

SENATE BILL REPORT

SB 5923

As Reported by Senate Committee On:
Housing & Local Government, February 3, 2022

Title: An act relating to temporary emergency shelters.

Brief Description: Concerning temporary emergency shelters. [**Revised for 1st Substitute:**
Concerning temporary shelters for persons experiencing homelessness.]

Sponsors: Senators Robinson and Nguyen.

Brief History:

Committee Activity: Housing & Local Government: 1/26/22, 2/03/22 [DPS, w/oRec].

Brief Summary of First Substitute Bill

- Provides that cities are not required to adopt or enforce, or may waive, any state or local building codes applicable to temporary shelters.
- Provides that counties are not required to adopt or enforce, or may waive, any state or local building codes applicable to temporary shelters within an urban growth area.

SENATE COMMITTEE ON HOUSING & LOCAL GOVERNMENT

Majority Report: That Substitute Senate Bill No. 5923 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kuderer, Chair; Das, Vice Chair; Fortunato, Ranking Member; Cleveland, Lovelett, Salomon and Trudeau.

Minority Report: That it be referred without recommendation.

Signed by Senators Gildon, Assistant Ranking Member; Sefzik, Warnick and Wilson, J.

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

Staff: Brandon Popovac (786-7465)

Background: Temporary Shelters. Temporary tent or building encampments provide shelter for homeless individuals and may rotate between various host properties, with some employing managers or a security team, and imposing a code of conduct for residents.

Religious organizations may host or offer shelter or housing to persons experiencing homelessness on property the organizations own or control, with limitations on the ability of local governments to regulate such shelters. Local governments may regulate conditions necessary to protect public health and safety, so long as they do not substantially burden the decisions or actions of the religious organization.

Some local governments have enacted regulations that outline additional rules and procedures related to temporary homeless encampments.

Urban Growth Areas. Counties that fully plan under the Growth Management Act must designate urban growth areas (UGAs), within which urban growth must be encouraged and outside of which growth may occur only if it is not urban in nature. Planning jurisdictions must include within their UGAs sufficient areas and densities to accommodate projected urban growth for the succeeding 20-year period. Cities must include sufficient areas to accommodate the broad range of needs and uses that will accompany the projected urban growth, including, as appropriate, medical, governmental, institutional, commercial, service, retail, and other nonresidential uses.

State Building Code. The State Building Code (Code) establishes minimum performance standards and requirements for construction and construction materials in the state, consistent with accepted standards of engineering, fire, and life safety. The Code comprises a number of model codes and standards, developed and published by international and national organizations, which are adopted by reference in the State Building Code Act (Act). Model codes and standards adopted in the Act include the International Building Code, the International Residential Code, and the Uniform Plumbing Code Standards.

Summary of Bill (First Substitute): Cities are not required to adopt or enforce, or may waive, any state or local building codes applicable to temporary shelters. Counties are not required to adopt or enforce, or may waive, any state or local building codes applicable to temporary shelters within an urban growth area.

"Temporary shelter" is defined as a use sited in a new or existing structure or modular structure that provides temporary sleeping and shelter accommodations for persons experiencing homelessness, and may include common areas for food preparation, showers, or other commonly used facilities.

EFFECT OF CHANGES MADE BY HOUSING & LOCAL GOVERNMENT COMMITTEE (First Substitute):

- Provides that a city is not required to adopt or enforce, or may waive, any state or local building codes applicable to temporary shelters.
- Provides that a county is not required to adopt or enforce, or may waive, any state or local building codes applicable to temporary shelters within an urban growth area.
- Defines "temporary shelter" as a use sited in a new or existing structure or modular structure that provides temporary sleeping and shelter accommodations for persons experiencing homelessness, and may include other commonly used facilities.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* OTHER: The bill should not pass in its current form, but has a good intent behind the policy. Its unintended consequences will disincentivize the building of new shelters and impose new standards that will close existing shelters. The Council is not the right entity to provide shelter standards, but perhaps the state advisory council on homelessness or the Department of Commerce. The bill could be amended to expand the ability of shelter service providers and address other regulatory barriers. There are problems with the termination provisions in the bill with needed clarification on the meaning of, and who can report on, documented threats. There should be a better process for hearing or challenging local termination decisions to avoid the need to reapply for a permit. The bill would limit or make impossible the establishment of temporary emergency shelters, and there are already not enough shelter beds available as homelessness is on the rise. There are issues with the community responsibility plan and the arbitrary ability of local jurisdictions to determine public health and safety. An appeal process, at minimum, should be included.

CON: Counties already have the authority to regulate temporary shelter communities under their broad legislative powers. The bill would conflict with any current county ordinances in place. Adoption of standards for temporary shelters does not cause any problems and may be of value.

Persons Testifying: CON: Paul Jewell, Washington State Association of Counties.

OTHER: Sara Robbins, Seattle/King County Coalition on Homelessness; Jon Grant, Low Income Housing Institute (LIHI); Michele Thomas, Washington Low Income Housing Alliance.

Persons Signed In To Testify But Not Testifying: No one.