

SENATE BILL REPORT

SB 5882

As of February 19, 2019

Title: An act relating to prohibiting the location of homeless encampments near schools and early learning facilities.

Brief Description: Prohibiting the location of homeless encampments near schools and early learning facilities.

Sponsors: Senators King, Hobbs, Takko, Fortunato, Wellman, Rivers, Keiser, O'Ban and Becker.

Brief History:

Committee Activity: Housing Stability & Affordability: 2/18/19.

Brief Summary of Bill

- Prohibits counties, cities, and towns from authorizing, or allowing through inaction, a sanctioned or unsanctioned homeless encampment to be established within 1000 feet of a school or early learning facility.

SENATE COMMITTEE ON HOUSING STABILITY & AFFORDABILITY

Staff: Brandon Popovac (786-7465)

Background: Temporary Encampments for the Homeless. Over the last decade, temporary homeless encampments, sometimes called tent cities, have become an often-used mechanism for providing shelter for homeless individuals. These encampments usually rotate between various host properties and often have managers and a code of conduct for residents.

Under state law, a religious organization may host temporary encampments that the organization owns or controls with limits to a local government's ability to regulate these encampments. Many jurisdictions, like Lynnwood, Kirkland, Bothell, Seattle, Sammamish, and Shelton, have enacted regulations consistent with state law outlining additional rules and procedures related to temporary homeless encampments.

Safe Parking. Safe Parking is a program made available for individuals and families living in their vehicles. The city of Seattle has a safe parking program known as the Road to Housing

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

Program. In 2013, it served 52 vehicular residents, and for the first half of 2014 the program worked with 91 vehicular residents. Safe parking sites exist in other areas of King County.

Summary of Bill: Counties, cities, and towns may not authorize, or allow through inaction, a sanctioned or unsanctioned homeless encampment to be established within 1000 feet of a public or private school or early learning facility.

Homeless encampments may include outdoor tent or structure encampments, temporary small houses on-site, tiny homes sheltering homeless persons, vehicle resident safe parking, or care or feeding areas for homeless persons. Schools may include a charter school, and early learning facilities may include child day care centers, family day care providers, and nursery schools, and an early childhood education and assistance program provider or head start program.

Appropriation: None.

Fiscal Note: Not requested.

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: PRO: This bill does not address our ability to take care of and help the homeless. Although we still need to do these things, the bill states cities and counties cannot establish a sanctioned or unsanctioned homeless shelter next to a public or private school. Somewhere between 40 and 60 percent of the people in homeless encampments have a mental illness. Some could be pedophiles or sex offenders or be high on drugs, and we do not want to have that type of situation in place next to a school. It is our role to protect our children, and this bill is trying to keep our children safe.

CON: The bill is based on stereotypes and stigmas that people experiencing certain homelessness are criminals and are dangerous. Everybody should be entitled to a home, including shelter. The data does not support the assertion that people experiencing homelessness are drug addicts or unsanitary. The bill separates homeless persons from everyone else not on the basis of character or conduct but solely on the basis of economic status. People experiencing homelessness in our communities are our neighbors and our community members. There is agreement that no one should be living outside or in unstable housing situations, but until drastic things happen regarding homelessness funding and the time it takes to build housing, there will be people who are without shelter. People living in encampments do much better and are more stable than having to find shelter somewhere out in the wilderness or on the sidewalks.

Because there are 41,000 K-12 students who are experiencing homelessness in Washington State, there are children who are living in tiny house villages and in vehicles with their families, and that about 1 out of every 25 K-12 student is experiencing homelessness, the Legislature is cautioned to send a message in not allowing such children to live near their school. In 2018, the annual homeless census counted 1670 homeless school children and found that 26 percent of the homeless population is under eighteen. Olympia has a number

of permanent supportive and transitional housing projects as well as emergency shelters that have helped to move hundreds of people, including families and children, from homelessness to housing.

Almost half of the homeless counted during the annual census were unsheltered people. Seventy-one percent of the lowest income households in Washington State are just one paycheck or one minor financial emergency away from addiction and from homelessness. Cities that work to support organizing encampments should be applauded since they not only offer safety but the opportunity to connect people to services and to housing. This bill condemns those efforts and would make it more difficult to establish such encampments. Some cities already have governance or policies in place for encampments. Bellevue, for instance, has a policy that for a proposed encampment within 600 feet of a school or a daycare, the hosting institution has to connect with that school or daycare and get input on accommodations that are necessary. A recent 9th Circuit Court of Appeals decision already puts constraints on cities to implement ordinances that impact the homeless only. There is also no clear limit on how many tents or tiny homes or shelters would be required to qualify as an encampment.

Persons Testifying: PRO: Senator Curtis King, Prime Sponsor.

CON: Michele Thomas, Washington Low Income Housing Alliance; Xochitl Maykovich, citizen; Antonio Ginatta, Columbia Legal Services; Tyler Gundel, Just Housing; Rebecca Faust, citizen; Cynthia Stewart, League of Women Voters of Washington; Carl Schroeder, Association of Washington Cities; Lynn Kohner, citizen.

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