Homelessness at the end of April there were 3,041 persons experiencing homelessness in the Municipality, and of those 548 are unsheltered; and

WHEREAS, the Municipality’s shelter occupancy overview dashboard indicates recently there were 543 persons sheltered with a system capacity of

548, at 99% of capacity, and the non-congregate shelters had 159 units occupied by 310 people, with a system capacity of 166 non-congregate units putting it at 96% of capacity; and

WHEREAS, given the data above, Municipal action to address prohibited campsites, primarily occupied by unsheltered persons experiencing homelessness, is likely to involve hundreds of persons and incur significantly increased cost burdens over prior years due the criminal justice system costs resulting from enactment and enforcement of new criminal camping offenses, including police time for arrests, evidence preservation, and processing, prosecution through the court system including providing for indigent defense costs, incarceration costs for those convicted and sentenced to imprisonment, storage of personal property; and

WHEREAS, the Assembly desires to provide funding for the costs of addressing prohibited camping and providing for the management and care of homeless individuals without cutting currently funded municipal programs and services under the tax cap; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 8.05.015 is hereby amended to read as follows:

8.05.015 Definitions.

A. *Definitions.* Except as otherwise provided in this title or unless the context clearly indicates otherwise, the definitions of the words and phrases in AS 11.81.900, or the definitions applicable to the Alaska Statutes provisions corresponding to the offense described in sections of this title, shall be the definitions of those same words and phrases used in this title. The definitions of words and terms below shall apply for purposes of this title unless otherwise provided:

1. *Animal control officer* means public employee charged by law with the duty to enforce the provisions of Title 17 of the Anchorage Municipal Code.
2. *Camping* means the use of space for the purpose of sleeping or establishing temporary living quarters, including, but not limited to, erection of a tent or other shelter.
3. *Child* refers to any person under 16 years of age.
4. *Domestic violence and crime involving domestic violence* mean one or more of the following offenses or an offense under a law or ordinance of another jurisdiction having elements similar to these offenses, or an attempt to commit the offense, by a household member against another household member:
 - a. A crime against the person under AMC 8.10;

- b. Criminal trespass under AMC 8.45;
- c. Criminally negligent burning under AMC 8.20.030;
- d. Criminal mischief under AMC 8.20.010;
- e. Violating a protective order under AMC 8.30.105;
- f. Harassment under AMC 8.10.110.

For purposes of this section, household member has the definition assigned to that term by AS 18.66.990(5).

5. *Family member* means a:

- a. Spouse, child, grandchild, parent, grandparent, sibling, uncle, aunt, nephew or niece of the victim, whether related by blood, marriage or adoption;
- b. Person who lives, or has previously lived, in a spousal relationship with the victim;
- c. Person who lives in the same household as the victim; or
- d. Person who is a former spouse of the victim or is or has been in a dating, courtship or engagement relationship with the victim.

6. *First Responder* means firefighter, paramedic, emergency medical technician, member of the mobile crisis team or crisis intervention team, "peace officer" as defined by AS 11.81.900, or other public employee, who, in the course of their professional duties, responds to fire, medical, hazardous material, or other similar emergencies.

7. *Lawful order* means an order which is given where the defendant's conduct or speech substantially impedes an officer in the performance of any duties in effecting an arrest, in investigating a crime, or in ensuring the public safety.

8. *Minor* refers to any person under 18 years of age.

9. *Minor offense* means a noncriminal offense punishable only by a fine, but not by imprisonment or other penalty; conviction of a minor offense does not give rise to any disability or legal disadvantage based on conviction of a crime; a person charged with a minor offense is not entitled to a trial by jury or to have a public defender or other counsel appointed at public expense to represent the person.

10. Public property or premises means a property owned by the Municipality or state to which the public or a substantial group of persons has access and includes, but is not limited to, streets, highways, sidewalks, alleys, transportation facilities, parking areas, convention centers, sports arenas, schools, plazas, parks, and playgrounds.

11. Public transit worker means an employee of a Federal Transit Administration (FTA) applicant, recipient, subrecipient, or contractor who is involved in any aspect of an agency's public transit operation funded by the FTA, including those employees who, in the course of their professional duties, operates a vehicle under the People Mover, AnchorRIDES, RideShare, or any other program operating under the authority of chapter 11.70.

(AO No. 2014-42, § 1, 6-21-14; AO No. 2024-20(S-1), § 1, 4-9-24)

Section 2. Anchorage Municipal Code Chapter 8.45 is hereby amended to enact the following new section of code (*requiring no legislative formatting*):

8.45.015 Prohibited camping.

- A. A person commits the offense of prohibited camping if the person knowingly camps on public premises or property without permission or authority to do so.
- B. Violation of this section is a class B misdemeanor.

Section 3. Anchorage Municipal Code section 8.05.025 is hereby amended to add as follows (*the remainder of the section is not affected and therefore not set out*):

8.05.025 Minor offense fine schedule; misdemeanor penalty reference table; and state surcharge.

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- B. *Misdemeanor offenses reference table.*

Section	Description	Penalty	Penalty Section
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Chapter 8.45 TRESPASS			
8.45.010(A)(1)—(4)	Trespass	Class A	8.05.020H.1.
8.45.015	Prohibited Camping	Class B	8.05.020H.2.
8.45.020(A)(1), (2)	Unauthorized entry	Class B	8.05.020H.2.
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(AO No. 2014-42, § 1, 6-21-14; AO No. 2015-7, § 2, 2-24-15; AO No. 2015-84, § 2, 9-24-15; AO No. 2015-87, § 2, 9-24-15; AO No. 2015-123(S), § 2, 11-10-15; EO No. 2016-1, § 1, 7-12-16; AO No. 2016-83(S), § 1, 7-26-16; AO No. 2016-114, § 1, 12-15-16; AO No. 2017-156, § 1, 12-5-17; AO No. 2018-34(S), § 4, 7-26-18; AO No. 2019-25, § 2, 3-5-19; AO No. 2023-100(S), § 1, 11-7-23)

Section 4. Anchorage Municipal Code section 15.20.020 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

15.20.020 Public nuisances prohibited; enumeration.

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B. Public nuisances include, but are not limited to, the following acts and conditions:

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15. *Prohibited campsites.* A prohibited campsite is an area where one or more persons are camping on public land in violation of chapter[SECTION] 8.45[.010], chapter 25.70, or any other provision of this Code. A prohibited campsite is subject to abatement by the municipality. The municipal official responsible for an abatement action may accomplish the abatement with the assistance of a contractor, association or organization. Notwithstanding any other provision of this Code, the following procedure may be used to abate a prohibited campsite:

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(GAAB 16.68.110, 18.15.020, 18.15.030, 18.20.030, 18.20.060; CAC 8.10.020, 8.10.050; AO No. 113-76; AO No. 78-48; AO No. 79-63; AO No. 93-173(S), § 3, 2-24-94; AO No. 95-42, § 3, 3-23-95; AO No. 2001-145(S-1), § 12, 12-11-01; AO No. 2003-130, § 4, 10-7-03; AO No. 2009-83(S), § 2, 7-7-09; AO No. 2010-43(S), § 1, 6-22-10; AO No. 2010-63, § 1, 9-14-10; AO No. 2011-52, § 1, 4-26-11; AO No. 2016-81(S), § 2, 8-25-16; AO No. 2017-119(S), § 2, 11-9-17; AO No. 2017-130(S), § 1, 12-5-17; AO No. 2018-53(S), § 1, 6-26-18; AO No. 2018-61, § 1, 7-31-18; AO No. 2018-118, § 2, 1-1-19; AO No. 2019-94(S), § 2, 8-6-19; AO No. 2024-55(S), § 1, 5-21-24)

Section 5. (NOTE: this AO Section 5 is newly added in the (S) version, with legislative formatting as if in original) *Ballot Proposition.* The Assembly hereby submits to the qualified voters of the Municipality at the regular municipal election to be held on April 7, 2026, the proposition of whether or not the Municipality should levy a special tax excluded from the tax increase limitation as described in Anchorage Municipal Charter section 14.03(b)(3) to collect not to exceed \$15,000,000 annually, dedicated to pay the costs necessary to address prohibited campsites and provide support for the management and care of displaced homeless persons within the Municipality.

The Clerk shall prepare the ballot proposition to be submitted to the voters as provided by this ordinance and the Anchorage Municipal Code and shall perform all necessary steps in accordance with law to place this proposition before the voters at the regular election. The proposition must receive a majority vote of those voting on the question to be approved. The proposition shall be substantially in the following form:

PROPOSITION NO. _____

SPECIAL TAX LEVY TO PROVIDE FUNDING
TO ADDRESS PROHIBITED CAMPSITES AND SUPPORT
THE MANAGEMENT AND CARE OF DISPLACED HOMELESS PERSONS

For the purpose of paying the costs necessary to address prohibited campsites and provide support for the management and care of displaced homeless persons, shall Anchorage levy a special tax on all taxable real and personal property areawide to collect an amount not to exceed \$15,000,000 annually, dedicated solely to those purposes?

Voter approval of this proposition authorizes for each \$100,000 of assessed property value in Anchorage (based on the estimated total 2025 assess valuation) an annual increase in taxes not to exceed [\$_____]. The special tax revenue is excluded from the tax increase limitation calculation pursuant to Charter § 14.03(b)(3).

The tax shall be levied and collected areawide from real and personal property within the entire Municipality of Anchorage.

YES [] NO []

Section 6. Implementation

- A. The Chief of Police shall review, update, or promulgate new Anchorage Police Policies, Regulations, and Procedures as necessary to implement this ordinance within thirty (30) days of passage.
- B. The Anchorage Health Department may publish a daily shelter bed availability dashboard accessible to officers and the public.
- C. The Municipal Attorney shall report, as part of its regular legal brief to the Assembly, on citations issued, arrests made, and property stored under this ordinance for at least one-year.

Section 7[6]. The proposition set forth in Section 5 shall become effective upon certification of the election, if and only if said proposition is supported by a majority of the qualified voters of the Municipality voting on the question during the regular Anchorage Municipal election held on April 7,

1 **2026. Sections 1, 2, 3, 4 and 6 of this ordinance shall become effective**
2 **contemporaneously with Section 5 if approved by the voters [This ordinance**
3 **shall be effective thirty days (30) after]. The remainder of this ordinance shall**
4 **be effective immediately upon** passage and approval by the Assembly.
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6
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8 PASSED AND APPROVED by the Anchorage Assembly this _____ day
9 of _____, 2025.
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13 _____
14 Chair

15 ATTEST:

16 _____
17
18 Municipal Clerk
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