S-3446.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SENATE BILL 6555**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 65th Legislature 2018 Regular Session**

**By** Senators Padden and Billig

AN ACT Relating to temporary homeless housing by religious organizations; amending RCW 35.21.915, 35A.21.360, and 36.01.290; adding a new section to chapter 19.27 RCW; adding a new section to chapter 19.27A RCW; and creating a new section.

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

NEW SECTION. **Sec.**  A new section is added to chapter 19.27 RCW to read as follows:

RCW 35.21.915, 35A.21.360, and 36.01.290 apply to all codes adopted under this chapter, which shall be liberally construed to effectuate the policies and purposes of RCW 35.21.915, 35A.21.360, and 36.01.290, and to be viewed in the light most favorable to allow for shelter for individuals.

NEW SECTION. **Sec.**  A new section is added to chapter 19.27A RCW to read as follows:

RCW 35.21.915, 35A.21.360, and 36.01.290 apply to all codes adopted under this chapter, which shall be liberally construed to effectuate the policies and purposes of RCW 35.21.915, 35A.21.360, and 36.01.290, and to be viewed in the light most favorable to allow for shelter for individuals.

**Sec.**  RCW 35.21.915 and 2010 c 175 s 3 are each amended to read as follows:

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

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

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

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

(c) Imposes permit fees on a religious organization in excess of the actual costs associated with the review and approval of the required permit applications;

(d) Requires the installation of fire sprinklers or any structural modification to the size of windows or doors in buildings owned and operated by a religious organization that were built in accordance with the laws at the time of construction and are being used for housing the homeless. Buildings owned by religious organizations that are being used for housing the homeless under this subsection (2) must install smoke detectors in accordance with the smoke detector manufacturer's recommendations at the request of the fire code official; or

(e) Changes the certificate of occupancy for a building.

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

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

**Sec.**  RCW 35A.21.360 and 2010 c 175 s 4 are each amended to read as follows:

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

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

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

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

(c) Imposes permit fees on a religious organization in excess of the actual costs associated with the review and approval of the required permit applications;

(d) Requires the installation of fire sprinklers or any structural modification to the size of windows or doors in buildings owned and operated by a religious organization that were built in accordance with the laws at the time of construction and are being used for housing the homeless. Buildings owned by religious organizations that are being used for housing the homeless under this subsection (2) must install smoke detectors in accordance with the smoke detector manufacturer's recommendations at the request of the fire code official; or

(e) Changes the certificate of occupancy for a building.

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

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

**Sec.**  RCW 36.01.290 and 2010 c 175 s 2 are each amended to read as follows:

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

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

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

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

(c) Imposes permit fees on a religious organization in excess of the actual costs associated with the review and approval of the required permit applications;

(d) Requires the installation of fire sprinklers or any structural modification to the size of windows or doors in buildings owned and operated by a religious organization that were built in accordance with the laws at the time of construction and are being used for housing the homeless. Buildings owned by religious organizations that are being used for housing the homeless under this subsection (2) must install smoke detectors in accordance with the smoke detector manufacturer's recommendations at the request of the fire code official; or

(e) Changes the certificate of occupancy for a building.

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

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

NEW SECTION. **Sec.**  The chair and ranking member of the senate local government committee must convene a meeting of stakeholders impacted by the changes made in this act to assess the effectiveness of this act by November 15, 2018.

**--- END ---**