**5428-S.E AMH ENVI H2759.3 - NOT FOR FLOOR USE**

**ESSB 5428** - H COMM AMD

By Committee on Environment & Energy

Strike everything after the enacting clause and insert the following:

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

(1) Until August 1, 2032, a lead agency taking a permit action to site a temporary shelter or transitional encampment is exempt from compliance with this chapter if the following conditions are met:

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

(b) The temporary shelter or transitional encampment includes no more than 200 beds and the number of occupants is based on one person for each bed;

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

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

(e) The jurisdiction acting as lead agency and in which the temporary shelter or transitional encampment will be located has declared a state of emergency on homelessness that is in effect at the time of the permit action;

(f) If the temporary shelter or transitional encampment will receive public services, including but not limited to public safety, public health, or water, sewer, or solid waste services, through an interlocal agreement that are provided by a county or city that is not the lead agency, the lead agency must:

(i) Provide notice to the mayor or executive authority of the county or city that would be required to provide services to the temporary shelter or transitional encampment at least 14 calendar days before any permit application for the shelter or encampment is submitted; and

(ii) Obtain written notification from the mayor or executive authority of the other county or city approving of the siting;

(g) For any temporary shelter or transitional encampment proposed to be located within .25 miles of another town, city, or county, the shelter or encampment operator or permit applicant must provide written notice of the shelter or encampment's size, location, and services via email or first-class mail to that jurisdiction's mayor or executive authority at least 14 calendar days before any permit application for the shelter or encampment is submitted;

(h) The operator of the temporary shelter or transitional encampment must establish a community advisory committee that provides input on shelter or encampment operations. As requested by any town, city, or county within .25 miles of the shelter or encampment, the committee must include one representative as identified by that jurisdiction. A representative of the temporary shelter or transitional encampment operator must attend all advisory committee meetings and provide to the committee quarterly reports that address shelter or encampment operations. The community advisory committee must create a process to accept and address complaints from the community;

(i) The allowance of drugs or alcohol by temporary shelter or transitional encampment occupants must be determined by the jurisdiction based on analysis of the needs and population served by the specific shelter or encampment;

(j) The permit for the temporary shelter or transitional encampment includes a condition that the encampment or shelter complies with any drainage, erosion control, wastewater, stormwater, and other water quality regulations of the jurisdiction and is consistent with any applicable national pollutant discharge elimination system permit or permit issued under chapter 90.48 RCW to the jurisdiction;

(k) The temporary shelter or transitional encampment host or operator has developed a disengagement plan for cleanup for the shelter or encampment;

(l) The temporary shelter or transitional encampment host or operator has developed a medical waste disposal plan for the shelter or encampment;

(m) The temporary shelter or transitional encampment host or operator has developed a solid waste management program for the shelter or encampment;

(n) The local jurisdiction must make available employment, mental health, and drug counseling services to persons residing at the temporary shelter or transitional encampment; and

(o) If the jurisdiction is a county planning under chapter 36.70A RCW, the temporary shelter or transitional encampment is to be located within an urban growth area designated under RCW 36.70A.110.

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

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

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

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

(4) This section expires January 1, 2033.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

EFFECT: The striking amendment makes the following changes to the Engrossed Substitute Senate Bill:

(1) Requires the five-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 five years;

(2) Requires compliance with local water quality permits by a temporary shelter or transitional encampment to be a condition of the permit issued to the shelter or encampment;

(3) 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;

(4) 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;

(5) Eliminates the requirement that jurisdictions employing the SEPA exemption make available and require that mental health, employment, and drug counseling services be provided at the transitional encampment or temporary shelter, and instead requires jurisdictions to make available mental health, employment, and drug counseling services to persons residing at the encampment or shelter;

(6) Specifies that the SEPA exemption for permit actions related to the siting of certain transitional encampments or temporary shelters is in addition to the 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;

(7) Requires temporary shelters or transitional encampments to be located within a designated urban growth area, if the lead agency is a county planning under the Growth Management Act; and

(8) Expires in 2033 the section establishing the temporary SEPA exemption, which lasts until August 1, 2032.

(9) Requires a lead agency to notify and receive written approval from another city or county that would provide public services to a temporary shelter or transitional encampment, in order for the permit action to be eligible for the exemption from State Environmental Policy Act review.

(10) Specifies that, in order for the State Environmental Policy Act review exemption to apply, a temporary shelter or transitional encampment must comply with wastewater and stormwater regulations, in addition to erosion, drainage control, and other water quality regulations of the jurisdiction and being consistent with state and federal water quality permits.