**5946-S.E AMH ENVI H2662.4 - NOT FOR FLOOR USE**

**ESSB 5946** - H COMM AMD

By Committee on Environment & Energy

**NOT CONSIDERED 12/23/2019**

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec.**  A new section is added to chapter 43.21C RCW to read as follows:

(1) Permit actions to site a temporary shelter or transitional encampment are exempt from compliance with this chapter if the shelter or encampment meets each of the following standards:

(a) The temporary shelter or transitional encampment is used for people experiencing homelessness;

(b) The temporary shelter or transitional encampment includes no more than two hundred beds and the number of occupants is based on one person for each bed;

(c) The permit for the temporary shelter or transitional encampment includes a condition that the shelter or encampment is used on the site for no more than three years. If a temporary shelter or transitional encampment is to remain on the site for more than three years, the permit action to extend or reissue a permit to the temporary shelter or transitional encampment is not exempt from compliance with this chapter;

(d) The temporary shelter or transitional encampment does not involve erecting a new permanent structure;

(e) The local jurisdiction acting as lead agency has declared a state of emergency on homelessness that is in effect at the time of the permit action; and

(f) The temporary encampment or shelter may not be located within one thousand feet of a public or private school or an early learning facility, unless the public or private school, early learning facility, or controlling affiliate organization of the public or private school or early learning facility has provided written notification approving of the siting to the government entity responsible for the permit action.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "School" means:

(i) A public school under RCW 28A.150.010;

(ii) A private school approved by the state under chapter 28A.195 RCW; and

(iii) A charter school under RCW 28A.710.010.

(b) "Early learning facility" means:

(i) A child day care center under RCW 43.216.010(1)(a);

(ii) An early childhood education and assistance program provider under RCW 43.216.010(8);

(iii) A family day care provider under RCW 43.216.010(1)(c);

(iv) A head start program under 42 U.S.C. 9801 et seq.; and

(v) A nursery school under RCW 43.216.010(2)(e).

(c) "Temporary shelter" means a use sited in a new or existing structure or modular structure that provides temporary quarters for sleeping and shelter. The use may have common food preparation, shower, or other commonly used facilities that support temporary shelters.

(d) "Transitional encampment" means a use having tents, modular structures, or a similar shelter, including vehicles used for shelter, that provides temporary quarters for sleeping and shelter. The use may have common food preparation, shower, or other commonly used facilities that are separate from the sleeping shelters and that support transitional encampments.

(3) The exemption established in this section is in addition to the exemption established by rule pursuant to RCW 43.21C.110(1)(k), and does not in any way limit or change that exemption."

Correct the title.

EFFECT: Requires the three-year limitation on the siting of a temporary shelter or transitional encampment to be a condition of the permit issued to the shelter or encampment in order for the exemption from the State Environmental Policy Act (SEPA) to apply, and does not exempt from SEPA any extensions or reissuances of a permit to a shelter or encampment that remains on site for longer than three years;

Specifies that the lead agency under SEPA must be the local jurisdiction that has declared a state of emergency related to homelessness in order for the SEPA exemption to apply;

Requires a declaration of homelessness-related emergency to be in effect at the time of the permit action in order for the SEPA exemption to apply;

Clarifies that all criteria that qualify a facility for an exemption from SEPA apply to the siting of both transitional encampments and temporary shelters;

Removes the requirement that a shelter or encampment prohibit the on-premises use of alcohol or drugs in order for the SEPA exemption to apply;

Specifies that a school or early learning facility must issue a written notification to a lead agency when authorizing a SEPA exemption for the siting of a temporary shelter or transitional encampment within 1,000 feet of the school or early learning facility; and

Specifies that the State Environmental Policy Act (SEPA) exemption for permit actions related to the siting of certain transitional encampments or temporary shelters is in addition to exemptions adopted by administrative rule related to actions that are exempt from SEPA in situations of emergency, and does not limit or change those other SEPA exemptions.