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Reviewed by: Dept. of Health and Human Services
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CLERK'S OFFICE

APPROVED

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ANCHORAGE, ALASKA

AO NO. 2011-1(S-1)

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING PROVISIONS OF ANCHORAGE MUNICIPAL CODE CHAPTER 16.80 AND SECTION 21.50.035 GOVERNING MUNICIPAL PERMITS FOR CORRECTIONAL COMMUNITY RESIDENTIAL CENTERS.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code Chapter 16.80 is hereby amended in the name of the chapter to read as follows (*language without amendment is not set out*):

Chapter 16.80

HABILITATIVE CARE FACILITIES AND CORRECTIONAL COMMUNITY RESIDENTIAL CENTERS [QUASI-INSTITUTIONAL HOUSES].

*** *** ***

Section 2. Anchorage Municipal Code section 16.80.010 Intent of chapter, is hereby amended to read as follows (*language indicating no amendment is included for context only*):

16.80.010 Intent of chapter.

This chapter is designed to provide the guidelines and framework within which **habilitative care facilities and correctional community residential centers [QUASI-INSTITUTIONAL HOUSES]** shall be allowed to operate in the municipality, as set out in this chapter. The included standards are intended to permit **habilitative care facilities and correctional community residential centers [QUASI-INSTITUTIONAL HOUSES]** to locate and operate with as much autonomy as is reasonably allowable, while still maintaining the appropriate control and authority. This will ensure that the residents of such houses are receiving the care and services that such facilities are designed to provide. These standards will also ensure that the facility is operated in such a manner that it will not infringe upon the rights of neighboring property owners.
(GAAB 16.80.010)

Section 3. Anchorage Municipal Code section 16.80.020, Definitions, is hereby amended to read as follows (*other definitions in the referenced section are not affected and therefore not set out*):

16.80.020 Definitions.

[Note to Code Revisor: Definitional terms to be re-ordered alphabetically as amended.]

1 The following words, terms and phrases, when used in this chapter, shall have
2 the meanings ascribed to them in this section, except where the context clearly
3 indicates a different meaning:
4

5 *Correctional community residential center* and *CCRC* mean a community
6 residential facility, other than a correctional institution, for the short-term or temporary
7 detention of prisoners in transition from a correctional institution, performing restitution,
8 or undergoing rehabilitation and/or recovery from a legal infirmity except prisoners who
9 pose a threat or danger to the public for violent or sexual misconduct without
10 imprisonment or physical confinement under guard or 24-hour physical supervision.
11 The determination of whether a prisoner poses a threat or danger to the public for
12 violent or sexual misconduct without imprisonment or physical confinement under
13 guard or 24-hour physical supervision shall be made by the commissioner of
14 corrections for state prisoners and the United States attorney general or the director,
15 bureau of prisons for federal prisoners. Correctional community residential centers are
16 subject to the provisions of Chapter 16.80, [EXCEPT THAT MAXIMUM RESIDENT OCCUPANCY
17 SHALL BE DETERMINED AS PROVIDED] the standards in Section 21.50.035, and any
18 conditions of land use under the conditional use permit.
19

20 *** *** ***

21 *House rules* means rules established by the staff or residents of a habilitative
22 care facility or correctional community residential center [QUASI-INSTITUTIONAL
23 HOUSE] which govern the conduct of residents while living in the house.
24

25 *Living space* means all areas that are intended for use by some or all
26 residents of the facility such as bedrooms, kitchens, bathrooms, living rooms,
27 dining rooms, recreational rooms, laundry rooms, general circulation space, and
28 common use areas, but excludes closets, utility rooms, garages, and other
29 areas not ordinarily used for living areas by residents [MEANS BEDROOMS, LIVING
30 ROOMS, FAMILY ROOMS AND DINING AREAS. RECREATION ROOMS SHALL BE INCLUDED AND
31 COUNTED FOR LIVING SPACE PURPOSES. THIS EXCLUDES SUCH AREAS AS KITCHENS,
32 BATHROOMS, HALLWAYS, HEATING AND BOILER ROOMS AND GARAGES, OR THOSE AREAS
33 WHICH ORDINARILY ARE NOT CONVENIENT AND ACCESSIBLE AS LIVING AREA].
34

35 *** *** ***

36 *Habilitative care facility* [QUASI-INSTITUTIONAL HOUSE] means a residential
37 facility located in a structure or residence or any living unit thereof designed, used or
38 intended for use as a human habitation, the principal use or goal of which is to serve
39 as a place for persons seeking rehabilitation or recovery from any physical, mental or
40 emotional infirmity, or any combination thereof, in a family setting as part of a group
41 rehabilitation and/or recovery program utilizing counseling, self-help or other treatment
42 or assistance. Programs serving only children age 16 or less fall under the Chapter
43 16.55.
44

45 *Resident* means any individual, including staff, using the habilitative care
46 facility or correctional community residential center [QUASI-INSTITUTIONAL HOUSE]

as a 24-hour dwelling. Each full-time (24-hour) staff position shall be considered as a 24-hour use of the **habilitative care facility or correctional community residential center** [QUASI-INSTITUTIONAL HOUSE] even though several staff members may serve portions of that time span. **Staff are not to be included in the population count when considering the number of bathtubs or showers in Section 16.80.110 or in the requirement for written health plans, physical exams and TB screening in Section 16.80.100.**

(GAAB 16.80.020; AO No. 85-8; AO No. 95-68(S-1), § 1, 8-8-95)

Section 4. Anchorage Municipal Code section 16.80.030, Adoption of standards; authority of department of health and human services, is hereby amended to read as follows (*language indicating no amendment is included for context only*):

16.80.030 Adoption of standards; authority of department of health and human services.

[A.] THE HEALTH AND HUMAN SERVICES COMMISSION SHALL DEVELOP A SET OF STANDARDS AND CRITERIA FOR THE SUPERVISION, OPERATION AND MAINTENANCE OF QUASI-INSTITUTIONAL HOUSES WITH APPROPRIATE PROFESSIONAL ASSISTANCE AND PROCEDURES FOR THE REVIEW AND APPROVAL OF SUCH HOUSES, AND SHALL SUBMIT THE STANDARDS AND PROCEDURES TO THE ASSEMBLY FOR ITS APPROVAL WITHIN 120 DAYS OF SEPTEMBER 17, 1973.]

[B.] The department of health and human services, through its director, shall:

1. Receive and review all applications for **habilitative care facilities and correctional community residential centers** [QUASI-INSTITUTIONAL HOUSES] to ensure their compliance with the standards and criteria described in subsection A of this section.
2. Make findings of fact pertaining to each application received.
3. Issue one-year permits to applicants who meet standards and criteria to allow the operation of **habilitative care facilities and correctional community residential centers** [QUASI-INSTITUTIONAL HOUSES] as approved.
4. Review, on at least a yearly basis, each **habilitative care facility or correctional community residential center** [QUASI-INSTITUTIONAL HOUSE] to ascertain its continued compliance with standards and criteria and, where compliance is found and a permit is due to expire, issue a new permit.
5. Investigate any alleged violations of the standards and criteria.

6. Have the authority, upon finding that any **habilitative care facility or correctional community residential center** [QUASI-INSTITUTIONAL HOUSE] will not or cannot comply with the standards and criteria, to revoke, suspend or deny the renewal of a permit allowing operation of a **habilitative care facility or correctional community residential center** [QUASI-INSTITUTIONAL HOUSE].

(GAAB 16.80.030; AO No. 85-8)

Section 5. Anchorage Municipal Code section 16.80.040, Permit required, is hereby amended to read as follows:

16.80.040 Permit required.

It is unlawful for any person to construct, expand, operate or continue to operate any **habilitative care facility or correctional community residential center** [QUASI-INSTITUTIONAL HOUSE] within the municipality without first acquiring a permit from the director[; PROVIDED, HOWEVER, THAT EXISTING QUASI-INSTITUTIONAL HOUSES SHALL HAVE 60 DAYS FROM SEPTEMBER 17, 1973, TO MAKE APPLICATION FOR A PERMIT]. Each permit shall expire one year from its date of issuance.

(GAAB 16.80.040)

Section 6. Anchorage Municipal Code section 16.80.050, Application for permit, is hereby amended to read as follows (*language indicating no amendment is included for context only*):

16.80.050 Application for permit.

A written application for approval of a **habilitative care facility or correctional community residential center** [QUASI-INSTITUTIONAL HOUSE] shall be submitted to the department of health and human services and shall be accompanied by, but is not necessarily limited to, the following information:

- A. Identification of the responsible authority operating the **habilitative care facility or correctional community residential center** [QUASI-INSTITUTIONAL HOUSE], including board members and legal addresses.
- B. The location of the **habilitative care facility or correctional community residential center** [QUASI-INSTITUTIONAL HOUSE].
- C. Copies of any articles of incorporation and bylaws pertinent to the **habilitative care facility or correctional community residential center** [QUASI-INSTITUTIONAL HOUSE].
- D. A statement of the goals and objectives of the **habilitative care facility or correctional community residential center** [QUASI-INSTITUTIONAL HOUSE].

- 1 E. A detailed site plan, drawn to scale, showing the exact location of all buildings
2 and structures on the site, access points, parking areas and the total number of
3 parking spaces provided, with written certification from the community planning
4 department that the site plan meets all planning and zoning requirements.
5
- 6 F. A floor plan, drawn to scale, of the building to be used by the **habilitative care**
7 **facility or correctional community residential center [QUASI-INSTITUTIONAL**
8 **HOUSE]** and the dimensions of each room or area of the building.
9
- 10 G. Information showing the type and location of sewage disposal and water
11 facilities to be used by the **habilitative care facility or correctional**
12 **community residential center [QUASI-INSTITUTIONAL HOUSE]** with written
13 certification from the department of health and human services that these
14 facilities comply with all applicable municipal and state regulations and
15 ordinances.
16
- 17 H. A plan for food service within the facility, including food purchasing, storing and
18 preparation, along with kitchen and utensil sanitation, in compliance with the
19 standards prescribed in Section 16.80.090, and with written certification from
20 the department of health and human services that this plan meets the
21 standards.
22
- 23 I. Demonstration of compliance with the fire and building codes of the
24 municipality, with certification of such compliance by the appropriate fire and
25 building departments.
26
- 27 J. House rules developed by the **habilitative care facility or correctional**
28 **community residential center [QUASI-INSTITUTIONAL HOUSE]**.
29
- 30 K. A description of the qualifications and number of staff who will operate and
31 maintain the **habilitative care facility or correctional community residential**
32 **center [QUASI-INSTITUTIONAL HOUSE]**, in compliance with the standards
33 prescribed in Section 16.80.070.
34
- 35 L. Definition of the population to be served by the **habilitative care facility or**
36 **correctional community residential center [QUASI-INSTITUTIONAL HOUSE]** and
37 admission and dismissal requirements.
38
- 39 M. The number of residents to be housed in the facility, including staff and clients,
40 in compliance with the standards prescribed in Section 16.80.080.
41
- 42 N. A description of the registration system for identification of all residents of the
43 **habilitative care facility or correctional community residential center**
44 **[QUASI-INSTITUTIONAL HOUSE]**, in compliance with the standards prescribed in
45 Section 16.80.100.
46

O. Provisions for communicable disease control, in compliance with the standards prescribed in Section 16.80.100.

P. Such other information as may be deemed appropriate and necessary by the director.

(GAAB 16.80.050; AO No. 82-49; AO No. 85-8)

Section 7. Anchorage Municipal Code section 16.80.060, Applicability of chapter; compliance with chapter, is hereby amended to read as follows:

16.80.060 Applicability of chapter; compliance with chapter.

The standards set forth in Sections 16.80.070 through 16.80.130 shall govern the establishment, operation, supervision and maintenance of habilitative care facility or correctional community residential center [QUASI-INSTITUTIONAL HOUSE] and must be complied with by all such houses prior to their initial approval or recertification by the director. If it is determined at any time that an approved habilitative care facility or correctional community residential center [QUASI-INSTITUTIONAL HOUSE] has failed to operate within these standards, such determination shall be grounds for suspension or revocation of its permit pursuant to the provisions of Section 16.80.180 [B THROUGH E].

(GAAB 16.80.060)

Section 8. Anchorage Municipal Code section 16.80.070, Supervision of facility, is hereby amended to read as follows:

16.80.070 Supervision of facility.

Twenty-four-hour on-site staff supervision shall be provided by the person responsible for the operation of a habilitative care facility or correctional community residential center [QUASI-INSTITUTIONAL HOUSE], or such person's agents, provided that, for good cause shown, the director shall authorize the provision of such supervision by the client-residents themselves when such authorization would, in the director's sound discretion, be in the interest of the residents and conducive to compliance by the house involved with this chapter and other applicable provisions of law. If such client supervision is authorized, one or more supervising residents shall be certified to the director as being responsible for the operation and supervision of the facility.

(GAAB 16.80.070)

Section 9. Anchorage Municipal Code section 16.80.080, Buildings and grounds, is hereby amended to read as follows (*language indicating no amendment is included for context only*):

16.80.080 Buildings and grounds.

- 1 A. The facilities and grounds of a habilitative care facility or correctional
2 community residential center ~~[of QUASI-INSTITUTIONAL HOUSE]~~ shall be
3 maintained in an orderly, clean and safe manner.
4
- 5 B. All facilities shall conform to Title 23 of this code [THE UNIFORM BUILDING CODE
6 AS AMENDED AND ADOPTED BY THE ASSEMBLY].
7
- 8 C. Minimum space ratios shall be maintained at 150 square feet of living space per
9 resident if there is no common dining area, and 100 square feet of living space
10 per resident where there is a common dining area. Each bedroom shall
11 maintain minimum space ratios per occupant of 50 square feet for each
12 single level bed occupant, 35 square feet for each bunk bed occupant,
13 with 25 square feet of unencumbered bedroom space per occupant [OF
14 WHICH AT LEAST 50 SQUARE FEET ~~OF LIVING SPACE PER RESIDENT~~ SHALL BE USED AS
15 BEDROOM SPACE.] For good cause shown, the director may authorize space
16 ratios which differ slightly from these requirements but which substantially meet
17 the intent of this subsection to ensure adequate space for each resident.
18
- 19 D. As used in Section 16.80.080C., "common dining area" means a dining
20 area intended for use by all residents and does not include apartment
21 style kitchens with dining areas intended for use by only a few residents;
22 and "unencumbered bedroom space" is determined by calculating the
23 total square footage of a bedroom, then subtracting fixtures and
24 equipment including beds, plumbing fixtures (if inside the room), desks,
25 lockers, chairs, closets and stools.
26

27 (GAAB 16.80.080)
28

29 **Section 10.** Anchorage Municipal Code section 16.80.090, Food Service, is hereby
30 amended to read as follows *(language indicating no amendment is included for context only*
31 ***and language unaffected is not set out**)*:
32

33 **16.80.090 Food Service.**
34

- 35 A. The department of health and human services shall review and certify approval
36 to the director of the food preparation area and food handling procedures of a
37 habilitative care facility or correctional community residential center
38 [QUASI-INSTITUTIONAL HOUSE] in accordance with the following requirements:
39

40 *Note to Code Revisor: The following is deleted from AO 2011-1(S) and*
41 *replaced due to clerical error (misprint not in code):* ~~*[The facilities and grounds*~~
42 ~~*of a habilitative care facility or correctional community residential center*~~
43 ~~*[QUASI-INSTITUTIONAL HOUSE] shall be maintained in an orderly, clean and*~~
44

- 45 1. All beverage and food items shall be from a source approved by the
46 department of health and human services.

*** *** ***

B. The habilitative care facility or correctional community residential center [QUASI-INSTITUTIONAL HOUSE] must demonstrate in the permit application and during inspections by the department that the nutritional needs of residents are being met by:

1. Certification from a nutrition consultant; or
2. Submission of one week's meal plans for review.

C. Menus shall be posted and retained for inspection.

D. No more than 13 hours shall elapse between meal offerings, and a minimum of three meals per day shall be offered.

(GAAB 16.80.090; AO No. 85-8)

Section 11. Anchorage Municipal Code section 16.80.100, Health and medical plan, is hereby amended to read as follows (*language without amendment is not set out*):

16.80.100 Health and medical plan.

An habilitative care facility or correctional community residential center [QUASI-INSTITUTIONAL HOUSE] shall develop a written plan to meet the health needs of the residents. This shall include but not be limited to:

*** *** ***

(GAAB 16.80.100; AO No. 93-1)

Section 12. Anchorage Municipal Code section 16.80.110, Sanitary facilities, is hereby amended to read as follows:

16.80.110 Sanitary facilities.

An habilitative care facility or correctional community residential center [QUASI-INSTITUTIONAL HOUSE] shall maintain a ratio of one toilet and one handwash sink per six residents, and one bathtub or shower per six residents.

(GAAB 16.80.110; AO No. 93-1)

Section 13. Anchorage Municipal Code section 16.80.120, Water and sewer facilities, is hereby amended to read as follows:

16.80.120 Water and sewer facilities.

An habilitative care facility or correctional community residential center [QUASI-INSTITUTIONAL HOUSE] shall comply with all municipal and state requirements pertaining to sewer and water facilities.

(GAAB 16.80.120)

Section 14. Anchorage Municipal Code section 16.80.130 Conduct, is hereby amended to read as follows:

16.80.130 Conduct.

An **habilitative care facility or correctional community residential center** [QUASI-INSTITUTIONAL HOUSE] and all its residents shall comply with all federal, state and local laws and the common law of the state and shall in no event constitute a public nuisance.

(GAAB 16.80.130)

Section 15. Anchorage Municipal Code section 16.80.140, Director of Health and Human Services certification procedures, is hereby amended to read as follows:

16.80.140 Department [DIRECTOR] of Health and Human Services permit approval [CERTIFICATION PROCEDURES].

- A. Upon receipt of a complete application for a new **habilitative care facility or correctional community residential center** [QUASI-INSTITUTIONAL HOUSE] at a given location, the director or designee of the Department of Health and Human Services shall review the application for issuance of a permit under this chapter. Where the director determines that the interest of the public would be best served thereby, a conditional approval may be granted, pending compliance with specified legal requirements within a specified reasonable period. Upon the applicant's showing of compliance with such requirements within the time specified, a permit shall be issued. Noncompliance within the time specified may result in permit denial.

[SCHEDULE A PUBLIC HEARING TO BE HELD BEFORE HIM WITHIN 45 DAYS. NOTICE OF THE HEARING SHALL BE MAILED AT LEAST 15 DAYS BEFORE THE DATE THEREOF TO THE APPLICANT AND THE REAL PROPERTY OWNERS ON THE ASSESSOR'S RECORDS WITHIN A 300-FOOT PERIPHERY OF THE PROPOSED QUASI-INSTITUTIONAL HOUSE AND SHALL BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE AREA.]

- B. A permit issued by the Department of Health and Human Services under this chapter shall not become effective unless and until the effective date of the conditional use issued under applicable title 21 land use standards.

[AT THE HEARING, THE APPLICANT AND THE MUNICIPALITY SHALL BE ENTITLED TO PRESENT WRITTEN OR ORAL ARGUMENT AND SUCH WITNESSES AS THEY MAY DESIRE. WITNESSES PRESENTED BY THE APPLICANT MAY BE QUESTIONED BY THE MUNICIPALITY, AND MUNICIPAL WITNESSES MAY BE QUESTIONED BY THE APPLICANT. AT THE CONCLUSION OF THE PRESENTATIONS BY THE APPLICANT AND THE MUNICIPALITY, ANY INTERESTED PERSON MAY PARTICIPATE IN THE HEARING THROUGH THE

INTRODUCTION OF EVIDENCE OR ARGUMENT PERTAINING TO THE QUASI-INSTITUTIONAL HOUSE'S COMPLIANCE OR POTENTIAL COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS. SUCH PARTICIPANTS MAY BE QUESTIONED AND REBUTTED BY THE APPLICANT OR THE MUNICIPALITY.]

- C. Facility permits are subject to the provisions of this chapter, applicable standards in title 21, and any conditions of land use under the conditional use permit.

[WITHIN SEVEN DAYS OF THE HEARING, THE DIRECTOR SHALL RENDER A WRITTEN DECISION TO APPROVE OR DENY THE PERMIT. THE DIRECTOR'S DECISION SHALL BE BASED SOLELY ON THE FACILITY'S COMPLIANCE OR NONCOMPLIANCE WITH THIS CHAPTER AND APPLICABLE LAW, AND SHALL BE ACCOMPANIED BY FINDINGS OF FACT. AN INTERIM DENIAL MAY BE ISSUED, PENDING COMPLIANCE WITH SPECIFIED LEGAL REQUIREMENTS WITHIN A SPECIFIED REASONABLE PERIOD. UPON THE APPLICANT'S SHOWING OF COMPLIANCE WITHIN THE TIME SPECIFIED, THE DIRECTOR SHALL ISSUE A PERMIT WITHOUT FURTHER DELAY.]

- D. In the case of application for recertification of an existing quasi-institutional house[s], habilitative care facility, or correctional community residential center, the director shall determine if the house, habilitative care facility or correctional community residential center [QUASI-INSTITUTIONAL HOUSE] is being operated in conformance with all provisions of this chapter. Upon an affirmative determination, a new permit may be issued [WITHOUT A PUBLIC HEARING]. Where the director determines that the interest of the habilitative care facility or correctional community residential center [QUASI-INSTITUTIONAL HOUSE] residents and the public would be best served thereby, an interim approval may be granted, pending compliance with specified legal requirements within a specified reasonable period. Upon the applicant's showing of compliance with such requirements within the time specified, a regular permit shall automatically be issued. Noncompliance within the time specified may [SHALL] result in permit denial.

- E. Any denial of a permit is subject to appeal in an administrative hearing open to the public.

[MUST BE PRECEDED BY THE PROCEDURES SET FORTH IN SUBSECTIONS A THROUGH D OF THIS SECTION. ANY PERMIT ISSUED UNDER THIS SUBSECTION SHALL BE EFFECTIVE IMMEDIATELY.]

- E [E]. Hearings before the director under this section may, at the option of the director, be conducted by an administrative hearing officer designated by the director. If the director elects to refer the matter to an administrative hearing officer, the hearing officer shall conduct the hearing and prepare findings and conclusions. These findings and conclusions must be forwarded to the director for adoption, modification or rejection and issuance of a final order or decision by the director on the appeal.

(GAAB 16.80.140; AO No. 95-180, § 16, 9-26-95)

Section 16. Anchorage Municipal Code section 16.80.150, Evaluation of adequacy of facilities, is hereby amended to read as follows:

16.80.150 Evaluation of adequacy of facilities.

Except as specifically provided otherwise by municipal code ~~[in this chapter]~~, the following publications shall be used to determine the adequacy of the facilities and services: the International [UNIFORM] Building Code as amended and adopted by the municipality, the International Fire ~~[Prevention]~~ Code ~~[of the American Insurance Association]~~, the National Electrical Code, the Uniform Plumbing Code, ~~[the Uniform NATIONAL Plumbing Code]~~, the municipal provisions on sewage disposal practices and the United States Department of Agriculture Publication G72, "Nutritive Value of Foods." No habilitative care facility or correctional community residential center [QUASI-INSTITUTIONAL FACILITY] may represent that it has sponsorship, approval, characteristics, affiliation or accreditation which it does not have.

(GAAB 16.80.150)

Section 17. Anchorage Municipal Code section 16.80.160, Display of permit, is hereby amended to read as follows:

16.80.160 Display of permit.

The permit issued by the director for operation of a habilitative care facility or correctional community residential center [QUASI-INSTITUTIONAL HOUSE] shall be prominently displayed in the facility to which it was issued.

(GAAB 16.80.160)

Section 18. Anchorage Municipal Code section 16.80.170, Transfer of permit, is hereby amended to read as follows

16.80.170 Transfer of permit.

No permit for operation of a habilitative care facility or correctional community residential center [QUASI-INSTITUTIONAL HOUSE] may be transferred. Every person holding a permit shall give notice in writing to the department of health and human services within 30 days of intent to sell, transfer, relocate or otherwise dispose of an interest in or control of a habilitative care facility or correctional community residential center [QUASI-INSTITUTIONAL HOUSE]. Such a sale, transfer, relocation or other disposal of a habilitative care facility or correctional community residential center [QUASI-INSTITUTIONAL HOUSE] shall be considered a request for a new permit, and a complete review as prescribed in this chapter shall be necessary.

(GAAB 16.80.170; AO No. 85-8)

Section 19. Anchorage Municipal Code section 16.80.180, Enforcement of chapter;

inspections, is hereby amended to read as follows (*language indicating no amendment is included for context only*):

16.80.180 Enforcement of chapter; inspections.

- A. *Inspections.* The director or his representative shall have the authority, upon showing proper credentials and at reasonable times, to enter upon any and all parts of the premises in a habilitative care facility or correctional community residential center [QUASI-INSTITUTIONAL HOUSE] to examine and investigate its sanitary condition and to determine whether any provisions of this chapter are being violated. However, no such inspection shall be made if a supervising staff or client-resident informs the director or his representative that an inspection at that particular time could disrupt a habilitative care facility or correctional community residential center [QUASI-INSTITUTIONAL HOUSE] program then in progress to the serious detriment of one or more client-residents. More than one such objection to an inspection in any four-month period shall be justified in writing to the director. Refusal to allow inspections on three consecutive occasions may be grounds for permit suspension.
- B. *Contents of notice of violation.* If it is determined at any time that the requirements of this chapter have been violated, the department of health and human services shall notify the permit holder or operator of the violations by means of an inspection report form or other written notice. This written notice shall set forth the specific violations, establish a reasonable period of time for correction of the violations and state that failure to comply with any notice issued in conformance with the provisions of this chapter will subject the holder to suspension or revocation of his permit.
- C. *Service of notice of violation.* Notices provided for under this section shall be properly served when delivered personally to the permit holder or to the person in charge, or when sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. A copy of such notice shall be filed with the department of health and human services.
- D. *Suspension or revocation of permit.* The decision to suspend or revoke a permit shall be made following an administrative hearing open to the public [HEARING], upon at least ten day [S' PUBLIC] notice, before the director. Revocation, rather than suspension, may be ordered when the violations found to exist are either numerous, repetitive of previous violations of the same or other provisions of this chapter, or of such a nature as to pose a serious threat to the health or well-being of the habilitative care facility or correctional community residential center [QUASI-INSTITUTIONAL HOUSE] residents or other persons or property. The director shall issue findings of fact to support his decision pertaining to the suspension or revocation. Hearings under this section may, at the option of the director, be conducted by an administrative hearing officer designated by the director. If the director elects to refer the

1 matter to an administrative hearing officer, the hearing officer shall conduct the
2 hearing and prepare findings and conclusions. These findings and conclusions
3 must be forwarded to the director for adoption, modification or rejection and
4 issuance of a final order or decision by the director.

5
6 E. *Immediate suspension of permit.* If violations of this chapter or applicable law
7 pose an immediate threat to the health or well-being of persons or property, the
8 director may suspend a permit pending the conduct of an administrative hearing
9 open to the public [HEARING] or suspension or revocation, provided, however,
10 the immediate suspension shall expire [THAT THE PERMIT SHALL BE DEEMED
11 REINSTATED] if an administrative hearing open to the public [HEARING] is not held
12 thereon within five days of the date of suspension.

13
14 F. *Authority to prescribe additional regulations.* The director shall enforce the
15 provisions of this chapter and shall promulgate and enforce rules and
16 regulations upon due notice, as he deems necessary, to carry out the intent of
17 this chapter. Such rules and regulations shall, upon approval of the assembly,
18 become a part of and subject to the provisions of this chapter.

19
20 (GAAB 16.80.180; AO No. 85-8)

21
22 **Section 20.** Anchorage Municipal Code is hereby amended by adding a new section
23 16.80.200, Waivers, to read as follows:

24
25 **16.80.200** **Waivers.**

26
27 **A. The department may waive a provision of this chapter if it determines that**
28 **the health and protection of the public and the satisfaction of the purpose**
29 **of the provision is reasonably assured and the requirements of applicable**
30 **state and federal law are satisfied.**

31
32 **B. An application for a waiver shall be made in writing to the department and**
33 **shall include:**

34
35 **1. Identification of the code requirement for which the waiver is**
36 **requested;**

37
38 **2. Reasons why the provision cannot be met or would create an undue**
39 **hardship; and**

40
41 **3. A description of the alternative method proposed for meeting the**
42 **purpose of the provision for which the waiver is being requested.**

43
44 **Section 21.** Anchorage Municipal Code section 21.50.035 Standards for correctional
45 community residential centers, is hereby amended to read as follows (*language indicating no*
46 *amendment is included for context only*):

21.50.035 Standards for correctional community residential centers.

- A. These standards apply to correctional community residential centers created after January 1, 1995. The addition of beds requires modification of the conditional use permit and authorization by the municipality under the Department of Health and Human Services permit. The three [EXISTING] CCRCs established prior to 1995 under the quasi-institutional house provisions of Title 16 and Title 21 of this Code may continue to operate under the terms of their existing conditional use permits, subject to applicable permitting under the Department of Health and Human Services [AND AT THE OCCUPANCY LEVEL PERMITTED AS OF JANUARY 1, 1995]. No other beds may be added to these centers except the conditional use permit may be modified for the number of beds in a CCRC established prior to 1995 with internal building area greater than 30,000 square feet if, and only if, the minimum space ratios permitted under chapter 16.80 are met without enlarging the outer dimensions of the center. [AND] No additional correctional community residential centers may be located in the B-2A, B-2B, or B-2C zoning districts or in a B-3 zoning district in the area bounded on the north by Ship Creek, on the south by Chester Creek, on the east by Orca Street extended, and on the west by Cook Inlet.
- B. No new correctional community residential center may be located within 1,250 feet of the lot line of an existing center or a school or park, unless the Planning and Zoning Commission determines that a further reduction in separation distance is warranted based upon the program proposed and any other circumstances the Commission deems appropriate. If the Commission reduces the separation distance, it shall adopt findings of the facts upon which such reduction is based. Measurement shall be made from the nearest property line of an existing center to the property line of the site proposed for a new center.
- C. Program occupancy limits and program requirements shall be as determined under AMC chapter 16.80 and shall not exceed limits established by the state department of corrections.
- D. The [LAND USE STANDARD TO ESTABLISH] maximum resident occupancy at a center shall not exceed the program occupancy limit established by the Department of Health and Human Services under chapter 16.80.
- [IS A MINIMUM OF 150 SQUARE FEET OF BUILDING AREA PER RESIDENT, CALCULATED BY INCLUDING ALL BEDROOM, KITCHEN, BATHROOM, LIVING, RECREATION AND OTHER AREAS WITHIN THE FACILITY INTENDED FOR COMMON USE BY THE RESIDENTS.]
- E. A center shall provide one off-street parking space per each full-time staff member, based on the maximum anticipated staffing.
- F. Correctional community residential centers structured on the apartment living concept shall adhere to the residential dwelling unit density, minimum lot,

minimum yard, maximum lot coverage and maximum building height provisions of the zoning district in which they are located.

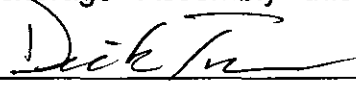
G. Refuse containers and facilities shall be enclosed as required by the supplementary district regulations.

H. Landscaping requirements shall conform to those of the underlying zoning district.

I. Correctional Community Residential Centers shall not house sex offenders. (AO No. 95-68(S-1), § 12, 8-8-95; AO No. 2007-156, § 2, 12-11-07)

Section 22. This ordinance shall become effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 15th day of February, 2011.


Chair of the Assembly

ATTEST:


Municipal Clerk



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
NO. AM 6-2011

Meeting Date: January 11, 2011

From: ASSEMBLY VICE CHAIR FLYNN

**Subject: AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY
AMENDING PROVISIONS OF ANCHORAGE MUNICIPAL CODE CHAPTER
16.80 AND SECTION 21.50.035 GOVERNING MUNICIPAL PERMITS FOR
CORRECTIONAL COMMUNITY RESIDENTIAL CENTERS.**

Correctional Community Residential Centers (CCRCs, also sometimes referred to as halfway houses), offer interim & transitional correctional alternatives under the oversight of the Alaska Department of Corrections (DOC). CCRCs have been operating in Anchorage for roughly 20 years. Use was initially approved by the Municipality in 1991 and confirmed in 1992, 1994 and 1995. Within my district, the program and buildings have not changed materially in nearly 20 years, and no new beds have been authorized since 1995.

In a 2010 merger, The GEO Group (GEO) acquired Cornell Companies. GEO is a large and experienced provider of halfway houses around the country and now operates six CCRCs in Alaska (three in Anchorage and one each in Fairbanks, Nome and Bethel). Nationwide, GEO has been in operation for more than 35 years, and now operates more than 100 facilities serving four federal agencies, 23 states, numerous cities and counties, including the 1,000 bed secure prison in Hudson, Colorado, used to house Alaska prisoners out-of-state.

In addition to the three GEO facilities in Anchorage, Glennwood Center, located at 835 D Street, is operated by T.J.M. Western. T.J.M. Western, headquartered in Las Vegas, also operates two CCRCs in Hawaii and one in Las Vegas. Akeela Treatment Services, 2804 Bering Street, and the Ernie Turner Center, 3851 Bragaw Street, are also among the facilities permitted under Title 21 as CCRCs.

The State needs more transitional beds in Anchorage, specifically more CCRC beds, and has asked GEO to increase accommodations in existing facilities, rather than DOC having to seek sites. Similarly, DOC recently requested, and the Municipality permitted, GEO to create an all female program at the Midtown Center.

GEO's priorities in operating CCRCs are security for the neighborhood and community, and smooth community re-entry for CCRC residents:

- To maintain security in the prisoner-release program, strict protocols and resident accountability requirements are established.
- Failure to adhere to procedures results in sanctions and could result in the resident returning to prison, a very strong incentive to meet expectations.

- The three Anchorage based GEO centers and all Alaska halfway houses have operated without significant incident caused by residents.
- Residents who successfully transition through the program learn valuable life skills, are more likely to become responsible citizens, and ultimately cost the community and the State less.

Standard 4.6 of the Alaska Department of Corrections Community Residential Center Operational Standards prescribe the following ratio of square footage per resident:

"Each CRC shall provide a minimum of 150 square feet per resident. The square footage of each facility is calculated by including all bedroom, kitchen, bathroom and living, recreational and other common use areas of the facility. Closets, utility rooms, garages and other areas not ordinarily used for living areas, will be excluded from the square footage calculations. In facilities providing common dining areas, residents must have a minimum of 100 square feet of space."

Within the Municipality of Anchorage, CCRCs are regulated under the Department of Health and Human Services (DHHS). None of the three facilities existing in 1995 offered common dining areas and the Municipality codified only the DOC ratio applicable to facilities without common dining areas, namely, 150 square feet per resident. Based on the ratio of 150 square feet per resident, the Municipality capped the number of residents in the Parkview, Cordova, and Glennwood facilities at 112, 192, and 98 residents, respectively, vis-à-vis the land use permit for each CCRC conditional use.

In working with the Planning Department and DHHS, it is timely to distinguish better the programmatic requirements and the conditional use permit requirements. For instance, pre-permit public hearing is most appropriate for land use. Also, as noted above, DOC programmatic regulations for facilities that have common dining areas require 100 square feet per resident. DHHS should have comparable flexibility in issuing the CCRC programmatic permit under Title 16.

Adoption of the proposed ordinance will provide appropriate alignment between land use regulation under Title 21 and programmatic regulation under Title 16, consistent with Municipal staff discussions and objectives. The Code amendments will allow GEO to modify its conditional use permit to increase the Cordova Street facility, provided GEO reconfigures the facility to provide common dining, under the DHHS permit. This would meet at least a portion of the State of Alaska Department of Correction's need for additional beds without the addition of a new CCRC site.

At my request, GEO representatives have met with the Downtown and Fairview Community Councils. Both councils endorsed this proposal and, in the case of Fairview Community Council, several Council officers toured the Cordova Center.

Respectfully submitted: Patrick Flynn
Assembly Member, Section 1