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**HOUSE BILL 2085**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Representatives Wicks and Morgan

AN ACT Relating to temporary emergency shelters; amending RCW 19.27.042; 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) A city may adopt an ordinance or take any other action to regulate the creation of temporary emergency shelter communities.

(2) If a city adopts an ordinance or takes any other action to regulate the creation of temporary emergency shelter communities, the city must allow a sponsor or managing agency to apply for a land use permit application to provide the temporary emergency shelters and basic services and support for residents of the temporary emergency shelter community.

(3) Upon filing the land use permit application for a temporary emergency shelter community, the sponsor or managing agency must prepare and file a temporary emergency shelter community responsibility plan. The plan must identify both the physical and social infrastructure needed to support the temporary emergency shelter community, as well as include an enforceable code of conduct and provisions addressing access to safe parking, public transportation, food assistance, community resources, site inspections, utility connections, and public safety and emergency services.

(4) A city may terminate any agreement with a sponsor or managing agency if the temporary emergency shelter community poses serious and documented threats to the health and well-being of the surrounding community. If the city terminates the agreement, the sponsor or managing agency must address each documented concern before resubmitting an application for a temporary emergency shelter community within the city.

(5) This section does not apply to the hosting of the homeless on property owned or controlled by a religious organization as authorized under RCW 35.21.915.

(6) For purposes of this section:

(a) "Managing agency" means an organization that has the capacity to organize and manage a temporary emergency shelter community, and may be the same entity as the sponsor.

(b) "Sponsor" means a nonprofit or other local community-based organization that has an agreement with the managing agency to provide basic services and support for the residents of a temporary emergency shelter community, such as food and sanitation, and liaison with the surrounding community and joins with the managing agency in an application for a temporary use permit. A sponsor may be the same entity as the managing agency.

(c) "Temporary emergency shelter" means a shelter not affixed to land and not using underground utilities, built in accordance with the state building code, and providing temporary housing accommodations for persons experiencing homelessness or for persons experiencing domestic violence.

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

(1) A code city may adopt an ordinance or take any other action to regulate the creation of temporary emergency shelter communities.

(2) If a code city adopts an ordinance or takes any other action to regulate the creation of temporary emergency shelter communities, the code city must allow a sponsor or managing agency to apply for a land use permit application to provide the temporary emergency shelters and basic services and support for residents of the temporary emergency shelter community.

(3) Upon filing the land use permit application for a temporary emergency shelter community, the sponsor or managing agency must prepare and file a temporary emergency shelter community responsibility plan. The plan must identify both the physical and social infrastructure needed to support the temporary emergency shelter community, as well as include an enforceable code of conduct and provisions addressing access to safe parking, public transportation, food assistance, community resources, site inspections, utility connections, and public safety and emergency services.

(4) A code city may terminate any agreement with a sponsor or managing agency if the temporary emergency shelter community poses serious and documented threats to the health and well-being of the surrounding community. If the code city terminates the agreement, the sponsor or managing agency must address each documented concern before resubmitting an application for a temporary emergency shelter community within the code city.

(5) This section does not apply to the hosting of the homeless on property owned or controlled by a religious organization as authorized under RCW 35.21.915.

(6) For purposes of this section:

(a) "Managing agency" means an organization that has the capacity to organize and manage a temporary emergency shelter community, and may be the same entity as the sponsor.

(b) "Sponsor" means a nonprofit or other local community-based organization that has an agreement with the managing agency to provide basic services and support for the residents of a temporary emergency shelter community, such as food and sanitation, and liaison with the surrounding community and joins with the managing agency in an application for a temporary use permit. A sponsor may be the same entity as the managing agency.

(c) "Temporary emergency shelter" means a shelter not affixed to land and not using underground utilities, built in accordance with the state building code, and providing temporary housing accommodations for persons experiencing homelessness or for persons experiencing domestic violence.

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

(1) A county may adopt an ordinance or take any other action to regulate the creation of temporary emergency shelter communities.

(2) If a county adopts an ordinance or takes any other action to regulate the creation of temporary emergency shelter communities, the county must allow a sponsor or managing agency to apply for a land use permit application to provide the temporary emergency shelters and basic services and support for residents of the temporary emergency shelter community.

(3) Upon filing the land use permit application for a temporary emergency shelter community, the sponsor or managing agency must prepare and file a temporary emergency shelter community responsibility plan. The plan must identify both the physical and social infrastructure needed to support the temporary emergency shelter community, as well as include an enforceable code of conduct and provisions addressing access to safe parking, public transportation, food assistance, community resources, site inspections, utility connections, and public safety and emergency services.

(4) A county may terminate any agreement with a sponsor or managing agency if the temporary emergency shelter community poses serious and documented threats to the health and well-being of the surrounding community. If the county terminates the agreement, the sponsor or managing agency must address each documented concern before resubmitting an application for a temporary emergency shelter community within the county.

(5) This section does not apply to the hosting of the homeless on property owned or controlled by a religious organization as authorized under RCW 35.21.915.

(6) For purposes of this section:

(a) "Managing agency" means an organization that has the capacity to organize and manage a temporary emergency shelter community, and may be the same entity as the sponsor.

(b) "Sponsor" means a nonprofit or other local community-based organization that has an agreement with the managing agency to provide basic services and support for the residents of a temporary emergency shelter community, such as food and sanitation, and liaison with the surrounding community and joins with the managing agency in an application for a temporary use permit. A sponsor may be the same entity as the managing agency.

(c) "Temporary emergency shelter" means a shelter not affixed to land and not using underground utilities, built in accordance with the state building code, and providing temporary housing accommodations for persons experiencing homelessness or for persons experiencing domestic violence.

**Sec.**  RCW 19.27.042 and 1991 c 139 s 1 are each amended to read as follows:

(1) Effective January 1, 1992, the legislative authorities of cities and counties may adopt an ordinance or resolution to exempt from state building code requirements buildings whose character of use or occupancy has been changed in order to provide housing for indigent persons. The ordinance or resolution allowing the exemption shall include the following conditions:

(a) The exemption is limited to existing buildings located in this state;

(b) Any code deficiencies to be exempted pose no threat to human life, health, or safety;

(c) The building or buildings exempted under this section are owned or administered by a public agency or nonprofit corporation; and

(d) The exemption is authorized for no more than five years on any given building. An exemption for a building may be renewed if the requirements of this section are met for each renewal.

(2) By January 1, 1992, the state building code council shall adopt, by rule, guidelines for cities and counties exempting buildings under subsection (1) of this section.

(3) By July 1, 2024, the state building code council shall adopt, by rule, standards for temporary emergency shelters and make them available for local adoption.

**--- END ---**