

SENATE BILL REPORT

ESSB 5946

As Passed Senate, March 5, 2019

Title: An act relating to the application of the state environmental policy act to temporary shelters and transitional encampments.

Brief Description: Concerning the application of the state environmental policy act to temporary shelters and transitional encampments.

Sponsors: Senate Committee on Housing Stability & Affordability (originally sponsored by Senators Nguyen, Saldaña, Hasegawa, Das and Lovelett).

Brief History:

Committee Activity: Housing Stability & Affordability: 2/18/19, 2/20/19 [DPS].

Floor Activity:

Passed Senate: 3/05/19, 35-12.

Brief Summary of Engrossed First Substitute Bill

- Exempts permit actions to site a temporary shelter or transitional encampment for people experiencing homelessness from State Environmental Policy Act requirements.

SENATE COMMITTEE ON HOUSING STABILITY & AFFORDABILITY

Majority Report: That Substitute Senate Bill No. 5946 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Darneille, Fortunato, Saldaña and Warnick.

Staff: Jeff Olsen (786-7428)

Background: The State Environmental Policy Act (SEPA) establishes a review process for state and local governments to identify environmental impacts resulting from governmental decisions, such as the issuance of permits or the adoption of land use plans. The SEPA environmental review process involves a project proponent or the lead agency completing an environmental checklist to identify and evaluate probable environmental impacts. Government decisions that the SEPA checklist process identifies as having significant

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adverse environmental impacts must then undergo a more comprehensive environmental analysis in the form of an environmental impact statement (EIS).

Projects which undergo a SEPA review may be required to mitigate significant adverse environmental impacts in order to receive approval from the government entity performing the SEPA analysis. Project proponents may also choose to mitigate environmental impacts identified in the environmental checklist to receive a determination the project does not have significant environmental impacts, and therefore can avoid the process of completing an EIS for the project.

Summary of Engrossed First Substitute Bill: Permit actions to site a temporary shelter or transitional encampment are exempt from compliance with SEPA if the facility meets certain criteria. The facility must be used to provide temporary quarters for sleeping and shelter for people experiencing homelessness, include no more than 200 beds, may not allow the use of drugs or alcohol on the premises, and may not be located within 1000 feet of a school or early learning facility. However, a school, early learning facility, or controlling affiliate organization of the school or early learning facility has the option to approve siting a facility within the 1000 feet restriction. In addition, the local jurisdiction must have declared a state of emergency on homelessness and the facility may be used on the site for no more than three years.

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 on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: With all of the recent cold weather, local jurisdictions need the flexibility to establish transitional and temporary shelters. Having a two to three year window for transitional shelters helps to connect people to services, establish a mailing address, obtain employment, and transition into other housing options. Transitional shelters have supportive environments for the elderly and disabled, and provide a safe and sober environment. It is very important that transitional housing does not have to move frequently. The definition of transitional housing may be too specific and should include modular structures.

OTHER: It is important to have safe housing and to protect the environment. By establishing temporary shelters and moving people out of sensitive areas may result in less damage to the environment.

Persons Testifying: PRO: Senator Joe Nguyen, Prime Sponsor; Donna Christensen, Catholic Community Services; Eric Davis, Camp Second Chance; Zsa Floyd, Camp Second Chance; David Crum, Camp Second Chance; Mary Diedricks, Camp Second Chance; Christina Postlewait, City of Seattle; Steven Lebergh, Camp Second Chance; Serena Hale, Camp Second Chance; Kristina Sawycky, citizen.

OTHER: Gordon White, Department of Ecology.

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