
HOUSE BILL 1956

State of Washington

61st Legislature

2009 Regular Session

By Representatives Williams, Chase, Ormsby, Darneille, Van De Wege, Dickerson, and Simpson

Read first time 02/04/09. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to the housing of homeless persons on property
2 owned or controlled by a church; adding a new section to chapter
3 43.185C RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that there are
6 many homeless persons in our state that are in need of shelter and
7 other services that are not being provided by the state and local
8 governments. The legislature also finds that in many communities
9 churches play an important role in providing needed services to the
10 homeless, including the provision of shelter upon church property. By
11 providing such shelter, the religious institutions in our communities
12 perform a valuable public service that, for many, offers a temporary,
13 stop-gap solution to the larger social problem of increasing numbers of
14 homeless persons.

15 (2) The legislature finds that some municipalities are resistant to
16 the churches playing a role in providing the homeless with temporary
17 shelter and have enacted ordinances aimed at thwarting such faith-based
18 efforts. The legislature further finds that such restrictions and
19 prohibitions upon churches constitute an unacceptable abridgment of the

1 rights of religious institutions to provide help to those who are most
2 vulnerable and in need of assistance. This legislative finding is well
3 supported by the Washington courts, whose rulings have long supported
4 the rights of citizens to practice their religious beliefs without
5 unreasonable interference by the state. The legislature notes that in
6 *First Covenant Church v. City of Seattle*, 120 Wn.2d 203, 229-30 (1992),
7 the Washington supreme court declared that the guarantee of free
8 exercise of religion under the Washington state Constitution "extends
9 broader protection than the first amendment to the federal
10 constitution." The legislature agrees that "[r]eligious free exercise
11 remains an area around which government must tread very lightly." *Open*
12 *Door Baptist Church v. Clark County*, 140 Wn.2d 143 (1999).
13 Accordingly, the legislature finds that it is inconsistent with the
14 protection of the free exercise of religion for municipalities to
15 unduly burden the ability of churches to shelter the homeless as part
16 of their religious mission.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.185C
18 RCW to read as follows:

19 (1) A church may provide shelter or housing to homeless persons on
20 property owned or controlled by the church whether within buildings
21 located on the property or elsewhere on the property outside of
22 buildings.

23 (2) A county, city, or town may not enact an ordinance or
24 regulation or take any other action that:

25 (a) Unreasonably interferes with the decisions or actions of a
26 church regarding the location of housing or shelter for homeless
27 persons on property the church owns or controls;

28 (b) Prohibits or attempts to regulate the housing of homeless
29 persons on church property based upon the property's proximity to a
30 school or day care center;

31 (c) Requires a church to maintain property and casualty insurance;
32 or

33 (d) Requires a church to obtain insurance pertaining to the
34 liability of a municipality with respect to homeless persons housed on
35 church property or otherwise requires the church to indemnify the
36 municipality against such liability.

1 (3) For the purposes of this section, "church" means a building or
2 buildings and adjacent real property that is used as a place of worship
3 by a religious denomination and that is owned or controlled by the
4 denomination.

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