

SENATE BILL REPORT

ESHB 1956

As of February 22, 2010

Title: An act relating to the housing of homeless persons on property owned or controlled by a church.

Brief Description: Authorizing churches to host temporary encampments for homeless persons on property owned or controlled by a church.

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

Brief History: Passed House: 3/03/09, 56-41.

Committee Activity: Human Services & Corrections: 3/20/09, 2/18/10.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Shani Bauer (786-7468)

Background: Currently, temporary encampments for the homeless on any real property owned or controlled by a church are governed by local governments through local ordinances. This has resulted in some disagreements about whether a church can provide for temporary encampments for the homeless on property owned or controlled by the church.

Summary of Bill: Churches are authorized to host temporary encampments for the homeless on any real property owned or controlled by a church.

With respect to the efforts of a church to provide housing or shelter to homeless persons, counties, cities, and towns are prohibited from:

- unreasonably interfering with the decisions or actions of a church regarding the location of housing or shelter for homeless persons on property the church owns or controls;
- unreasonably prohibiting or attempting to regulate the housing of homeless persons on church property based upon the property's proximity to a school or day care center; or
- requiring a church to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on church property or otherwise requiring the church to indemnify the municipality against such liability.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In applying the act to cities, towns, and counties, church is defined to mean a building or buildings and adjacent real property that is used as a place of worship by a religious denomination and that is owned or controlled by the denomination.

In applying the act to code cities, church is defined to mean a building or buildings and adjacent real property that is used as a place of worship by any religious group, congregation, or denomination and that is owned or controlled by such group, congregation, or denomination.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Congregations of Washington State should not need this bill. When church seeks to help the homeless, a process ensues which too often ends up in the courts. Once in courts, churches obtain the right to practice their faith, but it costs everyone dearly in legal fees. Cities often charge onerous permit fees. Reasonable ordinances can be crafted that provide freedom of religion while protecting public health and safety. These temporary encampments provide a safe place for people to stay who have nowhere else to go. Local regulations are putting obstacles in the path of churches helping people to get back on their feet.

CON: The counties support all efforts to provide assistance to the homeless but are concerned about issues of public safety and health. The current language is vague and would lead to further litigation. Federal law has limitations on local government authority to regulate government encampments. We believe the additional language won't further the goal of providing housing and will cause further litigation.

AWC is opposed to this bill but not opposed to tent cities. Seventeen cities have been a home to tent cities and have been supportive of efforts to end homelessness. Currently established caselaw sets out guidelines of what type of regulations you can put on tent cities. This law will lead to litigation and does not provide clear guidelines for cities to follow.

Cities are not hostile to church encampments and have worked hard to listen to all points of view and look at the issues prior to coming up with regulations that reflect their duty to protect public health and safety.

Persons Testifying: PRO: Seth Dawson, WA State Coalition for the Homeless; Reverend Bill Kirlin-Hackett, Interfaith Task Force on Homelessness; Joe Ingram, Homeless Outreach.

CON: Rashi Gupta, WA State Association of Counties; Candice Bock, Associated WA Cities; Karen Morris, Bellevue Neighborhood Crime Watch.