
ENGROSSED SUBSTITUTE HOUSE BILL 1754

State of Washington

66th Legislature

2019 Regular Session

By House Housing, Community Development & Veterans (originally sponsored by Representatives Santos, Jenkins, and Pollet)

READ FIRST TIME 02/21/19.

1 AN ACT Relating to the hosting of the homeless by religious
2 organizations; amending RCW 36.01.290, 35.21.915, and 35A.21.360; and
3 creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature makes the following
6 findings:

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

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

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

1 (2) The legislature intends that local municipalities have the
2 discretion to protect the health and safety of both residents in
3 temporary settings that are hosted by religious organizations and the
4 surrounding community. The legislature encourages local jurisdictions
5 and religious organizations to work together collaboratively to
6 protect the health and safety of residents and the surrounding
7 community while allowing religious organizations to fulfill their
8 mission to serve the homeless. The legislature further intends to
9 monitor the implementation of this act and continue to refine it to
10 achieve these goals.

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

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

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

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

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

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

36 (d) Specifically limits a religious organization's availability
37 to host an outdoor encampment on its property or property controlled
38 by the religious organization to fewer than six months during any
39 calendar year. However, a county may enact an ordinance or regulation

1 that requires a separation of time of no more than three months
2 between subsequent or established outdoor encampments at a particular
3 site;

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

6 (f) Limits the number of simultaneous religious organization
7 outdoor encampment hostings within the same municipality during any
8 given period of time. Simultaneous and adjacent hostings of outdoor
9 encampments by religious organizations may be limited if located
10 within one thousand feet of another outdoor encampment concurrently
11 hosted by a religious organization;

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

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

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

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

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

36 (i) If a county fire official finds that fire-related concerns
37 associated with an indoor overnight shelter pose an imminent danger
38 to persons within the shelter, the county may take action to limit
39 the religious organization's availability to host the indoor
40 overnight shelter; and

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

8 (A) Posted safe means of egress;

9 (B) Operable smoke detectors, carbon monoxide detectors as
10 necessary, and fire extinguishers;

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

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

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

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

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

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

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

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

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

35 (viii) A recommendation for the host religious organization to
36 partner with regional homeless service providers to develop pathways
37 to permanent housing.

38 (3) (a) A county may enact an ordinance or regulation or take any
39 other action that requires a host religious organization and a
40 distinct managing agency using the religious organization's property,

1 owned or controlled by the religious organization, for hostings to
2 include outdoor encampments, temporary small houses on-site, indoor
3 overnight shelters, or vehicle resident safe parking to enter into a
4 memorandum of understanding to protect the public health and safety
5 of both the residents of the particular hosting and the residents of
6 the county.

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

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

35 (5) Any host religious organization performing any hosting of an
36 outdoor encampment, vehicle resident safe parking, temporary small
37 house on-site, or indoor overnight shelter, with a publicly funded
38 managing agency, must work with the county to utilize Washington's
39 homeless client management information system, as provided for in RCW
40 43.185C.180. When the religious organization does not partner with a

1 managing agency, the religious organization is encouraged to partner
2 with a local homeless services provider using the Washington homeless
3 client managing information system. Any managing agency receiving any
4 funding from local continuum of care programs must utilize the
5 homeless client management information system. Temporary, overnight,
6 extreme weather shelter provided in religious organization buildings
7 does not need to meet this requirement.

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

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

14 (b) "Outdoor encampment" means any temporary tent or structure
15 encampment, or both.

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

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

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

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

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

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

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

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

1 the temporary encampment for the homeless as provided in this
2 section.

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

12 (10)(a) Prior to the opening of an outdoor encampment, indoor
13 overnight shelter, temporary small house on-site, or vehicle resident
14 safe parking, a religious organization hosting the homeless on
15 property owned or controlled by the religious organization must host
16 a meeting open to the public for the purpose of providing a forum for
17 discussion of related neighborhood concerns, unless the use is in
18 response to a declared emergency. The religious organization must
19 provide written notice of the meeting to the county legislative
20 authority no later than forty-eight hours prior to the meeting. The
21 notice must specify the time, place, and purpose of the meeting.

22 (b) A county must publish notice of the meeting described in (a)
23 of this subsection. The notice must specify the time, place, and
24 purpose of the meeting. The notice must be published in the same
25 manner as a special meeting under RCW 42.30.080(2) except that such
26 notice must be delivered or posted as applicable at any time prior to
27 the time of the meeting as specified in the notice.

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

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

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

37 (a) Imposes conditions other than those necessary to protect
38 public health and safety and that do not substantially burden the
39 decisions or actions of a religious organization regarding the

1 location of housing or shelter, such as an outdoor encampment, indoor
2 overnight shelter, temporary small house on-site, or vehicle resident
3 safe parking, for homeless persons on property owned or controlled by
4 the religious organization;

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

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

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

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

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

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

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

38 (ii) Restroom access must be provided either within the buildings
39 on the property or through use of portable facilities, with the

1 provision for proper disposal of waste if recreational vehicles are
2 hosted; and

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

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

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

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

27 (A) Posted safe means of egress;

28 (B) Operable smoke detectors, carbon monoxide detectors as
29 necessary, and fire extinguishers;

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

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

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

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

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

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

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

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

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

15 (viii) A recommendation for the host religious organization to
16 partner with regional homeless service providers to develop pathways
17 to permanent housing.

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

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

1 indoor overnight shelter, temporary small house on-site, or vehicle
2 resident safe parking using a release of information.

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

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

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

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

35 (b) "Outdoor encampment" means any temporary tent or structure
36 encampment, or both.

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

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

3 ((4)) (7)(a) Subsection (2) of this section does not affect a
4 city or town policy, ordinance, memorandum of understanding, or
5 applicable consent decree that regulates religious organizations'
6 hosting of the homeless if such policies, ordinances, memoranda of
7 understanding, or consent decrees:

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

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

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

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

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

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

33 (10)(a) Prior to the opening of an outdoor encampment, indoor
34 overnight shelter, temporary small house on-site, or vehicle resident
35 safe parking, a religious organization hosting the homeless on
36 property owned or controlled by the religious organization must host
37 a meeting open to the public for the purpose of providing a forum for
38 discussion of related neighborhood concerns, unless the use is in
39 response to a declared emergency. The religious organization must
40 provide written notice of the meeting to the city or town legislative

1 authority no later than forty-eight hours prior to the meeting. The
2 notice must specify the time, place, and purpose of the meeting.

3 (b) A city or town must publish notice of the meeting described
4 in (a) of this subsection. The notice must specify the time, place,
5 and purpose of the meeting. The notice must be published in the same
6 manner as a special meeting under RCW 42.30.080(2) except that such
7 notice must be delivered or posted as applicable at any time prior to
8 the time of the meeting as specified in the notice.

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

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

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

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

25 (b) Requires a religious organization to obtain insurance
26 pertaining to the liability of a municipality with respect to
27 homeless persons housed on property owned by a religious organization
28 or otherwise requires the religious organization to indemnify the
29 municipality against such liability; (~~or~~)

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

34 (d) Specifically limits a religious organization's availability
35 to host an outdoor encampment on its property or property controlled
36 by the religious organization to fewer than six months during any
37 calendar year. However, a code city may enact an ordinance or
38 regulation that requires a separation of time of no more than three

1 months between subsequent or established outdoor encampments at a
2 particular site;

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

5 (f) Limits the number of simultaneous religious organization
6 outdoor encampment hostings within the same municipality during any
7 given period of time. Simultaneous and adjacent hostings of outdoor
8 encampments by religious organizations may be limited if located
9 within one thousand feet of another outdoor encampment concurrently
10 hosted by a religious organization;

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

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

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

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

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

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

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

8 (A) Posted safe means of egress;

9 (B) Operable smoke detectors, carbon monoxide detectors as
10 necessary, and fire extinguishers;

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

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

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

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

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

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

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

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

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

35 (viii) A recommendation for the host religious organization to
36 partner with regional homeless service providers to develop pathways
37 to permanent housing.

38 (3)(a) A code city may enact an ordinance or regulation or take
39 any other action that requires a host religious organization and a
40 distinct managing agency using the religious organization's property,

1 owned or controlled by the religious organization, for hostings to
2 include outdoor encampments, temporary small houses on-site, indoor
3 overnight shelters, or vehicle resident safe parking to enter into a
4 memorandum of understanding to protect the public health and safety
5 of both the residents of the particular hosting and the residents of
6 the code city.

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

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

35 (5) Any host religious organization performing any hosting of an
36 outdoor encampment, vehicle resident safe parking, temporary small
37 house on-site, or indoor overnight shelter, with a publicly funded
38 managing agency, must work with the code city to utilize Washington's
39 homeless client management information system, as provided for in RCW
40 43.185C.180. When the religious organization does not partner with a

1 managing agency, the religious organization is encouraged to partner
2 with a local homeless services provider using the Washington homeless
3 client managing information system. Any managing agency receiving any
4 funding from local continuum of care programs must utilize the
5 homeless client management information system. Temporary, overnight,
6 extreme weather shelter provided in religious organization buildings
7 does not need to meet this requirement.

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

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

14 (b) "Outdoor encampment" means any temporary tent or structure
15 encampment, or both.

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

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

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

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

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

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

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

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

1 the temporary encampment for the homeless as provided in this
2 section.

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

12 (10)(a) Prior to the opening of an outdoor encampment, indoor
13 overnight shelter, temporary small house on-site, or vehicle resident
14 safe parking, a religious organization hosting the homeless on
15 property owned or controlled by the religious organization must host
16 a meeting open to the public for the purpose of providing a forum for
17 discussion of related neighborhood concerns, unless the use is in
18 response to a declared emergency. The religious organization must
19 provide written notice of the meeting to the code city legislative
20 authority no later than forty-eight hours prior to the meeting. The
21 notice must specify the time, place, and purpose of the meeting.

22 (b) A code city must publish notice of the meeting described in
23 (a) of this subsection. The notice must specify the time, place, and
24 purpose of the meeting. The notice must be published in the same
25 manner as a special meeting under RCW 42.30.080(2) except that such
26 notice must be delivered or posted as applicable at any time prior to
27 the time of the meeting as specified in the notice.

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