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**HOUSE BILL 1373**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Representatives Stokesbary, Corry, Couture, Jacobsen, Eslick, Caldier, Schmidt, and Volz

AN ACT Relating to funding the removal of illegal encampments near schools, child care centers, parks, and courthouses; amending RCW 36.70A.190; adding a new section to chapter 36.01 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 43.185C RCW; and declaring an emergency.

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

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

(1)(a) By May 1, 2025, the county legislative authority of each county that is required or that chooses to plan under RCW 36.70A.040 must adopt an ordinance making it unlawful for any person to camp on public property within 500 feet of:

(i) Public or private elementary or secondary schools;

(ii) School walk areas, as determined under rules promulgated by the superintendent of public instruction pursuant to RCW 28A.150.290;

(iii) Child day care centers, as defined in RCW 43.216.010;

(iv) Public parks, as defined in RCW 69.50.435; and

(v) County courthouses.

(b) A county that is not required under (a) of this subsection to adopt the specified ordinance may voluntarily choose to do so. A county that voluntarily adopts the ordinance is eligible for grants under subsection (3) of this section under the same conditions as counties required to adopt the ordinance under (a) of this subsection.

(2)(a) Upon adoption of the ordinance required in subsection (1) of this section, the county legislative authority must submit copies of the ordinance to the department of commerce.

(b) By May 1st of each year, the county legislative authority or chief executive of the county must submit to the department of commerce:

(i) A certification signed by the chair of the county legislative authority or by the chief executive of the county, certifying that the ordinance adopted pursuant to subsection (1) of this section remains in effect and that the county has taken reasonable steps to enforce the ordinance on an ongoing and regular basis, including visiting not less than weekly those areas where camping is prohibited and making reasonable efforts to respond to complaints about unlawful camping on such areas within five calendar days of receipt of a complaint.

(ii) A report detailing the measures that have been taken to monitor and remove those in violation of the ordinance required in subsection (1) of this section, whether any violations of the ordinance have occurred, and how the revenue provided in subsection (3) of this section has been utilized.

(3) A county that has adopted the ordinance required by subsection (1) of this section and that is in compliance with the requirements of subsection (2) of this section shall receive funding under the encampment cleanup grant program created in section 4 of this act.

(4)(a) A county that has not adopted the ordinance required by subsection (1) of this section or that has failed to submit the ordinance, certification, or report as required by subsection (2) of this section is ineligible to receive grants under RCW 36.70A.190.

(b)(i) A county that has not adopted the ordinance required by subsection (1) of this section or that has failed to submit the ordinance, certification, or report as required by subsection (2) of this section shall have the funding it receives under subsection (3) of this section reduced each year that it has not been in compliance with the requirements of this section until it has not been in compliance for four consecutive years. A county that has not been in compliance for four or more consecutive years is ineligible for funding. A reduction or cessation of funding under this subsection shall continue until such time as the county is able to fully comply with this section.

(ii) When funding is reduced under this subsection, it shall be reduced by the following amounts:

(A) One-fourth of the total that the county would otherwise be eligible to receive if the county is out of compliance for between one and two years;

(B) One-half of the total that the county would otherwise be eligible to receive if the county is out of compliance for between two and three years; or

(C) Three-fourths of the total that the county would otherwise be eligible to receive if the county is out of compliance for between three and four years.

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

(a) "Camp" or "camping" means to pitch, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia. Camp facilities include, but are not limited to, tents, huts, temporary shelters, or vehicles if said vehicle is being used as temporary living quarters, and may include a recreational vehicle, tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection from the elements other than clothing. Camp paraphernalia includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or cooking facilities or equipment. For the purposes of this section, "camp" and "camping" do not include the use of camp facilities at an area designated for temporary recreational camping.

(b) "Public property" means any street, alley, sidewalk, parking space, pedestrian or transit mall, bike path, greenway, or any other structure or area encompassed within the public right-of-way; any park, parkway, mountain park, or other recreation facility; or any other grounds, buildings, fixtures, or other facilities owned or leased by the state or by any other public owner, regardless of whether such public property is vacant or occupied and actively used for any public purpose.

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

(1)(a) By May 1, 2025, the city legislative authority of each city that is required or that chooses to plan under RCW 36.70A.040 must adopt an ordinance making it unlawful for any person to camp on public property within 500 feet of:

(i) Public or private elementary or secondary schools;

(ii) School walk areas, as determined under rules promulgated by the superintendent of public instruction pursuant to RCW 28A.150.290;

(iii) Child day care centers, as defined in RCW 43.216.010;

(iv) Public parks, as defined in RCW 69.50.435; and

(v) County courthouses.

(b) A city that is not required under (a) of this subsection to adopt the specified ordinance may voluntarily choose to do so. A city that voluntarily adopts the ordinance is eligible for grants under subsection (3) of this section under the same conditions as cities required to adopt the ordinance under (a) of this subsection.

(2)(a) Upon adoption of the ordinance required in subsection (1) of this section, the city must submit copies of the ordinance to the department of commerce.

(b) By May 1st of each year, the city legislative authority or chief executive of the city must submit to the department of commerce:

(i) A certification signed by the chair of the city legislative authority or by the chief executive of the city, certifying that the ordinance adopted pursuant to subsection (1) of this section remains in effect and that the city has taken reasonable steps to enforce the ordinance on an ongoing and regular basis, including visiting not less than weekly those areas where camping is prohibited and making reasonable efforts to respond to complaints about unlawful camping on such areas within five calendar days of receipt of a complaint.

(ii) A report detailing the measures that have been taken to monitor and remove those in violation of the ordinance required in subsection (1) of this section, whether any violations of the ordinance have occurred, and how the revenue provided in subsection (3) of this section has been utilized.

(3) A city that has adopted the ordinance required by subsection (1) of this section and that is in compliance with the requirements of subsection (2) of this section shall receive funding under the encampment cleanup grant program created in section 4 of this act.

(4)(a) A city that has not adopted the ordinance required by subsection (1) of this section or that has failed to submit the ordinance, certification, or report as required by subsection (2) of this section is ineligible to receive grants under RCW 36.70A.190.

(b)(i) A city that has not adopted the ordinance required by subsection (1) of this section or that has failed to submit the ordinance, certification, or report as required by subsection (2) of this section shall have the funding it receives under subsection (3) of this section reduced each year that it has not been in compliance with the requirements of this section until it has not been in compliance for four consecutive years. A city that has not been in compliance for four or more consecutive years is ineligible for funding. A reduction or cessation of funding under this subsection shall continue until such time as the city is able to fully comply with this section.

(ii) When funding is reduced under this subsection, it shall be reduced by the following amounts:

(A) One-fourth of the total that the city would otherwise be eligible to receive if the city is out of compliance for between one and two years;

(B) One-half of the total that the city would otherwise be eligible to receive if the city is out of compliance for between two and three years; or

(C) Three-fourths of the total that the city would otherwise be eligible to receive if the city is out of compliance for between three and four years.

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

(a) "Camp" or "camping" means to pitch, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia. Camp facilities include, but are not limited to, tents, huts, temporary shelters, or vehicles if said vehicle is being used as temporary living quarters, and may include a recreational vehicle, tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection from the elements other than clothing. Camp paraphernalia includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or cooking facilities or equipment. For the purposes of this section, "camp" and "camping" do not include the use of camp facilities at an area designated for temporary recreational camping.

(b) "Public property" means any street, alley, sidewalk, parking space, pedestrian or transit mall, bike path, greenway, or any other structure or area encompassed within the public right-of-way; any park, parkway, mountain park, or other recreation facility; or any other grounds, buildings, fixtures, or other facilities owned or leased by the state or by any other public owner, regardless of whether such public property is vacant or occupied and actively used for any public purpose.

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

(1)(a) By May 1, 2025, the legislative authority of each code city that is required or that chooses to plan under RCW 36.70A.040 must adopt an ordinance making it unlawful for any person to camp on public property within 500 feet of:

(i) Public or private elementary or secondary schools;

(ii) School walk areas, as determined under rules promulgated by the superintendent of public instruction pursuant to RCW 28A.150.290;

(iii) Child day care centers, as defined in RCW 43.216.010;

(iv) Public parks, as defined in RCW 69.50.435; and

(v) County courthouses.

(b) A code city that is not required under (a) of this subsection to adopt the specified ordinance may voluntarily choose to do so. A code city that voluntarily adopts the ordinance is eligible for grants under subsection (3) of this section under the same conditions as code cities required to adopt the ordinance under (a) of this subsection.

(2)(a) Upon adoption of the ordinance required in subsection (1) of this section, the code city's legislative authority must submit copies of the ordinance to the department of commerce.

(b) By May 1st of each year, the code city's legislative authority or chief executive of the code city must submit to the department of commerce:

(i) A certification signed by the chair of the code city's legislative authority or by the chief executive of the code city, certifying that the ordinance adopted pursuant to subsection (1) of this section remains in effect and that the code city has taken reasonable steps to enforce the ordinance on an ongoing and regular basis, including visiting not less than weekly those areas where camping is prohibited and making reasonable efforts to respond to complaints about unlawful camping on such areas within five calendar days of receipt of a complaint.

(ii) A report detailing the measures that have been taken to monitor and remove those in violation of the ordinance required in subsection (1) of this section, whether any violations of the ordinance have occurred, and how the revenue provided in subsection (3) of this section has been utilized.

(3) A code city that has adopted the ordinance required by subsection (1) of this section and that is in compliance with the requirements of subsection (2) of this section shall receive funding under the encampment cleanup grant program created in section 4 of this act.

(4)(a) A code city that has not adopted the ordinance required by subsection (1) of this section or that has failed to submit the ordinance, certification, or report as required by subsection (2) of this section is ineligible to receive grants under RCW 36.70A.190.

(b)(i) A code city that has not adopted the ordinance required by subsection (1) of this section or that has failed to submit the ordinance, certification, or report as required by subsection (2) of this section shall have the funding it receives under subsection (3) of this section reduced each year that it has not been in compliance with the requirements of this section until it has not been in compliance for four consecutive years. A code city that has not been in compliance for four or more consecutive years is ineligible for funding. A reduction or cessation of funding under this subsection shall continue until such time as the code city is able to fully comply with this section.

(ii) When funding is reduced under this subsection, it shall be reduced by the following amounts:

(A) One-fourth of the total that the code city would otherwise be eligible to receive if the code city is out of compliance for between one and two years;

(B) One-half of the total that the code city would otherwise be eligible to receive if the code city is out of compliance for between two and three years; or

(C) Three-fourths of the total that the code city would otherwise be eligible to receive if the code city is out of compliance for between three and four years.

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

(a) "Camp" or "camping" means to pitch, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia. Camp facilities include, but are not limited to, tents, huts, temporary shelters, or vehicles if said vehicle is being used as temporary living quarters, and may include a recreational vehicle, tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection from the elements other than clothing. Camp paraphernalia includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or cooking facilities or equipment. For the purposes of this section, "camp" and "camping" do not include the use of camp facilities at an area designated for temporary recreational camping.

(b) "Public property" means any street, alley, sidewalk, parking space, pedestrian or transit mall, bike path, greenway, or any other structure or area encompassed within the public right-of-way; any park, parkway, mountain park, or other recreation facility; or any other grounds, buildings, fixtures, or other facilities owned or leased by the state or by any other public owner, regardless of whether such public property is vacant or occupied and actively used for any public purpose.

NEW SECTION. **Sec.**  A new section is added to chapter 43.31 RCW to read as follows:

(1) The encampment cleanup grant program is created in the department of commerce. Grant funding must be distributed to counties that are required to or voluntarily enact an ordinance under section 1 of this act. Counties must enter into subgrants with cities that are required to or voluntarily enact an ordinance under section 2 or 3 of this act. In making subgrants, counties must distribute funds based on the city's relative share of unsheltered homeless individuals living in the county.

(2) Grantees must first use funds awarded under this section for actions to enforce an ordinance enacted pursuant to sections 1, 2, or 3 of this act including, but not limited to, costs to clear garbage, debris, or hazardous materials, and costs to prevent future encampments from forming in areas protected under the enacted ordinances. Grant funding may also be used for other activities to address and prevent homelessness, including providing housing and supportive services for homeless individuals and families.

(3) The department of commerce must distribute funds awarded under this section to counties as follows:

(a) 50 percent based on the county's relative share of the state's population, as determined by the office of financial management pursuant to RCW 43.62.035; and

(b) 50 percent based on the county's relative share of the number of unsheltered homeless individuals living in the state of Washington, as determined by the annual Washington homeless census conducted pursuant to RCW 43.185C.030.

(4) Grants provided under subsection (3) of this section constitute reimbursement for purposes of RCW 43.135.060(1).

NEW SECTION. **Sec.**  A new section is added to chapter 43.31 RCW to read as follows:

(1) The encampment cleanup account is created in the state treasury. Moneys in the account consist of appropriations and transfers made to the account by the legislature and all other moneys directed for deposit into the account. Moneys in the account may only be spent after appropriation. Expenditures from the account may be used by the department of commerce for the encampment cleanup grant program created in section 4 of this act.

(2) For the fiscal year beginning July 1, 2023, and each subsequent fiscal year, the legislature must transfer an amount no lower than $100,000,000 into the encampment cleanup account.

**Sec.**  RCW 36.70A.190 and 2022 c 252 s 5 are each amended to read as follows:

(1) The department shall establish a program of technical and financial assistance and incentives to counties and cities to encourage and facilitate the adoption and implementation of comprehensive plans and development regulations throughout the state.

(2) The department shall develop a priority list and establish funding levels for planning and technical assistance grants both for counties and cities that plan under RCW 36.70A.040. Priority for assistance shall be based on a county's or city's population growth rates, commercial and industrial development rates, the existence and quality of a comprehensive plan and development regulations, and other relevant factors.

(3) The department shall develop and administer a grant program to provide direct financial assistance to counties and cities for the preparation of comprehensive plans under this chapter. The department may establish provisions for county and city matching funds to conduct activities under this subsection. Grants may be expended for any purpose directly related to the preparation of a county or city comprehensive plan as the county or city and the department may agree, including, without limitation, the conducting of surveys, inventories and other data gathering and management activities, the retention of planning consultants, contracts with regional councils for planning and related services, and other related purposes.

(4) The department shall establish a program of technical assistance:

(a) Utilizing department staff, the staff of other state agencies, and the technical resources of counties and cities to help in the development of comprehensive plans required under this chapter. The technical assistance may include, but not be limited to, model land use ordinances, regional education and training programs, and information for local and regional inventories; and

(b) Adopting by rule procedural criteria to assist counties and cities in adopting comprehensive plans and development regulations that meet the goals and requirements of this chapter. These criteria shall reflect regional and local variations and the diversity that exists among different counties and cities that plan under this chapter.

(5) The department shall provide mediation services to resolve disputes between counties and cities regarding, among other things, coordination of regional issues and designation of urban growth areas.

(6) The department shall provide services to facilitate the timely resolution of disputes between a federally recognized Indian tribe and a city or county.

(a) A federally recognized Indian tribe may request the department to provide facilitation services to resolve issues of concern with a proposed comprehensive plan and its development regulations, or any amendment to the comprehensive plan and its development regulations.

(b) Upon receipt of a request from a tribe, the department shall notify the city or county of the request and offer to assist in providing facilitation services to encourage resolution before adoption of the proposed comprehensive plan. Upon receipt of the notice from the department, the city or county must delay any final action to adopt any comprehensive plan or any amendment or its development regulations for at least 60 days. The tribe and the city or county may jointly agree to extend this period by notifying the department. A county or city must not be penalized for noncompliance under this chapter due to any delays associated with this process.

(c) Upon receipt of a request, the department shall provide comments to the county or city including a summary and supporting materials regarding the tribe's concerns. The county or city may either agree to amend the comprehensive plan as requested consistent with the comments from the department, or enter into a facilitated process with the tribe, which must be arranged by the department using a suitable expert to be paid by the department. This facilitated process may also extend the 60-day delay of adoption, upon agreement of the tribe and the city or county.

(d) At the end of the 60-day period, unless by agreement there is an extension of the 60-day period, the city or county may proceed with adoption of the proposed comprehensive plan and development regulations. The facilitator shall write a report of findings describing the basis for agreements or disagreements that occurred during the process that are allowed to be disclosed by the parties and the resulting agreed-upon elements of the plan to be amended.

(7) The department shall provide planning grants to enhance citizen participation under RCW 36.70A.140.

(8)(a) A county that is not in compliance with the requirements of section 1 of this act, or a city that is not in compliance with section 2 or 3 of this act, is ineligible to receive grants or technical assistance under this section except as provided in (b) of this subsection.

(b) By June 1, 2025, and by each subsequent June 1st thereafter, the department shall notify any city or county that will not qualify for technical assistance and grants for the coming fiscal year because of a failure to comply with the requirements of section 1, 2, or 3 of this act. A city or county that remedies its noncompliance within 30 days of receiving a notification shall be considered to have complied with the requirements of this section for the coming fiscal year.

NEW SECTION. **Sec.**  A new section is added to chapter 43.185C RCW to read as follows:

(1) By January 1, 2024, the department must maintain an online data dashboard updated on a quarterly basis with performance metrics regarding verified homeless encampment sites. The dashboard must allow for viewing data at a statewide level and by county. The dashboard must include the following performance metrics:

(a) The number and location of verified homeless encampment sites;

(b) The number of individuals living in a verified homeless encampment site who received an offer of shelter before a local government or state agency took action to close the site; and

(c) Total expenditures, by fund source, for closing verified homeless encampment sites. Types of expenditures may include, but are not limited to, costs for outreach and the provision of services to homeless individuals previously living at the encampment site; law enforcement costs; costs to collect and dispose of garbage; costs to clear debris or hazardous material; and other costs to prevent future encampments from forming.

(2) Any local government receiving state funds for homelessness assistance or state or local document recording fees under RCW 36.22.176, 36.22.178, 36.22.179, or 36.22.1791, must provide a report to the department that includes the information described in subsection (1)(a) through (c) of this section on a quarterly basis. If a local government fails to report or provides an inadequate or incomplete report, the department must take corrective action, which may include withholding state funding for homelessness assistance to the local government to enable the department to use such funds to contract with other public or nonprofit entities to provide homelessness assistance within the jurisdiction.

(3) The department may provide grants to local governments to assist with costs associated with collecting and reporting data as required under subsection (2) of this section.

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

(a) "Public property" means any street, alley, sidewalk, parking space, pedestrian or transit mall, bike path, greenway, or any other structure or area encompassed within the public right-of-way; any park, parkway, mountain park, or other recreation facility; or any other grounds, buildings, fixtures, or other facilities owned or leased by the state or by any other public owner, regardless of whether such public property is vacant or occupied and actively used for any public purpose.

(b) "Verified homeless encampment site" means a site located on public property where one or more homeless individuals or households pitch, use, or occupy camp facilities for the purposes of habitation. The state agency or local government who owns the property where the site is located must verify the presence of homeless individuals or households using or occupying camp facilities. Camp facilities include, but are not limited to, tents, huts, temporary shelters, or vehicles if said vehicle is being used as temporary living quarters, and may include a recreational vehicle, tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection from the elements other than clothing. For the purposes of this section, a "verified homeless encampment site" does not include the use of camp facilities at an area designated for temporary recreational camping.

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

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