
**Community Development, Housing &
Tribal Affairs Committee**

SSB 5657

Brief Description: Concerning the hosting of the homeless by religious organizations.

Sponsors: Senate Committee on Local Government (originally sponsored by Senators Miloscia and Rivers).

Brief Summary of Substitute Bill

- Creates new limitations for counties, cities or towns, and code cities when regulating a religious organization's ability to host homeless persons on property it owns or controls.
- Allows counties, cities or towns, and code cities to enact ordinances or regulations requiring a three-month separation of time between established tent encampments, and limiting simultaneous religious organization hostings.
- Requires counties, cities or town to hold an informal meeting and to take into consideration certain reports prior to issuing a permit for a religious organization hosting.
- Requires a hosting religious organization and managing agency to enter into an agreement regarding the health and safety of both the residents of the particular hosting and county residents.
- Requires hosting religious organizations working with a managing agency to use the state Homeless Client Management Information System.

Hearing Date: 3/15/17

Staff: Kirsten Lee (786-7133).

Background:

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.

In *City of Woodinville v. Northshore United Church of Christ*, the Washington Supreme Court held that the City of Woodinville violated a church's right to free exercise of religion under Article I, section 11 of the state Constitution when the city refused to consider the church's application to host a homeless encampment. The Court held that the city's refusal infringed upon the church's free exercise of religion without any justification because the City of Woodinville created a substantial burden on the church's ability to host an encampment for homeless persons on its property. The City of Woodinville failed to demonstrate that not allowing the church to apply to host an encampment was a narrow means to achieve a compelling goal. The City of Woodinville also provided no alternative for the church.

In the Court's discussion, the Court mentioned that a city may regulate encampments located on a religious organization's property for the purposes of mediating concerns regarding safety, noise, and crime.

Temporary Encampments for the Homeless.

In 2010 legislation was enacted permitting religious organizations to host temporary encampments for homeless persons on any property owned or controlled by a religious organization. A "religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

Counties, cities, and towns may only regulate a religious organization regarding encampments for homeless persons on its property for purposes necessary to protect the health and safety of the public. Counties, cities, and towns may not substantially burden the decisions or actions of a religious organization regarding the location of encampments on the religious organization's property.

Counties, cities, and towns may not enact an ordinance or regulation or take any action that:

- requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on the religious organization's property, or otherwise requires the religious organization to indemnify the municipality against such liability; or
- imposes permit fees in excess of actual costs associated with the review and approval of the required permit applications.

Safe Parking Programs.

Safe parking programs allow homeless persons and families to park their vehicles in church parking lots overnight as an alternative to shelter and provide access to restrooms. In addition, some safe parking programs provide housing services, community meals, access to microwaves, clothing drives, and opportunities to connect with a congregational community.

Department of Commerce: Homeless Management Information System and Continuum of Care.

The Department of Commerce (Department) manages the statewide Homeless Management Information System (HMIS), a database used to provide accurate counts of homeless clients in the state and assessments of services that are needed. Some service providers independently collect information on their homeless clients and input the information into a HMIS, but the Department assists counties or agencies that do not have a HMIS set up. The Department also works with counties to submit applications for the annual federal Department of Housing and Urban Development (HUD) Continuum of Care competition. The competition provides grant

funding to nonprofit agencies and state and local governments for homelessness efforts. To be eligible for federal homeless assistance funding, agencies must participate in a HMIS.

Summary of Bill:

Religious organization homeless hostings include tent encampments, temporary small houses on site, indoor overnight shelters, or vehicle resident safe parking on property owned or controlled by a religious organization.

Actual costs pertaining to permit fees must be reasonable and do not include departmental overhead. Actual permit costs will be reasonable if they do not cause an undue burden to the permit applicant. Before a county, city, or town, issues a permit for a religious organization homeless hosting, an informal public meeting must be held in the location most likely to be affected by the permit approval. The meeting must allow for public comment and such comments must be recoded and responded to in the permit decision.

Counties, cities or towns, and code cities may not enact an ordinance, regulation, or take other action that limits a religious organization's:

- ability to host a rotating, established tent encampment for less than eight months during any calendar year;
- hosting term to less than four months, unless agreed to by that religious organization for a specific instance;
- ability to host simultaneous tent encampments within the same municipality during any given period of time; and
- availability to host safe parking efforts at its own on-site parking lot, except for the following limitations enacted by local ordinance:
 - no less than one space per 20 on-site parking spaces may be devoted to safe parking;
 - restroom access must be provided; and
 - the host religious organization or its managing agency must ensure sex offender checks are completed by the county or local law enforcement for all vehicle residents, inform vehicle residents how to comply with laws regarding the legal status of vehicles and drivers, and provide a written code of conduct consistent with area standards.

Counties, cities or towns, and code cities may, however:

- require three months of separation between the establishment of tent encampments; and
- limit simultaneous religious organization hostings when located within 1,000 feet of another religious organization hosting.

A county, city or town, or code city must enact an ordinance or take other action to require a hosting religious organization and a managing agency using the religious organization's property to enter into a written agreement to protect the health and safety of encampment residents and residents of the respective jurisdiction. Such a written agreement must include the encampment residents' right to access social services on site and interact directly with the hosting religious organization. It must also include a code of conduct approved to by the managing agency, hosting religious organization, and all volunteers working at the encampment. It must also

include a process for residents of the jurisdiction to communicate concerns directly with the hosting religious organization or managing agency.

Hosting religious organizations must respond to any reported concerns within three days of receiving the complaint and must make a good-faith effort to resolve the issue. A hosting religious organization or managing agency must report all concerns and complaints received for the preceding 12-month period and how each was addressed or resolved for each permit application submitted. The jurisdiction must take the report into account in its decision to issue any future permits for the religious organization.

A hosting religious organization and its managing agency are required to work with the county or city to use the state HMIS managed by the Department. If a hosting religious organization does not work with a managing agency, it is encouraged to partner with a provider that uses the HMIS. Any managing agency receiving funding from local Continuum of Care programs must utilize the HMIS. Temporary, overnight, extreme-weather shelters are exempt from this requirement.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.