

HOUSE BILL REPORT

HB 2929

As Amended by the Senate

Title: An act relating to temporary homeless housing by religious organizations.

Brief Description: Concerning temporary homeless housing by religious organizations.

Sponsors: Representatives Parker, Ormsby and Pollet.

Brief History:

Committee Activity:

Local Government: 2/4/16 [DP].

Floor Activity:

Passed House: 2/11/16, 96-0.

Senate Amended.

Passed Senate: 3/4/16, 48-0.

Brief Summary of Bill

- Applies statutes allowing religious organizations to host temporary homeless encampments to the State Building Code (SBC) and the Washington State Energy Code (WSEC).
- Provides that the SBC and the WSEC should be liberally construed to effectuate the policies and purposes of the statutes that allow religious organizations to host temporary homeless encampments.
- Prohibits a city, town, or county from enacting an ordinance or regulation that: (1) requires the installation of fire sprinklers or any structural modification to the size of windows or doors in buildings that were built in accordance with the laws at the time of construction; or (2) changes the certificate of occupancy for a building.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 9 members: Representatives Appleton, Chair; Gregerson, Vice Chair; Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Fitzgibbon, McBride, McCaslin, Peterson and Pike.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Cassie Jones (786-7303).

Background:

Temporary Homeless Encampments.

Religious organizations are allowed to host temporary encampments for the homeless on property owned or controlled by the religious organization. Such encampments may be within buildings owned by the religious organization or elsewhere on property outside of buildings. Cities, towns, and counties are prohibited from enacting an ordinance or regulation or taking any other action that:

- imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter for homeless persons on property owned by the religious organization;
- requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability; or
- imposes permit fees in excess of the actual costs associated with the review and approval of the required permit applications.

State Building Code and State Energy Code.

The State Building Code (SBC) provides statewide minimum performance standards and requirements for construction and construction materials, consistent with accepted standards of engineering, fire, and life safety. The SBC is comprised of model codes, including building, residential, fire, and plumbing codes, adopted by reference in statute, as well as rules developed and adopted by the State Building Code Council (Council). The Council is responsible for adopting, amending, and maintaining as appropriate the model codes adopted by reference. The Council reviews updated editions of model codes on a three-year cycle.

The Council is charged with adopting rules to be known as the Washington State Energy Code (WSEC), as part of the SBC. The WSEC for residential buildings is the maximum and minimum energy code for residential construction in each county, city, and town, while the WSEC for commercial or nonresidential buildings is the minimum energy code for commercial construction. Effective July 1, 2013, the Council adopted the 2012 edition of the International Energy Conservation Code (IECC) with amendments as the energy code for residential and commercial buildings in Washington. The IECC regulates the design and construction of buildings for the effective use and conservation of energy over the useful life of buildings.

In general, a certificate of occupancy is a document issued by a local government agency certifying a building's compliance with applicable building codes and indicating it to be suitable for occupancy. A change in occupancy classification may require structural changes to a building, additional fire protection, or other upgrades as building code regulations may require.

Summary of Bill:

Statutes which allow religious organizations to host temporary encampments for the homeless on property owned or controlled by the religious organizations are applied to the SBC and the WSEC. Both the SBC and the WSEC should be liberally construed to effectuate the policies and purposes of the statutes which allow the homeless encampments. Both the SBC and the WSEC should be viewed in the light most favorable to allowing shelter for individuals.

A city, town, or county, may not enact an ordinance that: (1) requires the installation of fire sprinklers or any structural modification to the size of windows or doors in buildings that were built in accordance with the laws at the time of construction; or (2) changes the certificate of occupancy for a building.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment:

- clarifies that the prohibition on cities, towns, and counties imposing permit fees in excess of the actual costs associated with the review and approval of the required permit applications applies specifically to permit fees imposed on a religious organization;
- clarifies that the prohibition on cities, towns, and counties requiring the installation of fire sprinklers or structural modifications to the size of windows or doors in buildings applies specifically to buildings owned and operated by a religious organization;
- limits the prohibition on cities, towns, and counties requiring the installation of fire sprinklers or structural modifications to the size of windows or doors in buildings to buildings being used for housing the homeless no longer than 15 continuous days at a time;
- requires that buildings owned by religious organizations that are being used for housing the homeless install smoke detectors in accordance with the smoke detector manufacturer's recommendations at the request of the fire code official; and
- requires the chair and ranking member of the House of Representatives Local Government Committee to convene a meeting of stakeholders impacted by the changes made in the bill to assess the effectiveness of the provisions of the bill no later than November 15, 2017.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is designed to help religious organizations that provide temporary shelter for the homeless. Other homeless shelters such as the Salvation Army fill up and religious organizations provide additional shelter. Building codes adopted in the last 10 years

have created ambiguity over whether religious organizations' shelters comply with building and fire codes. This bill would allow the temporary shelters to continue under current building and fire codes.

Existing law does not allow cities and counties to charge excessive permit fees; however, some cities are charging very large permit fees for temporary homeless encampments.

Some fire marshals have said that churches without fire sprinklers cannot host the homeless overnight despite the churches' goodwill and resources. Usually it is acceptable for a church to have a fire plan protocol, including exit lights and monitors. Many churches do not have sprinklers so they are not allowed to host the homeless. We have more homeless than we have ever had in this state. There is a crisis and we need to make use of all available resources.

Many churches providing shelters are not compliant with the law. Many do not have sprinklers; however, many have well trained volunteers, smoke alarms and other means of ensuring the safety of the guests. Religious people want to follow the law and their social conscience in providing shelter for homeless families with children.

(Opposed) None.

Persons Testifying: Representative Parker, prime sponsor; Gary Smith; Bill Kirlin-Hackett, Interfaith Task Force on Homelessness; and Ron Hardin, Family Promise.

Persons Signed In To Testify But Not Testifying: None.