



ORDINANCE NO. 6047

AN ORDINANCE AMENDING THE ALBANY MUNICIPAL CODE (AMC) TITLE 8 BY ADDING A NEW CHAPTER 8.07 TITLED EMERGENCY TRANSITIONAL HOUSING

WHEREAS, the City of Albany is adding AMC Chapter 8.07, Emergency Transitional Housing, to allow for more transitional housing options; and

WHEREAS, there are often short-term needs for housing while individuals move into more permanent alternatives; and

WHEREAS, such a standard allows for an additional layer to the housing continuum.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Amending AMC Title 8 Community Livability. AMC Title 8 is hereby amended to add Chapter 8.07 titled Emergency Transitional Housing as follows:

8.07 Emergency Transitional Housing

Article I. Administration

- 8.07.005 Title.
- 8.07.010 Scope.
- 8.07.015 Limitations.
- 8.07.020 Utility Connections.
- 8.07.025 Locations.
- 8.07.030 Other Laws.
- 8.07.035 Partial Invalidity.
- 8.07.040 Notification.
- 8.07.045 Alterations or Repairs.
- 8.07.050 Gasoline and Diesel Fuel Systems.
- 8.07.055 Internal Combustion Engine Generators.
- 8.07.060 Placement and Construction.

Article II. Permit Requirements

- 8.07.065 Permit Application.
- 8.07.070 Records Management.
- 8.07.075 Permits.
- 8.07.080 Issuance.
- 8.07.085 Fees.

Article III. Compliance

- 8.07.090 Emergency Variance.
- 8.07.09~~50~~ Responsibilities.
- 8.07.100~~95~~ Maintenance.
- 8.07.10~~50~~ Inspections.
- 8.07.110~~5~~ Right of Entry.
- 8.07.11~~50~~ Denial, Revocation, or Suspension of Permit.
- 8.07.120~~15~~ Emergency Transitional Housing Unit Removal.
- 8.07.12~~50~~ Penalties and Abatement.

Article I. Administration

8.07.005 Title. These provisions shall be known as the Emergency Transitional Housing standard and shall be cited as such and will be referred to herein as “this standard.”

8.07.010 Scope. The provisions of this standard shall apply to the location and use of temporary detached, single-story emergency transitional housing units.

8.07.015 Limitations. The use of emergency transitional housing units described in this standard shall be limited to persons who lack permanent shelter and cannot be placed in other low-income housing or other temporary shelter facilities.

8.07.020 Utility Connections. Emergency transitional housing units are limited to an approved electrical connection and shall not be connected to any fuel, water, sanitary sewer, storm water, or other utility unless required by the city engineer.

8.07.025 Locations. Emergency transitional housing units shall only be allowed on properties with approved non-residential land uses where the standards herein have all been met.

8.07.030 Other Laws. The provisions of this standard shall not be deemed to nullify any provisions of local, state, or federal law.

8.07.035 Partial Invalidity. In the event any part or provision of this standard is held to be illegal or void, this shall not have the effect of making illegal or void any of the other parts or provisions.

8.07.040 Notification. Host sites are required to notify all property owners within 150-feet of their property line, prior to submitting a permit application.

8.07.045 Alterations or Repairs. Alterations, or repairs to any unit shall conform to the requirements for a new structure. Alterations and/or repairs shall not cause an existing unit to become unsafe or adversely affect the performance of the unit. An unsafe condition shall be deemed to have been created if an alteration will cause the existing unit to become structurally unsafe or overloaded, will not provide adequate egress in compliance with the provisions of this standard, or will obstruct existing exits, create a fire hazard, reduce required fire resistance, or otherwise create conditions dangerous to human life.

8.07.050 Gasoline and Diesel Fuel Systems. Emergency transitional housing units shall not be equipped with gasoline/diesel fuel storage or fuel transfer/dispensing systems.

8.07.055 Internal Combustion Engine Generators. Emergency transitional housing units shall not be equipped with or served by internal combustion engine generators or preparations for the later installation of an internal combustion engine generator.

8.07.060 Placement and Construction. Placement and construction of emergency transitional housing units shall comply with the *Albany Emergency Transitional Housing Unit Placement and Construction Standard*.

Article II. Permit Requirements

8.07.065 Permit Application. Each permit application shall contain the following.

- 1) Letter stating the limitation and need for the emergency transitional housing units to include why the housing cannot be provided via other low-income housing or temporary shelter facilities.
- 2) Proof of Notification.
- 3) Scaled site plan of the proposed property, to include at minimum:
 - a. Site layout demonstrating compliance with all setback and spacing requirements;
 - b. Location of emergency transitional housing units;
 - c. Location of accessible emergency transitional housing unit(s);

- d. Location of the accessible route from the public way to accessible emergency transitional housing units;
 - e. Location of all site utilities and proposed electrical system;
 - f. Location of shared facilities, including access to accessible facilities;
 - g. Location of any fire hydrants and/or fire lanes on site and/or adjacent to the proposed property;
 - h. Details demonstrating compliance with the requirements set forth in this standard and the *Albany Emergency Transitional Housing Unit Placement and Construction Standard*; and
 - i. Any other information requested by the city manager or their designee.
- 4) Emergency transitional housing unit build plans, to include at minimum:
- a. Floor plan and elevations;
 - b. Materials list for the construction of each unit;
 - c. Details demonstrating compliance with the requirements set forth in this standard the *Albany Emergency Transitional Housing Unit Placement and Construction Standard*; and
 - d. Any other information requested by the city manager or their designee.

8.07.070 Records Management.

- 1) Locations shall maintain and provide a list of names and dates of birth for all individuals staying on site to the Albany Police Department. This list shall be kept up to date and resubmitted every time an individual joins or leaves the emergency transitional housing unit(s) as a tenant.
 - a. This information shall be for the purpose of ensuring that sex offender registration requirements are met and that any outstanding violent persons are not utilizing the facilities.
- 2) Locations shall maintain a record of an individual's length of stay and provide this information to the city manager or their designee on January 1st of each year or upon request.
- 3) Records shall be retained for a minimum of four (4) years.

8.07.075 Permits. Establishment of emergency transitional housing units within the city limits of Albany shall be prohibited unless an emergency transitional housing unit permit is obtained from the city manager or their designee.

8.07.080 Transitional Timing. Individuals utilizing emergency transitional housing shall be working toward finding more permanent housing. Permitted locations shall maintain an average occupancy rate of 120 days or less. An individual's occupancy length shall reset 365 days after their initial occupancy.

8.07.080 Issuance. In issuing an emergency transitional housing unit permit, the city manager or their designee shall consider impacts to the surrounding area and city department responses to the site.

8.07.085 Fees. Fees shall be set by Council resolution.

Article III. Compliance

8.07.090 Emergency Variance. The City Manager, during a natural disaster or state of emergency, may grant a short-term variance to the requirements herein.

8.07.095~~50~~ Responsibilities. Property owners and/or accountable parties shall monitor the property and are responsible for the conduct and behavior of individuals on site. This is in addition to the maintenance and upkeep of the property and emergency transitional housing units being the ultimate responsibility of the property owner and/or responsible persons. This section does not negate the responsibilities of unit occupants.

8.07.100~~95~~ Maintenance. Units shall stay in compliance with applicable property maintenance codes under Albany Municipal Code (AMC) Chapter 8.05.

8.07.1050 Inspections. The city manager or their designee shall make all the required inspections or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing by the inspecting individual. The city manager or their designee is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise.

8.07.1105 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this standard, or whenever the City Manager or their designee has reasonable cause to believe that there exists a violation of AMC, the City Manager or their designee is authorized to enter the premises at reasonable times to inspect or perform the duties imposed by this standard, provided that if such premises is occupied the code official shall present credentials to the occupant and request entry. If such unit or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, owner's authorized agent or other person having charge or control of the premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

8.07.1150 Denial, Revocation, or Suspension of Permit.

- 1) The city manager or their designee may deny, revoke, or suspend the permit upon finding that any provision herein or condition of approval will be or has been violated.
- 2) The city manager or their designee may deny, revoke, or suspend the permit, upon finding that any issuance or continued allowance of a permit, poses a risk to the peace, safety, health, or welfare of the City.
- 3) The city manager or their designee may deny, revoke, or suspend the permit upon finding that any issuance or continued allowance of a permit due to impacts to the surrounding area and city department responses to the site. Determination of impacts is at the sole discretion of the City Manager or their designee.
- 4) Upon denial, revocation, or suspension, the city manager or their designee shall give notice of such action to the applicant or permittee in writing stating the action which has been taken and the reason. The action shall be effective immediately and units shall be removed no more than ten (10) calendar days after such decision.

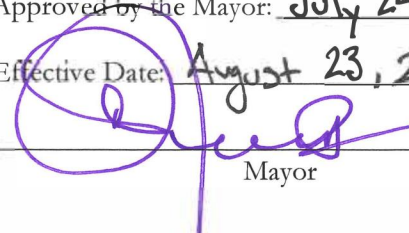
8.07.12015 Emergency Transitional Housing Unit Removal. All Emergency Transitional Housing Units shall be removed no more than ten (10) calendar days after the locations permit expires.

8.07.1250 Penalties and Abatement. Violations of this chapter shall be deemed a misdemeanor as provided under AMC 1.04.010. Such violations shall also be declared a public nuisance and shall be processed in accordance with the applicable sections of AMC Title 8 including abatement as described in AMC Chapter 8.37.

Passed by the Council: July 24, 2024

Approved by the Mayor: July 24, 2024

Effective Date: August 23, 2024



Mayor

ATTEST:



City Clerk

