

EHB 2086 - S COMM AMD

By Committee on Human Services, Mental Health & Housing

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that residents in  
4 temporary encampments hosted by religious organizations are a  
5 particularly vulnerable population that do not have access to the  
6 same services as citizens with more stable housing. Residents in  
7 these encampments can be at increased risk of exploitation, theft,  
8 unsanitary living conditions, and physical harm. Therefore, it is the  
9 intent of the legislature that local municipalities have the  
10 authority and discretion to protect the health and safety of  
11 residents in temporary encampments hosted by religious organizations.  
12 Furthermore, the legislature finds and declares that tent encampments  
13 serve as a pathway for individuals experiencing homelessness to  
14 achieve financial stability, health, and permanent housing.

15 **Sec. 2.** RCW 36.01.290 and 2010 c 175 s 2 are each amended to  
16 read as follows:

17 (1) A religious organization may host temporary encampments for  
18 the homeless on property owned or controlled by the religious  
19 organization whether within buildings located on the property or  
20 elsewhere on the property outside of buildings.

21 (2) A county may not enact an ordinance or regulation or take any  
22 other action that:

23 (a) Imposes conditions other than those necessary to protect  
24 public health and safety and that do not substantially burden the  
25 decisions or actions of a religious organization regarding the  
26 location of housing or shelter for homeless persons on property owned  
27 by the religious organization;

28 (b) Requires a religious organization to obtain insurance  
29 pertaining to the liability of a municipality with respect to  
30 homeless persons housed on property owned by a religious organization  
31 or otherwise requires the religious organization to indemnify the  
32 municipality against such liability; ((~~or~~))

1 (c) Imposes permit fees in excess of the actual costs associated  
2 with the review and approval of the required permit applications;

3 (d) Limits a religious organization's availability to host a  
4 rotating, established tent encampment to fewer than eight months  
5 during any calendar year. However, a county may enact an ordinance or  
6 regulation that requires a three-month separation of time between  
7 established tent encampments;

8 (e) Limits a religious organization's hosting term to fewer than  
9 four months unless consented to by that religious organization for a  
10 specific instance;

11 (f) Limits the number of simultaneous religious organization  
12 hostings within the same municipality to one religious organization  
13 hosting during any given period of time. Simultaneous hostings by  
14 religious organizations may be prohibited if located within one  
15 thousand feet of other hosting religious organizations; or

16 (g) Limits a religious organization's availability to host safe  
17 parking efforts at its on-site parking lot, including limitations on  
18 any other church-sponsored uses and the parking available to support  
19 such uses during the hosting, except for limitations that are in  
20 accord with the following criteria that would govern if enacted by  
21 local ordinance:

22 (i) No less than one space may be devoted to safe parking per  
23 twenty on-site parking spaces;

24 (ii) Restroom access must be provided either within the buildings  
25 on the property or through use of portable facilities;

26 (iii) The host religious organization must ensure that the county  
27 sheriff has completed sex offender checks of all vehicle residents  
28 and must act as managing agency to inform vehicle residents how to  
29 comply with laws regarding the legal status of vehicles and drivers,  
30 and provide a written code of conduct consistent with area standards.

31 (3) A county must enact an ordinance or regulation or take any  
32 other action that requires a hosting religious organization and the  
33 managing agency, when the managing agency is not the hosting  
34 religious organization, to enter into a written agreement to protect  
35 the public health and safety of both the residents of the tent  
36 encampments and the residents of the county. At a minimum, the  
37 agreement must include information regarding: A tent encampment  
38 resident's right to seek public health and safety assistance, ability  
39 to access social services on site, ability to directly interact with  
40 the hosting religious organization, including the ability to express

1 any concerns regarding the managing agency; a written code of conduct  
2 agreed to by the managing agency and hosting religious organization,  
3 as approved by the local jurisdiction; and the ability for the  
4 hosting religious organization to interact with residents of the tent  
5 encampment.

6 (4) Hosting religious organizations and tent encampment managing  
7 agencies are encouraged to work with the county to utilize  
8 Washington's homeless client management information system, as  
9 provided for in RCW 43.185C.180.

10 (5) For the purposes of this section, the following definitions  
11 are used:

12 (a) "Managing agency" means an organization such as a religious  
13 organization or other organized entity that has the capacity to  
14 organize and manage a homeless encampment. A "managing agency" may be  
15 the same entity as the sponsor.

16 (b) "Religious organization" means the federally protected  
17 practice of a recognized religious assembly, school, or institution  
18 that owns or controls real property.

19 (c) "Safe parking" means a number of parking spaces, parking  
20 area, and parking design approved by a designated traffic engineer or  
21 building officer from a county.

22 ~~((4))~~ (6) An appointed or elected public official, public  
23 employee, or public agency as defined in RCW 4.24.470 is immune from  
24 civil liability for (a) damages arising from the permitting decisions  
25 for a temporary encampment for the homeless as provided in this  
26 section and (b) any conduct or unlawful activity that may occur as a  
27 result of the temporary encampment for the homeless as provided in  
28 this section.

29 **Sec. 3.** RCW 35.21.915 and 2010 c 175 s 3 are each amended to  
30 read as follows:

31 (1) A religious organization may host temporary encampments for  
32 the homeless on property owned or controlled by the religious  
33 organization whether within buildings located on the property or  
34 elsewhere on the property outside of buildings.

35 (2) A city or town may not enact an ordinance or regulation or  
36 take any other action that:

37 (a) Imposes conditions other than those necessary to protect  
38 public health and safety and that do not substantially burden the  
39 decisions or actions of a religious organization regarding the

1 location of housing or shelter for homeless persons on property owned  
2 by the religious organization;

3 (b) Requires a religious organization to obtain insurance  
4 pertaining to the liability of a municipality with respect to  
5 homeless persons housed on property owned by a religious organization  
6 or otherwise requires the religious organization to indemnify the  
7 municipality against such liability; (~~or~~)

8 (c) Imposes permit fees in excess of the actual costs associated  
9 with the review and approval of the required permit applications;

10 (d) Limits a religious organization's availability to host a  
11 rotating, established tent encampment to fewer than eight months  
12 during any calendar year. However, a city or town may enact an  
13 ordinance or regulation that requires a three-month separation of  
14 time between established tent encampments;

15 (e) Limits a religious organization's hosting term to fewer than  
16 four months unless consented to by that religious organization for a  
17 specific instance;

18 (f) Limits the number of simultaneous religious organization  
19 hostings within the same municipality to one religious organization  
20 hosting during any given period of time. Simultaneous hostings by  
21 religious organizations may be prohibited if located within one  
22 thousand feet of other hosting religious organizations; or

23 (g) Limits a religious organization's availability to host safe  
24 parking efforts at its on-site parking lot, including limitations on  
25 any other church-sponsored uses and the parking available to support  
26 such uses during the hosting, except for limitations that are in  
27 accord with the following criteria that would govern if enacted by  
28 local ordinance:

29 (i) No less than one space may be devoted to safe parking per  
30 twenty on-site parking spaces;

31 (ii) Restroom access must be provided either within the buildings  
32 on the property or through use of portable facilities;

33 (iii) The host religious organization must ensure that the local  
34 law enforcement has completed sex offender checks of all vehicle  
35 residents and must act as managing agency to inform vehicle residents  
36 how to comply with laws regarding the legal status of vehicles and  
37 drivers, and provide a written code of conduct consistent with area  
38 standards.

39 (3) A city or town must enact an ordinance or regulation or take  
40 any other action that requires a hosting religious organization and

1 the managing agency, when the managing agency is not the hosting  
2 religious organization, to enter into a written agreement to protect  
3 the public health and safety of both the residents of the tent  
4 encampments and the residents of the city or town. At a minimum, the  
5 agreement must include information regarding: A tent encampment  
6 resident's right to seek public health and safety assistance, ability  
7 to access social services on site, ability to directly interact with  
8 the hosting religious organization, including the ability to express  
9 any concerns regarding the managing agency; a written code of conduct  
10 agreed to by the managing agency and hosting religious organization,  
11 as approved by the local jurisdiction; and the ability for the  
12 hosting religious organization to interact with residents of the tent  
13 encampment.

14 (4) Hosting religious organizations and tent encampment managing  
15 agencies are encouraged to work with the city or town to utilize  
16 Washington's homeless client management information system, as  
17 provided for in RCW 43.185C.180.

18 (5) For the purposes of this section, the following definitions  
19 are used:

20 (a) "Managing agency" means an organization such as a religious  
21 organization or other organized entity that has the capacity to  
22 organize and manage a homeless encampment. A "managing agency" may be  
23 the same entity as the sponsor.

24 (b) "Religious organization" means the federally protected  
25 practice of a recognized religious assembly, school, or institution  
26 that owns or controls real property.

27 (c) "Safe parking" means a number of parking spaces, parking  
28 area, and parking design approved by a designated traffic engineer or  
29 building officer from a city or town.

30 ~~((4))~~ (6) An appointed or elected public official, public  
31 employee, or public agency as defined in RCW 4.24.470 is immune from  
32 civil liability for (a) damages arising from the permitting decisions  
33 for a temporary encampment for the homeless as provided in this  
34 section and (b) any conduct or unlawful activity that may occur as a  
35 result of the temporary encampment for the homeless as provided in  
36 this section.

37 **Sec. 4.** RCW 35A.21.360 and 2010 c 175 s 4 are each amended to  
38 read as follows:

1 (1) A religious organization may host temporary encampments for  
2 the homeless on property owned or controlled by the religious  
3 organization whether within buildings located on the property or  
4 elsewhere on the property outside of buildings.

5 (2) A code city may not enact an ordinance or regulation or take  
6 any other action that:

7 (a) Imposes conditions other than those necessary to protect  
8 public health and safety and that do not substantially burden the  
9 decisions or actions of a religious organization regarding the  
10 location of housing or shelter for homeless persons on property owned  
11 by the religious organization;

12 (b) Requires a religious organization to obtain insurance  
13 pertaining to the liability of a municipality with respect to  
14 homeless persons housed on property owned by a religious organization  
15 or otherwise requires the religious organization to indemnify the  
16 municipality against such liability; ((~~or~~))

17 (c) Imposes permit fees in excess of the actual costs associated  
18 with the review and approval of the required permit applications;

19 (d) Limits a religious organization's availability to host a  
20 rotating, established tent encampment to fewer than eight months  
21 during any calendar year. However, a code city may enact an ordinance  
22 or regulation that requires a three-month separation of time between  
23 established tent encampments;

24 (e) Limits a religious organization's hosting term to fewer than  
25 four months unless consented to by that religious organization for a  
26 specific instance;

27 (f) Limits the number of simultaneous religious organization  
28 hostings within the same municipality to one religious organization  
29 hosting during any given period of time. Simultaneous hostings by  
30 religious organizations may be prohibited if located within one  
31 thousand feet of other hosting religious organizations; or

32 (g) Limits a religious organization's availability to host safe  
33 parking efforts at its on-site parking lot, including limitations on  
34 any other church-sponsored uses and the parking available to support  
35 such uses during the hosting, except for limitations that are in  
36 accord with the following criteria that would govern if enacted by  
37 local ordinance:

38 (i) No less than one space may be devoted to safe parking per  
39 twenty on-site parking spaces;

1 (ii) Restroom access must be provided either within the buildings  
2 on the property or through use of portable facilities;

3 (iii) The host religious organization must ensure that the local  
4 law enforcement has completed sex offender checks of all vehicle  
5 residents and must act as managing agency to inform vehicle residents  
6 how to comply with laws regarding the legal status of vehicles and  
7 drivers, and provide a written code of conduct consistent with area  
8 standards.

9 (3) A code city must enact an ordinance or regulation or take any  
10 other action that requires a hosting religious organization and the  
11 managing agency, when the managing agency is not the hosting  
12 religious organization, to enter into a written agreement to protect  
13 the public health and safety of both the residents of the tent  
14 encampments and the residents of the code city. At a minimum, the  
15 agreement must include information regarding: A tent encampment  
16 resident's right to seek public health and safety assistance, ability  
17 to access social services on site, ability to directly interact with  
18 the hosting religious organization, including the ability to express  
19 any concerns regarding the managing agency; a written code of conduct  
20 agreed to by the managing agency and hosting religious organization,  
21 as approved by the local jurisdiction; and the ability for the  
22 hosting religious organization to interact with residents of the tent  
23 encampment.

24 (4) Hosting religious organizations and tent encampment managing  
25 agencies are encouraged to work with the code city to utilize  
26 Washington's homeless client management information system, as  
27 provided for in RCW 43.185C.180.

28 (5) For the purposes of this section, the following definitions  
29 are used:

30 (a) "Managing agency" means an organization such as a religious  
31 organization or other organized entity that has the capacity to  
32 organize and manage a homeless encampment. A "managing agency" may be  
33 the same entity as the sponsor.

34 (b) "Religious organization" means the federally protected  
35 practice of a recognized religious assembly, school, or institution  
36 that owns or controls real property.

37 (c) "Safe parking" means a number of parking spaces, parking  
38 area, and parking design approved by a designated traffic engineer or  
39 building officer from a code city.

1        (~~(4)~~) (6) An appointed or elected public official, public  
2 employee, or public agency as defined in RCW 4.24.470 is immune from  
3 civil liability for (a) damages arising from the permitting decisions  
4 for a temporary encampment for the homeless as provided in this  
5 section and (b) any conduct or unlawful activity that may occur as a  
6 result of the temporary encampment for the homeless as provided in  
7 this section."

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8        On page 1, line 2 of the title, after "organizations;" strike the  
9 remainder of the title and insert "amending RCW 36.01.290, 35.21.915,  
10 and 35A.21.360; and creating a new section."

EFFECT: (1) Because residents in tent encampments can be at increased risk of exploitation, theft, unsanitary living conditions, and physical harm, it is the intent of the Legislature that local municipalities have the authority and discretion to protect the health and safety of residents in temporary encampments hosted by religious organizations.

The Legislature finds that tent encampments serve as a pathway for individuals experiencing homelessness to achieve financial stability, health, and permanent housing.

(2)(a) A county, city, town, or code city must enact an ordinance or regulation or take any other action that requires a hosting religious organization and the managing agency to enter into a written agreement to protect the public health and safety of both the residents of the tent encampments and the residents of the local jurisdiction.

(b) At a minimum, the agreement must include information regarding a tent encampment resident's right to seek public health and safety assistance, ability to access social services on site, ability to directly interact with the hosting religious organization, including the ability to express any concerns regarding the managing agency; and the ability for the hosting religious organization to interact with residents of the tent encampment. A managing agency and hosting religious organization's agreement is to include a written code of conduct approved by the local jurisdiction.

(c) Hosting religious organizations and tent encampment managing agencies are encouraged to work with the local jurisdictions to utilize Washington's homeless client management information system, as provided for in RCW 43.185C.180.

(3) "Managing agency" and "safe parking" are defined.

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