

EHB 2086 - H AMD 641

By Representative McBride

ADOPTED 02/11/2016

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that residents in
4 temporary encampments hosted by religious organizations are a
5 particularly vulnerable population that do not have access to the
6 same services as citizens with more stable housing. Residents in
7 these encampments can be at increased risk of exploitation, theft,
8 unsanitary living conditions, and physical harm. Therefore, it is the
9 intent of the legislature that local municipalities have the
10 authority and discretion to protect the health and safety of
11 residents in temporary encampments hosted by religious organizations.
12 Furthermore, the legislature finds and declares that tent encampments
13 serve as a pathway for individuals experiencing homelessness to
14 achieve financial stability, health, and permanent housing.

15 **Sec. 2.** RCW 36.01.290 and 2010 c 175 s 2 are each amended to
16 read as follows:

17 (1) A religious organization may host temporary encampments for
18 the homeless on property owned or controlled by the religious
19 organization whether within buildings located on the property or
20 elsewhere on the property outside of buildings.

21 (2) A county may not enact an ordinance or regulation or take any
22 other action that:

23 (a) Imposes conditions other than those necessary to protect
24 public health and safety and that do not substantially burden the
25 decisions or actions of a religious organization regarding the
26 location of housing or shelter for homeless persons on property owned
27 by the religious organization;

28 (b) Requires a religious organization to obtain insurance
29 pertaining to the liability of a municipality with respect to
30 homeless persons housed on property owned by a religious organization

1 or otherwise requires the religious organization to indemnify the
2 municipality against such liability; ((or))

3 (c) Imposes permit fees in excess of the actual costs associated
4 with the review and approval of the required permit applications;

5 (d) Limits a religious organization's availability to host a
6 rotating, established tent encampment to fewer than eight months
7 during any calendar year. However, a county may enact an ordinance or
8 regulation that requires a three-month separation of time between
9 established tent encampments;

10 (e) Limits a religious organization's hosting term to fewer than
11 four months unless consented to by that religious organization for a
12 specific instance;

13 (f) Limits the number of simultaneous religious organization
14 hostings within the same municipality to one religious organization
15 hosting during any given period of time. Simultaneous hostings by
16 religious organizations may be prohibited if located within one
17 thousand feet of other hosting religious organizations; or

18 (g) Limits a religious organization's availability to host safe
19 parking efforts at its on-site parking lot, including limitations on
20 any other church-sponsored uses and the parking available to support
21 such uses during the hosting, except for limitations that are in
22 accord with the following criteria that would govern if enacted by
23 local ordinance:

24 (i) No less than one space may be devoted to safe parking per
25 twenty on-site parking spaces;

26 (ii) Restroom access must be provided either within the buildings
27 on the property or through use of portable facilities;

28 (iii) The host religious organization must ensure that the county
29 sheriff has completed sex offender checks of all vehicle residents
30 and must act as managing agency to inform vehicle residents how to
31 comply with laws regarding the legal status of vehicles and drivers,
32 and provide a written code of conduct consistent with area standards.

33 (3) A county must enact an ordinance or regulation or take any
34 other action that requires a hosting religious organization and the
35 managing agency, when the managing agency is not the hosting
36 religious organization, to enter into a written agreement to protect
37 the public health and safety of both the residents of the tent
38 encampments and the residents of the county. At a minimum, the
39 agreement must include information regarding: A tent encampment
40 resident's right to seek public health and safety assistance, ability

1 to access social services on site, ability to directly interact with
2 the hosting religious organization, including the ability to express
3 any concerns regarding the managing agency; a written code of conduct
4 agreed to by the managing agency and hosting religious organization,
5 as approved by the local jurisdiction; and the ability for the
6 hosting religious organization to interact with residents of the tent
7 encampment.

8 (4) Hosting religious organizations and tent encampment managing
9 agencies are encouraged to work with the county to utilize
10 Washington's homeless client management information system, as
11 provided for in RCW 43.185C.180.

12 (5) For the purposes of this section, the following definitions
13 are used:

14 (a) "Managing agency" means an organization such as a religious
15 organization or other organized entity that has the capacity to
16 organize and manage a homeless encampment. A "managing agency" may be
17 the same entity as the sponsor.

18 (b) "Religious organization" means the federally protected
19 practice of a recognized religious assembly, school, or institution
20 that owns or controls real property.

21 (c) "Safe parking" means a number of parking spaces, parking
22 area, and parking design approved by a designated traffic engineer or
23 building officer from a county.

24 ~~((4))~~ (6) An appointed or elected public official, public
25 employee, or public agency as defined in RCW 4.24.470 is immune from
26 civil liability for (a) damages arising from the permitting decisions
27 for a temporary encampment for the homeless as provided in this
28 section and (b) any conduct or unlawful activity that may occur as a
29 result of the temporary encampment for the homeless as provided in
30 this section.

31 **Sec. 3.** RCW 35.21.915 and 2010 c 175 s 3 are each amended to
32 read as follows:

33 (1) A religious organization may host temporary encampments for
34 the homeless on property owned or controlled by the religious
35 organization whether within buildings located on the property or
36 elsewhere on the property outside of buildings.

37 (2) A city or town may not enact an ordinance or regulation or
38 take any other action that:

1 (a) Imposes conditions other than those necessary to protect
2 public health and safety and that do not substantially burden the
3 decisions or actions of a religious organization regarding the
4 location of housing or shelter for homeless persons on property owned
5 by the religious organization;

6 (b) Requires a religious organization to obtain insurance
7 pertaining to the liability of a municipality with respect to
8 homeless persons housed on property owned by a religious organization
9 or otherwise requires the religious organization to indemnify the
10 municipality against such liability; ((~~or~~))

11 (c) Imposes permit fees in excess of the actual costs associated
12 with the review and approval of the required permit applications;

13 (d) Limits a religious organization's availability to host a
14 rotating, established tent encampment to fewer than eight months
15 during any calendar year. However, a city or town may enact an
16 ordinance or regulation that requires a three-month separation of
17 time between established tent encampments;

18 (e) Limits a religious organization's hosting term to fewer than
19 four months unless consented to by that religious organization for a
20 specific instance;

21 (f) Limits the number of simultaneous religious organization
22 hostings within the same municipality to one religious organization
23 hosting during any given period of time. Simultaneous hostings by
24 religious organizations may be prohibited if located within one
25 thousand feet of other hosting religious organizations; or

26 (g) Limits a religious organization's availability to host safe
27 parking efforts at its on-site parking lot, including limitations on
28 any other church-sponsored uses and the parking available to support
29 such uses during the hosting, except for limitations that are in
30 accord with the following criteria that would govern if enacted by
31 local ordinance:

32 (i) No less than one space may be devoted to safe parking per
33 twenty on-site parking spaces;

34 (ii) Restroom access must be provided either within the buildings
35 on the property or through use of portable facilities;

36 (iii) The host religious organization must ensure that the local
37 law enforcement has completed sex offender checks of all vehicle
38 residents and must act as managing agency to inform vehicle residents
39 how to comply with laws regarding the legal status of vehicles and

1 drivers, and provide a written code of conduct consistent with area
2 standards.

3 (3) A city or town must enact an ordinance or regulation or take
4 any other action that requires a hosting religious organization and
5 the managing agency, when the managing agency is not the hosting
6 religious organization, to enter into a written agreement to protect
7 the public health and safety of both the residents of the tent
8 encampments and the residents of the city or town. At a minimum, the
9 agreement must include information regarding: A tent encampment
10 resident's right to seek public health and safety assistance, ability
11 to access social services on site, ability to directly interact with
12 the hosting religious organization, including the ability to express
13 any concerns regarding the managing agency; a written code of conduct
14 agreed to by the managing agency and hosting religious organization,
15 as approved by the local jurisdiction; and the ability for the
16 hosting religious organization to interact with residents of the tent
17 encampment.

18 (4) Hosting religious organizations and tent encampment managing
19 agencies are encouraged to work with the city or town to utilize
20 Washington's homeless client management information system, as
21 provided for in RCW 43.185C.180.

22 (5) For the purposes of this section, the following definitions
23 are used:

24 (a) "Managing agency" means an organization such as a religious
25 organization or other organized entity that has the capacity to
26 organize and manage a homeless encampment. A "managing agency" may be
27 the same entity as the sponsor.

28 (b) "Religious organization" means the federally protected
29 practice of a recognized religious assembly, school, or institution
30 that owns or controls real property.

31 (c) "Safe parking" means a number of parking spaces, parking
32 area, and parking design approved by a designated traffic engineer or
33 building officer from a city or town.

34 ~~((4))~~ (6) An appointed or elected public official, public
35 employee, or public agency as defined in RCW 4.24.470 is immune from
36 civil liability for (a) damages arising from the permitting decisions
37 for a temporary encampment for the homeless as provided in this
38 section and (b) any conduct or unlawful activity that may occur as a
39 result of the temporary encampment for the homeless as provided in
40 this section.

1 **Sec. 4.** RCW 35A.21.360 and 2010 c 175 s 4 are each amended to
2 read as follows:

3 (1) A religious organization may host temporary encampments for
4 the homeless on property owned or controlled by the religious
5 organization whether within buildings located on the property or
6 elsewhere on the property outside of buildings.

7 (2) A code city may not enact an ordinance or regulation or take
8 any other action that:

9 (a) Imposes conditions other than those necessary to protect
10 public health and safety and that do not substantially burden the
11 decisions or actions of a religious organization regarding the
12 location of housing or shelter for homeless persons on property owned
13 by the religious organization;

14 (b) Requires a religious organization to obtain insurance
15 pertaining to the liability of a municipality with respect to
16 homeless persons housed on property owned by a religious organization
17 or otherwise requires the religious organization to indemnify the
18 municipality against such liability; ((~~or~~))

19 (c) Imposes permit fees in excess of the actual costs associated
20 with the review and approval of the required permit applications;

21 (d) Limits a religious organization's availability to host a
22 rotating, established tent encampment to fewer than eight months
23 during any calendar year. However, a code city may enact an ordinance
24 or regulation that requires a three-month separation of time between
25 established tent encampments;

26 (e) Limits a religious organization's hosting term to fewer than
27 four months unless consented to by that religious organization for a
28 specific instance;

29 (f) Limits the number of simultaneous religious organization
30 hostings within the same municipality to one religious organization
31 hosting during any given period of time. Simultaneous hostings by
32 religious organizations may be prohibited if located within one
33 thousand feet of other hosting religious organizations; or

34 (g) Limits a religious organization's availability to host safe
35 parking efforts at its on-site parking lot, including limitations on
36 any other church-sponsored uses and the parking available to support
37 such uses during the hosting, except for limitations that are in
38 accord with the following criteria that would govern if enacted by
39 local ordinance:

1 (i) No less than one space may be devoted to safe parking per
2 twenty on-site parking spaces;

3 (ii) Restroom access must be provided either within the buildings
4 on the property or through use of portable facilities;

5 (iii) The host religious organization must ensure that the local
6 law enforcement has completed sex offender checks of all vehicle
7 residents and must act as managing agency to inform vehicle residents
8 how to comply with laws regarding the legal status of vehicles and
9 drivers, and provide a written code of conduct consistent with area
10 standards.

11 (3) A code city must enact an ordinance or regulation or take any
12 other action that requires a hosting religious organization and the
13 managing agency, when the managing agency is not the hosting
14 religious organization, to enter into a written agreement to protect
15 the public health and safety of both the residents of the tent
16 encampments and the residents of the code city. At a minimum, the
17 agreement must include information regarding: A tent encampment
18 resident's right to seek public health and safety assistance, ability
19 to access social services on site, ability to directly interact with
20 the hosting religious organization, including the ability to express
21 any concerns regarding the managing agency; a written code of conduct
22 agreed to by the managing agency and hosting religious organization,
23 as approved by the local jurisdiction; and the ability for the
24 hosting religious organization to interact with residents of the tent
25 encampment.

26 (4) Hosting religious organizations and tent encampment managing
27 agencies are encouraged to work with the code city to utilize
28 Washington's homeless client management information system, as
29 provided for in RCW 43.185C.180.

30 (5) For the purposes of this section, the following definitions
31 are used:

32 (a) "Managing agency" means an organization such as a religious
33 organization or other organized entity that has the capacity to
34 organize and manage a homeless encampment. A "managing agency" may be
35 the same entity as the sponsor.

36 (b) "Religious organization" means the federally protected
37 practice of a recognized religious assembly, school, or institution
38 that owns or controls real property.

1 (c) "Safe parking" means a number of parking spaces, parking
2 area, and parking design approved by a designated traffic engineer or
3 building officer from a code city.

4 ~~((4))~~ (6) An appointed or elected public official, public
5 employee, or public agency as defined in RCW 4.24.470 is immune from
6 civil liability for (a) damages arising from the permitting decisions
7 for a temporary encampment for the homeless as provided in this
8 section and (b) any conduct or unlawful activity that may occur as a
9 result of the temporary encampment for the homeless as provided in
10 this section."

11 Correct the title.

EFFECT: (1) Requires the hosting religious organization and the
managing agency of a homeless encampment to enter into a written
agreement to protect the health and safety of the encampment
residents as well as the county residents.

(2) Provides that such written agreement must include: The
encampment residents' ability to access public assistance and to
interact with management as well as the hosting religious
organization, and a code of conduct approved by the county or city.

(3) Encourages use of the state Homeless Client Management
Information System.

(4) Adds definitions for "safe parking" and for "managing
agency."

(5) Adds intent language.

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