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**SUBSTITUTE HOUSE BILL 1380**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Gregerson, Peterson, Parshley, Simmons, Alvarado, Pollet, Macri, Hill, and Ormsby)

READ FIRST TIME 02/28/25.

1 AN ACT Relating to allowing objectively reasonable regulation of  
2 the utilization of public property; adding a new section to chapter  
3 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new  
4 section to chapter 36.01 RCW; adding a new section to chapter 79.24  
5 RCW; creating a new section; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

8 (a) Evictions and homelessness are increasing and are at  
9 unprecedented levels across our state, demanding urgent action;

10 (b) Many families across Washington state have been displaced or  
11 are at risk of displacement due to skyrocketing housing costs and an  
12 ongoing severe shortage of affordable housing;

13 (c) The absence of cohesive state guidance has resulted in an  
14 arbitrary patchwork of legislation regarding the use of public  
15 spaces, resulting in an inefficient use of state and local resources;  
16 and

17 (d) State and local governments have a shared responsibility in  
18 addressing the homelessness crisis and transitioning unsheltered  
19 residents into housing.

20 (2) The legislature intends to:

1 (a) Encourage the efficient use of state and local resources by  
2 providing clear guidance to local governments on how to balance  
3 public safety with the urgent need to transition people experiencing  
4 homelessness to safe and stable housing;

5 (b) Protect local governments whose ordinances are objectively  
6 reasonable against litigation, including any private right of action  
7 for monetary damages; and

8 (c) Encourage local governments to enact objectively reasonable  
9 time, place, and manner regulations to manage public spaces  
10 effectively and preserve public peace, health, and safety for the  
11 benefit of the entire community.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.21  
13 RCW to read as follows:

14 (1) Any city or town law that regulates the acts of sitting,  
15 lying, sleeping, or keeping warm and dry outdoors on public property  
16 that is open to the public, and any enforcement of such laws, must be  
17 objectively reasonable as to time, place, and manner. Objective  
18 reasonableness must be determined through an assessment of the  
19 totality of the circumstances. This assessment must consider the  
20 following factors:

21 (a) The city or town law or enforcement of such law must consider  
22 the need to protect public safety and health, including the safety  
23 and health of both persons experiencing homelessness and the general  
24 public;

25 (b) The city or town law or enforcement of such law must consider  
26 the availability and accessibility of alternative shelter or housing  
27 options for persons experiencing homelessness in the jurisdiction;

28 (c) The city or town law or enforcement of such law must consider  
29 the impact on persons experiencing homelessness, including their  
30 ability to access essential services, maintain personal safety, and  
31 meet basic needs such as keeping warm and dry; and

32 (d) The city or town law or enforcement of such law must be  
33 proportional to the issue it seeks to address and must avoid  
34 excessive or extreme measures that are not justified by the totality  
35 of the circumstances.

36 (2) It is an affirmative defense to a charge of violating a city  
37 or town law described in subsection (1) of this section that the law  
38 is not objectively reasonable.

1 (3) A person may bring an action for injunctive or declaratory  
2 relief to challenge the objective reasonableness of a city or town  
3 law described in subsection (1) of this section or enforcement of  
4 such law. The action must be brought in the superior court of the  
5 county in which the city or town that enacted the law is located.

6 (4) In determining whether a city or town law or enforcement of  
7 such law is objectively reasonable in an action brought under  
8 subsection (3) of this section, a court must give special  
9 consideration to the following factors:

10 (a) The specific characteristics and intended use of the public  
11 property in question;

12 (b) The unique needs and circumstances of the local community,  
13 including the prevalence and characteristics of homelessness in the  
14 area; and

15 (c) The potential long-term effects of the city or town law or  
16 enforcement of such law on both persons experiencing homelessness and  
17 the general public.

18 (5) In any action brought pursuant to subsection (3) of this  
19 section, the court in its discretion may award reasonable attorneys'  
20 fees to a prevailing plaintiff if the plaintiff:

21 (a) Was not seeking to vindicate an interest unique to the  
22 plaintiff; and

23 (b) At least 90 days before the action was filed, provided  
24 written notice to the governing body of the city or town that enacted  
25 the law being challenged of the plaintiff's intent to bring the  
26 action, and the notice provided the governing body with actual notice  
27 of the basis upon which the plaintiff intends to challenge the law.

28 (6) Nothing in this section creates a private right of action for  
29 monetary damages for any person.

30 (7) This section applies to all causes of action commenced on or  
31 after the effective date of this section, and to all city or town  
32 laws existing on or after the effective date of this section,  
33 regardless of when the cause of action arose or when the city or town  
34 laws were enacted. To this extent, this section applies  
35 retroactively, but in all other respects it applies prospectively.

36 (8) For the purposes of this section:

37 (a) "City or town law" includes any city or town ordinances,  
38 policies, rules, regulations, or other official controls; and

1 (b) "Keeping warm and dry" means using measures necessary for an  
2 individual to survive outdoors given the environmental conditions but  
3 does not include using any measure that involves fire or flame.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 35A.21  
5 RCW to read as follows:

6 (1) Any code city law that regulates the acts of sitting, lying,  
7 sleeping, or keeping warm and dry outdoors on public property that is  
8 open to the public, and any enforcement of such laws, must be  
9 objectively reasonable as to time, place, and manner. Objective  
10 reasonableness must be determined through an assessment of the  
11 totality of the circumstances. This assessment must consider the  
12 following factors:

13 (a) The code city law or enforcement of such law must consider  
14 the need to protect public safety and health, including the safety  
15 and health of both persons experiencing homelessness and the general  
16 public;

17 (b) The code city law or enforcement of such law must consider  
18 the availability and accessibility of alternative shelter or housing  
19 options for persons experiencing homelessness in the jurisdiction;

20 (c) The code city law or enforcement of such law must consider  
21 the impact on persons experiencing homelessness, including their  
22 ability to access essential services, maintain personal safety, and  
23 meet basic needs such as keeping warm and dry; and

24 (d) The code city law or enforcement of such law must be  
25 proportional to the issue it seeks to address and must avoid  
26 excessive or extreme measures that are not justified by the totality  
27 of the circumstances.

28 (2) It is an affirmative defense to a charge of violating a code  
29 city law described in subsection (1) of this section that the law is  
30 not objectively reasonable.

31 (3) A person may bring an action for injunctive or declaratory  
32 relief to challenge the objective reasonableness of a code city law  
33 described in subsection (1) of this section or enforcement of such  
34 law. The action must be brought in the superior court of the county  
35 in which the code city that enacted the law is located.

36 (4) In determining whether a code city law or enforcement of such  
37 law is objectively reasonable in an action brought under subsection  
38 (3) of this section, a court must give special consideration to the  
39 following factors:

1 (a) The specific characteristics and intended use of the public  
2 property in question;

3 (b) The unique needs and circumstances of the local community,  
4 including the prevalence and characteristics of homelessness in the  
5 area; and

6 (c) The potential long-term effects of the code city law or  
7 enforcement of such law on both persons experiencing homelessness and  
8 the general public.

9 (5) In any action brought pursuant to subsection (3) of this  
10 section, the court in its discretion may award reasonable attorneys'  
11 fees to a prevailing plaintiff if the plaintiff:

12 (a) Was not seeking to vindicate an interest unique to the  
13 plaintiff; and

14 (b) At least 90 days before the action was filed, provided  
15 written notice to the governing body of the code city that enacted  
16 the law being challenged of the plaintiff's intent to bring the  
17 action, and the notice provided the governing body with actual notice  
18 of the basis upon which the plaintiff intends to challenge the law.

19 (6) Nothing in this section creates a private right of action for  
20 monetary damages for any person.

21 (7) This section applies to all causes of action commenced on or  
22 after the effective date of this section, and to all code city laws  
23 existing on or after the effective date of this section, regardless  
24 of when the cause of action arose or when the code city laws were  
25 enacted. To this extent, this section applies retroactively, but in  
26 all other respects it applies prospectively.

27 (8) For the purposes of this section:

28 (a) "Code city law" includes any code city ordinances, policies,  
29 rules, regulations, or other official controls; and

30 (b) "Keeping warm and dry" means using measures necessary for an  
31 individual to survive outdoors given the environmental conditions but  
32 does not include using any measure that involves fire or flame.

33 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.01  
34 RCW to read as follows:

35 (1) Any county law that regulates the acts of sitting, lying,  
36 sleeping, or keeping warm and dry outdoors on public property that is  
37 open to the public, and any enforcement of such laws, must be  
38 objectively reasonable as to time, place, and manner. Objective  
39 reasonableness must be determined through an assessment of the

1 totality of the circumstances. This assessment must consider the  
2 following factors:

3 (a) The county law or enforcement of such law must consider the  
4 need to protect public safety and health, including the safety and  
5 health of both persons experiencing homelessness and the general  
6 public;

7 (b) The county law or enforcement of such law must consider the  
8 availability and accessibility of alternative shelter or housing  
9 options for persons experiencing homelessness in the jurisdiction;

10 (c) The county law or enforcement of such law must consider the  
11 impact on persons experiencing homelessness, including their ability  
12 to access essential services, maintain personal safety, and meet  
13 basic needs such as keeping warm and dry; and

14 (d) The county law or enforcement of such law must be  
15 proportional to the issue it seeks to address and must avoid  
16 excessive or extreme measures that are not justified by the totality  
17 of the circumstances.

18 (2) It is an affirmative defense to a charge of violating a  
19 county law described in subsection (1) of this section that the law  
20 is not objectively reasonable.

21 (3) A person may bring an action for injunctive or declaratory  
22 relief to challenge the objective reasonableness of a county law  
23 described in subsection (1) of this section or enforcement of such  
24 law. The action must be brought in the superior court of the county  
25 that enacted the law.

26 (4) In determining whether a county law or enforcement of such  
27 law is objectively reasonable in an action brought under subsection  
28 (3) of this section, a court must give special consideration to the  
29 following factors:

30 (a) The specific characteristics and intended use of the public  
31 property in question;

32 (b) The unique needs and circumstances of the local community,  
33 including the prevalence and characteristics of homelessness in the  
34 area; and

35 (c) The potential long-term effects of the county law or  
36 enforcement of such law on both persons experiencing homelessness and  
37 the general public.

38 (5) In any action brought pursuant to subsection (3) of this  
39 section, the court in its discretion may award reasonable attorneys'  
40 fees to a prevailing plaintiff if the plaintiff:

1 (a) Was not seeking to vindicate an interest unique to the  
2 plaintiff; and

3 (b) At least 90 days before the action was filed, provided  
4 written notice to the governing body of the county that enacted the  
5 law being challenged of the plaintiff's intent to bring the action,  
6 and the notice provided the governing body with actual notice of the  
7 basis upon which the plaintiff intends to challenge the law.

8 (6) Nothing in this section creates a private right of action for  
9 monetary damages for any person.

10 (7) This section applies to all causes of action commenced on or  
11 after the effective date of this section, and to all county laws  
12 existing on or after the effective date of this section, regardless  
13 of when the cause of action arose or when the county laws were  
14 enacted. To this extent, this section applies retroactively, but in  
15 all other respects it applies prospectively.

16 (8) For the purposes of this section:

17 (a) "County law" includes any county ordinances, policies, rules,  
18 regulations, or other official controls; and

19 (b) "Keeping warm and dry" means using measures necessary for an  
20 individual to survive outdoors given the environmental conditions but  
21 does not include using any measure that involves fire or flame.

22 NEW SECTION. **Sec. 5.** A new section is added to chapter 79.24  
23 RCW to read as follows:

24 (1) Any state law that regulates the acts of sitting, lying,  
25 sleeping, or keeping warm and dry outdoors on any capitol building  
26 lands that are open to the public, and any enforcement of such laws,  
27 must be objectively reasonable as to time, place, and manner.  
28 Objective reasonableness must be determined through an assessment of  
29 the totality of the circumstances. This assessment must consider the  
30 following factors:

31 (a) The state law or enforcement of such law must consider the  
32 need to protect public safety and health, including the safety and  
33 health of both persons experiencing homelessness and the general  
34 public;

35 (b) The state law or enforcement of such law must consider the  
36 availability and accessibility of alternative shelter or housing  
37 options for persons experiencing homelessness in the jurisdiction;

38 (c) The state law or enforcement of such law must consider the  
39 impact on persons experiencing homelessness, including their ability

1 to access essential services, maintain personal safety, and meet  
2 basic needs such as keeping warm and dry; and

3 (d) The state law or enforcement of such law must be proportional  
4 to the issue it seeks to address and must avoid excessive or extreme  
5 measures that are not justified by the totality of the circumstances.

6 (2) It is an affirmative defense to a charge of violating a state  
7 law described in subsection (1) of this section that the law is not  
8 objectively reasonable.

9 (3) A person may bring an action for injunctive or declaratory  
10 relief to challenge the objective reasonableness of a state law  
11 described in subsection (1) of this section or enforcement of such  
12 law. The action must be brought in the superior court of Thurston  
13 county.

14 (4) In determining whether a state law or enforcement of such law  
15 is objectively reasonable in an action brought under subsection (3)  
16 of this section, a court must give special consideration to the  
17 following factors:

18 (a) The specific characteristics and intended use of the public  
19 property in question;

20 (b) The unique needs and circumstances of the local community,  
21 including the prevalence and characteristics of homelessness in the  
22 area; and

23 (c) The potential long-term effects of the state law or  
24 enforcement of such law on both persons experiencing homelessness and  
25 the general public.

26 (5) In any action brought pursuant to subsection (3) of this  
27 section, the court in its discretion may award reasonable attorneys'  
28 fees to a prevailing plaintiff if the plaintiff:

29 (a) Was not seeking to vindicate an interest unique to the  
30 plaintiff; and

31 (b) At least 90 days before the action was filed, provided  
32 written notice to the attorney general's office of the plaintiff's  
33 intent to bring the action, and the notice provided the attorney  
34 general's office with actual notice of the basis upon which the  
35 plaintiff intends to challenge the law.

36 (6) Nothing in this section creates a private right of action for  
37 monetary damages for any person.

38 (7) This section applies to all causes of action commenced on or  
39 after the effective date of this section, and to all state laws  
40 existing on or after the effective date of this section, regardless



1 of when the cause of action arose or when the state laws were  
2 enacted. To this extent, this section applies retroactively, but in  
3 all other respects it applies prospectively.

4 (8) For the purposes of this section:

5 (a) "State law" includes any state laws, policies, rules,  
6 regulations, or other official controls; and

7 (b) "Keeping warm and dry" means using measures necessary for an  
8 individual to survive outdoors given the environmental conditions but  
9 does not include using any measure that involves fire or flame.

10 NEW SECTION. **Sec. 6.** This act is necessary for the immediate  
11 preservation of the public peace, health, or safety, or support of  
12 the state government and its existing public institutions, and takes  
13 effect immediately.

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