
SENATE BILL 6555

State of Washington

65th Legislature

2018 Regular Session

By Senators Padden and Billig

1 AN ACT Relating to temporary homeless housing by religious
2 organizations; amending RCW 35.21.915, 35A.21.360, and 36.01.290;
3 adding a new section to chapter 19.27 RCW; adding a new section to
4 chapter 19.27A RCW; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 19.27
7 RCW to read as follows:

8 RCW 35.21.915, 35A.21.360, and 36.01.290 apply to all codes
9 adopted under this chapter, which shall be liberally construed to
10 effectuate the policies and purposes of RCW 35.21.915, 35A.21.360,
11 and 36.01.290, and to be viewed in the light most favorable to allow
12 for shelter for individuals.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.27A
14 RCW to read as follows:

15 RCW 35.21.915, 35A.21.360, and 36.01.290 apply to all codes
16 adopted under this chapter, which shall be liberally construed to
17 effectuate the policies and purposes of RCW 35.21.915, 35A.21.360,
18 and 36.01.290, and to be viewed in the light most favorable to allow
19 for shelter for individuals.

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

3 (1) A religious organization may host temporary encampments for
4 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 city or town may not enact an ordinance or regulation or
8 take any 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 for homeless persons on property owned
13 by the religious organization;

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

19 (c) Imposes permit fees on a religious organization in excess of
20 the actual costs associated with the review and approval of the
21 required permit applications;

22 (d) Requires the installation of fire sprinklers or any
23 structural modification to the size of windows or doors in buildings
24 owned and operated by a religious organization that were built in
25 accordance with the laws at the time of construction and are being
26 used for housing the homeless. Buildings owned by religious
27 organizations that are being used for housing the homeless under this
28 subsection (2) must install smoke detectors in accordance with the
29 smoke detector manufacturer's recommendations at the request of the
30 fire code official; or

31 (e) Changes the certificate of occupancy for a building.

32 (3) For the purposes of this section, "religious organization"
33 means the federally protected practice of a recognized religious
34 assembly, school, or institution that owns or controls real property.

35 (4) An appointed or elected public official, public employee, or
36 public agency as defined in RCW 4.24.470 is immune from civil
37 liability for (a) damages arising from the permitting decisions for a
38 temporary encampment for the homeless as provided in this section and
39 (b) any conduct or unlawful activity that may occur as a result of

1 the temporary encampment for the homeless as provided in this
2 section.

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

5 (1) A religious organization may host temporary encampments for
6 the homeless on property owned or controlled by the religious
7 organization whether within buildings located on the property or
8 elsewhere on the property outside of buildings.

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

11 (a) Imposes conditions other than those necessary to protect
12 public health and safety and that do not substantially burden the
13 decisions or actions of a religious organization regarding the
14 location of housing or shelter for homeless persons on property owned
15 by 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 on a religious organization in excess of
22 the actual costs associated with the review and approval of the
23 required permit applications;

24 (d) Requires the installation of fire sprinklers or any
25 structural modification to the size of windows or doors in buildings
26 owned and operated by a religious organization that were built in
27 accordance with the laws at the time of construction and are being
28 used for housing the homeless. Buildings owned by religious
29 organizations that are being used for housing the homeless under this
30 subsection (2) must install smoke detectors in accordance with the
31 smoke detector manufacturer's recommendations at the request of the
32 fire code official; or

33 (e) Changes the certificate of occupancy for a building.

34 (3) For the purposes of this section, "religious organization"
35 means the federally protected practice of a recognized religious
36 assembly, school, or institution that owns or controls real property.

37 (4) An appointed or elected public official, public employee, or
38 public agency as defined in RCW 4.24.470 is immune from civil
39 liability for (a) damages arising from the permitting decisions for a

1 temporary encampment for the homeless as provided in this section and
2 (b) any conduct or unlawful activity that may occur as a result of
3 the temporary encampment for the homeless as provided in this
4 section.

5 **Sec. 5.** RCW 36.01.290 and 2010 c 175 s 2 are each amended to
6 read as follows:

7 (1) A religious organization may host temporary encampments for
8 the homeless on property owned or controlled by the religious
9 organization whether within buildings located on the property or
10 elsewhere on the property outside of buildings.

11 (2) A county may not enact an ordinance or regulation or take any
12 other action that:

13 (a) Imposes conditions other than those necessary to protect
14 public health and safety and that do not substantially burden the
15 decisions or actions of a religious organization regarding the
16 location of housing or shelter for homeless persons on property owned
17 by the religious organization;

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

23 (c) Imposes permit fees on a religious organization in excess of
24 the actual costs associated with the review and approval of the
25 required permit applications;

26 (d) Requires the installation of fire sprinklers or any
27 structural modification to the size of windows or doors in buildings
28 owned and operated by a religious organization that were built in
29 accordance with the laws at the time of construction and are being
30 used for housing the homeless. Buildings owned by religious
31 organizations that are being used for housing the homeless under this
32 subsection (2) must install smoke detectors in accordance with the
33 smoke detector manufacturer's recommendations at the request of the
34 fire code official; or

35 (e) Changes the certificate of occupancy for a building.

36 (3) For the purposes of this section, "religious organization"
37 means the federally protected practice of a recognized religious
38 assembly, school, or institution that owns or controls real property.

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

8 NEW SECTION. **Sec. 6.** The chair and ranking member of the senate
9 local government committee must convene a meeting of stakeholders
10 impacted by the changes made in this act to assess the effectiveness
11 of this act by November 15, 2018.

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