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## Local Government & Housing Committee

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### HB 1956

**Brief Description:** Authorizing the housing of homeless persons on property owned or controlled by a church.

**Sponsors:** Representatives Williams, Chase, Ormsby, Darneille, Van De Wege, Dickerson and Simpson.

#### Brief Summary of Bill

- Grants broad authority to a church to provide shelter or housing to homeless persons on property owned or controlled by a church.
- Prohibits counties and cities from enacting ordinances or taking other action that unreasonably interferes with efforts by a church to provide shelter or housing for the homeless.
- Prohibits a county or city from requiring a church to obtain liability insurance related to providing services to homeless persons or otherwise indemnify a municipality against such liability.

**Hearing Date:** 2/18/09

**Staff:** Thamas Osborn (786-7129)

#### **Background:**

##### Constitutional Protection of the Right to the Free Exercise of Religion.

Both the Washington Constitution and the federal constitution recognize that the free exercise of religion is a fundamental right and both extend broad protection to this right. Notably, the Washington courts have recognized that with respect to freedom of religion, the Washington Constitution "extends broader protection than the first amendment to the federal constitution." *First Covenant Church v. City of Seattle*, 120 Wn. 2d 203, 229-30 (1992).

##### Homeless Housing and Assistance Act.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

In the prelude to the Homeless Housing and Assistance Act, the Legislature makes the following findings (RCW 43.185C.005):

"Despite laudable efforts by all levels of government, private individuals, nonprofit organizations, and charitable foundations to end homelessness, the number of homeless persons in Washington is unacceptably high. The state's homeless population, furthermore, includes a large number of families with children, youth, and employed persons. The legislature finds that the fiscal and societal costs of homelessness are high for both the public and private sectors, and that ending homelessness should be a goal for state and local government.

The support and commitment of all sectors of the statewide community is critical to the chances of success in ending homelessness in Washington. While the provision of housing and housing-related services to the homeless should be administered at the local level to best address specific community needs, the legislature also recognizes the need for the state to play a primary coordinating, supporting, and monitoring role."

**Summary of Bill:**

Churches are granted broad authority to provide shelter or housing to homeless persons on property owned or controlled by a church.

With respect to the efforts of a church to provide housing or shelter to homeless persons, counties, cities, and towns, are prohibited from:

- unreasonably interfering with the decisions or actions of a church regarding the location of housing or shelter for homeless persons on property the church owns or controls;
- engaging in efforts to prohibit or regulate the housing of homeless persons on church property based upon the property's proximity to a school or day care center;
- requiring a church to maintain property and casualty insurance; or
- requiring a church to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on church property or otherwise requiring the church to indemnify the municipality against such liability.

"Church" is defined to mean a building or buildings and adjacent real property that is used as a place of worship by a religious denomination and that is owned or controlled by the denomination.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.