

# SENATE BILL REPORT

## SB 5657

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As Reported by Senate Committee On:  
Local Government, February 16, 2017

**Title:** An act relating to the hosting of the homeless by religious organizations.

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

**Sponsors:** Senators Miloscia and Rivers.

**Brief History:**

**Committee Activity:** Local Government: 2/07/17, 2/16/17 [DPS].

**Brief Summary of Substitute Bill**

- Prohibits county, city, and town ordinances from placing undue burden on religious organizations providing housing or shelters for the homeless.
- Requires a hosting religious organization to enter a written agreement to provide residents of temporary shelters access to public health and safety assistance.
- Requires or encourages the use of Washington's homeless client management information system.

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### SENATE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** That Substitute Senate Bill No. 5657 be substituted therefor, and the substitute bill do pass.

Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

**Staff:** Bonnie Kim (786-7316)

**Background:** Temporary Encampments for the Homeless. Religious organizations may host temporary encampments for the homeless on any real property they own or control.

With respect to the efforts of a religious organization to provide housing or shelter to homeless persons, counties, cities, and towns are prohibited from the following:

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*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.*

- unreasonably interfering with the decisions or actions of a religious organization regarding the location of housing or shelter for homeless persons on property the organization owns or controls;
- unreasonably prohibiting or attempting to regulate the housing of homeless persons on the organization's property based on the property's proximity to a school or daycare center; or
- requiring a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on the organization's property or otherwise requiring the organization to indemnify the municipality against such liability.

Safe Parking. Safe parking is a program made available for individuals and families living in their vehicles. The City of Seattle has a safe parking program known as the Road to Housing program. In 2013, it served 52 vehicular residents, and for the first half of 2014 the program worked with 91 vehicular residents. Safe parking sites exist in other areas of King County.

**Summary of Bill (First Substitute):** Housing or shelters provided for the homeless may include tent encampments, indoor overnight shelters, temporary small houses on site, and vehicle resident safe parking.

Ordinance Limitations. With respect to the efforts of a religious organization to provide housing or shelter to homeless persons, counties, cities, and towns may not:

- impose conditions regarding the location of housing or shelter on property owned or controlled by the organization unless for public health and safety and not substantially burdensome to the organization;
- impose permit fees in excess of actual costs to review and approve permits where actual costs may not include overhead or cause undue burden to the applicant;
- limit an organization's ability to host a rotating, established tent encampment on property it owns or controls fewer than eight months per year;
  - a. An ordinance or regulation requiring a three-month separation between tent encampments at a particular site is, however, acceptable.
- limit an organization's tent encampment hosting term to fewer than four months unless consented to by that organization for a specific instance;
- limit the number of simultaneous tent encampment hostings within the same municipality during any given period of time unless encampments are located within 1000 feet of each other; and
- limit an organization's availability to host safe parking efforts at its on-site parking lot except for limitations in accord with the following criteria that would govern if enacted by local ordinance:
  - no less than one space may be devoted to safe parking per ten on-site parking spaces;
  - restroom access must be provided either within the buildings on the property or through use of portable facilities; and
  - the host organization or managing agency must ensure the county or local law enforcement agency has completed sex offender checks of all vehicle residents. The host organization or managing agency must 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.

Managing agency means an organization such as a religious organization or other organized entity with the capacity to organize and manage a homeless tent encampment and a vehicle resident safe parking program. A managing agency may be the same entity as the sponsoring religious organization.

Permits. Local permit issuing bodies must hold an informal meeting to gather area resident testimony before issuing permits allowing tent encampments, indoor overnight shelters, temporary small houses on site, and vehicle resident safe parking. Local governments must allow appeals of permits issued for providing housing or shelter for the homeless. Religious organizations or managing agencies must include a report of all concerns or complaints received during the year preceding any permit application.

Written Agreement Required. Counties, cities, and towns must enact an ordinance or regulation requiring a hosting religious organization and a distinct managing agency using property owned or controlled by the organization to enter into a written agreement to protect the public health and safety of both the residents of the particular hosting and the residents of the county. The agreement must include the following:

- the resident's right to seek public health and safety assistance;
- the resident's ability to access social services on site;
- the resident's ability to directly interact with the hosting organization, including the ability to express any concerns regarding the managing agency to the organization;
- a written code of conduct agreed to by the managing agency, hosting organization, and all volunteers;
- the ability for the hosting organization to interact with residents of the tent encampment, indoor overnight shelter, temporary small house on site, or vehicle resident safe parking; and
- a process allowing area residents to communicate concerns or complaints directly to organization or managing agency.

Client Management. Any hosting religious organization performing any hosting with a managing agency must work with the county, city, or town to use Washington's homeless client management information system. If the organization has not partnered with a managing agency, the organization is encouraged to partner with a provider using the Washington homeless client managing information system. Any managing agency receiving any funding from local continuum of care programs must use the homeless client management information system. There is an exception for temporary, overnight, extreme weather shelter provided in religious organization buildings.

Liability. Public officials or agencies may not be held liable for damages arising from the permitting decisions for or conduct or unlawful activity that may occur as a result of a temporary encampment for the homeless.

**EFFECT OF CHANGES MADE BY LOCAL GOVERNMENT COMMITTEE (First Substitute):**

- Requires a local permit issuing body to hold an informal neighborhood meeting prior to approving a permit application. Any comments received at the meeting must be recorded and responded to in the final permit decision.
- Local permitting issuing bodies must provide a process to appeal permitting decisions.
- Requires hosting religious organizations or their managing agencies to create and implement a process for area residents to contact the organization directly with concerns.
- All concerns received by a hosting religious organization or managing agency during the previous 12 month period must be reported to the local permit issuing body with each permit application.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: There is a crisis emerging with homelessness in Washington. We need to encourage the faith communities to get involved to get individuals the help and support they need. Right now we need temporary encampments to get people into services. Federal law allows faith communities to practice their mission to help the poor without governmental interference unless there is a compelling governmental reason and the interference is the least restrictive method. Jurisdictions are not on the same page in terms of permitting and restrictions imposed on temporary shelters. This bill streamlines the requirements across the state.

CON: The preemptive provisions in the bill prevent local governments from working effectively with their faith communities. Some communities have already reached agreements and some of the provisions of this bill with respect to time limits are contrary to those agreements.

**Persons Testifying:** PRO: Senator Mark Miloscia, Prime Sponsor; Bill Kirlin-Hackett, Interfaith Taskforce on Homelessness.

CON: Carl Schroeder, Assn. of WA Cities.

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