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**ENGROSSED SUBSTITUTE SENATE BILL 5428**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senate Housing & Local Government (originally sponsored by Senators Nguyen, Darneille, Das, Kuderer, Lovelett, Nobles, Saldaña, and Wellman)

READ FIRST TIME 02/12/21.

1       AN ACT Relating to the application of the state environmental  
2 policy act to temporary shelters and transitional encampments to  
3 provide clarity and predictability to jurisdictions about categorical  
4 exemptions for temporary shelters and transitional encampments;  
5 adding a new section to chapter 43.21C RCW; and declaring an  
6 emergency.

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

8       NEW SECTION.   **Sec. 1.** A new section is added to chapter 43.21C  
9 RCW to read as follows:

10       (1) Until August 1, 2032, permit actions to site a temporary  
11 shelter or transitional encampment are exempt from compliance with  
12 this chapter if the following conditions are met:

- 13       (a) The facility is used for people experiencing homelessness;
- 14       (b) The facility includes no more than 200 beds and the number of  
15 occupants is based on one person for each bed;
- 16       (c) The facility is used on the site for no more than five years;
- 17       (d) The facility does not involve erecting a new permanent  
18 structure;
- 19       (e) The jurisdiction in which the facility will be located has  
20 declared a state of emergency on homelessness;

1 (f) For any facility proposed to be located within .25 miles of  
2 another town, city, or county, the facility operator or permit  
3 applicant must provide written notice of the facility's size,  
4 location, and services via email or first-class mail to that  
5 jurisdiction's mayor or executive at least 14 calendar days before  
6 any permit application for the facility is submitted;

7 (g) The facility operator must establish a community advisory  
8 committee that provides input on facility operations. As requested by  
9 any town, city, or county within .25 miles of the facility, the  
10 committee must include one representative as identified by that  
11 jurisdiction. A representative of the facility operator must attend  
12 all advisory committee meetings and provide to the committee  
13 quarterly reports that address facility operations. The community  
14 advisory committee must create a process to accept and address  
15 complaints from the community;

16 (h) The allowance of drugs or alcohol by facility occupants must  
17 be determined by the jurisdiction based on analysis of the needs and  
18 population served by the specific facility;

19 (i) The facility complies with any drainage, erosion control, and  
20 other water quality regulations of the jurisdiction and is consistent  
21 with any applicable national pollutant discharge elimination system  
22 permit or permit issued under chapter 90.48 RCW to the jurisdiction;

23 (j) The facility host or operator has developed a disengagement  
24 plan for cleanup for the facility;

25 (k) The facility host or operator has developed a medical waste  
26 disposal plan for the facility;

27 (l) The facility host or operator has developed a solid waste  
28 management program for the facility; and

29 (m) The local jurisdiction must require and make available  
30 employment, mental health, and drug counseling services at the  
31 facility.

32 (2) The definitions in this subsection apply throughout this  
33 section unless the context clearly requires otherwise.

34 (a) "Temporary shelter" means a use sited in a new or existing  
35 structure or modular structure that provides temporary quarters for  
36 sleeping and shelter. The use may have common food preparation,  
37 shower, or other commonly used facilities that support temporary  
38 shelters.

39 (b) "Transitional encampment" means a use having tents, modular  
40 structures, or a similar shelter, including vehicles used for

1 shelter, that provides temporary quarters for sleeping and shelter.  
2 The use may have common food preparation, shower, or other commonly  
3 used facilities that are separate from the sleeping shelters and that  
4 support transitional encampments.

5 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
6 preservation of the public peace, health, or safety, or support of  
7 the state government and its existing public institutions, and takes  
8 effect immediately.

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