
HOUSE BILL 2044

State of Washington

65th Legislature

2017 Regular Session

By Representatives McBride, Peterson, Robinson, Orwall, Chapman, Kloba, Santos, and Pollet

Read first time 02/09/17. 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 settings 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 settings, including outdoor uses such as tent encampments,
10 indoor overnight shelters, temporary small houses on site, and
11 homeless-occupied vehicle resident safe parking, can be at increased
12 risk of exploitation, theft, unsanitary living conditions, and
13 physical harm. Therefore, it is the intent of the legislature that
14 local municipalities have the discretion to protect the health and
15 safety of residents in temporary settings that are hosted by
16 religious organizations. Furthermore, the legislature finds and
17 declares that hosted tent encampments, indoor overnight shelters,
18 temporary small houses on site, and homeless-occupied vehicle
19 resident safe parking serve as pathways for individuals experiencing
20 homelessness to receive services and achieve financial stability,
21 health, and permanent housing.

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

3 (1) A religious organization may host (~~temporary encampments~~
4 ~~for~~) 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 county may not enact an ordinance or regulation or take any
8 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, such as a tent encampment, indoor
13 overnight shelter, temporary small house on site, or vehicle resident
14 safe parking, for homeless persons on property owned or controlled by
15 the religious organization;

16 (b) Requires a religious organization to obtain insurance
17 pertaining to the liability of a municipality with respect to
18 homeless persons housed on property owned by a religious organization
19 or otherwise requires the religious organization to indemnify the
20 municipality against such liability; (~~or~~)

21 (c) Imposes permit fees in excess of the actual costs associated
22 with the review and approval of (~~the required~~) permit applications,
23 Actual costs must be reasonable and not include departmental
24 overhead. Actual permit costs are reasonable if they do not cause an
25 undue burden to the permit applicant;

26 (d) Specifically limits a religious organization's availability
27 to host a rotating, established tent encampment on its property or
28 property controlled by the religious organization to fewer than eight
29 months during any calendar year. However, a county may enact an
30 ordinance or regulation that requires a three-month separation of
31 time between subsequent or established tent encampments at a
32 particular site;

33 (e) Specifically limits a religious organization's tent
34 encampment hosting term to fewer than four months unless consented to
35 by that religious organization for a specific instance;

36 (f) Limits the number of simultaneous religious organization tent
37 encampment hostings within the same municipality during any given
38 period of time. Simultaneous and adjacent hostings of tent
39 encampments by religious organizations may be limited if located

1 within one thousand feet of other religious organizations hosting
2 tent encampments; or

3 (g) Limits a religious organization's availability to host safe
4 parking efforts at its on-site parking lot, including limitations on
5 any other congregationally sponsored uses and the parking available
6 to support such uses during the hosting, except for limitations that
7 are in accord with the following criteria that would govern if
8 enacted by local ordinance:

9 (i) No less than one space may be devoted to safe parking per ten
10 on-site parking spaces;

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

13 (iii) The host religious organization or host religious
14 organization's managing agency must ensure that the county or local
15 law enforcement agency has completed sex offender checks of all
16 vehicle residents. The host religious organization or host religious
17 organization's managing agency must inform vehicle residents how to
18 comply with laws regarding the legal status of vehicles and drivers,
19 and provide a written code of conduct consistent with area standards.

20 (3) A county must enact an ordinance or regulation or take any
21 other action that requires a hosting religious organization and a
22 distinct managing agency using the religious organization's property,
23 owned or controlled by the religious organization, for hostings to
24 include tent encampments, temporary small houses on site, indoor
25 overnight shelters, or vehicle resident safe parking to enter into a
26 written agreement to protect the public health and safety of both the
27 residents of the particular hosting and the residents of the county.
28 At a minimum, the agreement must include information regarding: The
29 right of a resident in a tent encampment, vehicle resident safe
30 parking, temporary small house on site, or indoor overnight shelter
31 to seek public health and safety assistance, the resident's ability
32 to access social services on site, and the resident's ability to
33 directly interact with the hosting religious organization, including
34 the ability to express any concerns regarding the managing agency to
35 the religious organization; a written code of conduct agreed to by
36 the managing agency, hosting religious organization, and all
37 volunteers working with residents of the tent encampment, temporary
38 small house on site, indoor overnight shelter, or vehicle resident
39 safe parking; and the ability for the hosting religious organization
40 to interact with residents of the tent encampment, indoor overnight

1 shelter, temporary small house on site, or vehicle resident safe
2 parking.

3 (4) Any hosting religious organization performing any hosting of
4 a tent encampment, vehicle resident safe parking, temporary small
5 house on site, or indoor overnight shelter, with a managing agency,
6 must work with the county to utilize Washington's homeless client
7 management information system, as provided for in RCW 43.185C.180.
8 When the religious organization does not partner with a managing
9 agency, the religious organization is encouraged to partner with a
10 provider using the Washington homeless client managing information
11 system. Any managing agency receiving any funding from local
12 continuum of care programs must utilize the homeless client
13 management information system. Temporary, overnight, extreme weather
14 shelter provided in religious organization buildings does not need to
15 meet this requirement.

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

18 (a) "Managing agency" means an organization such as a religious
19 organization or other organized entity that has the capacity to
20 organize and manage a homeless tent encampment and a vehicle resident
21 safe parking program. A "managing agency" may be the same entity as
22 the sponsoring religious organization.

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

26 (c) "Safe parking" means a number of parking spaces on property
27 owned or leased by a religious organization, which are part of a
28 designated parking area that has been approved by a county.

29 ~~((4))~~ (6) An appointed or elected public official, public
30 employee, or public agency as defined in RCW 4.24.470 is immune from
31 civil liability for (a) damages arising from the permitting decisions
32 for a temporary encampment for the homeless as provided in this
33 section and (b) any conduct or unlawful activity that may occur as a
34 result of the temporary encampment for the homeless as provided in
35 this section.

36 **Sec. 3.** RCW 35.21.915 and 2010 c 175 s 3 are each amended to
37 read as follows:

38 (1) A religious organization may host ~~((temporary encampments~~
39 ~~for))~~ 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 city or town may not enact an ordinance or regulation or
4 take 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, such as a tent encampment, indoor
9 overnight shelter, temporary small house on site, or vehicle resident
10 safe parking, for homeless persons on property owned or controlled by
11 the religious organization;

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

17 (c) Imposes permit fees in excess of the actual costs associated
18 with the review and approval of ~~((the required))~~ permit applications,
19 Actual costs must be reasonable and not include departmental
20 overhead. Actual permit costs are reasonable if they do not cause an
21 undue burden to the permit applicant;

22 (d) Specifically limits a religious organization's availability
23 to host a rotating, established tent encampment on its property or
24 property controlled by the religious organization to fewer than eight
25 months during any calendar year. However, a city or town may enact an
26 ordinance or regulation that requires a three-month separation of
27 time between subsequent or established tent encampments at a
28 particular site;

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

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

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

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

4 (i) No less than one space may be devoted to safe parking per ten
5 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 or host religious
9 organization's managing agency must ensure that the local law
10 enforcement agency has completed sex offender checks of all vehicle
11 residents. The host religious organization or host religious
12 organization's managing agency must inform vehicle residents how to
13 comply with laws regarding the legal status of vehicles and drivers,
14 and provide a written code of conduct consistent with area standards.

15 (3) A city or town must enact an ordinance or regulation or take
16 any other action that requires a hosting religious organization and a
17 distinct managing agency using the religious organization's property,
18 owned or controlled by the religious organization, for hostings to
19 include tent encampments, temporary small houses on site, indoor
20 overnight shelters, or vehicle resident safe parking to enter into a
21 written agreement to protect the public health and safety of both the
22 residents of the particular hosting and the residents of the city or
23 town. At a minimum, the agreement must include information regarding:
24 The right of a resident in a tent encampment, vehicle resident safe
25 parking, temporary small house on site, or indoor overnight shelter
26 to seek public health and safety assistance, the resident's ability
27 to access social services on site, and the resident's ability to
28 directly interact with the hosting religious organization, including
29 the ability to express any concerns regarding the managing agency to
30 the religious organization; a written code of conduct agreed to by
31 the managing agency, hosting religious organization, and all
32 volunteers working with residents of the tent encampment, temporary
33 small house on site, indoor overnight shelter, or vehicle resident
34 safe parking; and the ability for the hosting religious organization
35 to interact with residents of the tent encampment, indoor overnight
36 shelter, temporary small house on site, or vehicle resident safe
37 parking.

38 (4) Any hosting religious organization performing any hosting of
39 a tent encampment, vehicle resident safe parking, temporary small
40 house on site, or indoor overnight shelter, with a managing agency,

1 must work with the city or town to utilize Washington's homeless
2 client management information system, as provided for in RCW
3 43.185C.180. When the religious organization does not partner with a
4 managing agency, the religious organization is encouraged to partner
5 with a provider using the Washington homeless client managing
6 information system. Any managing agency receiving any funding from
7 local continuum of care programs must utilize the homeless client
8 management information system. Temporary, overnight, extreme weather
9 shelter provided in religious organization buildings does not need to
10 meet this requirement.

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

13 (a) "Managing agency" means an organization such as a religious
14 organization or other organized entity that has the capacity to
15 organize and manage a homeless tent encampment and a vehicle resident
16 safe parking program. A "managing agency" may be the same entity as
17 the sponsoring religious organization.

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

21 (c) "Safe parking" means a number of parking spaces on property
22 owned or leased by a religious organization, which are part of a
23 designated parking area that has been approved by a city or town.

24 ((+4)) (6) An appointed or elected public official, public
25 employee, or public agency as defined in RCW 4.24.470 is immune from
26 civil liability for (a) damages arising from the permitting decisions
27 for a temporary encampment for the homeless as provided in this
28 section and (b) any conduct or unlawful activity that may occur as a
29 result of the temporary encampment for the homeless as provided in
30 this section.

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

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

37 (2) A code city may not enact an ordinance or regulation or take
38 any 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, such as a tent encampment, indoor
5 overnight shelter, temporary small house on site, or vehicle resident
6 safe parking, for homeless persons on property owned or controlled by
7 the religious organization;

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

13 (c) Imposes permit fees in excess of the actual costs associated
14 with the review and approval of ~~((the required))~~ permit applications.
15 Actual costs must be reasonable and not include departmental
16 overhead. Actual permit costs are reasonable if they do not cause an
17 undue burden to the permit applicant;

18 (d) Specifically limits a religious organization's availability
19 to host a rotating, established tent encampment on its property or
20 property controlled by the religious organization to fewer than eight
21 months during any calendar year. However, a code city may enact an
22 ordinance or regulation that requires a three-month separation of
23 time between subsequent or established tent encampments at a
24 particular site;

25 (e) Specifically limits a religious organization's tent
26 encampment hosting term to fewer than four months unless consented to
27 by that religious organization for a specific instance;

28 (f) Limits the number of simultaneous religious organization tent
29 encampment hostings within the same municipality during any given
30 period of time. Simultaneous and adjacent hostings of tent
31 encampments by religious organizations may be limited if located
32 within one thousand feet of other religious organizations hosting
33 tent encampments; or

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

1 (i) No less than one space may be devoted to safe parking per ten
2 on-site parking spaces;

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

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

12 (3) A code city must enact an ordinance or regulation or take any
13 other action that requires a hosting religious organization and a
14 distinct managing agency using the religious organization's property,
15 owned or controlled by the religious organization, for hostings to
16 include tent encampments, temporary small houses on site, indoor
17 overnight shelters, or vehicle resident safe parking to enter into a
18 written agreement to protect the public health and safety of both the
19 residents of the particular hosting and the residents of the code
20 city. At a minimum, the agreement must include information regarding:
21 The right of a resident in a tent encampment, vehicle resident safe
22 parking, temporary small house on site, or indoor overnight shelter
23 to seek public health and safety assistance, the resident's ability
24 to access social services on site, and the resident's ability to
25 directly interact with the hosting religious organization, including
26 the ability to express any concerns regarding the managing agency to
27 the religious organization; a written code of conduct agreed to by
28 the managing agency, hosting religious organization, and all
29 volunteers working with residents of the tent encampment, temporary
30 small house on site, indoor overnight shelter, or vehicle resident
31 safe parking; and the ability for the hosting religious organization
32 to interact with residents of the tent encampment, indoor overnight
33 shelter, temporary small house on site, or vehicle resident safe
34 parking.

35 (4) Any hosting religious organization performing any hosting of
36 a tent encampment, vehicle resident safe parking, temporary small
37 house on site, or indoor overnight shelter, with a managing agency,
38 must work with the code city to utilize Washington's homeless client
39 management information system, as provided for in RCW 43.185C.180.
40 When the religious organization does not partner with a managing

1 agency, the religious organization is encouraged to partner with a
2 provider using the Washington homeless client managing information
3 system. Any managing agency receiving any funding from local
4 continuum of care programs must utilize the homeless client
5 management information system. Temporary, overnight, extreme weather
6 shelter provided in religious organization buildings does not need to
7 meet this requirement.

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

10 (a) "Managing agency" means an organization such as a religious
11 organization or other organized entity that has the capacity to
12 organize and manage a homeless tent encampment and a vehicle resident
13 safe parking program. A "managing agency" may be the same entity as
14 the sponsoring religious organization.

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

18 (c) "Safe parking" means a number of parking spaces on property
19 owned or leased by a religious organization, which are part of a
20 designated parking area that has been approved by a code city.

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

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