



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Corrections

Deputy Commissioner Ron Taylor

Box 112000
Juneau, Alaska 99811-2000
Main: 907 465 4652

April 11, 2014

Anne Flaherty
Haven House, Inc.
Box 20875
Juneau, Alaska 99802-0875

Dear Ms. Flaherty:

The Alaska Department of Corrections recognizes the importance of providing reentry services to offenders who are released from incarceration. Statistics show 95 percent of prisoners will eventually be released into the community. These offenders face many barriers to successful reentry such as the lack of safe housing and support services.

Supporting successful reentry is a focus of the Department. For an offender who is returning to the community, obtaining safe housing is an important aspect of successful reentry. Haven House is seeking to provide housing to a small and select group of female offenders who have been released from incarceration. They are committed to providing each of their residents with an Individual Action Plan and weekly meetings with staff based on conditions of release and personal goals.

Haven House will also provide an important service in assisting residents with referrals to community partners such as employment readiness, counseling and educational advancement.

The Department supports the mission and goals of Haven House.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ronald F. Taylor".

Ronald F. Taylor
Deputy Commissioner

Carmen L. Gutierrez
Attorney
529 W. 19th Ave
Anchorage, Alaska 99503
Email: ave2cg@gmail.com
907-301-6650

January 22, 2014

To Whom It May Concern:

This letter is written to support Haven House Incorporated's application for funds to open a home for women coming out of prison. Haven House is a faith-based organization providing supported and structured living opportunities to foster healing and self-sufficiency for women coming out of prison. The home is designed to be a positive, supportive living environment that will stimulate personal and spiritual growth, encourage accountability and financial responsibility, and provide essential re-entry services during the resident's re-adjustment into the community. Other services offered include: case management; regular status review; compliance monitoring; relapse prevention support groups; referrals to other community services; and assistance with food, clothing, transportation, employment, and career development.

Based upon thirty years of professional experience, I know from experience and countless firsthand stories how these services are desperately needed in Juneau, Alaska. I was a criminal defense attorney for twenty-five years representing Alaskans charged with serious felony offenses across the state. I practiced in Ketchikan, Juneau, Anchorage and Kotzebue, among other Alaskan communities. Then in 2009, I became the Special Assistant to the Commissioner for the Department of Corrections and then became Deputy Commissioner in October 2010 responsible for institutional rehabilitative programs and improving prisoner reentry outcomes. In December 2013, I retired to care for my husband.

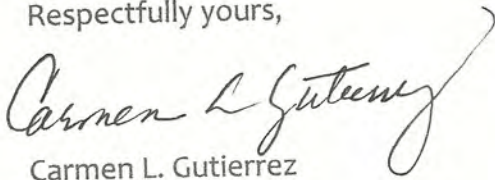
I repeatedly observed that one of the greatest obstacles to a former offender's successful return to his/her community is the lack of safe and secure housing. This is especially true for women who often are the primary caretaker for their children. The prospect of women avoiding the return to old behaviors is greatly enhanced when they have safe and secure housing. With such, a woman has the alternative to move away from the old boyfriend, friends and family involved in anti-social activities. It further improves her opportunities to be reunited with her children. In Anchorage, Akeela House, Inc. operates a program with services similar to those Haven House seeks to provide. I have witnessed the reformation of a number of women who, until their participation in the Akeela House program, were not able to stay clean and sober. After time in this program, these women were sober and working. Most significantly, they had been reunited with their children and had become

loving, caring and responsible parents. The 2010 Council of State Governments Justice Center noted "without a stable residence, it is nearly impossible for newly released individuals to reconnect positively to a community." The successes demonstrated by the Akeela House program clearly demonstrate the effectiveness of the work Haven House seeks to accomplish.

Haven House will be able to house nine women at any given time. According to Department of Corrections statistics from 2011, 90 women who were convicted of offenses were released from Lemon Creek Correctional Center and 60 were released from Ketchikan Correctional Center. As Haven House is the only housing provider for women exiting prison in Southeast, it expects to operate at capacity while still serving only a small percentage of women needing housing upon their release. Haven House is unique in that it is a faith-based home providing natural supports to its residents based on the presumption that women in safe, stable housing situations are less likely to reoffend.

I strongly believe that Haven House, Inc. will address a critical need in Southeast Alaska and I strongly urge support of their funding request. If you have any questions about the need for this program or our opinion of its potential success, please do not hesitate to contact me.

Respectfully yours,

A handwritten signature in black ink, reading "Carmen L. Gutierrez". The signature is fluid and cursive, with the first name "Carmen" being more prominent and the last name "Gutierrez" following in a similar style.

Carmen L. Gutierrez



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Corrections
DIVISION OF PROBATION AND PAROLE
Juneau Adult Probation Office

121 Seward Street
Juneau, Alaska 99801
Main: 907.465.3180
Fax: 907.465.2881

April 17, 2014

Anne Flaherty
Haven House
Box 20875
Juneau, Alaska 99802-0875

Ms. Flaherty:

The problem of limited affordable housing in Juneau is well known. Legal barriers and issues related to stigma magnify the problem for those coming out of prison. As offenders transition from prison to the community they face challenges with employment, training, education, family support, rebuilding relationships, substance abuse, mental health, and housing among others. Trying to rank the importance of needs during transition is arguable. However, when someone does not know where they are going to live or how they can afford a place to live, it is difficult to address any of their other needs.

The Haven House will provide an opportunity, not only for affordable housing, but supportive, structured, healthy, and sober housing. Too often, options lacking, transitioning offenders return to the community to reside in the same unhealthy situations they were living in prior to their incarceration. Having an option to reside in an environment such as Haven House will provide hope for those focusing on change and transition.

As misdemeanants in Alaska are not actively supervised on probation or parole except in rare cases, my office is concerned with those convicted of felonies. The first critical decision to be made as they approach release from prison is where they are going to live; which community, and where in that community. As probation and parole officers we attempt to approve the healthiest and most supportive choices that will provide the greatest opportunity for success and the lowest risk to the community. Haven House will be a welcome option. My understanding of the Haven House structure gives me confidence there will be rules in place, that it will be a sober residence, that staff will be working with residents to provide support, mentorship, and ongoing education on life skills.

A critical component, from my perspective, is the promise of open and timely communication between Haven House staff and the probation and parole office. Keeping the probation and parole office apprised of positive progress, as well as concerns, increases the ability for officers to play a comprehensive role in supporting transitional progress and swiftly reacting to issues

inhibiting rehabilitation. Further, I know Haven House is well aware that at any point the probation and parole office believes continuing residence there is not healthy and/or safe a resident would be required to move. This relationship and level of communication is lacking with other approved residences, often preventing timely interventions.

I believe the Haven House mission will enhance the success rates for those transitioning from prison and, subsequently, enhance the safety and well-being of our community. The Juneau Probation and Parole office supports the unique option for transitional housing that will be provided by the Haven House.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brent A. Wilson". The signature is fluid and cursive, with the first name "Brent" being the most prominent part.

Brent A. Wilson
Juneau District Supervisor



Mary Alice McKeen <ottokeen@gmail.com>

Haven House statement

Wilson, Brent A (DOC) <brent.wilson@alaska.gov>

Fri, Apr 18, 2014 at 1:12 PM

To: Mary Alice McKeen <ottokeen@gmail.com>

Cc: kara nelson <karanelson4@hotmail.com>, Anne Flaherty <flaherty.anne@gmail.com>

1. We currently have 61 women on supervision out of this office. Our office supervises Juneau, Yakutat, Haines, Skagway, Hoonah, Angoon, Kake, and occasionally some other small communities in the region when someone on supervision requests to reside there. 2 of the 61 do not currently reside in Juneau.
2. Sitka=11; Ketchikan=42
3. At a glance, I see 8 that I think would benefit AND would be likely to agree they need a better housing option than where they are currently residing. There are another 12 that I think would benefit and are not living in a great place now, but may not necessarily agree with my thoughts.

**BRENT WILSON**
Adult Probation Officer IIIAlaska Department of Corrections
121 Seward St • Juneau, AK 99801
Office: (907) 485-3183 • Fax: (907) 485-2881
brent.wilson@alaska.gov

★ CHOOSE RESPECT ★

From: Mary Alice McKeen [mailto:ottokeen@gmail.com]**Sent:** Friday, April 18, 2014 8:21 AM**To:** Wilson, Brent A (DOC)**Cc:** kara nelson; Anne Flaherty**Subject:** Re: Haven House statement

[Quoted text hidden]

Alaska State Legislature Senate Rules Committee

Session:
State Capitol 103
Juneau, AK 99801
Phone: (907) 465-2995
Fax: (907) 465-6592

Rules Committee:
Senator McGuire, Chair
Senator Coghill
Senator Huggins
Senator Meyer
Senator Ellis



Interim:
716 W 4th Avenue, Suite 300
Anchorage, AK 99501-2133
Phone: (907) 269-0250
Fax: (907) 269-0249

Committee on Committees
Rules Committee
Resources Committee
Judiciary Committee
Legislative Council
TAPS Troughput Decline
World Trade and Tourism

Senator Lesil McGuire, Chairman

February 19, 2014

Haven House Inc.
PO Box 20875
Juneau, Alaska, 99802

Dear Ms. Degnan;

Thank you so much for the opportunity to tour your property in the Mendenhall Valley last week. The whole Haven House team is commended on your work to offer quality housing opportunities for Alaskan women. Individuals who have completed their obligation to our justice system and wish to re-enter our community in a positive way deserve our support. It is rewarding to see the direct use of funds we were able to secure in the Legislature last year for this project.

In the Legislature we have been made fully aware of the challenge to break the cycle of incarceration in our state. The difficulties these individuals face are formidable. In Juneau housing is especially challenging and choices for those you will serve are very difficult at best. Thank you for taking this challenge head on and please know how much we appreciate those efforts.

Good luck to you and accept my continued support.

Warmly,

A handwritten signature in black ink, appearing to be "Les McGuire", with a long horizontal line extending to the right.

Senator Lesil McGuire
Senate District K

Juneau Reentry Coalition

April 16, 2014

Haven House
P.O. Box 20875
Juneau, AK 99802

Dear June Degnan:

The Juneau Reentry Coalition supports the mission of Haven House to provide safe, sober and supportive housing for women transitioning out of prison. The Juneau Reentry Coalition's mission is to promote public safety while increasing a transitioning offender's ability to become a successful contributing member of the community. Programs like yours will do exactly that. We know that people coming out of prison are less likely to reoffend if they are provided with support services to meet their housing, employment, and mental health/substance use disorder needs.


We have the opportunity at our monthly coalition meetings to hear individuals in the community tell their stories about having experienced incarceration and the challenges of reentry. Their stories illustrate the barriers we have in Juneau from employers denying interviews, landlords refusing to rent, public assistance being denied and no safe or sober housing available. Haven House is that safe and supportive home where women can begin to live the rest of their life and are given an opportunity to live in ways that we all deserve to live; with safety, support, and dignity. Haven House will give women the opportunity for self-determination and affiliation with like-minded people as well as connection to other pro social individuals in the community.

Haven House has a peer support component and in the world of reentry our coalition is learning how valuable this is for men and women to make meaningful changes in their life. The Juneau Reentry Coalition has a peer support work group and we also sponsor the Juneau Recovery Community. Both are peer led and consist of peers identifying ways to help those who still struggle with alcohol and/or drug addiction and co- occurring disorders. The peer work group is developing a peer support program that will provide mentorship and recovery coaching to people coming out of prison. In fact, one of our strongest and most active leaders in this workgroup and in the Juneau Recovery Community Organization is co-director of Haven House, Kara Nelson. The Juneau Reentry Coalition acknowledges and appreciates the work Haven House puts forth toward advocating for this population. From the coalition's point of view, your efforts are setting the stage for more reentry programs, as well safe and sober living homes to come to Juneau.

This legislative session has been promising and has given us hope. Our State leaders are recognizing that it is less costly to provide reentry programs than it is to continue incarcerating people. We heard great testimony about how support services and transitional living homes changed people's lives for the better. The "Smart Justice" approach seems to be accepted and it appears as though the State of Alaska is moving more in that direction. This gives us hope that there will be more opportunity for homes like yours to be established.

We thank you for your participation on the Juneau Reentry Coalition and we look forward to partnering with Haven House to continue promoting safety in the Juneau community and helping transitioning offenders live to their full potential.

On behalf of the Juneau Reentry Coalition and with gratitude,



Kathryn Chapman, MSW
Chair, Juneau Reentry Coalition



P.O. Box 210188, Anchorage, AK 99521

April 8, 2014

To Whom It May Concern:

Haven House, Inc. is modeled after New Hope Safe Living House, the women's safe living home run by the Anchorage-based Alaska Correctional Ministries, Inc. (ACM). New Hope Safe Living House offers, just like Haven House will, a faith-based safe, sober, and structured living environment for women reentering to our community. We refer our residents to other agencies for services that they need in order to successfully reintegrate into our city, such as employment, mental health counseling, and substance abuse treatment. Our staff and mentors at New Hope Safe Living House provide support and resources to our residents as they readjust to life in Anchorage and our residents offer peer support to one another, bonding as a community and holding one another accountable.

Alaska Correctional Ministries has been operating for 34 years and has identified that safe and affordable housing is an urgent need for individuals who are reentering our community. In the 4 years New Hope Safe Living House has been operating in our Anchorage neighborhood, we have never had complaints or negative interactions with our neighbors. In Alaska, where 66% of former offenders will return to custody within 3 years of release and where the majority of incarcerated women have been charged with a drug-related crime, we know that women who are supported and provided with a sober, affordable home after their release are significantly less likely to reoffend. In fact, of residents who successfully complete their stay at New Hope Safe Living House, 80% continue to lead healthy, law-abiding lives after cultivating a self-sufficient lifestyle and moving on from the supportive environment of New Hope Safe Living House.

The Alaska Prisoner Reentry Task Force was created in 2010 and endorsed by Governor Sean Parnell. Their Five-Year Prisoner Reentry Strategic Plan for 2011-2016 identifies effective strategies, partners, and organizations that are capable of making Alaskan communities safer by establishing "a seamless set of best practices aimed at reducing the number of adult offenders who return to custody". The Strategic Plan lauds the faith community for its role in creating safer communities by stating that "citizens from the faith community provide much of the mentorship required to help released prisoners turn away from the negative influences that lead back to prison. Without the stabilization that comes from access to housing, employment, sober/mental health and positive peer supports, individuals ... revert back to old patterns." The Alaska Prisoner Reentry Task Force identifies Alaska Correctional Ministries by name in their Strategic Plan as the faith-based organization in Alaska that "uses best practices in ... transitional service programs" and calls ACM a "partner to turn the curve," as a partner to help create stronger and safer communities in Alaska. The Strategic Plan cites state and local faith-based organizations, just like Haven House, as additional "partners to turn the curve" and argues that more transitional community residences like New Hope Safe Living House and Haven House are needed because "far too many people coming back to their home communities are ... in need of the kind of support and care that these residences provide."

Alaska Correctional Ministries strongly supports the work of Haven House, Inc. in Juneau. We believe the successful practices of New Hope Safe Living House and Alaska Correctional

Ministries, Inc. can be replicated by Haven House. This is our opportunity to show that all members of the Juneau community deserve to be shown acceptance and forgiveness as we strive to create an Alaska that is safer for and supportive of all of our residents.

A handwritten signature in blue ink, reading "Brenda M. Nagunst". The signature is fluid and cursive, with the first name "Brenda" and last name "Nagunst" clearly legible, and "M." as a middle initial.

Chaplain Brenda Nagunst
Executive Director
Alaska Correctional Ministries, Inc.

John Shinholser
President/Co-
Founder

Honesty B. Liller
CEO

Frank Brewer
Caroline County
Recovery Community
Center Peer Leader

Mike Mason
Director of
Development

David Rook
Intake Specialist/
Peer Leader

Michelle Rook
Compliance Manager

Blake Rosenbaum
Peer Leader

Wayne Blanks
Board Member

Nancy Spratley
Secretary
Board Member

Terry Kinum
Board Member

John Rueger
Board Member

Jimmy Brooks
Board Member

Carol Pleasants
Board Member/
Vice-President

Matthew Daniel
Board Member

Chick Jordan
Board Member

Bernie Meyer, Jr.
Board Member

Darin Parr
Board Member

Dr. James Thompson
Board Member

John Finn
Board Member

Cynthia May
Board Member

Wil Inge
Board Member

Jimmy Christmas
Board Member

Jim Walker
Board Member



April 17, 2014

June Degnan
President
Haven House Board of Directors
PO Box 20875
Juneau, Alaska 99802

Re: Haven House in Juneau

Dear Ms. Degnan,

I am writing to support your efforts to open Haven House in Juneau Alaska. Haven House will be a recovery and reentry home for up to nine women coming out of prison.

Activities in Alaska March 5 – March 11, 2014

I know about Haven House because I was in Juneau from March 5 to March 11, 2014, on a trip hosted by the Juneau Reentry Coalition. While in Juneau, I visited the site of Haven House at 3202 Malissa Drive with Kara Nelson, one of the co-directors of Haven House.

The purpose of my trip to Juneau was to reach out to people in recovery from drug and alcohol addiction and to raise awareness and educate the public and providers about addiction and recovery.

I am Founder and President of The McShin Foundation, which was established in 2004. The McShin Foundation is Virginia's leading Peer to Peer Recovery Community Organization, which uses recovering addicts and alcoholics to educate, mentor and spread the message of recovery to individuals new in sobriety. I have also testified as an expert witness in the field of addiction to help courts determine the proper sentence for a criminal defendant who has a history of substance abuse problems. I have been working to help individuals and families in or seeking recovery from the disease of addiction since 1982.

The good news is that there are twenty million persons in this country in long-term recovery. Recovery from addiction is real. However, our jails are still full of people who have substance abuse problems. If we offer them safe, sober, supportive housing when they are released from prison, this greatly increases their chances to stay clean and sober and live a healthier life.

While in Juneau, I made a presentation to the general population at Lemon Creek Correctional Institute; met with Lemon Creek Staff; attended "Success Inside and Out;" met with persons involved with the Juneau Therapeutic Court; attended a Board meeting for the Juneau chapter of the National Council on Alcoholism and Drug Dependence; at the Alaska State Legislature, presented a "Lunch and Learn" talk for legislators and their staff on Addiction and Recovery; and met individually with twelve legislators or their staff on the same topic. My activities at the Alaska State Legislature were with the Alaska Mental Health Trust Authority.

I also presented a daylong training on "Recovery Coach Training" in Juneau, which about 50 people attended. The training teaches people in the community how to offer peer support to individuals new to sobriety. I also showed to a packed house at a local theatre a new documentary, "The Anonymous People," on 12-step programs and the historic recovery movement that is spreading across this country.

I hope that the City government in Juneau supports this vital movement and supports Haven House in opening a sober living home in Juneau dedicated to women getting out of prison. The recovery community in Juneau is alive and well and would support such a home.

Experience With Opening and Operating Recovery Homes

What may be most relevant to your situation is that, since 1982, I have helped start at least 30 recovery homes in the Richmond, Virginia metropolitan area. The McShin Foundation currently operates five recovery homes in Richmond with a total of 60 beds. Our homes have a "house manager" that lives there and oversees the home. If needed, a staff is always reachable by telephone for emergencies. Many of the current and past residents of McShin Homes have a criminal record. The McShin homes accept people directly released from prison in accord with a home plan approved by the prison authorities. The Richmond Virginia area has approximately 100 recovery homes in an area of about one million people.

Based on this experience, I can say with confidence that a well-maintained and well-run recovery home does not decrease property values in a neighborhood. In fact, these homes increase property values. They are value-added to the community because they make the community safer. Most people in prison have a history of substance abuse and, when they come out of prison, if they have a safe and sober place to live with sound house rules, they are more likely to stay out of prison.

It is also my experience that the neighbors to a recovery home come to value it when they see that it is not a source of disturbance in their neighborhood. The

neighbors also come to appreciate it when they experience a loved one who is released from prison and needs a safe and sober place to live.

The residence at 3202 Malissa Drive seemed quite suitable for a recovery home. The home had nice, fairly large, common areas. The bedrooms were small but adequate for two persons. The neighborhood seemed quiet.

Recovery homes are being started all over the country because they help people lead healthier lives. Recovery homes are a mark of a community that is forward thinking. I wish you success in your efforts to open one in Juneau.

If I can provide any additional information, please contact me or Honesty B. Liller Chief Executive Officer of the McShin Foundation.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Shinholser". The signature is fluid and cursive, with a long horizontal line extending to the right.

John Shinholser
President

c.c.: Honesty Liller

James R. Wakefield
17325 Point Lena Loop Road
Juneau, AK 99801
907-723-2733

April 10, 2014

To Whom It May Concern:

I have lived in Alaska for the last 46 years. Except for a several month period in late 1974 and early 1975 while living in Fairbanks and working on the pipeline, I have lived in Juneau.

I was the Assistant Business Manager for the Laborers Local 942 from 1975 to 1987. I was a member of the CBJ Assembly (Valley seat) from 1976 to 1982. I was Special Assistant to the Commissioner of Labor from 1987 to 1991.

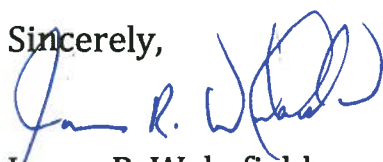
From 1992 until 2006, I worked full-time as a real estate agent. In 1996, I was President of the Southeast Board of Realtors. In 2000, I was President of the Alaska Association of Realtors.

As a Realtor, I sold mainly residential and some commercial real estate in Juneau, representing both buyers and sellers. If I was representing a seller, I had to provide a broker's opinion, with a report, recommending to the seller what price to list their home for sale. My report required evaluating the particular residence for sale, the neighborhood, and comparable homes that had sold recently and comparable homes currently on the market.

I am aware that Haven House Inc. wishes to open a residence at 3202 Malissa Drive for up to nine women who have recently been released from prison. I have inspected the exterior of the property and the neighborhood in question. I have not inspected the inside of the residence.

In my opinion if the home at 3202 Malissa Drive is used for this purpose and the home is well-maintained and the residents do not disturb the peace of the neighborhood, the home would not decrease the property values of nearby properties.

Sincerely,



James R. Wakefield

February 25, 2014

Planning and Zoning Commission
City of Juneau
155 S. Seward Street
Juneau, Alaska 99801



Dear Commissioners,

In the mid-1980s a group of women saw a need in the Spokane, WA community; there were single women out on the streets all night struggling to make ends meet with nowhere to go. Even with a safe place to go many of these women returned time and time again in crises to emergency service centers. To make a change and create a service that provides support and intervention these women, led by 5 Catholic sisters, created Miryam's House in 1986.

Throughout its history Miryam's House has been in two locations. The current location on Spokane's South Hill is in a historic home in a residential neighborhood, within 3 blocks of public transit. There is no signage on the house marking it as different from its neighbors. The other location, now closed, was on Spokane's east side. It was less centrally located and in a neighborhood with higher crime rates – an environment that reinforced rather than changed the worldview of many of the homeless and low-income women served at Miryam's.

Miryam's House as it stands today blends into the neighborhood. Unless you stopped in to find out more about what happened in the house on the corner you would have no reason to think it was any different from other homes on the block. Care for the property and the surrounding neighbors are as essential to the program as care for yourself and other house-mates. There are barbecues in the backyard during the summer, pumpkins on the stoop at Halloween and smoke escapes the chimney on cold winter nights.

The work going on inside the four walls of Miryam's House is nothing short of miraculous and the women value the opportunity to create order in their lives. Calls to emergency services are rare, but do occur. Recently a participant had a stroke and an ambulance was needed; she can hardly be faulted for needing emergency medical care.

While the program is not perfect or idyllic and emergencies do happen they are far rarer than the wonderful relationships built with neighbors and the good effects created by the program – like our current Tuesday Morning Walk Group. It can be scary for a neighborhood to accept a transitional housing program but just think about the courage it takes for these women to ask for help. I would urge you to put aside your fear, as they do, and embrace community.

Sincerely,


Mary M. Tracey
Development Director

Administration
3128 N. Hemlock
Spokane, WA 99205
509-328-6702

EduCare
3120 N. Hemlock
Spokane, WA 99205
509-325-8632

Miryam's House
1805 W. Ninth Avenue
Spokane, WA 99204
509-747-9222

New Leaf Bakery Cafe
3104 W. Ft. George Wright Dr.
Spokane, WA 99224
509-496-0396

Transitional Living Center
3128 N. Hemlock
Spokane, WA 99205
509-325-2959

Women's Hearth
920 W. Second Avenue
Spokane, WA 99201
509-455-4249

1806 W 9th Avenue
Spokane, WA 99204
February 7, 2014

Mary Tracey
Miryam House
1805 W 9th Avenue
Spokane, WA 99204

Dear Ms. Tracey,

I live directly across the street from Miryam House. Ours is an antique neighborhood with many antique houses. Although not palatial, these gracious Victorians are large and spacious – built for the large families typical of the early 1900's.

The neighborhood was zoned for multifamily occupancy long before I moved here in 1974. We watch with trepidation each time one of the “old ladies” goes up for sale, fearing that a developer would raze the dwelling and put in an apartment complex. Thus, we were delighted when Miryam House took over the beautiful house across the street.

Miryam House has proved to be a good neighbor. The exact number of years of their ongoing tenure is forgotten, but in that time, they have repaired their roof, put on new siding, and have made other, less obvious, repairs. Their lawn is always neat and tidy. There is never a problem with noise levels or traffic. Because of the possibility of resident's allergies, Miryam House keeps no pets, so that is never a problem.

From our point-of-view, we couldn't have a better neighbor than Miryam House.

Yours truly,

A handwritten signature in black ink, reading "Billie Moreland". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Billie Moreland, PhD



February 7, 2014

To Whom It May Concern:

On behalf of the Juneau Coalition on Housing and Homelessness (JCHH), I am writing in support of Haven House, Inc. Haven House is a faith-based organization providing supported and structured living opportunities to foster healing and self-sufficiency for women coming out of prison. The Haven House program is designed to be a positive, supportive living environment which will stimulate personal and spiritual growth, encourage accountability and financial responsibility, and provide essential re-entry services during each woman's transition into our community.

Many women who exit the prison system rely on friends and family for support. Unfortunately, many of those family systems include domestic violence, substance abuse and other unhealthy family dynamics. It is our profound hope that women who desire a chance to live a healthier life are given that opportunity. Haven House is one such opportunity, and the Juneau Coalition on Housing and Homelessness is proud to support this project.

The JCHH is comprised of organizations in Juneau providing support to those experiencing homelessness, as well as members who have been homeless themselves. JCHH recognizes that supportive re-entry services are a key strategy to prevent long-term homelessness. For women who are attempting to re-integrate into our community, re-entry services can increase their personal safety and the safety of their children.

Our organization believes that Haven House will address a critical need in Southeast Alaska while promoting safety for their participants, their families, and their neighborhood. We support their mission, and believe this program will contribute to a healthier Juneau community.

If you have any questions about the need for this program or our opinion of its potential success, please do not hesitate to contact me at 586-6623.

Respectfully,

A handwritten signature in blue ink, appearing to read "M Cole".

Mandy O'Neal Cole
Co-Chair, Juneau Coalition on Housing and Homelessness



St. Vincent de Paul Society
Juneau, Alaska

svdpjuneau.org

Mindy Voigt, President

Ida Barnack

Peggy Morris

Barbara Bechtold

Robert Rehfeld

Anna Marg Rear

Terry Elder

Theresa Harris

Charles Van Kirk

Peggy Morris

Jennifer Klein

Sandy Oliphant

*We provide material and
spiritual charity and work
for social justice for all
people.*



St. Vincent de Paul Society

Diocesan Council of Southeast Alaska, Inc.

8617 Teal St., Juneau, Alaska 99801

(907) 789-5535 phone

st.vincentdepaul.juneau@gci.net

(907) 789-2557 fax

April 21, 2014

Mary Alice McKeen
Haven House Project

Ms. McKeen;

You have asked me to relate my knowledge and experience with the Section 8 Housing Choice Voucher program in Juneau.

As General Manager and Director of the St. Vincent de Paul Society, I have been working with this federally funded rental assistance program for almost 20 years. This year, the Alaska Housing Finance Corporation (AHFC), the state agency that administers the program, instituted major changes to the program. While I am personally very pessimistic about its future as a result of these changes, the final impact is unknown, so I will limit my comments to the program as it is today and as it has operated for the last couple of decades.

The Section 8 voucher program provides rental assistance to households below 50% of the Juneau Area Median Income (AMI). Households that have a voucher are required to pay 30% of their household income towards the rent and no household may pay less than \$50 per month. Eligibility requirements extend beyond simple income calculations. Many households are not eligible because of a criminal conviction or past problems with public housing or voucher programs.

We manage permanent, regulated, low-income housing at six locations in Juneau. Of the 88 apartments, 70% are occupied by single person households with incomes at **30% or less** of the Juneau AMI. Their median income is \$14,040 per year. I believe this would be the income category for most Haven House residents. If you accept the federal standard for "affordable" housing at 30% of household income, then these folks could afford about \$351 per month in total housing expense (rent,



Utilities etc.). In the regular housing market all of these households would be homeless without the substantial rental assistance provided by vouchers.

A few months ago, AHFC closed the waitlist for vouchers in Juneau. At that time there were approximately 350 vouchers being utilized and around 400 households on the waitlist for one of those vouchers, if it should become available. This is consistent with utilization and waitlist statistics over the last 20 years. There have never been a sufficient number of vouchers to meet the need. Voucher opportunities would typically arise when a recipient household lost a voucher because they violated their lease, moved out of the area, died or went to prison. It is rare for a recipient household to increase its income beyond the eligibility ceiling. The number of vouchers a community has, depends on the level of funding allocated by AHFC. Funding has not increased commensurate with the increase in cost and rent rates over time. Higher rents means fewer low-income households can be supported.

There has been no new construction of low-income affordable housing in Juneau in over a decade. Between 2007 and 2012, just two apartment building fires in downtown alone removed 58 low-income affordable apartments from the community inventory. There have been other losses as well—often by sale and conversion to market rate housing. A new tax credit project is being constructed in Douglas that should provide about 30 low-income units. However, none of those are supported by subsidy. Existing vouchers may move around, but there will be no increase in the actual number of supported households. It is not likely that any prospective Haven House resident without a voucher will be able to afford the rent at that project.

Another alternative could be the St. Vincent de Paul shelter. However, our current waitlist for the shelter, as always, is over 200% and our priority is for the elderly, disabled, and families with children.

We have watched the low-income affordable housing market get tighter and tighter over the last two decades—in spite of the construction we have sponsored. This is the main reason that Juneau is Alaska's most homeless city, with the highest per capita homeless rate in the state, and one of the highest in the nation.

The St. Vincent de Paul Society strongly supports the Haven House project, as does the Juneau Coalition on Housing and Homelessness. As the traditional sources of low-income rental assistance dry up, and as the number of households in need of that assistance continues to grow, we must find a wider variety of housing options for those in need. Haven House offers an alternative that can make a significant contribution to a specific segment of the low-income housing market. We support it, first because it expresses the larger community's commitment to our sisters in need. Second, because it diversifies the low-income affordable housing market and that increases opportunity for everyone.

Sincerely



Dan Austin, General Manager





247 S. Franklin Street
Open 24 Hours a day
365 days a year
**Food
Shelter
Hospitality**

September 17, 2012

Dear Grant Review Team,

It is my pleasure to write this letter in support of Haven House's application for SSAB Tier I funds. It is absolutely clear that Haven House will provide a great service for our community and we are anxiously anticipating the day when Haven House opens its doors.

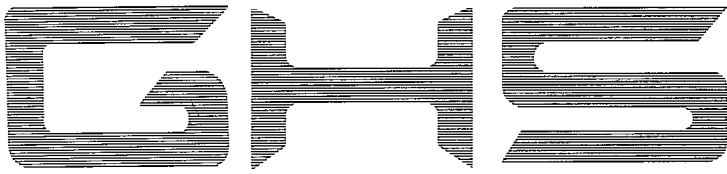
As you know, the Glory Hole is an emergency shelter, soup, kitchen, and care center. We are open 365 days of the year and provide breakfast, lunch, dinner, snacks, food boxes, warm day shelter, emergency shelter, and other programs and services. Our mission to provide food, shelter, and compassion to those in need.

One of the most heartbreaking aspects of operating the Glory Hole is seeing women with substance abuse issues come out of jail and stay at the Glory Hole. The first days and weeks are very positive. The women are generally busy looking for work, having interviews, and often finding jobs, getting their documents in order, applying for housing, going to AA meetings, generally trying very hard to have a good life. However, as the days and weeks go by and the women fail time after time to find housing, on account of lack of affordable housing in Juneau or because no one wants to/can rent to felons, things begin to deteriorate. The women, desperate for stable housing return to their partners, the same partners that got them into jail in the first place. They get into new terrible relationships, often prostituting themselves for housing. They start drinking and using drugs again. This happens over and over again because stable housing is essential to recovery and normalization.

Without a stable place to live, women will continue on having relapses and will continue on with the vicious cycles of being in and out of jail, in and out of abusive relationships, losing and regaining custody of their children, perpetuating homelessness, drug abuse, and violence. Haven House creates the possibility to break the cycle, to provide these women with a fighting chance of a good life, a normal life, a life in wholesome space, instead of an emergency shelter, the gutter, the bed of an abuser. If Haven House is able to operate, it will assume a very important place in the Juneau continuum of care. I strongly urge to approve Haven House's request for funding and to do everything in your power to support Haven House in any way you can.

Respectfully,

Mariya Lovishchuk
Executive Director



GASTINEAU HUMAN SERVICES CORPORATION • 5597 AISEK STREET • JUNEAU, ALASKA 99801
Behavioral Health Services • Community Corrections • Transitional Housing • (907) 780-4338 • Fax (907) 780-4098

November 27, 2013

Members of the Juneau Affordable Housing Commission,

Gastineau Human Services wholeheartedly supports Haven House Incorporated's application for a loan from the Juneau Affordable Housing Fund. This loan will help Haven House establish a supportive home for women re-entering the community from the prison system. Gastineau Human Services has been serving individuals re-entering the community from the prison system for many years, and we often see that one of the greatest hurdles to successful re-entry for women is an affordable home that is safe and supportive of their unique needs. Haven House can play a large role in overcoming this great need.

Haven House offers an innovative approach to addressing the problems that many women leaving prison must overcome. Your support through the Juneau Affordable Housing Fund will play a large role in making Haven House a community resource that Juneau can be proud of.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Pellerin'.

Michael Pellerin
Executive Director



Love INC

Love In the Name of Christ

Love INC Juneau
PO Box 35432
Juneau, AK 99803
Tel: (907) 780-4090
Fax: (907) 780-4091
loveinc@alaska.net
www.LoveINCJuneau.org

Nov. 25, 2013

To Whom It May Concern:

On behalf of LoveINC, I am writing in support of Haven House Incorporated's application for funds to open a home for women coming out of prison. Haven House is a faith-based organization providing supported and structured living opportunities to foster healing and self-sufficiency for women coming out of prison. The home is designed to be a positive, supportive living environment which will stimulate personal and spiritual growth, encourage accountability and financial responsibility, and provide essential re-entry services during the resident's re-adjustment into the community. Other services offered include: case management; regular status review; compliance monitoring; relapse prevention support groups; referrals to other community services; and assistance with food, clothing, transportation, employment, and career development.

The 2010 Council of State Governments Justice Center noted "without a stable residence, it is nearly impossible for newly released individuals to reconnect positively to a community."

Haven House will be able to house nine women at any given time. According to Department of Corrections (DOC) statistics from 2011, 90 women who were convicted of offenses were released from Lemon Creek Correctional Center and 60 were released from Ketchikan Correctional Center. As Haven House is the only housing provider for women exiting prison in Southeast, we expect to operate at capacity while still serving only a small percentage of women needing housing upon their release.

I represent Love INC Juneau and we see daily evidence of the critical need for reentry programs for women. There are many single moms calling for our assistance, who desperately need the support and guidance provided by transitional housing, such as this.

Our organization believes that Haven House, Inc. will address a critical need in Southeast Alaska and we strongly urge support of their funding request. If you have any questions about the need for this program or our opinion of its potential success, please do not hesitate to contact me.

Respectfully,

Ann Lockhart
Executive Director

"Helping Churches Help People"



509 W. 3rd Avenue, Ste. 103
Anchorage, AK 99501
Phone: 907.279.9634
Fax: 907.279.0148

November 14, 2013

To Whom It May Concern,

On behalf of Volunteers of America Alaska, I am writing in support of Haven House Inc.'s application for funds to open a home for women coming out of prison. Haven House is a faith-based organization providing supported and structured living opportunities to foster healing and self-sufficiency for women coming out of prison in Southeast Alaska

Women coming out of prison face overwhelming obstacles. Given these challenges it isn't surprising that an Alaska Judicial Council study found that 66 percent of released prisoners are back in custody within three years of release. Sadly, most return to prison in the first six months.

The 2010 Council of State Governments Justice Center noted *"without a stable residence, it is nearly impossible for newly released individuals to reconnect positively to a community."*

The Alaska Prisoner Reentry Task Force Five-Year Prisoner Reentry Strategic Plan 2011-2016 notes, "the federal government and private foundations recognize the unique strengths that the faith community brings to the work of rehabilitation and successful reentry....what an untapped resource the faith community was and how much they had to offer in the pursuit of successful reentry outcomes. The program's outcomes were extremely promising...with recidivism rates among Ready4Work participants 34 to 50 percent below the national average." The strategic plan also "supports the continued expansion of programs such as Transformational Living Community and the transitional new community residences. "Far too many people coming back to their home communities are homeless and in need of the kind of support and care these residences provide. More are needed."

I represent Volunteers of America Alaska we see regular evidence of the critical need for reentry programs for women across our state. Our Grandfamilies Support Program sees many families who are shattered because of incarceration, worse yet, when Mom is released from prison she is unable to live with her children because many housing situations simply don't allow felons. This is heartbreaking for everyone.

Our organization believes that Haven House, Inc. will address a critical need in Southeast Alaska and we strongly urge support of their funding request. If you have any questions about the need for this program or our opinion of its potential success, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Elaine M. Dahlgren".

Elaine M. Dahlgren
President/CEO
907-279-9650



National Council on Alcoholism and Drug Dependence, Inc

211 4th Street, Suite 102
Juneau, Alaska 99801
Phone: 907-463-3755
www.ncadd-juneau.org

April 16, 2014

Haven House
P.O. Box 20875
Juneau, AK 99802

Dear June Degnan:

The National Council on Alcoholism and Drug Dependence (NCADD), Juneau Affiliate supports Haven House's mission to provide safe and sober transitional housing for women exiting prison. When a person is released from prison he or she is at their most vulnerable and are likely to go back to using/abusing drugs and alcohol unless they have a safe and sober home to reside in. Haven House provides this along with peer support and connectivity to resources in the community where women can access support and treatment for mental health, drug/alcohol disorders, and/or co-occurring disorders.

Our agency encounters women on a daily basis who struggle to stay sober. We know that for many of these women a significant barrier for their recovery is the home environment and lack of positive peer support. They continue to reside with family or friends who continue to use/abuse alcohol and drugs and make unhealthy choices. Housing options are very limited in this community and so for some of these women they have no other options but to continue residing in these toxic environments. Haven House provides not only the safety and sober living, but also the peer support.

Peer support is growing in the Juneau community through agencies like NAMI, Juneau, and in the Juneau Recovery Community Organization that NCADD sponsors. There is also peer support found in the 12 step fellowships in our community. I have had the privilege to witness and hear countless stories throughout the past ten years of working in the behavioral health field about how peer support has helped men and women to get sober and live a life of recovery. Living a life of recovery is (re) building and (re) establishing relationships, employment, education, and other things that were lost or never had due to the use of alcohol and drugs. Haven House is giving women the opportunity to not only have sobriety, but a life of recovery where possibilities are endless. What a gift.

There are no transitional living houses that provide safe and sober living and support for women in Juneau. Our community needs you and we need more programs like Haven House.

Thank you for your advocacy, your hard work, and for your safe haven.


Respectfully yours,

Kathryn Chapman, MSW, C I
Executive Director

Education, Information, Help and Hope

Samantha Dye
Dye Consulting, LLC
P.O. Box 34774
Juneau, AK 99803

April 18, 2014

Haven House
P.O. Box 20875
Juneau, AK 99802

To the Members of the Board of Haven House:

I am writing this letter in support of Haven House opening a home in a residential neighborhood for women re-entering the community from prison.

In my work as an executive coach, I work with individuals and groups who want to make changes in their life. As a coach, I partner with them in that process and hold them accountable. What I have found is that for any change to occur, it has to start with a desire for change. I am in complete support of your opening a home for women who desire a change. It is clear to me that Haven House is not for all women transitioning from prison, but for those who really desire to make changes in their life.

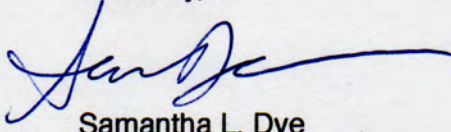
With the basis that Haven House is a place for women desiring change, I support Haven House opening this home in a residential neighborhood. In the re-entry process, the situation in which one lives can be the most influential element of success or failure. So often the situation (or home) from which one has come is not the best place to return. Having a place where women can live in a supportive *independent and interdependent* community would help women re-entering society take a large step toward success.

According to the hierarchy of needs, it is only when we have our physiological needs and our need for safety cared for that we can move on to our need to belong, our need for esteem, and our need for self-actualization. In order for women to be successful in re-entering society in every way, they need their basic need of housing cared for. Haven House provides for this basic need *and* it provides for the need of community and a sense of belonging.

For these reasons, I am in complete support of Haven House opening a home in a residential area. A residential area would give women a sense of 'normalcy' in the re-entry process. A residential home would give women a sense of physical community and hopefully lead them to deeper levels of trust and to the ability to create emotional community as well.

Opening a home in a residential neighborhood would give women re-entering society a healthy place to belong.... a place to move forward and to be successful in finding their own confidence, a place to learn how to respect others and to experience being respected, and a *home* in which to find and to shape the healthy version of who they are.

Sincerely,



Samantha L. Dye

JUNEAU REENTRY COALITION (JREC)

RE-ENTRY FACTS AT A GLANCE

- The daily cost of incarceration in Alaska's Department of Corrections (DOC) is about \$159 in 2014. It costs far less than that to provide community services, like housing and employment assistance, substance abuse/mental health treatment, education and training. It is more cost-effective to help returning citizens succeed in the community, than to pay for a prison bed.
- 2 of 3 prisoners return to custody within the first 3 years of release. Most of these individuals are rearrested within the first 6 months of their release. Many report that the difficulty of getting housing, employment, training, and other supports, as a contributing factor to failing and returning to prison.
- Misdemeanants make up about 78% of the releases from Alaska's institutions, contract jails, CRCs, or electronic monitoring. Misdemeanants are released unsupervised (not on probation or parole) and therefore are released without supervision or community supports.
- Alaska's top five misdemeanor offenses are: DUI, minor assaults, driving with licenses suspended or revoked, disorderly conduct, and domestic violence assault.
- 95% of Alaska's inmates are eventually released from prison - making it critical to support rehabilitation efforts so individuals leaving incarceration are more likely to succeed after release.
- About 1,383 people participated in substance abuse treatment inside Alaska's prisons in 2013.
- In 2002, 15.39% of offenders in Alaska were incarcerated for drug or alcohol offenses. By 2011, that number increased to 19.08%.
- DOC reports that as many as 80% of Alaska's prison population has a substance use disorder, and that 42% of Alaska's prison population have an identified mental disability.
- DOC has followed substance abuse program completers for 2.5 years and is showing a 14% reduction in recidivism.
- Communities are not adequately prepared to maintain rehabilitative programming. With more community supports, the likelihood of success increases.
- DOC reports some of their top challenges include:
 1. Connecting offenders to substance abuse treatment upon release;
 2. Complicated and lengthy process to connecting offenders to entitlements;
 3. Connecting offenders with safe, sober housing upon release.
- There are approximately 255 currently housed at Lemon Creek Correctional Center (LCCC) in Juneau. 394 inmates were released from LCCC in 2012.
- The Juneau Re-Entry Coalition is working to reduce Alaska's recidivism rate, and improve public safety in Alaska's communities.

CONTACT US:

Phone: 907-463-3755
Fax: 907-463-2540
Email: juneaureentry@gmail.com

Location:

211 4th Street, Suite 102
 Juneau, Alaska 99801

Website: www.juneaureentry.org

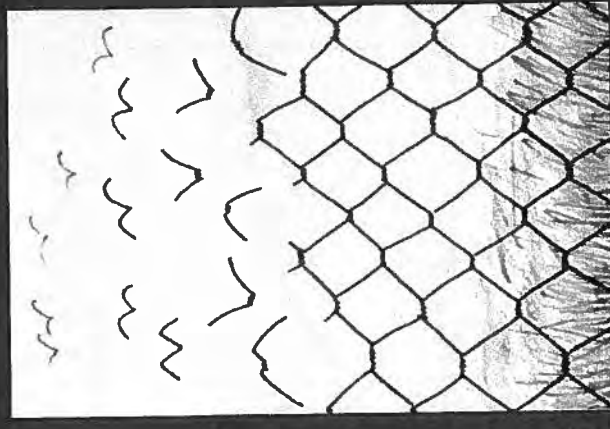


MONTHLY MEETINGS

Contact
juneaureentry@gmail.com
 Or 463-3755

If you are a victim of a crime and need support or services, please contact the Violent Crimes Compensation Board, toll free at:
 1-800-764-3040

JUNEAU REENTRY COALITION (JREC)



The Juneau ReEntry Coalition is a collaboration of individuals, community stakeholders, public and not-for-profit agencies, faith-based and business partners who are united and committed to reducing recidivism among ex-offenders returning to the community of Juneau, Alaska

JREC WORKGROUPS

- Behavioral Health Workgroup
- Community Education Workgroup
- Employment, Education & Training Workgroup
- Family Support Workgroup
- Housing Workgroup
- Peer Support Workgroup
- Pre/Post Release Workgroup

To join a workgroup, email us at juneautoreentry@gmail.com

MISSION of JREC

Promote public safety by identifying and implementing strategies that increase a former prisoner's well-being within the community and reduces the likelihood of their return to prison through recidivating. We will accomplish this by:

- Improved communication and collaboration between Alaska Department of Corrections and the community
- Building community partnerships to strengthen local services
- Identify barriers for those being released from incarceration and taking an active role in addressing those concerns
- Promoting community educational opportunities for those releasing regarding resources
- Work in conjunction with the Alaska Reentry Task Force to inform and promote reentry efforts within Alaska

the affordability protections that implement the government housing program.

An evaluation of five such approaches in this two-part article demonstrates that successful efforts must observe six key principles:

- meeting short-term and long-term physical and financial needs;
- reinvesting excess proceeds back into affordable housing;
- guaranteeing affordability for current and future tenants;
- weeding out poorly performing owners and managers;
- providing for tenant participation in the decision-making process; and
- ensuring clarity in the governing law and regulations.

Passage of Congressman Frank's draft omnibus preservation bill would be a significant step in the right direction for several of the types of properties reviewed here. Other innovative long-term measures should be explored as well, such as providing stronger incentives to transfer these projects to mission-driven nonprofits or to local land trusts, in order to provide greater assurances of long-term public benefit from responsible recapitalization.²⁰ By combining the lessons learned from prior approaches with new innovative proposals, this important housing stock can remain a viable and valuable asset long into the future. ■

The Importance of Stable Housing for Formerly Incarcerated Individuals

Each year more than 725,000 people leave state and federal prisons.¹ An additional 230,000 people leave county jails every week.² Formerly incarcerated individuals struggle to secure employment, obtain medical care and avoid substance abuse. According to criminal justice officials, however, finding housing is the biggest challenge faced by individuals returning to the community.³ This article will identify the barriers to accessing stable housing, describe the housing arrangements of individuals returning to the community and explore the relationship between residential instability and recidivism.

Obstacles to Stable Housing

A number of institutional and legal barriers prevent formerly incarcerated individuals from finding stable housing after release. Private housing represents 97% of the total housing stock in the United States.⁴ Due to soaring prices, however, private housing is simply out of reach for many formerly incarcerated individuals living in urban areas.⁵ Moreover, most landlords conduct criminal background checks on prospective tenants.⁶ Given the short supply of affordable housing, landlords can afford to deny housing to applicants with criminal records. Screening for sex offenders is especially prevalent.

Federally assisted housing is the only option for many people leaving correctional facilities. Harsh admission

¹HEATHER C. WEST & WILLIAM J. SABOL, U.S. DEP'T OF JUSTICE, BUREAU OF JUSTICE STATISTICS, PRISONERS IN 2007 (2008), available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/p07.pdf>.

²AMY L. SOLOMON ET AL., LIFE AFTER LOCKUP: IMPROVING REENTRY FROM JAIL TO THE COMMUNITY XV (2008), available at <http://www.jjay.cuny.edu/centers/institutes/pri/pdfs/Final%20Life%20After%20Lockup.pdf>.

³CATERINA GOUVIS ROMAN & JEREMY TRAVIS, THE URBAN INST., TAKING STOCK: HOUSING, HOMELESSNESS, AND PRISONER REENTRY 2 (2004), available at http://www.urban.org/UploadedPDF/411096_taking_stock.pdf.

⁴JOAN PETERSILIA, CALIFORNIA POLICY RESEARCH CENTER, UNDERSTANDING CALIFORNIA CORRECTIONS 69 (2006).

⁵See NAT'L LOW INCOME HOUS. COALITION, OUT OF REACH 2009, <http://www.nlihc.org/oor/oor2009/data.cfm?getstate=on&getmsa=on&msa=2243&state=CA>. For example, the fair market rent for a one-bedroom apartment in Oakland, California, is \$1,093.

⁶See Maria Foscarnis & Rebecca K. Troth, *Reentry and Homelessness: Alternatives to Recidivism*, 39 CLEARINGHOUSE REV. 440, 446 (2005). All 50 states allow private landlords to screen an applicant for a criminal record. *But see* Madison, Wis. Code of Ordinances, Ch. 39.03(1) and (4) (Renumbered by Ord. 12,039, Adopted 2-17-98), available at <http://www.municode.com/resources/gateway.asp?pid=50000&sid=49>, Urbana, Ill., Code of Ordinances, Ch. 12 Art. III. Div. 1, §§ 12-37 and 12-64, (Ord. No. 7879-92, § 1(29), 4-24-79; Ord. No. 9798-49, § 1, 10-6-97), available at <http://www.city.urbana.il.us/>. Both Madison, Wisconsin and Urbana, Illinois passed ordinances that prevent discrimination on the basis of an arrest or conviction record.

²⁰Exit tax relief is one such important proposal that would help address the issue of many private owners being unwilling to sell due to the steep capital gains taxes they would incur as a result of having taken prior significant depreciation deductions. Many owners thus hold onto their property to secure the step up in basis that occurs upon transfer at death, thus eliminating both the tax revenue to the government, as well as potentially failing to recapitalize the property. Exit tax relief would eliminate this tax burden in cases of a sale to a preservation-motivated purchaser.

policies, however, prevent many people with criminal records from accessing federally assisted housing. Public housing authorities (PHAs) must reject lifetime registered sex offenders and individuals convicted of manufacturing or producing methamphetamine on the premises of federally assisted housing.⁷ In addition, federal law permits PHAs to deny admission to applicants with histories of violent criminal activity, drug-related criminal activity, or criminal activity that may threaten the health, safety or peaceful enjoyment of the premises by other residents.⁸ The statute directs PHAs to consider criminal activity that occurred within a “reasonable time” prior to the admission decision.⁹ Nevertheless, some PHAs consider criminal activity that occurred as long as 10 years prior to the admission decision.¹⁰

Housing Arrangements After Release

Because of the barriers to obtaining stable housing, many formerly incarcerated individuals end up in unstable housing arrangements. A total of 10% of parolees are homeless nationwide.¹¹ In large urban areas such as Los Angeles and San Francisco, 30% to 50% of parolees are homeless.¹² A large portion of formerly incarcerated individuals rely on family members to provide shelter after release.¹³ Some family members, however, set limits on the amount of time that a returning relative can stay.¹⁴ Consequently, formerly incarcerated individuals end up “shuttling” between relatives, friends, shelters and the street.¹⁵ A study of men returning to the metropolitan

Cleveland area reveals the extent of the shuttling:¹⁶ 63% of the study participants reported living in two, three, four, or five places within the first year after release.¹⁷ At the end of the first year, 46% of the men referred to their housing arrangements as temporary and expected to move within a few weeks or months.¹⁸ Conversely, a small portion of formerly incarcerated individuals manage to secure their own apartment or house after release. In a study of men returning to Chicago, only 19% of the study participants reported living in their own place 16 months after release.¹⁹

Relationship Between Unstable Housing and Recidivism

Ultimately, many individuals are not able to avoid re-incarceration. In California, for example, 79% of parolees return to prison or abscond.²⁰ Research suggests that securing stable housing is crucial to successful re-entry. The study of men returning to the Cleveland metropolitan area found that obtaining stable housing within the first month after release inhibited re-incarceration.²¹ As stated in an Urban Institute study, “The importance of finding a stable residence cannot be overestimated: men who found such housing within the first month after release were less likely to return to prison during the first year out.”²² The study of men returning to Chicago reinforces the idea. Study participants who reported living in their own apartment or house two months after release faced a lower risk of re-incarceration.²³

Moreover, a study of over 40,000 individuals returning to New York City from state correctional facilities reveals the correlation between shelter use and risk of recidivism.²⁴ Individuals who entered a homeless shelter within the first two years after release faced a higher risk of re-incarceration.²⁵ Perhaps more significantly, individuals who reported living in a shelter before incarceration faced a higher risk of both shelter use after release and re-incarceration.²⁶ The figures suggest that “the crossing

⁷42 U.S.C.A. §§ 1437n(f), 13663 (Westlaw Oct. 27, 2009). The ban on individuals convicted of manufacturing or producing methamphetamine does not apply to project-based Section 8, Section 202, Section 811, Section 221(d)(3), Section 236, or USDA housing. The ban on lifetime registered sex offenders does not apply to USDA housing.

⁸42 U.S.C.A. § 13661(c) (Westlaw Oct. 27, 2009).

⁹*Id.*

¹⁰See San Francisco Housing Authority Admissions and Continued Occupancy Plan 2008, available at <http://www.sfha.org/about/pha/pdf/2008ACOP.pdf>.

¹¹LITTLE HOOVER COMM’N, BACK TO THE COMMUNITY: SAFE & SOUND PAROLE POLICIES 39 (2003).

¹²*Id.*

¹³See Nancy La Vigne et al., The Urban Institute, CHICAGO PRISONERS’ EXPERIENCES RETURNING HOME 16 (2004), available at http://www.urban.org/UploadedPDF/311115_ChicagoPrisoners.pdf. In a study of men returning to Chicago, 88% of the men reported living with family members or intimate partners four to eight months after release.

¹⁴TRACEY L. SHOLLENBERGER, THE URBAN INST., WHEN RELATIVES RETURN: INTERVIEWS WITH FAMILY MEMBERS OF RETURNING PRISONERS IN HOUSTON, TEXAS 9-10 (2009), available at http://www.urban.org/UploadedPDF/411903_when_relatives_return.pdf. The study followed family members of men and women returning to Houston. Of the family members who provided housing to a returning relative, over half imposed limits on the duration of the housing arrangements. Some of the study participants said that the returning relative could stay until he or she found an apartment or a job. Others said that the returning relative could stay as long as he or she did not use drugs or engage in criminal activity.

¹⁵JEREMY TRAVIS, BUT THEY ALL COME BACK: FACING THE CHALLENGES OF PRISONER REENTRY 219 (The Urban Inst. Press 2005).

¹⁶CHRISTY A. VISHER & SHANNON M.E. COURTNEY, THE URBAN INST., ONE YEAR OUT: EXPERIENCES OF PRISONERS RETURNING TO CLEVELAND 1 (2007), available at http://www.urban.org/UploadedPDF/311445_One_Year.pdf.

¹⁷*Id.* at 3.

¹⁸*Id.*

¹⁹JENNIFER YAHNER & CHRISTY VISHER, THE URBAN INST., ILLINOIS PRISONERS’ REENTRY SUCCESS THREE YEARS AFTER RELEASE 3 (2008), available at http://www.urban.org/UploadedPDF/411748_reentry_success.pdf.

²⁰LITTLE HOOVER COMM’N, *supra* note 11, at 55.

²¹VISHER & COURTNEY, *supra* note 16, at 11.

²²*Id.*

²³YAHNER & VISHER, *supra* note 19, at 3.

²⁴Stephen Metraux & Dennis P. Culhane, *Homeless Shelter Use and Reincarceration Following Prison Release*, 3 CRIMINOLOGY & PUB. POLICY 139 (2004).

²⁵*Id.* at 147.

²⁶*Id.* During the first two years after release, roughly 11% of the study participants entered a homeless shelter and 33% returned to prison. Among the study participants with a record of shelter use prior to incarceration, however, roughly 45% entered a homeless shelter and 42% returned to prison.

over from incarceration to homelessness, and vice versa, threatens to transform spells of incarceration or homelessness into more long-term patterns of social exclusion.”²⁷ Directing housing assistance to individuals with a history of residential instability before incarceration could reduce the rate of homelessness and re-incarceration among the re-entry population.²⁸

Conclusion

Many formerly incarcerated individuals end up in unstable housing arrangements after release. As the research above indicates, stable housing is a vital component of effective re-entry. By working to reduce the barriers that prevent formerly incarcerated individuals from accessing stable housing, advocates can reduce recidivism and improve public safety and community wellbeing. ■

Recent Cases

The following are brief summaries of recently reported federal and state cases that should be of interest to housing advocates. Copies of the opinions can be obtained from a number of sources including the cited reporter, Westlaw,¹ Lexis,² or, in some instances, the court’s website.³ Copies of the cases are *not* available from NHLP.

Housing Choice Voucher Program: Police Report Insufficient to Establish Drug-Related Criminal Activity

Weekes v. Boston Hous. Auth., No. 09H784CV00531 (Mass. Hous. Ct. Dec. 10, 2009). In terminating a voucher tenant’s assistance, a hearing officer relied on a police report stating that officers seized clear plastic bags containing a substance “believed to be Class D marijuana” from the tenant’s apartment. The court found that the statements in the police report, standing alone, were insufficient to establish by a preponderance of the evidence that the substance seized from the tenant’s apartment was marijuana. The court therefore found that the hearing officer’s conclusion that the tenant allowed her apartment to be used for drug-related criminal activity in violation of her Section 8 lease was legally erroneous. The court vacated the hearing officer’s decision and ordered the housing authority to reinstate the tenant’s voucher.

Housing Choice Voucher Program: Evidence Supported Hearing Officer’s Finding that Tenant Was Evicted

Morford-Garcia v. Metro. Council Hous. & Redev. Agency, 2009 WL 4909435 (Minn. Ct. App. Dec. 22, 2009) (unreported). An owner filed an eviction action against a voucher tenant. The parties later entered into a settlement agreeing to a mutual termination of the lease. The settlement stated that if the tenant violated its terms, the landlord would be entitled to an immediate writ of recovery. The tenant violated the settlement, and a writ of recovery was issued but later canceled. The tenant argued that the record did not support the hearing officer’s finding that she was evicted. The court disagreed, finding that an eviction judgment must have been entered in the owner’s favor, or else a writ of recovery would not have been issued. The court also found that there was substantial evidence to support the

²⁷*Id.* at 142.

²⁸*Id.* at 151; *see also* CORP. FOR SUPPORTIVE HOUS., GETTING OUT WITH NOWHERE TO GO: THE CASE FOR RE-ENTRY SUPPORTIVE HOUSING, *available at* http://www.csh.org/_data/global/images/ReEntryBooklet.pdf. Research shows that supportive housing—permanent affordable housing linked to services—works to break the cycle of homelessness and incarceration.

¹<http://www.westlaw.com>.

²<http://www.lexis.com>.

³For a list of courts that are accessible online, *see* <http://www.uscourts.gov/links.html> (federal courts) and <http://www.ncsc.dni.us/COURT/SITES/courts.htm#state> (for state courts). *See also* <http://www.courts.net>.

Studies on Effectiveness of Housing Former Offenders

National Housing Law Project, Housing Law Bulletin, Volume 40, "The Importance of Stable Housing for Formerly Incarcerated Individuals"

(http://www.nhlp.org/files/Importance%20of%20Stable%20Housing%20for%20Formerly%20Incarcerated_0.pdf)

"Research suggests that securing stable housing is crucial to successful re-entry. The study of men returning to the Cleveland metropolitan area found that obtaining stable housing within the first month after release inhibited re-incarceration. As stated in an Urban Institute study, 'The importance of finding a stable residence cannot be overestimated: men who found such housing within the first month after release were less likely to return to prison during the first year out.' The study of men returning to Chicago reinforces the idea. Study participants who reported living in their own apartment or house two months after release faced a lower risk of re-incarceration.

Moreover, a study of over 40,000 individuals returning to New York City from state correctional facilities reveals the correlation between shelter use and risk of recidivism. Individuals who entered a homeless shelter within the first two years after release faced a higher risk of re-incarceration. Perhaps more significantly, individuals who reported living in a shelter before incarceration faced a higher risk of both shelter use after release and in-incarceration. The figures suggest that "the crossing over from incarceration to homelessness, and vice versa, threatens to transform spells of incarceration or homelessness into more long-term patterns of social exclusion. " Directing housing assistance to individuals with a history of residential instability before incarceration could reduce the rate of homelessness and re-incarceration among the re-entry population."

Criminal Recidivism in Alaska, Alaska Judicial Council, January 2007

"Offenders are much more likely to re-offend or be remanded to custody during the first year after release, and especially during the first six months. Using existing resources for 're-entry' programs may be a cost-effective way to reduce recidivism by helping offenders to adjust to the expectations of employers, treatment providers, and others with whom they must interact. Re-entry programs can also deal with offenders' treatment needs, and help them find safe, sober housing."

In Our Backyard: Overcoming Community Resistance to Reentry Housing (A NIMY Toolkit)

(http://www.jjay.cuny.edu/TOOL_KIT_1-NIMBY_FINAL.pdf)

"Supportive housing programs provide stable and safe housing to homeless formerly incarcerated men and women alongside comprehensive and individualized services, such as education and vocational training, employment assistance and counseling, substance abuse treatment, access to medical and mental health care, family reunification counseling, and other specialized services directed at promoting independent living and reintegration into the community. There is growing evidence that supportive housing for homeless formerly incarcerated persons reduces recidivism, makes neighborhoods safer, promotes family re-unification, and is more humane and cost-effective than re-incarceration."

Alaska Prisoner Reentry Task Force Five-Year Prisoner Reentry Strategic Plan, 2011-2016

(<http://www.correct.state.ak.us/TskForce/documents/Five-Year%20Prisoner%20Reentry%20Plan.pdf>)

"As rightly observed by the 2010 Council of State Governments Justice Center, '[w]ithout a stable residence, it is nearly impossible for newly released individuals to reconnect positively to a community.'

When individuals are released from prison or jail, the ability to access safe and secure housing within the community is crucial to their successful reentry. Studies have shown that the first month after release is a vulnerable period “during which the risk of becoming homeless and/or returning to criminal justice involvement is high.” Yet, in most communities to which individuals return after incarceration, accessible and affordable housing is in exceedingly short supply. The additional challenges unique to people with criminal histories make it even more difficult for them to obtain stable housing.

More often than not, when these individuals are not linked to the services and supports that could facilitate their successful reintegration; they end up back in jail for either violating the conditions of their release or for committing a new crime. According to the 2007 Alaska Judicial Council recidivism study, one of the greatest contributing factors to recidivism was indigence, a condition impacting an individual’s ability to find housing.

Historically, the ADOC has performed insufficient prerelease planning to educate soon to be released prisoners on housing options or services in their communities. Soon the ADOC intends to implement its Offender Reentry Program that will provide convicted felons with an Individual Reentry Plan addressing, among other things, the prisoner’s plans for housing. To what extent institutional probation officers will be able to go beyond ascertaining if the prisoner has housing to actually working proactively to help the prisoner find housing prior to release remains unknown at this time.

Even if probation officers had lower caseloads and thus more time to work proactively with the probationer, the lack of accessible and affordable housing stock in most of Alaska’s communities makes it difficult even with the most proactive efforts on the part of probationer officer and probationer alike.”

April 8, 2014

Dear Neighbors,

Thank you for attending Haven House's neighborhood information meeting. We appreciated the opportunity to meet with you and believe we have a better understanding of your concerns and fears surrounding Haven House and our future residents.

We are all concerned about safety in Juneau. We strongly believe that Juneau will be safer for having Haven House and we may not have explained that as well as we could have at the meeting. If a woman getting out of prison cannot find safe, stable and sober housing, she is more likely to violate conditions of probation or parole or commit other crimes. With safe, stable, structured, sober housing, she is more likely to stay out of prison and become an engaged productive member of society. As one report put it, "There is growing evidence that supportive housing for homeless formerly incarcerated persons reduces recidivism, makes neighborhoods safer, promoted family re-unification, and is more humane and cost-effective than re-incarceration."¹

Haven House is part of a Statewide and nationwide effort to more effectively help persons getting out of prison, an urgent goal being taken up by government agencies, non-profit corporations, churches, individual volunteers. We hope you join us in that effort. We hope these answers to your questions may help you do that.

When he signed the Second Chance Act in 2008, President Bush said, "The country was built on the belief that each human being has limitless potential and worth. Everybody matters. Even those who have struggled with a dark past can find brighter days ahead."

To open Haven House, we plan to apply by April 21, 2014, for a use not listed/conditional use permit in accord with the letter from Hal Hart, Director of Community Development Department (CDD), dated March 18, 2014.

Below are answers to your questions. A few of the questions will be more fully addressed in our application.

Sincerely,

Larry Talley
Secretary, Haven House Inc.

¹ In Our Backyard: Overcoming Community Resistance to Reentry Housing (A NIMBY Toolkit) by Fortune Society and John Jay College of Criminal Justice at 3 (2011)J.

1. Groups homes are made up of disabled people. What kind of disability would the residents have?

“Group home” is a term that has different definitions in different contexts. A group home can mean a group of people living together in a home where the people are not related to each other but are living together out of affection, convenience, or a common interest.

We understand that you are most likely referring to “group home” as that term is defined in CBJ Ordinance CBJ 49.80.120. We believe Haven House is properly categorized as a single family residence and the residents of Haven House fall within the definition of family, namely “a group of people living together as an integrated housekeeping unit,” CBJ 49.80.120. In the alternative, we believe that Haven House is a group home. Haven House will have nine residents and at least seven residents will be women being released from prison who are committed to recovery from addiction. The women in recovery will clearly have a disability (addiction). Past history of drug or alcohol abuse is a handicap or disability. The two additional residents may also have this disability.

However, as you know, in its March 18, 2014 letter, CDD rescinded its earlier determination that Haven House was a halfway house and concluded that the CBJ ordinances regarding halfway houses and group homes were unenforceable. CDD concluded that Haven House is a boardinghouse and rooming house or is most similar to a boardinghouse and rooming house.

**2. What are the rules, regulations and or protocols for residents?
Please send us a copy.**

- a. With no supervisor on-site, how can you enforce these?**
- b. What is the expectation for alcohol use? Will there be regular testing for illegal drug use? If a woman does not follow expectations and/or tests positive for an illegal substance, what is the consequence?**
- c. Will there be a sign out/in form? Will there be a curfew in place? How long is a resident allowed to be absent from the house?**

Haven House will have house rules for residents. We have carefully reviewed the policies and house rules developed by similar re-entry programs in other cities. We are finalizing these rules and are making changes in two areas to respond to your concerns. First, a woman who is required to register on the Alaska sex offender registry will not be eligible to reside at Haven House. While very few sex offenders are women, and while the probation/parole officer would not recommend a woman required to register as a sex offender to live at Haven House, Haven House itself will not accept a woman in this category.

Second, a woman who violates the rule against alcohol or drugs [except, of course, for prescription drugs prescribed for the woman] on the Haven House

premises will be dismissed from Haven House. Haven House always had a zero tolerance stance on drugs and alcohol but we have established mandatory dismissal as the penalty for violating this rule.

In addition to the prohibition on the possession of alcohol or drugs on the premises, the house rules will establish will establish the conditions for a daily curfew of 10:00 p.m.; random inspections of rooms; visitation only by legal family members—with check of online court records for all visitors; limitations on absences from the home; shared household chores; and compliance with conditions of probation/parole.

- a. We will have an onsite night-time supervision of the house every night. We will describe the operation of the house during the day more fully in our CBJ application.
- b. As noted, Haven House will not allow any alcohol or drug use on the premises by any resident, staff, or volunteer. Those residents who are on probation or parole will be subject to testing by probation/parole officers or any other authority as allowed by Alaska law. Haven House does not plan to conduct drug testing for residents at this time.^[2] If a Haven House staff member suspects a woman has been using drugs or alcohol, the staff member will contact the woman's probation/parole officer.
- c. Haven House will have a sign out/sign in form. There will be a 10:00 p.m. curfew. Each resident is required to obtain pre-approval from the staff if she will be away from the home for more than 24 hours.

3. In light of the city's classification of Haven House as a halfway house, have you considered moving to a location where your organization's intentions would be properly zoned?

As you know, after you asked this question, CDD rescinded its classification of Haven House as a halfway house and has concluded that its ordinance regarding halfway houses is unenforceable. We never believed that Haven House is a halfway house

4. Please provide an answer to the apparent discrepancy between Mr. Talley's statement that women living in the house will be on Probation/Parole, and Ms. Degnan's statement that the women will not be serving a sentence and have completed all obligations to the Department of Corrections. Are these residents still on parole or probation while living in our neighborhood? Isn't Probation/Parole still considered a sentence that has not been completed?

Women living in Haven House may be on probation and/or parole. Women living in Haven House will not be serving a sentence while living in Haven House. We

² Per House Rules for Haven House, approved by the Board on April 20, 2014, Haven House staff may administer drug tests to Haven House residents.

believe that the term “serving a sentence for a criminal act” in CBJ 49.80.120 in the definition of group home and halfway house means that the person is confined to a particular location, must “serve their sentence” at that location, and is in the custody of the Department of Corrections while they are serving a sentence. In Juneau, people serve a sentence at the Lemon Creek Correctional Institution and the Anka Street Halfway House. A person on probation or parole can typically live anywhere subject to the approval of their probation or parole officer (if they have a probation or parole officer) .

Yes, we agree that a woman on probation or parole has not completed all the terms of their sentence. However, we do not believe that a woman is “serving a sentence” at Haven House, the Glory Hole, the house of their friends, the house of their parents, or anywhere else she may be living. If a woman violates the conditions of her probation or parole, she may have to return to prison to “serve her sentence.”

5. We understand that the house was purchased by Hugh Grant & Associates and HH has a year lease with option to buy with a monthly rate of \$2500/mo. Is this true?

We are renting the house from a private party and we intend to respect that party's privacy.

6. Someone said the owner of the Airport mini-mall apartments offered up a "large house" for HH use. Are there any plans to use this during the months or years while your appeal is pending?

We have been made aware of a number of properties which might be available for Haven House to rent. In the cases where those properties were available in a reasonable timeframe and appeared to be suitable for our purposes we made further inquiries. In the cases where the properties were only potentially available at some unspecified future date, or, the properties didn't meet Haven House requirements, we have not made further inquiries.

At the neighborhood meeting on February 22, 2014, some people asked that we look at the large red house, sometimes called “The Shattuck House,” in downtown Juneau near the Governor's Mansion. We immediately contacted the owner, who lives in Anchorage. The owner stated that the basement apartment was rented and that he had reached an agreement in principle to rent the house to a tourist-related company and was sending that renter a lease. However we could look at the house, in case the prospective rental fell through. We immediately toured the house. It would have needed work to bring it up to our standards and there was a renter for the downstairs basement apartment but we wanted to follow up further on it in case it would be available. When we called back the owner, he said that the tourist-related company had signed a two-year lease.

We will consider any other suggestions.

7. Some folks from Haven House have suggested that it meets the definition of single-family residence under the CBJ code. Please explain.

The women living at Haven House will be “one or more persons living as a single housekeeping unit,” which is the definition of family in CBJ 49.80.120. The definition does not require any blood or legal relation among the persons. The definition does not exclude anyone from being a member of a family because they are on probation or parole. The definition does not require any particular length of living together as a single housekeeping unit. The women at Haven House will share chores and have communal meals. We explained further why we believe we meet the definition of family in CBJ 49.80.120 in our appeal of CDD’s first determination, which we filed on March 10, 2014.

8. Wouldn’t it be more cost effective for your benefactors, and less destructive to the neighborhood, if you would simply take one or two of these women to live with you, and maybe others on the board can do the same. Spread out the people in ordinary families rather than create a concentration of ex-offenders in a residential neighborhood where everyone might not be as accepting as you?

We believe that the women participating in Haven House will derive benefit from being part of a community of peers with similar backgrounds and shared challenges and successes. Taking released women into a family home, where they would certainly feel out-of-place, uncomfortable, and a burden, would not offer the same opportunities for healing, self-respect, personal growth, and positive peer support that we believe these women will provide for each other within Haven House. Further, few, if any, on the Haven House Board have an empty room in their homes and a room that they could commit to being empty for two years.

We are not asking people in the neighborhood of 3202 Malissa Drive to have women who they do not personally know live in their homes. We simply want to locate Haven House in this neighborhood. It will not be destructive to the neighborhood. Everyone involved with Haven House would be willing to have Haven House in their neighborhood.

Finally, persons coming out of prison face tremendous difficulties in finding an affordable, sober, stable, safe place to live. The lack of affordable, sober, stable, safe housing linked with community services contributes to the high rate of recidivism—people returning to jail after release—in Alaska. A group of women released from prison living together in a safe, sober, structured environment are less likely to reoffend. The Alaska Department of Corrections

Five-Year Prisoner Reentry Strategic plan explains why the State supports faith-based prison and reentry support.

9. Some folks from Haven House have suggested that Haven House will not provide supervision and other services, but previously you have said that the house will be supervised by a house manager and a codirector.

Please explain.

a. If there will be a supervisor, do they have any experience supervising ex-offenders living together?

b. If there is no supervision, how are these women going to be rehabilitated as your stated mission implies?

Haven House will provide a nighttime supervisor. Haven House will explain the supervision of the house during the day in its permit application. Haven House will use the intake process as a new resident moves in as an opportunity to ensure that each resident fully understands the house rules. Haven House staff and the residents themselves will oversee adherence to house rules and coordinate shared household chores and other communal activities during weekly house meetings. Haven House staff will also share information with Probation/Parole Officers. Haven House participants will sign release forms allowing Probation/Parole Officers to share information with Haven House and visa-versa as a condition of their application.

Haven House staff will provide referrals to externally provided services (12-step programs, job training, etc.) and will assist Haven House participants in selecting and participating in these external services. Haven House will establish mentors for the residents. Staff and volunteers will serve as healthy role models for residents as they assist the resident navigate the difficult transition back into Juneau. Staff and volunteers will also learn from residents and develop relationships with them. Staff, volunteers and residents will discuss faith and how they have dealt with difficulties in their lives. This will result in a supportive and safe community of peers, staff, and mentors at Haven House that will support the women in making changes to increase their chances of integrating back into the community.

10. What is the application process like for women wanting to live at HH? Are there any backgrounds, criminal offenses or situations that could disqualify a woman from applying to HH?

Haven House participants must complete an extensive application which will include recommendations by Probation/Parole/Corrections Officers, and must interview with Haven House staff. The applications will be carefully reviewed by Haven House staff in consultation with the Probation/Parole Officers. A high priority of the review process will always be to protect the potential success of the participants who are already in the Haven House program. A woman who is

required to register as a sex offender will not be eligible to reside at Haven House.

11. Is there a long-term business plan or are we going year to year? What commitments do you have in place for Budget Year #2 and #3?

We are continually seeking stable funding sources and have grant applications under review and applications in process. Donations for Haven House are gratefully accepted at <http://juneaucf.org/>. Until Haven House has a legal right to operate, however, we cannot receive rental income and our ability to receive grants, engage in fundraising, and seek commitments for future years is severely undermined.

12. What is your policy on residents' visitors? Who, how long, when, hours, background checks, etc.?

Only legal family members may visit participants. Legal family members include spouse but do not include boyfriends. Visits must be scheduled at least 48 hours in advance and approved by staff. The staff will conduct a background check on all potential visitors by checking Court View, the online record system of the Alaska Court System, and may conduct further investigation. Visiting will occur in the main living room and visitors must leave by 10:00pm.

13. Will the residents have vehicles? If so, where will they park? Where will additional parking be located for those visiting or checking in with the women?

The residence at 3202 Malissa Drive has room for six cars on the Haven House property: two in the garage and four in the driveway outside the garage. There is room in front of the house to park two cars.

Based on our knowledge of the target participants and discussions with similar homes in Anchorage we expect few, if any, of our residents initially to have cars. However, eventually, after a resident has lived there a while and has a job and steady income, it is likely that one or more residents may have a car.

The two co-directors may be at the residence at the same time and both may have cars, although currently only one has a car. We expect the parking needs of Haven House residents, staff and volunteers will usually easily be met with the existing two-car garage and four spaces in front of the garage.

14. What is the expected length of stay for residents? How do you determine when a resident is appropriate for release?

We offer program participants up to two years in Haven House. We expect most residents will stay at least for six months and many will stay longer.

Haven House does not release a woman in the same way that a correctional facility releases someone. A woman who resides at Haven House is free to leave although, if she has a probation officer, she needs to have her residence approved.

However, in talking to a resident about whether to move out of Haven House, Haven House staff would primarily discuss whether she has other housing and whether that housing is safe and affordable; is likely conducive to her recovery from addiction, if she has that disability; is likely conducive to meeting the goals she has identified, such as employment, spiritual growth and possibly reunification with her children.

15. What is the safety plan if a resident or visitor becomes violent or is a danger to other residents or to the neighborhood? Will Haven House, Inc. be posting a surety bond?

The record of residences like Haven House are that the police are hardly, if ever, called. For example, the police have never been called to either of the Anchorage Correctional Ministry homes in Anchorage. Haven House will have a number which will be answered 24/7 if a neighbor wants to report a problem. If Haven House staff, residents or neighbors encounter a violent or threatening situation, they should call the police.

Haven House does not plan to post a surety bond. We believe it would be unprecedented for a project of this nature—a small project with no possibility of large scale economic damage—to be requested to post a bond.

16. Who is Haven House accountable to if they do not follow their stated plan and rules?

Haven House is a corporation and has the same accountability as any other corporation. As a non-profit corporation, Haven House is run by a Board of Directors, which sets policy for the organization. Haven House will provide a phone number for the neighbors to call to report any problems which will be answered 24/7.

17. What is your plan to assure the safety of neighborhood families, children, and property? Please address safety with respect to residents, as well as safety with regard to visitors, family, known associates, etc.

Haven House will offer housing to women who have been released from custody and who can live anywhere. Because of Haven House supervision, house rules, peer accountability, information sharing with Probation/Parole Officers, volunteer mentors and other support systems, the neighbors will be much safer with respect to the residents of Haven House than they would be from released prisoners living in Juneau without these supports.

For these same reasons the neighbors would likely be safer from Haven House residents than they would be from a large family providing little supervision and filling the house with children, children's friends, occasional babysitters, possibly couch-surfing relatives.

Please also see our answer to Question 12 regarding Haven House's visiting policy.

18. Are there any protocols in place for any uninvited unwanted visitors and how to properly deal with that situation when it arises?

Haven House staff will ensure that all residents understand the visitor policy. If an unwanted visitor comes by, Haven House staff will ask them to leave. If they do not leave, staff will call the police. Our board is committed to providing our staff with the training and resources that are recommended by the operators of similar homes. For example our staff participated in a 40-hour "Certified Victim Advocate" training provided by AWARE, and our staff traveled to Anchorage to spend a week being mentored by staff at re-entry homes operated by Alaska Correctional Ministries and New Life Ministries.

19. Which ones of the Board members have experience starting and operating a transitional facility for ex-offenders?

Several board members have many years of direct experience meeting with women who are still in the prison system, and over the years a great many of those women have been released and have maintained their acquaintance with our board members. Through that experience we have learned a great deal about what women need in order to successfully re-enter society. We also have board members (and staff) who have direct experience with founding and/or operating women's shelters. We are in close contact with Alaska Correctional Ministries and New Life Ministries who operate similar programs in Anchorage. We have paid for Alaska Correctional Ministries staff to travel to Juneau to consult, and we have sent our staff to Anchorage for mentoring.

20. What type of research did you do into the zoning and allowable use issues of this experiment prior to investing in this home? There are multiple areas that are zoned for this use, why did you not choose one in a properly zoned area? We are assuming you advised the realtor of your intentions for the property- did your s/he fail to disclose the applicable zoning to you?

We were aware that "group home" is an allowable use in the zone and we applied for an allowable use permit for a group home. We now believe that this was unnecessary because our use is more appropriately categorized as a single family residence. However, CDD has determined that Haven House is a

boarding house and rooming house, as defined in CBJ 49.80.210, or is a use most similar to a boarding house and rooming house.

21. Please describe your site selection process. Why did you decide against consulting the neighborhood's residents during this process?

We searched diligently for a long time to find a house that was a good fit for our requirements. We worked with multiple realtors and were shown a number of properties. When we found the house we now intend to occupy we recognized that, while it was not perfect, it was the best fit that we had seen in two years of searching.

We believed that our use of this property was an allowed use in this neighborhood and that under zoning codes this use did not require notification or consultation with the neighbors before we move in. Our board also desired to protect the privacy of our residents with respect to their status as felons in a society that stigmatizes felons. But the primary reason we did not consult the neighbors before renting the property was because we were applying for an allowed use which was proper without prior notice to nearby property owners. Our entire board would be pleased to have Haven House in our neighborhoods. We did not anticipate a negative neighborhood reaction.

22. Haven House, Inc. cites a number of parallel programs across the nation. These are close to bus routes, job centers, educational opportunities, etc. Why did you decide to be located remotely from services that the residents require in order to re-integrate into society?

It takes about 10 minutes to walk from the house to the bus stop at the corner of Nancy St. and Mendenhall Loop Road, the bus stop going towards the glacier. It takes a few minutes to cross the street and get the bus on the other side of the street going towards downtown.

It takes about 15 minutes to walk from the house to the bus stops at the corner of Haloff Way and Mendenhall Loop Road (where there is a cross walk to the other side of the street).

A round-trip walk of 30 minutes a day is a reasonable distance and would meet the standard recommendation for minimum physical exercise a day. Many people who live in the Valley do not have a car and take the bus to jobs, schools, and appointments.

We are currently of the opinion that, after two years of searching, this house is the best fit that we can find.

23. How many years are you prepared to engage in the appeals process through the different levels of city government and state courts before abandoning this location?

If our board decides this question the decision will be in executive session. However we are fully committed to seeing this worthy and needed project to completion. We believe that Haven House will be a very valuable addition to the community of Juneau.

The need for housing for formerly incarcerated persons is immense. The need for safe, sober, stable, structured, affordable housing for this population is undeniable. We hope to contribute to filling this community need without litigation.

24. Would you reconsider your decision and find another location if it is clear that the majority of the Tall Timbers neighbors are uncomfortable with their neighborhood being selected to for the halfway house? The house could be rented to a family - your loss minimized. Furniture stored for a future location. Assuming Hugh Grant supports your endeavor he could waive any lost rent and return your years payment.

The board is open to considering all viable alternatives.

25. Residential neighborhoods get to know each other and who belongs and who is a stranger. We school our children not to talk to strangers.
a. If you lived next door, what steps would you take to know who belongs here anymore, in view of the continual turnover of residents?
b. How can families with small children be comfortable with a continual flow of strangers - both HH residents and their visitors?

We expect that most women will stay for at least six months and they may stay up to two years. Most residents will be living in the neighborhood longer than a son or daughter who is home from college for the summer.

It is likely that the residents will not have that many visitors from their old life because by agreeing to live at Haven House, they are committing to turning their lives in a new direction and to cutting contact with unhealthy family and friends. All visitors must schedule a visit 48 hours in advance, must be approved, and will be subject to a check of their criminal history.

Further, the conditions of release for most of our residents will prohibit them from associating with other felons, unless at an approved meeting or an approved living situation, such as Haven House. So visitors are likely to be healthy and safe and not another felon.

A note specifically from Larry Talley, Haven House Board Secretary: I would welcome Haven House in my neighborhood. It is worth noting that my children are now sixteen and older, but I would introduce my children to Haven House staff and, to the extent comfortable to all parties, to Haven House residents. I would talk to my children about crime and prison and prisoners and recovery from substance abuse and re-entry into society after coming out of prison. I would try to find one or more Haven House participants who might feel comfortable with my family, and make an attempt to integrate that person or persons into my neighborhood, my church, my community, my circle of family friends. If my children were younger I would introduce my children to the Haven House staff if convenient but would otherwise expect my children and the residents of Haven House to be mostly unaware of each other. In other words, I would treat residents of Haven House like people.

Estimated Cost of Fencing for 3202 Malissa Drive

It would cost approximately \$6,000 – \$8,000 to build a 6 foot high cedar fence on both sides of the property at 3202 Malissa Drive. For vinyl fencing with the same specifications, it would cost approximately \$7,600 – \$9,800.

Source: Chris Nelson, Haven House, Inc. Board Member and Appraiser, 4/17/14. Mr. Nelson checked on a standard website, URL below, for building costs and obtained a verbal estimate from a local contractor. http://www.homewyse.com/costs/cost_of_6_foot_privacy_fencing.html

Email from Michael Matthews, Research Analyst IV at the Department of Corrections

From: larry talley <larryt@acm.org>
Date: May 23, 2012 at 7:09:03 PM AKDT
To: HavenHouseJuneau@googlegroups.com
Subject: Fwd: FW: women released from prison annually in Alaska
Reply-To: havenhousejuneau@googlegroups.com

----- Forwarded message -----

From: Matthews, Michael T (DOC) <michael.matthews@alaska.gov>
Date: Wed, May 23, 2012 at 7:22 AM
Subject: RE: FW: women released from prison annually in Alaska
To: larry talley <larryt@acm.org>

Apologies Larry. Your request ended up in the 'done' file without being sent.
Here you go.

Michael Matthews
Research Analyst IV
Department of Corrections
State of Alaska
P.O. Box 112000
Juneau, AK 99811
[907.465.3313](tel:907.465.3313)

-----Original Message-----

From: larry.talley@gmail.com [<mailto:larry.talley@gmail.com>] On Behalf
Of larry talley
Sent: Tuesday, May 22, 2012 4:50 PM
To: Matthews, Michael T (DOC)
Subject: Re: FW: women released from prison annually in Alaska

Hi Mike, did I answer all of your questions about the information we would like?
Number of discharges of persons who were serving a sentence, by sex,
by facility, by year, would be great.
Larry

On Thu, May 17, 2012 at 3:39 PM, larry talley <larryt@acm.org> wrote:
Good questions!
Discharges by facility is fine, we want to know what community a
person was discharged into, not where they came from.
We want statistics for offenders who had a conviction and were serving
a sentence.
Thanks for refining my questions.
Larry

On Thu, May 17, 2012 at 10:52 AM, Matthews, Michael T (DOC)
<michael.matthews@alaska.gov> wrote:

Hi Larry,

My name is Mike Matthews and your data request was forwarded to me by Bonnie for response as she
no longer works for Corrections and I am her replacement.

Just got a question or two and one or two comments:

*We can get you this information but only by the location of the facility from which the offender was discharged. So if the offender was from Angoon, and she was discharged from Lemon Creek CC, then she would be a Juneau discharge. Make sense?

*When you ask for "release" information, does it matter what the offender's status was prior to release? Are you only looking for the count of releases for offenders who have a conviction? Or are you looking for the gross count of discharges including unsentenced offenders who were discharged because they were found not guilty, offenders released from non-criminal holds, convicted offenders, and anyone else who was under our jurisdiction during the specified time period.

Mike

Michael Matthews
Research Analyst IV
Department of Corrections
State of Alaska
P.O. Box 112000
Juneau, AK 99811
[907.465.3313](tel:907.465.3313)

-----Original Message-----

From: Walters, Bonnie L (DOT)
Sent: Tuesday, May 15, 2012 8:18 AM
To: Matthews, Michael T (DOC)
Subject: FW: women released from prison annually in Alaska
Mike:
Another one for you...
Bonnie

-----Original Message-----

From: larry.talley@gmail.com [<mailto:larry.talley@gmail.com>] On
Behalf Of larry talley
Sent: Tuesday, May 15, 2012 8:00 AM
To: Walters, Bonnie L (DOT)
Cc: HavenHouseJuneau@googlegroups.com
Subject: Re: women released from prison annually in Alaska

Bonnie, excuse me for bothering you again, but, could you provide statistics on women released from prison by community of release? My specific interest is Southeast Alaska, I would like to know how many women are released annually in Juneau, Ketchikan, Sitka, etc. But I can of course filter the communities myself if you can provide the information.

Thanks again.

Larry Talley

On Wed, Jan 6, 2010 at 8:19 AM, Walters, Bonnie L (DOC) <bonnie.walters@alaska.gov> wrote:

Mr. Talley:

I am responding to your request for the number of women released from prison annually in Alaska. Here are the numbers for 2007 - 2009:

2007 - 8868

2008 - 8856

2009 - 9243

If you have any questions or need any further information, please let me know.

Bonnie Walters

Research Analyst

Department of Corrections

[\(907\) 465-3313](tel:9074653313)

**Convicted Female Offender Releases by
Facility: 2008-2011**

Year	Facility	Count
2008	ANCHORAGE JAIL	28
2008	ANVIL MTN CC	86
2008	COOK INLET PRETRIAL	1
2008	FAIRBANKS CC	316
2008	HILAND MTN CC	1,076
2008	KETCHIKAN CC	60
2008	LEMON CREEK CC	90
2008	MATSU PRETRIAL	88
2008	WILDWOOD PRETRIAL	206
2008	YUKON-KUSKOKWIM CC	222
2008	z_TOTAL	2,173
2009	ANCHORAGE JAIL	16
2009	ANVIL MTN CC	82
2009	FAIRBANKS CC	352
2009	HILAND MTN CC	1,271
2009	KETCHIKAN CC	48
2009	LEMON CREEK CC	65
2009	MATSU PRETRIAL	77
2009	WILDWOOD PRETRIAL	176

2009	YUKON-KUSKOKWIM CC	235
2009	z_TOTAL	2,322
2010	ANCHORAGE JAIL	22
2010	ANVIL MTN CC	77
2010	FAIRBANKS CC	249
2010	HILAND MTN CC	1,047
2010	KETCHIKAN CC	43
2010	LEMON CREEK CC	58
2010	MATSU PRETRIAL	91
2010	WILDWOOD CC	1
2010	WILDWOOD PRETRIAL	150
2010	YUKON-KUSKOKWIM CC	164
2010	z_TOTAL	1,902
2011	ANCHORAGE JAIL	18
2011	ANVIL MTN CC	64
2011	FAIRBANKS CC	189
2011	HILAND MTN CC	1,047
2011	KETCHIKAN CC	60
2011	LEMON CREEK CC	51
2011	MATSU PRETRIAL	90
2011	WILDWOOD PRETRIAL	120
2011	YUKON-KUSKOKWIM CC	52
2011	z_TOTAL	1,691



Aldersgate United Methodist Church

A Reconciling Congregation

Open Hearts, Open Doors, Open Minds

P.O. Box 33491 • Juneau, Alaska 99803

Rev. Susan Boegli, Pastor

April 21, 2014

June Degnan, President,
Haven House Board of Directors
PO Box 20875
Juneau, Alaska 99802.

Dear June,

I am writing you in support of Haven House opening its doors at 3202 Malissa Drive, which is a mere three blocks from my own home. I currently live in the Aldersgate United Methodist parsonage on Tongass Drive and love my neighborhood. Having the Haven House open its doors in our area is an honor and I look forward to befriending the residents of the home.

I am so impressed with the vision and mission of your organization and the hearts of those involved. In my view, helping women move back into society in a healthy and functional way is all of our responsibilities. I only wish we had more organizations committed to renewing lives.

Yesterday was Easter, and I preached of course on new life and new possibilities. The Haven House is an Easter story and I am thrilled to assist and work with you in any way I can. I am convinced that the fear some neighbors feel regarding Haven House opening on Malissa Drive will vanish once the relationships are built with the new residents. You can count on my service and support wherever Haven House opens, but I do hope that it is on Malissa Drive so I can be a more prominent part in making this a story of success.

Blessings to all of you,

Rev. Susan Boegli
3228 Tongass Blvd
Juneau AK 99801

April 15, 2014

A letter of support for Haven House:

To whom it may concern:

My name is Christina Wigg. I grew up in Juneau and have had many affiliations with the good and the bad due to some of my choices. I was incarcerated for about 2 years, most of my time spent in Eagle River at Hiland Mountain Correctional Center. I came back to Juneau on Parole, with only the Halfway House as an option. Though it did me good, I believe having other options to look into would have been beneficial for me. It took me working two jobs to save to get a place when I was in the halfway house. Most of us know not only working two jobs is hard enough on top of all of your treatment, but to save is harder. Had I not done any of this I wouldn't have gotten out of the halfway house when I did nor got my son back from State's custody. I would have been homeless amongst many others after getting out of incarceration. I believe having Haven House available will help many leaving prison to get back on their feet and create a sense of stability. Haven House is a great opportunity to prove that everyone is worth a chance. This is our time to prove that we are supportive in helping those who need help to get it in the manner that works for them.

Thank you,

A handwritten signature in black ink, appearing to read 'CW' or 'Christina Wigg', written in a cursive style.

Christina Wigg

April 21, 2014

Haven House
P.O. Box 20875
Juneau, Alaska 99802

To Whom It May Concern,

I'm taking a moment to write this and let you know a little about my story.

I was arrested in 2009 on drug felonies. I spent 2 years in jail and was released from Highland mountain in 2011. Upon release I had no idea what I was going to do for work or housing. I stayed at my daughter's grandparents home got a job at a car rental place. Things seemed to be going fine.

I relapsed a few months after my release. I went back to jail, lost my job and the trust of everyone close to me. I did one more year in jail and the halfway house. While I was in the halfway house I was able to apply for TBRA (Tenant Based Rental Assistance) . Once I got out I struggled to find anyone that was willing to take TBRA. It wasn't until the last possible day that someone gave me a chance. I now have my own place in which I live with my daughter, and I have a good job.

I feel that if there was somewhere for women like my self to go upon release we would have a greater chance at success. I truly believe that Haven House is going to be a great opportunity for people. I would have used it as a stepping stone if it were available then. I was lucky to have found a home and had people in my life willing to take a chance on me, I now have over 2 years clean and sober, been at my job for over a year now, and am able to provide for my 14 year old daughter. All of this has been possible with a safe home, the support of friends, family and people willing to give me a chance.

Haven House is that chance that some will need to succeed in this journey they are on in life. Feel free to call me if you have any questions.

Sincerely,



Amber Scroggins

907-209-3089

April 20, 2014

Haven House
P.O. Box 20875
Juneau, AK 99802

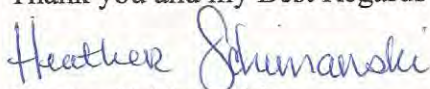
Hi my name is Heather Schimanski and I'm writing a letter to show support for Haven Housing in Juneau. I am a life long Juneau resident of over 30 years. I have been in recovery for over 5 years and have struggled with addiction from an early age. My addiction to drugs led me to prison and therefore caused me to have to start from scratch towards rebuilding my life all over again. I will list below the reasons why transitional housing is vital and imperative towards helping an individual to become a positive and productive member to a community.

While I was in prison I successfully completed an inpatient treatment program (RSAT) that addressed my addiction and other issues that caused me to use. Due to my incarceration I essentially lost everything and the biggest concern for me was a place to live. I am so grateful that RSAT was able to help develop an exit plan before my release; therefore making my transition into the community more easy. I was initially released to a Halfway House in Anchorage and resided there for almost 4 months. During my stay at the halfway house I was able to gain access to resources available in the Anchorage community. I applied for transitional housing that supported a drug free environment and promoted recovery. I was screened during this process and because of my completion with RSAT and showing various different ways that I was committed to my recovery I was accepted into transitional housing.

I feel very fortunate and grateful for the opportunity to have started my transition into the community inside transitional living. This environment helped me stay accountable and get the additional support I needed during my new transition. Being able to have assistance and live in an environment with other people experiencing the same kinds of things as myself allowed me to be more productive and stress free from those that did not have the resources such as I did. There were a multitude of levels that the transitional team helped coordinate and plan to allow me to be where I am at today.

My life is very different from before and has so much meaning and value to me today. I am forever grateful that I was given the opportunity to begin my transition in an environment that whole heartedly supported my recovery and success. I can say without a doubt that the transitional living was the biggest factor in my success today! I urge the public to support the Haven House as I can assure it will save and change many women's lives.

Thank you and my Best Regards


Heather Schimanski

Larry Olson, LPC
P.O. Box 35925
Juneau, AK 99803-5925
Phone: 907.321.5104 Fax: 907.790.9655

April 21, 2014


To Whom It May Concern:

This letter is in support of Haven House.

I am a counselor who deals with many clients who have run afoul of the law. An enormous challenge newly released ex-prisoners are confronted with is re-establishing themselves in the community after their incarceration. Many have very little sober support or a safe place to live. Many also have very poor skills in independent living.

Haven House will be able to provide support for women recently released from prison. It will not just be a place to stay, but also will provide much needed support in many areas of life. I hope that Haven House will become a reality in Juneau.

Sincerely,



Larry Olson, LPC, MAC

Sr. Delia Sizler, SC

P.O. Box 240793

Douglas, AK 99824

To whom it may concern:

It is my belief that 3202 Malissa Drive is the best location for Haven House as it is conducive to the creation of a healthy community environment. My reasons for coming to this conclusion are the following.

I have been a member of a religious community for 49 years, most of which I lived in intentional community in groups of adult women living together for mutual support and with a common intention. The homes in which this living experience was successful were those that had shared common living space and space for privacy. We shared bathrooms and laundry space, kitchen and common room. We had a place for our office needs and a place to keep our personal belongings. The floor plans allowed for good relational living. These homes were located in neighborhoods, had yards and other homes near us. As adult women we were responsible for maintaining our home.

I write this because I have considerable personal experience in creating and in living in intentional community. The house the Haven House board is proposing for the Haven House on Malissa Drive has all the elements that will aid in the creation of community living. It has ample common space, bedroom space, bathrooms, kitchen and dining area and a floor plan that provides for relational living. And most importantly, the house is constructed in a way that encourages the coming together for family type living of adult women.

As a member of the board of Haven House I was thrilled when we discovered 3202 Malissa because it resonates with what I have experienced in community living. It is unlike any other place the board could find in Juneau as it has all those features that women needing a nurturing place to live require in order to be safe and peaceful together. The rent is affordable and has been purchased by an individual for our use. We hope that the neighbors will be respectful to the community of women who will live there.

In my opinion it is to the advantage of the CBJ to allow Haven House to occupy 3202 Malissa and permit its opening soon. It is my hope that the leadership both of the CBJ and Haven House mutually work together to promote this home for women previously incarcerated and desiring a relational community in which to live and recover. Haven House has the potential of being a model home that is most needed in our community.

Respectfully,

Sister Delia Sizler, SC

April 23, 2014

Ms. June Degnan
President
Haven House Board of Directors

Dear Ms. Degnan,

I am writing this letter in support of your effort to open Haven House at 3202 Malissa Drive, Juneau, AK 99801.

My name is Josclyn Peterson. I live in the neighborhood of 3202 Malissa Drive. I am supporting the Haven House for a number of reasons. I work in Real Estate in the community. The housing market here for rentals is very slim. I am hearing stories of people renting couches out to strangers because there are no other options. Much less, women getting out of jail with a felony charge; not only will they have a hard time finding work, but enough work to pay rent and support a household.

I am the mother of a teenager and a toddler. I do not fear the women who will be housed at the Haven House. There are more sex offenders in our neighborhood that I am concerned with. As a mother or father, you will always have to keep an eye on your kids no matter where you live. It is your duty to know your neighbors and to teach your children about "stranger danger".

My vision for Haven House is that it would help women like my sister to re enter society and become the woman she was meant to be. My sister has been on drugs for many years. She was incarcerated in Texas for one year before she moved to Juneau. She successfully finished her rehab treatment program. She moved here in Dec 2013 because my mom was diagnosed with stage 4 Breast cancer. Only 5 months after diagnosis, my mom passed away. My sister is not a bad person, she is not a child molester, or an abusive person. She just needs a safe place where she could have the support and help to get her on her feet. To help her become an independent woman for once in her life. She is not married, has no children. My mom and her were really close. She has never been alone. Right now, she is in the Half Way house and has the support of a case manager, counselor, and Probation officer. When she gets out, she will not have that every day support, or have a place to live. My sister is currently working 2 jobs and wants to have a healthy normal life.

Thank you for taking the time to read this. I hope everything works out.

--

Josclyn Peterson

209-6160

To whom it may concern:

We are practitioners of criminal law. In our practice, we commonly talk to our clients about time to serve both to evaluate whether to accept a plea agreement and when a judge imposes a sentence. Typically when a judge imposes a sentence, the judge will say, for example, seven years with four years suspended, three to serve. We would explain to our clients that means you will be in the custody of the Department of Corrections for three years minus any good time credit. When a person is released from the custody of the Department of Corrections on parole or probation, we do not believe they are "serving a sentence for a criminal act." If their probation or parole is revoked, they may return to the custody of the Department of Corrections and they would then be "serving a sentence."

Tom Wagner 4/25/14
Name

22
Number of years practicing
criminal law

Tom Collins 4/25/14
Name

37
Number of years practicing
criminal law

Kirsten Swanson 4/25/14
Name

18
Number of years practicing
criminal law

Julie Willoughby 4/27/14
Name

16
Number of years practicing
criminal law

Tom Wagner
Tom Collins
Kirsten Swanson
Julie Willoughby



March 18, 2014

Pamela Finley, Attorney for
Haven House, Inc.
P.O. Box 22977
Juneau, AK 99802

RE: Haven House Transitional Housing located at 3202 Malissa Drive

Dear Ms. Finley:

Thank you for providing the requested additional information. That additional information allowed the Community Development Department ("CDD") to fully review the Haven House proposal and better understand how Haven House intends to operate at 3202 Malissa Drive. I have reached the following decision.

Upon reviewing the additional information provided by Haven House and upon legal guidance, I conclude the Title 49 provisions regarding Halfway Houses and Group Homes are likely unenforceable as applied to Haven House. Except the provisions specifically addressed below, Title 49 is presumed valid and enforceable.

I conclude Title 49 is likely unenforceable regarding Halfway Houses because of the following: (1) large halfway houses (10+ people) are allowed in residential zones but small Halfway House (less than 10) are not, and neither Title 49 nor the legislative history provide justification for the distinction; (2) neither Title 49 nor the legislative history provide justification for the change in prohibiting small Halfway Houses in residential areas; (3) neither Title 49 nor the legislative history provide justification for distinguishing Halfway Houses from other uses in which people are not serving a sentence; and (4) the Table of Permissive uses lists Halfway Houses in two different sections (1.450 and 7.400), table CBJ 49.25.300, which creates an arbitrary effect if CBJ 49.25.300(a)(3) is applied.

Similarly, I conclude Title 49 is likely unenforceable regarding Group Homes as applied to Haven House because of the following: (1) neither Title 49 nor the legislative history provide justification for distinguishing Group Homes from other uses in which people are not serving a sentence; and (2) neither Title 49 nor the legislative history provide justification for differentiating Group Homes with more than six residents and those with less than six residents.

For those reasons, I conclude that I cannot apply the Title 49 provisions regarding Group Homes and Halfway Houses to Haven House. Thus, I conclude Haven House cannot be classified as a Group Home or Halfway House.

Previously, I concluded that Haven House best fit the definition of a halfway house because the proposed use involved people, living together, who would be serving a sentence. However, based on the additional information, the reasoning provided above, and considering the proposed use does not now fit within one of the uses specifically listed in the Table of Permissive uses, I conclude the proposed use of

Haven House is a "use not listed." CBJ 49.20.320. In order to be considered for a "use not listed," Haven House will need to make an application to the CDD consistent with CBJ 49.20.320. This request would be evaluated by the Planning Commission sitting as the Board of Adjustment. This "use not listed" process requires public hearing and the associated public notice.

I conclude the proposed use of Haven House is currently boardinghouse and rooming house or is currently most similar to a boardinghouse and rooming house. CBJ 49.80.120 defines boardinghouse and rooming house as follows:

Boarding and rooming house mean a dwelling in which more than two bedrooms are used for commercial lodging provided by the owner or operator who lives on site. The term "boarding house and rooming house" includes houses offering bed and breakfast.

I conclude that Haven House is not a single family residence per CBJ 49.80.120 because the use is a boardinghouse and rooming house or is more characteristic of a boardinghouse and rooming house. I find the following factors distinguish Haven House from a single family residence: (1) a house manager lives onsite and provides services in exchange for rent; (2) two part-time co-directors live offsite and come onsite daily to provide services in the home; (3) all nine of the clients pay rent of \$550/month; (4) the clients will be recently released from prison and most will be on probation or parole; (5) most, if not all, of the clients will be under the supervision of probation or parole officers; and (6) despite allowing the clients to stay up to two years, Haven House may actually be a transient structure because there are no minimum stay requirements and clients will be evicted for violating the client agreement. At no point has CDD adversely distinguished Haven House based on the actual or potential likelihood of any of its clients having a disability or handicap as protected by 42 U.S.C. 3602 (Fair Housing Act) or by 42 U.S.C. 12101 (Americans with Disability Act).

If the Board of Adjustment decides Haven House is similar to a boardinghouse and rooming house, an application for a conditional use permit can then be applied for and processed. The conditional use permit will be considered by the Planning Commission, after a public hearing. Alternatively, if the Board of Adjustment decides Haven House is more similar to a use that does not require a conditional use permit, then the underlying building permit application could be processed accordingly.

The CDD often hosts neighborhood meetings early in the conditional use permit process so that interested neighbors and other members of the public have an opportunity to learn about the project and the conditional use permit process. Both the "use not listed" and the conditional use decisions are appealable decisions.

The Director's Decision issued January 24, 2014, is rescinded. This Director's Decision is appealable pursuant to CBJ 49.20.110.

Please contact me at 586-0757 if you have any questions or would like to discuss this further.

Sincerely,



Hal Hart, AICP
Director

BEFORE THE PLANNING COMMISSION OF THE CITY AND BOROUGH OF JUNEAU

In re

TALL TIMBERS NEIGHBORHOOD
ASSOCIATION NOTICE OF APPEAL
Re: CDD Directors Decision in
BLD20130767

NOTICE OF DECISION

I. Introduction

Tall Timbers Neighborhood Association (TTNA) and 28 individuals¹ filed a Notice of Appeal, challenging a March 18, 2014 letter of decision (“Decision”) from the CDD Director to Haven House, Inc., concerning Haven House’s proposed transitional housing project for women coming out of prison. The CBJ Planning Commission (“PC”) considered the Notice of Appeal at its regular meeting May 13, 2014, and neither accepted nor rejected the appeal. Instead it ordered briefing on the preliminary issue of TTNA’s standing to appeal the subject Decision.

On July 22, 2014 the PC heard oral argument from TTNA, Haven House and the CDD, by and through their respective counsel on:

Whether the TTNA is an aggrieved person that may appeal the CDD Director’s March 18, 2014 Decision.

Whether TTNA has the legal standing to file the appeal.

II. Summary Statement of Decision

¹ TTNA and all 28 individuals are represented by the same attorney.
Notice of Decision
In re TTNA Notice of Appeal
BLD 20130767

Having considered the parties' extensive briefing and oral argument, the PC concludes that TTNA does not have the right to appeal the Director's Decision, because it is not an "aggrieved person" and cannot be an "aggrieved person," unless and until a permit is actually issued or use authorized that would allow the Haven House project to proceed with its intended use. Because the only "aggrieved person" at this juncture is Haven House, the TTNA legal status/standing issue is moot and not relevant to the immediate proceeding. The PC notes that TTNA adopted its bylaws *after* it filed its Notice of Appeal, thereby raising a question as to its legal entity status at the time of filing, however, the parties appeared to concede at the hearing that TTNA now exists as a legal entity.²

III. Procedural History and the Director's March 18, 2014 Decision

The merits of the underlying land use matters are not before the PC at this time, however, a procedural overview is included as helpful framework to this Notice of Decision. In December of 2013, Haven House applied for a change of use from a single family to a transitional group home for its residential property on Malissa Drive. In a January 24, 2014 letter, the Director responded that Haven House's project did not qualify as a "group home" and that it "best fit the definition of a halfway house," which is not allowed where the property is located.³ The letter did not indicate whether the Director's determination was appealable but invited questions or further discussion. Haven House filed a Notice of Appeal of the January 24 letter, and submitted additional information to the Director.⁴

² TTNA's legal existence does not mean that it represents a majority, or any particular percentage, of the Tall Timbers neighborhood residents.

³ See Regular PC Meeting Agenda for May 13, 2013, Staff Report for APL2014 0002 and APL2014 0004, Attachment 7.

⁴ *Id.* at Attachment 6.

The March 18, 2014 Director letter that is the subject of TTNA's Notice of Appeal begins by thanking Haven House for "providing requested additional information . . . [t]hat . . . allowed [CDD] . . . to better understand how Haven House intends to operate."⁵ The letter informs Haven House that based on legal guidance and the additional information received from Haven House, the Director has determined that the group home and halfway house provisions in CBJ Code are unenforceable against Haven House, and that its proposed use cannot be classified as either a halfway house or a group home. The Director then concludes the proposed use is a "use not listed," which will require an application and public hearing process as set out in CBJ 49.20.320.

In the March 18, 2014 letter, the Director concluded that the Haven House is not a single family residence and stated that the proposed use is or is most similar to a boarding house or rooming house. The letter indicates that "[t]he Director's Decision issued January 24, 2014, is rescinded . . . [and that the present decision] is appealable pursuant to CBJ 49.20.110.

Both Haven House and TTNA filed Notices of Appeal with respect to the Director's March 18, 2014 letter. Haven House also proceeded to apply for a permit as a use not listed under CBJ 49.20.320. The Haven House appeal was accepted by the PC, but subsequently stayed at the request of the Appellant. As indicated in the Introduction, no action was taken to accept or reject the TTNA appeal, pending this Notice of Decision.

IV. Pertinent CBJ Code Provisions

49.20.110 Appeals to the planning commission.

⁵ *Id.* at Attachment 2 and 3 (duplicate copies).
Notice of Decision
In re TTNA Notice of Appeal
BLD 20130767

(a) Review by the commission of a decision of the director, may be requested by filing a notice of appeal stating with particularity the grounds therefor with the department within 20 days of the date of the decision appealed. The notice shall be considered by the commission at a regular scheduled meeting. The department and any aggrieved person, including the developer, may appear at that meeting and explain to the commission why it should hear the appeal. The appeal shall be heard unless it presents only minor or routine issues and is clear from the notice of appeal and any evidence offered at the consideration thereof, that the decision appealed was supported by substantial evidence and involved no policy error or abuse of discretion.

...

49.25.300 Determining uses.

(a) (1) Listed uses. There is adopted the table of permissible uses, table 49.25.300. The uses permitted in a zoning area shall be determined through the table of permissible uses by locating the intersection of a horizontal, or use axis and a vertical, or zone axis . . .

(2) Unlisted uses. The allowability of a use not listed shall be determined pursuant to section 49.20.320

49.20.320 Use not listed.

After public notice and a hearing, the board may permit in any district any use which is not specifically listed in the table of permissible uses but which is determined to be of the same general character as those which are listed as permitted in such district. Once such determination is made, the use will be deemed as listed in the table of permissible uses.

V. Findings and Conclusions

CBJ 49.20.110 does not expressly state who can file an appeal of a director's decision, but it provides that "any *aggrieved person* may appear and explain to the commission why it should hear the appeal." CBJ 49.20.110(a) (emphasis added.) The PC

believes it would be illogical to interpret this ordinance as requiring the higher threshold of “aggrieved person” status to appear to tell the PC why it should accept an appeal, while setting a lower threshold of mere “adversity” to file and prosecute an appeal.

The PC therefore concludes that one must be an “aggrieved person” to appeal a decision of the CDD Director, under CBJ 49.20.110(a). We further find TTNA’s argument that suggests one could become “aggrieved” simply by such an initial appearance to testify before the PC, untenable. See TTNA Memorandum at p. 3.

Our reading of CBJ 49.20.110(a) gives meaning to the “aggrieved person” reference in the ordinance and is in keeping with general land use and zoning review practice.⁶ We do not believe it was the intent of the Assembly to extend an indiscriminate, blanket right of appeal to everyone who disagrees with a determination of the Director in a land use matter. The “aggrieved person” standard strikes a proper balance that protects property rights and interests and prevents excessive litigation and undue delay. It requires analysis of both the interests at stake and the finality of determinations being adjudicated.

That a particular decision or determination is “appealable” does not mean that it is appealable by anyone, without regard to the person or entity’s relation to or interest in the underlying determination, ie “aggrieved” status. For instance, when the Director, who has the jurisdictional authority to allow a requested use or issue a requested permit, denies the use or permit, the *applicant* is clearly an “aggrieved person.” The applicant has a direct stake and interest in obtaining the permit or the authorization of the use and the Director’s

⁶ See discussion in *Earth Movers of Fairbanks v Fairbanks North Star Borough*, 865 P.2d 741, 743-45 (Alaska 1993).

determination is final, unless timely appealed. However, we do not agree that the denial of a permit or proposed use creates appeal rights in third parties who have no legal right or interest in the permit or use application. With respect to such third parties (TTNA, as well as individuals), the permit or use denial merely continues the status quo. One cannot be “adversely affected” or “aggrieved” by the denial of something they never asked for in the first place.

We find that the Director’s determination that Haven House could not operate as a single family residence or group home were final determinations that only Haven House, as the aggrieved person, could appeal pursuant to CBJ 49.20.110. Unless and until Haven House receives authorization to proceed with a proposed use of its property, there can be no “aggrieved persons” other than Haven House, with respect to that proposed use.

This is in contrast to the Director’s determination that Haven House could *apply* for a permit through the use not listed process provided in CBJ 49.20.320. Because with respect to that determination, there is truly *no* aggrieved person unless and until that public hearing process is followed and a Board of Adjustment decision, if not a PC decision on a potential conditional use permit application, is reached. Unless and until a permit is issued or denied there is no actual case or controversy with respect to anyone.

TTNA has urged the PC to give the Tall Timbers residents and neighbors the opportunity to tell their side of the story, by accepting its appeal. Haven House joins in urging the Commission to hear all of the arguments for and against Haven House’s proposed use of its property--but doing so through the use not listed hearing process, under CBJ

49.20.320. Haven House argues that a piecemeal approach to the issues causes unnecessary

litigation and detrimental delay to Haven House that can be avoided and resolved through the use not listed process.

We agree that through the public hearing process, the PC sitting as the Board of Adjustment, can hear from all sides and can consider the constitutional challenges and competing arguments as to why or why not Haven House should be allowed to operate as a group home, a halfway house, a single family residence, or a boardinghouse or rooming house on the Malissa Drive property. In addition, the PC finds that the use not listed public hearing process provides the best opportunity and the proper forum for TTNA, Tall Timber residents and the public to be heard with respect to Haven House's proposed use of its property.

Moreover, no unfair prejudice will result from allowing Haven House to pursue the use not listed permit process since it will allow for a full public hearing on the proposed use and the issues raised in TTNA's appeal. Haven House will either obtain a permit or use authorization or it will not. Either way a final agency decision will be reached, which final decision in an actual case will be subject to challenge by any "aggrieved person."

The Notice of Appeal filed jointly by TTNA and its individual members, is hereby rejected and dismissed in its entirety. CDD is directed to complete the review and processing of Haven House's use not listed permit application as soon as possible, in order to schedule and hold the public hearing under CBJ 49.20.320, prior to August 25, 2014, if possible, as a courtesy to accommodate Mr. Spitzfaden's travel plans.

This Notice of Decision and the findings in it do not constitute a final agency decision in an actual case or controversy that is appealable under CBJ 49.20.120 and CBJ Notice of Decision
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01.50. However, this decision and its findings may be challenged in the context of a timely appeal of the final agency decision that will ultimately be issued, with respect to Haven House's proposed use of its Malissa Drive property.

Dated this 31 day of July, 2014.

Nicole Grewe

Presiding Officer Nicole Grewe

**Commissioner Satre, dissenting in part and concurring in part, disagrees with the PC's finding and conclusion regarding TTNA's status as an "aggrieved person," but concurs with the PC's conclusion and order that Haven House's use/permit application be reviewed through the use not listed process set out in CBJ 49.20.320.

Certificate of Service

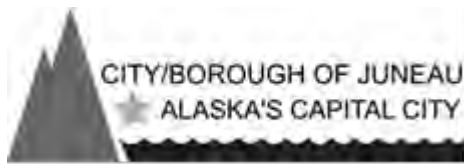
I hereby certify that on July 31, 2014, a true and correct copy of the foregoing document was served on the following via Electronic Mail as follows:

Attorney for Haven House:	Mary Alice McKeen	ottokeen@gmail.com
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Litigation and Civil Support Assistant



Law Department

MEMORANDUM

DATE: August 14, 2014
TO: Planning Commission
FROM: Robert H. Palmer, III
Assistant Municipal Attorney
SUBJECT: Enforceability of Halfway House and Group Home provisions

This memorandum provides the legislative history and legal basis for why the halfway house and group home provisions in Title 49 are likely unenforceable. This memorandum does not preclude the Planning Commission (“Commission”) from making a different conclusion. This memorandum also includes supplemental points of authority that show how courts have approached similar cases.

The source of the enforceability concerns are based on the current definitions of halfway house and group home as applied through the table of permissible uses (“TPU”). Those definitions and the TPU changed in 2010. Notably, if Haven House had applied prior to 2010, it would have likely qualified for an allowable use permit to operate as intended at 3202 Malissa Drive because a halfway house or group home was a permitted use in a D-5 zone from at least 1987 until 2010.¹

I. LEGISLATIVE HISTORY

A. 1987 to 2010: Regulation of group homes and halfway houses

In 1987, Title 49 was completely repealed and reenacted.² Since 1987 and until 2010, the following definitions and TPU applied to group homes and halfway houses.

¹ Assembly Meeting No. 2010-10, Minutes at 5 (April 12, 2010) (describing that the Commission only reviewed an allowable use permit to impose conditions, but the Commission could not deny the permit).

² Ord. 87-49 § 2.

1987-1993 Group Home Definition: “A residential use such as a rooming house or dwelling for persons seeking rehabilitation or recovery from any physical, mental, emotional, or legal disability, or any combination thereof, in a family setting including a child care home, halfway house, handicapped or infirm home, intermediate care home and nursing care home.”³

1993-2010 Group Home Definition: “Group home means a residential use such as a rooming house or dwelling for persons seeking rehabilitation or recovery from any physical, mental, emotional, or legal disability, or any combination thereof, in a family setting including a child care home residence, halfway house, ~~handicapped or infirm home~~ for persons with disabilities, intermediate care home and nursing care home.”⁴

1987-2010 Halfway House Definition: “‘Halfway House’ means a single-family dwelling for not more than nine persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, together with not more than two persons providing supervision and other services to such persons, all of whom live together as a single housekeeping unit.”⁵

Figure 1: 1987-2010 Table of Permissible Uses⁶

Code	Use description	RR	D1	D3	D5	D10	D15	D18	LC	GC	MU	WC	WCO	WCR	I
1.400	Group Homes ^D		2	2	2	2	2	2	2	2					
1.450	[not used]														
7.400	Institutions (other than halfway houses) where mentally ill persons are confined								2	2	2,3				
7.500	Penal or correctional facilities	3	3	3	3	3	3	3	3	3	3				3

Approval Type 2: “Allowable Use Permit – Requires Planning Commission Approval”⁷

³ Ord. 87-49 at 235; Ord. 93-46 at 2.

⁴ Ord. 93-46 at 2; Ord. 2010-22 Line Item Changes at 8.

⁵ Ord. 87-49 at 236; Ord. 2010-22 Line Item Changes at 8.

⁶ Ord. 87-49 at 66 and 69; Ord. 95-09 (same); Ord. 2010-22 Line Item Changes Ex. A at 1 and 6.

⁷ Ord. 87-49 at 66.

Approval Type 2,3: “Allowable Use Permit required if Minor Development, Conditional Use permit required if Major Development”⁸

Note D: “**This category includes** homes for the handicapped or infirm nursing care, **halfway houses**, and child care homes.”⁹ (emphasis added)

Importantly, from 1987 to 2010, group homes and halfway houses were treated identically and were allowed in every residential zone except RR. In 2010, the definitions and the TPU changed.

B. 2010 to present: Regulation of group homes and halfway houses

Relevant to group homes and halfway houses, Title 49 was revised in 2010 to remedy concerns how the group homes definition and TPU restrictions discriminated against federally protected individuals seeking group housing.¹⁰

In 2010, the legislative history describes that the Commission and the Assembly were focused on remedying group home discrimination concerns. The Commission minutes regarding Ord. 2010-22 do not provide any facts illuminating the reason to restrict halfway houses in the TPU.¹¹ On April 7, 2010, before the Assembly and Planning Commission, the Planning Manager provided a memorandum addressing the changes to group homes and halfway houses within the code.¹² As to these changes, Mr. Chaney wrote:

⁸ *Id.*

⁹ Ord. 87-49 at 73; Ord. 93-46 (changing child care homes to child care residences); Ord. 2010-22 Line Item Changes Ex. A at 13 (deleting note D and changing to Reserved).

¹⁰ *E.g.*, Memo from Greg Chaney, Planning Manager, to the Planning Commission, January 26, 2010 (“Further research has revealed that people who require the services of a Group Home as proposed in the definition above are a federally protected class and may not be subject to any greater restriction than is imposed on single-family residences. Therefore, staff proposes to list Group Homes with the same restrictions as single-family residences. The advantage to keeping a distinct definition for Group Homes is that these facilities will be clearly distinguished from Halfway Houses and will have a defined maximum number of clients.”)

¹¹ Planning Commission Minutes at 21 (February 23, 2010); Ord. 2010-22.

¹² Memo from Greg Chaney, Planning Manager, to the Assembly and Planning Commission Committee of the Whole, Re: TXT2009-00004 (April 7, 2010).

The definition of *Group Homes* is proposed to be modified by removing *Halfway Houses* from the definition of *Group Homes*. Now *Halfway Houses* for people serving a sentence for a criminal act would be regulated separately from living situations for people with disabilities in a family setting with caregivers who live on site.

People who require the services of a *Group Home* as proposed in the revised definition above are a federally protected class and may not be subject to any greater restriction than is imposed on single-family residences. Therefore, staff proposes to list *Group Homes* with the same restrictions as single-family residences. The advantage of keeping a distinct definition for *Group Homes* is that these facilities will be clearly distinguished from *Halfway Houses* and will have a defined maximum number of clients.

On line 1,400 superscript note ^D appears to be superfluous since the term “*Group Homes*” is more clearly addressed in the Definitions section of the Land Use Code. Therefore Note ^D is to be removed from the Table of Permissible Uses.¹³

Mr. Chaney’s memorandum focused on changing the definitions because of concerns about discriminating against those with disabilities.¹⁴ At hearings on February 23, 2010, before the Planning Commission and April 12, 2010, before the Assembly, the reason and effect of restricting halfway houses to only four or five zones was not discussed. The changes to halfway houses and group homes were only passingly discussed.¹⁵ Regardless, Ord. 2010-22 passed.

Ordinance 2010-22 created the definitions and TPU that are currently found in Title 49:

2010-present Group Home Definition: “*Group home* means a residential use such as a roominghouse or dwelling for at least six but not more than nine persons of any age seeking extended healthcare, rehabilitation or recovery from any physical, mental, or emotional, or legal disability, or any combination thereof, in a family setting, including a child care residence, halfway house, home for persons with disabilities, intermediate

¹³ *Id.*

¹⁴ *Supra* at note 10. Mr. Chaney’s concerns appropriately reflected how the law had changed regarding zoning of suspect and quasi suspect classes of people, like housing former mental patients. *E.g., J.W. v. City of Tacoma*, 720 F.2d 1126 (9th Cir. 1983) (reversing a denial of a special use permit for a group home for former mental patients in a residential zone).

¹⁵ *Supra* n. 1 at 5 (Assembly Minutes); Planning Commission Minutes at 21 (February 23, 2010).

~~care home and nursing care home.~~ Residents must not be serving a sentence for a criminal act. One to two supervisors/caregivers must live on site. Residents and supervisors/caregivers live together as a single housekeeping unit. Additional non-residential support may be provided but shall not constitute the primary method of supervision or care supplied. Similar uses with five residents or less shall be regulated as single-family residences. Uses with ten or more residents shall be regulated as institutional residential or healthcare facilities.”¹⁶

2010-present Halfway House Definition: “*Halfway house* means a single-family dwelling for not more than nine persons over the age of 12, together with not more than two persons providing supervision and other services to such persons, all of whom live together as a single housekeeping unit. Residents may be serving a sentence for a criminal act. Uses with ten or more residents shall be regulated as institutional correction facilities.”¹⁷

Figure 2: 2010-Present Table of Permissible Uses¹⁸

Code	Use description	RR	D1	D3	D5	D10 SF	D10	D15	D18	LC	GC	MU	MU2	WC	WI	I
1.400	Group Homes	1	1	1	1	1	1	1	1	1	1					
1.450	Halfway Houses	3								3	3	3	3			
1.610	Rooming, boarding...	3	3	3	3	3	1,3	1,3	1,3	1,3	1,3	1	1	3 ^N		
7.400	Halfway Houses									3	3	3	3			
7.500	Correctional Facilities	3	3	3	3	3	3	3	3	3	3	3	3			3

Approval Type 1: Indicates the use requires Department approval.¹⁹

Approval Type 1,3: Indicates uses with minor developments require Department approval and uses with major developments require a conditional use permit from the Commission.²⁰

Approval Type 3: Indicates the use requires a conditional use permit from the Commission.²¹

¹⁶ CBJ 49.80.120; Ord. 2010-22; Ord. 2010-22 Line Item Changes at 8.

¹⁷ CBJ 49.80.120; Ord. 2010-22; Ord. 2010-22 Line Item Changes at 8.

¹⁸ CBJ 49.25.300 TPU; Ord. 2010-22; Ord. 2010-22 Line Item Changes Ex. A at 1 and 6.

¹⁹ CBJ 49.25.300(b)(1).

²⁰ CBJ 49.25.300(c).

²¹ CBJ 49.25.300(b)(3).

Importantly Ord. 2010-22 caused small halfway houses—having up to nine residents and two supervisors—to be treated differently than large halfway houses. Specifically, small halfway houses were designated in two places, 1.450 and 7.400, which restricted them to five zoning districts. However, large halfway houses—having ten or more residents—were treated like 7.500 Correctional Facilities and allowed in nearly every zoning district with a conditional use permit. Also neither Ord. 2010-22 nor existing code defines “serving a sentence for a criminal act” or “institutional correction facilities.”

Thus, multiple inconsistencies and vagueness resulted from Ord. 2010-22 that led the Director to conclude on March 18, 2014, as follows:

I conclude Title 49 is likely unenforceable regarding Halfway Houses because of the following: (1) large halfway houses (10+ people) are allowed in residential zones but small Halfway House (less than 10) are not, and neither Title 49 nor the legislative history provide justification for the distinction; (2) neither Title 49 nor the legislative history provide justification for the change in prohibiting small Halfway Houses in residential areas; (3) neither Title 49 nor the legislative history provide justification for distinguishing Halfway Houses from other uses in which people are not serving a sentence; and (4) the Table of [Permissible] uses lists Halfway Houses in two different sections (1.450 and 7.400), table CBJ 49.25.300, which creates an arbitrary effect if CBJ 49.25.300(a)(3) is applied.

Similarly, I conclude Title 49 is likely unenforceable regarding Group Homes as applied to Haven House because of the following: (1) neither Title 49 nor the legislative history provide justification for distinguishing Group Homes from other uses in which people are not serving a sentence; and (2) neither Title 49 nor the legislative history provide justification for differentiating Group Homes with more than six residents and those with less than six residents.

For those reasons, I conclude that I cannot apply the Title 49 provisions regarding Group Homes and Halfway Houses to Haven House. Thus, I conclude Haven House cannot be classified as a Group Home or Halfway House.²²

²² Letter from Hal Hart, Director of Community Development, to Pamela Finley, Attorney for Haven House Inc., March 18, 2014. (“March 18 Decision”)

II. DISCUSSION

Zoning, especially regarding group homes and halfway houses, is regulated and limited by numerous laws.²³ While specific sources of authority may have different standards of review or require a different analysis, every zoning restriction in Alaska must at least pass the “fair and substantial” standard, which is the lowest standard for a substantive due process or equal protection claim.²⁴ Because the Director concluded the halfway house and group home definitions as applied through the TPU did not likely meet the “fair and substantial” standard, an analysis of other sources of authority was not warranted with the March 18 Decision.²⁵

A. Fair and Substantial Standard of Review

The City and Borough of Juneau (“CBJ”) may impose zoning restrictions so long as the restrictions are not “clearly arbitrary and unreasonable, having no substantial relation to the public health, safety, morals, or general welfare.”²⁶ While zoning restrictions are presumed to be enforceable, the zoning restriction must have a fair and substantial relationship to a legitimate government purpose.²⁷ Thus, without a fair and substantial basis between the zoning restriction and any legitimate government purpose, the zoning restriction is arbitrary and unenforceable.²⁸

²³ *E.g.*, CBJ Title 49; 42 U.S.C. 12101 *et seq.* (Americans with Disability Act); 42 U.S.C. 3602 *et seq.* (Fair Housing Act).

²⁴ *Luper v. City of Wasilla*, 215 P.3d 342, 349 (Alaska 2009) (describing that “Alaska’s standard is more protective than the federal standard because it requires that the relationship be ‘fair and substantial’ rather than merely ‘rational.’”).

²⁵ *Supra* at 22.

²⁶ *Seward Chapel, Inc. v. City of Seward*, 655 P.2d 1293, 1297-98 (Alaska 1982).

²⁷ *Luper v. City of Wasilla*, 215 P.3d 342, 348 (Alaska 2009) (“When a zoning ordinance infringes on property rights we apply the minimum level of scrutiny, under which the provision must bear a “fair and substantial” relationship to a “legitimate” government purpose.”); *Griswold v. City of Homer*, 925 P.2d 1015, 1019 (Alaska 1996).

²⁸ *Griswold v. City of Homer*, 925 P.2d 1015, 1019 (Alaska 1996) (describing that “a legislative body’s zoning decision violates substantive due process if it has no reasonable relationship to a legitimate government purpose.”);

1. The current halfway house and group home definitions as applied through the TPU are likely unenforceable.

The CBJ would likely have a difficult time explaining that a rational basis, let alone a fair and substantial basis, exists to prohibit halfway houses in all residential zones.

The TPU was changed in 2010 to conform to legal requirements to regulate homes for federally protected people just like single family residences are regulated. In the process, the definition and TPU for halfway houses changed. The legislative history of group homes and halfway houses indicates both were allowed in all residential zones (D1 – D18) and both commercial zones (LC & GC).

In the 2010 amendments, the changes focused on resolving discrimination concerns for group homes, but the amendments did not consider the ramifications to halfway houses. The 2010 amendments restricted small halfway houses to five zones (RR, LC, GC, MU, MU2).²⁹ This legislative history neglects to describe any facts or rationale to provide a justification for the more restrictive treatment of halfway houses. Thus, because halfway houses were allowed in more zones and no justification has been articulated for the restrictive 2010 amendments, there is not likely a fair and substantial basis for the 2010 amendments restricting small halfway houses to only five zones.

Furthermore, the TPU is likely arbitrary because it allows halfway houses with more than nine people in twelve zones (including all residential).³⁰ But the TPU prohibits halfway houses

e.g., J.W. v. City of Tacoma, 720 F.2d 1126, 1130 (1983) (concluding a zoning ordinance was applied unconstitutionally because it discriminated against former mental patients).

²⁹ 1.450 Halfway House is allowed in RR, LC, GC, MU, and MU2; 7.400 Halfway House is allowed in LC, GC, MU, and MU2. CBJ 49.25.300 TPU.

³⁰ 7.500 Correctional Facilities (larger halfway houses per halfway house definition CBJ 49.80.120) are allowed in RR, D-1, D-3, D-5, D-10SF, D-10, D-15, D-18, LC, GC, MU, MU2, and I. CBJ 49.25.300 TPU.

with nine or fewer residents to only four or five zones (no residential).³¹ Because the TPU allows for more intensive halfway houses in residential zones but prohibits less intensive uses—without describing the standards or justifications—there is likely no “fair and substantial” basis to restrict halfway houses as applied by the TPU.

Given this record, a “fair and substantial” basis may not exist for the disparate treatment of halfway houses in the TPU and the restricted number of zones as compared to the pre-2010 TPU. No traditional zoning basis, like traffic impacts or other reasons have been provided to restrict halfway houses to four or five zones. Additionally, no basis has been outlined for restricting halfway houses more than correctional facilities, where correctional facilities have higher traffic and greater zoning concerns. Lastly, no basis has been provided to restrict the number of zones allowing a halfway house from what had been permitted under the pre-2010 TPU. Without a “fair and substantial” basis for the disparate treatment, especially for small halfway houses, the TPU regarding small halfway houses is not likely enforceable.

To summarize, prior to 2010, group homes and halfway houses were treated the same. In 2010 the definitions of group homes and halfway houses changed. Group homes became more narrowly defined and focused on avoiding discrimination concerns of federally protected people. In the TPU, group homes were then allowed in most zones. With this change, the definition for halfway houses became broader. In the TPU, halfway houses were added in two places: 1.450 and 7.400. Furthermore, halfway houses were allowed in only four or five zones with a conditional use permit; even though prior to the 2010 change halfway houses were allowed in eight zones. Lastly, if the halfway house at issue has ten or more residents, then it would be

³¹ 1.450 Halfway House is allowed in RR, LC, GC, MU, and MU2; 7.400 Halfway House is allowed in LC, GC, MU, and MU2. CBJ 49.25.300 TPU.

classified as a correctional facility and be permitted in almost all zones with a conditional use permit. Therefore, the question becomes—post Ord. 2010-22—whether there is a fair and substantial basis to restrict halfway houses, with less than ten residents, to fewer zones than a correctional facility or a group home.

The inconsistencies and concerns as to halfway houses within the code and TPU can be summarized as follows:

1. Halfway houses, prior to 2010, were allowed in eight zoning districts, including D-5, because halfway houses were subsumed in the group home definition.
2. In 2010, small halfway houses were given their own designation in the TPU in two places: 1.450 and 7.400; Large halfway houses were designated in the TPU as 7.500.
3. When halfway houses were added to the TPU in 2010 at 7.400, halfway houses replaced mental institutions without analysis of whether the impacts are different.
4. In 2010, halfway houses were changed from an allowable use permit requirement to a conditional use permit requirement.
5. With the changes in the TPU, halfway houses were allowed in only five zones, when prior to 2010 they had been allowed in eight zones.
6. If the halfway house has more than ten residents under the 2010 amendments, it will be regulated as a correctional facility, and correctional facilities are allowed in twelve zones. TPU at 7.500.
7. Therefore, a halfway house with fewer than ten residents is not permitted in a residential zone but a large halfway house is allowed in a residential zone.
8. The record—in the form of committee minutes and memoranda—does not indicate any basis for the restrictive changes to halfway homes.

Therefore, because the definitions of group home and halfway house and the application of the TPU to those two categories were not likely supported with a “fair and substantial” basis, the two terms should not be relied upon until supporting justification is provided.

2. People on probation or parole are serving a sentence

Similarly, the 2010 amendments did not describe why a sentence prohibition was included in the group home definition. While a justification may be possible to distinguish people on probation or parole from other federally protected people, no justification has been presented to date.³²

Although the phrase “serving a sentence for a criminal act” is included in both the group home and halfway house definitions, the CBJ code does not define it.³³

The legislative history describes that a person on parole would be “serving a sentence for a criminal act”:

it is clear that ‘parole’ may be part of a criminal ‘sentence.’ The proposed phrase ‘Clients must not be serving a sentence **or be on parole** for a criminal act’ (emphasis added) is therefore redundant.³⁴

In light of that legislative history, the following describes why somebody on parole or probation would be “serving a sentence for a criminal act.”

Alaska case law has described a person on probation is still serving a sentence.

By its very nature and definition probation means and signifies liberty under certain imposed conditions. Its basic purpose is to provide a program which offers an offender the opportunity to rehabilitate himself without confinement. This is to be accomplished under the tutelage of a probation officer and under the continuing power of the court to impose a sentence for his original offense in the event he abuses his opportunity and violates the conditions of probation.³⁵

³² 2 Rathkopf’s The Law of Zoning and Planning § 23:27 (4th Ed.) (“even though a group home may function as an integrated single-housekeeping unit, it is unlikely to be held to constitute a ‘functional family’ where the purpose of the living arrangement is to provide a transitional or halfway house for rehabilitation of adult convicts, alcoholics, or drug users.”)

³³ CBJ 49.80.120 (definitions).

³⁴ *Supra* at n 10.

³⁵ *Beckman v. State*, 689 P.2d 500, 503 (Alaska App. 1984).

Parole is quite similar, except parole means the defendant received a sentence greater than two years. If the defendant complies with the correctional facility rules, the parole board can make an individualized determination, conclude the defendant qualifies for good time credit, and release the defendant with conditions of parole.³⁶ However, like a defendant on probation, a parolee is still serving a sentence because the parolee must comply with the parole conditions.

In summary, a person on probation or parole is still serving a sentence because the person must comply with the conditions imposed for release. Importantly, a defendant who violates conditions while on probation or parole can be further sentenced. Thus, as *Beckman* outlines, probation and parole serve to rehabilitate without confinement, but these defendants are still fundamentally serving criminal sentences. Therefore, the group home definition is likely unenforceable as applied to people who are serving a sentence.

B. Other Considerations for the Planning Commission

1. Federal Statutes

In addition to the fair and substantial standard, zoning restrictions can be preempted by federal law. For example, the Americans with Disability Act prohibits discrimination based on recognized disabilities and local governments must provide reasonable accommodations, which has been interpreted to prohibit zoning restrictions that treat people with a recognized disability differently.³⁷ Similarly, the Fair Housing Act prohibits discrimination based upon a handicap or familial status.³⁸ Specific to the context of zoning, the following qualifies as a handicap or disability:

³⁶ AS 33.16.010 – 33.16.900.

³⁷ 42 U.S.C. 12102 *et seq.*; *e.g.*, *Bay Area Addiction Research & Treatment, Inc. v. City of Antioch*, 179 F.3d 725, 730 (9th Cir. 1999).

³⁸ 42 U.S.C. 3601-3631; *e.g.*, *Oxford House-C v. City of St. Louis*, 77 F.3d 249, (8th Cir. 1996) (concluding that an eight person limit per group home does not violate the Fair Housing Act).

- Recovering alcoholics and recovering drug addicts³⁹
- Past resident of mental institution⁴⁰
- Physical or mental impairment, but current illegal use of a controlled substance is not an impairment⁴¹

Thus, the Fair Housing Act and the Americans with Disability Act can preempt some local government zoning restrictions.

Although those federal statutes preempt some zoning restrictions, local governments can still impose zoning restrictions that pass the fair and substantial standard and do not discriminate against protected persons.⁴² As described below, formerly incarcerated persons—without more—are not a protected class of persons.⁴³

2. Neighborhood opposition regarding people on probation or parole.

The law is not clear on what type of zoning restrictions a local government can impose on people on probation or parole. However, a Ninth Circuit Court of Appeals decision, *J.W. v. City of Tacoma*, implies that violent criminal behavior could form the basis for a zoning decision, but speculative neighborhood fear cannot.⁴⁴

³⁹ *City of Edmonds v. Washington State Bldg. Code Council*, 18 F.3d 802, 803 (9th Cir. 1994) *aff'd sub nom. City of Edmonds v. Oxford House, Inc.*, 514 U.S. 725 (1995); *United States v. S. Mgmt. Corp.*, 955 F.2d 914, 923 (4th Cir. 1992) (former drug addicts and recovering drug addicts are protected under the Fair Housing Act).

⁴⁰ *J.W. v. City of Tacoma*, 720 F.2d 1126 (9th Cir. 1983).

⁴¹ 42 U.S.C. 3602(h)(3).

⁴² *Bd. of Trustees of Univ. of Alabama v. Garrett*, 531 U.S. 356, 367 (2001) (“the result of *Cleburne* is that States are not required by the Fourteenth Amendment to make special accommodations for the disabled, so long as their actions toward such individuals are rational.”); *Schwarz v. City of Treasure Island*, 544 F.3d 1201 (11th Cir. 2008) (non-discriminatory zoning regulations can prohibit people protected by the Fair Housing Act on the basis that the tenancy is too short for a single family residential district); 2 Rathkopf’s *The Law of Zoning and Planning* § 23:26 (4th Ed.) (describing that the placement of group homes in residential districts present complex issues and court typically balance the interests of the neighbors, the benefits from locating group homes in residential areas, and any government interests).

⁴³ See *J.W. v. City of Tacoma*, 720 F.2d 1126, 1129 n. 2 (9th Cir. 1983).

⁴⁴ *J.W. v. City of Tacoma*, 720 F.2d 1126 (9th Cir. 1983).

In *J.W.*, the court held a zoning ordinance unconstitutional as applied because the denial of a special use permit for a nine-person group home was arbitrary.⁴⁵ Specifically, the court evaluated traditional zoning concerns:

The city's decision to deny Blount the requested permit fails to withstand such analysis. The ordinance prerequisites for issuance of a permit are conceded by the city to be satisfied. The State of Washington has officially concluded that there is a special need for more small, family-like group homes for the mentally ill in residential neighborhoods. It was stipulated below that the Blount house,

both by its external and internal physical characteristics, has the appearance of a single family dwelling. It is a split-level ranch-style house, and its exterior appearance is both similar to and compatible with the surrounding neighborhood. It was originally a single family dwelling and was converted to a group home by adding some bedrooms. The physical alterations necessary for this conversion were done by Mrs. Blount's ex-husband and are in full compliance with the building code of the City of Tacoma.

The city further admits that "[t]he existence of the home does not create any parking problems within the neighborhood, nor has it led to any undue burden on existing utilities, transportation systems, education, police or fire facilities."⁴⁶

The *J.W.* court also addressed whether the former mental institution residents had a history of violent or criminal behavior, which implies that criminal behavior can determine whether a proposed use could be restricted.⁴⁷ The *J.W.* court stated that the special use permit was denied "principally because of the heavy opposition of neighbors at the public hearing..."⁴⁸ Importantly, the *J.W.* court noted that the City of Tacoma failed to produce any "evidence to

⁴⁵ *Id.* at 1131-32 (describing that judicial review was heightened because the decision may have rested on inaccurate and stereotypic fears about former residents of a mental institution).

⁴⁶ *Id.* at 1131.

⁴⁷ *Id.*

⁴⁸ *Id.*

support a blanket assertion that former mental patients as a class are particularly dangerous, disruptive, or otherwise undesirable neighbors. [FN] 2”⁴⁹ In footnote 2, the *J.W.* court described that if community fears are substantiated, that could provide a rational basis to restrict people on parole from living in a group home in a residential area:

Other groups of persons burdened by the Tacoma ordinance, such as parolees, may be situated significantly differently. Although the record before us in this case does not address the issue, it is conceivable that community fears concerning such groups may rest on a sound factual basis. *But see Nicholson v. Connecticut Half-Way House, Inc.*, 153 Conn. 507, 218 A.2d 383, 385-86 (1976) (halfway house for parolees would not be enjoined as nuisance where fears of community residents, although genuinely felt, rested completely on supposition). Each group must, of course, be considered in light of its own peculiar circumstances.⁵⁰

Therefore, speculative neighborhood fear cannot be a basis to impose a zoning restriction, but neighborhood fear based on a sound factual basis may satisfy rational basis review.⁵¹

⁴⁹ *Id.* at 1130.

⁵⁰ *Id.* at 1120 at n. 2.

⁵¹ *S. Anchorage Concerned Coal., Inc. v. Coffey*, 862 P.2d 168, 172 (Alaska 1993) (“The recognized rule is that a planning board may always take evidence and testimony from community members into account in making its permitting decisions, but that it may not rely on neighborhood opposition alone as a reason to deny a permit.”); *Application of Volunteers of America, Inc.*, 749 P.2d 549, 552 (Oklahoma 1988) (perceptions of a pre-release prison halfway house cannot be used to deny a use permit).

Creating Hope

they could be a cousin, sister,
mother or a distant relative
serving out a sentence for
a number of assorted felonies
tucked away in the
Lemon Creek Correctional Center
or Hiland Mountain Correctional Center
repeat offenders in a vicious
cycle of recidivism
in a state where incarceration
is a business without an ounce
or thought of rehabilitation
locked up in a gulag
of hopelessness as victims
of domestic violence, mental illness,
alcoholism or drug abuse
whose problems are never addressed
during confinement or contact
exiting prison to the outside world
they become repeat offenders
due to neglect, abuse and
the justice system's
blind eye approach to rehabilitation
we can stop this vicious cycle
thru intervention by
creating safe shelters like
Haven House Juneau
a 501 ©(3) faith-based nonprofit charity
a safe shelter for women exiting prison
Join our team to offer
Help and hope today
"It is better to light one candle than to curse the darkness"
© ***June I Degnan***

June I. Degnan, MLIS
415 Willoughby Ave
Apt 507
Juneau, Alaska 99801

August 11, 2014

To: Juneau Planning Commission

RE: Opposition to Proposed site of Haven House

I live at 9343 Rivercourt Way. I would like to voice my opposition to the proposed location of Haven House. I would like to point out that Tall Timbers Neighborhood Association mocked by Clergy and met with hostility and animosity by the City Planner from the moment they noticed the picture in the paper of this proposed Halfway House. Haven House is labeled a Halfway House with the Federal Government on their non-profit paperwork. The City has walked hand in hand with Haven House Board members every step of the way. Now, this wouldn't seem so odd if Haven House had submitted their request in accordance with City Ordinance and Zoning Laws and found a place in the correct zone within City limits. However, they did not. Everyone in Juneau and in connection with Haven House should be offended with the path Haven House has chosen to take. Haven House Board members and the City together ignored the neighbors in the area and their pleas to operate Haven House under the guidelines set forth in zoning laws, which speaks to the character of those on the Board and who will be supervising felons renting space in the house. The Board of Haven House has changed the label of this Group Home several times in order to hide it at the end of a quiet street. These neighbors purchased homes in a Single Family Zone, not a Light Commercial or Industrial. They have the right to assume that a Transitional Group Home for Felons, a Halfway House, Boarding Home or whatever the City and Haven House want to change the label to suit the zoning laws, would not have ended up in their neighborhood. Yet, they are being treated as though they are the problem. The neighbors have been told they should emulate the values of Haven House yet Haven House and their members have not been polite, neighborly or terribly giving in their pursuit of permitting. At one point a neighbor was told by a nun she was not blessed at the first neighborhood meeting. These neighbors have not been allowed to fight the status of something that zoning laws clearly state belongs elsewhere.

The issue I see that Haven House is facing is they acted first and are asking forgiveness after completing a transaction to put a Re-Entry home for Felons on the property. Haven House has been working for years to set up shop. They knew this site would not match zoning laws yet they forged ahead and now are suffering the consequences of not being a good neighbor. They entered into a business relationship with their angel and they have no way to pay the lease. The program is in jeopardy because they are losing money every day they cannot rent these rooms to women exiting prison on parole. This delay is a consequence directly related to the actions Haven House and its Board Members have chosen to take. That should have no bearing on these neighbor's daily lives, yet it does. The neighbors have spent precious time as well as thousands of dollars that could have gone into the community in many useful ways. Instead they have to spend energy fighting city hall and religious zealots. They are going into debt fighting the City, is this what the City does to its citizens willingly and knowingly? Is this the example you want to put forth to your citizens? You will fight City Hall and whatever project they deem is politically advantageous in the moment. You will spend money you don't have to protect your right to live in an area that was safe prior to a project that may not be safe being planted next to your house. You will uproot your family and move away from your friends and safe place because we as a City don't care about Neighborhood Harmony. Is this the message you want to deliver to your community?

No one in this neighborhood thinks the idea of Haven House is a bad idea. However, it does not and never will belong in a single family residential zoned neighborhood.

A standout issue is Recidivism. Each one of you can look up the statistics, but here's one that stands out in every study I have looked at -- most felons released on parole or probation will not make it 3 years before re-offending, even if they participate in faith-based programs. Faith-based organizations and their promises cannot guarantee a higher percentage of successful integration into a community than prison or traditional halfway houses. The 3 years is a good thing for Haven House, this will not factor into their statistics or how they run their business. They allow women to stay for up to 2 years so Haven House won't need to take responsibility for their promises to the community. The probability of these women walking away and reoffending is 66%. This means a high turnover at Haven House. That decreases stability in the house with new faces bringing new problems and new dynamics frequently. This neighborhood is not prepared to face the instability this will bring nor do they deserve the disruption in their quiet residential area.

The likelihood of these neighbors spending more of their hard-earned money is great. They will be forced to put up motion sensor lighting, surveillance equipment and alarm systems.

Haven House cannot in good faith guarantee they will supervise parolees in the house 24-7, leaving the residents of the neighborhood to police the area. This is not what they signed up for when they purchased their houses yet Haven House has so generously told them to help out and call if they see a problem. What contract can Haven House make with the neighbors that will guarantee their peace that is experienced daily will continue? What concessions will Haven House and its operators make so the neighbors don't have to change their daily lives? When a family moves in, a certain sense of welcome and neighborly friendship is expected to occur. Over time we trust each other with our house keys. We take the time to watch over each other animals and children. We share meals and help out if our friends experience injuries or the kids come home sick from school. The anguish and anger the neighborhood feels will guarantee the residents of Haven House will never be comfortable or welcome in this neighborhood.

Is this the product the Board of Directors from Haven House foresaw when they worked so hard to make this pipedream a reality? Is this what you truly want to offer women who have not had an easy go of it in prison and need to feel encouraged and comforted? They will not feel what you feel when you go to your own homes.

Traci K Gilmour, LMP
9343 Rivercourt Way
Juneau, AK 99801
907 790-2337

Haven House Neighborhood Meeting- Glacier Valley Elementary

March 27, 2014 6:30pm- 7:30pm

NAME	ADDRESS	PHONE NUMBER
Larry Talley	519 W 9th St Juneau	364 3275
Shelly Lager	8607 Marilyn Ave 99801	209-0274
Nomh Lager	8607 Marilyn Ave 99801	209 0909
Dee Biber	PO Box 240723 Douglas 99824	586 2085
Karen Dean	P. 9206 Long Run Dr. Juneau, AK	723-9953
Semra Deaner	3250 Tongass Blvd	780-6949
Jeffrey "	"	
JUNE Deanan	415 LeDillon Shady Ave, 60507 NW	907 752-0830
Dan Nelson	8606 Marilyn Ave., Juneau	789-0564
Becky Nelson	8606 Marilyn Ave Juneau	789-0564
Traci Bikmore	4343 Riverat Way Juneau	290 2337
Susan Boepli	3228 Tongass Blvd, Juneau	209-7881
Dixie Hood	9350 View Dr. 99801	789-2068
Dan Hubert	8597 Marilyn Ave 99803	523-9719
Paula Hubert	8597 Marilyn Ave 99801	523-9719
Scott Reid	8619 Gail Ave	723-9993
Mark Page	8527 Jennifer Dr. #1	957-3743
Brian Van Kirk	8707 Gail Ave 99801	789-1058

Haven House Neighborhood Meeting- Glacier Valley Elementary

March 27, 2014 6:30pm- 7:30pm

NAME	ADDRESS	PHONE NUMBER
Gux Hour	8610 Gail Ave.	957-1743
Teri Maxwell-Hart	8610 Gail Ave	723-3099
Debe Wilson	8612 Marilyn Ave	321-5252
DUSTIN STOGNER	8609 Gail Ave	502-718-7477
WALDO & JUCIE FANUMAI	8609 MARILYN AVE	723-6736
William Joy	Po Box 34136	723-9199
Bruce Wilson	Junco 9901	789 1598
Sam Benton	P.O. Box 32993 Junco AL 99803	89-3786
Darlene Thornton	8621 Gail Ave ' 99801	586-4794
Toi Gue	8605 Oregon Ave	790-4290
Lolita Duran	3208 Malissa Dr	796-2839
Paul Duran	3208 Malissa Dr.	796-2839
Sam Larson	8613 Marilyn Ave	780-2206
Dr. David Marvel	8616 Gail Ave	209-4528
Tea Wilson	8612 Marilyn Ave	321 5201
Cheryl Shakespeare	9346 Northland St	789-3397
Cheryl Wilcof	8608 Marilyn Ave	789-4022
Mandy + Richard Cole	8721 N Loop Way	957-6750



**NOTICE OF NEIGHBORHOOD MEETING
FOR USE NOT LISTED AND CONDITIONAL USE PERMITS**

Glacier Valley Elementary School Commons
Tuesday, May 27, 6:30-8:00 p.m.

May 13, 2014

Dear Resident,

The CBJ Community Development Department received an application for a Use Not Listed (49.20.320) and an application for a Conditional Use permit for a "Re-entry home for women coming out of prison" from Haven House, Inc. at 3202 Malissa Drive.

The CBJ Community Development Department is hosting a neighborhood meeting to explain the details of each application and the CBJ permitting process. This meeting will be held on Tuesday, May 27, 2014, from 6:30 to 8:00 p.m. in the Commons area of Glacier Valley Elementary School.

The purpose of the May 27th meeting is to provide information, respond to questions, and to get a sense of concerns that the neighborhood might have, so issues may be addressed in advance of the formal public hearing with the CBJ Planning Commission. The project has been scheduled for review by the Planning Commission at the June 27, 2014 Regular Meeting. Prior to the meeting all landowners within 500 feet of the subject property will receive a separate notice with details on how and where to submit comments or testify on the proposal.

If you have questions or would like more information, please contact Beth McKibben, Community Development Senior Planner, at 586-0765 or by email, beth_mckibben@ci.juneau.ak.us.

cc: File numbers UNL2014 0001 & USE2014 0008

Haven House Neighborhood Meeting
Glacier Valley Elementary School Commons
May 27, 2014

Tall Timbers Neighborhood Association	24
Interested Party	1
Haven House affiliation	6
United Methodist Church	1
Re-entry Coalition	1
Probation Coalition	1
Concerned Citizen	1
Press	2

** More parties attended but were not present for introductions. 37 people signed in. CDD staff counted 42 in attendance, including 3 representatives from Haven House and 2 Juneau Empire reporters.

All attendees introduced themselves and said their reason for joining. The meeting first began with a clarification by Beth McKibben (BM) that the meeting would encompass only the Use Not Listed (UNL) and Conditional Use (CU) permit applications from Haven House, Inc. (HH); not the current appeals.

Q: Are you (BM) part of HH?

A: No, I work with CBJ and I only facilitate the process.

C: Upset that we are sitting through a presentation by HH, this was not communicated to be a part of the evening.

Q: Will these questions and comments be given to the Planning Commission (PC)?

A: Yes, they will be included if a staff report is created for their review if the UNL and CU permits move forward.

Q: Isn't this meeting a waste of our time is these permits haven't been scheduled before the PC and an appeal(s) are currently being reviewed?

A: No, the PC agreed to keep this meeting on schedule during their last regular meeting.

Q: Why?

A: Because it had already been scheduled and mailings had already been processed for owners within 500 feet of the property.

C/Q: I didn't receive a mailing.

Q: Who decision was this meeting to be heard? We have better things to do than attend something like this.

A: That is your opinion. This evening we'll cover the process, the proposal, and then continue to answer and questions and hear everyone's comments. The Planning Commission did not have any concerns about proceeding with the meeting. You are welcome to leave if you don't feel it will provide any information.

Staff then continued to outline the expectation of conduct throughout the meeting; one person speaks at a time, all attendees should be respectful, and no throwing cookies. The agenda for the evening was then read aloud to provide an overview of when particular items would be addressed. BM then continued with the PowerPoint presentation and began to discuss the surrounding zoning areas around the parcel in question, and who and how one can apply for Land Use permits.

Q: How can lessees apply for these permits if they don't own the land?

A: Our code, Title 49, allows for lessees to apply.

Q: Where does it say this?

A: In the code and on the application paperwork.

Q: Did you make this presentation?

A: Yes. There are/were hard copies available for you all on the back table, but they may have all been taken.

The presentation then continued on to discuss how the UNL and CU cases are heard at a Planning Commission meeting and how there are two different, but similar, processes that they follow. They both require a public hearing in front of the PC, will have a large red sign posted on the property in question, neighbors within 500 of the residence will receive a notification in the mail of the hearing, and there will be two notices in the local newspaper. BM then gave an overview of how the internal review is done within the department and how this information is presented to the PC.

Q: Who writes the report?

A: The staff assigned to the case. Most likely this will be me.

C: The CBJ pays for someone to do that...

BM then began to list the other items that will be examined during staff's review such as a Traffic Impact Analysis, lighting, etc. She then listed some examples of other cases that had to be reviewed in this way, such as a childcare facility regarding parking requirements and hours of operation.

Q: Why is there a fee for an appeal? Is it \$250 or \$200?

A: The fee for a Director's Decision within CDD is \$200. A fee of a PC Decision is \$200. In the case of HH and Tall Timbers Neighborhood Association (TTNA), a \$200 fee was assessed.

Q: If the UNL and CU cases move forward and are approved, will an appeal stop them?

A: I'm not sure about this; I will have to double check and follow up with you.

BM then continued on with the presentation and explained that while the UNL and CU permits follow similar review, the UNL evaluation is shorter. It is a learning process for all.

Q: I live on the corner of Gail and Tongass and can count 20-30 cars coming through the 4 way stop in an afternoon. I've had my grass driven over and slander graffitied on my fence; there are crimes in all neighborhoods. When do you look at this type of impact?

A: This is reviewed and conveyed in the staff report. Again, the two processes have somewhat different evaluations. There will be notice sent out to property owners with 500 feet of the subject area that will allow for time for questions to be answered and written concerns to be included in the report for the PC to review. This is important as we can make sure address your concerns.

Q: Where and who do we send these comments to?

A: You can send them to me. The notice will show how to do this. I can then put it in the file.

Q: Is there anywhere in Juneau where 3+ felons live together?

A: Yes.

Q: In a D-5 zone?

A: I'm not sure, but I believe so.

C: I'm worried about time; we want our questions to be heard tonight.

BM then explained that a half an hour was left at the end of the meeting just for that, but will make sure to leave staff's contact information. She then said aloud her contact information at the CBJ including her direct phone number and email address. BM then said if there weren't any more questions, HH would present the proposal.

HH then presented a mission slide first to begin their presentation.

Q: Are you a lawyer?

A: Yes, my name is Mary Alice McKeen. I'm also a life-long Juneauite.

Q: Are you doing this pro-bono?

A: Yes.

HH then continued to give info about prison populations and how all sorts of housing are in demand, including re-entry and transitional. HH is modeled after Hope Safe Living House based in Anchorage, a successful transitional home. HH went on to discuss the amount of residents that would be in the house and what the extent of the application process is and what the commitment timeline is like. HH then explained the type of supervision the residents would have while being at the house; nighttime

manager, 24 hour phone line available to neighbors, and that one of two of the co-directors would generally be there Monday through Friday. The house rules were then overviewed, including an extensive visitor policy.

HH continued to discuss the concerns of property value. By their research, they did not anticipate that the house would lower any of the neighbor's property value and felt their organization was in harmony with the neighborhood by people living together in a communal way. Supporters and similar facilities were then overviewed.

Questions directed towards Haven House regarding the presentation were then allowed.

C: This is a great program and I support it. But not in this neighborhood.

Q: If the residents were to come on the premises and be under the influence of alcohol, would they be asked to leave?

A: If they come back to the home under the influence, that is a violation of a rule; we would make it known to the probation officer and have it dealt with by them. If the person were to have alcohol in the house, then they would be asked to leave immediately. These situations are generally dealt with on a case-to-case basis.

Q: Is there supervision in the house 24 hours a day, 7 days a week?

A: No, the program doesn't find this appropriate. During the weekdays one of the two co-directors will be there between 8am and 5pm, and then there is an onsite supervisor in the evening. We use accountability within the women to help keep everyone on the right track.

Q: You mentioned a similar home in Anchorage, where is it at? Is it in a residential zoned area?

A: In a single-family area I believe.

C: No, it's in a Light Commercial zone.

C: I'm unsure of the zoning, all I know is that I saw homes when I went and visited.

Q: Will Haven House consider any male applicants or will they only be women?

A: It's possible, but it's not in our plans as this time.

Q: Will spaces be available to only Juneau residents?

A: It will be available to anyone that wants to live here. That might mean that it was someone who possibly wasn't incarcerated here.

Q: What happens if someone wants to live at the house that isn't on probation? Who or how will they be supervised?

A: Most will be on felony probation and will have an assigned probation officer. If they have a misdemeanor on record and are found to be in possession of either drugs or alcohol, they would be removed from the house.

Q: To clarify, are only women who have drug convictions considered?

A: No, but usually they have had this type of issue at some point. 7 out of 9 beds are reserved for persons with drug convictions.

Q/C: This area isn't the proper venue for this type of establishment, it's a family residence. If our property values do decrease, will you be refunding us the difference?

A: The research regarding property values was my opinion, and no, I will not provide that.

Q: Will there be room checks in the house?

A: Yes, frequently and random. There will also be drug tests- staff is included in this as well.

C/Q: This concept is a great idea. Is Haven House willing to extend the same courtesy to really understand that these women aren't wanted in the neighborhood and will be thrown under the bus? Will you inform them of the situations that they may encounter by moving into this house?

Q/A: What benefit will you get to not welcome them?

Both sides of the room began to become emotional and upset with the subject.

C/Q: You must understand the stigma that comes along with this type of facility. We are also very worried about the traffic impact that nine extra residents will bring and attract into this neighborhood.

Q: Can you imagine any neighborhood that would embrace this type of facility next door? No, there aren't any. This is how we can break the stigma. This is a faith based, people helping people opportunity.

C: We need to look at the bigger picture. See the recovery this can nurture and break this stigma.

BM then interjected and reiterated that this meeting is to ask questions about the process and to stick to questions rather than comments.

Q: What is the screening process for visitors? Can they be relatives, co-workers, ex-boyfriends? I'm less concerned about the women and more so about the visitors. Who do I call if I notice someone is there that shouldn't be? The street is dark, there are no lights- I'm concerned about neighborhood safety.

A: The unknown is scary. We have a visitor policy for this reason. Visitors are required to give 48 hours notice and must be a legal relative. If they arrive unannounced, they will be asked to leave and the police may be called.

Q: If there isn't 24/7 supervision and there isn't someone there are the time that a visitor does come, what do we do?

A: We will give out the cell phone number for the after business hours to all the neighbors. However, from 10pm to 8am, there will always be an evening supervisor present. We trust that this is an engaged community and that people will be observant. The other women in the house also create accountability.

Q: Well how will the women know who is authorized and who isn't?

A: There is a sign-in and sign-out sheet on the front door, we also will have open communication with the women and they will tell us if a visitor comes to the house.

C: But we, as neighbors, won't know who is pre-screened still.

BM: We are getting short on time.

Q: It's apparent that TTNA doesn't support this idea, but HH is still pushing to enter a community that is not welcoming. Why do they continue to push for this specific venue? Community Development's Director decision was taken back when legal information came in from Haven House.

A: The board of HH looked for a house for a long time. It's difficult in Juneau to find a six bedroom house to buy, let alone rent. This is the perfect place for this establishment.

At this point in the conversation, the legal representative for Haven House gave an analogy comparing the current situation to past issues of racism and un-welcoming neighborhoods. The majority of the people then left the meeting.

Q: HH is a business; the residents are required to pay rent, etc. Businesses are not allowed in D-5 zones. Also, there is no on-street parking allowed in this zone; where will the residents park, since there is not enough off-street parking available to them?

BM: There are multiple types of businesses allowed to run in a D-5 zone with a CU; for example, a bed and breakfast or a boarding house. However, homeowners within a subdivision have a conveyance that they can enforce through civil action to not allow these types of business. The CBJ cannot enforce this.

Q: Is this only for persons recovering or not?

A: 7 out of the 9 residents must be in recovery, any felon (not including sex offenders) could apply, but they must have identified with some sort of substance abuse at some time.

C: Thank you for trying to create an environment of structure and safety for these women. I can't understand why people are so upset over this concept.

Q: Has anyone called to help HH find an alternative location? Everyone likes this idea, but just doesn't want it in their neighborhood.

A: Yes, one suggested Shattuck house in the downtown. However, it's already rented and occupied. People are just fighting the idea rather than trying to find an alternate solution. If some different effort had been put in, it could have been a different story.

C/Q: Thank you to who is left of TTNA. We'd like to know how we can be good neighbors to you? We all feel very hurt that this neighborhood association was formed only because of HH.

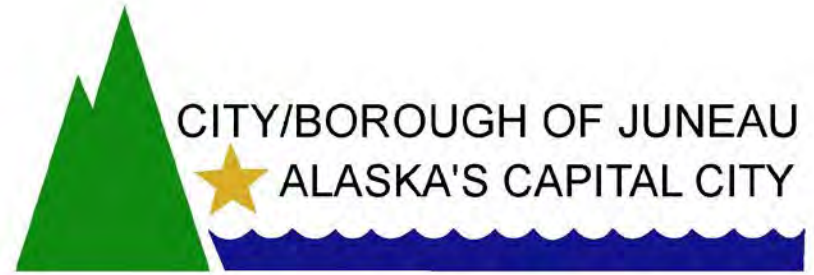
A: This faith based organization has great intentions and I have never seen this side of HH before. However, our neighborhood is zoned a certain way; I'm worried that our zoning laws won't be enforced. How we will handle the extra traffic on the street and excess cars? If the women don't have cars, will they ride the bus? They don't plow the street until late and it can be a struggle getting to public transit.

C: We're upset that there was no outreach to the neighborhood ahead of time; HH just came in rather than involving the community from the beginning.

Q: If we supplied an address, can we be added to the mailing list?

BM: Yes, we can arrange for that.

The meeting ended slightly after 8:00pm.



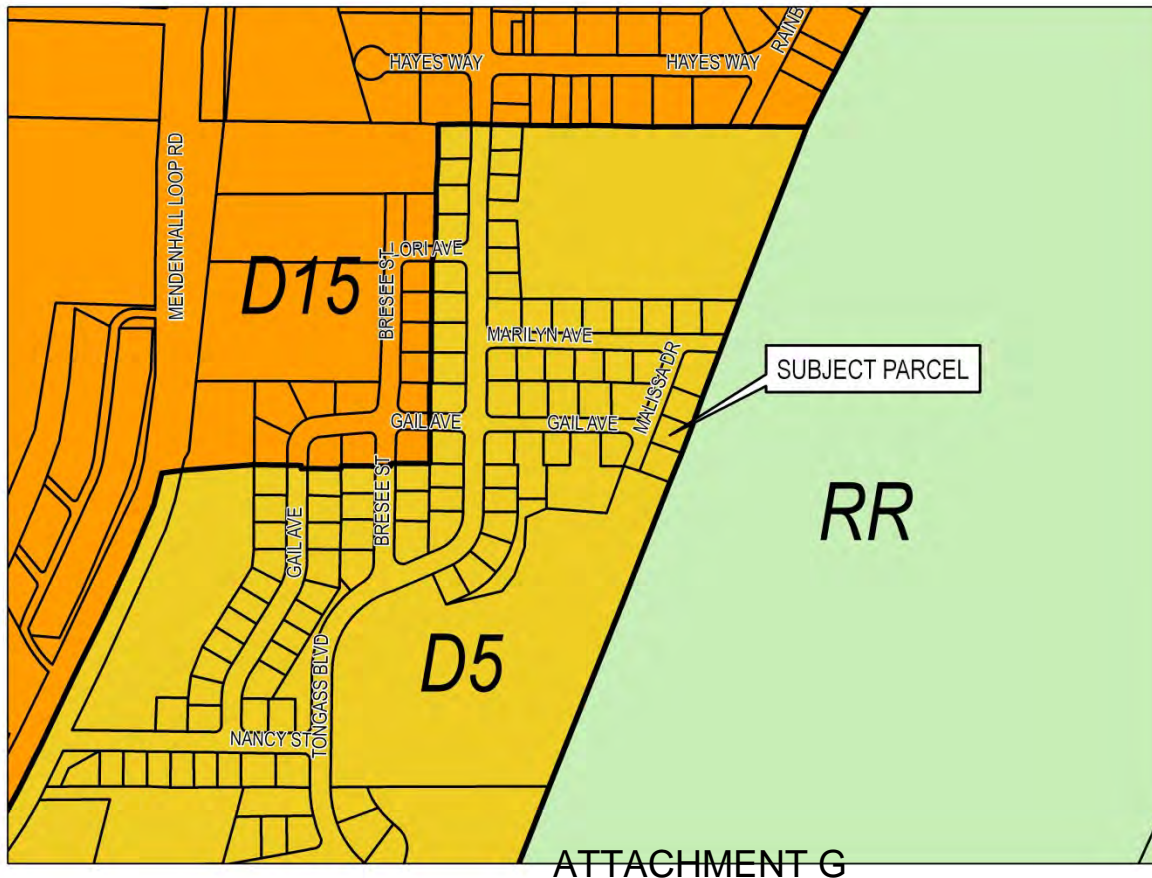
Neighborhood Meeting

Use Not Listed & Conditional Use
applications – Haven House, Inc.
@ 3202 Malissa Drive

Location



Area Zoning



Property Owner:	Grant Properties, LLC.
Property Address:	3202 Malissa Drive
Legal Description:	Tall Timbers 1 Block G Lot 3
Total site size	9,000 square feet
Comprehensive Plan Future Land Use Designation:	MDR (Map G)
Zoning:	D-5
Utilities:	City water & sewer
Access:	Malissa Drive
Existing Land Use:	Single Family Residential

CBJ 49.20.320 Use Not Listed

After public notice and a hearing, the board *may permit in any district* any use which is not specifically listed in the table of permissible uses but which *has been determined to be of the same general character as those which are listed as permitted in such district*. Once such determination is made, *the use will be deemed as listed in the table of permissible uses*.

Use Requested

A re-entry home for women coming out of prison.

2 possible paths

- Use Not Listed is determined to require departmental approval. (1)
- Use Not Listed is determined to be a “conditional use” requiring an approved conditional use permit. (3)

Conditional Use Permit Process

- Agency review
- Public notice sign on site 2 weeks prior to public hearing
- Notices of public hearing mailed to property owners within 500 feet of proposed use
- Staff report written with evaluation and recommended findings (approval/denial) and recommended conditionals
- Planning Commission public hearing & decision

Conditional Use Permit

CBJ 49.15.330

A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The CU permit procedure is intended to provide the Commission the flexibility necessary to make determinations appropriate to individual sites.

Director's review procedure

CBJ 49.15.330(d)(5)

Even if the proposed development complies w/all the requirements of this title and all recommended conditions of approval the director may nonetheless recommend denial if it is found

49.15.330 continued

- A.** Will materially endanger the public health or safety;
- B.** Will substantially decrease the value of or be out of harmony with property in the neighboring area;
- C.** Will not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans.

CBJ 49.15.330(e) the Commission to consider

- (A) Whether the proposed use is appropriate according to the table of permissible uses (in this case decided by the UNL process);
- (B) Whether the application is complete;
- (C) Whether the development as proposed will comply with other requirements of this chapter.

Commission may deny or condition if it finds

CBJ 49.15.330 (f) (1), (2) and (3)

Same language as D(5) Director's determination

Conditions may include

- Development schedule
- Use (restricted to that indicated in the application)
- Owners association
- Dedications
- Performance bonds
- Commitment letter
- Covenants
- Revocation of Permits
- Landslide and avalanche areas

Continued

- Habitat
- Sound
- Traffic mitigation
- Water access
- Screening
- Lot size or development size
- Drainage
- Lighting
- Other conditions (as may be reasonably necessary pursuant to standards listed in subsection (f) of this section.

Planning Commission Decisions

- Can be appealed
- Notice of appeal must be filed within 20 days of the Notice of Decision is filed with the City Clerk
- Fee is paid

Beth McKibben

From: David Campbell <DCampbell@juneaupolice.com>
Sent: Monday, August 11, 2014 2:24 PM
To: Beth McKibben
Cc: Ed Mercer; Bryce A. Johnson
Subject: RE: Please review UNL 2014 0001 and USE2014 0008 Haven House

I have reviewed the attached request for rezoning for Haven House. At this time I do not have any concerns.

Thanks,

Lieutenant David Campbell

From: Beth McKibben [mailto:Beth_McKibben@ci.juneau.ak.us]
Sent: Thursday, August 07, 2014 11:24 AM
To: Bryce A. Johnson
Subject: FW: Please review UNL 2014 0001 and USE2014 0008 Haven House

Hello Bryce

I haven't received comments from JPD and I think they will be important for these cases. The Planning Commission will be considering "re-entry homes for women coming out of prison in the D5 zoning district" on August 21. Depending on the outcome of that meeting they may hear the Haven House Conditional Use permit for Malissa Drive at a future meeting.

I'm working on the staff report now. It would be really helpful if I could get JPD comments in the next few days.

Thank you!

From: Beth McKibben
Sent: Wednesday, July 16, 2014 4:45 PM
To: Dan Jager; Ron King; Charlie Ford; John Kern; Marlene Love; Ed Foster; Dave Crabtree; 'Page W. Decker'; Ed Mercer; Darrell Wetherall (Darrell.Wetherall@aelp.com); eric.eriksen@aelp.com
Subject: Please review UNL 2014 0001 and USE2014 0008 Haven House

Please review the attached documents. If you need to receive them some other way –drop box perhaps please let me know. Please send any comments you may have by July 31.

Applicant proposes to operate a re-entry home for women coming out of prison in a D5 zoning district.

Beth McKibben, AICP
Senior Planner, CDD
City & Borough of Juneau
(907)586-0465 phone
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ONLY RESIDENTIAL USES

TABLE OF PERMISSIBLE USES - CBJ 49.25.300

Use Description	Zones												
	RR	D-1	D-3	D-5	D-10	D-10 SF	D-15	D-18	LC	GC	MU	MU2	WC
1.000 RESIDENTIAL													
1.100 Single-family dwellings													
1.110 Single-family detached, one dwelling per lot	1	1	1	1	1	1	1	1	1	1	1	1	1 ^A
1.120 Single-family detached, two dwellings per lot	1	1	1										
1.130 Single-family detached, accessory apartments	1 ^X 3 ^X	1 ^X 3 ^X	1 ^X 3 ^X	1 ^X 3 ^X	1 ^X 3 ^X	1 ^X 3 ^X	1 ^X 3 ^X	1 ^X 3 ^X	1 ^X 3 ^X	1 ^X 3 ^X	1 ^X 3 ^X	1 ^X 3 ^X	1 ^X 3 ^X
1.135 Two single-family detached, one or two accessory apartments	3	3											
1.200 Duplex	1	1	1	1	1		1	1	1	1	1	1	1
1.300 Multifamily dwellings							1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	3
1.400 Group homes	1	1	1	1	1	1	1	1	1	1		1	1
1.450 Halfway houses	3								3	3	3	3	
1.500 Day care homes													
1.510 Child; 8 or fewer children under the age of 12	1	1	1	1	1	1	1	1	1	1	1	1	
1.520 Child; 9 to 12 children under the age of 12	3	3	3	3	3	3	3	3	3	3	3	3	
1.530 Adult; 8 or fewer people, 12 years and older	1	1	1	1	1	1	1	1	1	1	1	1	
1.540 Adult; 9 to 12, people 12 years and older	3	3	3	3	3	3	3	3	3	3	3	3	
1.550 Child care residence, 6 to 9 children under 18 years of age		3	3	3	3	3	3	3	3	3	3	3	

