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HOUSE BILL 2085

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State of Washington

67th Legislature

2022 Regular Session

By Representatives Wicks and Morgan

Read first time 01/24/22. Referred to Committee on Local Government.

1 AN ACT Relating to temporary emergency shelters; amending RCW  
2 19.27.042; adding a new section to chapter 35.21 RCW; adding a new  
3 section to chapter 35A.21 RCW; and adding a new section to chapter  
4 36.01 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.21  
7 RCW to read as follows:

8 (1) A city may adopt an ordinance or take any other action to  
9 regulate the creation of temporary emergency shelter communities.

10 (2) If a city adopts an ordinance or takes any other action to  
11 regulate the creation of temporary emergency shelter communities, the  
12 city must allow a sponsor or managing agency to apply for a land use  
13 permit application to provide the temporary emergency shelters and  
14 basic services and support for residents of the temporary emergency  
15 shelter community.

16 (3) Upon filing the land use permit application for a temporary  
17 emergency shelter community, the sponsor or managing agency must  
18 prepare and file a temporary emergency shelter community  
19 responsibility plan. The plan must identify both the physical and  
20 social infrastructure needed to support the temporary emergency  
21 shelter community, as well as include an enforceable code of conduct

1 and provisions addressing access to safe parking, public  
2 transportation, food assistance, community resources, site  
3 inspections, utility connections, and public safety and emergency  
4 services.

5 (4) A city may terminate any agreement with a sponsor or managing  
6 agency if the temporary emergency shelter community poses serious and  
7 documented threats to the health and well-being of the surrounding  
8 community. If the city terminates the agreement, the sponsor or  
9 managing agency must address each documented concern before  
10 resubmitting an application for a temporary emergency shelter  
11 community within the city.

12 (5) This section does not apply to the hosting of the homeless on  
13 property owned or controlled by a religious organization as  
14 authorized under RCW 35.21.915.

15 (6) For purposes of this section:

16 (a) "Managing agency" means an organization that has the capacity  
17 to organize and manage a temporary emergency shelter community,  
18 and may be the same entity as the sponsor.

19 (b) "Sponsor" means a nonprofit or other local community-based  
20 organization that has an agreement with the managing agency to  
21 provide basic services and support for the residents of a temporary  
22 emergency shelter community, such as food and sanitation, and liaison  
23 with the surrounding community and joins with the managing agency in  
24 an application for a temporary use permit. A sponsor may be the same  
25 entity as the managing agency.

26 (c) "Temporary emergency shelter" means a shelter not affixed to  
27 land and not using underground utilities, built in accordance with  
28 the state building code, and providing temporary housing  
29 accommodations for persons experiencing homelessness or for  
30 persons experiencing domestic violence.

31 NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.21  
32 RCW to read as follows:

33 (1) A code city may adopt an ordinance or take any other action  
34 to regulate the creation of temporary emergency shelter communities.

35 (2) If a code city adopts an ordinance or takes any other action  
36 to regulate the creation of temporary emergency shelter communities,  
37 the code city must allow a sponsor or managing agency to apply for a  
38 land use permit application to provide the temporary emergency

1 shelters and basic services and support for residents of the  
2 temporary emergency shelter community.

3 (3) Upon filing the land use permit application for a temporary  
4 emergency shelter community, the sponsor or managing agency must  
5 prepare and file a temporary emergency shelter community  
6 responsibility plan. The plan must identify both the physical and  
7 social infrastructure needed to support the temporary emergency  
8 shelter community, as well as include an enforceable code of conduct  
9 and provisions addressing access to safe parking, public  
10 transportation, food assistance, community resources, site  
11 inspections, utility connections, and public safety and emergency  
12 services.

13 (4) A code city may terminate any agreement with a sponsor or  
14 managing agency if the temporary emergency shelter community poses  
15 serious and documented threats to the health and well-being of the  
16 surrounding community. If the code city terminates the agreement, the  
17 sponsor or managing agency must address each documented concern  
18 before resubmitting an application for a temporary emergency shelter  
19 community within the code city.

20 (5) This section does not apply to the hosting of the homeless on  
21 property owned or controlled by a religious organization as  
22 authorized under RCW 35.21.915.

23 (6) For purposes of this section:

24 (a) "Managing agency" means an organization that has the capacity  
25 to organize and manage a temporary emergency shelter community,  
26 and may be the same entity as the sponsor.

27 (b) "Sponsor" means a nonprofit or other local community-based  
28 organization that has an agreement with the managing agency to  
29 provide basic services and support for the residents of a temporary  
30 emergency shelter community, such as food and sanitation, and liaison  
31 with the surrounding community and joins with the managing agency in  
32 an application for a temporary use permit. A sponsor may be the same  
33 entity as the managing agency.

34 (c) "Temporary emergency shelter" means a shelter not affixed to  
35 land and not using underground utilities, built in accordance with  
36 the state building code, and providing temporary housing  
37 accommodations for persons experiencing homelessness or for  
38 persons experiencing domestic violence.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 36.01  
2    RCW to read as follows:

3        (1) A county may adopt an ordinance or take any other action to  
4    regulate the creation of temporary emergency shelter communities.

5        (2) If a county adopts an ordinance or takes any other action to  
6    regulate the creation of temporary emergency shelter communities, the  
7    county must allow a sponsor or managing agency to apply for a land  
8    use permit application to provide the temporary emergency shelters  
9    and basic services and support for residents of the temporary  
10   emergency shelter community.

11       (3) Upon filing the land use permit application for a temporary  
12   emergency shelter community, the sponsor or managing agency must  
13   prepare and file a temporary emergency shelter community  
14   responsibility plan. The plan must identify both the physical and  
15   social infrastructure needed to support the temporary emergency  
16   shelter community, as well as include an enforceable code of conduct  
17   and provisions addressing access to safe parking, public  
18   transportation, food assistance, community resources, site  
19   inspections, utility connections, and public safety and emergency  
20   services.

21       (4) A county may terminate any agreement with a sponsor or  
22   managing agency if the temporary emergency shelter community poses  
23   serious and documented threats to the health and well-being of the  
24   surrounding community. If the county terminates the agreement, the  
25   sponsor or managing agency must address each documented concern  
26   before resubmitting an application for a temporary emergency shelter  
27   community within the county.

28       (5) This section does not apply to the hosting of the homeless on  
29   property owned or controlled by a religious organization as  
30   authorized under RCW 35.21.915.

31       (6) For purposes of this section:

32       (a) "Managing agency" means an organization that has the capacity  
33   to organize and manage a temporary emergency shelter community,  
34   and may be the same entity as the sponsor.

35       (b) "Sponsor" means a nonprofit or other local community-based  
36   organization that has an agreement with the managing agency to  
37   provide basic services and support for the residents of a temporary  
38   emergency shelter community, such as food and sanitation, and liaison  
39   with the surrounding community and joins with the managing agency in

1 an application for a temporary use permit. A sponsor may be the same  
2 entity as the managing agency.

3 (c) "Temporary emergency shelter" means a shelter not affixed to  
4 land and not using underground utilities, built in accordance with  
5 the state building code, and providing temporary housing  
6 accommodations for persons experiencing homelessness or for  
7 persons experiencing domestic violence.

8 **Sec. 4.** RCW 19.27.042 and 1991 c 139 s 1 are each amended to  
9 read as follows:

10 (1) Effective January 1, 1992, the legislative authorities of  
11 cities and counties may adopt an ordinance or resolution to exempt  
12 from state building code requirements buildings whose character of  
13 use or occupancy has been changed in order to provide housing for  
14 indigent persons. The ordinance or resolution allowing the exemption  
15 shall include the following conditions:

16 (a) The exemption is limited to existing buildings located in  
17 this state;

18 (b) Any code deficiencies to be exempted pose no threat to human  
19 life, health, or safety;

20 (c) The building or buildings exempted under this section are  
21 owned or administered by a public agency or nonprofit corporation;  
22 and

23 (d) The exemption is authorized for no more than five years on  
24 any given building. An exemption for a building may be renewed if the  
25 requirements of this section are met for each renewal.

26 (2) By January 1, 1992, the state building code council shall  
27 adopt, by rule, guidelines for cities and counties exempting  
28 buildings under subsection (1) of this section.

29 (3) By July 1, 2024, the state building code council shall adopt,  
30 by rule, standards for temporary emergency shelters and make them  
31 available for local adoption.

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