
ENGROSSED HOUSE BILL 2086

State of Washington

64th Legislature

2015 Regular Session

By Representatives McBride, Walkinshaw, Moscoso, Farrell, Riccelli, Ormsby, Ryu, Robinson, and Pollet

Read first time 02/11/15. Referred to Committee on Community Development, Housing & Tribal Affairs.

1 AN ACT Relating to the hosting of the homeless by religious
2 organizations; and amending RCW 36.01.290, 35.21.915, and 35A.21.360.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 36.01.290 and 2010 c 175 s 2 are each amended to
5 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

31 (3) For the purposes of this section, "religious organization"
32 means the federally protected practice of a recognized religious
33 assembly, school, or institution that owns or controls real property.

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

1 **Sec. 2.** RCW 35.21.915 and 2010 c 175 s 3 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 city or town may not enact an ordinance or regulation or
8 take 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 city or town may enact an
24 ordinance or regulation that requires a three-month separation of
25 time between 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) For the purposes of this section, "religious organization"
12 means the federally protected practice of a recognized religious
13 assembly, school, or institution that owns or controls real property.

14 (4) An appointed or elected public official, public employee, or
15 public agency as defined in RCW 4.24.470 is immune from civil
16 liability for (a) damages arising from the permitting decisions for a
17 temporary encampment for the homeless as provided in this section and
18 (b) any conduct or unlawful activity that may occur as a result of
19 the temporary encampment for the homeless as provided in this
20 section.

21 **Sec. 3.** RCW 35A.21.360 and 2010 c 175 s 4 are each amended to
22 read as follows:

23 (1) A religious organization may host temporary encampments for
24 the homeless on property owned or controlled by the religious
25 organization whether within buildings located on the property or
26 elsewhere on the property outside of buildings.

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

29 (a) Imposes conditions other than those necessary to protect
30 public health and safety and that do not substantially burden the
31 decisions or actions of a religious organization regarding the
32 location of housing or shelter for homeless persons on property owned
33 by the religious organization;

34 (b) Requires a religious organization to obtain insurance
35 pertaining to the liability of a municipality with respect to
36 homeless persons housed on property owned by a religious organization
37 or otherwise requires the religious organization to indemnify the
38 municipality against such liability; ((~~or~~))

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

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

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

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

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

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

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

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

32 (3) For the purposes of this section, "religious organization"
33 means the federally protected practice of a recognized religious
34 assembly, school, or institution that owns or controls real property.

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

1 the temporary encampment for the homeless as provided in this
2 section.

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