

**SHB 1380 - H AMD 868**

By Representative Gregerson

**NOT CONSIDERED 04/27/2025**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that:

4 (a) Evictions and homelessness are increasing and are at  
5 unprecedented levels across our state, demanding urgent action;

6 (b) Many families across Washington state have been displaced or  
7 are at risk of displacement due to skyrocketing housing costs and an  
8 ongoing severe shortage of affordable housing;

9 (c) The absence of cohesive state guidance has resulted in an  
10 arbitrary patchwork of legislation regarding the use of public  
11 spaces, resulting in an inefficient use of state and local resources;  
12 and

13 (d) State and local governments have a shared responsibility in  
14 addressing the homelessness crisis and transitioning unsheltered  
15 residents into housing.

16 (2) The legislature intends to:

17 (a) Encourage the efficient use of state and local resources by  
18 providing clear guidance to local governments on how to balance  
19 public safety with the urgent need to transition people experiencing  
20 homelessness to safe and stable housing;

21 (b) Protect local governments whose ordinances are objectively  
22 reasonable against litigation, including any private right of action  
23 for monetary damages; and

24 (c) Encourage local governments to enact objectively reasonable  
25 time, place, and manner regulations to manage public spaces  
26 effectively and preserve public peace, health, and safety for the  
27 benefit of the entire community.

28 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.21  
29 RCW to read as follows:

30 (1) Any city or town law that regulates the acts of sitting,  
31 lying, sleeping, or keeping warm and dry outdoors on public property

1 that is open to the public must be objectively reasonable as to time,  
2 place, and manner. Objective reasonableness must be determined  
3 through an assessment of the totality of the circumstances. This  
4 assessment must consider whether the city or town law takes into  
5 account the following factors:

6 (a) The protection of public safety and health, including the  
7 safety and health of both persons experiencing homelessness and the  
8 general public;

9 (b) The availability and accessibility of alternative shelter or  
10 housing options for persons experiencing homelessness in the  
11 jurisdiction;

12 (c) Its impact on persons experiencing homelessness, including  
13 the ability of persons experiencing homelessness to access essential  
14 services, maintain personal safety, and meet basic needs such as  
15 keeping warm and dry; and

16 (d) Its proportionality to the issue that it seeks to address,  
17 including whether the law avoids excessive or extreme measures that  
18 are not justified by the totality of the circumstances.

19 (2) It is an affirmative defense to a charge of violating a city  
20 or town law described in subsection (1) of this section that the law  
21 is not objectively reasonable.

22 (3) A person may bring an action for injunctive or declaratory  
23 relief to challenge the objective reasonableness of a city or town  
24 law described in subsection (1) of this section. The action must be  
25 brought in the superior court of the county in which the city or town  
26 that enacted the law is located.

27 (4) In determining whether a city or town law is objectively  
28 reasonable in an action brought under subsection (3) of this section,  
29 a court must give special consideration to the following factors:

30 (a) The specific characteristics and intended use of the public  
31 property in question;

32 (b) The unique needs and circumstances of the local community,  
33 including the prevalence and characteristics of homelessness in the  
34 area; and

35 (c) The potential long-term effects of the city or town law on  
36 both persons experiencing homelessness and the general public.

37 (5)(a) Except as provided in (b) of this subsection, in any  
38 action brought pursuant to subsection (3) of this section, the court  
39 in its discretion may award reasonable attorneys' fees to a  
40 prevailing plaintiff if the plaintiff:

1 (i) Was not seeking to vindicate an interest unique to the  
2 plaintiff; and

3 (ii) At least 90 days before the action was filed, provided  
4 written notice to the governing body of the city or town that enacted  
5 the law being challenged of the plaintiff's intent to bring the  
6 action, and the notice provided the governing body with actual notice  
7 of the basis upon which the plaintiff intends to challenge the law;

8 (b) If the governing body addresses the basis of the intended  
9 challenge within 90 days of receiving the written notice described in  
10 (a) of this subsection, the court may not award attorneys' fees to a  
11 prevailing plaintiff under this subsection.

12 (6) Nothing in this section creates a private right of action for  
13 monetary damages for any person.

14 (7) This section applies to all causes of action commenced on or  
15 after the effective date of this section, and to all city or town  
16 laws existing on or after the effective date of this section,  
17 regardless of when the cause of action arose or when the city or town  
18 laws were enacted. To this extent, this section applies  
19 retroactively, but in all other respects it applies prospectively.

20 (8) For the purposes of this section:

21 (a) "City or town law" includes any city or town ordinances,  
22 policies, rules, regulations, or other official controls;

23 (b) "Essential services" means health care, emergency shelter,  
24 behavioral health services, and street outreach programs that include  
25 the provision of food or clothing;

26 (c) "Excessive or extreme measures" means measures that are not  
27 necessary to ensure the public health and safety of the community,  
28 maintain the specific characteristics and intended use of the  
29 property in question, or avoid negative long-term effects on the  
30 community;

31 (d) "Keeping warm and dry" means using measures necessary for an  
32 individual to survive outdoors given the environmental conditions but  
33 does not include using any measure that involves fire or flame; and

34 (e) "Maintain personal safety" means to be free from the threat  
35 of imminent physical harm, including the threat of harm from exposure  
36 to inclement weather.

37 NEW SECTION. **Sec. 3.** A new section is added to chapter 35A.21  
38 RCW to read as follows:

1 (1) Any code city law that regulates the acts of sitting, lying,  
2 sleeping, or keeping warm and dry outdoors on public property that is  
3 open to the public must be objectively reasonable as to time, place,  
4 and manner. Objective reasonableness must be determined through an  
5 assessment of the totality of the circumstances. This assessment must  
6 consider whether the code city law takes into account the following  
7 factors:

8 (a) The protection of public safety and health, including the  
9 safety and health of both persons experiencing homelessness and the  
10 general public;

11 (b) The availability and accessibility of alternative shelter or  
12 housing options for persons experiencing homelessness in the  
13 jurisdiction;

14 (c) Its impact on persons experiencing homelessness, including  
15 the ability of persons experiencing homelessness to access essential  
16 services, maintain personal safety, and meet basic needs such as  
17 keeping warm and dry; and

18 (d) Its proportionality to the issue that it seeks to address,  
19 including whether the law avoids excessive or extreme measures that  
20 are not justified by the totality of the circumstances.

21 (2) It is an affirmative defense to a charge of violating a code  
22 city law described in subsection (1) of this section that the law is  
23 not objectively reasonable.

24 (3) A person may bring an action for injunctive or declaratory  
25 relief to challenge the objective reasonableness of a code city law  
26 described in subsection (1) of this section. The action must be  
27 brought in the superior court of the county in which the code city  
28 that enacted the law is located.

29 (4) In determining whether a code city law is objectively  
30 reasonable in an action brought under subsection (3) of this section,  
31 a court must give special consideration to the following factors:

32 (a) The specific characteristics and intended use of the public  
33 property in question;

34 (b) The unique needs and circumstances of the local community,  
35 including the prevalence and characteristics of homelessness in the  
36 area; and

37 (c) The potential long-term effects of the code city law on both  
38 persons experiencing homelessness and the general public.

39 (5)(a) Except as provided in (b) of this subsection, in any  
40 action brought pursuant to subsection (3) of this section, the court

1 in its discretion may award reasonable attorneys' fees to a  
2 prevailing plaintiff if the plaintiff:

3 (i) Was not seeking to vindicate an interest unique to the  
4 plaintiff; and

5 (ii) At least 90 days before the action was filed, provided  
6 written notice to the governing body of the code city that enacted  
7 the law being challenged of the plaintiff's intent to bring the  
8 action, and the notice provided the governing body with actual notice  
9 of the basis upon which the plaintiff intends to challenge the law;

10 (b) If the governing body addresses the basis of the intended  
11 challenge within 90 days of receiving the written notice described in  
12 (a) of this subsection, the court may not award attorneys' fees to a  
13 prevailing plaintiff under this subsection.

14 (6) Nothing in this section creates a private right of action for  
15 monetary damages for any person.

16 (7) This section applies to all causes of action commenced on or  
17 after the effective date of this section, and to all code city laws  
18 existing on or after the effective date of this section, regardless  
19 of when the cause of action arose or when the code city laws were  
20 enacted. To this extent, this section applies retroactively, but in  
21 all other respects it applies prospectively.

22 (8) For the purposes of this section:

23 (a) "Code city law" includes any code city ordinances, policies,  
24 rules, regulations, or other official controls;

25 (b) "Essential services" means health care, emergency shelter,  
26 behavioral health services, and street outreach programs that include  
27 the provision of food or clothing;

28 (c) "Excessive or extreme measures" means measures that are not  
29 necessary to ensure the public health and safety of the community,  
30 maintain the specific characteristics and intended use of the  
31 property in question, or avoid negative long-term effects on the  
32 community;

33 (d) "Keeping warm and dry" means using measures necessary for an  
34 individual to survive outdoors given the environmental conditions but  
35 does not include using any measure that involves fire or flame; and

36 (e) "Maintain personal safety" means to be free from the threat  
37 of imminent physical harm, including the threat of harm from exposure  
38 to inclement weather.

1        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 36.01  
2    RCW to read as follows:

3        (1) Any county law that regulates the acts of sitting, lying,  
4    sleeping, or keeping warm and dry outdoors on public property that is  
5    open to the public must be objectively reasonable as to time, place,  
6    and manner. Objective reasonableness must be determined through an  
7    assessment of the totality of the circumstances. This assessment must  
8    consider whether the county law takes into account the following  
9    factors:

10        (a) The protection of public safety and health, including the  
11    safety and health of both persons experiencing homelessness and the  
12    general public;

13        (b) The availability and accessibility of alternative shelter or  
14    housing options for persons experiencing homelessness in the  
15    jurisdiction;

16        (c) Its impact on persons experiencing homelessness, including  
17    the ability of persons experiencing homelessness to access essential  
18    services, maintain personal safety, and meet basic needs such as  
19    keeping warm and dry; and

20        (d) Its proportionality to the issue that it seeks to address,  
21    including whether the law avoids excessive or extreme measures that  
22    are not justified by the totality of the circumstances.

23        (2) It is an affirmative defense to a charge of violating a  
24    county law described in subsection (1) of this section that the law  
25    is not objectively reasonable.

26        (3) A person may bring an action for injunctive or declaratory  
27    relief to challenge the objective reasonableness of a county law  
28    described in subsection (1) of this section. The action must be  
29    brought in the superior court of the county that enacted the law.

30        (4) In determining whether a county law is objectively reasonable  
31    in an action brought under subsection (3) of this section, a court  
32    must give special consideration to the following factors:

33        (a) The specific characteristics and intended use of the public  
34    property in question;

35        (b) The unique needs and circumstances of the local community,  
36    including the prevalence and characteristics of homelessness in the  
37    area; and

38        (c) The potential long-term effects of the county law on both  
39    persons experiencing homelessness and the general public.

1 (5) (a) Except as provided in (b) of this subsection, in any  
2 action brought pursuant to subsection (3) of this section, the court  
3 in its discretion may award reasonable attorneys' fees to a  
4 prevailing plaintiff if the plaintiff:

5 (i) Was not seeking to vindicate an interest unique to the  
6 plaintiff; and

7 (ii) At least 90 days before the action was filed, provided  
8 written notice to the governing body of the county that enacted the  
9 law being challenged of the plaintiff's intent to bring the action,  
10 and the notice provided the governing body with actual notice of the  
11 basis upon which the plaintiff intends to challenge the law;

12 (b) If the governing body addresses the basis of the intended  
13 challenge within 90 days of receiving the written notice described in  
14 (a) of this subsection, the court may not award attorneys' fees to a  
15 prevailing plaintiff under this subsection.

16 (6) Nothing in this section creates a private right of action for  
17 monetary damages for any person.

18 (7) This section applies to all causes of action commenced on or  
19 after the effective date of this section, and to all county laws  
20 existing on or after the effective date of this section, regardless  
21 of when the cause of action arose or when the county laws were  
22 enacted. To this extent, this section applies retroactively, but in  
23 all other respects it applies prospectively.

24 (8) For the purposes of this section:

25 (a) "County law" includes any county ordinances, policies, rules,  
26 regulations, or other official controls;

27 (b) "Essential services" means health care, emergency shelter,  
28 behavioral health services, and street outreach programs that include  
29 the provision of food or clothing;

30 (c) "Excessive or extreme measures" means measures that are not  
31 necessary to ensure the public health and safety of the community,  
32 maintain the specific characteristics and intended use of the  
33 property in question, or avoid negative long-term effects on the  
34 community;

35 (d) "Keeping warm and dry" means using measures necessary for an  
36 individual to survive outdoors given the environmental conditions but  
37 does not include using any measure that involves fire or flame; and

38 (e) "Maintain personal safety" means to be free from the threat  
39 of imminent physical harm, including the threat of harm from exposure  
40 to inclement weather.

1        NEW SECTION.    **Sec. 5.**    A new section is added to chapter 79.24  
2    RCW to read as follows:

3        (1) Any state law that regulates the acts of sitting, lying,  
4    sleeping, or keeping warm and dry outdoors on any state capitol  
5    grounds as described in RCW 79.24.500 that are open to the public  
6    must be objectively reasonable as to time, place, and manner.  
7    Objective reasonableness must be determined through an assessment of  
8    the totality of the circumstances. This assessment must consider  
9    whether the state law takes into account the following factors:

10        (a) The protection of public safety and health, including the  
11    safety and health of both persons experiencing homelessness and the  
12    general public;

13        (b) The availability and accessibility of alternative shelter or  
14    housing options for persons experiencing homelessness in the  
15    jurisdiction;

16        (c) Its impact on persons experiencing homelessness, including  
17    the ability of persons experiencing homelessness to access essential  
18    services, maintain personal safety, and meet basic needs such as  
19    keeping warm and dry; and

20        (d) Its proportionality to the issue that it seeks to address,  
21    including whether the law avoids excessive or extreme measures that  
22    are not justified by the totality of the circumstances.

23        (2) It is an affirmative defense to a charge of violating a state  
24    law described in subsection (1) of this section that the law is not  
25    objectively reasonable.

26        (3) A person may bring an action for injunctive or declaratory  
27    relief to challenge the objective reasonableness of a state law  
28    described in subsection (1) of this section. The action must be  
29    brought in the superior court of Thurston county.

30        (4) In determining whether a state law is objectively reasonable  
31    in an action brought under subsection (3) of this section, a court  
32    must give special consideration to the following factors:

33        (a) The specific characteristics and intended use of the public  
34    property in question;

35        (b) The unique needs and circumstances of the local community,  
36    including the prevalence and characteristics of homelessness in the  
37    area; and

38        (c) The potential long-term effects of the state law on both  
39    persons experiencing homelessness and the general public.

1 (5) (a) Except as provided in (b) of this subsection, in any  
2 action brought pursuant to subsection (3) of this section, the court  
3 in its discretion may award reasonable attorneys' fees to a  
4 prevailing plaintiff if the plaintiff:

5 (i) Was not seeking to vindicate an interest unique to the  
6 plaintiff; and

7 (ii) At least 90 days before the action was filed, provided  
8 written notice to the attorney general's office of the plaintiff's  
9 intent to bring the action, and the notice provided the attorney  
10 general's office with actual notice of the basis upon which the  
11 plaintiff intends to challenge the law;

12 (b) If the governing body addresses the basis of the intended  
13 challenge within 90 days of receiving the written notice described in  
14 (a) of this subsection, the court may not award attorneys' fees to a  
15 prevailing plaintiff under this subsection.

16 (6) Nothing in this section creates a private right of action for  
17 monetary damages for any person.

18 (7) This section applies to all causes of action commenced on or  
19 after the effective date of this section, and to all state laws  
20 existing on or after the effective date of this section, regardless  
21 of when the cause of action arose or when the state laws were  
22 enacted. To this extent, this section applies retroactively, but in  
23 all other respects it applies prospectively.

24 (8) For the purposes of this section:

25 (a) "State law" includes any state laws, policies, rules,  
26 regulations, or other official controls;

27 (b) "Essential services" means health care, emergency shelter,  
28 behavioral health services, and street outreach programs that include  
29 the provision of food or clothing;

30 (c) "Excessive or extreme measures" means measures that are not  
31 necessary to ensure the public health and safety of the community,  
32 maintain the specific characteristics and intended use of the  
33 property in question, or avoid negative long-term effects on the  
34 community;

35 (d) "Keeping warm and dry" means using measures necessary for an  
36 individual to survive outdoors given the environmental conditions but  
37 does not include using any measure that involves fire or flame; and

38 (e) "Maintain personal safety" means to be free from the threat  
39 of imminent physical harm, including the threat of harm from exposure  
40 to inclement weather.

1        NEW SECTION.    **Sec. 6.**    This act takes effect July 1, 2026."

2        Correct the title.

EFFECT: Strikes the underlying bill and modifies it as follows:

(1) Removes references to "enforcement" of local laws regulating the acts of sitting, lying, sleeping, or keeping warm and dry outdoors on public property that is open to the public.

(2) Streamlines language related to the factors that must be included in an assessment of the totality of the circumstances through which the objective reasonableness of a law must be determined.

(3) Adds definitions for the following terms: "Essential services," "excessive or extreme measures," and "maintain personal safety."

(4) Amends the cause of action to specify that if the governing body addresses the basis of an intended challenge within 90 days of receiving written notice, the court may not award attorneys' fees to a prevailing plaintiff.

(5) Replaces the term "capitol building lands" with "state capitol grounds."

(6) Removes the emergency clause and immediate effective date and replaces it with a delayed effective date of July 1, 2026.

--- END ---