

ESHB 1754 - S COMM AMD

By Committee on Housing Stability & Affordability

ADOPTED 03/03/2020

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (A) Posted safe means of egress;

38 (B) Operable smoke detectors, carbon monoxide detectors as
39 necessary, and fire extinguishers;

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

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

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

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

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

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

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

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

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

25 (viii) A recommendation for the host religious organization to
26 partner with regional homeless service providers to develop pathways
27 to permanent housing.

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

37 (b) At a minimum, the agreement must include information
38 regarding: The right of a resident in an outdoor encampment, vehicle
39 resident safe parking, temporary small house on-site, or indoor
40 overnight shelter to seek public health and safety assistance, the

1 resident's ability to access social services on-site, and the
2 resident's ability to directly interact with the host religious
3 organization, including the ability to express any concerns regarding
4 the managing agency to the religious organization; a written code of
5 conduct agreed to by the managing agency, if any, host religious
6 organization, and all volunteers working with residents of the
7 outdoor encampment, temporary small house on-site, indoor overnight
8 shelter, or vehicle resident safe parking; and when a publicly funded
9 managing agency exists, the ability for the host religious
10 organization to interact with residents of the outdoor encampment,
11 indoor overnight shelter, temporary small house on-site, or vehicle
12 resident safe parking using a release of information.

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

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

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

39 (a) "Managing agency" means an organization such as a religious
40 organization or other organized entity that has the capacity to

1 organize and manage a homeless outdoor encampment, temporary small
2 houses on-site, indoor overnight shelter, and a vehicle resident safe
3 parking program.

4 (b) "Outdoor encampment" means any temporary tent or structure
5 encampment, or both.

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

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

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

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

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

19 (iii) Have not been previously ruled by a court to violate the
20 religious land use and institutionalized persons act, 42 U.S.C. Sec.
21 2000cc.

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

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

33 (9) A religious organization hosting outdoor encampments, vehicle
34 resident safe parking, or indoor overnight shelters for the homeless
35 that receives funds from any government agency may not refuse to host
36 any resident or prospective resident because of age, sex, marital
37 status, sexual orientation, race, creed, color, national origin,
38 honorably discharged veteran or military status, or the presence of
39 any sensory, mental, or physical disability or the use of a trained

1 dog guide or service animal by a person with a disability, as these
2 terms are defined in RCW 49.60.040.

3 (10)(a) Prior to the opening of an outdoor encampment, indoor
4 overnight shelter, temporary small house on-site, or vehicle resident
5 safe parking, a religious organization hosting the homeless on
6 property owned or controlled by the religious organization must host
7 a meeting open to the public for the purpose of providing a forum for
8 discussion of related neighborhood concerns, unless the use is in
9 response to a declared emergency. The religious organization must
10 provide written notice of the meeting to the county legislative
11 authority at least one week if possible but no later than ninety-six
12 hours prior to the meeting. The notice must specify the time, place,
13 and purpose of the meeting.

14 (b) A county must provide community notice of the meeting
15 described in (a) of this subsection by taking at least two of the
16 following actions at any time prior to the time of the meeting:

17 (i) Delivering to each local newspaper of general circulation and
18 local radio or television station that has on file with the governing
19 body a written request to be notified of special meetings;

20 (ii) Posting on the county's web site. A county is not required
21 to post a special meeting notice on its web site if it: (A) Does not
22 have a web site; (B) employs fewer than ten full-time equivalent
23 employees; or (C) does not employ personnel whose duty, as defined by
24 a job description or existing contract, is to maintain or update the
25 web site;

26 (iii) Prominently displaying, on signage at least two feet in
27 height and two feet in width, one or more meeting notices that can be
28 placed on or adjacent to the main arterials in proximity to the
29 location of the meeting; or

30 (iv) Prominently displaying the notice at the meeting site.

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

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

37 (2) Except as provided in subsection (7) of this section, a city
38 or town may not enact an ordinance or regulation or take any other
39 action that:

1 (a) Imposes conditions other than those necessary to protect
2 public health and safety and that do not substantially burden the
3 decisions or actions of a religious organization regarding the
4 location of housing or shelter, such as an outdoor encampment, indoor
5 overnight shelter, temporary small house on-site, or vehicle resident
6 safe parking, for homeless persons on property owned or controlled by
7 the religious organization;

8 (b) Requires a religious organization to obtain insurance
9 pertaining to the liability of a municipality with respect to
10 homeless persons housed on property owned by a religious organization
11 or otherwise requires the religious organization to indemnify the
12 municipality against such liability; ~~((or))~~

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

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

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

26 (f) Limits the number of simultaneous religious organization
27 outdoor encampment hostings within the same municipality during any
28 given period of time. Simultaneous and adjacent hostings of outdoor
29 encampments by religious organizations may be limited if located
30 within one thousand feet of another outdoor encampment concurrently
31 hosted by a religious organization;

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

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

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

5 (iii) Religious organizations providing spaces for safe parking
6 must continue to abide by any existing on-site parking minimum
7 requirement so that the provision of safe parking spaces does not
8 reduce the total number of available parking spaces below the minimum
9 number of spaces required by the city or town, but a city or town may
10 enter into a memorandum of understanding with a religious
11 organization that reduces the minimum number of on-site parking
12 spaces required;

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

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

22 (ii) A city or town may require a host religious organization to
23 enter into a memorandum of understanding for fire safety that
24 includes local fire district inspections, an outline for appropriate
25 emergency procedures, a determination of the most viable means to
26 evacuate occupants from inside the host site with appropriate
27 illuminated exit signage, panic bar exit doors, and a completed fire
28 watch agreement indicating:

29 (A) Posted safe means of egress;

30 (B) Operable smoke detectors, carbon monoxide detectors as
31 necessary, and fire extinguishers;

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

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

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

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

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

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

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

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

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

18 (viii) A recommendation for the host religious organization to
19 partner with regional homeless service providers to develop pathways
20 to permanent housing.

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

30 (b) At a minimum, the agreement must include information
31 regarding: The right of a resident in an outdoor encampment, vehicle
32 resident safe parking, temporary small house on-site, or indoor
33 overnight shelter to seek public health and safety assistance, the
34 resident's ability to access social services on-site, and the
35 resident's ability to directly interact with the host religious
36 organization, including the ability to express any concerns regarding
37 the managing agency to the religious organization; a written code of
38 conduct agreed to by the managing agency, if any, host religious
39 organization, and all volunteers working with residents of the
40 outdoor encampment, temporary small house on-site, indoor overnight

1 shelter, or vehicle resident safe parking; and when a publicly funded
2 managing agency exists, the ability for the host religious
3 organization to interact with residents of the outdoor encampment,
4 indoor overnight shelter, temporary small house on-site, or vehicle
5 resident safe parking using a release of information.

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

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

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

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

38 (b) "Outdoor encampment" means any temporary tent or structure
39 encampment, or both.

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

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

6 ~~((4))~~ (7)(a) Subsection (2) of this section does not affect a
7 city or town policy, ordinance, memorandum of understanding, or
8 applicable consent decree that regulates religious organizations'
9 hosting of the homeless if such policies, ordinances, memoranda of
10 understanding, or consent decrees:

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

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

14 (iii) Have not been previously ruled by a court to violate the
15 religious land use and institutionalized persons act, 42 U.S.C. Sec.
16 2000cc.

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

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

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

37 (10)(a) Prior to the opening of an outdoor encampment, indoor
38 overnight shelter, temporary small house on-site, or vehicle resident
39 safe parking, a religious organization hosting the homeless on
40 property owned or controlled by the religious organization must host

1 a meeting open to the public for the purpose of providing a forum for
2 discussion of related neighborhood concerns, unless the use is in
3 response to a declared emergency. The religious organization must
4 provide written notice of the meeting to the city or town legislative
5 authority at least one week if possible but no later than ninety-six
6 hours prior to the meeting. The notice must specify the time, place,
7 and purpose of the meeting.

8 (b) A city or town must provide community notice of the meeting
9 described in (a) of this subsection by taking at least two of the
10 following actions at any time prior to the time of the meeting:

11 (i) Delivering to each local newspaper of general circulation and
12 local radio or television station that has on file with the governing
13 body a written request to be notified of special meetings;

14 (ii) Posting on the city or town's web site. A city or town is
15 not required to post a special meeting notice on its web site if it:
16 (A) Does not have a web site; (B) employs fewer than ten full-time
17 equivalent employees; or (C) does not employ personnel whose duty, as
18 defined by a job description or existing contract, is to maintain or
19 update the web site;

20 (iii) Prominently displaying, on signage at least two feet in
21 height and two feet in width, one or more meeting notices that can be
22 placed on or adjacent to the main arterials in proximity to the
23 location of the meeting; or

24 (iv) Prominently displaying the notice at the meeting site.

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

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

31 (2) Except as provided in subsection (7) of this section, a code
32 city may not enact an ordinance or regulation or take any other
33 action that:

34 (a) Imposes conditions other than those necessary to protect
35 public health and safety and that do not substantially burden the
36 decisions or actions of a religious organization regarding the
37 location of housing or shelter, such as an outdoor encampment, indoor
38 overnight shelter, temporary small house on-site, or vehicle resident

1 safe parking, for homeless persons on property owned or controlled by
2 the religious organization;

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

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

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

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

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

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

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

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

1 (iii) Religious organizations providing spaces for safe parking
2 must continue to abide by any existing on-site parking minimum
3 requirement so that the provision of safe parking spaces does not
4 reduce the total number of available parking spaces below the minimum
5 number of spaces required by the code city, but a code city may enter
6 into a memorandum of understanding with a religious organization that
7 reduces the minimum number of on-site parking spaces required;

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

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

17 (ii) A code city may require a host religious organization to
18 enter into a memorandum of understanding for fire safety that
19 includes local fire district inspections, an outline for appropriate
20 emergency procedures, a determination of the most viable means to
21 evacuate occupants from inside the host site with appropriate
22 illuminated exit signage, panic bar exit doors, and a completed fire
23 watch agreement indicating:

24 (A) Posted safe means of egress;

25 (B) Operable smoke detectors, carbon monoxide detectors as
26 necessary, and fire extinguishers;

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

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

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

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

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

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

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

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

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

11 (viii) A recommendation for the host religious organization to
12 partner with regional homeless service providers to develop pathways
13 to permanent housing.

14 (3) (a) A code city may enact an ordinance or regulation or take
15 any other action that requires a host religious organization and a
16 distinct managing agency using the religious organization's property,
17 owned or controlled by the religious organization, for hostings to
18 include outdoor encampments, temporary small houses on-site, indoor
19 overnight shelters, or vehicle resident safe parking to enter into a
20 memorandum of understanding to protect the public health and safety
21 of both the residents of the particular hosting and the residents of
22 the code city.

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

39 (4) If required to do so by a code city, any host religious
40 organization performing any hosting of an outdoor encampment, vehicle

1 resident safe parking, or indoor overnight shelter, or the host
2 religious organization's managing agency, must ensure that the code
3 city or local law enforcement agency has completed sex offender
4 checks of all adult residents and guests. The host religious
5 organization retains the authority to allow such offenders to remain
6 on the property. A host religious organization or host religious
7 organization's managing agency performing any hosting of vehicle
8 resident safe parking must inform vehicle residents how to comply
9 with laws regarding the legal status of vehicles and drivers, and
10 provide a written code of conduct consistent with area standards.

11 (5) Any host religious organization performing any hosting of an
12 outdoor encampment, vehicle resident safe parking, temporary small
13 house on-site, or indoor overnight shelter, with a publicly funded
14 managing agency, must work with the code city to utilize Washington's
15 homeless client management information system, as provided for in RCW
16 43.185C.180. When the religious organization does not partner with a
17 managing agency, the religious organization is encouraged to partner
18 with a local homeless services provider using the Washington homeless
19 client managing information system. Any managing agency receiving any
20 funding from local continuum of care programs must utilize the
21 homeless client management information system. Temporary, overnight,
22 extreme weather shelter provided in religious organization buildings
23 does not need to meet this requirement.

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

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

30 (b) "Outdoor encampment" means any temporary tent or structure
31 encampment, or both.

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

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

37 ((4)) (7)(a) Subsection (2) of this section does not affect a
38 code city policy, ordinance, memorandum of understanding, or
39 applicable consent decree that regulates religious organizations'

1 hosting of the homeless if such policies, ordinances, memoranda of
2 understanding, or consent decrees:

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

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

6 (iii) Have not been previously ruled by a court to violate the
7 religious land use and institutionalized persons act, 42 U.S.C. Sec.
8 2000cc.

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

13 (8) An appointed or elected public official, public employee, or
14 public agency as defined in RCW 4.24.470 is immune from civil
15 liability for (a) damages arising from the permitting decisions for a
16 temporary encampment for the homeless as provided in this section and
17 (b) any conduct or unlawful activity that may occur as a result of
18 the temporary encampment for the homeless as provided in this
19 section.

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

29 (10) (a) Prior to the opening of an outdoor encampment, indoor
30 overnight shelter, temporary small house on-site, or vehicle resident
31 safe parking, a religious organization hosting the homeless on
32 property owned or controlled by the religious organization must host
33 a meeting open to the public for the purpose of providing a forum for
34 discussion of related neighborhood concerns, unless the use is in
35 response to a declared emergency. The religious organization must
36 provide written notice of the meeting to the code city legislative
37 authority at least one week if possible but no later than ninety-six
38 hours prior to the meeting. The notice must specify the time, place,
39 and purpose of the meeting.

1 (b) A code city must provide community notice of the meeting
2 described in (a) of this subsection by taking at least two of the
3 following actions at any time prior to the time of the meeting:

4 (i) Delivering to each local newspaper of general circulation and
5 local radio or television station that has on file with the governing
6 body a written request to be notified of special meetings;

7 (ii) Posting on the code city's web site. A code city is not
8 required to post a special meeting notice on its web site if it: (A)
9 Does not have a web site; (B) employs fewer than ten full-time
10 equivalent employees; or (C) does not employ personnel whose duty, as
11 defined by a job description or existing contract, is to maintain or
12 update the web site;

13 (iii) Prominently displaying, on signage at least two feet in
14 height and two feet in width, one or more meeting notices that can be
15 placed on or adjacent to the main arterials in proximity to the
16 location of the meeting; or

17 (iv) Prominently displaying the notice at the meeting site."

ESHB 1754 - S COMM AMD

By Committee on Housing Stability & Affordability

ADOPTED 03/03/2020

18 On page 1, line 2 of the title, after "organizations;" strike the
19 remainder of the title and insert "amending RCW 36.01.290, 35.21.915,
20 and 35A.21.360; and creating a new section."

EFFECT: (1) The exemption clause for local government ordinances and policies that already regulate the hosting of the homeless by religious organizations is clarified to when the ordinances and policies have not been previously ruled by a court to violate the federal religious land use and institutionalized persons act.

(2) Modifies the notice period a host religious organization must provide to the local government before hosting a public meeting to discuss neighborhood concerns from no later than 48 hours prior to the meeting to at least one week if possible but no later than 96 hours prior to the meeting.

(3) Clarifies notice requirements of the public meeting for local governments once they are notified by the host religious organization.

--- END ---