

SSB 5428 - S AMD 947  
By Senator Nguyen

ADOPTED 02/08/2022

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) Until August 1, 2032, permit actions to site a temporary  
6 shelter or transitional encampment are exempt from compliance with  
7 this chapter if the following conditions are met:

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

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

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

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

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

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

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

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

1 (i) The facility complies with any drainage, erosion control, and  
2 other water quality regulations of the jurisdiction and is consistent  
3 with any applicable national pollutant discharge elimination system  
4 permit or permit issued under chapter 90.48 RCW to the jurisdiction.

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

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

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

18 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
19 preservation of the public peace, health, or safety, or support of  
20 the state government and its existing public institutions, and takes  
21 effect immediately."

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22 On page 1, line 2 of the title, after "encampments" strike the  
23 remainder of the title and insert "to provide clarity and  
24 predictability to jurisdictions about categorical exemptions for  
25 temporary shelters and transitional encampments; adding a new section  
26 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.

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