

SENATE BILL REPORT

HB 2929

As Reported by Senate Committee On:
Human Services, Mental Health & Housing, February 25, 2016

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

Committee Activity: Human Services, Mental Health & Housing: 2/25/16, 2/25/16 [DP].

SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

Majority Report: Do pass.

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.

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.

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.

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.

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: PRO: This bill is very limited in scope and addressing churches housing the homeless temporarily. Many of those housed by churches are actually homeless and their stay is very brief. This type of shelter is critical, as some areas like Spokane are extremely cold in the winter. With the recent onslaught of building codes, older buildings are out of compliance although the structure was built according the laws in effect at the time the structure was built. It is impractical to think volunteers at

churches can add sprinklers and new windows while we have a serious emergency regarding homelessness that is not just a Seattle problem. There are smoke detectors and staff onsite 24 hours a day. We value the help from the churches as there isn't property available elsewhere to temporarily house the homeless. Churches of all sizes have opened the door to serve the homeless and they are dedicated both to helping the homeless and maintaining a safe environment.

CON: There is concern about the fire sprinkler language and an amendment is being worked on. We need to be clear that this is a narrow exemption and be sure it doesn't apply to all older buildings. While people are better off inside, not all buildings are safe buildings. We need local flexibility as the needs in each community differ.

OTHER: The concept of the bill is supported. We want there to be coordination with the State Building Code Council and perhaps place this language in a different part of the code. It sounds like the amendment that is being worked on will address some of these concerns.

Persons Testifying: PRO: Representative Parker, Prime Sponsor; Donna Christensen, Washington State Catholic Conference; and Ron Hardin, Past President - Family Promise of Spokane.

CON: Robert Bradley, Washington State Association of Fire Marshals.

OTHER: Briahna Murray, City of Lakewood.

Persons Signed In To Testify But Not Testifying: No one.