

ESSB 5946 - H COMM AMD

By Committee on Environment & Energy

NOT CONSIDERED 12/23/2019

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 43.21C
4 RCW to read as follows:

5 (1) Permit actions to site a temporary shelter or transitional
6 encampment are exempt from compliance with this chapter if the
7 shelter or encampment meets each of the following standards:

8 (a) The temporary shelter or transitional encampment is used for
9 people experiencing homelessness;

10 (b) The temporary shelter or transitional encampment includes no
11 more than two hundred beds and the number of occupants is based on
12 one person for each bed;

13 (c) The permit for the temporary shelter or transitional
14 encampment includes a condition that the shelter or encampment is
15 used on the site for no more than three years. If a temporary shelter
16 or transitional encampment is to remain on the site for more than
17 three years, the permit action to extend or reissue a permit to the
18 temporary shelter or transitional encampment is not exempt from
19 compliance with this chapter;

20 (d) The temporary shelter or transitional encampment does not
21 involve erecting a new permanent structure;

22 (e) The local jurisdiction acting as lead agency has declared a
23 state of emergency on homelessness that is in effect at the time of
24 the permit action; and

25 (f) The temporary encampment or shelter may not be located within
26 one thousand feet of a public or private school or an early learning
27 facility, unless the public or private school, early learning
28 facility, or controlling affiliate organization of the public or
29 private school or early learning facility has provided written
30 notification approving of the siting to the government entity
31 responsible for the permit action.

1 (2) The definitions in this subsection apply throughout this
2 section unless the context clearly requires otherwise.

3 (a) "School" means:

4 (i) A public school under RCW 28A.150.010;

5 (ii) A private school approved by the state under chapter 28A.195
6 RCW; and

7 (iii) A charter school under RCW 28A.710.010.

8 (b) "Early learning facility" means:

9 (i) A child day care center under RCW 43.216.010(1)(a);

10 (ii) An early childhood education and assistance program provider
11 under RCW 43.216.010(8);

12 (iii) A family day care provider under RCW 43.216.010(1)(c);

13 (iv) A head start program under 42 U.S.C. 9801 et seq.; and

14 (v) A nursery school under RCW 43.216.010(2)(e).

15 (c) "Temporary shelter" means a use sited in a new or existing
16 structure or modular structure that provides temporary quarters for
17 sleeping and shelter. The use may have common food preparation,
18 shower, or other commonly used facilities that support temporary
19 shelters.

20 (d) "Transitional encampment" means a use having tents, modular
21 structures, or a similar shelter, including vehicles used for
22 shelter, that provides temporary quarters for sleeping and shelter.
23 The use may have common food preparation, shower, or other commonly
24 used facilities that are separate from the sleeping shelters and that
25 support transitional encampments.

26 (3) The exemption established in this section is in addition to
27 the exemption established by rule pursuant to RCW 43.21C.110(1)(k),
28 and does not in any way limit or change that exemption."

29 Correct the title.

EFFECT: Requires the three-year limitation on the siting of a
temporary shelter or transitional encampment to be a condition of the
permit issued to the shelter or encampment in order for the exemption
from the State Environmental Policy Act (SEPA) to apply, and does not
exempt from SEPA any extensions or reissuances of a permit to a
shelter or encampment that remains on site for longer than three
years;

Specifies that the lead agency under SEPA must be the local
jurisdiction that has declared a state of emergency related to
homelessness in order for the SEPA exemption to apply;

Requires a declaration of homelessness-related emergency to be in
effect at the time of the permit action in order for the SEPA
exemption to apply;

Clarifies that all criteria that qualify a facility for an exemption from SEPA apply to the siting of both transitional encampments and temporary shelters;

Removes the requirement that a shelter or encampment prohibit the on-premises use of alcohol or drugs in order for the SEPA exemption to apply;

Specifies that a school or early learning facility must issue a written notification to a lead agency when authorizing a SEPA exemption for the siting of a temporary shelter or transitional encampment within 1,000 feet of the school or early learning facility; and

Specifies that the State Environmental Policy Act (SEPA) exemption for permit actions related to the siting of certain transitional encampments or temporary shelters is in addition to exemptions adopted by administrative rule related to actions that are exempt from SEPA in situations of emergency, and does not limit or change those other SEPA exemptions.

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