

Submitted by: ASSEMBLY VICE CHAIR FLYNN
Prepared by: Assembly Counsel
For reading: January 11, 2011

Sec AO 2011-1(S-1)

**ANCHORAGE, ALASKA
AO NO. 2011-1**

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 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.

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

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

*** *** ***

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

1 **Section 2.** Anchorage Municipal Code section 16.80.080, Buildings and grounds, is
2 hereby amended to read as follows (*language indicating no amendment is included for*
3 *context only*):
4

5 **16.80.080 Buildings and grounds.**
6

- 7 A. The facilities and grounds of a correctional community residential center or
8 quasi-institutional house shall be maintained in an orderly, clean and safe
9 manner.
10
11 B. All facilities shall conform to the Uniform Building Code as amended and
12 adopted by the assembly.
13
14 C. Minimum space ratios shall be maintained at 150 square feet of living space
15 per resident if there is no common dining area, and 100 square feet of living
16 space per resident where there is a common dining area. [OF WHICH] At least
17 50 square feet of living space per resident shall be used as bedroom space.
18 For good cause shown, the director may authorize space ratios which differ
19 slightly from these requirements but which substantially meet the intent of
20 this subsection to ensure adequate space for each resident.
21

22 (GAAB 16.80.080)
23

24 **Section 3.** Anchorage Municipal Code section 16.80.140 is hereby amended to read as
25 follows (*language indicating no amendment is included for context only*):
26

27 **16.80.140 Department [DIRECTOR] of Health and Human Services permit**
28 **approval [CERTIFICATION PROCEDURES].**
29

- 30 A. Upon receipt of a complete application for a new quasi-institutional house at
31 a given location, the director or designee of the Department of Health and
32 Human Services shall review the application for issuance of a permit under
33 this chapter. Where the director determines that the interest of the public
34 would be best served thereby, a conditional approval may be granted,
35 pending compliance with specified legal requirements within a specified
36 reasonable period. Upon the applicant's showing of compliance with such
37 requirements within the time specified, a permit shall be issued.
38 Noncompliance within the time specified may result in permit denial.
39

40 [SCHEDULE A PUBLIC HEARING TO BE HELD BEFORE HIM WITHIN 45 DAYS. NOTICE OF
41 THE HEARING SHALL BE MAILED AT LEAST 15 DAYS BEFORE THE DATE THEREOF TO
42 THE APPLICANT AND THE REAL PROPERTY OWNERS ON THE ASSESSOR'S RECORDS

1 WITHIN A 300-FOOT PERIPHERY OF THE PROPOSED QUASI-INSTITUTIONAL HOUSE
2 AND SHALL BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE AREA.]
3

- 4 B. A permit issued by the Department of Health and Human Services under this
5 chapter shall not become effective unless and until the effective date of the
6 conditional use issued under applicable title 21 land use standards.
7

8 [AT THE HEARING, THE APPLICANT AND THE MUNICIPALITY SHALL BE ENTITLED TO
9 PRESENT WRITTEN OR ORAL ARGUMENT AND SUCH WITNESSES AS THEY MAY
10 DESIRE. WITNESSES PRESENTED BY THE APPLICANT MAY BE QUESTIONED BY THE
11 MUNICIPALITY, AND MUNICIPAL WITNESSES MAY BE QUESTIONED BY THE APPLICANT.
12 AT THE CONCLUSION OF THE PRESENTATIONS BY THE APPLICANT AND THE
13 MUNICIPALITY, ANY INTERESTED PERSON MAY PARTICIPATE IN THE HEARING
14 THROUGH THE INTRODUCTION OF EVIDENCE OR ARGUMENT PERTAINING TO THE
15 QUASI-INSTITUTIONAL HOUSE'S COMPLIANCE OR POTENTIAL COMPLIANCE WITH
16 APPLICABLE LAWS AND REGULATIONS. SUCH PARTICIPANTS MAY BE QUESTIONED
17 AND REBUTTED BY THE APPLICANT OR THE MUNICIPALITY.]
18

- 19 C. Facility permits are subject to the provisions of this chapter, applicable
20 standards in title 21, and any conditions of land use under the conditional use
21 permit.
22

23 [WITHIN SEVEN DAYS OF THE HEARING, THE DIRECTOR SHALL RENDER A WRITTEN
24 DECISION TO APPROVE OR DENY THE PERMIT. THE DIRECTOR'S DECISION SHALL BE
25 BASED SOLELY ON THE FACILITY'S COMPLIANCE OR NONCOMPLIANCE WITH THIS
26 CHAPTER AND APPLICABLE LAW, AND SHALL BE ACCOMPANIED BY FINDINGS OF FACT.
27 AN INTERIM DENIAL MAY BE ISSUED, PENDING COMPLIANCE WITH SPECIFIED LEGAL
28 REQUIREMENTS WITHIN A SPECIFIED REASONABLE PERIOD. UPON THE APPLICANT'S
29 SHOWING OF COMPLIANCE WITHIN THE TIME SPECIFIED, THE DIRECTOR SHALL ISSUE
30 A PERMIT WITHOUT FURTHER DELAY.]
31

- 32 D. In the case of application for recertification of existing quasi-institutional
33 houses, the director shall determine if the quasi-institutional house is being
34 operated in conformance with all provisions of this chapter. Upon an
35 affirmative determination, a new permit may be issued [WITHOUT A PUBLIC
36 HEARING]. Where the director determines that the interest of the quasi-
37 institutional house residents and the public would be best served thereby, an
38 interim approval may be granted, pending compliance with specified legal
39 requirements within a specified reasonable period. Upon the applicant's
40 showing of compliance with such requirements within the time specified, a
41 regular permit shall automatically be issued. Noncompliance within the time
42 specified may [SHALL] result in permit denial.

1 E. Any denial of a permit is subject to appeal in an administrative hearing open
2 to the public.
3

4 [MUST BE PRECEDED BY THE PROCEDURES SET FORTH IN SUBSECTIONS A THROUGH
5 D OF THIS SECTION. ANY PERMIT ISSUED UNDER THIS SUBSECTION SHALL BE
6 EFFECTIVE IMMEDIATELY.]
7

8 E [E]. Hearings before the director under this section may, at the option of the
9 director, be conducted by an administrative hearing officer designated by the
10 director. If the director elects to refer the matter to an administrative hearing
11 officer, the hearing officer shall conduct the hearing and prepare findings and
12 conclusions. These findings and conclusions must be forwarded to the
13 director for adoption, modification or rejection and issuance of a final order or
14 decision by the director on the appeal.
15

16 (GAAB 16.80.140; AO No. 95-180, § 16, 9-26-95)
17

18 **Section 4.** Anchorage Municipal Code section 16.80.180, Enforcement of chapter;
19 inspections, is hereby amended to read as follows (*language indicating no amendment is*
20 *included for context only*):
21

22 **16.80.180 Enforcement of chapter; inspections.**
23

24 A. *Inspections.* The director or his representative shall have the authority, upon
25 showing proper credentials and at reasonable times, to enter upon any and
26 all parts of the premises in a quasi-institutional house to examine and
27 investigate its sanitary condition and to determine whether any provisions of
28 this chapter are being violated. However, no such inspection shall be made if
29 a supervising staff or client-resident informs the director or his representative
30 that an inspection at that particular time could disrupt a quasi-institutional
31 house program then in progress to the serious detriment of one or more
32 client-residents. More than one such objection to an inspection in any four-
33 month period shall be justified in writing to the director. Refusal to allow
34 inspections on three consecutive occasions may be grounds for permit
35 suspension.
36

37 B. *Contents of notice of violation.* If it is determined at any time that the
38 requirements of this chapter have been violated, the department of health
39 and human services shall notify the permit holder or operator of the violations
40 by means of an inspection report form or other written notice. This written
41 notice shall set forth the specific violations, establish a reasonable period of
42 time for correction of the violations and state that failure to comply with any

1 notice issued in conformance with the provisions of this chapter will subject
2 the holder to suspension or revocation of his permit.

- 3
4 C. *Service of notice of violation.* Notices provided for under this section shall be
5 properly served when delivered personally to the permit holder or to the
6 person in charge, or when sent by registered or certified mail, return receipt
7 requested, to the last known address of the permit holder. A copy of such
8 notice shall be filed with the department of health and human services.
9
- 10 D. *Suspension or revocation of permit.* The decision to suspend or revoke a
11 permit shall be made following an administrative hearing open to the public
12 [HEARING], upon at least ten day [s' PUBLIC] notice, before the director.
13 Revocation, rather than suspension, may be ordered when the violations
14 found to exist are either numerous, repetitive of previous violations of the
15 same or other provisions of this chapter, or of such a nature as to pose a
16 serious threat to the health or well-being of the quasi-institutional house
17 residents or other persons or property. The director shall issue findings of
18 fact to support his decision pertaining to the suspension or revocation.
19 Hearings under this section may, at the option of the director, be conducted
20 by an administrative hearing officer designated by the director. If the director
21 elects to refer the matter to an administrative hearing officer, the hearing
22 officer shall conduct the hearing and prepare findings and conclusions.
23 These findings and conclusions must be forwarded to the director for
24 adoption, modification or rejection and issuance of a final order or decision
25 by the director.
26
- 27 E. *Immediate suspension of permit.* If violations of this chapter or applicable
28 law pose an immediate threat to the health or well-being of persons or
29 property, the director may suspend a permit pending the conduct of an
30 administrative hearing open to the public [HEARING] or suspension or
31 revocation, provided, however, the immediate suspension shall expire [THAT
32 THE PERMIT SHALL BE DEEMED REINSTATED] if an administrative hearing open to
33 the public [HEARING] is not held thereon within five days of the date of
34 suspension.
35
- 36 F. *Authority to prescribe additional regulations.* The director shall enforce the
37 provisions of this chapter and shall promulgate and enforce rules and
38 regulations upon due notice, as he deems necessary, to carry out the intent
39 of this chapter. Such rules and regulations shall, upon approval of the
40 assembly, become a part of and subject to the provisions of this chapter.
41

1
2 **Section 5.** Anchorage Municipal Code section 21.50.035, Standards for correctional
3 community residential centers, is hereby amended to read as follows (*language indicating*
4 *no amendment is included for context only*):

5
6 **21.50.035 Standards for correctional community residential centers.**

- 7
8 A. These standards apply to correctional community residential centers created
9 after January 1, 1995. The addition of beds requires modification of the
10 conditional use permit and authorization by the municipality under the
11 Department of Health and Human Services permit. The three [EXISTING]
12 CCRCs established prior to 1995 under the quasi-institutional house
13 provisions of Title 16 and Title 21 of this Code may continue to operate under
14 the terms of their existing conditional use permits, subject to applicable
15 permitting under the Department of Health and Human Services [AND AT THE
16 OCCUPANCY LEVEL PERMITTED AS OF JANUARY 1, 1995]. No other beds may be
17 added to these centers except the conditional use permit may be modified for
18 the number of beds in a CCRC established prior to 1995 with internal
19 building area greater than 30,000 square feet if, and only if, the minimum
20 space ratios permitted under chapter 16.80 are met without enlarging the
21 outer dimensions of the center. [AND] No additional correctional community
22 residential centers may be located in the B-2A, B-2B, or B-2C zoning districts
23 or in a B-3 zoning district in the area bounded on the north by Ship Creek, on
24 the south by Chester Creek, on the east by Orca Street extended, and on the
25 west by Cook Inlet.
- 26
27 B. No new correctional community residential center may be located within
28 1,250 feet of the lot line of an existing center or a school or park, unless the
29 Planning and Zoning Commission determines that a further reduction in
30 separation distance is warranted based upon the program proposed and any
31 other circumstances the Commission deems appropriate. If the Commission
32 reduces the separation distance, it shall adopt findings of the facts upon
33 which such reduction is based. Measurement shall be made from the nearest
34 property line of an existing center to the property line of the site proposed for
35 a new center.
- 36
37 C. Program occupancy limits and program requirements shall be as determined
38 under AMC chapter 16.80 and shall not exceed limits established by the
39 state department of corrections.
40

1 D. The [LAND USE STANDARD TO ESTABLISH] maximum resident occupancy at a
2 center shall not exceed the program occupancy limit established by the
3 Department of Health and Human Services under chapter 16.80.
4

5 [IS A MINIMUM OF 150 SQUARE FEET OF BUILDING AREA PER RESIDENT, CALCULATED
6 BY INCLUDING ALL BEDROOM, KITCHEN, BATHROOM, LIVING, RECREATION AND
7 OTHER AREAS WITHIN THE FACILITY INTENDED FOR COMMON USE BY THE
8 RESIDENTS.]
9

10 E. A center shall provide one off-street parking space per each full-time staff
11 member, based on the maximum anticipated staffing.
12

13 F. Correctional community residential centers structured on the apartment living
14 concept shall adhere to the residential dwelling unit density, minimum lot,
15 minimum yard, maximum lot coverage and maximum building height
16 provisions of the zoning district in which they are located.
17

18 G. Refuse containers and facilities shall be enclosed as required by the
19 supplementary district regulations.
20

21 H. Landscaping requirements shall conform to those of the underlying zoning
22 district.
23

24 I. Correctional Community Residential Centers shall not house sex offenders.
25

26 (AO No. 95-68(S-1), § 12, 8-8-95; AO No. 2007-156, § 2, 12-11-07)
27

28 **Section 6.** This ordinance shall become effective immediately upon passage and
29 approval by the Assembly.
30

31 PASSED AND APPROVED by the Anchorage Assembly this _____ day of
32 _____, 2011.
33

34
35 _____
36 Chair
37

38 ATTEST:
39

40 _____
41 Municipal Clerk
42



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
NO. AM 6-2011

Meeting Date: January 11, 2011

1 **From:** ASSEMBLY VICE CHAIR FLYNN

2
3 **Subject:** **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY**
4 **AMENDING PROVISIONS OF ANCHORAGE MUNICIPAL CODE CHAPTER**
5 **16.80 AND SECTION 21.50.035 GOVERNING MUNICIPAL PERMITS FOR**
6 **CORRECTIONAL COMMUNITY RESIDENTIAL CENTERS.**
7

8 Correctional Community Residential Centers (CCRCs, also sometimes referred to as
9 halfway houses), offer interim & transitional correctional alternatives under the oversight of
10 the Alaska Department of Corrections (DOC). CCRCs have been operating in Anchorage
11 for roughly 20 years. Use was initially approved by the Municipality in 1991 and confirmed
12 in 1992, 1994 and 1995. Within my district, the program and buildings have not changed
13 materially in nearly 20 years, and no new beds have been authorized since 1995.
14

15 In a 2010 merger, The GEO Group (GEO) acquired Cornell Companies. GEO is a large
16 and experienced provider of halfway houses around the country and now operates six
17 CCRCs in Alaska (three in Anchorage and one each in Fairbanks, Nome and Bethel).
18 Nationwide, GEO has been in operation for more than 35 years, and now operates more
19 than 100 facilities serving four federal agencies, 23 states, numerous cities and counties,
20 including the 1,000 bed secure prison in Hudson, Colorado, used to house Alaska
21 prisoners out-of-state.
22

23 In addition to the three GEO facilities in Anchorage, Glennwood Center, located at 835 D
24 Street, is operated by T.J.M. Western. T.J.M. Western, headquartered in Las Vegas, also
25 operates two CCRCs in Hawaii and one in Las Vegas. Akeela Treatment Services, 2804
26 Bering Street, and the Ernie Turner Center, 3851 Bragaw Street, are also among the
27 facilities permitted under Title 21 as CCRCs.
28

29 The State needs more transitional beds in Anchorage, specifically more CCRC beds, and
30 has asked GEO to increase accommodations in existing facilities, rather than DOC having
31 to seek sites. Similarly, DOC recently requested, and the Municipality permitted, GEO to
32 create an all female program at the Midtown Center.
33

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

- 36 • To maintain security in the prisoner-release program, strict protocols and
37 resident accountability requirements are established.
- 38 • Failure to adhere to procedures results in sanctions and could result in the
39 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