
SUBSTITUTE HOUSE BILL 2489

State of Washington

69th Legislature

2026 Regular Session

By House Housing (originally sponsored by Representatives Gregerson, Peterson, Farivar, Reed, Taylor, Parshley, Salahuddin, Obras, Ryu, Mena, Doglio, Macri, Thai, Ormsby, Street, Hill, Scott, Ramel, Thomas, Berry, Fosse, Simmons, Zahn, Goodman, and Bergquist)

READ FIRST TIME 02/04/26.

1 AN ACT Relating to establishing statewide standards for when
2 local governments may enforce laws regulating the use of public space
3 for life-sustaining activities; adding a new section to chapter 35.21
4 RCW; adding a new section to chapter 35A.21 RCW; adding a new section
5 to chapter 36.01 RCW; and creating a new section.

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

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

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

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

13 (c) The absence of cohesive state guidance has resulted in an
14 arbitrary patchwork of legislation regarding the use of public
15 spaces, leading to inconsistent enforcement and further displacement
16 of people experiencing homelessness;

17 (d) State and local governments have a shared responsibility in
18 addressing the homelessness crisis and transitioning unsheltered
19 residents into housing;

20 (e) Laws and policies that punish people who are homeless for
21 engaging in necessary, life-sustaining activities in public spaces

1 inflict harm on already vulnerable individuals, exacerbate barriers
2 to stability, and undermine pathways to housing; and

3 (f) Enforcement-first approaches do not address the root causes
4 of homelessness, including the lack of affordable housing, behavioral
5 health supports, and economic stability, and may divert limited
6 public resources away from effective, evidence-based solutions.

7 (2) The legislature intends to:

8 (a) Provide clear and consistent statewide guidance to local
9 governments to ensure that responses to homelessness are aligned with
10 evidence-based, low-barrier, and housing-first principles, and
11 prevent the enforcement of policies that displace individuals when
12 adequate alternative shelter space is not available;

13 (b) Protect individuals from penalties for engaging in life-
14 sustaining activities in public when no adequate alternative shelter
15 space is available; and

16 (c) Support local governments in developing solutions that are
17 fair, effective, and humane.

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

20 (1)(a) A city or town may not enforce any city or town law that
21 criminalizes, penalizes, or otherwise prohibits a person from
22 engaging in life-sustaining activities on public property unless the
23 city or town can demonstrate that adequate alternative shelter space
24 was available at the time and place of the conduct.

25 (b) Nothing in this section limits or restricts the enforcement
26 of criminal offenses under Title 9 or 9A RCW.

27 (c) For the purposes of (a) of this subsection, the requirement
28 to demonstrate availability of adequate alternative shelter space
29 does not apply where specific conduct at a specific time and place
30 creates an imminent and articulable risk of serious harm to persons,
31 or obstructs ingress, egress, or access required for emergency
32 response or compliance with federal or state disability access laws.
33 Any enforcement action under this subsection must be limited to
34 addressing the identified risk or obstruction.

35 (2) Any citation, charge, or prosecution made in violation of
36 subsection (1) of this section is invalid. A person cited, charged,
37 or otherwise penalized in violation of subsection (1) of this section
38 may raise as a defense that their conduct constituted a necessary
39 life-sustaining activity protected under this section and that no

1 adequate alternative shelter space was available at the time and
2 place of the conduct. Courts shall dismiss such actions upon a
3 showing of probable cause for this defense.

4 (3) This section must be liberally construed to protect the
5 constitutional and human rights of all individuals engaged in life-
6 sustaining activities when adequate alternative shelter space is
7 unavailable.

8 (4) A person or organization may bring an action for injunctive
9 or declaratory relief to challenge the enforcement of a city or town
10 law that violates the protections provided in this section.

11 (5) A prevailing plaintiff in any action brought under subsection
12 (4) of this section is entitled to reasonable attorneys' fees and
13 costs. Plaintiffs are not liable for attorneys' fees and are only
14 liable for defense costs if the action is found to be frivolous.

15 (6) Nothing in this section creates a private right of action for
16 monetary damages for any person, except as provided in subsection (5)
17 of this section regarding attorneys' fees and costs.

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

24 (8) Nothing in this section creates a right to shelter, an
25 independent cause of action, or a claim related to admission to,
26 discharge from, or continued access to shelter. The provisions of
27 this section must be used solely to determine whether adequate
28 alternative shelter space exists for purposes of enforcement under
29 this section.

30 (9) A city or town may adopt policies and procedures for:

31 (a) Verifying and documenting shelter bed availability;

32 (b) Coordinating with shelter providers and homeless services
33 organizations;

34 (c) Offering outreach and voluntary engagement with services
35 prior to enforcement;

36 (d) Providing notice and opportunity to relocate before
37 enforcement action; and

38 (e) Storing personal property in accordance with established
39 procedures.

1 (10) The inability of a city or town to provide adequate
2 alternative shelter space due to an individual's refusal to utilize
3 offered shelter that is accessible to the individual, or due to an
4 individual's conduct resulting in exclusion from shelter for
5 documented safety reasons, does not constitute a violation of this
6 section.

7 (11)(a) A city or town may enter into an interlocal agreement
8 with one or more other cities or towns, code cities, counties, or
9 other public agencies or jurisdictions under chapter 39.34 RCW to
10 establish a regional coordinated entry system or regional shelter
11 capacity for purposes of this section.

12 (b) Where an interlocal agreement establishing a regional
13 coordinated entry system or regional shelter capacity exists, shelter
14 capacity within any participating jurisdiction may be counted toward
15 meeting the adequate alternative shelter space requirements for all
16 participating jurisdictions, if:

17 (i) The agreement specifies the terms for access to regional
18 shelter resources;

19 (ii) Transportation or access to the regional shelter is provided
20 at no cost to the individual needing shelter; and

21 (iii) The agreement establishes equitable contribution towards
22 regional shelter capacity among participating jurisdictions based on
23 population, resources, or other objective criteria.

24 (c) Any shelter capacity counted toward meeting the adequate
25 alternative shelter space requirements under this subsection must
26 independently meet the definition of "adequate alternative shelter
27 space" under this section.

28 (12) For the purposes of this section:

29 (a) "Adequate alternative shelter space" means a space that:

30 (i) Is legally and physically accessible to the individual
31 experiencing homelessness;

32 (ii) Does not require the individual experiencing homelessness to
33 sacrifice any other right afforded to them under federal, state, or
34 local law;

35 (iii) Is available to the individual at no cost on a continuing
36 basis and does not require more than one application or check-in per
37 24-hour period, except where necessary for health or safety.
38 Discharge or denial of continued shelter may occur only for
39 documented safety or capacity reasons, or pursuant to objective,
40 written, and consistently applied shelter policies necessary for the

1 health, safety, or operation of the shelter. Policies that
2 effectively deny sustained access to shelter must be presumed
3 inadequate;

4 (iv) Must accommodate any disabilities, as well as pets, partners
5 (whether legally married or not), family members, other support
6 persons, and possessions the individual wishes to bring with them;

7 (v) May be a tiny home or similar structure that has locking
8 doors; appropriate climate-controlled mechanisms based on the
9 location of the home or structure; and sanitary and cooking
10 facilities or is part of a community with common sanitary and cooking
11 facilities;

12 (vi) May be a portable mat, bed, or other sleeping space in a
13 drop-in overnight shelter including, but not limited to, buildings
14 owned by religious organizations; and

15 (vii) Is located within the territorial limits of the city or
16 town seeking to enforce a city or town law governed by this section,
17 or is located within a jurisdiction with which the city or town has
18 an interlocal agreement under chapter 39.34 RCW establishing a
19 regional coordinated entry system or regional shelter capacity, as
20 described in subsection (11) of this section;

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

23 (c) "Criminalize" or "penalize" means to make conduct subject to
24 criminal, civil, or administrative enforcement, including fines,
25 arrest, citation, or forced displacement; and

26 (d) "Imminent" has the same meaning as defined in RCW 71.05.020.

27 (e) "Life-sustaining activities" includes moving, resting,
28 sitting, standing, lying down, sleeping, protecting oneself and
29 personal property from the elements, eating, and drinking.

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

32 (1)(a) A code city may not enforce any code city law that
33 criminalizes, penalizes, or otherwise prohibits a person from
34 engaging in life-sustaining activities on public property unless the
35 code city can demonstrate that adequate alternative shelter space was
36 available at the time and place of the conduct.

37 (b) Nothing in this section limits or restricts the enforcement
38 of criminal offenses under Title 9 or 9A RCW.

1 (c) For the purposes of (a) of this subsection, the requirement
2 to demonstrate availability of adequate alternative shelter space
3 does not apply where specific conduct at a specific time and place
4 creates an imminent and articulable risk of serious harm to persons,
5 or obstructs ingress, egress, or access required for emergency
6 response or compliance with federal or state disability access laws.
7 Any enforcement action under this subsection must be limited to
8 addressing the identified risk or obstruction.

9 (2) Any citation, charge, or prosecution made in violation of
10 subsection (1) of this section is invalid. A person cited, charged,
11 or otherwise penalized in violation of subsection (1) of this section
12 may raise as a defense that their conduct constituted a necessary
13 life-sustaining activity protected under this section and that no
14 adequate alternative shelter space was available at the time and
15 place of the conduct. Courts shall dismiss such actions upon a
16 showing of probable cause for this defense.

17 (3) This section must be liberally construed to protect the
18 constitutional and human rights of all individuals engaged in life-
19 sustaining activities when adequate alternative shelter space is
20 unavailable.

21 (4) A person or organization may bring an action for injunctive
22 or declaratory relief to challenge the enforcement of a code city law
23 that violates the protections provided in this section.

24 (5) A prevailing plaintiff in any action brought under subsection
25 (4) of this section is entitled to reasonable attorneys' fees and
26 costs. Plaintiffs are not liable for attorneys' fees and are only
27 liable for defense costs if the action is found to be frivolous.

28 (6) Nothing in this section creates a private right of action for
29 monetary damages for any person, except as provided in subsection (5)
30 of this section regarding attorneys' fees and costs.

31 (7) This section applies to all causes of action commenced on or
32 after the effective date of this section, and to all code city laws
33 existing on or after the effective date of this section, regardless
34 of when the cause of action arose or when the code city laws were
35 enacted. To this extent, this section applies retroactively, but in
36 all other respects it applies prospectively.

37 (8) Nothing in this section creates a right to shelter, an
38 independent cause of action, or a claim related to admission to,
39 discharge from, or continued access to shelter. The provisions of
40 this section must be used solely to determine whether adequate

1 alternative shelter space exists for purposes of enforcement under
2 this section.

3 (9) A code city may adopt policies and procedures for:

4 (a) Verifying and documenting shelter bed availability;

5 (b) Coordinating with shelter providers and homeless services
6 organizations;

7 (c) Offering outreach and voluntary engagement with services
8 prior to enforcement;

9 (d) Providing notice and opportunity to relocate before
10 enforcement action; and

11 (e) Storing personal property in accordance with established
12 procedures.

13 (10) The inability of a code city to provide adequate alternative
14 shelter space due to an individual's refusal to utilize offered
15 shelter that is accessible to the individual, or due to an
16 individual's conduct resulting in exclusion from shelter for
17 documented safety reasons, does not constitute a violation of this
18 section.

19 (11)(a) A code city may enter into an interlocal agreement with
20 one or more other cities or towns, code cities, counties, or other
21 public agencies or jurisdictions under chapter 39.34 RCW to establish
22 a regional coordinated entry system or regional shelter capacity for
23 purposes of this section.

24 (b) Where an interlocal agreement establishing a regional
25 coordinated entry system or regional shelter capacity exists, shelter
26 capacity within any participating jurisdiction may be counted toward
27 meeting the adequate alternative shelter space requirements for all
28 participating jurisdictions, if:

29 (i) The agreement specifies the terms for access to regional
30 shelter resources;

31 (ii) Transportation or access to the regional shelter is provided
32 at no cost to the individual needing shelter; and

33 (iii) The agreement establishes equitable contribution towards
34 regional shelter capacity among participating jurisdictions based on
35 population, resources, or other objective criteria.

36 (c) Any shelter capacity counted toward meeting the adequate
37 alternative shelter space requirements under this subsection must
38 independently meet the definition of "adequate alternative shelter
39 space" under this section.

40 (12) For the purposes of this section:

1 (a) "Adequate alternative shelter space" means a space that:
2 (i) Is legally and physically accessible to the individual
3 experiencing homelessness;
4 (ii) Does not require the individual experiencing homelessness to
5 sacrifice any other right afforded to them under federal, state, or
6 local law;
7 (iii) Is available to the individual at no cost on a continuing
8 basis and does not require more than one application or check-in per
9 24-hour period, except where necessary for health or safety.
10 Discharge or denial of continued shelter may occur only for
11 documented safety or capacity reasons, or pursuant to objective,
12 written, and consistently applied shelter policies necessary for the
13 health, safety, or operation of the shelter. Policies that
14 effectively deny sustained access to shelter must be presumed
15 inadequate;
16 (iv) Must accommodate any disabilities, as well as pets, partners
17 (whether legally married or not), family members, other support
18 persons, and possessions the individual wishes to bring with them;
19 (v) May be a tiny home or similar structure that has locking
20 doors; appropriate climate-controlled mechanisms based on the
21 location of the home or structure; and sanitary and cooking
22 facilities or is part of a community with common sanitary and cooking
23 facilities;
24 (vi) May be a portable mat, bed, or other sleeping space in a
25 drop-in overnight shelter including, but not limited to, buildings
26 owned by religious organizations; and
27 (vii) Is located within the territorial limits of the code city
28 seeking to enforce a code city law governed by this section, or is
29 located within a jurisdiction with which the code city has an
30 interlocal agreement under chapter 39.34 RCW establishing a regional
31 coordinated entry system or regional shelter capacity, as described
32 in subsection (11) of this section;
33 (b) "Code city law" includes any code city ordinances, policies,
34 rules, regulations, or other official controls;
35 (c) "Criminalize" or "penalize" means to make conduct subject to
36 criminal, civil, or administrative enforcement, including fines,
37 arrest, citation, or forced displacement; and
38 (d) "Imminent" has the same meaning as defined in RCW 71.05.020.

1 (e) "Life-sustaining activities" includes moving, resting,
2 sitting, standing, lying down, sleeping, protecting oneself and
3 personal property from the elements, eating, and drinking.

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

6 (1) (a) A county may not enforce any county law that criminalizes,
7 penalizes, or otherwise prohibits a person from engaging in life-
8 sustaining activities on public property unless the county can
9 demonstrate that adequate alternative shelter space was available at
10 the time and place of the conduct.

11 (b) Nothing in this section limits or restricts the enforcement
12 of criminal offenses under Title 9 or 9A RCW.

13 (c) For the purposes of (a) of this subsection, the requirement
14 to demonstrate availability of adequate alternative shelter space
15 does not apply where specific conduct at a specific time and place
16 creates an imminent and articulable risk of serious harm to persons,
17 or obstructs ingress, egress, or access required for emergency
18 response or compliance with federal or state disability access laws.
19 Any enforcement action under this subsection must be limited to
20 addressing the identified risk or obstruction.

21 (2) Any citation, charge, or prosecution made in violation of
22 subsection (1) of this section is invalid. A person cited, charged,
23 or otherwise penalized in violation of subsection (1) of this section
24 may raise as a defense that their conduct constituted a necessary
25 life-sustaining activity protected under this section and that no
26 adequate alternative shelter space was available at the time and
27 place of the conduct. Courts shall dismiss such actions upon a
28 showing of probable cause for this defense.

29 (3) This section must be liberally construed to protect the
30 constitutional and human rights of all individuals engaged in life-
31 sustaining activities when adequate alternative shelter space is
32 unavailable.

33 (4) A person or organization may bring an action for injunctive
34 or declaratory relief to challenge the enforcement of a county law
35 that violates the protections provided in this section.

36 (5) A prevailing plaintiff in any action brought under subsection
37 (4) of this section is entitled to reasonable attorneys' fees and
38 costs. Plaintiffs are not liable for attorneys' fees and are only
39 liable for defense costs if the action is found to be frivolous.

1 (6) Nothing in this section creates a private right of action for
2 monetary damages for any person, except as provided in subsection (5)
3 of this section regarding attorneys' fees and costs.

4 (7) This section applies to all causes of action commenced on or
5 after the effective date of this section, and to all county laws
6 existing on or after the effective date of this section, regardless
7 of when the cause of action arose or when the county laws were
8 enacted. To this extent, this section applies retroactively, but in
9 all other respects it applies prospectively.

10 (8) Nothing in this section creates a right to shelter, an
11 independent cause of action, or a claim related to admission to,
12 discharge from, or continued access to shelter. The provisions of
13 this section must be used solely to determine whether adequate
14 alternative shelter space exists for purposes of enforcement under
15 this section.

16 (9) A county may adopt policies and procedures for:

17 (a) Verifying and documenting shelter bed availability;

18 (b) Coordinating with shelter providers and homeless services
19 organizations;

20 (c) Offering outreach and voluntary engagement with services
21 prior to enforcement;

22 (d) Providing notice and opportunity to relocate before
23 enforcement action; and

24 (e) Storing personal property in accordance with established
25 procedures.

26 (10) The inability of a county to provide adequate alternative
27 shelter space due to an individual's refusal to utilize offered
28 shelter that is accessible to the individual, or due to an
29 individual's conduct resulting in exclusion from shelter for
30 documented safety reasons, does not constitute a violation of this
31 section.

32 (11)(a) A county may enter into an interlocal agreement with one
33 or more other cities or towns, code cities, counties, or other public
34 agencies or jurisdictions under chapter 39.34 RCW to establish a
35 regional coordinated entry system or regional shelter capacity for
36 purposes of this section.

37 (b) Where an interlocal agreement establishing a regional
38 coordinated entry system or regional shelter capacity exists, shelter
39 capacity within any participating jurisdiction may be counted toward

1 meeting the adequate alternative shelter space requirements for all
2 participating jurisdictions, if:

3 (i) The agreement specifies the terms for access to regional
4 shelter resources;

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6 at no cost to the individual needing shelter; and

7 (iii) The agreement establishes equitable contribution towards
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9 population, resources, or other objective criteria.

10 (c) Any shelter capacity counted toward meeting the adequate
11 alternative shelter space requirements under this subsection must
12 independently meet the definition of "adequate alternative shelter
13 space" under this section.

14 (12) For the purposes of this section:

15 (a) "Adequate alternative shelter space" means a space that:

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17 experiencing homelessness;

18 (ii) Does not require the individual experiencing homelessness to
19 sacrifice any other right afforded to them under federal, state, or
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21 (iii) Is available to the individual at no cost on a continuing
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25 documented safety or capacity reasons, or pursuant to objective,
26 written, and consistently applied shelter policies necessary for the
27 health, safety, or operation of the shelter. Policies that
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30 (iv) Must accommodate any disabilities, as well as pets, partners
31 (whether legally married or not), family members, other support
32 persons, and possessions the individual wishes to bring with them;

33 (v) May be a tiny home or similar structure that has locking
34 doors; appropriate climate-controlled mechanisms based on the
35 location of the home or structure; and sanitary and cooking
36 facilities or is part of a community with common sanitary and cooking
37 facilities;

38 (vi) May be a portable mat, bed, or other sleeping space in a
39 drop-in overnight shelter including, but not limited to, buildings
40 owned by religious organizations; and

1 (vii) Is located within the territorial limits of the county
2 seeking to enforce a county law governed by this section, or is
3 located within a jurisdiction with which the county has an interlocal
4 agreement under chapter 39.34 RCW establishing a regional coordinated
5 entry system or regional shelter capacity, as described in subsection
6 (11) of this section;

7 (b) "County law" includes any county ordinances, policies, rules,
8 regulations, or other official controls;

9 (c) "Criminalize" or "penalize" means to make conduct subject to
10 criminal, civil, or administrative enforcement, including fines,
11 arrest, citation, or forced displacement; and

12 (d) "Imminent" has the same meaning as defined in RCW 71.05.020.

13 (e) "Life-sustaining activities" includes moving, resting,
14 sitting, standing, lying down, sleeping, protecting oneself and
15 personal property from the elements, eating, and drinking.

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