

SENATE BILL REPORT

EHB 2086

As Reported by Senate Committee On:
Human Services, Mental Health & Housing, March 31, 2015

Title: An act relating to the hosting of the homeless by religious organizations.

Brief Description: Prohibiting certain limitations on the hosting of the homeless by religious organizations.

Sponsors: Representatives McBride, Walkinshaw, Moscoso, Farrell, Riccelli, Ormsby, Ryu, Robinson and Pollet.

Brief History: Passed House: 3/06/15, 56-42.

Committee Activity: Human Services, Mental Health & Housing: 3/24/15, 3/31/15 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

Majority Report: Do pass as amended.

Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Hargrove and Padden.

Staff: Alison Mendiola (786-7444)

Background: Temporary Encampments for the Homeless. Churches can host temporary encampments for the homeless on any real property owned or controlled by a church.

With respect to the efforts of a church to provide housing or shelter to homeless persons, counties, cities, and towns are prohibited from the following:

- unreasonably interfering with the decisions or actions of a church regarding the location of housing or shelter for homeless persons on property the church owns or controls;
- unreasonably prohibiting or attempting to regulate the housing of homeless persons on church property based upon the property's proximity to a school or daycare center; or
- requiring a church to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on church property or otherwise requiring the church to indemnify the municipality against such liability.

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.

Safe Parking. The city of Seattle has a safe parking program known as the Road to Housing Program. In 2013 it served 52 vehicular residents, and for the first half of 2014 the program worked with 91 vehicular residents. Safe parking sites also exist in other areas of King County.

Summary of Bill (Recommended Amendments): The Legislature finds that residents in temporary encampments hosted by religious organizations are a particularly vulnerable population that do not have access to the same services as citizens with more stable housing. Residents in these encampments can be at increased risk of exploitation, theft, unsanitary living conditions, and physical harm. Therefore, it is the intent of the Legislature that local municipalities have the authority and discretion to protect the health and safety of residents in temporary encampments hosted by religious organizations. The Legislature finds that tent encampments serve as a pathway for individuals experiencing homelessness to achieve financial stability, health, and permanent housing.

Counties, cities or towns, and code cities are additionally prohibited from enacting an ordinance or regulation or taking other action that limits a religious organization's:

1. ability to host a rotating, established tent encampment to less than eight months during any calendar year;
2. hosting term to less than four months unless agreed to by that religious organization for a specific instance; or
3. availability to host safe parking efforts at its own on-site parking lot, except for the following limitations that would govern if enacted by local ordinance:
 - a. no less than one space per 20 on-site parking spaces may be devoted to safe parking;
 - b. restroom access must be provided; and
 - c. the host religious organization must act as a managing agency, ensuring sex offender checks are completed by respective law enforcement for all vehicle residents, informing vehicle residents how to comply with laws regarding the legal status of vehicles and drivers, and providing a written code of conduct consistent with area standards.

Counties, cities or towns, and code cities are permitted to:

- require three months of separation between the establishment of tent encampments; and
- limit simultaneous religious organization hostings when located within 1000 feet of another hosting religious organization.

A county, city, town, or code city must enact an ordinance or regulation or take any other action that requires a hosting religious organization and the managing agency to enter into a written agreement to protect the public health and safety of both the residents of the tent encampments and the residents of the local jurisdiction. At a minimum, the agreement must include information regarding a tent encampment resident's right to seek public health and safety assistance, ability to access social services on site, ability to directly interact with the hosting religious organization, including the ability to express any concerns regarding the managing agency; and the ability for the hosting religious organization to interact with residents of the tent encampment. A managing agency and hosting religious organization's agreement must include a written code of conduct approved by the local jurisdiction.

Hosting religious organizations and tent encampment managing agencies are encouraged to work with the local jurisdictions to utilize Washington's homeless client management information system, as provided for in RCW 43.185C.180.

Managing agency and safe parking are defined.

EFFECT OF CHANGES MADE BY HUMAN SERVICES, MENTAL HEALTH & HOUSING COMMITTEE (Recommended Amendments):

- Because residents in tent encampments can be at increased risk of exploitation, theft, unsanitary living conditions, and physical harm, it is the intent of the Legislature that local municipalities have the authority and discretion to protect the health and safety of residents in temporary encampments hosted by religious organizations. The Legislature finds that tent encampments serve as a pathway for individuals experiencing homelessness to achieve financial stability, health, and permanent housing.
- A county, city, town, or code city must enact an ordinance or regulation or take any other action that requires a hosting religious organization and the managing agency to enter into a written agreement to protect the public health and safety of both the residents of the tent encampments and the residents of the local jurisdiction.
- At a minimum, the agreement must include information regarding a tent encampment resident's right to seek public health and safety assistance, ability to access social services on site, ability to directly interact with the hosting religious organization, including the ability to express any concerns regarding the managing agency; and the ability for the hosting religious organization to interact with residents of the tent encampment. A managing agency and hosting religious organization's agreement must include a written code of conduct approved by the local jurisdiction.
- Hosting religious organizations and tent encampment managing agencies are encouraged to work with the local jurisdictions to utilize Washington's homeless client management information system, as provided for in RCW 43.185C.180.
- Managing agency and safe parking are defined.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Engrossed House Bill: PRO: This has been called a "religious rights" bill, regarding a religious organization's ability to host homeless communities on their property. Some local jurisdiction have enacted overly burdensome ordinances which infringes on an organization's right to host. Passing this bill is not just about religious rights but about compassion for others. The original legislation passed in 2010. As homelessness rises, faith remedies are more necessary and they need the least-restrictive permitting. Changes in this bill are made with regard to input from local

jurisdictions. Private rental housing proponents are working with cities. You don't solve a big problem all at once, just small steps. This shouldn't be a partisan issue. We support the constitutionally protected right to help the most vulnerable and it's best when local governments work in partnership with others. This bill is a step to put a uniform structure to community health without restraining religious rights. Partnering between the housed and unhoused challenges us to be our better selves.

CON: Having been involved with many of the encampments, the issue is management. A sexual predator was identified and the police arrested him. The church wanted more background checks but the camp management refused. Twenty percent of those at camps you can help with jobs and permanent housing; 80 percent are hardcore homeless on drugs and the management was creating many of the problems. There are horror stories about Child Protective Services and members of the hosting religious organization not being allowed into the tent encampment. There are grave concerns regarding SHARE's management of tent encampments such as barring people from the encampments, having their own corrupt security system, crime within the encampments, and their prevention of interaction between residents of the encampments and the hosting religious organization. Managing agencies should be required to be licensed so there is some oversight. Longer stays of tent encampments should not be permitted until these issues are addressed. As a result of this mismanagement and other problems, tent encampments have a hard time finding new host religious organizations.

OTHER: Cities are not thrilled about legislation that limits their authority.

Persons Testifying: PRO: Representative McBride, prime sponsor; Reverend Bill Kirlin-Hackett, Director, Interfaith Task Force on Homelessness; Charles Spaeth, Rental Housing Assn. of WA; Doreen Marchione, city of Kirkland, Councilmember.

CON: Frederick "Rick" Ockerman, Attorney; Karin Ockerman, volunteer; Janice Richardson, Karen Morris, Joel Jackman, citizens.

OTHER: Doug Levy, cities of Redmond, Everett, Kent, Issaquah, Fife, Puyallup.

Persons Signed in to Testify But Not Testifying: No one.