

SENATE BILL REPORT

SB 5923

As of January 26, 2022

Title: An act relating to temporary emergency shelters.

Brief Description: Concerning temporary emergency shelters.

Sponsors: Senators Robinson and Nguyen.

Brief History:

Committee Activity: Housing & Local Government: 1/26/22.

Brief Summary of Bill

- Authorizes local governments to regulate the creation of temporary emergency shelter communities.
- Requires temporary emergency shelter community hosts to prepare a responsibility plan identifying specific supports and services provided within the community.
- Requires the State Building Code Council to adopt standards for temporary emergency shelters to be made available for local adoption.

SENATE COMMITTEE ON HOUSING & LOCAL GOVERNMENT

Staff: Brandon Popovac (786-7465)

Background: Temporary Emergency Shelters. Temporary tent or building encampments provide shelter for homeless individuals and may rotate between various host properties, with some employing managers or a security team, and imposing a code of conduct for residents.

Religious organizations may host or offer shelter or housing to persons experiencing homelessness on property the organizations own or control, with limitations on the ability of

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local governments to regulate such shelters. Local governments may regulate conditions necessary to protect public health and safety, so long as they do not substantially burden the decisions or actions of the religious organization.

Some local governments have enacted regulations that outline additional rules and procedures related to temporary homeless encampments.

State Building Code Council. The State Building Code Council (Council) is responsible for adopting, amending, and maintaining the model codes and standards adopted by reference in the State Building Code. Amendments to the model codes and standards adopted by the Council are codified in the Washington Administrative Code. The Council reviews updated editions of each model code and standard every three years.

Summary of Bill: Any local government may adopt an ordinance or take any other action to regulate the creation of temporary emergency shelter communities. If a local government takes such action, it must allow a sponsor or managing agency to apply for a land use permit application to provide the temporary emergency shelters and any basic services and support for residents of the temporary emergency shelter community.

The sponsor or managing agency must also prepare and file a temporary emergency shelter community responsibility plan with the land use permit application. The plan must identify both the physical and social infrastructure needed to support the temporary emergency shelter community, and include an enforceable code of conduct and provisions addressing access to safe parking, public transportation, food assistance, community resources, site inspections, utility connections, and public safety and emergency services.

A local government may terminate any agreement with a sponsor or managing agency if the temporary emergency shelter community poses serious and documented threats to the health and well-being of the surrounding community. If the local government terminates the agreement, the sponsor or managing agency must address each documented concern before resubmitting an application for a temporary emergency shelter community within the applicable jurisdiction.

Newly established requirements for temporary emergency shelter communities under the act do not apply to hosting the homeless on property owned or controlled by a religious organization.

The Council must adopt, by rule, standards for temporary emergency shelters and make them available for local adoption.

Temporary emergency shelter is defined as a shelter not affixed to land or using underground utilities, built in accordance with the State Building Code, and providing temporary housing accommodations for persons experiencing homelessness or domestic violence.

A managing agency is defined as any organization with the capacity to organize and manage a temporary emergency shelter community. A sponsor is defined as any nonprofit or local community-based organization that has an agreement with the managing agency to provide basic services and support for the residents of a temporary emergency shelter community and liaison with the surrounding community, and joins with the managing agency in an application for a temporary use permit. A sponsor and managing agency may be the same entity.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: OTHER: The bill should not pass in its current form, but has a good intent behind the policy. Its unintended consequences will disincentivize the building of new shelters and impose new standards that will close existing shelters. The Council is not the right entity to provide shelter standards, but perhaps the state advisory council on homelessness or the Department of Commerce. The bill could be amended to expand the ability of shelter service providers and address other regulatory barriers. There are problems with the termination provisions in the bill with needed clarification on the meaning of, and who can report on, documented threats. There should be a better process for hearing or challenging local termination decisions to avoid the need to reapply for a permit. The bill would limit or make impossible the establishment of temporary emergency shelters, and there are already not enough shelter beds available as homelessness is on the rise. There are issues with the community responsibility plan and the arbitrary ability of local jurisdictions to determine public health and safety. An appeal process, at minimum, should be included.

CON: Counties already have the authority to regulate temporary shelter communities under their broad legislative powers. The bill would conflict with any current county ordinances in place. Adoption of standards for temporary shelters does not cause any problems and may be of value.

Persons Testifying:

CON: Paul Jewell, Washington State Association of Counties.

OTHER: Sara Robbins, Seattle/King County Coalition on Homelessness; Jon Grant, Low Income Housing Institute (LIHI); Michele Thomas, Washington Low Income Housing Alliance.

Persons Signed In To Testify But Not Testifying: No one.