

SENATE BILL REPORT

SB 5644

As of February 18, 2019

Title: An act relating to the hosting of the homeless by religious organizations.

Brief Description: Concerning the hosting of the homeless by religious organizations.

Sponsors: Senators Darneille, Nguyen, Pedersen, Hunt, Das, Keiser, Cleveland, Van De Wege, Wilson, C., Hasegawa and Kuderer.

Brief History:

Committee Activity: Housing Stability & Affordability: 2/13/19.

Brief Summary of Bill

- Prohibits county, city, and town ordinances from placing undue burden on religious organizations providing housing or shelters for the homeless.
- Authorizes counties, cities, and towns to require a host religious organization to enter into a memorandum of understanding to provide residents of temporary shelters access to public health and safety assistance.
- Requires or encourages the use of Washington's homeless client management information system by host religious organizations.

SENATE COMMITTEE ON HOUSING STABILITY & AFFORDABILITY

Staff: Brandon Popovac (786-7465)

Background: Temporary Encampments for the Homeless. Religious organizations may host temporary encampments for the homeless on any real property they own or control. With respect to the efforts of a religious organization to provide housing or shelter to homeless persons, counties, cities, and towns are prohibited from:

- imposing conditions on the decisions or actions of a religious organization regarding the location of housing or shelter for homeless persons on property the organization owns;
- requiring a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on the organization's property

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- or otherwise requiring the organization to indemnify the municipality against such liability; or
- imposing permit fees in excess of the actual costs associated with the review and approval of require permit applications.

Safe Parking. Safe Parking is a program made available for individuals and families living in their vehicles. The city of Seattle has a safe parking program known as the Road to Housing program. In 2013, it served 52 vehicular residents, and for the first half of 2014 the program worked with 91 vehicular residents. Safe parking sites exist in other areas of King County.

Summary of Bill: Housing or shelters provided for the homeless by host religious organizations may include outdoor encampments, indoor overnight shelters, temporary small houses on site, and vehicle resident safe parking.

Ordinance Limitations. Counties, cities, and towns may not adopt ordinances that impose substantially burdensome conditions on religious organizations hosting the homeless in outdoor encampments, indoor overnight shelters, temporary small houses on site, and vehicle resident safe parking programs. Actual costs for permit fees must be reasonable without being burdensome to permit applications and not include departmental overhead. Counties, cities, and towns may not limit:

- a religious organization's availability to host outdoor encampments to fewer than six months during the calendar year, but may require a three-month separation between outdoor encampments on the same site;
- an outdoor encampment hosting to fewer than four consecutive months;
- the number of simultaneous outdoor encampment hosting in the same municipality, but sites must be 1,000 feet apart;
- a religious organization's availability to host safe parking on site, except that at least ten percent of lot must be devoted to safe parking and restroom access must be provided within buildings or portable facilities with proper recreational vehicle disposal waste if RVs are hosted;
- a religious organization's availability to host overnight indoor shelter with at least two accessible exits due to lack of sprinklers or other fire concerns, but local jurisdictions and the host religious organizations may enter into a memorandum of understanding to include fire district inspections, an outline of emergency procedures, the most viable means to evacuate occupants, panic bar exit doors, and a completed fire watch agreement including safe means of egress, operable smoke detectors and alarms, and nightly monitors; and
- a religious organization's availability to host temporary small houses on site, except to limit durations of stays to one year, to limit home space to 120 square feet with homes 6 feet apart, to require inspection of electricity and heat, to require doors and windows be lockable, to require the presence of fire extinguishers, and to require restrooms to be provided with potable running water available if not provided in the homes.

Memorandum of Understanding for Public Health and Safety. Counties, cities, and towns may enact an ordinance or regulation requiring a host religious organization and a distinct managing agency using property owned or controlled by the organization to enter into a

memorandum of understanding to protect the public health and safety of both the residents of the particular hosting and the residents of the local jurisdiction. The agreement must include:

- the resident's right to seek public health and safety assistance;
- the resident's ability to access social services on site;
- the resident's ability to directly interact with the host organization, including the ability to express any concerns regarding the managing agency to the organization;
- a written code of conduct agreed to by the managing agency, host organization, and all volunteers; and
- the ability for the host organization to interact with residents of the outdoor encampment, indoor overnight shelter, temporary small house on site, or vehicle resident safe parking using a release of information.

Resident Screening and Education. Host religious organizations or their managing agencies must ensure that the local jurisdiction or law enforcement has completed sex offender checks of all adult residents and guests if the hosting is supported by public funds or ensure that such checks are included in a memorandum of understanding with the host religious organization retaining the authority to allow such offenders to remain on the property. Host religious organizations of vehicle resident safe parking programs must inform vehicle residents how to comply with laws regarding the legal status of vehicles and drivers, and provide a written code of conduct.

Client Management. Any host religious organization performing any hosting with a publicly funded managing agency must work with the local jurisdiction to use Washington's homeless client management information system. If the organization has not partnered with a managing agency, the organization is encouraged to partner with a provider using the Washington homeless client managing information system. Any managing agency receiving any funding from local continuum of care programs must use the homeless client management information system. There is an exception for temporary, overnight, extreme weather shelter provided in religious organization buildings.

Definitions. A managing agency is defined as a religious organization or other organized entity with the capacity to organize and manage an outdoor encampment, temporary small house on site, indoor overnight shelter, or vehicle resident safe parking program. Outdoor encampment is defined as any temporary tent or structure encampment, or both. Temporary is defined as not affixed to land permanently and not using underground utilities.

Appropriation: None.

Fiscal Note: Requested on February 6, 2019.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The bill recognizes the partnership that we as a state have or should have with faith organizations who provide such excellent knowledge about particular communities and the needs of people who are facing homelessness in those communities. The bill has seen various versions over the last few years with the attempt to

provide some surety for the faith organizations involved that their efforts will not go unnoticed and there will be fewer barriers to their involvement in reducing homelessness in our communities. The bill is a necessary tool for the churches to aid those who are homeless. There are different ways to define a residence, such as a car, recreational vehicle, or tent, and not all of them are safe and secure. Many faith organizations have had difficulty aiding and assisting unhoused individuals, requiring the use of federal courts to apply the federal religious land use and Institutionalized Persons Act. The courts are not the place to remedy this issue. The memorandum of understanding language has been used quite effectively in some communities and can be used for unique local issues. The bill will not solve the homelessness crisis but it will aid and assist those who are out there trying to survive under very difficult conditions. Since there is no one jurisdiction that has taken care of all the unsheltered homeless, faith organizations need to partner and work with the local jurisdictions.

CON: Local jurisdictions already have significant direction from the state that they cannot impede religious institutions from pursuing their mission by providing shelter for the homeless. The bill pushes standards around the length of stay of hostings, the time in which a city must give a break to the community between hostings, and how close in proximity simultaneous hostings. These standards are inconsistent with existing local agreements that have been developed with their faith communities. Many larger jurisdictions also have codes or policies in place that allow them to move forward in ensuring that the public health and safety are still achieved. A possible compromise is to grandfather in those communities with preexisting regulations. The bill also puts significant restrictions on the ability to ensure fire safety for some of the indoor shelters. There should be better standards around permit fees that are tied to the ability of the faith organization applicant to pay.

Persons Testifying: PRO: Senator Jeannie Darneille, Prime Sponsor; Jeffrey Boyce, Diocese of Olympia; Bill Kirlin-Hackett, Interfaith Task Force on Homelessness.

CON: Carl Schroeder, Association of Washington Cities; Briahna Murray, Cities of Bellevue, Redmond, and Kent.

Persons Signed In To Testify But Not Testifying: No one.