
SUBSTITUTE HOUSE BILL 1591

State of Washington

66th Legislature

2019 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Gregerson, Peterson, Macri, Doglio, Appleton, Thai, Robinson, Jinkins, Lekanoff, Slatter, and Davis)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to the rights of persons experiencing
2 homelessness; adding a new chapter to Title 43 RCW; and creating new
3 sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires
7 otherwise.

8 (1) "Homeless" means lacking a fixed, regular, and adequate
9 nighttime residence, and includes persons:

10 (a) Sharing the housing of other persons due to loss of housing,
11 economic hardship, or a similar reason; living in motels, hotels,
12 trailer parks, or camping grounds due to the lack of alternative
13 adequate accommodations; living in emergency or transitional
14 shelters; abandoned in hospitals; or awaiting foster care placement;

15 (b) Having a primary nighttime residence that is a public or
16 private place not designed for or ordinarily used as a regular
17 sleeping accommodation for human beings, within the meaning of
18 U.S.C. Sec. 11302(a)(2);

19 (c) Living in cars, parks, public spaces, abandoned buildings,
20 substandard housing, bus or train stations, or similar settings; or

1 (d) Who meet the definition of "homeless" under 42 U.S.C. Sec.
2 11434a(2), as it existed on October 1, 2014, as well as persons who
3 would qualify as "homeless" under 42 U.S.C. Sec. 11434a(2), as it
4 existed on October 1, 2014, but for not being a child or youth.

5 (2) "Motor vehicle" has the meaning defined in RCW 46.04.320.

6 (3) "Nonobstructive manner" means in a manner that does not
7 render passageways impassable or hazardous.

8 (4) "Public space" means any property that is owned or leased, in
9 whole or in part, by any state or local government entity or any
10 property upon which there is an easement for public use and that is
11 held open to the public, including, but not limited to:

12 (a) Plazas;

13 (b) Courtyards;

14 (c) Parking lots;

15 (d) Sidewalks;

16 (e) Public transportation facilities and services;

17 (f) Rooms or areas within public buildings, but only to the
18 extent that the rooms or areas are generally held open to the public,
19 and only during normal hours of operation;

20 (g) Shopping centers, but only those which serve as the
21 functional equivalent of downtown areas under the Washington
22 Constitution, and only during normal hours of operation;

23 (h) Parks, but only those parks and areas within parks which are
24 open to the public without fee or charge; and

25 (i) Natural and wildlife areas, but only those areas which are
26 open to the public without fee or charge and subject to reasonable
27 rules and regulations necessary to protect fish and wildlife
28 resources and their habitat.

29 (5) "Recreational vehicle" has the meaning defined in RCW
30 43.22.335.

31 (6) "Survive" means the conduct of necessary, life-sustaining
32 activities in a nonobstructive manner that includes, but is not
33 limited to, sitting, standing, leaning, kneeling, squatting,
34 sleeping, lying down, eating, and sheltering oneself.

35 NEW SECTION. **Sec. 2.** (1) People experiencing homelessness enjoy
36 constitutional and civil rights, including the right to survive,
37 regardless of their housing status.

1 (2) Every person experiencing homelessness and who has no
2 reasonable alternative but to survive in public space has the
3 following rights in public space:

4 (a) The right to survive in a nonobstructive manner;

5 (b) The right to shelter oneself from the elements in a
6 nonobstructive manner;

7 (c) The right to eat, share, accept, or give food in any public
8 space where food is not prohibited;

9 (d) The right to occupy a motor vehicle or recreational vehicle,
10 provided that the vehicle or recreational vehicle is legally parked
11 on public property or parked on private property with the permission
12 of the property owner; and

13 (e) The right to a reasonable expectation of privacy in one's
14 personal property.

15 (3) A person experiencing homelessness may not be prosecuted
16 criminally under any state or local law for exercising the rights in
17 subsection (2) of this section when that person has no reasonable
18 alternative but to survive in public space and existing local
19 shelters are inadequate in number or capacity or are functionally
20 inaccessible.

21 (4) The exercise of the rights set forth in subsection (2) of
22 this section must not impede or limit the authority and
23 responsibility of the state and local governments to:

24 (a) Manage public space with respect to identified public health
25 threats or identified public safety concerns;

26 (b) Provide workplaces free of unreasonable workplace hazards; or

27 (c) Adequately and appropriately operate, manage, and maintain
28 public facilities.

29 NEW SECTION. **Sec. 3.** (1) No later than October 31, 2019, the
30 department of enterprise services, in cooperation with other state
31 agencies, and counties and cities, acting singly or in cooperation
32 with other counties and cities, shall:

33 (a) Examine and evaluate laws, regulations, and policies within
34 their respective jurisdictions to determine whether any of the laws,
35 regulations, or policies infringe upon any of the rights of persons
36 experiencing homelessness that were recognized by the ninth circuit
37 court of appeals in *Martin v. City of Boise*, 902 F.3d 1031 (9th Cir.
38 2018) or that are recognized in this act;

1 (b) Consider and undertake appropriate revisions that are within
2 their jurisdiction to make;

3 (c) Make recommendations regarding revisions that require action
4 by the legislature; and

5 (d) Report to the appropriate committees of the legislature with
6 respect to the examination and evaluation, efforts undertaken to make
7 revisions, and any recommendations for further legislative action.

8 (2) In this undertaking, agencies and counties and cities shall
9 involve advocates, people experiencing homelessness, law enforcement,
10 and state and local officials.

11 NEW SECTION. **Sec. 4.** No later than October 31, 2019, the office
12 of homeless youth prevention and protection programs shall make
13 recommendations to the appropriate committees of the legislature
14 regarding rights that all unaccompanied homeless youth and young
15 adults should have regarding appropriate care and treatment in
16 licensed and unlicensed residential runaway and homeless youth
17 programs.

18 NEW SECTION. **Sec. 5.** Sections 1 and 2 of this act constitute a
19 new chapter in Title 43 RCW.

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