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**SUBSTITUTE HOUSE BILL 2044**

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**State of Washington**

**65th Legislature**

**2017 Regular Session**

**By** House Community Development, Housing & Tribal Affairs (originally sponsored by Representatives McBride, Peterson, Robinson, Orwall, Chapman, Kloba, Santos, and Pollet)

READ FIRST TIME 02/17/17.

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;

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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  
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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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