

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1956

61st Legislature
2010 Regular Session

Passed by the House March 6, 2010
Yeas 57 Nays 38

Speaker of the House of Representatives

Passed by the Senate March 2, 2010
Yeas 40 Nays 5

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1956** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1956

AS AMENDED BY THE SENATE

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session

By House Local Government & Housing (originally sponsored by Representatives Williams, Chase, Ormsby, Darneille, Van De Wege, Dickerson, and Simpson)

READ FIRST TIME 02/20/09.

1 AN ACT Relating to the housing of homeless persons on property
2 owned or controlled by a church; adding a new section to chapter 36.01
3 RCW; adding a new section to chapter 35.21 RCW; adding a new section to
4 chapter 35A.21 RCW; and creating new sections.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that there are many
7 homeless persons in our state that are in need of shelter and other
8 services that are not being provided by the state and local
9 governments. The legislature also finds that in many communities,
10 religious organizations play an important role in providing needed
11 services to the homeless, including the provision of shelter upon
12 property owned by the religious organization. By providing such
13 shelter, the religious institutions in our communities perform a
14 valuable public service that, for many, offers a temporary, stop-gap
15 solution to the larger social problem of increasing numbers of homeless
16 persons.

17 This act provides guidance to cities and counties in regulating
18 homeless encampments within the community, but still leaves those
19 entities with broad discretion to protect the health and safety of its

1 citizens. It is the hope of this legislature that local governments
2 and religious organizations can work together and utilize dispute
3 resolution processes without the need for litigation.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.01 RCW
5 to read as follows:

6 (1) A religious organization may host temporary encampments for the
7 homeless on property owned or controlled by the religious organization
8 whether within buildings located on the property or elsewhere on the
9 property outside of buildings.

10 (2) A county may not enact an ordinance or regulation or take any
11 other action that:

12 (a) Imposes conditions other than those necessary to protect public
13 health and safety and that do not substantially burden the decisions or
14 actions of a religious organization regarding the location of housing
15 or shelter for homeless persons on property owned by the religious
16 organization;

17 (b) Requires a religious organization to obtain insurance
18 pertaining to the liability of a municipality with respect to homeless
19 persons housed on property owned by a religious organization or
20 otherwise requires the religious organization to indemnify the
21 municipality against such liability; or

22 (c) Imposes permit fees in excess of the actual costs associated
23 with the review and approval of the required permit applications.

24 (3) For the purposes of this section, "religious organization"
25 means the federally protected practice of a recognized religious
26 assembly, school, or institution that owns or controls real property.

27 (4) An appointed or elected public official, public employee, or
28 public agency as defined in RCW 4.24.470 is immune from civil liability
29 for (a) damages arising from the permitting decisions for a temporary
30 encampment for the homeless as provided in this section and (b) any
31 conduct or unlawful activity that may occur as a result of the
32 temporary encampment for the homeless as provided in this section.

33 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.21 RCW
34 to read as follows:

35 (1) A religious organization may host temporary encampments for the

1 homeless on property owned or controlled by the religious organization
2 whether within buildings located on the property or elsewhere on the
3 property outside of buildings.

4 (2) A city or town may not enact an ordinance or regulation or take
5 any other action that:

6 (a) Imposes conditions other than those necessary to protect public
7 health and safety and that do not substantially burden the decisions or
8 actions of a religious organization regarding the location of housing
9 or shelter for homeless persons on property owned by the religious
10 organization;

11 (b) Requires a religious organization to obtain insurance
12 pertaining to the liability of a municipality with respect to homeless
13 persons housed on property owned by a religious organization or
14 otherwise requires the religious organization to indemnify the
15 municipality against such liability; or

16 (c) Imposes permit fees in excess of the actual costs associated
17 with the review and approval of the required permit applications.

18 (3) For the purposes of this section, "religious organization"
19 means the federally protected practice of a recognized religious
20 assembly, school, or institution that owns or controls real property.

21 (4) An appointed or elected public official, public employee, or
22 public agency as defined in RCW 4.24.470 is immune from civil liability
23 for (a) damages arising from the permitting decisions for a temporary
24 encampment for the homeless as provided in this section and (b) any
25 conduct or unlawful activity that may occur as a result of the
26 temporary encampment for the homeless as provided in this section.

27 NEW SECTION. **Sec. 4.** A new section is added to chapter 35A.21 RCW
28 to read as follows:

29 (1) A religious organization may host temporary encampments for the
30 homeless on property owned or controlled by the religious organization
31 whether within buildings located on the property or elsewhere on the
32 property outside of buildings.

33 (2) A code city may not enact an ordinance or regulation or take
34 any other action that:

35 (a) Imposes conditions other than those necessary to protect public
36 health and safety and that do not substantially burden the decisions or

1 actions of a religious organization regarding the location of housing
2 or shelter for homeless persons on property owned by the religious
3 organization;

4 (b) Requires a religious organization to obtain insurance
5 pertaining to the liability of a municipality with respect to homeless
6 persons housed on property owned by a religious organization or
7 otherwise requires the religious organization to indemnify the
8 municipality against such liability; or

9 (c) Imposes permit fees in excess of the actual costs associated
10 with the review and approval of the required permit applications.

11 (3) For the purposes of this section, "religious organization"
12 means the federally protected practice of a recognized religious
13 assembly, school, or institution that owns or controls real property.

14 (4) An appointed or elected public official, public employee, or
15 public agency as defined in RCW 4.24.470 is immune from civil liability
16 for (a) damages arising from the permitting decisions for a temporary
17 encampment for the homeless as provided in this section and (b) any
18 conduct or unlawful activity that may occur as a result of the
19 temporary encampment for the homeless as provided in this section.

20 NEW SECTION. **Sec. 5.** Nothing in this act is intended to change
21 applicable law or be interpreted to prohibit a county, city, town, or
22 code city from applying zoning and land use regulations allowable under
23 established law to real property owned by a religious organization,
24 regardless of whether the property owned by the religious organization
25 is used to provide shelter or housing to homeless persons.

26 NEW SECTION. **Sec. 6.** Nothing in this act supersedes a court
27 ordered consent decree or other negotiated settlement between a public
28 agency and religious organization entered into prior to July 1, 2010,
29 for the purposes of establishing a temporary encampment for the
30 homeless as provided in this act.

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