
**Housing, Community Development &
Veterans Committee**

HB 1754

Brief Description: Concerning the hosting of the homeless by religious organizations.

Sponsors: Representatives Santos, Jinkins and Pollet.

Brief Summary of Bill

- Places new limitations on the ability of counties, cities or towns, and code cities to regulate outdoor encampments, safe parking efforts, indoor overnight shelters, and temporary small houses on property owned or controlled by a religious organization.
- Allows a county, city or town, or code city to require a religious organization hosting the homeless and the agency managing the hosting to enter into a memorandum of understanding to protect the public health and safety of residents.
- Requires religious organizations hosting the homeless to comply with certain regulations relating to sex offender checks, vehicle and driver laws, and the homeless client management information system.

Hearing Date: 2/8/19

Staff: Cassie Jones (786-7303).

Background:

Temporary Homeless Encampments.

Religious organizations may host temporary encampments for the homeless on property owned or controlled by the religious organization. Such encampments may be within buildings owned by the religious organization or elsewhere on property outside of buildings. Counties, cities, and towns are prohibited from enacting an ordinance or regulation or taking any other action that:

- imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding

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the location of housing or shelter for homeless persons on property owned by the religious organization;

- requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability; or
- imposes permit fees in excess of the actual costs associated with the review and approval of the required permit applications.

Homeless Client Management Information System and Continuum of Care.

The Washington Homeless Client Management Information System (HMIS), managed by the Department of Commerce (Department), is an online information and referral system that enables local governments and providers to connect homeless persons in the database with available housing and other support services. Information about homeless individuals for the HMIS comes from the Washington homeless census, state agencies, and community organizations provided services to homeless individuals and families. The HMIS also provides the Department with information to consolidate and analyze data about the extent and nature of homelessness in Washington State. The Department also works with counties to submit applications for the annual federal Department of Housing and Urban Development (HUD) Continuum of Care competition. The competition provides grant funding to nonprofit agencies and state and local governments for homelessness efforts.

Summary of Bill:

Regulating Outdoor Encampments, Safe Parking, and Temporary Small Houses.

Additional limitations are placed on the ability of counties, cities or towns, and code cities to regulate outdoor encampments, safe parking efforts, indoor overnight shelters, and temporary small houses on property owned or controlled by a religious organization.

Outdoor Encampments. Counties, cities or towns, and code cities may not enact an ordinance or regulation or take other action that:

- limits a religious organizations availability to host an outdoor encampment to fewer than six months during any calendar year, except that a separation of three months may be required between outdoor encampment hostings at a particular site;
- limits a religious organizations hosting term for an outdoor encampment to less than four consecutive months; or
- limits the number of simultaneous religious organization outdoor encampments within the same municipality during any given time period, except that when religious organization outdoor encampments are within 1,000 feet of each other.

Safe Parking. Counties, cities or towns, and code cities may not enact an ordinance or regulation or take other action that limits a religious organizations availability to host safe parking efforts at its on-site parking lot, including other congregationally sponsored uses and the parking available to support such uses during the hosting, except for limitations consistent with the following:

- no less than one space may be devoted to safe parking per ten on-site parking spaces; and
- restroom access must be provided with provisions for proper disposal of waste if recreational vehicles are hosted.

Indoor Overnight Shelters. Counties, cities or towns, and code cities may not enact an ordinance or regulation or take other action that limits a religious organizations availability to host an indoor overnight shelter in spaces with at least two accessible exits due to lack of sprinklers or other fire-related concerns. However, a religious organization and a county, city, town, or code city may enter into a memorandum of understanding which would include: local fire district inspections, an outline for appropriate emergency procedures, a determination of the most viable means to evacuate occupants from inside the host site with appropriate illuminated exit signage, panic bar exit doors, and a completed fire watch agreement. The fire watch agreement must indicate the following:

- posted safe means of egress;
- operable smoke detectors, carbon monoxide detectors as necessary, and fire extinguishers; and
- a plan for monitors who spend the night awake and are familiar with emergency protocols, who have suitable communication devices, and who know how to contact the local fire department.

Temporary Small Houses. Counties, cities or towns, and code cities may not enact an ordinance or regulation or take other action that limits a religious organizations ability to host temporary small houses on land owned or controlled by a religious organization, except for those consistent with the following:

- a renewable one-year duration agreed to by the host religious organization and local jurisdiction via a memorandum of understanding;
- maintaining a maximum unit square footage of one hundred twenty square feet, with units set at least six feet apart;
- electricity and heat, if provided, must be inspected by the local jurisdiction;
- space heaters, if provided, must be approved by the local fire authority;
- doors and windows must be included and be lockable, with a recommendation that the managing agency and host religious organization also possess keys;
- each unit must have a fire extinguisher;
- adequate restrooms must be provided, including restrooms solely for families if present, along with handwashing and potable running water to be available if not provided within the individual units, including accommodating black water;
- a recommendation for the host religious organization to partner with regional homeless service providers to develop pathways to permanent housing.

Permit Fees.

The prohibition on a county, city or town, or code city from imposing permit fees in excess of the actual costs associated with review and approval of permit applications is modified to specify that the actual costs pertaining to permit fees must be reasonable and may not include departmental overhead. Actual costs are reasonable if they do not cause an undue burden to the permit applicant.

Memorandum of Understanding.

A county, city or town, or code city may enact an ordinance or regulation or take any other action that requires a host religious organization and a distinct managing agency, which manages an outdoor encampment, temporary small houses, indoor overnight shelter, or vehicle safe parking on property owned or controlled by the religious organization, to enter into a memorandum of understanding to protect the public health and safety of both residents of the homeless hosting

and residents of the county, city or town, or code city. The memorandum of understanding must include information regarding:

- the right of a resident in a homeless hosting to seek public health and safety assistance;
- the residents ability to access social services on site;
- the residents ability to directly interact with the host religious organization, including the ability to express any concerns regarding the managing agency to the religious organization;
- a written code of conduct agreed to by the managing agency, if any, host religious organization, and all volunteers working with residents of the homeless hosting; and
- when a publicly funded managing agency exists, the ability for the host religious organization to interact with residents of the homeless hosting using a release of information.

Sex Offender Checks.

Any religious organization hosting the homeless, or the religious organizations managing agency, must ensure that the county or local law enforcement agency has completed sex offender checks of all adult residents and guests if:

- the hosting is supported by public funding; or
- sex offender checks are included in a memorandum of understanding between the host religious organization and jurisdiction.

The host religious organization retains the authority to allow sex offenders to remain on the property.

Legal Status of Vehicles and Drivers.

A host religious organization or host religious organizations managing agency performing any hosting of vehicle resident safe parking must inform vehicle residents how to comply with laws regarding the legal status of vehicles and drivers and provide a written code of conduct consistent with area standards.

Homeless Client Management Information System.

Any religious organization hosting the homeless with a publicly funded managing agency must work with the county, city or town, or code city to utilize Washington's homeless client management information system (HMIS). Religious organizations not partnering with a managing agency are encouraged to partner with a local homeless services provider using the HMIS. Any managing agency receiving any funding from local continuum of care programs must utilize the HMIS.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.