**5946-S.E AMH ENVI H5020.2 - NOT FOR FLOOR USE**

**ESSB 5946** - H COMM AMD

By Committee on Environment & Energy

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;

(f) The temporary shelter or transitional encampment may not be located within one thousand feet of a salmon bearing stream or waterway, or any waterway that is currently listed for impaired water quality consistent with the provisions of chapter 90.48 RCW or section 303(d) of the federal clean water act; and

(g) 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;

(h) The allowance of drugs or alcohol by transitional encampment or temporary shelter occupants will be determined by the lead agency based on analysis of the needs and population served by the specific encampment or shelter; and

(i) The transitional encampment or temporary shelter complies with the drainage, erosion control, and other water quality regulations of the lead agency, and consistent with any applicable national pollutant discharge elimination system permit or permit issued under chapter 90.48 RCW to the jurisdiction.

(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 a facility that is permitted by the lead agency and in existence when the transitional encampment or temporary shelter is proposed and that is:

(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)(i) "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.

(ii) "Temporary shelter" does not include a site that lacks sufficient sanitary facilities, such as restrooms and showers, whether portable or fixed, as determined by the lead agency after a public hearing at which information about sanitary capacity at the location in question is provided by a public health official.

(d)(i) "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.

(ii) "Transitional encampment" does not include a site that lacks sufficient sanitary facilities, such as restrooms and showers, whether portable or fixed, as determined by the lead agency after a public hearing at which information about sanitary capacity at the location in question is provided by a public health official.

(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: The striking amendment makes the following changes to the Engrossed Substitute Senate Bill:

(1) 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;

(2) Provides that temporary shelters and transitional encampments do not include sites that lack sufficient sanitary facilities, as determined by the lead agency after a public hearing at which information about sanitary capacity is provided by a public health official;

(3) Provides that transitional encampment or temporary shelter siting is not exempt from the State Environmental Policy Act in locations within 1,000 feet of a salmon bearing waterway or water body listed for impaired water quality;

(4) Requires temporary shelters or transitional encampments to comply with the water quality regulations of the lead agency in order to qualify for the exemption from the State Environmental Policy Act (SEPA);

(5) 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;

(6) 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;

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

(8) 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, and instead authorizes lead agencies to determine, based on the needs and population served by a temporary shelter or transitional encampment, whether to allow drugs or alcohol by occupants of encampments or shelters sited under the SEPA exemption;

(9) 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;

(10) Specifies that early learning facilities from which a lead agency must receive approval prior to siting a transitional encampment or temporary shelter nearby without undergoing review under the SEPA include only facilities that are permitted by the lead agency and in existence at the time of siting; and

(11) 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.