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**HOUSE BILL 1380**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Representatives Gregerson, Peterson, Parshley, Simmons, Alvarado, Pollet, Macri, Hill, and Ormsby

Read first time 01/17/25. Referred to Committee on Housing.

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; creating a new section; and declaring  
5 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 must be objectively reasonable as to time,  
17 place, and manner.

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

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

26 (4) For the purposes of subsections (1) and (2) of this section,  
27 objective reasonableness must be determined based on the totality of  
28 the circumstances. In determining objective reasonableness, special  
29 consideration must be given to the impact of the city or town law on  
30 persons experiencing homelessness.

31 (5) In any suit brought pursuant to subsection (3) of this  
32 section, the court, in its discretion, may award reasonable  
33 attorneys' fees to a prevailing plaintiff if the plaintiff:

34 (a) Was not seeking to vindicate an interest unique to the  
35 plaintiff; and

36 (b) At least 90 days before the action was filed, provided  
37 written notice to the governing body of the city or town that enacted  
38 the law being challenged of the plaintiff's intent to bring the

1 action, and the notice provided the governing body with actual notice  
2 of the basis upon which the plaintiff intends to challenge the law.

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

5 (7) This section applies to all causes of action commenced on or  
6 after the effective date of this section, and to all city or town  
7 laws existing on or after the effective date of this section,  
8 regardless of when the cause of action arose or when the city or town  
9 laws were enacted. To this extent, this section applies  
10 retroactively, but in all other respects it applies prospectively.

11 (8) For the purposes of this section, "keeping warm and dry"  
12 means using measures necessary for an individual to survive outdoors  
13 given the environmental conditions. "Keeping warm and dry" does not  
14 include using any measure that involves fire or flame.

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

17 (1) Any code city law that regulates the acts of sitting, lying,  
18 sleeping, or keeping warm and dry outdoors on public property that is  
19 open to the public must be objectively reasonable as to time, place,  
20 and manner.

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

24 (3) A person may bring suit for injunctive or declaratory relief  
25 to challenge the objective reasonableness of a code city law  
26 described in subsection (1) of this section. The action must be  
27 brought in the superior court of the county in which the code city  
28 that enacted the law is located.

29 (4) For the purposes of subsections (1) and (2) of this section,  
30 objective reasonableness must be determined based on the totality of  
31 the circumstances. In determining objective reasonableness, special  
32 consideration must be given to the impact of the code city law on  
33 persons experiencing homelessness.

34 (5) In any suit brought pursuant to subsection (3) of this  
35 section, the court, in its discretion, may award reasonable  
36 attorneys' fees to a prevailing plaintiff if the plaintiff:

37 (a) Was not seeking to vindicate an interest unique to the  
38 plaintiff; and

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

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

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

14 (8) For the purposes of this section, "keeping warm and dry"  
15 means using measures necessary for an individual to survive outdoors  
16 given the environmental conditions. "Keeping warm and dry" does not  
17 include using any measure that involves fire or flame.

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

20 (1) Any county law that regulates the acts of sitting, lying,  
21 sleeping, or keeping warm and dry outdoors on public property that is  
22 open to the public must be objectively reasonable as to time, place,  
23 and manner.

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

27 (3) A person may bring suit for injunctive or declaratory relief  
28 to challenge the objective reasonableness of the county law described  
29 in subsection (1) of this section. The action must be brought in the  
30 superior court of the county that enacted the law.

31 (4) For the purposes of subsections (1) and (2) of this section,  
32 objective reasonableness must be determined based on the totality of  
33 the circumstances. In determining objective reasonableness, special  
34 consideration must be given to the impact of the county law on  
35 persons experiencing homelessness.

36 (5) In any suit brought pursuant to subsection (3) of this  
37 section, the court, in its discretion, may award reasonable  
38 attorneys' 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, "keeping warm and dry"  
17 means using measures necessary for an individual to survive outdoors  
18 given the environmental conditions. "Keeping warm and dry" does not  
19 include using any measure that involves fire or flame.

20 NEW SECTION. **Sec. 5.** This act is necessary for the immediate  
21 preservation of the public peace, health, or safety, or support of  
22 the state government and its existing public institutions, and takes  
23 effect immediately.

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