

# FINAL BILL REPORT

## ESHB 1956

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Synopsis as Enacted

**Brief Description:** Authorizing religious organizations to host temporary encampments for homeless persons on property owned or controlled by a religious organization.

**Sponsors:** House Committee on Local Government & Housing (originally sponsored by Representatives Williams, Chase, Ormsby, Darneille, Van De Wege, Dickerson and Simpson).

**House Committee on Local Government & Housing**  
**Senate Committee on Human Services & Corrections**

### **Background:**

#### Constitutional Protection of the Right to the Free Exercise of Religion.

Both the Washington Constitution and the U.S. Constitution recognize that the free exercise of religion is a fundamental right, and both extend broad protection to this right. Notably, the Washington courts have recognized that with respect to freedom of religion, the Washington Constitution extends broader protection than the first amendment to the federal constitution.

#### Homeless Housing and Assistance Act.

In the prelude to the Homeless Housing and Assistance Act, the Legislature makes the following findings:

"Despite laudable efforts by all levels of government, private individuals, nonprofit organizations, and charitable foundations to end homelessness, the number of homeless persons in Washington is unacceptably high. The state's homeless population, furthermore, includes a large number of families with children, youth, and employed persons. The Legislature finds that the fiscal and societal costs of homelessness are high for both the public and private sectors, and that ending homelessness should be a goal for state and local government.

The support and commitment of all sectors of the statewide community is critical to the chances of success in ending homelessness in Washington. While the provision of housing and housing-related services to the homeless should be administered at the local level to best

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address specific community needs, the Legislature also recognizes the need for the state to play a primary coordinating, supporting, and monitoring role."

**Summary:**

A religious organization is authorized to host temporary encampments for the homeless on any real property owned or controlled by such organization. "Religious organization" is defined to mean the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

In regulating homeless housing encampments hosted by religious organizations, counties, cities, and towns are prohibited from:

- enacting ordinances or regulations that impose conditions other than those necessary to protect the public health and safety and that do not substantially burden the decisions or actions of a religious organization with respect to the provision of homeless housing;
- imposing permit fees in excess of the actual costs associated with the review and approval of the required permit applications; or
- requiring a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on its property or otherwise requiring the organization to indemnify the municipality against such liability.

Local governments, public agencies, and specified public officials are granted immunity from civil liability for damages arising from permitting decisions and activities occurring within homeless encampments.

The act does not supersede current consent decrees or negotiated settlements entered into between a public agency and a religious organization prior to July 1, 2010, pertaining to temporary homeless encampments.

**Votes on Final Passage:**

House	56	41	
House	57	39	
Senate	40	5	(Senate amended)
House	57	38	(House concurred)

**Effective:** June 10, 2010