information, why the individual is interested in residing at Haven House, faith background, family information, military history, finances, education, medical, vehicle information, criminal history, substance abuse history, and employment history. The applicant is also required to write her life story so that Haven House staff has a better understanding of who she is. Finally, she must submit a recommendation from her chaplain, pastor, counselor, or probation/parole officer.

Once a full application has been received, Haven House staff will contact the applicant to arrange an interview to better understand her background and past experiences and to assess her ability to abide by the House Rules of Haven House. The interview will usually be in person although, if that is not feasible, the interview may be telephonic. Staff will then contact her probation/parole officer to verify that Haven House is the proper environment for her. Each participant of Haven House will be admitted based on her openness to participate fully in a faith community; her sincere desire for change; and the recommendation from her chaplain, pastor, counselor, or probation/parole officer.

While Haven House staff desires the best outcome for every woman exiting prison, we recognize that the Haven House program may not be the best fit for every applicant. Our intake process will attempt to assess sincere desire for change and readiness for community participation.

4. Will Haven House accept as a resident a woman who is required to register as a sex offender?

No. Haven House will not allow anyone who is required to register on a state registry of sex offenders to reside at Haven House. Some neighbors voiced concerns in the February informational meeting over the possibility of sex offenders living at Haven House. In response to these concerns, we added into our House Rules that any woman required to register on a state sex offender registry will be unable to reside at Haven House.

The following is the link to the Alaska Department of Public Safety's sex offender registry: http://dps.alaska.gov/sorweb/sorweb.aspx. Although Haven House will not permit anyone on a registry to become a resident, it is very rare for a woman to commit a sex offense. In 2012, only 1.4% of all women held in state custody were convicted of offenses which require registering as a sex offender. In 2012, merely 8 women out of 546 held in State custody were convicted of offenses which require registration as a sex offender.[16]

5. What is Haven House's plan of operation?

The Haven House Board of Directors has established House Rules, which describe the elements of the Haven House Program and establish the rules for residents of Haven House [Exhibit 9]. Haven House will have a director or, as currently two co-directors, to implement the Haven House Program and oversee adherence to the Haven House Rules. Haven House will have a staff member on call 24/7 and will provide that number to the residents. The co-directors will work out of the residence and, during normal work hours, one or the co-directors will usually be at the residence.

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[16] Page 17, http://www.correct.state.ak.us/admin/docs/2012Profile07_FINAL.pdf

In addition to the program staff, Haven House will either have a resident house manager or a nighttime house manager. If we have a nighttime house manager or managers, we will establish regular hours for that person. Our current plan is that a nighttime manager will be there every evening from 10:00 p.m. until 8:00 a.m. The house manager's duties include being in the house every evening from 10:00 p.m. until 8:00 a.m., unless the house manager informs one of the co-directors that she will be absent from the house. If the regular house manager is not present, Haven House will provide an alternate who will be present from 10:00 p.m. until 8:00 a.m.

Haven House may have a resident manager but that should not be a requirement for Haven House to operate. Haven House thinks it is quite possible that, after the House is open and is operating at full capacity, it will, at times, have a resident manager. A likely source for a resident manager is a graduate of the Haven House program. The Haven House Board does not, however, believe that it can guarantee it will find a suitable person to be resident manager and does not believe a resident manager is an appropriate requirement for the new use category.

The residents of Haven House are not like residents at a group home who suffer from a physical or intellectual disability that makes then unable to physically care for themselves. The residents of Haven House are adults that do not need constant staff presence for their physical safety. The residents will be carefully selected. Based on a model of peer support, the other residents will very likely be a force to help each other move towards recovery and self-sufficiency. If a resident was considering violating a house rule, she would not be able to count on any prolonged absence of, collectively, the house manager, staff, volunteers, visitors and the other residents. It also bears repeating that these women can reside anywhere in Juneau and that the oversight at Haven House is likely more stringent than any other place they could choose to live.

Haven House will also provide the public with a number that they can call to report a problem with the house or to discuss any issue related to the house. This may or may not be the same number for the residents to call but it will be answered 24/7.

6. Cooperation with Probation/Parole officers.

After a person gets out of prison, they are usually on probation or parole. If a person on probation or parole does not abide by their conditions of probation/parole, they may have to go back to prison and serve an additional part of their sentence. A person who was convicted of a felony and is released from prison either on parole or probation will be supervised. That means that the person will have a probation officer and the person has to regularly report to their probation/parole officer. A person on probation from a misdemeanor is generally on unsupervised probation, which means they do not have an assigned probation officer and do not have to regularly report to an assigned probation officer.

For our purposes, the key point concerns housing for a person on probation or parole. With respect to their housing, Alaska Statutes require that a person on supervised probation/parole "shall reside at a stated place and not change that residence without notifying, and receiving permission from, the parole officer assigned to the parolee." AS 33.16.150. The same condition applies to a person on supervised probation.

A unique feature of Haven House is that Haven House staff will cooperate and share information with a resident's probation officer. Haven House has consulted with the Juneau District Probation Office in developing its program. Brent Wilson, Juneau District Supervisor, stated:

> A critical component, from my perspective, is the promise of open and timely communication between Haven House staff and the probation and parole officers. 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. [Exhibit 15]

The Deputy Commissioner of the Department of Corrections has expressed the Department's support for Haven House and the program it will offer [Exhibit 13]. This relationship with the probation officers ties in with the question of who will reside at Haven House.

7. From where will the majority of residents at Haven House come?

The applicants will be women who want to live in Juneau and participate in the Haven House program. We expect that most will be women who have lived in Juneau before they were incarcerated or want to move here because they have family, friends or some element of a good support network, such as the ability to go to school or a connection to a particular church.

The Juneau District Probation Office is currently supervising 61 women on probation; 59 of them reside in Juneau.[Exhibit 15 at page 3] Mr. Wilson thought that eight of the woman currently being supervised would benefit from living at Haven House and would likely agree they need a better housing option than where they are currently residing. That would just about fill up Haven House! Mr. Wilson thinks that 12 additional women would benefit but would likely not agree to live there.

Mr. Wilson supervises persons who are on probation/parole from a felony. Haven House would also be open to women who are coming out of prison because they committed a misdemeanor. Mariya Lovishchuk, Executive Director of the Glory Hole, has contact with that population. Ms. Lovishchuck vividly describes what she sees with women coming out of prison, temporarily staying at the Glory Hole, going back to prison or to unhealthy living situations: "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." [Exhibit 25]

According to Alaska Department of Corrections statistics from 2011, 51 women were released from Lemon Creek Correction Center in Juneau and 60 were released from Ketchikan

Correctional Center. We also anticipate that some women exiting Hiland Mountain Correctional Center near Anchorage that have strong ties to Juneau will want to settle here; 1,047 women were released from Hiland in 2011. [Exhibit 37] As Haven House will be the only housing provider in Southeast providing housing specifically for women leaving prison, we expect to operate at capacity while still serving only a small percentage of women needing housing upon their release.

8. What is the policy on length of stay of the residents?

After the application process, Haven House staff will evaluate whether to accept the applicant for a one-month adjustment period.[17] If she is accepted, she will be subject to a one-month adjustment period. If after this one month, both the resident and Haven House staff agree that she may continue residing at Haven House, she will be asked to make a commitment to residing at Haven House for a minimum of five additional months (for a total of a six month minimum stay, 1 month adjustment period + 5 additional months). A resident may stay no longer than two years (6 month minimum stay + 18 additional months).

Haven House Staff and Board responded to the concerns voiced during the February meeting, including the concern in the questions submitted by Tall Timbers neighbors, that residents would be too transient. We considered this concern and added to our House Rules a requirement for a six-month commitment. Six months is longer than many persons reside in Juneau for summer work, the Legislative session, or a winter job at Eaglecrest.

A six-month commitment is beneficial to the residents. Before adopting it in our House Rules, Haven House staff consulted with Brenda Nagunst, the Executive Director of the New Hope Safe Living House, the women's safe living home by the Anchorage-based Alaska Correctional Ministries, Inc. (ACM). Ms. Nagunst stated that residents who stay for six months do better after they leave New Hope than residents who stay a shorter time.

The requirement for a six-month commitment communicates to the resident that this is a program for reentry, not merely a short-term affordable place to stay. Having said that, a resident is, of course, not legally required to live at Haven House. She may leave. It is not a jail. A person cannot be required to live anywhere except when they are in the custody of the Department of Corrections.

9. Will Haven House create a noise impact on the surrounding area?

The surrounding developments are single family homes and Haven House is not expected to create noise impacts to the neighborhood greater than those expected in a D5 residential district. The House Rules include a curfew of 10:00pm and visitors must leave by 10:00pm.

10. Will Haven House create a lighting impact on the surrounding area?

[17] Exhibit 9 at page 5.

The surrounding developments are single family homes and Haven House is not expected to create lighting impacts to the neighborhood greater than those reasonably expected in a D5 residential district. During the February informational meeting and in the questions submitted to Haven House from various Tall Timbers residents, no one expressed concerns over lighting.

11. Where will staff, visitors, and residents park? How will Haven House impact traffic in the Tall Timbers neighborhood?

Because the majority of individuals exiting prison have very few resources, it is our expectation that few to none of our residents will own a vehicle. Haven House staff therefore will connect its residents to public transit. Residents should be able to access all of their services and activities via public transit from the two bus stops within walking distance of Haven House.

After our residents are more financially stable, it is possible that one or more of them will purchase a car. Additionally, one of the Co-Directors has a car and it is our presumption that volunteers and mentors will also own vehicles. Haven House has parking for six vehicles: two in the garage and four in the driveway. An additional two cars can park in front of Haven House on the street. It is our expectation that the parking needs of Haven House staff, volunteers, mentors, and residents will usually easily be met by the two spaces in the garage, the four spaces in the driveway, and the two in the street.

The parking spaces presently available at Haven House, too, fulfill the CBJ 49.40.210 requirement that rooming/boarding houses provide 1 parking space per 2 bedrooms and that according to CBJ 49.40.230(b)(6) stacked parking is not permissible for a rooming/boarding house. As Haven House has 5 bedrooms, it fulfills the required parking stipulation with two cars in the driveway and one car on the street, providing 3 spaces for its 6 bedrooms.

That being said, we do not expect that the presence of Haven House in the Tall Timbers neighborhood will noticeably increase the traffic flow in the area. CBJ 49.40.300 stipulates that a traffic impact analysis is not required if the project will generate fewer than 250 average daily trips. We do not expect that the combination of staff, volunteers, and residents will generate 250 trips, nor do we expect that Haven House will generate any more traffic than the other permitted uses, including the daycares, in the area.

12. Will the residents have access to public transportation and streets that are ploughed in the winter?

Some have questioned the location of Haven House saying that residents would have difficulty getting to services, appointments, and jobs because they would have to use public transportation. A newspaper article mentioned the residents would have difficult in the winter if the streets were not ploughed.[18]

As for public transportation, many residents in Juneau, and many residents in the Valley, do not have cars. Many take public transportation throughout the year, including the winter, to jobs,

[18] Hubert, Dan, "*Haven House: Right Idea, Wrong Place*," Juneau Empire (Feb. 24,2014).

school, and appointments. The short walk from Malissa Drive to Tongass Boulevard is not regularly ploughed, although from Tongass Boulevard to Mendenhall Loop Road is. [Exhibit 6]

The walking distance from Haven House to the nearest bus stops is 10 and 15 minutes. [Exhibit 5] This amounts, round trip, to 20 to 30 minutes per day. If a Haven House resident made this trip five days a week, that is 150 minutes of physical exercise per week; if seven days, that is 225 minutes of physical exercise per week. That length of time, 150 minutes, is the minimum amount of exercise recommended by the Centers for Disease Control and Prevention (CDC) to promote health. CDC recommends 300 minutes per week for even greater health benefits.

Walking Distance HH to/from bus stops[19] recommendation[20]	**5 days/ weekly total**	**7 days/ weekly total**	**CDC minimum recommendation**	**CDC healthier**
30 minutes	150 minutes	225 minutes	150 minutes	300 minutes

Finally, this is stated as a concern for the residents of Haven House. If the location of the home makes it unappealing for women to live there, the home will not have nine residents, or will have less than nine residents, and the home may not succeed. That is a risk that Haven House is willing to bear.

However, for several reasons, Haven House believes that a number of women getting out of prison will chose this option for housing: the crisis shortage of affordable housing in Juneau for any person of limited income; the particular difficulty that ex-felons have in finding housing; the program at Haven House that will assist the residents with reentry into society; and the success of a similar house in Anchorage.[21] The statements of the Glory Hole Director [Exhibit 25] and the Juneau District Supervisor, Juneau Adult Probation Office [Exhibit 15] provide further support for the conclusion that the location of Haven House will not prevent women from choosing to live there.

V. Haven House meets the requirements to receive a permit under the Use Not Listed provision of CBJ 49.20.320.

CBJ 49.20.320 provides:

> **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

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[19] Exhibit 5 - Google Maps, Maps of walking routes to bus stops closest to 3202 Malissa Drive.
[20] "How much physical activity do adults need", Center for Disease Control and Prevention (CDC), http://www.cdc.gov/physicalactivity/everyone/guidelines/adults <<*visited* April 18, 2014>>
[21] Exhibit 18 – Statement from Chaplain Brenda Nagunst, Executive Director, Alaska Correctional Ministries, Inc. (April 8, 2014). It is the New Hope Safe Living House.

made, the use will be deemed as listed in the table of permissible uses. [emphasis added]

The CDD application calls this application "Use Not Listed (Similar Use Determination)."

The residence at 3202 Malissa Drive is located in a D-5 zoning district. The purpose of the D-5 zoning district is stated in CBJ 49.25.210(c):

> The D-5, residential district, is intended to accommodate primarily single-family and duplex residential development at a density of five dwelling units per acre. D-5 zoned lands are located in the urban service boundary and are served or can be served by public water and sewer.

CDD concluded that Haven House was a use not listed and was of the same general character as a boardinghouse/rooming house, which is a conditional, or Category 3, use. A Category 3 use requires the owner or lessee to obtain a conditional use permit issued by the Planning Commission for every single use in the category.

Haven House asks CDD to consider the additional material submitted with this application and evaluate whether Haven House is of the same general character as allowable, or Category 1 uses, which may be approved by CDD. Category 1 uses in a D-5 district are as follows: Single-family detached, one dwelling per lot; a single-family detached, one accessory apartment, in certain circumstances; a duplex; a group home (now a defunct category); a day care home for 8 or fewer children under the age of 12; an adult day care home for 8 or fewer people, 12 years and older; home occupations; a common wall development with two dwelling units; a common wall development with accessory apartments in certain circumstances.

Haven House believes that it is of the same general character as a single family dwelling unit and would have less, or comparable, impact on the neighborhood as a duplex, a day care home for 8 or fewer children, an adult day care home for 8 or fewer persons, home occupations, and accessory apartments.

Haven House makes four observations. First, a family "means one or more persons living as a single housekeeping unit, as distinguished from a group occupying a group home."[22] Haven House is of the same general character as a family because its residents will function as a single housekeeping unit. The Program for Haven House has five elements. Two of those elements are "Communal Living" and "Household Responsibilities."[23]

The residents will maintain an orderly living space together. They will eat together. They will live together. With explicit house rules, assigned chores, a curfew, and regular group dinners, Haven House will function as a fairly strict or structured family, but clearly as a single housekeeping unit. The residents of Haven House are nine women joining in a single

[22] CBJ 49.80.120
[23] Exhibit 9 at page 2.

housekeeping unit for a shared purpose, namely a successful re-entry into society and addressing the problems that led them to their incarceration in the first place.

Second, the factors mentioned in CDD's determination of March 18, 2014, do not mean that CDD may not determine that Haven House is most similar to a single family residence. CDD has substantially more information now about Haven House than it did on March 18.

CDD's letter of March 18, 2014 mentions six factors: the presence of a resident house manager or nighttime house manager; the presence of co-directors at the house; the payment of rent by the residents; the residents will be recently released from prison and most will be on probation or parole; most will have probation/parole officers; and there are no minimum stay requirements.

The category is "single-family." None of the factors cited in the March 18 CDD letter suggests that there are two families or two housekeeping units at Haven House. And even if they did, duplexes are allowed and accessory apartments are generally allowed.

The fact that most, if not all, of the residents will be on probation or parole, and will have a probation officer, does not mean that this group of women will not live as a single housekeeping unit. The probation officers have legal supervision and must approve the residence of a person on probation. The probation officers do not live with the people they supervise. The probation officers will not be living in the neighborhood.

Third, CDD thought that Haven House was most similar to a boardinghouse/rooming house, which "means a dwelling in which more than two bedrooms are used for commercial lodging provided by the owner or operator who lives on site."[24] It is true that a resident of Haven House must pay to live there and will be asked to leave if they do not make the required payments. But that is true of many living arrangements that are demonstrably "single housekeeping units," such as any group of friends living together.

It seems to Haven House that the distinguishing characteristic of a boardinghouse/rooming house is that it is a transient structure and transient structures "means all forms of short term residence, including hotels, motels, boardinghouses, bed and breakfasts, **roominghouses**, or any other residential use ***where capacity is measured by rooms rather than dwelling units.***" [25] The capacity of the new category will be measured by it being a single dwelling unit. Haven House is not renting out rooms. Most of the residents will share a bedroom anyway. The residents will have full use of the house in much the same way that a family operates.

Fourth, as Haven House understands the process, a boardinghouse/rooming house is only allowed with a conditional use permit because the permit must specify as a condition how many rooms will be permitted. It will make a big difference in terms of impact on the neighborhood if an applicant wants to have a boardinghouse with two rooms versus ten rooms. The permit for a two-room boardinghouse would look very different from a permit for a ten-room boardinghouse.

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[24] CBJ 49.80.120.

[25] CBJ 49.80.120[emphasis added]

With Haven House, the category is fixed and the category controls the impact on the neighborhood. It is a *single* housekeeping unit. If CDD puts a number of residents in the category, the category will have up to nine residents and possibly a resident manager.

Haven House believes that its intended use of the property is of the same general character as uses in Category 1. However, it is clear that if the Planning Commission does not conclude that Haven House is of the same general character as a Category 1 use, it will conclude that Haven House's intended use is of the same general character as a Category 3 use.

Otherwise, CBJ would be saying that these nine women could individually, or even as a group, live in a residential district and even live in this very house but that the very same group of women could not live together in the very same house to participate in a structured program to promote their re-entry into society. Haven House is confident that CBJ will not do that.

Haven House suggests that the elements of the new use of a reentry home should be something like the following: [1] a dwelling in a residential neighborhood; [2] up to nine persons if it is an allowable use, a higher number if it is a conditional use; [3] residents living as a single housekeeping unit; [4] residents have been formerly incarcerated; [5] residents participate in a program to foster self-sufficiency and to help them successfully reenter society; [6] operator will provide a written plan of operation of the house. Haven House residents will be women. CDD can evaluate whether the new category should have a requirement that the residents will be women or will be of the same gender.

VI. Haven House meets the provisions of AS 49.15.330(d)(5).

CBJ 49.15.330(d)(5) provides:

> Even if the proposed development complies with all the requirements of this title and all recommended conditions of approval, the director may nonetheless recommend denial of the application if it is found that the development:
>
> (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; or
> (C) Will not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans.

This section applies to findings that CDD must make before it can issue a conditional use permit. Haven House is not certain whether CDD must make the findings in CBJ 49.15.330(d)(5) if CDD determines that the new use is an allowable use. Even if Haven House is not legally required to meet these requirements, these factors are matters of concern to the pubic generally and to persons who live in the neighborhood. Haven House therefore wants to address them.

A. Haven House will promote public health and safety by providing housing specifically oriented to the needs of former offenders.

Haven House's intended use of the property will promote public health and safety. The residents of Haven House will be recently released from prison. If a woman lives at Haven House, she will have safe, stable, structured, affordable housing. The first six months after a woman (or a man) leaves prison is critical. If, during that time, a woman has safe, stable, structured, affordable housing, this decreases the chances that the woman will reoffend during that period.

Haven House's intended use of the property also decreases the chances that a woman will reoffend after leaving Haven House because the community at Haven House will help her develop a sober, recovery-oriented lifestyle; will help her develop improved life skills; and will help her connect with employment and longer-term stable housing.

Haven House's intended use of the property is a positive addition to the Table of Permissible Uses for land in Juneau. Juneau has people living here now who have been released from prison and who are on probation and parole. This new use is a specific type of group living that is specifically oriented to the needs of former offenders to help them lead a better life. Without this new use, these persons will still live in Juneau but at housing that is less conducive to them staying out of prison.

The exhibits submitted with this application strongly support the conclusion that this type of group housing will promote public safety, in particular Exhibit 11 - Alaska Prisoner Reentry Task Force Five-Year Prisoner Reentry Strategic Plan, 2011-2016; Exhibit 12 – Resolution Number 13-16 Alaska Native Brotherhood and Alaska Native Sisterhood Grand Camp; Exhibit 15 – Statement from Brent Wilson, Juneau District Supervisor, Juneau Adult Probation Office; Exhibit 18 – Statement of Chaplain Brenda Nagunst, Executive Director, Alaska Correctional Ministries, Inc.; Exhibit 25 – Statement from Mariya Lovishchuk, Executive Director of The Glory Hole; Exhibit 26 – Statement from Mike Pellersin, Executive Director, Gastineau Human Services; Exhibit 27 – Statement from Ann Lockhart, Executive Director, Love INC; Exhibit 33 - Studies on Effectiveness of Housing Former Offenders.

B. Haven House will not substantially decrease the value of or be out of harmony with property in the neighboring area.

1. Will Haven House substantially decrease the value of property in the neighboring area?

The operation of Haven House will not substantially decrease the value of property in the surrounding area. As long as Haven House is well-maintained and its neighbors do not create a disturbance, it will not decrease the value of neighboring property. This was the conclusion of James Wakefield, former President of the Alaska Association of Realtors and former President of the Southeast Board of Realtors. [26]

This is the conclusion of John Shinholser, a nationwide expert on addiction and recovery, who was recently in Juneau to conduct a variety of outreach and educational activities. Mr.

[26] Statement of James Wakefield, April 10, 2014, Exhibit 20.

Shinholser has started 60 recovery homes over the past thirty years and is currently President of the McShin Foundation, which operates five recovery homes. He visited the proposed site of Haven House and met with one of our co-directors, Kara Nelson. Mr. Shinholser's conclusion: "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."[27]

The evidence generally does not bear out that a single house will decrease property values in a neighborhood and certainly not a single house that is well-maintained and in keeping with the character of the neighborhood. That is the conclusion of numerous studies that were summarized on the Habitat for Humanity website:

> It is a common assumption that property values will go down in areas where affordable housing is located. Contrary to popular beliefs, studies indicate conclusively that affordable housing has little or no effect on neighboring property values. No one really know what determines property values – they are a complex phenomenon, and seem to be most closely related to the condition of the particular property for sale and broad trends in neighborhood prosperity, urban and suburban expansion, road and highway construction and nearby large-scale commercial and industrial developments.
>
> The assumption that property values will decline with the location of affordable housing is based on the idea that one facility can affect a whole neighborhood, and that such facilities will be conspicuous, unattractive, poorly maintained and poorly managed. The studies cited on the following sample bibliography as well as others show that these assumptions are incorrect." [28]

The Furman Center for Real Estate and Urban Policy at New York University looked at property values in New York City over a twenty-year period and reached a similar conclusion:

> Our findings show that the values of properties within 500 feet of supportive housing show steady growth relative to other properties in the neighborhood in the years after supportive housing opens. Properties somewhat further away (between 500 and 1,000 feet) show a decline in value when supportive housing first opens, but prices then increase steadily, perhaps as the market realizes that fears about the supportive housing turned out to be wrong.
>
> The city, state, and providers of supportive housing must continue to maximize the positive effects of supportive housing and ensure that supportive housing residences remain good neighbors. But the evidence refutes the

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[27] Statement of John Shinholser, President, McShin Foundation, April 17, 2014, Exhibit 19.
[28] Habitat for Humanity, "Why Affordable Housing Does Not Lower Property Values," http://www.habitat.org/how/propertyvalues.aspx

> frequent assertions by opponents of proposed developments that supportive housing has a sustained negative impact on neighboring property values.[29]

In evaluating a claim in 2013 that permits for two multi-family housing projects in Douglas would lower property values, the City and Borough Assessor concluded the project would not have a negative impact on neighboring property values:

> The surrounding neighborhood is primarily made up of multi-family housing of similar size and density to the proposed development. Concerns have been raised by the public about impacts to property values because 60% of the units will be income based rental units, where the rents will be established based on income. The CBJ Assessor reviewed the application materials, contacted assessors in Ketchikan and Anchorage as well as the State Assessor. She also reviewed several studies that evaluated the impacts of "low income housing" on neighboring property values. She has indicated that she does not foresee a negative impact to neighboring property values from the proposed development (attachment O).[30]

Further, there are specific factors to Haven House's intended use of the property that support the conclusion that the house will be well-maintained. The entire focus of Haven House is creating a community of women that will learn to work together and that will learn life skills. One of those skills is maintaining the property. Haven House Rules include "Household Responsibilities," which provides: "All participants are responsible for maintaining an orderly living space. Each participant is expected to complete assigned responsibilities in a timely manner. We believe that the basic discipline of performing household chores will help prepare our participants for a structured, independent life." [Exhibit 9 at page 2] The rules go on to be more specific about this aspect of life at Haven House:

> HOUSEHOLD RESPONSIBILITIES
> Each participant must follow a weekly cleaning and cooking schedule assigned by Haven House staff. Responsibilities include but are not limited to: yardwork, sweeping, raking, shoveling walkways/driveway, mowing lawns, cleaning common areas, and cooking communal meals.
> - All participants are responsible for keeping Haven House clean, safe, and sanitary. Participants will dispose of all garbage and other waste in a sanitary manner in the container provided and garbage must be taken outside the morning of trash day.
> - The kitchen and dishes will be cleaned each time after cooking is done and the meal has been eaten. **If you use it, you clean it immediately.**

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[29] "The Impact of Supportive Housing on Surrounding Neighborhoods: Evidence from York City," Furman Center for Real Estate and Public Policy, http://furmancenter.org/files/FurmanCenterPolicyBriefonSupportiveHousing_LowRes.pdf

[30] Memorandum to Planning Commission from Beth McKibben, Planner, CDD, File No. USE 2013 0032, USE 2013 0033 (Oct. 17, 2013), available on CDD website.

- No participant may install, change, or remove any door lock without approval from staff.
- Participants must notify Haven House staff when any equipment or appliance is not working properly and/or needs repair. [Exhibit 9 at page 5]

Through the application process, Haven House will make sure that prospective residents understand the rules, including communal responsibility for home maintenance and the assignment of regular chores.

2. Will Haven House's intended use of the property be out of harmony with property in the neighboring area?

Haven House understands this question to be whether its use of the property is out of harmony with the other uses of the property in the neighboring area. As the ordinance establishing the conditional use permit process states, 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." CBJ 49.15.330. The D-5 zoning district is intended to accommodate primarily single-family and duplex residential development at a density of five dwelling units per acre.[31]

Haven House's use of the property is by a group of people living together as a single housekeeping unit or, at least, of the same general character as a group of people living together as a single housekeeping unit. The residents will be participating in a program to support successful reentry into society and that will involve the presence of Haven House staff during the day and also volunteers and mentors. This will not have impacts on the neighborhood different from a traditional family with children that receives visitors or from other allowable uses such as day care for eight children or eight adults.

Haven House's intended use of the subject property is in keeping with the character, intensity, and size of the uses of property in this neighborhood.

Haven House would strenuously object if CDD evaluated whether its use would be "out of harmony with property in the neighboring area" as meaning whether the neighbors wanted Haven House in their neighborhood . If "harmony" meant what the neighbors want, or did not want, the government could very well deny a requested use of land based on prejudices and unfounded fears of persons living near the subject property. The test is whether the proposed use is in harmony with the land use of the neighbors, not with the personal opinions of the neighbors.

Haven House notes that the use not listed process is giving the public the opportunity to comment on this new proposed permissible use and to object to it. But the mere fact of opposition by some persons in the neighborhood to a proposed use cannot and should not be a factor in either creating a new category or in granting an allowable or conditional use permit

[31] CBJ 49.25.210(c).

under the new category. The City can and should consider the reasons for the opposition, but not the mere fact of opposition.

If "harmony" meant what the neighbors wanted, or did not want, a proposed use of land could be permanently prevented and the neighbors, and indeed the community, would never get to see whether the proposed use was beneficial. This is not speculation. This is the experience with supportive housing for the formerly incarcerated. The opposition is based on fear that the proposed use will decrease property values or jeopardize the safety of the neighborhood. When the municipality does the right thing, and allows the project, these things do not happen; the neighbors come to value the home, especially when a neighbor needs it for a loved one who gets in trouble with the law; and the community is overall safer.[32]

This is not to say that Haven House does not want good relations with its neighbors. When we realized that some neighbors were upset about Haven House seeking to be in their neighborhood, we delivered invitations to the houses in the neighborhood and held an informational meeting at the house. We responded to written questions [Exhibit 34].

We promptly looked at a large house in downtown Juneau that some neighbors thought would be more suitable. It was a big red house in Downtown Juneau known as the Shattuck House. The owner had rented it for two years to a tourist-oriented business for its employees.[33] We made changes in our policies in response to their concerns: exclusion of sex offenders, a requirement for a six-month commitment, dismissal of resident who has alcohol or drugs on the premises, and a telephone number for the public to call if they wanted to report a problem. We would participate in a CDD-led neighborhood meeting.

It is important to recognize that some residents in the Tall Timbers Subdivision already welcome Haven House [Exhibit 37, Exhibit 43].

C. Haven House is in general conformity with and actually clearly promotes Juneau's Comprehensive Plan.

The 2013 Comprehensive Plan Update, Chapter 4, addresses housing. This chapter strongly states the need for more housing in Juneau and states that Juneau is suffering a housing crisis. Chapter 4 begins by stating:

> The purpose of this section is to recommend policies that encourage adequate housing ***for all Juneau residents*** and to protect the character and livability of its neighborhoods.
>
> As housing choice is influenced both by lifestyle and income, the CBJ government should encourage and facilitate the provision of a variety of affordable housing opportunities to its residents . . . ***Ensuring an adequate***

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[32] Statement of John Shinholser, President of McShin Foundation (April 17, 2014), Exhibit 19. See also the results of the Furman Center study on pages 21-22 of this document.

[33] Answer to Question 6, Exhibit 34. The house also would have required work.

supply of rental housing, particularly for low-income residents, is also an important priority.[34] [emphasis added]

Policy 4.1 It is the policy of the CBJ to facilitate the provision and maintenance of safe sanitary and affordable housing ***for its residents.***

This may be obvious but a person who lives in Juneau and was formerly incarcerated is part of the category of "all Juneau residents." A person coming out of prison is a low-income resident and therefore is included within the category of persons for whom CBJ should "particularly" strive to provide with housing. The fact that a person made mistakes and went to prison does not mean that CBJ should not support rental housing tailored to help them recover and reenter society.

Policy 4.1 – SOP1 - Fund, or assist in securing funding for, emergency shelters, ***transitional housing****, permanent supportive housing, and* ***appropriate supportive services for people who are homeless or near homeless or rent overburdened****, particularly families and unaccompanied youth, and an increasing aging population.* [emphasis added]

The average monthly rent for an apartment in Juneau is $1,179.[35] The definition of "rent overburdened" is that rent accounts for more than 30% of the person's monthly income. Virtually no one coming out of prison can afford to rent an apartment by themself. Many go back to living with the same persons that were part of the reason they went to jail in the first place. Further, many people who were formerly incarcerated are homeless or near homeless.[36] Haven House would help a category of persons that largely fall within one or more of these three categories: homeless, near homeless, and rent overburdened.

Policy 4.1 – SOP 1 - IA1 – Develop a housing plan in order to further develop and facilitate affordable housing that encourages a diversity of housing types and densities.

Juneau does not have a sober living home devoted to women coming out of prison. This project furthers the diversity of housing types in Juneau.

Policy 4.2 – To Facility the Provision of an Adequate Supply of Various Housing Types and Sites to Accommodate present and Future Housing Needs for all Economic Groups.

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[34] 2013 CBJ Comprehensive Plan Update, chapter 4, page 36.

[35] http://www.jedc.org/sites/default/files/Part%204.%20Cost%20of%20Living%20and%20Housing.pdf

[36] Alaska Task Force Report at page 50, http://www.correct.state.ak.us/TskForce/documents/Five-Year%20Prisoner%20Reentry%20Plan.pdf, page 50

People coming out of prison are a unique economic group with distinct housing needs. Haven House would provide housing for up to nine women in this economic group who sincerely desire to change and are willing to accept the restrictions (and hopefully the benefits) of living at Haven House. The restrictions include a sign-in/sign-out sheet, a curfew, a restrictive visitation policy, weekly chores, weekly house meetings, development of an individual action plan, a consent for Haven House staff to share information with probation/parole officers, submission to drug testing (UA or breathalyzer) if requested by the staff, and dismissal from Haven House if the women uses, possesses or stores any alcohol or drugs on the premises.[37]

Haven House would like to comment on Policy 4.1 – SOP 1 – IA 7:

> *Policy 4.1 – SOP 1- IA 7 – Facilitate the provision of special needs and adaptive housing and supportive services in residential neighborhoods that are readily accessible to public transit, shopping, public amenities and supportive services.*

Haven House does not believe that this provision makes this project out of general conformity with the Comprehensive Plan for several reasons. First, as explained above, Haven House believes that its residents will have adequate access to public transit which will enable them to get to shopping, amenities, and supportive services.

Second, the term "special needs" conveys to Haven House persons that are physically handicapped. Haven House residents will not generally have "special needs," within the meaning of that term. The term "adaptive housing" also suggests housing that must be physically altered to adapt to the need of its residents. Haven House is not that type of adaptive housing.

Third, assume, for the sake of argument, that Haven House is not "readily accessible" to public transit, shopping, public amenities and supportive services and that this is one way in which Haven House's intended use of the property is not in conformity with the Comprehensive Plan. This one factor, by itself, would not make the project out of "general" conformity with the plan because that one factor is completely outweighed by the ways that the project conforms with , and carries out, the general housing policy of the Comprehensive Plan in Policy 4.1; Policy 4.1-SOP 1; Policy 4.1 SOP 1 – IA1; and Policy 4-2.

Given the housing crisis for low income persons in Juneau and the "important priority" that Juneau's Comprehensive Plan places on ensuring an adequate supply of rental property for low income people, it is clear that this use promotes the Comprehensive Plan.

D. Conditions.

If the Planning Commission determines that Haven House's use is a conditional use, CBJ 49.15.330(a) states the purpose of conditions:

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[37] Haven House Rules for Haven House, Exhibit 9.

> The commission may attach to the permit such conditions listed in subsection (g) of this section as well as any further conditions **necessary to mitigate external adverse impacts**. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied." [emphasis added]

If the Planning Commission approves a new use, and the use is conditional, Haven House examines four possible conditions: number of residents; exclusion of persons required to register as sex offenders; a performance bond; and screening. If CDD wishes Haven House to address any other specific conditions, Haven House would be happy to do so.

First, Haven House would accept a condition that it may have up to nine residents plus a resident house manager or nighttime house manager.

Second, Haven House would accept a condition that a woman may not reside at Haven House if she is required to register as a sex offender under Alaska Law.[38] If the new use is conditional, CDD and the Planning Commission should carefully consider whether such a limitation should be a required element of the new use.

Third, the neighbors' questions asked whether Haven House would post a surety bond. [Exhibit 34, Question 15] The only reference to a bond in the conditions is in CBJ 49.15.330(g)(5):

> *Performance bonds.* The commission may require the posting of a bond or other surety or collateral approved as to form by the city attorney to guarantee the satisfactory completion of all improvements required by the commission. The instrument posted may provide for partial releases.

Haven House does not anticipate that the Planning Commission will require improvements on the house and, in the unlikely event that it did, the improvements would certainly not be on the scale or the character for the Planning Commission to require a bond.

Fourth, Haven House understands that a possible condition might be to construct fencing or plantings between its property and the adjacent properties. As Haven House understands this possible condition, it does not seem proper. CBJ 49.15.330(g)(14) states:

> *Screening.* The commission may require construction of fencing or plantings to screen the development or portions thereof from public view.

Haven House does not believe that is an appropriate condition for several reasons. First, the purpose of fencing or plantings is "to screen the development or portions thereof from public view." The development here is a house that was constructed in 1976. The property does not now have, and to Haven House's knowledge has never had, a fence or plantings demarcating this property from 3200 Malissa Drive on one side and 3204 on the other side.

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[38] AS 12.63.

Haven House is unaware of any reason why this development—the residence at 3202 Malissa Drive development—should be screened from public view. Haven House thinks that fencing "to screen the development . . . from public view" is probably a condition imposed when the development is a building site and a fence is required to protect an unsightly or possibly unsafe construction site from public view.

Second, if the purpose of fencing or plantings is to screen *the residents* of Haven House from public view, that is not a legitimate purpose for the government to further or to pursue in any way. The women who live there are persons and should be treated as people. It is true that they have committed a crime and spent time in jail but it is deeply hurtful to these women to suggest that they should be screened from public view. And, of course, no matter what the fencing or plantings, the women will be seen coming and going from the house and, of course, walking in the neighborhood.

It bears repeating that Haven House is not a jail. These women are free to live anywhere in this neighborhood and in any residential district. Seeing the residents of Haven House is not an "external adverse impact" that CBJ can, or even should want to, mitigate through a condition in a CUP.

Third, CBJ does not have an ordinance that requires the owners of residential homes in D-5 districts to build fences or make plantings that demarcate one lot from another lot. A visual inspection of the neighborhood suggests that some houses have fencing between adjacent properties and some do not. Haven House believes that a six-foot privacy fence on both sides of the property is unusual in this neighborhood and would set this residence apart from the other residences, not make it conform to the general character of the neighborhood.

Fourth, Haven House did investigate the cost of a privacy fence on both sides of the residence at 3202 Malissa Drive. The estimated cost is between $6,000 and $9,800. [Exhibit 35] Tall trees that are the equivalent of fences would no doubt be fairly expensive also. Haven House prefers to spend its limited funds on necessary operating expenses, such as rent, utilities, possible home improvements, insurance and salaries.

After Haven House opens, Haven House expects that staff and residents and volunteers may very well plant a garden. Haven House would like to improve the landscaping in the front yard and may put in plants on the sides of the residence. But that is an entirely different matter from requiring Haven House to "screen the development or portions therefore from public view." If any landowner in the neighborhood wants to construct a fence or plantings on their property, they are free to do so.

Haven House is unaware of other conditions "necessary to mitigate external adverse impacts." CBJ 49.15.330(a). If, however, CDD staff believes that conditions are appropriate, Haven House anticipates that CDD staff would inform Haven House what those conditions are as part of the

Director's Review.[39] Haven House will give full and serious consideration to any feedback from CDD as to what corrective action it considers appropriate.

Conclusion

Dan Austin, General Manager of the St. Vincent de Paul Society, has tremendous knowledge and expertise about the problem of affordable housing in Juneau. His thoughtful conclusion sums up much of our application:

> 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 expressed 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. [Ex. 24]

Respectfully submitted on May 2, 2014:

June Degnan
President, Board of Directors, Haven House

Mary Alice McKeen
Attorney for Haven House

[39] The Director's Review Procedure in CBJ 49.15.330(d)(1) provides: "The director shall endeavor to determine whether the application accurately reflects the developer's intentions, shall advise the applicant whether or not the application is acceptable and, **if it is not, what corrective action may be taken**." (emphasis added)

Haven House Exhibits

Exhibit 1 – One-page summary of Haven House
Exhibit 1A – Haven House – Description of Board Members
Exhibit 2 - Letter from Hal Hart, AICP, Director, CBJ Community Development Department (CDD), to Attorney for Haven House (March 18, 2014)
Exhibit 3 – As Built Survey, Floor Plan, MLS listing of 3202 Malissa Drive
Exhibit 4 – Map of Group Home and Boarding Houses in Juneau, 2014
Exhibit 5 – Map of walking routes to bus stops closest to 3202 Malissa Drive
Exhibit 6 – Map of CBJ sidewalk snow removal routes near 3202 Malissa Drive
Exhibit 7 – Photos of 3202 Malissa Drive, current
Exhibit 8 – Haven House Application
Exhibit 9 – House Rules of Haven House
Exhibit 10 – Rankings of SSAB Block Grants, Tier 1
Exhibit 11 – Selections from The Alaska Prisoner Reentry Task Force's Five Year Strategic Plan, 2011 - 2016
Exhibit 12 – Resolution Number 13-16 Alaska Native Brotherhood and Alaska Native Sisterhood Grand Camp (October 2013)
Exhibit 13 – Statement from Ron Taylor, Deputy Commissioner, Department. of Corrections (April 11, 2014)
Exhibit 14 – Statement from Carmen Gutierrez, former Deputy Commissioner, Department of Corrections (January 22, 2014)
Exhibit 15 – Statement and Email from Brent A. Wilson, Juneau District Supervisor, Juneau Adult Probation Office (April 17, 2014)
Exhibit 16 – Statement from Senator Lesil McGuire (February 19, 2014)
Exhibit 17 – Statement from Kathryn Chapman, MSW, Chair, Juneau Reentry Coalition (April 16, 2014)
Exhibit 18 – Statement from Chaplain Brenda Nagunst, Executive Director, Alaska Correctional Ministries, Inc. (April 8, 2014)
Exhibit 19 – Statement from John Shinholser, President, McShin Foundation (April 17, 2014)
Exhibit 20 – Statement of James Wakefield, former President, Alaska Ass'n of Realtors (April 10, 2014)
Exhibit 21 – Statement from Mary M. Tracey, Development Director, Transitions (February 25, 2014)
Exhibit 22 – Statement from Billie Moreland, PhD, Neighbor to Transitions
Exhibit 23 – Statement of Scott Ciambor, Steering Committee, Juneau Coalition on Housing and Homelessness (February 7, 2014)
Exhibit 24 – Statement from Dan Austin, General Manager, St. Vincent de Paul Society (April 21, 2014)
Exhibit 25 – Statement from Mariya Lovishchuk, Executive Director, The Glory Hole (March 3, 2014)
Exhibit 26 – Statement from Mike Pellerin, Executive Director, Gastineau Human Services (Nov. 27, 2013)
Exhibit 27 – Statement from Ann Lockhart, Executive Director, Love INC (November 25, 2013)