
HOUSE BILL 2929

State of Washington 64th Legislature 2016 Regular Session

By Representatives Parker, Ormsby, and Pollet

Read first time 01/28/16. Referred to Committee on Local Government.

1 AN ACT Relating to temporary homeless housing by religious
2 organizations; amending RCW 35.21.915, 35A.21.360, and 36.01.290;
3 adding a new section to chapter 19.27 RCW; and adding a new section
4 to chapter 19.27A RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 19.27
7 RCW to read as follows:

8 The provisions of RCW 35.21.915, 35A.21.360, and 36.01.290 apply
9 to all codes adopted under this chapter, which should be liberally
10 construed to effectuate the policies and purposes of RCW 35.21.915,
11 35A.21.360, and 36.01.290 and to be viewed in the light most
12 favorable to allow for shelter for individuals.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.27A
14 RCW to read as follows:

15 The provisions of RCW 35.21.915, 35A.21.360, and 36.01.290 apply
16 to all codes adopted under this chapter, which should be liberally
17 construed to effectuate the policies and purposes of RCW 35.21.915,
18 35A.21.360, and 36.01.290 and to be viewed in the light most
19 favorable to allow for shelter for individuals.

1 **Sec. 3.** 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) Requires the installation of fire sprinklers or any
22 structural modification to the size of windows or doors in buildings
23 that were built in accordance with the laws at the time of
24 construction; or

25 (e) Changes the certificate of occupancy for a building.

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

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

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

38 (1) A religious organization may host temporary encampments for
39 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 code city may not enact an ordinance or regulation or take
4 any 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) Requires the installation of fire sprinklers or any
18 structural modification to the size of windows or doors in buildings
19 that were built in accordance with the laws at the time of
20 construction; or

21 (e) Changes the certificate of occupancy for a building.

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

25 (4) An appointed or elected public official, public employee, or
26 public agency as defined in RCW 4.24.470 is immune from civil
27 liability for (a) damages arising from the permitting decisions for a
28 temporary encampment for the homeless as provided in this section and
29 (b) any conduct or unlawful activity that may occur as a result of
30 the temporary encampment for the homeless as provided in this
31 section.

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

34 (1) A religious organization may host temporary encampments for
35 the homeless on property owned or controlled by the religious
36 organization whether within buildings located on the property or
37 elsewhere on the property outside of buildings.

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

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

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

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

13 (d) Requires the installation of fire sprinklers or any
14 structural modification to the size of windows or doors in buildings
15 that were built in accordance with the laws at the time of
16 construction; or

17 (e) Changes the certificate of occupancy for a building.

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

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

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