H-1550.1

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**HOUSE BILL 1576**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Representatives Thai, Ramel, Fitzgibbon, Macri, Wicks, Santos, and Harris-Talley

AN ACT Relating to homeless individuals; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 36.01 RCW.

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

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

(1) Except as provided in subsection (2) of this section, cities and towns may not impose criminal sanctions against homeless individuals for sleeping outdoors on public property when no alternative shelter is available to them.

(2) Subsection (1) of this section does not apply to individuals who do have access to adequate temporary shelter, whether that is because they have the means to pay for it or because it is realistically available to them for free, but they have chosen not to use it.

(3) As long as an ordinance and its enforcement do not result in the punishment of a homeless individual for lacking the means to live out the universal and unavoidable consequences of being human, a city or town with insufficient shelter is not precluded by subsection (1) of this section from barring the:

(a) Act of sitting, lying, or sleeping outside at particular times or in particular locations;

(b) Obstruction of public rights-of-way; or

(c) Erection of certain structures.

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

(1) Except as provided in subsection (2) of this section, code cities may not impose criminal sanctions against homeless individuals for sleeping outdoors on public property when no alternative shelter is available to them.

(2) Subsection (1) of this section does not apply to individuals who do have access to adequate temporary shelter, whether that is because they have the means to pay for it or because it is realistically available to them for free, but they have chosen not to use it.

(3) As long as an ordinance and its enforcement do not result in the punishment of a homeless individual for lacking the means to live out the universal and unavoidable consequences of being human, a code city with insufficient shelter is not precluded by subsection (1) of this section from barring the:

(a) Act of sitting, lying, or sleeping outside at particular times or in particular locations;

(b) Obstruction of public rights-of-way; or

(c) Erection of certain structures.

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

(1) Except as provided in subsection (2) of this section, counties may not impose criminal sanctions against homeless individuals for sleeping outdoors on public property when no alternative shelter is available to them.

(2) Subsection (1) of this section does not apply to individuals who do have access to adequate temporary shelter, whether that is because they have the means to pay for it or because it is realistically available to them for free, but they have chosen not to use it.

(3) As long as an ordinance and its enforcement do not result in the punishment of a homeless individual for lacking the means to live out the universal and unavoidable consequences of being human, a county with insufficient shelter is not precluded by subsection (1) of this section from barring the:

(a) Act of sitting, lying, or sleeping outside at particular times or in particular locations;

(b) Obstruction of public rights-of-way; or

(c) Erection of certain structures.

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