

ESSB 5946 - H COMM AMD

By Committee on Environment & Energy

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 43.21C
4 RCW to read as follows:

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

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

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

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

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

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

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

30 (g) The temporary encampment or shelter may not be located within
31 one thousand feet of a public or private school or an early learning
32 facility, unless the public or private school, early learning

1 facility, or controlling affiliate organization of the public or
2 private school or early learning facility has provided written
3 notification approving of the siting to the government entity
4 responsible for the permit action;

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

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

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

16 (a) "School" means:

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

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

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

21 (b) "Early learning facility" means a facility that is permitted
22 by the lead agency and in existence when the transitional encampment
23 or temporary shelter is proposed and that is:

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

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

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

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

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

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

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

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

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

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

15 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.

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