

SHB 1754 - H AMD 1120

By Representative Santos

ADOPTED AS AMENDED 02/17/2020

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 six 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 three months
29 between subsequent or established outdoor encampments at a particular
30 site;

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

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

39 (g) Limits a religious organization's availability to host safe
40 parking efforts at its on-site parking lot, including limitations on

1 any other congregationally sponsored uses and the parking available
2 to support such uses during the hosting, except for limitations that
3 are in accord with the following criteria that would govern if
4 enacted by local ordinance or memorandum of understanding between the
5 host religious organization and the jurisdiction:

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

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

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

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

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

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

35 (A) Posted safe means of egress;

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

38 (C) A plan for monitors who spend the night awake and are
39 familiar with emergency protocols, who have suitable communication
40 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 six 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 three
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 four 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 thousand feet 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 six 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 three
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 thousand feet 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.

(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.

(4) Modifies the limitations cities and counties may place of outdoor encampments as follows:

(a) The duration of an outdoor encampment may not be limited to fewer than six, rather than three months during a calendar year;

(b) The required separation of time between encampments may not be greater than three, rather than six months;

(c) The duration of an outdoor encampment may not be limited to fewer than four, rather than three, consecutive months; and

(d) Simultaneous, adjacent encampments may be limited if located with one thousand feet, rather than one-half mile, of another encampment.

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