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

3 (e) Specifically limits a religious organization's outdoor
4 encampment hosting term to fewer than three 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-half mile 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 county, but a county may enter into
29 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 that
34 a county may require a host religious organization to enter into a
35 memorandum of understanding for fire safety that includes local fire
36 district inspections, an outline for appropriate emergency
37 procedures, a determination of the most viable means to evacuate
38 occupants from inside the host site with appropriate illuminated exit
39 signage, panic bar exit doors, a requirement that the religious
40 organization comply with fire sprinkler requirements after the

1 religious organization has hosted an indoor shelter for at least five
2 years beginning after the effective date of this section, and a
3 completed fire watch agreement indicating:

4 (i) Posted safe means of egress;

5 (ii) Operable smoke detectors, carbon monoxide detectors as
6 necessary, and fire extinguishers;

7 (iii) A plan for monitors who spend the night awake and are
8 familiar with emergency protocols, who have suitable communication
9 devices, and who know how to contact the local fire department; or

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

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

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

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

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

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

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

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

31 (viii) A recommendation for the host religious organization to
32 partner with regional homeless service providers to develop pathways
33 to permanent housing.

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

1 of both the residents of the particular hosting and the residents of
2 the county.

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

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

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

1 homeless client management information system. Temporary, overnight,
2 extreme weather shelter provided in religious organization buildings
3 does not need to meet this requirement.

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

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

10 (b) "Outdoor encampment" means any temporary tent or structure
11 encampment, or both.

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

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

17 ((4)) (7)(a) Subsection (2) of this section does not affect a
18 county policy, ordinance, memorandum of understanding, or applicable
19 consent decree that regulates religious organizations' hosting of the
20 homeless if such policies, ordinances, memoranda of understanding, or
21 consent decrees:

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

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

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

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

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

38 (9) A religious organization hosting outdoor encampments, vehicle
39 resident safe parking, or indoor overnight shelters for the homeless
40 that receives funds from any government agency may not refuse to host

1 any resident or prospective resident because of age, sex, marital
2 status, sexual orientation, race, creed, color, national origin,
3 honorably discharged veteran or military status, or the presence of
4 any sensory, mental, or physical disability or the use of a trained
5 dog guide or service animal by a person with a disability, as these
6 terms are defined in RCW 49.60.040.

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

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

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

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

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

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

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

1 (e) Specifically limits a religious organization's outdoor
2 encampment hosting term to fewer than three consecutive months;

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

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

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

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

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

30 (h) Limits a religious organization's availability to host an
31 indoor overnight shelter in spaces with at least two accessible exits
32 due to lack of sprinklers or other fire-related concerns, except that
33 a city or town may require a host religious organization to enter
34 into a memorandum of understanding for fire safety that includes
35 local fire district inspections, an outline for appropriate emergency
36 procedures, a determination of the most viable means to evacuate
37 occupants from inside the host site with appropriate illuminated exit
38 signage, panic bar exit doors, a requirement that the religious
39 organization comply with fire sprinkler requirements after the
40 religious organization has hosted an indoor shelter for at least five

1 years beginning after the effective date of this section, and a
2 completed fire watch agreement indicating:

3 (i) Posted safe means of egress;

4 (ii) Operable smoke detectors, carbon monoxide detectors as
5 necessary, and fire extinguishers;

6 (iii) A plan for monitors who spend the night awake and are
7 familiar with emergency protocols, who have suitable communication
8 devices, and who know how to contact the local fire department; or

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

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

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

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

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

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

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

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

30 (viii) A recommendation for the host religious organization to
31 partner with regional homeless service providers to develop pathways
32 to permanent housing.

33 (3)(a) A city or town may enact an ordinance or regulation or
34 take any other action that requires a host religious organization and
35 a distinct managing agency using the religious organization's
36 property, owned or controlled by the religious organization, for
37 hostings to include outdoor encampments, temporary small houses on
38 site, indoor overnight shelters, or vehicle resident safe parking to
39 enter into a memorandum of understanding to protect the public health

1 and safety of both the residents of the particular hosting and the
2 residents of the city or town.

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

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

31 (5) Any host religious organization performing any hosting of an
32 outdoor encampment, vehicle resident safe parking, temporary small
33 house on site, or indoor overnight shelter, with a publicly funded
34 managing agency, must work with the city or town to utilize
35 Washington's homeless client management information system, as
36 provided for in RCW 43.185C.180. When the religious organization does
37 not partner with a managing agency, the religious organization is
38 encouraged to partner with a local homeless services provider using
39 the Washington homeless client managing information system. Any
40 managing agency receiving any funding from local continuum of care

1 programs must utilize the homeless client management information
2 system. Temporary, overnight, extreme weather shelter provided in
3 religious organization buildings does not need to meet this
4 requirement.

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

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

11 (b) "Outdoor encampment" means any temporary tent or structure
12 encampment, or both.

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

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

18 ((4)) (7)(a) Subsection (2) of this section does not affect a
19 city or town policy, ordinance, memorandum of understanding, or
20 applicable consent decree that regulates religious organizations'
21 hosting of the homeless if such policies, ordinances, memoranda of
22 understanding, or consent decrees:

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

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

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

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

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

39 (9) A religious organization hosting outdoor encampments, vehicle
40 resident safe parking, or indoor overnight shelters for the homeless

1 that receives funds from any government agency may not refuse to host
2 any resident or prospective resident because of age, sex, marital
3 status, sexual orientation, race, creed, color, national origin,
4 honorably discharged veteran or military status, or the presence of
5 any sensory, mental, or physical disability or the use of a trained
6 dog guide or service animal by a person with a disability, as these
7 terms are defined in RCW 49.60.040.

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (h) Limits a religious organization's availability to host an
30 indoor overnight shelter in spaces with at least two accessible exits
31 due to lack of sprinklers or other fire-related concerns, except that
32 a code city may require a host religious organization to enter into a
33 memorandum of understanding for fire safety that includes local fire
34 district inspections, an outline for appropriate emergency
35 procedures, a determination of the most viable means to evacuate
36 occupants from inside the host site with appropriate illuminated exit
37 signage, panic bar exit doors, a requirement that the religious
38 organization comply with fire sprinkler requirements after the
39 religious organization has hosted an indoor shelter for at least five

1 years beginning after the effective date of this section, and a
2 completed fire watch agreement indicating:

3 (i) Posted safe means of egress;

4 (ii) Operable smoke detectors, carbon monoxide detectors as
5 necessary, and fire extinguishers;

6 (iii) A plan for monitors who spend the night awake and are
7 familiar with emergency protocols, who have suitable communication
8 devices, and who know how to contact the local fire department; or

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

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

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

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

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

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

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

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

30 (viii) A recommendation for the host religious organization to
31 partner with regional homeless service providers to develop pathways
32 to permanent housing.

33 (3)(a) A code city may enact an ordinance or regulation or take
34 any other action that requires a host religious organization and a
35 distinct managing agency using the religious organization's property,
36 owned or controlled by the religious organization, for hostings to
37 include outdoor encampments, temporary small houses on site, indoor
38 overnight shelters, or vehicle resident safe parking to enter into a
39 memorandum of understanding to protect the public health and safety

1 of both the residents of the particular hosting and the residents of
2 the code city.

3 (b) At a minimum, the agreement must include information
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5 resident safe parking, temporary small house on site, or indoor
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7 resident's ability to access social services on site, and the
8 resident's ability to directly interact with the host religious
9 organization, including the ability to express any concerns regarding
10 the managing agency to the religious organization; a written code of
11 conduct agreed to by the managing agency, if any, host religious
12 organization, and all volunteers working with residents of the
13 outdoor encampment, temporary small house on site, indoor overnight
14 shelter, or vehicle resident safe parking; and when a publicly funded
15 managing agency exists, the ability for the host religious
16 organization to interact with residents of the outdoor encampment,
17 indoor overnight shelter, temporary small house on site, or vehicle
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19 (4) If required to do so by a code city, any host religious
20 organization performing any hosting of an outdoor encampment, vehicle
21 resident safe parking, or indoor overnight shelter, or the host
22 religious organization's managing agency, must ensure that the code
23 city or local law enforcement agency has completed sex offender
24 checks of all adult residents and guests. The host religious
25 organization retains the authority to allow such offenders to remain
26 on the property. A host religious organization or host religious
27 organization's managing agency performing any hosting of vehicle
28 resident safe parking must inform vehicle residents how to comply
29 with laws regarding the legal status of vehicles and drivers, and
30 provide a written code of conduct consistent with area standards.

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

1 homeless client management information system. Temporary, overnight,
2 extreme weather shelter provided in religious organization buildings
3 does not need to meet this requirement.

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

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

10 (b) "Outdoor encampment" means any temporary tent or structure
11 encampment, or both.

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

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

17 ((4)) (7)(a) Subsection (2) of this section does not affect a
18 code city policy, ordinance, memorandum of understanding, or
19 applicable consent decree that regulates religious organizations'
20 hosting of the homeless if such policies, ordinances, memoranda of
21 understanding, or consent decrees:

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

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

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

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

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

38 (9) A religious organization hosting outdoor encampments, vehicle
39 resident safe parking, or indoor overnight shelters for the homeless
40 that receives funds from any government agency may not refuse to host

1 any resident or prospective resident because of age, sex, marital
2 status, sexual orientation, race, creed, color, national origin,
3 honorably discharged veteran or military status, or the presence of
4 any sensory, mental, or physical disability or the use of a trained
5 dog guide or service animal by a person with a disability, as these
6 terms are defined in RCW 49.60.040.

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