
SUBSTITUTE SENATE BILL 5657

State of Washington

65th Legislature

2017 Regular Session

By Senate Local Government (originally sponsored by Senators Miloscia and Rivers)

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 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) A county must hold an informal public meeting before
21 issuing a permit under this section. The meeting should be held in
22 the geographic area most likely affected by permit approval, whenever
23 possible. The meeting must allow individuals to provide testimony
24 regarding the proposed activity. Any public comments received at the
25 meeting must be recorded and responded to in the decision on whether
26 or not to approve a permit application under this section.

27 (b) Any county issuing permits under this section must develop
28 and implement a process to appeal a final permitting decision. An
29 appeal made under this subsection must be considered by a hearing
30 examiner at a public hearing in accordance with the procedures
31 enacted by the county.

32 (c) Any hosting religious organization or managing agency must
33 include a report of every concern or complaint received pursuant to
34 subsection (4)(c) of this section, including a summary of steps taken
35 to address or resolve those complaints or concerns, with each permit
36 application submitted under this section. The report must include all
37 concerns or complaints received during the twelve-month period
38 immediately preceding the time of the application. A county reviewing
39 permit applications under this section must consider the report in
40 making its final decision.

1 (4)(a) A county must enact an ordinance or regulation or take any
2 other action that requires a hosting religious organization and a
3 distinct managing agency using the religious organization's property,
4 owned or controlled by the religious organization, for hostings to
5 include tent encampments, temporary small houses on site, indoor
6 overnight shelters, or vehicle resident safe parking to enter into a
7 written agreement to protect the public health and safety of both the
8 residents of the particular hosting and the residents of the county.

9 (b) At a minimum, the agreement must include information
10 regarding: The right of a resident in a tent encampment, vehicle
11 resident safe parking, temporary small house on site, or indoor
12 overnight shelter to seek public health and safety assistance, the
13 resident's ability to access social services on site, and the
14 resident's ability to directly interact with the hosting religious
15 organization, including the ability to express any concerns regarding
16 the managing agency to the religious organization; a written code of
17 conduct agreed to by the managing agency, hosting religious
18 organization, and all volunteers working with residents of the tent
19 encampment, temporary small house on site, indoor overnight shelter,
20 or vehicle resident safe parking; and the ability for the hosting
21 religious organization to interact with residents of the tent
22 encampment, indoor overnight shelter, temporary small house on site,
23 or vehicle resident safe parking.

24 (c) The agreement must also include a process for residents of
25 the municipality to communicate concerns directly with the hosting
26 religious organization or managing agency regarding a tent
27 encampment, vehicle resident safe parking, temporary small house on
28 site, or indoor overnight shelter. The hosting religious organization
29 or managing agency must contact each complainant within three days of
30 receiving a complaint and make a good faith effort to work with the
31 complainant to resolve the issue.

32 (5) Any hosting religious organization performing any hosting of
33 a tent encampment, vehicle resident safe parking, temporary small
34 house on site, or indoor overnight shelter, with a managing agency,
35 must work with the county to utilize Washington's homeless client
36 management information system, as provided for in RCW 43.185C.180.
37 When the religious organization does not partner with a managing
38 agency, the religious organization is encouraged to partner with a
39 provider using the Washington homeless client managing information
40 system. Any managing agency receiving any funding from local

1 continuum of care programs must utilize the homeless client
2 management information system. Temporary, overnight, extreme weather
3 shelter provided in religious organization buildings does not need to
4 meet this requirement.

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

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

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

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

18 ((+4)) (7) An appointed or elected public official, public
19 employee, or public agency as defined in RCW 4.24.470 is immune from
20 civil liability for (a) damages arising from the permitting decisions
21 for a temporary encampment for the homeless as provided in this
22 section and (b) any conduct or unlawful activity that may occur as a
23 result of the temporary encampment for the homeless as provided in
24 this section.

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

27 (1) A religious organization may host ~~((temporary encampments~~
28 ~~for))~~ the homeless on property owned or controlled by the religious
29 organization whether within buildings located on the property or
30 elsewhere on the property outside of buildings.

31 (2) A city or town may not enact an ordinance or regulation or
32 take any other action that:

33 (a) Imposes conditions other than those necessary to protect
34 public health and safety and that do not substantially burden the
35 decisions or actions of a religious organization regarding the
36 location of housing or shelter, such as a tent encampment, indoor
37 overnight shelter, temporary small house on site, or vehicle resident
38 safe parking, for homeless persons on property owned or controlled by
39 the religious organization;

1 (b) Requires a religious organization to obtain insurance
2 pertaining to the liability of a municipality with respect to
3 homeless persons housed on property owned by a religious organization
4 or otherwise requires the religious organization to indemnify the
5 municipality against such liability; (~~or~~)

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

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

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

21 (f) Limits the number of simultaneous religious organization tent
22 encampment hostings within the same municipality during any given
23 period of time. Simultaneous and adjacent hostings of tent
24 encampments by religious organizations may be limited if located
25 within one thousand feet of other religious organizations hosting
26 tent encampments; or

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

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

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

37 (iii) The host religious organization or host religious
38 organization's managing agency must ensure that the local law
39 enforcement agency has completed sex offender checks of all vehicle
40 residents. The host religious organization or host religious

1 organization's managing agency must inform vehicle residents how to
2 comply with laws regarding the legal status of vehicles and drivers,
3 and provide a written code of conduct consistent with area standards.

4 (3)(a) A city or town must hold an informal public meeting before
5 issuing a permit under this section. The meeting should be held in
6 the geographic area most likely affected by permit approval, whenever
7 possible. The meeting must allow individuals to provide testimony
8 regarding the proposed activity. Any public comments received at the
9 meeting must be recorded and responded to in the decision on whether
10 or not to approve a permit application under this section.

11 (b) Any city or town issuing permits under this section must
12 develop and implement a process to appeal a final permitting
13 decision. An appeal made under this subsection must be considered by
14 a hearing examiner at a public hearing in accordance with the
15 procedures enacted by the city or town.

16 (c) Any hosting religious organization or managing agency must
17 include a report of every concern or complaint received pursuant to
18 subsection (4)(c) of this section, including a summary of steps taken
19 to address or resolve those complaints or concerns, with each permit
20 application submitted under this section. The report must include all
21 concerns or complaints received during the twelve-month period
22 immediately preceding the time of the application. A city or town
23 reviewing permit applications under this section must consider the
24 report in making its final decision.

25 (4)(a) A city or town must enact an ordinance or regulation or
26 take any other action that requires a hosting religious organization
27 and a distinct managing agency using the religious organization's
28 property, owned or controlled by the religious organization, for
29 hostings to include tent encampments, temporary small houses on site,
30 indoor overnight shelters, or vehicle resident safe parking to enter
31 into a written agreement to protect the public health and safety of
32 both the residents of the particular hosting and the residents of the
33 city or town.

34 (b) At a minimum, the agreement must include information
35 regarding: The right of a resident in a tent encampment, vehicle
36 resident safe parking, temporary small house on site, or indoor
37 overnight shelter to seek public health and safety assistance, the
38 resident's ability to access social services on site, and the
39 resident's ability to directly interact with the hosting religious
40 organization, including the ability to express any concerns regarding

1 the managing agency to the religious organization; a written code of
2 conduct agreed to by the managing agency, hosting religious
3 organization, and all volunteers working with residents of the tent
4 encampment, temporary small house on site, indoor overnight shelter,
5 or vehicle resident safe parking; and the ability for the hosting
6 religious organization to interact with residents of the tent
7 encampment, indoor overnight shelter, temporary small house on site,
8 or vehicle resident safe parking.

9 (c) The agreement must also include a process for residents of
10 the municipality to communicate concerns directly with the hosting
11 religious organization or managing agency regarding a tent
12 encampment, vehicle resident safe parking, temporary small house on
13 site, or indoor overnight shelter. The hosting religious organization
14 or managing agency must contact each complainant within three days of
15 receiving a complaint and make a good faith effort to work with the
16 complainant to resolve the issue.

17 (5) Any hosting religious organization performing any hosting of
18 a tent encampment, vehicle resident safe parking, temporary small
19 house on site, or indoor overnight shelter, with a managing agency,
20 must work with the city or town to utilize Washington's homeless
21 client management information system, as provided for in RCW
22 43.185C.180. When the religious organization does not partner with a
23 managing agency, the religious organization is encouraged to partner
24 with a provider using the Washington homeless client managing
25 information system. Any managing agency receiving any funding from
26 local continuum of care programs must utilize the homeless client
27 management information system. Temporary, overnight, extreme weather
28 shelter provided in religious organization buildings does not need to
29 meet this requirement.

30 (6) For the purposes of this section, the following definitions
31 are used:

32 (a) "Managing agency" means an organization such as a religious
33 organization or other organized entity that has the capacity to
34 organize and manage a homeless tent encampment and a vehicle resident
35 safe parking program. A "managing agency" may be the same entity as
36 the sponsoring religious organization.

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

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

4 ~~((4))~~ (7) An appointed or elected public official, public
5 employee, or public agency as defined in RCW 4.24.470 is immune from
6 civil liability for (a) damages arising from the permitting decisions
7 for a temporary encampment for the homeless as provided in this
8 section and (b) any conduct or unlawful activity that may occur as a
9 result of the temporary encampment for the homeless as provided in
10 this section.

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

13 (1) A religious organization may host ~~((temporary encampments~~
14 ~~for))~~ the homeless on property owned or controlled by the religious
15 organization whether within buildings located on the property or
16 elsewhere on the property outside of buildings.

17 (2) A code city may not enact an ordinance or regulation or take
18 any other action that:

19 (a) Imposes conditions other than those necessary to protect
20 public health and safety and that do not substantially burden the
21 decisions or actions of a religious organization regarding the
22 location of housing or shelter, such as a tent encampment, indoor
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30 municipality against such liability; ~~((or))~~

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36 or to not approve a permit application under this section.

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38 and implement a process to appeal a final permitting decision. An
39 appeal made under this subsection must be considered by a hearing

1 examiner at a public hearing in accordance with the procedures
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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.

21 (b) At a minimum, the agreement must include information
22 regarding: The right of a resident in a tent encampment, vehicle
23 resident safe parking, temporary small house on site, or indoor
24 overnight shelter to seek public health and safety assistance, the
25 resident's ability to access social services on site, and the
26 resident's ability to directly interact with the hosting religious
27 organization, including the ability to express any concerns regarding
28 the managing agency to the religious organization; a written code of
29 conduct agreed to by the managing agency, hosting religious
30 organization, and all volunteers working with residents of the tent
31 encampment, temporary small house on site, indoor overnight shelter,
32 or vehicle resident safe parking; and the ability for the hosting
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2 receiving a complaint and make a good faith effort to work with the
3 complainant to resolve the issue.

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

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

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