

ESSB 5428 - H COMM AMD

By Committee on Environment & Energy

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

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

5 (1) Until August 1, 2032, a lead agency taking a permit action to
6 site a temporary shelter or transitional encampment is exempt from
7 compliance with this chapter if the following conditions are met:

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

10 (b) The temporary shelter or transitional encampment includes no
11 more than 200 beds and the number of occupants is based on one person
12 for each bed;

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

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

22 (e) The jurisdiction acting as lead agency and in which the
23 temporary shelter or transitional encampment will be located has
24 declared a state of emergency on homelessness that is in effect at
25 the time of the permit action;

26 (f) If the temporary shelter or transitional encampment will
27 receive public services, including but not limited to public safety,
28 public health, or water, sewer, or solid waste services, through an
29 interlocal agreement that are provided by a county or city that is
30 not the lead agency, the lead agency must:

31 (i) Provide notice to the mayor or executive authority of the
32 county or city that would be required to provide services to the

1 temporary shelter or transitional encampment at least 14 calendar
2 days before any permit application for the shelter or encampment is
3 submitted; and

4 (ii) Obtain written notification from the mayor or executive
5 authority of the other county or city approving of the siting;

6 (g) For any temporary shelter or transitional encampment proposed
7 to be located within .25 miles of another town, city, or county, the
8 shelter or encampment operator or permit applicant must provide
9 written notice of the shelter or encampment's size, location, and
10 services via email or first-class mail to that jurisdiction's mayor
11 or executive authority at least 14 calendar days before any permit
12 application for the shelter or encampment is submitted;

13 (h) The operator of the temporary shelter or transitional
14 encampment must establish a community advisory committee that
15 provides input on shelter or encampment operations. As requested by
16 any town, city, or county within .25 miles of the shelter or
17 encampment, the committee must include one representative as
18 identified by that jurisdiction. A representative of the temporary
19 shelter or transitional encampment operator must attend all advisory
20 committee meetings and provide to the committee quarterly reports
21 that address shelter or encampment operations. The community advisory
22 committee must create a process to accept and address complaints from
23 the community;

24 (i) The allowance of drugs or alcohol by temporary shelter or
25 transitional encampment occupants must be determined by the
26 jurisdiction based on analysis of the needs and population served by
27 the specific shelter or encampment;

28 (j) The permit for the temporary shelter or transitional
29 encampment includes a condition that the encampment or shelter
30 complies with any drainage, erosion control, wastewater, stormwater,
31 and other water quality regulations of the jurisdiction and is
32 consistent with any applicable national pollutant discharge
33 elimination system permit or permit issued under chapter 90.48 RCW to
34 the jurisdiction;

35 (k) The temporary shelter or transitional encampment host or
36 operator has developed a disengagement plan for cleanup for the
37 shelter or encampment;

38 (l) The temporary shelter or transitional encampment host or
39 operator has developed a medical waste disposal plan for the shelter
40 or encampment;

1 (m) The temporary shelter or transitional encampment host or
2 operator has developed a solid waste management program for the
3 shelter or encampment;

4 (n) The local jurisdiction must make available employment, mental
5 health, and drug counseling services to persons residing at the
6 temporary shelter or transitional encampment; and

7 (o) If the jurisdiction is a county planning under chapter 36.70A
8 RCW, the temporary shelter or transitional encampment is to be
9 located within an urban growth area designated under RCW 36.70A.110.

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

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

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

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

26 (4) This section expires January 1, 2033.

27 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
28 preservation of the public peace, health, or safety, or support of
29 the state government and its existing public institutions, and takes
30 effect immediately."

31 Correct the title.

EFFECT: The striking amendment makes the following changes to the
Engrossed Substitute Senate Bill:

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

(2) Requires compliance with local water quality permits by a temporary shelter or transitional encampment to be a condition of the permit issued to the shelter or encampment;

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

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

(5) Eliminates the requirement that jurisdictions employing the SEPA exemption make available and require that mental health, employment, and drug counseling services be provided at the transitional encampment or temporary shelter, and instead requires jurisdictions to make available mental health, employment, and drug counseling services to persons residing at the encampment or shelter;

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

(7) Requires temporary shelters or transitional encampments to be located within a designated urban growth area, if the lead agency is a county planning under the Growth Management Act; and

(8) Expires in 2033 the section establishing the temporary SEPA exemption, which lasts until August 1, 2032.

(9) Requires a lead agency to notify and receive written approval from another city or county that would provide public services to a temporary shelter or transitional encampment, in order for the permit action to be eligible for the exemption from State Environmental Policy Act review.

(10) Specifies that, in order for the State Environmental Policy Act review exemption to apply, a temporary shelter or transitional encampment must comply with wastewater and stormwater regulations, in addition to erosion, drainage control, and other water quality regulations of the jurisdiction and being consistent with state and federal water quality permits.

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