

**SHB 1754 - H AMD 404**

By Representative Santos

**NOT CONSIDERED 12/23/2019**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature makes the following  
4 findings:

5 (a) Residents in temporary settings hosted by religious  
6 organizations are a particularly vulnerable population that do not  
7 have access to the same services as citizens with more stable  
8 housing.

9 (b) Residents in these settings, including outdoor uses such as  
10 outdoor encampments, indoor overnight shelters, temporary small  
11 houses on site, and homeless-occupied vehicle resident safe parking,  
12 can be at increased risk of exploitation, theft, unsanitary living  
13 conditions, and physical harm.

14 (c) Furthermore, the legislature finds and declares that hosted  
15 outdoor encampments, indoor overnight shelters, temporary small  
16 houses on-site, and homeless-occupied vehicle resident safe parking  
17 serve as pathways for individuals experiencing homelessness to  
18 receive services and achieve financial stability, health, and  
19 permanent housing.

20 (2) The legislature intends that local municipalities have the  
21 discretion to protect the health and safety of both residents in  
22 temporary settings that are hosted by religious organizations and the  
23 surrounding community. The legislature encourages local jurisdictions  
24 and religious organizations to work together collaboratively to  
25 protect the health and safety of residents and the surrounding  
26 community while allowing religious organizations to fulfill their  
27 mission to serve the homeless. The legislature further intends to  
28 monitor the implementation of this act and continue to refine it to  
29 achieve these goals.

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

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

5 (2) Except as provided in subsection (7) of this section, a  
6 county may not enact an ordinance or regulation or take any other  
7 action that:

8 (a) Imposes conditions other than those necessary to protect  
9 public health and safety and that do not substantially burden the  
10 decisions or actions of a religious organization regarding the  
11 location of housing or shelter, such as an outdoor encampment, indoor  
12 overnight shelter, temporary small house on site, or vehicle resident  
13 safe parking, for homeless persons on property owned or controlled by  
14 the religious organization;

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

20 (c) Imposes permit fees in excess of the actual costs associated  
21 with the review and approval of (~~the required~~) permit applications.  
22 A county has discretion to reduce or waive permit fees for a  
23 religious organization that is hosting the homeless;

24 (d) Specifically limits a religious organization's availability  
25 to host an outdoor encampment on its property or property controlled  
26 by the religious organization to fewer than three months during any  
27 calendar year. However, a county may enact an ordinance or regulation  
28 that requires a separation of time of no more than six months between  
29 subsequent or established outdoor encampments at a particular site;

30 (e) Specifically limits a religious organization's outdoor  
31 encampment hosting term to fewer than three consecutive months;

32 (f) Limits the number of simultaneous religious organization  
33 outdoor encampment hostings within the same municipality during any  
34 given period of time. Simultaneous and adjacent hostings of outdoor  
35 encampments by religious organizations may be limited if located  
36 within one-half mile of another outdoor encampment concurrently  
37 hosted by a religious organization;

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 or memorandum of understanding between the  
4 host religious organization and the jurisdiction:

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

7 (ii) Restroom access must be provided either within the buildings  
8 on the property or through use of portable facilities, with the  
9 provision for proper disposal of waste if recreational vehicles are  
10 hosted; and

11 (iii) Religious organizations providing spaces for safe parking  
12 must continue to abide by any existing on-site parking minimum  
13 requirement so that the provision of safe parking spaces does not  
14 reduce the total number of available parking spaces below the minimum  
15 number of spaces required by the county, but a county may enter into  
16 a memorandum of understanding with a religious organization that  
17 reduces the minimum number of on-site parking spaces required;

18 (h) Limits a religious organization's availability to host an  
19 indoor overnight shelter in spaces with at least two accessible exits  
20 due to lack of sprinklers or other fire-related concerns, except  
21 that:

22 (i) If a county fire official finds that fire-related concerns  
23 associated with an indoor overnight shelter pose an imminent danger  
24 to persons within the shelter, the county may take action to limit  
25 the religious organization's availability to host the indoor  
26 overnight shelter; and

27 (ii) A county may require a host religious organization to enter  
28 into a memorandum of understanding for fire safety that includes  
29 local fire district inspections, an outline for appropriate emergency  
30 procedures, a determination of the most viable means to evacuate  
31 occupants from inside the host site with appropriate illuminated exit  
32 signage, panic bar exit doors, and a completed fire watch agreement  
33 indicating:

34 (A) Posted safe means of egress;

35 (B) Operable smoke detectors, carbon monoxide detectors as  
36 necessary, and fire extinguishers;

37 (C) A plan for monitors who spend the night awake and are  
38 familiar with emergency protocols, who have suitable communication  
39 devices, and who know how to contact the local fire department; or

1 (i) Limits a religious organization's ability to host temporary  
2 small houses on land owned or controlled by the religious  
3 organization, except for recommendations that are in accord with the  
4 following criteria:

5 (i) A renewable one-year duration agreed to by the host religious  
6 organization and local jurisdiction via a memorandum of  
7 understanding;

8 (ii) Maintaining a maximum unit square footage of one hundred  
9 twenty square feet, with units set at least six feet apart;

10 (iii) Electricity and heat, if provided, must be inspected by the  
11 local jurisdiction;

12 (iv) Space heaters, if provided, must be approved by the local  
13 fire authority;

14 (v) Doors and windows must be included and be lockable, with a  
15 recommendation that the managing agency and host religious  
16 organization also possess keys;

17 (vi) Each unit must have a fire extinguisher;

18 (vii) Adequate restrooms must be provided, including restrooms  
19 solely for families if present, along with handwashing and potable  
20 running water to be available if not provided within the individual  
21 units, including accommodating black water;

22 (viii) A recommendation for the host religious organization to  
23 partner with regional homeless service providers to develop pathways  
24 to permanent housing.

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

34 (b) At a minimum, the agreement must include information  
35 regarding: The right of a resident in an outdoor 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 host 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, if any, host religious  
3 organization, and all volunteers working with residents of the  
4 outdoor encampment, temporary small house on site, indoor overnight  
5 shelter, or vehicle resident safe parking; and when a publicly funded  
6 managing agency exists, the ability for the host religious  
7 organization to interact with residents of the outdoor encampment,  
8 indoor overnight shelter, temporary small house on site, or vehicle  
9 resident safe parking using a release of information.

10 (4) If required to do so by the county, any host religious  
11 organization performing any hosting of an outdoor encampment, vehicle  
12 resident safe parking, or indoor overnight shelter, or the host  
13 religious organization's managing agency, must ensure that the county  
14 or local law enforcement agency has completed sex offender checks of  
15 all adult residents and guests. The host religious organization  
16 retains the authority to allow such offenders to remain on the  
17 property. A host religious organization or host religious  
18 organization's managing agency performing any hosting of vehicle  
19 resident safe parking must inform vehicle residents how to comply  
20 with laws regarding the legal status of vehicles and drivers, and  
21 provide a written code of conduct consistent with area standards.

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

35 (6) For the purposes of this section((7)):

36 (a) "Managing agency" means an organization such as a religious  
37 organization or other organized entity that has the capacity to  
38 organize and manage a homeless outdoor encampment, temporary small  
39 houses on-site, indoor overnight shelter, and a vehicle resident safe  
40 parking program.

1 (b) "Outdoor encampment" means any temporary tent or structure  
2 encampment, or both.

3 (c) "Religious organization" means the federally protected  
4 practice of a recognized religious assembly, school, or institution  
5 that owns or controls real property.

6 (d) "Temporary" means not affixed to land permanently and not  
7 using underground utilities.

8 ~~((4))~~ (7)(a) Subsection (2) of this section does not affect a  
9 county policy, ordinance, memorandum of understanding, or applicable  
10 consent decree that regulates religious organizations' hosting of the  
11 homeless if such policies, ordinances, memoranda of understanding, or  
12 consent decrees:

13 (i) Exist prior to the effective date of this section;

14 (ii) Do not categorically prohibit the hosting of the homeless by  
15 religious organizations; and

16 (iii) Do not violate the religious land use and institutionalized  
17 persons act, 42 U.S.C. Sec. 2000cc.

18 (b) If such policies, ordinances, memoranda of understanding, and  
19 consent decrees are amended after the effective date of this section,  
20 those amendments are not affected by subsection (2) of this section  
21 if those amendments satisfy (a)(ii) and (iii) of this subsection.

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

29 (9) A religious organization hosting outdoor encampments, vehicle  
30 resident safe parking, or indoor overnight shelters for the homeless  
31 that receives funds from any government agency may not refuse to host  
32 any resident or prospective resident because of age, sex, marital  
33 status, sexual orientation, race, creed, color, national origin,  
34 honorably discharged veteran or military status, or the presence of  
35 any sensory, mental, or physical disability or the use of a trained  
36 dog guide or service animal by a person with a disability, as these  
37 terms are defined in RCW 49.60.040.

38 (10) A religious organization hosting the homeless on property  
39 owned or controlled by the religious organization must, at least two  
40 weeks prior to the opening of an outdoor encampment, indoor overnight

1 shelter, temporary small house on site, or vehicle resident safe  
2 parking, host a meeting open to the public for the purpose of  
3 providing a forum for discussion of related neighborhood concerns.

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~~  
7 ~~for~~) 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) Except as provided in subsection (7) of this section, a city  
11 or town may not enact an ordinance or regulation or take any other  
12 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, such as an outdoor encampment, indoor  
17 overnight shelter, temporary small house on site, or vehicle resident  
18 safe parking, for homeless persons on property owned or controlled by  
19 the religious organization;

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

25 (c) Imposes permit fees in excess of the actual costs associated  
26 with the review and approval of (~~the required~~) permit applications.  
27 A city or town has discretion to reduce or waive permit fees for a  
28 religious organization that is hosting the homeless;

29 (d) Specifically limits a religious organization's availability  
30 to host an outdoor encampment on its property or property controlled  
31 by the religious organization to fewer than three months during any  
32 calendar year. However, a city or town may enact an ordinance or  
33 regulation that requires a separation of time of no more than six  
34 months between subsequent or established outdoor encampments at a  
35 particular site;

36 (e) Specifically limits a religious organization's outdoor  
37 encampment hosting term to fewer than three consecutive months;

38 (f) Limits the number of simultaneous religious organization  
39 outdoor encampment hostings within the same municipality during any

1 given period of time. Simultaneous and adjacent hostings of outdoor  
2 encampments by religious organizations may be limited if located  
3 within one-half mile of another outdoor encampment concurrently  
4 hosted by a religious organization;

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

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

14 (ii) Restroom access must be provided either within the buildings  
15 on the property or through use of portable facilities, with the  
16 provision for proper disposal of waste if recreational vehicles are  
17 hosted; and

18 (iii) Religious organizations providing spaces for safe parking  
19 must continue to abide by any existing on-site parking minimum  
20 requirement so that the provision of safe parking spaces does not  
21 reduce the total number of available parking spaces below the minimum  
22 number of spaces required by the city or town, but a city or town may  
23 enter into a memorandum of understanding with a religious  
24 organization that reduces the minimum number of on-site parking  
25 spaces required;

26 (h) Limits a religious organization's availability to host an  
27 indoor overnight shelter in spaces with at least two accessible exits  
28 due to lack of sprinklers or other fire-related concerns, except  
29 that:

30 (i) If a city or town fire official finds that fire-related  
31 concerns associated with an indoor overnight shelter pose an imminent  
32 danger to persons within the shelter, the city or town may take  
33 action to limit the religious organization's availability to host the  
34 indoor overnight shelter; and

35 (ii) A city or town may require a host religious organization to  
36 enter into a memorandum of understanding for fire safety that  
37 includes local fire district inspections, an outline for appropriate  
38 emergency procedures, a determination of the most viable means to  
39 evacuate occupants from inside the host site with appropriate



1 illuminated exit signage, panic bar exit doors, and a completed fire  
2 watch agreement indicating:

3 (A) Posted safe means of egress;

4 (B) Operable smoke detectors, carbon monoxide detectors as  
5 necessary, and fire extinguishers;

6 (C) A plan for monitors who spend the night awake and are  
7 familiar with emergency protocols, who have suitable communication  
8 devices, and who know how to contact the local fire department; or

9 (i) Limits a religious organization's ability to host temporary  
10 small houses on land owned or controlled by the religious  
11 organization, except for recommendations that are in accord with the  
12 following criteria:

13 (i) A renewable one-year duration agreed to by the host religious  
14 organization and local jurisdiction via a memorandum of  
15 understanding;

16 (ii) Maintaining a maximum unit square footage of one hundred  
17 twenty square feet, with units set at least six feet apart;

18 (iii) Electricity and heat, if provided, must be inspected by the  
19 local jurisdiction;

20 (iv) Space heaters, if provided, must be approved by the local  
21 fire authority;

22 (v) Doors and windows must be included and be lockable, with a  
23 recommendation that the managing agency and host religious  
24 organization also possess keys;

25 (vi) Each unit must have a fire extinguisher;

26 (vii) Adequate restrooms must be provided, including restrooms  
27 solely for families if present, along with handwashing and potable  
28 running water to be available if not provided within the individual  
29 units, including accommodating black water;

30 (viii) A recommendation for the host religious organization to  
31 partner with regional homeless service providers to develop pathways  
32 to permanent housing.

33 (3)(a) A city or town may enact an ordinance or regulation or  
34 take any other action that requires a host religious organization and  
35 a distinct managing agency using the religious organization's  
36 property, owned or controlled by the religious organization, for  
37 hostings to include outdoor encampments, temporary small houses on  
38 site, indoor overnight shelters, or vehicle resident safe parking to  
39 enter into a memorandum of understanding to protect the public health

1 and safety of both the residents of the particular hosting and the  
2 residents of the city or town.

3 (b) At a minimum, the agreement must include information  
4 regarding: The right of a resident in an outdoor encampment, vehicle  
5 resident safe parking, temporary small house on site, or indoor  
6 overnight shelter to seek public health and safety assistance, the  
7 resident's ability to access social services on site, and the  
8 resident's ability to directly interact with the host religious  
9 organization, including the ability to express any concerns regarding  
10 the managing agency to the religious organization; a written code of  
11 conduct agreed to by the managing agency, if any, host religious  
12 organization, and all volunteers working with residents of the  
13 outdoor encampment, temporary small house on site, indoor overnight  
14 shelter, or vehicle resident safe parking; and when a publicly funded  
15 managing agency exists, the ability for the host religious  
16 organization to interact with residents of the outdoor encampment,  
17 indoor overnight shelter, temporary small house on site, or vehicle  
18 resident safe parking using a release of information.

19 (4) If required to do so by a city or town, any host religious  
20 organization performing any hosting of an outdoor encampment, vehicle  
21 resident safe parking, or indoor overnight shelter, or the host  
22 religious organization's managing agency, must ensure that the city  
23 or town or local law enforcement agency has completed sex offender  
24 checks of all adult residents and guests. The host religious  
25 organization retains the authority to allow such offenders to remain  
26 on the property. A host religious organization or host religious  
27 organization's managing agency performing any hosting of vehicle  
28 resident safe parking must inform vehicle residents how to comply  
29 with laws regarding the legal status of vehicles and drivers, and  
30 provide a written code of conduct consistent with area standards.

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

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

5 (6) For the purposes of this section((7)):

6 (a) "Managing agency" means an organization such as a religious  
7 organization or other organized entity that has the capacity to  
8 organize and manage a homeless outdoor encampment, temporary small  
9 houses on-site, indoor overnight shelter, and a vehicle resident safe  
10 parking program.

11 (b) "Outdoor encampment" means any temporary tent or structure  
12 encampment, or both.

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

16 (d) "Temporary" means not affixed to land permanently and not  
17 using underground utilities.

18 ((4)) (7)(a) Subsection (2) of this section does not affect a  
19 city or town policy, ordinance, memorandum of understanding, or  
20 applicable consent decree that regulates religious organizations'  
21 hosting of the homeless if such policies, ordinances, memoranda of  
22 understanding, or consent decrees:

23 (i) Exist prior to the effective date of this section;

24 (ii) Do not categorically prohibit the hosting of the homeless by  
25 religious organizations; and

26 (iii) Do not violate the religious land use and institutionalized  
27 persons act, 42 U.S.C. Sec. 2000cc.

28 (b) If such policies, ordinances, memoranda of understanding, and  
29 consent decrees are amended after the effective date of this section,  
30 those amendments are not affected by subsection (2) of this section  
31 if those amendments satisfy (a)(ii) and (iii) of this subsection.

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

39 (9) A religious organization hosting outdoor encampments, vehicle  
40 resident safe parking, or indoor overnight shelters for the homeless

1 that receives funds from any government agency may not refuse to host  
2 any resident or prospective resident because of age, sex, marital  
3 status, sexual orientation, race, creed, color, national origin,  
4 honorably discharged veteran or military status, or the presence of  
5 any sensory, mental, or physical disability or the use of a trained  
6 dog guide or service animal by a person with a disability, as these  
7 terms are defined in RCW 49.60.040.

8 (10) A religious organization hosting the homeless on property  
9 owned or controlled by the religious organization must, at least two  
10 weeks prior to the opening of an outdoor encampment, indoor overnight  
11 shelter, temporary small house on site, or vehicle resident safe  
12 parking, host a meeting open to the public for the purpose of  
13 providing a forum for discussion of related neighborhood concerns.

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~~  
17 ~~for~~) 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) Except as provided in subsection (7) of this section, a code  
21 city may not enact an ordinance or regulation or take any other  
22 action that:

23 (a) Imposes conditions other than those necessary to protect  
24 public health and safety and that do not substantially burden the  
25 decisions or actions of a religious organization regarding the  
26 location of housing or shelter, such as an outdoor encampment, indoor  
27 overnight shelter, temporary small house on site, or vehicle resident  
28 safe parking, for homeless persons on property owned or controlled by  
29 the religious organization;

30 (b) Requires a religious organization to obtain insurance  
31 pertaining to the liability of a municipality with respect to  
32 homeless persons housed on property owned by a religious organization  
33 or otherwise requires the religious organization to indemnify the  
34 municipality against such liability; (~~or~~)

35 (c) Imposes permit fees in excess of the actual costs associated  
36 with the review and approval of (~~the required~~) permit applications.  
37 A code city has discretion to reduce or waive permit fees for a  
38 religious organization that is hosting the homeless;

1 (d) Specifically limits a religious organization's availability  
2 to host an outdoor encampment on its property or property controlled  
3 by the religious organization to fewer than three months during any  
4 calendar year. However, a code city may enact an ordinance or  
5 regulation that requires a separation of time of no more than six  
6 months between subsequent or established outdoor encampments at a  
7 particular site;

8 (e) Specifically limits a religious organization's outdoor  
9 encampment hosting term to fewer than four consecutive months;

10 (f) Limits the number of simultaneous religious organization  
11 outdoor encampment hostings within the same municipality during any  
12 given period of time. Simultaneous and adjacent hostings of outdoor  
13 encampments by religious organizations may be limited if located  
14 within one-half mile of another outdoor encampment concurrently  
15 hosted by a religious organization;

16 (g) Limits a religious organization's availability to host safe  
17 parking efforts at its on-site parking lot, including limitations on  
18 any other congregationally sponsored uses and the parking available  
19 to support such uses during the hosting, except for limitations that  
20 are in accord with the following criteria that would govern if  
21 enacted by local ordinance or memorandum of understanding between the  
22 host religious organization and the jurisdiction:

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

25 (ii) Restroom access must be provided either within the buildings  
26 on the property or through use of portable facilities, with the  
27 provision for proper disposal of waste if recreational vehicles are  
28 hosted; and

29 (iii) Religious organizations providing spaces for safe parking  
30 must continue to abide by any existing on-site parking minimum  
31 requirement so that the provision of safe parking spaces does not  
32 reduce the total number of available parking spaces below the minimum  
33 number of spaces required by the code city, but a code city may enter  
34 into a memorandum of understanding with a religious organization that  
35 reduces the minimum number of on-site parking spaces required;

36 (h) Limits a religious organization's availability to host an  
37 indoor overnight shelter in spaces with at least two accessible exits  
38 due to lack of sprinklers or other fire-related concerns, except  
39 that:

1 (i) If a code city fire official finds that fire-related concerns  
2 associated with an indoor overnight shelter pose an imminent danger  
3 to persons within the shelter, the code city may take action to limit  
4 the religious organization's availability to host the indoor  
5 overnight shelter; and

6 (ii) A code city may require a host religious organization to  
7 enter into a memorandum of understanding for fire safety that  
8 includes local fire district inspections, an outline for appropriate  
9 emergency procedures, a determination of the most viable means to  
10 evacuate occupants from inside the host site with appropriate  
11 illuminated exit signage, panic bar exit doors, and a completed fire  
12 watch agreement indicating:

13 (A) Posted safe means of egress;

14 (B) Operable smoke detectors, carbon monoxide detectors as  
15 necessary, and fire extinguishers;

16 (C) A plan for monitors who spend the night awake and are  
17 familiar with emergency protocols, who have suitable communication  
18 devices, and who know how to contact the local fire department; or

19 (i) Limits a religious organization's ability to host temporary  
20 small houses on land owned or controlled by the religious  
21 organization, except for recommendations that are in accord with the  
22 following criteria:

23 (i) A renewable one-year duration agreed to by the host religious  
24 organization and local jurisdiction via a memorandum of  
25 understanding;

26 (ii) Maintaining a maximum unit square footage of one hundred  
27 twenty square feet, with units set at least six feet apart;

28 (iii) Electricity and heat, if provided, must be inspected by the  
29 local jurisdiction;

30 (iv) Space heaters, if provided, must be approved by the local  
31 fire authority;

32 (v) Doors and windows must be included and be lockable, with a  
33 recommendation that the managing agency and host religious  
34 organization also possess keys;

35 (vi) Each unit must have a fire extinguisher;

36 (vii) Adequate restrooms must be provided, including restrooms  
37 solely for families if present, along with handwashing and potable  
38 running water to be available if not provided within the individual  
39 units, including accommodating black water;

1 (viii) A recommendation for the host religious organization to  
2 partner with regional homeless service providers to develop pathways  
3 to permanent housing.

4 (3)(a) A code city may enact an ordinance or regulation or take  
5 any other action that requires a host religious organization and a  
6 distinct managing agency using the religious organization's property,  
7 owned or controlled by the religious organization, for hostings to  
8 include outdoor encampments, temporary small houses on site, indoor  
9 overnight shelters, or vehicle resident safe parking to enter into a  
10 memorandum of understanding to protect the public health and safety  
11 of both the residents of the particular hosting and the residents of  
12 the code city.

13 (b) At a minimum, the agreement must include information  
14 regarding: The right of a resident in an outdoor encampment, vehicle  
15 resident safe parking, temporary small house on site, or indoor  
16 overnight shelter to seek public health and safety assistance, the  
17 resident's ability to access social services on site, and the  
18 resident's ability to directly interact with the host religious  
19 organization, including the ability to express any concerns regarding  
20 the managing agency to the religious organization; a written code of  
21 conduct agreed to by the managing agency, if any, host religious  
22 organization, and all volunteers working with residents of the  
23 outdoor encampment, temporary small house on site, indoor overnight  
24 shelter, or vehicle resident safe parking; and when a publicly funded  
25 managing agency exists, the ability for the host religious  
26 organization to interact with residents of the outdoor encampment,  
27 indoor overnight shelter, temporary small house on site, or vehicle  
28 resident safe parking using a release of information.

29 (4) If required to do so by a code city, any host religious  
30 organization performing any hosting of an outdoor encampment, vehicle  
31 resident safe parking, or indoor overnight shelter, or the host  
32 religious organization's managing agency, must ensure that the code  
33 city or local law enforcement agency has completed sex offender  
34 checks of all adult residents and guests. The host religious  
35 organization retains the authority to allow such offenders to remain  
36 on the property. A host religious organization or host religious  
37 organization's managing agency performing any hosting of vehicle  
38 resident safe parking must inform vehicle residents how to comply  
39 with laws regarding the legal status of vehicles and drivers, and  
40 provide a written code of conduct consistent with area standards.

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

14 (6) For the purposes of this section((7)):

15 (a) "Managing agency" means an organization such as a religious  
16 organization or other organized entity that has the capacity to  
17 organize and manage a homeless outdoor encampment, temporary small  
18 houses on-site, indoor overnight shelter, and a vehicle resident safe  
19 parking program.

20 (b) "Outdoor encampment" means any temporary tent or structure  
21 encampment, or both.

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

25 (d) "Temporary" means not affixed to land permanently and not  
26 using underground utilities.

27 ((4)) (7)(a) Subsection (2) of this section does not affect a  
28 code city policy, ordinance, memorandum of understanding, or  
29 applicable consent decree that regulates religious organizations'  
30 hosting of the homeless if such policies, ordinances, memoranda of  
31 understanding, or consent decrees:

32 (i) Exist prior to the effective date of this section;

33 (ii) Do not categorically prohibit the hosting of the homeless by  
34 religious organizations; and

35 (iii) Do not violate the religious land use and institutionalized  
36 persons act, 42 U.S.C. Sec. 2000cc.

37 (b) If such policies, ordinances, memoranda of understanding, and  
38 consent decrees are amended after the effective date of this section,  
39 those amendments are not affected by subsection (2) of this section  
40 if those amendments satisfy (a)(ii) and (iii) of this subsection.



1       (8) 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       (9) A religious organization hosting outdoor encampments, vehicle  
9 resident safe parking, or indoor overnight shelters for the homeless  
10 that receives funds from any government agency may not refuse to host  
11 any resident or prospective resident because of age, sex, marital  
12 status, sexual orientation, race, creed, color, national origin,  
13 honorably discharged veteran or military status, or the presence of  
14 any sensory, mental, or physical disability or the use of a trained  
15 dog guide or service animal by a person with a disability, as these  
16 terms are defined in RCW 49.60.040.

17       (10) A religious organization hosting the homeless on property  
18 owned or controlled by the religious organization must, at least two  
19 weeks prior to the opening of an outdoor encampment, indoor overnight  
20 shelter, temporary small house on site, or vehicle resident safe  
21 parking, host a meeting open to the public for the purpose of  
22 providing a forum for discussion of related neighborhood concerns."

23       Correct the title.

EFFECT: (1) Allows a county, city or town, or code city to take action to limit a religious organization's availability to host an indoor overnight shelter if the local fire official finds that fire-related concerns associated with the shelter pose an imminent danger to persons within the shelter;

(2) Removes a provision allowing a county, city or town, or code city to require a religious organization hosting an indoor overnight shelter to comply with fire sprinkler requirements no earlier than five years after the effective date of the bill; and

(3) Requires a religious organization hosting the homeless on property owned or controlled by the religious organization to host a public meeting at least two weeks prior to the opening of a homeless encampment for the purpose of providing a forum for discussion of related neighborhood concerns.

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