
HOUSE BILL 2489

State of Washington

69th Legislature

2026 Regular Session

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 01/14/26. Referred to Committee on Housing.

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 adoption or enforcement of policies that displace
12 individuals when 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 city or town may not adopt or enforce any city or town law
21 that 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 (2) Any action taken in violation of subsection (1) of this
26 section is invalid. A person cited, charged, or otherwise penalized
27 in violation of subsection (1) of this section may raise as a defense
28 that their conduct constituted a necessary life-sustaining activity
29 protected under this section and that no adequate alternative shelter
30 space was available at the time and place of the conduct. Courts
31 shall dismiss such actions upon a showing of probable cause for this
32 defense.

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

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

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

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

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

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

20 (9) For the purposes of this section:

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

22 (i) Is legally and physically accessible to the individual
23 experiencing homelessness;

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

27 (iii) Is available to the individual at no cost on a continuing
28 basis and does not require more than one application or check-in per
29 24-hour period, except where necessary for health or safety.
30 Discharge or denial of continued shelter may occur only for
31 documented safety or capacity reasons, or pursuant to objective,
32 written, and consistently applied shelter policies necessary for the
33 health, safety, or operation of the shelter. Policies that
34 effectively deny sustained access to shelter must be presumed
35 inadequate;

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

39 (v) May be a tiny home or similar structure that has locking
40 doors; appropriate climate-controlled mechanisms based on the

1 location of the home or structure; and sanitary and cooking
2 facilities or is part of a community with common sanitary and cooking
3 facilities; and

4 (vi) Is located within the territorial limits of the city or town
5 seeking to enforce a city or town law governed by this section;

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

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

11 (d) "Life-sustaining activities" includes moving, resting,
12 sitting, standing, lying down, sleeping, protecting oneself and
13 personal property from the elements, eating, drinking, and other
14 basic activities necessary for survival.

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

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

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

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

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

37 (5) A prevailing plaintiff in any action brought under subsection
38 (4) of this section is entitled to reasonable attorneys' fees and

1 costs. Plaintiffs are not liable for attorneys' fees and are only
2 liable for defense costs if the action is found to be frivolous.

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

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

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

18 (9) For the purposes of this section:

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

20 (i) Is legally and physically accessible to the individual
21 experiencing homelessness;

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

25 (iii) Is available to the individual at no cost on a continuing
26 basis and does not require more than one application or check-in per
27 24-hour period, except where necessary for health or safety.
28 Discharge or denial of continued shelter may occur only for
29 documented safety or capacity reasons, or pursuant to objective,
30 written, and consistently applied shelter policies necessary for the
31 health, safety, or operation of the shelter. Policies that
32 effectively deny sustained access to shelter must be presumed
33 inadequate;

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

37 (v) May be a tiny home or similar structure that has locking
38 doors; appropriate climate-controlled mechanisms based on the
39 location of the home or structure; and sanitary and cooking

1 facilities or is part of a community with common sanitary and cooking
2 facilities; and

3 (vi) Is located within the territorial limits of the code city
4 seeking to enforce a code city law governed by this section;

5 (b) "Code city law" includes any code city ordinances, policies,
6 rules, regulations, or other official controls;

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

10 (d) "Life-sustaining activities" includes moving, resting,
11 sitting, standing, lying down, sleeping, protecting oneself and
12 personal property from the elements, eating, drinking, and other
13 basic activities necessary for survival.

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

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

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

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

18 (i) Is legally and physically accessible to the individual
19 experiencing homelessness;

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

23 (iii) Is available to the individual at no cost on a continuing
24 basis and does not require more than one application or check-in per
25 24-hour period, except where necessary for health or safety.
26 Discharge or denial of continued shelter may occur only for
27 documented safety or capacity reasons, or pursuant to objective,
28 written, and consistently applied shelter policies necessary for the
29 health, safety, or operation of the shelter. Policies that
30 effectively deny sustained access to shelter must be presumed
31 inadequate;

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

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

1 (vi) Is located within the territorial limits of the county
2 seeking to enforce a county law governed by this section;
3 (b) "County law" includes any county ordinances, policies, rules,
4 regulations, or other official controls;
5 (c) "Criminalize" or "penalize" means to make conduct subject to
6 criminal, civil, or administrative enforcement, including fines,
7 arrest, citation, or forced displacement; and
8 (d) "Life-sustaining activities" includes moving, resting,
9 sitting, standing, lying down, sleeping, protecting oneself and
10 personal property from the elements, eating, drinking, and other
11 basic activities necessary for survival.

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