**5428-S AMS NGUY S3667.2 - NOT FOR FLOOR USE**

**SSB 5428** - S AMD **947**

By Senator Nguyen

**ADOPTED 02/08/2022**

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, permit actions to site a temporary shelter or transitional encampment are exempt from compliance with this chapter if the following conditions are met:

(a) The facility is used for people experiencing homelessness;

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

(c) The facility is used on the site for no more than five years;

(d) The facility does not involve erecting a new permanent structure;

(e) The jurisdiction in which the facility will be located has declared a state of emergency on homelessness;

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

(g) The facility operator must establish a community advisory committee that provides input on facility operations. As requested by any town, city, or county within .25 miles of the facility, the committee must include one representative as identified by that jurisdiction. A representative of the facility operator must attend all advisory committee meetings and provide to the committee quarterly reports that address facility operations;

(h) The allowance of drugs or alcohol by facility occupants must be determined by the jurisdiction based on analysis of the needs and population served by the specific facility; and

(i) The facility complies with any drainage, erosion control, 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.

(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.

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."

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**ADOPTED 02/08/2022**

On page 1, line 2 of the title, after "encampments" strike the remainder of the title and insert "to provide clarity and predictability to jurisdictions about categorical exemptions for temporary shelters and transitional encampments; adding a new section to chapter 43.21C RCW; and declaring an emergency."

EFFECT: (1) Adds the following requirements in order for a SEPA exemption to apply to transitional encampments and temporary shelters:

(a) Clarifies that the jurisdiction in which the facility will be located must have declared homelessness as a state of emergency.

(b) Requires that written notice be provided to any town, city, or county within .25 miles of the facility at least 14 days before the permit application is submitted.

(c) Requires the facility operator to establish a community advisory committee to provide input on facility operations with one representative from nearby jurisdictions, and for the operator to provide quarterly reports to the committee.

(d) Requires the allowance of drugs or alcohol by facility occupants to be based on an analysis of the needs and population served by the specific facility.

(e) Requires the facility to comply with applicable drainage, erosion control, and water quality regulations and be consistent with national and state water pollution control permits.

(2) Extends the time limit a transitional encampment or emergency shelter can be used on site from three to five years for the SEPA exemption to apply.

(3) Expires the SEPA exemption August 1, 2032.

(4) Adds an emergency clause, with the bill to take effect immediately.