
SECOND 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; amending RCW 36.01.290, 35.21.915, and 35A.21.360; and
3 creating a new section.

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

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

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

19 (1) A religious organization may host temporary encampments for
20 the homeless on property owned or controlled by the religious

1 organization whether within buildings located on the property or
2 elsewhere on the property outside of buildings.

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (5) For the purposes of this section, the following definitions
26 are used:

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

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

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

37 ((+4)) (6) An appointed or elected public official, public
38 employee, or public agency as defined in RCW 4.24.470 is immune from
39 civil liability for (a) damages arising from the permitting decisions
40 for a temporary encampment for the homeless as provided in this

1 section and (b) any conduct or unlawful activity that may occur as a
2 result of the temporary encampment for the homeless as provided in
3 this section.

4 **Sec. 3.** RCW 35.21.915 and 2010 c 175 s 3 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 city or town may not enact an ordinance or regulation or
11 take any 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~~))

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

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

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

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

37 (g) Limits a religious organization's availability to host safe
38 parking efforts at its on-site parking lot, including limitations on
39 any other church-sponsored uses and the parking available to support

1 such uses during the hosting, except for limitations that are in
2 accord with the following criteria that would govern if enacted by
3 local ordinance:

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

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

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

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

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

33 (5) For the purposes of this section, the following definitions
34 are used:

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

1 **(b)** "Religious organization" means the federally protected
2 practice of a recognized religious assembly, school, or institution
3 that owns or controls real property.

4 **(c)** "Safe parking" means a number of parking spaces, parking
5 area, and parking design approved by a designated traffic engineer or
6 building officer from a city or town.

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

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

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

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

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

27 (b) Requires a religious organization to obtain insurance
28 pertaining to the liability of a municipality with respect to
29 homeless persons housed on property owned by a religious organization
30 or otherwise requires the religious organization to indemnify the
31 municipality against such liability; ~~((e))~~

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

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

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

4 (f) Limits the number of simultaneous religious organization
5 hostings within the same municipality to one religious organization
6 hosting during any given period of time. Simultaneous hostings by
7 religious organizations may be prohibited if located within one
8 thousand feet of other hosting religious organizations; or

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

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

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

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

25 (3) A code city must enact an ordinance or regulation or take any
26 other action that requires a hosting religious organization and the
27 managing agency, when the managing agency is not the hosting
28 religious organization, to enter into a written agreement to protect
29 the public health and safety of both the residents of the tent
30 encampments and the residents of the code city. At a minimum, the
31 agreement must include information regarding: A tent encampment
32 resident's right to seek public health and safety assistance, ability
33 to access social services on site, ability to directly interact with
34 the hosting religious organization, including the ability to express
35 any concerns regarding the managing agency; a written code of conduct
36 agreed to by the managing agency and hosting religious organization,
37 as approved by the local jurisdiction; and the ability for the
38 hosting religious organization to interact with residents of the tent
39 encampment.

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

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

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

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

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

17 ~~((4))~~ (6) An appointed or elected public official, public
18 employee, or public agency as defined in RCW 4.24.470 is immune from
19 civil liability for (a) damages arising from the permitting decisions
20 for a temporary encampment for the homeless as provided in this
21 section and (b) any conduct or unlawful activity that may occur as a
22 result of the temporary encampment for the homeless as provided in
23 this section.

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