

LAI-ON-THE-TABLE

Submitted by: Assembly Member Rivera,
Assembly Member Sulte
Prepared by: Assembly Counsel's Office
For reading: April 9, 2024

ANCHORAGE, ALASKA
AO No. 2024-____

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 16.120 TO PROVIDE FOR INCLUSION IN THE MUNICIPALITY'S EMERGENCY SHELTER PLAN FOR HOMELESS PERSONS APPROVED DESIGNATED SAFE PARKING AREAS THAT ALLOW THE USE OF VEHICLES FOR TEMPORARY LIVING QUARTERS, AND RELATED MATTERS.

WHEREAS, the upcoming expected departure of hundreds of unhoused individuals from the Alex and Aviator hotels, the Municipality's Solid Waste Services Emergency Cold Weather Shelter, and other sites is anticipated to result in a lack of available shelter options and beds in the community; and

WHEREAS, based on such uses during the summer in recent years it is also an anticipated need for the Municipality to plan to monitor and accommodate approximately 100 vehicles that may be used for habitation, with or without permission, in the upcoming summer season; and

WHEREAS, issues such as sanitation and water at the locations used for "vehicular camping" are and continue to be public health and safety concerns; and

WHEREAS, there is a need to plan for approximately 800 persons unsheltered and living in prohibited camp areas this summer; and

WHEREAS, to offer an efficient and readily achievable means to manage the anticipated influx of prohibited campsites and vehicular camping in the upcoming summer, the Municipality desires to have a central registry of approved locations for these uses in times when there is a lack of available shelter options or otherwise when the Emergency Shelter Plan for Homeless Persons is activated in accordance with Anchorage Municipal Code chapter 16.120; and

WHEREAS, to provide vehicular campers a safe, healthy and sanitary avenue to dispose of refuse and waste through the Municipal review and approval of plans for handling the same by nonprofit, religious and governmental organizations, or other qualified private property owners; and

WHEREAS, to further our commitment to the health of those most vulnerable in our community; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code Chapter 16.120 is hereby amended as follows (*the remainder of the chapter is not affected and therefore not set out*):

Chapter 16.120 EMERGENCY SHELTER PLAN FOR HOMELESS PERSONS

16.120.010 Plan purpose and objective.

- A. The emergency shelter plan for homeless persons implements measures to coordinate public and private resources when a lack of available shelter options poses a danger to the life and health of unsheltered people within the municipality. The plan objective is to safeguard the lives of vulnerable homeless individuals by providing shelter or sites for sleeping in vehicles during such emergency conditions.
- B. The department shall take reasonable and necessary actions to implement the requirements of this chapter.

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

*** *** ***

16.120.030 Emergency shelter plan protocols.

- A. When the plan is in effect, and for the duration of the plan, the following provisions shall apply:
 - 1. Uses or use of structures, as defined in subsection 21.05.040.C.5. (new code) and section 21.35.020 (old code), are permitted, notwithstanding any use prohibition in chapters 21.04 (new code) and 21.40 (old code):
 - a. Religious assemblies and churches designated as emergency shelters under this chapter may provide shelter to homeless families and individuals who are not under the influence of alcohol or controlled substances not prescribed to the individual.
 - b. Social service facilities designated as emergency shelters under this chapter may provide shelter to homeless persons.
 - c. Inebriate reception centers shall not ask or require any person admitted after 8:00 p.m. to leave the center before 8:00 a.m. the following day without good cause, regardless of intoxication or incapacitation level. Persons may leave voluntarily if otherwise released by the center.
 - d. Other facilities designated as emergency shelters under this chapter may provide shelter for homeless persons in accordance with the conditions and requirements established by the department.
 - 2. Facilities designated as emergency shelters under this chapter shall not be considered homeless and transient shelters for the purpose of determining required separation distances pursuant to section 21.50.420 (old code) or

1
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
2

21.05.055 (new code).

3. In areas designated for safe parking.

- a. notwithstanding the limitations and restrictions in sections 21.05.060D.9., 21.05.070D.19., 21.05.070E.4., and 21.05.080, living in a vehicle temporarily is permitted.
- b. Reserved.

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

16.120.040 Designation of emergency shelters, and safe parking areas.

- A. The department shall develop and maintain a database of approved designated emergency shelters and safe parking areas.
- B. The department may designate qualified buildings, facilities and sites under this chapter only after receipt and approval of an application from the property owner or owner's agent [SOCIAL SERVICE FACILITIES, RELIGIOUS ASSEMBLIES, CHURCHES, AND OTHER STRUCTURES AS EMERGENCY SHELTERS], and may rescind such designation at any time with or without cause. Designation and rescission are discretionary decisions of the department; nothing in this chapter shall require designation, regardless of an applicant's satisfaction of all requirements set forth herein. The Health Department shall make the final decision regarding what is required to be in the applicant's plan and protocols, and the memorandum of agreement with the department, regardless of the recommendations of other reviewing departments.
- C. To qualify, an eligible person or entity [A SOCIAL SERVICE FACILITY, RELIGIOUS ASSEMBLY, OR OTHER FACILITY] shall apply to the department director or a designee and, in addition to other applicable requirements in this chapter, satisfy the following requirements:
 - 1. The facilities shall be certified by the Anchorage Fire Department as adequate and properly equipped for an emergency shelter, safe parking area or safe private camp area.
 - 2. Staff shall be adequately trained as determined by the department.
 - 3. The applicant shall submit a written plan and protocols consistent with the emergency shelter plan of the municipality and approved by the department. The plan and protocols shall include provisions indicating cooperation with other emergency shelter providers identified by the department, and point of entry protocols.
 - 4. The applicant shall enter a written agreement with the municipality relevant to its operations.
 - 5. Meet other requirements deemed necessary by the

1
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
2

department.

D. The department shall circulate the application for review and recommendations to the Planning Department, Police Department, and other public agencies as deemed appropriate by the department.

1. The Planning Department shall review the application under standards for temporary uses in section 21.05.080D.

16.120.050 Designated emergency shelters.

A. The following additional requirements apply to an application for and designation as an emergency shelter:

1[a]. A religious assembly or church applicant's plan and protocols shall include provisions limiting use of its facilities as an emergency shelter to homeless families and individuals who are not under the influence of alcohol or controlled substances not prescribed to the individual.

2[b]. Each applicant's plan shall provide for a minimum of seven days' notice to occupants prior to standard voluntary closure or deactivation of the emergency sheltering plan, except in the event of exigent circumstances approved by the director in writing. Visible posting of planned dates of operation is sufficient to meet this requirement.

[4. THE APPLICANT SHALL ENTER A WRITTEN AGREEMENT WITH THE MUNICIPALITY RELEVANT TO ITS OPERATIONS AS AN EMERGENCY SHELTER.

5. MEET OTHER REQUIREMENTS DEEMED NECESSARY BY THE DEPARTMENT.]

C. The following facilities, if designated as emergency shelters under this chapter, are permitted to be activated for such use only during a declaration of civil emergency by the mayor under subsection 16.120.020A.2.:

1. Municipal owned community centers, as defined in section 21.05.040C.2.

2. Municipal owned neighborhood recreation centers, as defined in section 21.05.040C.6.

(AO No. 2010-46, § 1, 6-8-10; AO No. 2019-98(S) , § 1, 8-20-19; AO No. 2022-85 , § 1, 9-27-22)

16.120.055 Designated safe parking areas for temporary living in vehicles.

A. The following additional requirements apply to an application for and designation as a safe parking area:

1. Demonstration that all public health and safety considerations have been adequately addressed, and may administratively adjust standards upon providing findings and conclusions that justify the requirements.

1
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

2. No designated safe parking area may contain more than 25 vehicles. Recreational vehicles and travel trailers may be allowed if adequately accommodated by the plan. This provision may be waived for good cause shown by the Anchorage Health Department and Planning and Development Services.

3. Each applicant's plan shall provide for
- a. a minimum of three days' notice to occupants prior to standard voluntary closure or deactivation of the emergency sheltering plan, except in the event of exigent circumstances approved by the director in writing.
 - b. access to restroom and washing facilities in the immediate proximity.
 - c. screening or separation from the property line of the site adjacent to other active uses.
 - d. a good neighbor policy.

B. Reserved.

Section 2. This ordinance shall be effective on May 1, 2024.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2024.

Chair of the Assembly

ATTEST:

Municipal Clerk