



# MONROE CITY COUNCIL

## Agenda Bill No. 20-077

<b>SUBJECT:</b>	<b>Ordinance No. 005/2020, Adopting Emergency Interim Zoning Amendments To Chapter 22.90 MMC, Temporary Encampments; Final Reading</b>
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DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
6/09/2020	Community Development	Shana Restall	Shana Restall	New Business #1

**Discussion:** N/A  
**Public Hearing – Plan. Com.:** N/A  
**Public Hearing – Council:** N/A  
**First Reading:** N/A

- Attachments:**
1. Ordinance No. 005/2020
  2. Proposed Chapter 22.90 MMC, Temporary Encampments (in full)
  3. Ordinance No. 023/2019(SUB)
  4. Ordinance No. 014/2019(SUB)
  5. House Bill 1754

**REQUESTED ACTION:** Move to adopt Ordinance No. 005/2020, adopting interim zoning amendments to Chapter 22.90 MMC, Temporary Encampments; updating the City’s provisions regulating temporary homeless encampments in order to reflect current state law; setting forth preliminary supportive findings; requiring a post-adoption public hearing; providing for severability; declaring a public emergency; and establishing an immediate effective date.

### POLICY CONSIDERATIONS

*Temporary homeless encampments, which provide temporary shelter to homeless persons, have become more frequent in the Puget Sound area over the past decade. The Washington State legislature adopted Engrossed House Bill 1956 on March 23, 2010 that authorizes religious organizations to host temporary encampments and limits a local government’s ability to regulate these encampments. Specifically, it prohibits local governments from enacting an ordinance or regulation with respect to the provision of homeless housing that imposes conditions other than those necessary to protect public health and safety and do not substantially burden the decisions or actions of a religious organization. Furthermore, Governor Inslee signed into law House Bill 1754 on March 31, 2020, which provides additional clarification regarding the regulation of temporary encampments. The State amendments are identified in House Bill 1754 (see Attachment 5).*

### DESCRIPTION/BACKGROUND

The purpose of the interim ordinance is to allow additional time to City staff to develop new code that complies with Revised Code of Washington (RCW) 35A.21.360. The intent of initiating the original interim ordinance on June 11, 2019, was to comply with changes made by the State in 2010. However, in 2020 the State passed major amendments to RCW 35A.21.360 that includes major revision to the original RCW and provides additional clarity around imposing requirements on religious institutions.

Over the last decade, temporary homeless encampments, sometimes called tent cities, have become an often-used mechanism for providing shelter for homeless individuals.



# MONROE CITY COUNCIL

## *Agenda Bill No. 20-077*

These encampments usually rotate between various host properties, which are generally owned by religious organizations. On March 6, 2007, the Monroe City Council adopted Ordinance No. 003/2007, which added a chapter to the zoning code to regulate temporary homeless encampments within the City. However, in 2010, the state adopted legislation that limited a local government's purview over these encampments. RCW 35A.21.360 authorizes religious organizations to host temporary homeless encampments and states that cities may not:

- a. *Impose conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter for homeless persons on property owned by the religious organization;*
- b. *Require a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise require the religious organization to indemnify the municipality against such liability.*

At the time the state law was adopted in 2010, the City's code was not updated to conform to the new requirements. In May 2019, a local religious organization expressed interest in exploring a homeless encampment site in Monroe. Representatives from the organization met with City staff on June 4, 2019, to discuss the feasibility of their proposal. In order to review the potential encampment in conformance with state law, the City adopted an emergency ordinance on June 11, 2019. The proposed amendments established an interim provisions to regulate temporary homeless encampments within the City and bring the code into compliance with state law.

Just prior to the public hearing on the amendments Chapter 22.90 MMC, the Governor signed House Bill 1754 into law. HB 1754 resulted in major amendments to RCW 35A.21.360 and produced approximately 17 pages of new prescriptive requirements that the City's municipal code must now reflect. Based on the sunset date of the interim ordinance, City staff did not have the time to incorporate the new State amendments and bring it to City Council for a decision prior to the sunset date.

### **FISCAL IMPACTS**

N/A

### **TIME CONSTRAINTS**

The interim development regulations passed under Ordinance No. 014/2019(SUB) and extended by Ordinance No. 023/2020 are effective for a six month period and will expire June 12, 2020, unless extended.

### **ALTERNATIVES**

Do not accept as first reading; and provide direction to City Staff regarding areas of concern. If the City Council does not extend the interim development regulations, they will sunset on June 12, 2020.

**CITY OF MONROE  
ORDINANCE NO. 005/2020**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING CHAPTER 22.90 MMC; ADOPTING NEW INTERIM ZONING REGULATIONS REGARDING TEMPORARY ENCAMPMENTS; REPEALING AND REPLACING THE INTERIM ZONING REGULATIONS ORIGINALLY ADOPTED UNDER ORDINANCE NO. 014/2019(SUB) AND SUBSEQUENTLY EXTENDED BY ORDINANCE NO. 023/2019(SUB); ADOPTING PRELIMINARY SUPPORTIVE FINDINGS; PROVIDING FOR SEVERABILITY; SCHEDULING A POST-ADOPTION PUBLIC HEARING; DECLARING AN EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

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WHEREAS, like many communities, Monroe has recently experienced a dramatic increase in the number of homeless persons residing in and near the City; and

WHEREAS, on June 11, 2019, the Monroe City Council passed Ordinance No. 014/2019(SUB), which adopted interim zoning regulations pursuant to RCW 36.70A.390, RCW 36.70A.302, and RCW 35A.63.220; and

WHEREAS, the City Council extended the above-referenced interim regulations for an additional six-month term by Ordinance No. 023/2019(SUB) on November 12, 2019; and

WHEREAS, the City had intended to replace the above-referenced interim regulations with permanent regulations in March, 2020; and

WHEREAS, on March 31, 2020, the Washington Legislature passed, and the Governor signed, Engrossed Substitute House Bill (ESHB) 1754, which established several new requirements for and constraints on local government regulation of temporary encampments hosted by religious organizations; and

WHEREAS, the City has received inquiries regarding the potential establishment of temporary homeless encampments; and

WHEREAS, there is insufficient time for the City to promulgate, process and adopt permanent regulations reflecting the new state law requirements before ESHB 1754 takes effect on June 11, 2020; and

WHEREAS, the City Council desires to amend Chapter 22.90 MMC, in order to replace the City's existing interim regulations, consistent with the recently enacted requirements of ESHB 1754, prior to the submittal of any application for a temporary homeless encampment; and

WHEREAS, in order to ensure that the City has in place adequate, legally defensible regulations providing for the regulation of temporary encampments when its current interim regulations expire on June 11, 2020, it is necessary for the new interim regulations set forth in this Ordinance to take effect immediately; and

WHEREAS, the City Council desires to protect the public health, safety and welfare by adopting, as an immediately effective emergency measure, the interim regulations set forth in this ordinance while the City promulgates, processes and adopts permanent regulations reflecting the new state law requirements before ESHB 1754;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Adoption of Findings. The recitals set forth above, as well as information contained in Agenda Bill No. 20-077 associated with this Ordinance, are hereby adopted as the City Council's preliminary findings in support of the interim development regulations adopted by this Ordinance.

Section 2. Repeal of Chapter 22.90 MMC. Chapter 22.90 of the Monroe Municipal Code is hereby repealed in its entirety:

~~((Chapter 22.90  
TEMPORARY ENCAMPMENTS~~

**Sections:**

~~22.90.010 General provisions.~~

~~22.90.020 Application and review process.~~

**22.90.010 General provisions.**

~~The following standards shall apply to all temporary homeless encampments within the city of Monroe:~~

~~A. A religious organization may host temporary encampments for the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings. An application for a temporary homeless encampment must include a local religious institution or other community-based organization as a sponsor or managing agency.~~

~~B. The temporary homeless encampment shall be located a minimum of twenty feet from the property line of abutting properties.~~

~~C. Any exterior lighting must be directed downward and contained within the temporary tent encampment.~~

~~D. The maximum density of temporary homeless encampments is one occupant per four hundred square feet of parcel area; provided, that the maximum number of occupants within a temporary homeless encampment does not exceed one hundred regardless of the size of the parcel.~~

~~E. Off-street parking for a minimum of five vehicles shall be provided on site.~~

~~F. A transportation plan is required, which shall include provisions for transit services.~~

~~G. The managing agency shall ensure compliance with all applicable state laws and regulations, the Monroe Municipal Code, Fire District 7 directives, and Snohomish health district standards concerning, but not limited to, drinking water connections, solid waste disposal, human waste, electrical systems, and fire resistant materials.~~

~~H. The managing agency shall ensure the temporary homeless encampment's compliance with all applicable public health regulations, including but not limited to the following:~~

- ~~1. Sanitary portable toilets, which shall be set back at least forty feet from all property lines;~~
- ~~2. Hand washing stations provided near the toilets and food preparation areas;~~
- ~~3. Food preparation or service tents; and~~
- ~~4. Refuse receptacles.~~

~~I. The sponsor and the managing agency shall enforce a city-approved code of conduct for the encampment, and shall implement all directives from the city and other applicable public agencies within the specified time period.~~

~~J. The sponsor and/or the managing agency shall appoint a member to serve as a point of contact for the temporary homeless encampment. At least one representative of the sponsor, managing agency and/or an occupant of the encampment shall be on duty at all times. The names of the on-duty members and their contact information shall be posted daily at the temporary encampment.~~

~~K. Solid waste receptacles shall be provided on site throughout the temporary homeless encampment. A regular trash patrol in the immediate vicinity of the encampment site shall be provided.~~

~~L. The managing agency shall take all reasonable and legal steps to obtain verifiable identification from prospective encampment occupants and use the identification to obtain sex offender and warrant checks from the appropriate agency. The sponsor and the managing agency shall keep a log of names and dates of all people who stay overnight in the temporary homeless encampment.~~

~~M. An adequate supply of potable water shall be available on site at the temporary homeless encampment at all times. Adequate toilet facilities shall be provided on site, as provided by subsection (H) of this section. All applicable city, county, health department, and state regulations pertaining to drinking water connections and solid waste disposal shall be met.~~

~~N. Periodic inspections of the temporary homeless encampment by public officials from agencies with applicable regulatory jurisdiction, including without limitation the fire marshal, may be conducted at reasonable times.~~

~~O. Open flames are prohibited in a temporary homeless encampment.~~

~~P. Temporary homeless encampments shall not cause or permit the intrusion of noise exceeding the thresholds set forth in WAC 173-60-040.~~

~~Q. The temporary homeless encampment shall ensure a minimum separation of six feet between structures, including tents.~~

~~R. An adequate power supply to the temporary homeless encampment is required; provided, that properly permitted and installed construction site type electrical boxes may be approved by the zoning administrator.~~

~~S. If temporary structures other than tents are used for habitation within the encampment, each such structure shall have a door, at least one egress window, and shall be equipped with a functional smoke detector.~~

~~T. Only wired electrical heating is allowed within tents and other temporary structures used for habitation.~~

~~U. All tents exceeding three hundred square feet, and all canopies exceeding four~~

hundred square feet, shall be comprised of flame retardant materials.

~~V. Reasonable additional conditions of approval may be established as deemed necessary by the zoning administrator in order to protect the health, safety and welfare of the public and the occupants of the temporary homeless encampment, as well as ensuring land use compatibility and minimizing potential impacts to neighboring properties.~~

~~W. The city may not grant a permit for a temporary tent encampment at the same location more frequently than once in every three hundred sixty-five day period.~~

~~X. For temporary encampments located on property that is owned or controlled by a religious organization, as defined in RCW 35A.21.360, conditions of approval shall comply with RCW 35A.21.360 and applicable state and federal law concerning religious exercise.~~

~~Y. Temporary tent encampments may be approved for a period not to exceed ninety days for every three hundred sixty-five day period. The said permit shall specify a date by which the use shall be terminated and the site vacated and restored to its pre-encampment condition.~~

### **22.90.020 — Application and review process.**

~~A. Application. The completed application for a temporary homeless encampment, which shall be signed by the managing agency or sponsor ("applicant"), shall contain at a minimum contact information for the applicant, and detailed information regarding the following:~~

- ~~1. How the proposed encampment will meet the requirements set forth in this chapter;~~
- ~~2. Potential adverse effects that the proposed encampment will likely have on neighboring properties and the community;~~
- ~~3. Measures to mitigate such adverse effects;~~
- ~~4. A proposed written code of conduct for the encampment;~~
- ~~5. Measures to meet the applicable requirements of the International Fire Code; and~~
- ~~6. Certification that the applicant has taken and will take all reasonable and legal steps to obtain verifiable identification from current and prospective encampment residents and used the identification to obtain sex offender and warrant checks from appropriate agencies. The form of the notice and the application shall be provided by the zoning administrator upon request by the applicant.~~

#### ~~B. Public Notice.~~

~~1. A notice of application for a temporary homeless encampment shall be provided prior to the issuance of the zoning administrator's decision approving, approving with conditions, or denying the application. The purpose of the notice is to inform the surrounding community of the application. Due to the administrative and temporary nature of the permit, there is no comment period. The notice shall contain, at a minimum:~~

- ~~a. The date the application was submitted;~~
- ~~b. The project location;~~
- ~~c. The proposed duration and operation of the encampment;~~
- ~~d. The conditions that will likely be placed on the operation of the encampment;~~
- ~~e. The requirements of the written code of conduct, if applicable;~~
- ~~f. The name and contact information of the applicant; and~~
- ~~g. Directions regarding how to obtain more information regarding the encampment and the applicant.~~

~~2. The community development department shall distribute the notice of application as follows:~~

~~a. The notice of application, or a summary thereof, will be published in the official newspaper of the city at least seven calendar days prior to the zoning administrator's decision approving, approving with conditions, or denying the application.~~

~~b. The notice of application, or a summary thereof, will be distributed to owners of~~

~~all property within five hundred feet of any boundary of the subject property and residents and tenants adjacent to the subject property at least fourteen calendar days prior to the zoning administrator's decision approving, approving with conditions, or denying the application.~~

~~G. Community Meeting. A minimum of seven days prior to the issuance of the decision approving, approving with conditions or denying the application and fourteen calendar days prior to the anticipated start of a temporary homeless encampment, the applicant shall conduct a public informational meeting by providing mailed notice to owners of property within five hundred feet of the subject property and residents and tenants adjacent to the subject property. The purpose of the community meeting is to provide the surrounding community with information regarding the proposed duration and operation of the encampment, conditions that will likely be placed on the operation of the encampment, requirements of the written code of conduct, and to answer questions regarding the encampment.~~

~~D. Application Review. The zoning administrator shall issue a decision approving, approving with conditions, or denying the application on a temporary homeless encampment application within fourteen days of the date that the application was submitted.~~

~~E. Decision. A notice of decision for the temporary encampment, or summary thereof, shall contain the decision of the zoning administrator approving, approving with conditions, or denying the application, and the appeal procedure, and be distributed as required for notice of application within four business days after the decision.~~

~~F. Appeal. The zoning administrator's decision approving, approving with conditions, or denying the application is appealable in the same manner as a Type I permit per MMC 22.84.080. ))~~

Section 3. Amendment of Chapter 22.90—Adoption of New Interim Temporary Encampment Regulations. Chapter 22.90 of the Monroe Municipal Code is hereby amended to provide in its entirety as set forth below:

## **Chapter 22.90 TEMPORARY ENCAMPMENTS**

### **Sections:**

<b>22.90.010</b>	Purpose.
<b>22.90.020</b>	Applicability; Construction.
<b>22.90.030</b>	Definitions.
<b>22.90.040</b>	General provisions.
<b>22.90.050</b>	Memorandum of understanding.
<b>22.90.060</b>	Outdoor encampments.
<b>22.90.070</b>	Indoor overnight shelters.
<b>22.90.080</b>	Temporary houses on-site.
<b>22.90.090</b>	Vehicle resident safe parking areas.
<b>22.90.100</b>	Application and review process; Appeals.

### **22.90.010. Purpose**

The City of Monroe finds it is necessary to promote solutions to the complex problem of homelessness. One solution is to facilitate, with appropriate regulation and oversight, sponsors of temporary shelters in existing structures and in temporary outdoor

encampments organized and managed by religious organizations. These facilities do not represent a permanent solution to homelessness, but rather can provide vitally needed shelter and a first step toward more permanent forms of housing. This chapter reflects guidance provided by ESHB 1754, WAC 51-16-030, and by federal law that religious institutions are free to practice their faith including offering assistance to the homeless. This chapter further attempts to appropriately balance such considerations with the city's need to protect the health, safety and welfare of both temporary encampment residents and of the public.

**22.90.020. Applicability; Construction.**

A. The regulations, requirements, and standards set forth in this chapter apply to all temporary encampments within the City.

B. This chapter shall be reasonably construed and administered in a manner consistent with applicable state and federal law, including ESHB 1754. Without limitation of the foregoing, the City may exercise any of the authority set forth in ESHB 1754 in administering this chapter.

C. Except as provided in this chapter and/or by law, nothing in this chapter shall excuse any person from compliance with all applicable provisions of the Monroe Municipal Code.

**22.90.030. Definitions**

The following definitions shall apply for purposes of this chapter:

A. "Managing agency" means an organization such as a religious organization or other organized entity that has the capacity to organize and manage a temporary encampment.

B. "Outdoor encampment" means any temporary tent or structure encampment, or both.

C. "Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls the real property where the temporary encampment is hosted.

D. "Temporary" means not affixed to land permanently and not using underground utilities.

E. "Temporary encampment" means a temporary housing or shelter for homeless persons, such as an outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking area.

**22.90.040. General provisions.**

The following standards shall apply to all temporary encampments within the city of Monroe, except as modified by the category-specific standards otherwise set forth in this chapter:

A. Temporary encampments on private property are prohibited within the city except as expressly provided in this chapter.

B. A religious organization may host a temporary encampment for the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings, subject to the provisions of this chapter.

C. All temporary encampments shall comply with the applicable provisions of RCW 35A.21.360.

D. The host religious organization and/or managing agency shall provide a transportation plan for the temporary encampment, which shall include provisions for access to and from transit services.

E. The host religious organization and/or managing agency shall ensure the

temporary encampment's compliance with all applicable state laws and regulations, the Monroe Municipal Code, Fire District 7 directives, and Snohomish health district standards concerning, but not limited to, drinking water connections, solid waste disposal, human waste, electrical systems, and fire resistant materials.

F. The host religious organization and/or the managing agency shall appoint an individual to serve as a permanent point of contact for the temporary encampment.

G. At least one representative of the host religious organization, the managing agency, and/or a designated occupant of the temporary encampment shall be on duty at the temporary encampment all times. Such individuals shall be familiar with emergency protocols, equipped with suitable communication devices, and be trained to contact local first responders when necessary. The names and contact information for such individuals shall be posted daily at the temporary encampment.

H. The host religious organization and/or the managing agency shall ensure the temporary encampment's compliance with all applicable public health regulations, including but not limited to the following:

1. Adequate toilet facilities shall be provided on site and shall be set back at least 40 feet from all property lines. Restroom access shall be provided either within the buildings on the host property or through use of portable facilities.

2. Hand washing stations provided near the toilets and food preparation areas;

3. Food preparation and/or service tents and/or facilities shall be provided;

4. Solid waste receptacles shall be provided on site throughout the temporary encampment. A regular trash patrol in the immediate vicinity of the temporary encampment site shall also be provided.

5. An adequate supply of potable water shall be available on site at all times.

6. All applicable city, county, health department, and state regulations pertaining to drinking water connections and solid waste disposal shall be met.

I. Temporary encampments shall not cause or permit the intrusion of noise from the temporary encampment exceeding the applicable thresholds set forth in WAC 173-60-040.

J. The host religious organization and/or the managing agency shall keep a log of the names of all overnight residents of the temporary homeless encampment and the date(s) upon which they stayed.

K. The host religious organization and/or the managing agency shall ensure that the Monroe Police Department has completed sex offender checks of all adult residents and guests of the temporary encampment. The host religious organization retains the authority to allow such offenders to remain on the property.

L. Periodic inspections of the temporary encampment by public officials from agencies with applicable regulatory jurisdiction, including without limitation the fire marshal, may be conducted at reasonable times, consistent with applicable constitutional and statutory standards.

M. Any host religious organization must work with the city to utilize Washington's homeless client management information system, as provided for in RCW 43.185C.180.

1. When there is no managing agency, the host religious organization is encouraged to partner with a local homeless services provider using the Washington homeless client managing information system.

2. Any managing agency receiving any funding from local continuum of care programs must utilize the homeless client management information system.

3. Temporary, overnight, extreme weather shelters provided in religious

organization buildings are exempt from the requirements of this subsection.

**22.90.050 Memorandum of understanding.**

A. The city shall require the host religious organization and/or a managing agency to execute a memorandum of understanding to protect the health and safety of both the residents of the temporary encampment and that of the public. Any such memorandum of understanding must, at a minimum, include information regarding:

1. The right of a temporary encampment resident to seek public health and safety assistance;
2. The resident's ability to access social services on-site;
3. The resident's ability to directly interact with the host religious organization, including the ability to express any concerns regarding the managing agency to the religious organization;
4. A written code of conduct agreed to by the managing agency, if any, host religious organization, and all volunteers working with residents; and
5. Where a publicly funded managing agency exists, the ability for the host religious organization to interact with residents using a release of information.

B. The zoning administrator, in consultation with the city attorney, is authorized to negotiate and execute on behalf of the city a memorandum of understanding under this section.

**22.90.060. Outdoor encampments.**

A. The hosting term of an outdoor encampment shall not exceed four consecutive months;

B. At least three months shall lapse between subsequent or established outdoor encampments at a particular site.

C. Simultaneous and adjacent hostings of outdoor encampments by a religious organization shall not be located within 1,000 feet of another outdoor encampment concurrently hosted by the same or different religious organization.

D. An outdoor encampment shall be located a minimum of 20 feet from the property line of abutting properties.

F. Any exterior lighting must be directed downward and contained within the outdoor encampment.

G. The maximum residential density of an outdoor encampment is one occupant per 400 square feet of parcel area; provided, that the maximum number of occupants within an outdoor encampment shall not exceed 100 regardless of the size of the parcel.

H. An outdoor encampment shall comply with the following fire safety requirements:

1. All tents exceeding 300 square feet, and all canopies exceeding 400 square feet, shall be comprised of flame retardant materials.
2. Open flames are prohibited in an outdoor encampment.
3. If temporary structures other than tents are used for habitation within an outdoor encampment, each such structure shall have a door, at least one egress window, and shall be equipped with a functional smoke detector.
4. An adequate power supply to the outdoor encampment is required; provided, that properly permitted and installed construction site type electrical boxes may be approved by the zoning administrator.
5. Only wired electrical heating is allowed within tents and other temporary structures used for habitation at an outdoor encampment.

I. The outdoor encampment shall ensure a minimum separation of six feet between structures, including tents.

**22.90.070 Indoor overnight shelters.**

The city shall not limit a religious organization's availability to host an indoor overnight shelter in spaces with at least two accessible exits due to lack of sprinklers or other fire-related concerns, except that:

1. If the fire code official finds that fire-related concerns associated with an indoor overnight shelter pose an imminent danger to persons within the shelter, the city may take action to limit the religious organization's availability to host the indoor overnight shelter; and
2. The city may require a host religious organization to enter into a memorandum of understanding for fire safety that includes:
  - a. Inspections by the fire code official;
  - b. An outline for appropriate emergency procedures;
  - c. A determination of the most viable means to evacuate occupants from inside the host site with appropriate illuminated exit signage;
  - d. Panic bar exit doors; and
  - e. A completed firewatch agreement indicating:
    - i. Posted safe means of egress;
    - ii. Operable smoke detectors, carbon monoxide detectors as necessary, and fire extinguishers;
    - iii. A plan for monitors who spend the night awake and are familiar with emergency protocols, who have suitable communication devices, and who know how to contact the fire department.

**22.90.080 Temporary small houses on-site.**

The city shall not limit a religious organization's ability to host temporary small houses on land owned or controlled by the religious organization, except for recommendations that are in accord with the following criteria:

1. A renewable one-year duration agreed to by the host religious organization and the city via a memorandum of understanding;
2. Maintaining a maximum unit square footage of one 120 square feet, with units set at least six feet apart;
3. Electricity and heat, if provided, must be inspected by the city;
4. Space heaters, if provided, must be approved by the local fire authority;
5. Doors and windows must be included and be lockable, with a recommendation that the managing agency and host religious organization also possess keys;
6. Each unit must have a fire extinguisher;
7. Adequate restrooms must be provided, including restrooms solely for families if present, along with handwashing and potable running water to be available if not provided within the individual units, including accommodating black water;
8. A recommendation for the host religious organization to partner with regional homeless service providers to develop pathways to permanent housing.

**22.90.090 Vehicle resident safe parking areas.**

A. The city shall not limit a religious organization's availability to host safe parking efforts at its on-site parking lot, including limitations on any other congregationally-sponsored uses and the parking available to support such uses during the hosting, provided that the following criteria are met:

1. No less than one space may be devoted to safe parking per ten on-site parking spaces;
2. Restroom access must be provided either within the buildings on the property

or through use of portable facilities, with the provision for proper disposal of waste is recreational vehicles are hosted; and

3. The religious organization providing spaces for safe parking shall abide by all existing on-site parking minimum requirements so that the provision of safe parking spaces does not reduce the total number of available parking spaces below the minimum number of spaces otherwise required by the MMC. Provided, the City may in its discretion enter into a memorandum of understanding with the religious organization that reduces the minimum number of on-site parking spaces required.

B. The host religious organization or the managing agency must inform vehicle residents how to comply with laws regarding the legal status of vehicles and drivers, and provide a written code of conduct consistent with applicable city standards.

**22.90.100. Application and review process; appeals.**

A. Application. The completed application for a temporary encampment, which shall be signed by the host religious organization and/or managing agency, and shall contain, at a minimum, contact information for the applicant, and detailed information regarding the following:

1. How the proposed temporary encampment will meet the requirements set forth in this chapter;
2. Potential adverse effects that the proposed temporary encampment will likely have on neighboring properties and the community;
3. Measures to mitigate such adverse effects;
4. A proposed written code of conduct for the temporary encampment;
5. Measures to meet the applicable requirements of the International Fire Code;

and

6. Certification that the applicant has taken and/or will take all reasonable and legal steps to obtain verifiable identification from current and prospective encampment residents and shall ensure that the Monroe Police Department has and/or will have completed sex offender checks of all adult residents and guests of the temporary encampment. The form of the notice and the application shall be provided by the zoning administrator upon request by the applicant.

B. Community Meeting. Unless the use is in response to a declared emergency, the host shall hold a meeting open to the public prior to the opening of a temporary encampment. The purpose of the community meeting is to provide the surrounding community with information regarding the proposed duration and operation of the encampment, conditions that will likely be placed on the operation of the encampment, requirements of the written code of conduct, and to answer questions regarding the encampment. The religious organization must provide written notice of the community meeting to the city council at least one week, if possible, but no later than ninety-six hours prior to the meeting.

1. The notice must specify the time, place, and purpose of the meeting.
2. Public notice of the meeting shall be provided by the city by taking at least two of the following actions at any time prior to the time of the meeting:
  - a. Delivering to each local newspaper of general circulation and local radio or television station that has on file with the city a written request to be notified of special meetings;
  - b. Posting on the city's web site;
  - c. Prominently displaying, on signage at least two feet in height and two feet in width, one or more meeting notices that can be placed on or adjacent to the main arterials in proximity to the location of the meeting; or

d. Prominently displaying the notice at the meeting site.

C. Application Review. The zoning administrator shall issue a decision approving, approving with conditions, or denying the application for a temporary homeless encampment within fourteen days of the date that the application was submitted.

D. Decision. A notice of decision for the temporary encampment, or summary thereof, shall contain the decision of the zoning administrator approving, approving with conditions, or denying the application, and the appeal procedure, and shall be distributed as required within four business days after the decision.

E. Conditions of Approval. Reasonable conditions of approval may be established as deemed necessary by the zoning administrator in order to protect the health, safety and welfare of the public and the occupants of the temporary homeless encampment, consistent with this chapter and applicable federal and state law. Without limitation of the foregoing, any such conditions of approval shall comply with RCW 35A.21.360 and applicable state and federal law concerning religious exercise.

F. Appeal. The zoning administrator's decision to approve, approve with conditions, or deny the application is appealable directly to Snohomish County Superior Court in accordance with the procedures and timeframes of the Land Use Petition Act, Chapter 36.70C RCW.

Section 4. Public Hearing. The pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Clerk is hereby authorized and directed to schedule a public hearing on the interim regulations adopted under this ordinance within 60 days.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or federal law or regulation, such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 6. Declaration of Emergency; Effective Date. Based upon the findings above, the City Council declares that a public emergency exists. This ordinance shall therefore take effect immediately upon passage, and shall sunset automatically six (6) months from June 9, 2020, unless terminated earlier or extended by subsequent Council action

ADOPTED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 9th day of June, 2020.

First Reading: June 9, 2020  
Adoption: June 9, 2020  
Published: June 14, 2020  
Effective: June 9, 2020

CITY OF MONROE, WASHINGTON:

(SEAL)

\_\_\_\_\_  
Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Rebecca R. Hasart, Interim City Clerk

\_\_\_\_\_  
J. Zachary Lell, City Attorney

## CHAPTER 22.90 TEMPORARY ENCAMPMENTS

### Sections:

- 22.90.010 General provisions.
- 22.90.020 Application and review process.

### **22.90.010 General provisions.**

The following standards shall apply to all temporary homeless encampments within the City of Monroe:

A. A religious organization may host temporary encampments for the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings. An application for a temporary homeless encampment must include a local religious institution or other community-based organization as a sponsor or managing agency.

B. The temporary homeless encampment shall be located a minimum of twenty feet from the property line of abutting properties.

C. Any exterior lighting must be directed downward and contained within the temporary tent encampment.

D. The maximum density of temporary homeless encampments is one occupant per four hundred square feet of parcel area; provided, that the maximum number of occupants within a temporary homeless encampment does not exceed one hundred regardless of the size of the parcel.

E. Off-street parking for a minimum of five vehicles shall be provided on-site.

F. A transportation plan is required, which shall include provisions for transit services.

G. The managing agency shall ensure compliance with all applicable State laws and regulations, the Monroe Municipal Code, Fire District 7 directives, and Snohomish Health District standards concerning, but not limited to, drinking water connections, solid waste disposal, human waste, electrical systems, and fire resistant materials.

H. The managing agency shall ensure the temporary homeless encampment's compliance with all applicable public health regulations, including but not limited to the following:

1. Sanitary portable toilets, which shall be set back at least forty feet from all property lines;
2. Hand washing stations provided near the toilets and food preparation areas;
3. Food preparation or service tents; and
4. Refuse receptacles.

I. The sponsor and the managing agency shall enforce a city-approved code of conduct for the encampment, and shall implement all directives from the city and other applicable public agencies within the specified time period.

J. The sponsor and/or the managing agency shall appoint a member to serve as a point of contact for the temporary homeless encampment. At least one representative of the sponsor, managing agency and/or an occupant of the encampment shall be on duty at all times. The names of the on-duty members and their contact information shall be posted daily at the temporary encampment.

K. Solid waste receptacles shall be provided on-site throughout the temporary homeless encampment. A regular trash patrol in the immediate vicinity of the encampment site shall be provided.

L. The managing agency shall take all reasonable and legal steps to obtain verifiable identification from prospective encampment occupants and use the identification to obtain sex offender and warrant checks from the appropriate agency. The sponsor and the managing agency shall keep a log of names and dates of all people who stay overnight in the temporary homeless encampment.

M. An adequate supply of potable water shall be available on-site at the temporary homeless encampment at all times. Adequate toilet facilities shall be provided on-site, as provided by MMC 22.90.010(H). All applicable city, county, health department, and state regulations pertaining to drinking water connections and solid waste disposal shall be met.

N. Periodic inspections of the temporary homeless encampment by public officials from agencies with applicable regulatory jurisdiction, including without limitation the fire marshal, may be conducted at reasonable times.

O. Open flames are prohibited in a temporary homeless encampment.

P. Temporary homeless encampments shall not cause or permit the intrusion of noise exceeding the thresholds set forth in WAC 173-60-040.

Q. The temporary homeless encampment shall ensure a minimum separation of six feet between structures, including tents.

R. An adequate power supply to the temporary homeless encampment is required; provided, that a properly permitted and installed construction site type electrical boxes may be approved by the zoning administrator.

S. If temporary structures other than tents are used for habitation within the encampment, each such structure shall have a door, at least one egress window, and shall be equipped with a functional smoke detector.

T. Only wired electrical heating is allowed within tents and other temporary structures used for habitation.

U. All tents exceeding 300 square feet, and all canopies exceeding 400 square feet, shall be comprised of flame retardant materials.

V. Reasonable additional conditions of approval may be established as deemed necessary by the zoning administrator in order to protect the health, safety and welfare of the public and the occupants of the temporary homeless encampment, as well as ensuring land use compatibility and minimizing potential impacts to neighboring properties.

W. The city may not grant a permit for a temporary tent encampment at the same location more frequently than once in every three-hundred-sixty-five-day period.

X. For temporary encampments located on property that is owned or controlled by a religious organization, as defined in RCW 35A.21.360, conditions of approval shall comply with RCW 35A.21.360 and applicable state and federal law concerning religious exercise.

Y. Temporary tent encampments may be approved for a period not to exceed ninety days for every three-hundred-sixty-five-day period. The said permit shall specify a date by which the use shall be terminated and the site vacated and restored to its pre-encampment condition.

## **22.90.020 Application and Review Process.**

A. Application. The completed application for a temporary homeless encampment, which shall be signed by the managing agency or sponsor ("applicant"), shall contain at a minimum contact information for the applicant, and detailed information regarding the following:

1. How the proposed encampment will meet the requirements set forth in this chapter;
2. Potential adverse effects that the proposed encampment will likely have on neighboring properties and the community;
3. Measures to mitigate such adverse effects;
4. A proposed written code of conduct for the encampment;
5. Measures to meet the applicable requirements of the International Fire Code; and
6. Certification that the applicant has taken and will take all reasonable and legal steps to obtain verifiable identification from current and prospective encampment residents and used the identification to obtain sex offender and warrant checks from appropriate agencies. The form of the notice and the application shall be provided by the zoning administrator upon request by the applicant.

B. Public notice.

1. A notice of application for a temporary homeless encampment shall be provided prior to the issuance of the zoning administrator's decision approving, approving with conditions, or denying the application. The purpose of the notice is to inform the surrounding community of the application. Due to the administrative and temporary nature of the permit, there is no comment period. The notice shall contain, at a minimum:

- a. The date the application was submitted;
- b. The project location;
- c. The proposed duration and operation of the encampment;
- d. The conditions that will likely be placed on the operation of the encampment;
- e. The requirements of the written code of conduct, if applicable;
- f. The name and contact information of the applicant; and
- g. Directions regarding how to obtain more information regarding the encampment and the applicant.

2. The community development department shall distribute the notice of application as follows:

- a. The notice of application, or a summary thereof, will be published in the official newspaper of the city at least seven calendar days prior to the zoning administrator's decision approving, approving with conditions, or denying the application.
- b. The notice of application, or a summary thereof, will be distributed to owners of all property within five hundred feet of any boundary of the subject property and residents and tenants adjacent to the subject property at least fourteen calendar days prior to the zoning administrator's decision approving, approving with conditions, or denying the application.

C. Community Meeting. A minimum of seven days prior to the issuance of the decision approving, approving with conditions or denying the application and 14 calendar days prior to the anticipated start of a temporary homeless encampment, the applicant shall conduct a public informational meeting by providing mailed notice to owners of property within 500 feet of the subject property and residents and tenants adjacent to the subject property. The purpose of the community meeting is to provide the surrounding community with information regarding the proposed duration and operation of the encampment, conditions that will likely be placed on the operation of the encampment, requirements of the written code of conduct, and to answer questions regarding the encampment.

D. Application review. The zoning administrator shall issue a decision approving, approving with conditions, or denying the application on a temporary homeless encampment application within fourteen days of the date that the application was submitted.

E. Decision. A notice of decision for the temporary encampment, or summary thereof, shall contain the decision of the zoning administrator approving, approving with conditions, or denying the application, and the appeal procedure, and be distributed as required for notice of application within four business days after the decision.

F. Appeal. The zoning administrator's decision approving, approving with conditions, or denying the application is appealable in the same manner as a Type I permit per MMC 22.84.080.

**CITY OF MONROE  
ORDINANCE NO. 023/2019(SUB)**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, EXTENDING FOR AN ADDITIONAL SIX MONTH PERIOD INTERIM ZONING REGULATIONS ORIGINALLY ADOPTED UNDER ORDINANCE NO. 014/2019(SUB); AMENDING CHAPTER 22.90 MMC, TEMPORARY ENCAMPMENTS TO UPDATE THE CITY'S PROVISIONS REGULATING TEMPORARY HOMELESS ENCAMPMENTS IN ORDER TO REFLECT CURRENT STATE LAW; ADOPTING FINDINGS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

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WHEREAS, like many communities, Monroe has recently experienced a dramatic increase in the number of homeless persons residing in and near the City; and

WHEREAS, the City of Monroe regulates temporary homeless encampments through the provisions codified at Chapter 22.90 MMC; and

WHEREAS, the City has recently received inquiries regarding the potential establishment of temporary homeless encampments; and

WHEREAS, the City Council desires to immediately amend Chapter 22.90 MMC, in order to update and clarify the City's existing regulations prior to the submittal of any application for a temporary homeless encampment; and

WHEREAS, on June 11, 2019, the Monroe City Council passed Ordinance No. 014/2019(SUB), which adopted interim zoning regulations pursuant to RCW 36.70A.390, RCW 36.70A.302, and RCW 35A.63.220; and

WHEREAS, Ordinance No. 014/2019(SUB) adopted interim amendments to Chapter 22.90 MMC, Temporary Encampments; updated the City's provisions regulating temporary homeless encampments to reflect current state law; set forth preliminary supportive findings; required a post-adoption public hearing; provided for severability; declared a public emergency; and established an immediate effective date; and

WHEREAS, a City Council public hearing on the extension of the interim regulations, originally adopted under Ordinance No. 014/2019(SUB) was held on November 12, 2019; and

WHEREAS, the interim development regulations extended by Ordinance No. 014/2019(SUB) was to automatically sunset six (6) months from the effective date of that ordinance unless terminated earlier or extended by subsequent Council action; and

WHEREAS, an extension of the interim regulations amending the City's provisions regulating temporary homeless encampments in order to reflect current state law is necessary to establish interim provisions to regulate temporary homeless encampments within the City that are in compliance with state law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Adoption of Findings. The recitals set forth in Ordinance No. 014/2019(SUB), and as also set forth in the recitals above, as well as information contained in Agenda Bill No. 19-225, associated with this Ordinance, are hereby adopted as the City Council's findings in support of the interim development regulations extension provided by this Ordinance.

Section 2. Interim Regulations Extended. The interim development regulations amending Chapter 22.90 MMC, Temporary Encampments, to update the city's provisions regulating temporary homeless encampments in order to reflect current state law, as originally adopted under Ordinance No. 014/2019(SUB) are hereby extended for an additional six month period to commence concurrently with the scheduled expiration of the term of Ordinance No. 014/2019(SUB). The six month effective period of said extension shall begin December 12, 2019.

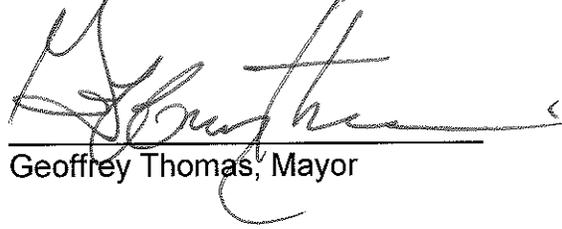
Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or federal law or regulation, such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication, as required by law; provided, that the six-month extension of the interim zoning established by Ordinance No. 014/2019(SUB) shall commence on December 12, 2019, concurrently with the scheduled expiration of the term of Ordinance No. 014/2019(SUB), and shall sunset automatically six (6) months from December 12, 2019, unless terminated earlier or extended by subsequent council action.

ADOPTED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 12<sup>th</sup> day of November, 2019.

First Reading: November 12, 2019  
Adoption: November 12, 2019  
Published: November 15, 2019  
Effective: December 12, 2019

CITY OF MONROE, WASHINGTON:



Geoffrey Thomas, Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:



Cheri A. Hurst  
Elizabeth M. Adkisson, MMC, City Clerk

*Cheri A. Hurst, Authorized Designee  
for the City of Monroe*



J. Zachary Lell, City Attorney

**CITY OF MONROE  
ORDINANCE NO. 014/2019(SUB)**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, ADOPTING INTERIM ZONING AMENDMENTS TO CHAPTER 22.90 MMC, TEMPORARY ENCAMPMENTS; UPDATING THE CITY'S PROVISIONS REGULATING TEMPORARY HOMELESS ENCAMPMENTS IN ORDER TO REFLECT CURRENT STATE LAW; SETTING FORTH PRELIMINARY SUPPORTIVE FINDINGS; REQUIRING A POST-ADOPTION PUBLIC HEARING; PROVIDING FOR SEVERABILITY; DECLARING A PUBLIC EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE

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WHEREAS, like many communities, the City of Monroe has recently experienced a dramatic increase in the number of homeless persons residing in and near the City; and

WHEREAS, the City of Monroe regulates temporary homeless encampments through the provisions codified at Chapter 22.90 MMC; and

WHEREAS, the City has recently received inquiries regarding the potential establishment of temporary homeless encampments; and

WHEREAS, the City Council desires to immediately amend Chapter 22.90 MMC, in order to update and clarify the City's existing regulations prior to the submittal of any application for a temporary homeless encampment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Preliminary Findings. The City Council hereby adopts the above recitals as preliminary findings in support of this ordinance. The City Council also finds that adoption of this ordinance is necessary to ensure that the updated and clarified regulations set forth herein are in effect prior to the submittal and processing of any application to site and operate a temporary homeless encampment in the City. As such, a public emergency exists requiring that this ordinance take effect immediately upon passage.

Section 2. Amendment of Chapter 22.90 MMC. Monroe Municipal Code Chapter 22.90, Unified Development Regulations - Temporary Encampments, is hereby amended to provide as follows:

**CHAPTER 22.90  
TEMPORARY ENCAMPMENTS**

Sections:

- ~~22.90.010 ((Regulations Established))~~General provisions.
- ~~22.90.020 ((Standards for Homeless Encampments.))~~
- ~~((22.90.030 Frequency and Duration of Temporary Use.))~~
- ~~((22.90.040))~~ Application and review process.
- ~~((22.90.050 No Intent to Create Protected/Benefited Class.))~~

**22.90.010** ~~((Regulations Established.~~

~~Regulations concerning the establishment and processing of applications for temporary homeless encampments in the city are hereby established. Establishing such facilities contrary to the provisions of this chapter is prohibited. Temporary use permits pursuant to Chapter 22.60 MMC, Temporary Uses, shall be required for homeless encampments in the city. With the exception of temporary tent encampment permits for homeless encampment facilities that are in full compliance with this chapter, applications for temporary tent encampment permits, land use approvals, or any other permit or approval, in any way associated with such facilities shall not be accepted, processed, issued, granted, or approved. If a homeless encampment is established in violation of this chapter or if after temporary tent encampment permit is issued for the same, the zoning administrator determines that the permit holder has violated this chapter or any condition of the permit, the temporary tent encampment, its sponsor and managing agency shall be subject to code enforcement under MMC Chapter 1.04 MMC. All activities associated with the temporary encampment shall cease, and the site shall be vacated and restored to its pre-encampment conditions.~~

~~22.90.020 Standards for Homeless Encampments))~~**General provisions.**

The following standards shall apply to all temporary homeless encampments within the City of Monroe ~~(( for the purposes of application and approval of a temporary use permit))~~:

A. A religious organization may host temporary encampments for the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings. An application for a temporary homeless encampment must include a local religious institution or other community-based organization as a sponsor or managing agency.

~~((A))~~B. The temporary homeless encampment shall be located a minimum of twenty feet from the property line of abutting properties~~((containing commercial, industrial, office, and multifamily residential uses. The encampment shall be located a minimum of forty feet from the property line of abutting properties containing single-family residential uses.~~

~~B. No encampment shall be located within a critical area or its buffer as defined by MMC Chapter 22.80, Critical Areas.~~

~~C. A six-foot tall sight-obscuring fencing is required around the perimeter of the encampment, provided they do not create a sight obstruction at the street or street intersections or curbs as determined by the city engineer, unless the hearing examiner determines that there is sufficient vegetation, topographic variation, or other site condition such that fencing would not be needed.)~~

~~((D))~~C. Any Exterior lighting must be directed downward and contained within the temporary tent encampment.

~~((E))D.~~ ~~((The maximum number of residents at a temporary tent encampment site shall be determined by the hearing examiner taking into consideration site conditions, but in no case shall the number be greater than one hundred people.))~~ The maximum density of temporary homeless encampments is one occupant per four hundred square feet of parcel area; provided, that the maximum number of occupants within a temporary homeless encampment does not exceed one hundred regardless of the size of the parcel.

~~((F))E.~~ ~~((On-site parking of the sponsor shall not be displaced unless sufficient parking remains available for the host's use to compensate for the loss of on-site parking or a shared parking agreement is executed with adjacent properties pursuant to the criteria of MMC Chapter 22.44, Parking Standards and Design.))~~ Off-street parking for a minimum of five vehicles shall be provided on-site.

~~((G))F.~~ A transportation plan is required, which shall include provisions for transit services.

~~((H.~~ ~~—————~~ ~~No children under eighteen are allowed to stay overnight in the temporary tent encampment, unless circumstances prevent a more suitable overnight accommodation for the child and parent or guardian. If a child under the age of eighteen attempts to stay at the encampment, the sponsor and the managing agency shall immediately contact Child Protective Services and shall actively endeavor to find alternative shelter for the child and any accompanying parent or guardian.~~

~~I.~~ ~~The sponsor or managing agency shall provide and enforce a written code of conduct, which not only provides for the health, safety and welfare of the temporary tent encampment resident, but also mitigates impacts to neighbors and the community. Said code shall be incorporated into the conditions of approval.)~~

~~((J))G.~~ The ~~((sponsor and the))~~ managing agency shall ensure compliance with all applicable Washington State laws and regulations, the Monroe Municipal Code, Fire District 37 directives, and Snohomish Health District standards concerning, but not limited to, drinking water connections, solid waste disposal, human waste, electrical systems, and fire resistant materials. ~~((The sponsor and the managing agency shall permit inspections by state and/or local agencies and/or departments to ensure the same, and implement all directives resulting therefrom within the specified time period.~~

~~K))H.~~ The ~~((sponsor and))~~ managing agency shall ensure the temporary homeless encampment's compliance with all applicable public health regulations, including but not limited to the following, ~~will be met:~~

1. Sanitary portable toilets, which shall be set back at least forty feet from all property lines;
2. Hand washing stations by provided near the toilets and food preparation areas;
3. Food preparation or service tents; and
4. Refuse receptacles.

I. The sponsor and the managing agency shall enforce a city-approved code of conduct for the encampment, and shall implement all directives from the city and other applicable public agencies within the specified time period.

~~((L. Public health guidelines on food donations and food handling and storage, including proper temperature control, shall be followed and encampment residences involved in food donations and storage shall be made aware of these guidelines consistent with the Snohomish Health District requirements.))~~

~~((M))J.~~ The sponsor and/or the managing agency shall appoint a member to serve as a point of contact for the temporary homeless encampment. ~~((for the Monroe police department)).~~ At least one representative of the sponsor, managing agency and/or an occupant of the encampment appointed resident shall be on duty at all times. The

names of the on-duty members and their contact information shall be posted daily at the temporary encampment.

~~((N))K. Solid waste receptacles Facilities for dealing with trash shall be provided on-site throughout the temporary homeless encampment. A regular trash patrol in the immediate vicinity of the temporary tent encampment site shall be provided.~~

~~((O))L. The ~~((sponsor and the))~~managing agency shall take all reasonable and legal steps to obtain verifiable identification from ~~((current and))~~prospective encampment occupants residents and use the identification to obtain sex offender and warrant checks from the appropriate agency.~~((All requirements by the Monroe Police Department related to identified sex offenders or prospective residents with warrants shall be met.))~~ The sponsor and the managing agency shall keep a log of names and dates of all people who stay overnight in the temporary homeless tent encampment.~~

~~((P. The sponsor and the managing agency shall immediately contact the Monroe police department if someone is rejected or ejected from the encampment when the reason for rejection or ejection is an active warrant or a match on a sex offender check, or if, in the opinion of the on-duty member or on-duty security staff, the rejected/ejected person is a potential threat to the community.~~

~~Q. Temporary structures that cover an area in excess of one hundred twenty square feet (11.16 square meters), including connecting areas or spaces with a common means of egress or entrance which are used or intended to be used for the gathering together of ten or more persons, shall not be erected, operated or maintained for any purpose without obtaining a permit from the building official pursuant to Section 3103 of the International Building Code as adopted by the city of Monroe.~~

~~R. The sponsor, the managing agency and temporary tent encampment residents shall cooperate with other providers of shelters and services for homeless persons within the city and shall make inquiry with these providers regarding the availability of existing resources.~~

~~S. Where deemed necessary by the hearing examiner, the sponsor and/or the managing agency shall procure and maintain in full force, through the duration of the temporary tent encampment, comprehensive general liability insurance with a minimum coverage of one million dollars per occurrence/aggregate for personal injury and property damage.~~

~~T. Where deemed necessary, the hearing examiner shall have the authority to impose conditions to the issuance of the permit for a temporary tent encampment to mitigate effects on the community upon finding that said effects are materially detrimental to the public welfare or injurious to the property or improvements in the vicinity.~~

~~U. The sponsor and/or managing agency shall provide before encampment photos of the host site with the application. Upon vacation of the temporary tent encampment, all temporary structures and debris shall be removed from the host site within one calendar week.))~~

M. An adequate supply of potable water shall be available on-site at the temporary homeless encampment at all times. Adequate toilet facilities shall be provided on-site, as provided by MMC 22.90.010(H). All applicable city, county, health department, and state regulations pertaining to drinking water connections and solid waste disposal shall be met.

N. Periodic inspections of the temporary homeless encampment by public officials from agencies with applicable regulatory jurisdiction, including without limitation the fire marshal, may be conducted at reasonable times.

O. Open flames are prohibited in a temporary homeless encampment.

P. Temporary homeless encampments shall not cause or permit the intrusion of noise exceeding the thresholds set forth in WAC 173-60-040.

Q. The temporary homeless encampment shall ensure a minimum separation of six feet between structures, including tents.

R. An adequate power supply to the temporary homeless encampment is required; provided, that a properly permitted and installed construction site type electrical boxes may be approved by the zoning administrator.

S. If temporary structures other than tents are used for habitation within the encampment, each such structure shall have a door, at least one egress window, and shall be equipped with a functional smoke detector.

T. Only wired electrical heating is allowed within tents and other temporary structures used for habitation.

U. All tents exceeding three hundred square feet, and all canopies exceeding four hundred square feet, shall be comprised of flame retardant materials.

V. Reasonable additional conditions of approval may be established as deemed necessary by the zoning administrator in order to protect the health, safety and welfare of the public and the occupants of the temporary homeless encampment, as well as ensuring land use compatibility and minimizing potential impacts to neighboring properties.

W. The city may not grant a permit for a temporary tent encampment at the same location more frequently than once in every three-hundred-sixty-five-day period.

X. For temporary encampments located on property that is owned or controlled by a religious organization, as defined in RCW 35A.21.360, conditions of approval shall comply with RCW 35A.21.360 and applicable state and federal law concerning religious exercise.

Y. Temporary tent encampments may be approved for a period not to exceed ninety days for every three-hundred-sixty-five-day period. The said permit shall specify a date by which the use shall be terminated and the site vacated and restored to its pre-encampment condition.

~~((22.90.030 Frequency and Duration of Temporary Use.~~

~~The city may not grant a permit for a temporary tent encampment at the same location more frequently than once in every three hundred sixty five day period. Temporary tent encampments may be approved for a period not to exceed ninety days for every three-hundred sixty five day period. The said permit shall specify a date by which the use shall be terminated and the site vacated and restored to its pre-encampment condition.))~~

~~((22.90.040))~~**22.90.020 Application and review process.**

~~A. ((Notice Requirements for Temporary Tent Encampments))~~Application. The completed application for a temporary homeless encampment, which shall be signed by ~~((both the sponsor and-))~~the managing agency or sponsor ("applicant"), shall contain at a minimum contact information for the applicant, and detailed information regarding the following:~~((~~ (1) how the applicant will meet the requirements of the permit for a temporary tent encampment as set forth in this chapter; (2) potential adverse effects that the proposed encampment will likely have on neighboring properties and community; (3) measures to mitigate these adverse effects; (4) the written code of conduct adopted by the applicant for the temporary tent encampment; (5) provisions by applicant to meet requirements of the International Fire Code; and (6) certification that

~~the applicant has taken all reasonable and legal steps to obtain verifiable identification from current and prospective encampment residents and used the identification to obtain sex offender and warrant checks from appropriate agencies. The form of the notice and the application shall be provided by the community development department upon request by the sponsor and/or the managing agency.))~~

1. How the proposed encampment will meet the requirements set forth in this chapter;
2. Potential adverse effects that the proposed encampment will likely have on neighboring properties and the community;
3. Measures to mitigate such adverse effects;
4. A proposed written code of conduct t for the encampment;
5. Measures to meet the applicable requirements of the International Fire Code;  
and
6. Certification that the applicant has taken and will take all reasonable and legal steps to obtain verifiable identification from current and prospective encampment residents and used the identification to obtain sex offender and warrant checks from appropriate agencies. The form of the notice and the application shall be provided by the zoning administrator upon request by the applicant.

B. Public notice.

1. A notice of application for a temporary homeless encampment shall be provided prior to the issuance of the zoning administrator's decision approving, approving with conditions, or denying the application. The purpose of the notice is to inform the surrounding community of the application. Due to the administrative and temporary nature of the permit, there is no comment period. The notice shall contain, at a minimum:
  - a. The date the application was submitted;
  - b. The project location;
  - c. The proposed duration and operation of the encampment;
  - d. The conditions that will likely be placed on the operation of the encampment;
  - e. The requirements of the written code of conduct, if applicable;
  - f. The name and contact information of the applicant; and
  - g. Directions regarding how to obtain more information regarding the encampment and the applicant.
2. The community development department shall distribute the notice of application as follows:
  - a. The notice of application, or a summary thereof, will be published in the official newspaper of the city at least seven calendar days prior to the zoning administrator's decision approving, approving with conditions, or denying the application.
  - b. The notice of application, or a summary thereof, will be distributed to owners of all property within five hundred feet of any boundary of the subject property and residents and tenants adjacent to the subject property at least fourteen calendar days prior to the zoning administrator's decision approving, approving with conditions, or denying the application.

C. Community Meeting. A minimum of seven days prior to the issuance of the decision approving, approving with conditions or denying the application and fourteen calendar days prior to the anticipated start of a temporary homeless encampment, the applicant shall conduct a public informational meeting by providing mailed notice to owners of property within 500 feet of the subject property and residents and tenants adjacent to the subject property. The purpose of the community meeting is to provide the

surrounding community with information regarding the proposed duration and operation of the encampment, conditions that will likely be placed on the operation of the encampment, requirements of the written code of conduct, and to answer questions regarding the encampment.

D. Application review. The zoning administrator shall issue a decision approving, approving with conditions, or denying the application on a temporary homeless encampment application within fourteen days of the date that the application was submitted.

E. Decision. A notice of decision for the temporary encampment, or summary thereof, shall contain the decision of the zoning administrator approving, approving with conditions, or denying the application, and the appeal procedure, and be distributed as required for notice of application within four business days after the decision.

F. Appeal. The zoning administrator's decision approving, approving with conditions, or denying the application is appealable in the same manner as a Type I permit per MMC 22.84.080.

~~((A notice of application and copy of the application for a temporary tent encampment shall be provided at least fifteen days prior to the decision regarding the issuance of the permit. The purpose of the notice is to inform the surrounding community of the application. The notice shall contain, at a minimum, the date of application, project location, proposed duration and operation of the temporary encampment, number of residents for the encampment, conditions that will likely be placed on the operation of the encampment, and requirements of the written code of conduct. The applicant shall distribute said notice as follows:~~

- ~~1. A copy of the notice and application, or summary thereof, will be published in the official newspaper of the city.~~
- ~~2. A copy of the notice and application, or summary thereof, shall be (a) posted at two publicly visible locations on the site upon which the proposed temporary encampment will be located, and (b) mailed to owners of all property within five hundred feet of any boundary of the subject property, and any neighborhood organization in the vicinity of the encampment site whose contact information is known to or made known to the managing agency.~~

~~B. Review Process, Notice of Decision Regarding Issuance of Permit, and Appeal Procedure. After review of the application for a temporary encampment and an open record hearing pursuant to MMC Chapter 22.84, Permit Processing, the hearing examiner shall make a decision regarding the issuance of a temporary tent encampment permit. Before any temporary tent encampment permit may be granted, it shall be shown that:~~

- ~~1. The proposed use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the proposed encampment;~~
- ~~2. The proposed use shall meet the performance standards that are required in the zoning district the encampment will occupy and the requirements of this chapter;~~
- ~~3. The proposed use shall be in keeping with the goals and policies of the comprehensive plan;~~
- ~~4. All measures have been taken to minimize the possible adverse impacts, which the proposed encampment may have on the area in which it is located.~~

~~Because each temporary tent encampment has unique characteristics, including, but not limited to, size, duration, uses, number of occupants and composition, the hearing examiner shall have the authority to impose conditions to the issuance of the permit for temporary encampment to mitigate effects on the community upon finding that said effects are materially detrimental to the public welfare or injurious to the property or~~

~~improvements in the vicinity. Conditions, if imposed, must relate to findings by the hearing examiner, and must be calculated to minimize nuisance-generating features in matters of noise, waste, air quality, unsightliness, traffic, physical hazards and other similar matters that the temporary tent encampment may have on the area in which it is located. In cases where the application for temporary tent encampment does not meet the requirements or standards of this chapter or adequate mitigation may not be feasible or possible, the hearing examiner shall deny issuance of a temporary tent encampment permit.~~

~~If issued, the permit for the temporary tent encampment shall be issued jointly to the sponsor and managing agency. A notice of such decision stating whether the permit is granted or denied, along with information regarding the procedure for appeal of the decision, shall be mailed as required for the notice of application within three business days after the decision.~~

~~The hearing examiner's decision will be the city's final decision. Any appeal of the city's final decision may only be made to Snohomish County Superior Court in accordance with MMC 22.84.080 and Chapter 36.70C RCW. The burden of proof on appeal shall be on appellant.~~

~~C. Additional Requirements for Applications Requesting Modification of Standards for Temporary Encampments. For a temporary tent encampment, the applicant may apply for a temporary use permit that applies standards that differ from those in MMC 22.90.020 only where, in addition to satisfying the requirements in subsection (A) of this section, the applicant submits a description of the standard to be modified and demonstrates how the modification would result in a safe encampment with minimal negative impacts to the host community under the specific circumstances of the application. In considering whether the modification should be granted, the decision authority shall first consider the effects on the health and safety of encampment residents and the neighboring communities. Modifications should not be granted if their adverse impact on encampment residents and/or neighboring communities will be greater than those without modification. The burden of proof shall be on applicant.))~~

~~((22.90.050 No Intent to Create Protected/Benefited Class.~~

~~Provisions in this chapter are intended to promote the health, safety and welfare of the general public. Nothing contained herein is intended to be nor shall be construed to create or otherwise establish any particular class or group of persons who will or should be especially protected or benefited by the provisions in this chapter. The provisions in this chapter are not intended to be, nor shall be, construed to create any basis for liability on the part of the city, its officers, employees or agents for any injury or damage that an individual, class or group may claim arises from any action or inaction on the part of the city. Likewise, they are not intended to, nor shall be construed to, impose upon the city any duty that can become the basis of a legal action for injury or damage.))~~

Section 3. Public Hearing. The City Clerk is hereby authorized and directed to schedule a public hearing on the interim regulations set forth in this ordinance and to provide notice of said hearing in accordance with applicable standards and procedures. Said hearing shall be held no later than sixty days after the date of adoption hereof. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council may adopt additional legislative findings in support of this ordinance at the conclusion of said hearing.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Declaration of Emergency; Effective Date; Sunset. Based upon the findings set forth above, the City Council hereby declares a public emergency requiring this ordinance to take effect immediately. This ordinance shall accordingly be in full force and effect immediately upon passage, and shall remain effective for a period of six months unless terminated earlier or subsequently extended by the City Council. PROVIDED, that the City Council may, in its sole discretion, renew the interim zoning regulations set forth herein for one or more six month periods in accordance with state law.

ADOPTED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 11th day of June, 2019.

First Reading: June 11, 2019  
Adoption: June 11, 2019  
Published: June 14, 2019  
Effective: June 11, 2019

CITY OF MONROE, WASHINGTON:

  
\_\_\_\_\_  
Geoffrey Thomas, Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Elizabeth M. Adkisson, MMC, City Clerk  
\_\_\_\_\_  
J. Zachary Lell, City Attorney

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 1754**

Chapter 223, Laws of 2020

66th Legislature  
2020 Regular Session

RELIGIOUS ORGANIZATIONS--HOSTING OF THE HOMELESS

EFFECTIVE DATE: June 11, 2020

Passed by the House March 7, 2020  
Yeas 97 Nays 0

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Passed by the Senate March 3, 2020  
Yeas 42 Nays 7

CYRUS HABIB

**President of the Senate**

Approved March 31, 2020 10:45 AM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1754** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

**Chief Clerk**

FILED

March 31, 2020

**Secretary of State  
State of Washington**

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ENGROSSED SUBSTITUTE HOUSE BILL 1754

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AS AMENDED BY THE SENATE

Passed Legislature - 2020 Regular Session

**State of Washington**                      **66th Legislature**                      **2019 Regular Session**

**By** House Housing, Community Development & Veterans (originally sponsored by Representatives Santos, Jinkins, and Pollet)

READ FIRST TIME 02/21/19.

1            AN ACT Relating to the hosting of the homeless by religious  
2 organizations; amending RCW 36.01.290, 35.21.915, and 35A.21.360; and  
3 creating a new section.

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

5            NEW SECTION.    **Sec. 1.**    (1) The legislature makes the following  
6 findings:

7            (a) Residents in temporary settings hosted by religious  
8 organizations are a particularly vulnerable population that do not  
9 have access to the same services as citizens with more stable  
10 housing.

11           (b) Residents in these settings, including outdoor uses such as  
12 outdoor encampments, indoor overnight shelters, temporary small  
13 houses on-site, and homeless-occupied vehicle resident safe parking,  
14 can be at increased risk of exploitation, theft, unsanitary living  
15 conditions, and physical harm.

16           (c) Furthermore, the legislature finds and declares that hosted  
17 outdoor encampments, indoor overnight shelters, temporary small  
18 houses on-site, and homeless-occupied vehicle resident safe parking  
19 serve as pathways for individuals experiencing homelessness to  
20 receive services and achieve financial stability, health, and  
21 permanent housing.

1 (2) The legislature intends that local municipalities have the  
2 discretion to protect the health and safety of both residents in  
3 temporary settings that are hosted by religious organizations and the  
4 surrounding community. The legislature encourages local jurisdictions  
5 and religious organizations to work together collaboratively to  
6 protect the health and safety of residents and the surrounding  
7 community while allowing religious organizations to fulfill their  
8 mission to serve the homeless. The legislature further intends to  
9 monitor the implementation of this act and continue to refine it to  
10 achieve these goals.

11 **Sec. 2.** RCW 36.01.290 and 2010 c 175 s 2 are each amended to  
12 read as follows:

13 (1) A religious organization may host (~~temporary encampments~~  
14 ~~for~~) the homeless on property owned or controlled by the religious  
15 organization whether within buildings located on the property or  
16 elsewhere on the property outside of buildings.

17 (2) Except as provided in subsection (7) of this section, a  
18 county may not enact an ordinance or regulation or take any other  
19 action that:

20 (a) Imposes conditions other than those necessary to protect  
21 public health and safety and that do not substantially burden the  
22 decisions or actions of a religious organization regarding the  
23 location of housing or shelter, such as an outdoor encampment, indoor  
24 overnight shelter, temporary small house on-site, or vehicle resident  
25 safe parking, for homeless persons on property owned or controlled by  
26 the religious organization;

27 (b) Requires a religious organization to obtain insurance  
28 pertaining to the liability of a municipality with respect to  
29 homeless persons housed on property owned by a religious organization  
30 or otherwise requires the religious organization to indemnify the  
31 municipality against such liability; (~~or~~)

32 (c) Imposes permit fees in excess of the actual costs associated  
33 with the review and approval of (~~the required~~) permit applications.  
34 A county has discretion to reduce or waive permit fees for a  
35 religious organization that is hosting the homeless;

36 (d) Specifically limits a religious organization's availability  
37 to host an outdoor encampment on its property or property controlled  
38 by the religious organization to fewer than six months during any  
39 calendar year. However, a county may enact an ordinance or regulation

1 that requires a separation of time of no more than three months  
2 between subsequent or established outdoor encampments at a particular  
3 site;

4 (e) Specifically limits a religious organization's outdoor  
5 encampment hosting term to fewer than four consecutive months;

6 (f) Limits the number of simultaneous religious organization  
7 outdoor encampment hostings within the same municipality during any  
8 given period of time. Simultaneous and adjacent hostings of outdoor  
9 encampments by religious organizations may be limited if located  
10 within one thousand feet of another outdoor encampment concurrently  
11 hosted by a religious organization;

12 (g) Limits a religious organization's availability to host safe  
13 parking efforts at its on-site parking lot, including limitations on  
14 any other congregationally sponsored uses and the parking available  
15 to support such uses during the hosting, except for limitations that  
16 are in accord with the following criteria that would govern if  
17 enacted by local ordinance or memorandum of understanding between the  
18 host religious organization and the jurisdiction:

19 (i) No less than one space may be devoted to safe parking per ten  
20 on-site parking spaces;

21 (ii) Restroom access must be provided either within the buildings  
22 on the property or through use of portable facilities, with the  
23 provision for proper disposal of waste if recreational vehicles are  
24 hosted; and

25 (iii) Religious organizations providing spaces for safe parking  
26 must continue to abide by any existing on-site parking minimum  
27 requirement so that the provision of safe parking spaces does not  
28 reduce the total number of available parking spaces below the minimum  
29 number of spaces required by the county, but a county may enter into  
30 a memorandum of understanding with a religious organization that  
31 reduces the minimum number of on-site parking spaces required;

32 (h) Limits a religious organization's availability to host an  
33 indoor overnight shelter in spaces with at least two accessible exits  
34 due to lack of sprinklers or other fire-related concerns, except  
35 that:

36 (i) If a county fire official finds that fire-related concerns  
37 associated with an indoor overnight shelter pose an imminent danger  
38 to persons within the shelter, the county may take action to limit  
39 the religious organization's availability to host the indoor  
40 overnight shelter; and

1 (ii) A county may require a host religious organization to enter  
2 into a memorandum of understanding for fire safety that includes  
3 local fire district inspections, an outline for appropriate emergency  
4 procedures, a determination of the most viable means to evacuate  
5 occupants from inside the host site with appropriate illuminated exit  
6 signage, panic bar exit doors, and a completed fire watch agreement  
7 indicating:

8 (A) Posted safe means of egress;

9 (B) Operable smoke detectors, carbon monoxide detectors as  
10 necessary, and fire extinguishers;

11 (C) A plan for monitors who spend the night awake and are  
12 familiar with emergency protocols, who have suitable communication  
13 devices, and who know how to contact the local fire department; or

14 (i) Limits a religious organization's ability to host temporary  
15 small houses on land owned or controlled by the religious  
16 organization, except for recommendations that are in accord with the  
17 following criteria:

18 (i) A renewable one-year duration agreed to by the host religious  
19 organization and local jurisdiction via a memorandum of  
20 understanding;

21 (ii) Maintaining a maximum unit square footage of one hundred  
22 twenty square feet, with units set at least six feet apart;

23 (iii) Electricity and heat, if provided, must be inspected by the  
24 local jurisdiction;

25 (iv) Space heaters, if provided, must be approved by the local  
26 fire authority;

27 (v) Doors and windows must be included and be lockable, with a  
28 recommendation that the managing agency and host religious  
29 organization also possess keys;

30 (vi) Each unit must have a fire extinguisher;

31 (vii) Adequate restrooms must be provided, including restrooms  
32 solely for families if present, along with handwashing and potable  
33 running water to be available if not provided within the individual  
34 units, including accommodating black water;

35 (viii) A recommendation for the host religious organization to  
36 partner with regional homeless service providers to develop pathways  
37 to permanent housing.

38 (3) (a) A county may enact an ordinance or regulation or take any  
39 other action that requires a host religious organization and a  
40 distinct managing agency using the religious organization's property,

1 owned or controlled by the religious organization, for hostings to  
2 include outdoor encampments, temporary small houses on-site, indoor  
3 overnight shelters, or vehicle resident safe parking to enter into a  
4 memorandum of understanding to protect the public health and safety  
5 of both the residents of the particular hosting and the residents of  
6 the county.

7 (b) At a minimum, the agreement must include information  
8 regarding: The right of a resident in an outdoor encampment, vehicle  
9 resident safe parking, temporary small house on-site, or indoor  
10 overnight shelter to seek public health and safety assistance, the  
11 resident's ability to access social services on-site, and the  
12 resident's ability to directly interact with the host religious  
13 organization, including the ability to express any concerns regarding  
14 the managing agency to the religious organization; a written code of  
15 conduct agreed to by the managing agency, if any, host religious  
16 organization, and all volunteers working with residents of the  
17 outdoor encampment, temporary small house on-site, indoor overnight  
18 shelter, or vehicle resident safe parking; and when a publicly funded  
19 managing agency exists, the ability for the host religious  
20 organization to interact with residents of the outdoor encampment,  
21 indoor overnight shelter, temporary small house on-site, or vehicle  
22 resident safe parking using a release of information.

23 (4) If required to do so by the county, any host religious  
24 organization performing any hosting of an outdoor encampment, vehicle  
25 resident safe parking, or indoor overnight shelter, or the host  
26 religious organization's managing agency, must ensure that the county  
27 or local law enforcement agency has completed sex offender checks of  
28 all adult residents and guests. The host religious organization  
29 retains the authority to allow such offenders to remain on the  
30 property. A host religious organization or host religious  
31 organization's managing agency performing any hosting of vehicle  
32 resident safe parking must inform vehicle residents how to comply  
33 with laws regarding the legal status of vehicles and drivers, and  
34 provide a written code of conduct consistent with area standards.

35 (5) Any host religious organization performing any hosting of an  
36 outdoor encampment, vehicle resident safe parking, temporary small  
37 house on-site, or indoor overnight shelter, with a publicly funded  
38 managing agency, must work with the county to utilize Washington's  
39 homeless client management information system, as provided for in RCW  
40 43.185C.180. When the religious organization does not partner with a

1 managing agency, the religious organization is encouraged to partner  
2 with a local homeless services provider using the Washington homeless  
3 client managing information system. Any managing agency receiving any  
4 funding from local continuum of care programs must utilize the  
5 homeless client management information system. Temporary, overnight,  
6 extreme weather shelter provided in religious organization buildings  
7 does not need to meet this requirement.

8 (6) For the purposes of this section((7)):

9 (a) "Managing agency" means an organization such as a religious  
10 organization or other organized entity that has the capacity to  
11 organize and manage a homeless outdoor encampment, temporary small  
12 houses on-site, indoor overnight shelter, and a vehicle resident safe  
13 parking program.

14 (b) "Outdoor encampment" means any temporary tent or structure  
15 encampment, or both.

16 (c) "Religious organization" means the federally protected  
17 practice of a recognized religious assembly, school, or institution  
18 that owns or controls real property.

19 (d) "Temporary" means not affixed to land permanently and not  
20 using underground utilities.

21 ((4)) (7)(a) Subsection (2) of this section does not affect a  
22 county policy, ordinance, memorandum of understanding, or applicable  
23 consent decree that regulates religious organizations' hosting of the  
24 homeless if such policies, ordinances, memoranda of understanding, or  
25 consent decrees:

26 (i) Exist prior to the effective date of this section;

27 (ii) Do not categorically prohibit the hosting of the homeless by  
28 religious organizations; and

29 (iii) Have not been previously ruled by a court to violate the  
30 religious land use and institutionalized persons act, 42 U.S.C. Sec.  
31 2000cc.

32 (b) If such policies, ordinances, memoranda of understanding, and  
33 consent decrees are amended after the effective date of this section,  
34 those amendments are not affected by subsection (2) of this section  
35 if those amendments satisfy (a)(ii) and (iii) of this subsection.

36 (8) An appointed or elected public official, public employee, or  
37 public agency as defined in RCW 4.24.470 is immune from civil  
38 liability for (a) damages arising from the permitting decisions for a  
39 temporary encampment for the homeless as provided in this section and  
40 (b) any conduct or unlawful activity that may occur as a result of

1 the temporary encampment for the homeless as provided in this  
2 section.

3 (9) A religious organization hosting outdoor encampments, vehicle  
4 resident safe parking, or indoor overnight shelters for the homeless  
5 that receives funds from any government agency may not refuse to host  
6 any resident or prospective resident because of age, sex, marital  
7 status, sexual orientation, race, creed, color, national origin,  
8 honorably discharged veteran or military status, or the presence of  
9 any sensory, mental, or physical disability or the use of a trained  
10 dog guide or service animal by a person with a disability, as these  
11 terms are defined in RCW 49.60.040.

12 (10)(a) Prior to the opening of an outdoor encampment, indoor  
13 overnight shelter, temporary small house on-site, or vehicle resident  
14 safe parking, a religious organization hosting the homeless on  
15 property owned or controlled by the religious organization must host  
16 a meeting open to the public for the purpose of providing a forum for  
17 discussion of related neighborhood concerns, unless the use is in  
18 response to a declared emergency. The religious organization must  
19 provide written notice of the meeting to the county legislative  
20 authority at least one week if possible but no later than ninety-six  
21 hours prior to the meeting. The notice must specify the time, place,  
22 and purpose of the meeting.

23 (b) A county must provide community notice of the meeting  
24 described in (a) of this subsection by taking at least two of the  
25 following actions at any time prior to the time of the meeting:

26 (i) Delivering to each local newspaper of general circulation and  
27 local radio or television station that has on file with the governing  
28 body a written request to be notified of special meetings;

29 (ii) Posting on the county's web site. A county is not required  
30 to post a special meeting notice on its web site if it: (A) Does not  
31 have a web site; (B) employs fewer than ten full-time equivalent  
32 employees; or (C) does not employ personnel whose duty, as defined by  
33 a job description or existing contract, is to maintain or update the  
34 web site;

35 (iii) Prominently displaying, on signage at least two feet in  
36 height and two feet in width, one or more meeting notices that can be  
37 placed on or adjacent to the main arterials in proximity to the  
38 location of the meeting; or

39 (iv) Prominently displaying the notice at the meeting site.

1       **Sec. 3.** RCW 35.21.915 and 2010 c 175 s 3 are each amended to  
2 read as follows:

3       (1) A religious organization may host (~~temporary encampments~~  
4 ~~for~~) the homeless on property owned or controlled by the religious  
5 organization whether within buildings located on the property or  
6 elsewhere on the property outside of buildings.

7       (2) Except as provided in subsection (7) of this section, a city  
8 or town may not enact an ordinance or regulation or take any other  
9 action that:

10       (a) Imposes conditions other than those necessary to protect  
11 public health and safety and that do not substantially burden the  
12 decisions or actions of a religious organization regarding the  
13 location of housing or shelter, such as an outdoor encampment, indoor  
14 overnight shelter, temporary small house on-site, or vehicle resident  
15 safe parking, for homeless persons on property owned or controlled by  
16 the religious organization;

17       (b) Requires a religious organization to obtain insurance  
18 pertaining to the liability of a municipality with respect to  
19 homeless persons housed on property owned by a religious organization  
20 or otherwise requires the religious organization to indemnify the  
21 municipality against such liability; (~~or~~)

22       (c) Imposes permit fees in excess of the actual costs associated  
23 with the review and approval of (~~the required~~) permit applications.  
24 A city or town has discretion to reduce or waive permit fees for a  
25 religious organization that is hosting the homeless;

26       (d) Specifically limits a religious organization's availability  
27 to host an outdoor encampment on its property or property controlled  
28 by the religious organization to fewer than six months during any  
29 calendar year. However, a city or town may enact an ordinance or  
30 regulation that requires a separation of time of no more than three  
31 months between subsequent or established outdoor encampments at a  
32 particular site;

33       (e) Specifically limits a religious organization's outdoor  
34 encampment hosting term to fewer than four consecutive months;

35       (f) Limits the number of simultaneous religious organization  
36 outdoor encampment hostings within the same municipality during any  
37 given period of time. Simultaneous and adjacent hostings of outdoor  
38 encampments by religious organizations may be limited if located  
39 within one thousand feet of another outdoor encampment concurrently  
40 hosted by a religious organization;

1 (g) Limits a religious organization's availability to host safe  
2 parking efforts at its on-site parking lot, including limitations on  
3 any other congregationally sponsored uses and the parking available  
4 to support such uses during the hosting, except for limitations that  
5 are in accord with the following criteria that would govern if  
6 enacted by local ordinance or memorandum of understanding between the  
7 host religious organization and the jurisdiction:

8 (i) No less than one space may be devoted to safe parking per ten  
9 on-site parking spaces;

10 (ii) Restroom access must be provided either within the buildings  
11 on the property or through use of portable facilities, with the  
12 provision for proper disposal of waste if recreational vehicles are  
13 hosted; and

14 (iii) Religious organizations providing spaces for safe parking  
15 must continue to abide by any existing on-site parking minimum  
16 requirement so that the provision of safe parking spaces does not  
17 reduce the total number of available parking spaces below the minimum  
18 number of spaces required by the city or town, but a city or town may  
19 enter into a memorandum of understanding with a religious  
20 organization that reduces the minimum number of on-site parking  
21 spaces required;

22 (h) Limits a religious organization's availability to host an  
23 indoor overnight shelter in spaces with at least two accessible exits  
24 due to lack of sprinklers or other fire-related concerns, except  
25 that:

26 (i) If a city or town fire official finds that fire-related  
27 concerns associated with an indoor overnight shelter pose an imminent  
28 danger to persons within the shelter, the city or town may take  
29 action to limit the religious organization's availability to host the  
30 indoor overnight shelter; and

31 (ii) A city or town may require a host religious organization to  
32 enter into a memorandum of understanding for fire safety that  
33 includes local fire district inspections, an outline for appropriate  
34 emergency procedures, a determination of the most viable means to  
35 evacuate occupants from inside the host site with appropriate  
36 illuminated exit signage, panic bar exit doors, and a completed fire  
37 watch agreement indicating:

38 (A) Posted safe means of egress;

39 (B) Operable smoke detectors, carbon monoxide detectors as  
40 necessary, and fire extinguishers;

1 (C) A plan for monitors who spend the night awake and are  
2 familiar with emergency protocols, who have suitable communication  
3 devices, and who know how to contact the local fire department; or

4 (i) Limits a religious organization's ability to host temporary  
5 small houses on land owned or controlled by the religious  
6 organization, except for recommendations that are in accord with the  
7 following criteria:

8 (i) A renewable one-year duration agreed to by the host religious  
9 organization and local jurisdiction via a memorandum of  
10 understanding;

11 (ii) Maintaining a maximum unit square footage of one hundred  
12 twenty square feet, with units set at least six feet apart;

13 (iii) Electricity and heat, if provided, must be inspected by the  
14 local jurisdiction;

15 (iv) Space heaters, if provided, must be approved by the local  
16 fire authority;

17 (v) Doors and windows must be included and be lockable, with a  
18 recommendation that the managing agency and host religious  
19 organization also possess keys;

20 (vi) Each unit must have a fire extinguisher;

21 (vii) Adequate restrooms must be provided, including restrooms  
22 solely for families if present, along with handwashing and potable  
23 running water to be available if not provided within the individual  
24 units, including accommodating black water;

25 (viii) A recommendation for the host religious organization to  
26 partner with regional homeless service providers to develop pathways  
27 to permanent housing.

28 (3)(a) A city or town may enact an ordinance or regulation or  
29 take any other action that requires a host religious organization and  
30 a distinct managing agency using the religious organization's  
31 property, owned or controlled by the religious organization, for  
32 hostings to include outdoor encampments, temporary small houses on-  
33 site, indoor overnight shelters, or vehicle resident safe parking to  
34 enter into a memorandum of understanding to protect the public health  
35 and safety of both the residents of the particular hosting and the  
36 residents of the city or town.

37 (b) At a minimum, the agreement must include information  
38 regarding: The right of a resident in an outdoor encampment, vehicle  
39 resident safe parking, temporary small house on-site, or indoor  
40 overnight shelter to seek public health and safety assistance, the

1 resident's ability to access social services on-site, and the  
2 resident's ability to directly interact with the host religious  
3 organization, including the ability to express any concerns regarding  
4 the managing agency to the religious organization; a written code of  
5 conduct agreed to by the managing agency, if any, host religious  
6 organization, and all volunteers working with residents of the  
7 outdoor encampment, temporary small house on-site, indoor overnight  
8 shelter, or vehicle resident safe parking; and when a publicly funded  
9 managing agency exists, the ability for the host religious  
10 organization to interact with residents of the outdoor encampment,  
11 indoor overnight shelter, temporary small house on-site, or vehicle  
12 resident safe parking using a release of information.

13 (4) If required to do so by a city or town, any host religious  
14 organization performing any hosting of an outdoor encampment, vehicle  
15 resident safe parking, or indoor overnight shelter, or the host  
16 religious organization's managing agency, must ensure that the city  
17 or town or local law enforcement agency has completed sex offender  
18 checks of all adult residents and guests. The host religious  
19 organization retains the authority to allow such offenders to remain  
20 on the property. A host religious organization or host religious  
21 organization's managing agency performing any hosting of vehicle  
22 resident safe parking must inform vehicle residents how to comply  
23 with laws regarding the legal status of vehicles and drivers, and  
24 provide a written code of conduct consistent with area standards.

25 (5) Any host religious organization performing any hosting of an  
26 outdoor encampment, vehicle resident safe parking, temporary small  
27 house on-site, or indoor overnight shelter, with a publicly funded  
28 managing agency, must work with the city or town to utilize  
29 Washington's homeless client management information system, as  
30 provided for in RCW 43.185C.180. When the religious organization does  
31 not partner with a managing agency, the religious organization is  
32 encouraged to partner with a local homeless services provider using  
33 the Washington homeless client managing information system. Any  
34 managing agency receiving any funding from local continuum of care  
35 programs must utilize the homeless client management information  
36 system. Temporary, overnight, extreme weather shelter provided in  
37 religious organization buildings does not need to meet this  
38 requirement.

39 (6) For the purposes of this section((7)):

1 (a) "Managing agency" means an organization such as a religious  
2 organization or other organized entity that has the capacity to  
3 organize and manage a homeless outdoor encampment, temporary small  
4 houses on-site, indoor overnight shelter, and a vehicle resident safe  
5 parking program.

6 (b) "Outdoor encampment" means any temporary tent or structure  
7 encampment, or both.

8 (c) "Religious organization" means the federally protected  
9 practice of a recognized religious assembly, school, or institution  
10 that owns or controls real property.

11 (d) "Temporary" means not affixed to land permanently and not  
12 using underground utilities.

13 ((4)) (7)(a) Subsection (2) of this section does not affect a  
14 city or town policy, ordinance, memorandum of understanding, or  
15 applicable consent decree that regulates religious organizations'  
16 hosting of the homeless if such policies, ordinances, memoranda of  
17 understanding, or consent decrees:

18 (i) Exist prior to the effective date of this section;

19 (ii) Do not categorically prohibit the hosting of the homeless by  
20 religious organizations; and

21 (iii) Have not been previously ruled by a court to violate the  
22 religious land use and institutionalized persons act, 42 U.S.C. Sec.  
23 2000cc.

24 (b) If such policies, ordinances, memoranda of understanding, and  
25 consent decrees are amended after the effective date of this section,  
26 those amendments are not affected by subsection (2) of this section  
27 if those amendments satisfy (a) (ii) and (iii) of this subsection.

28 (8) An appointed or elected public official, public employee, or  
29 public agency as defined in RCW 4.24.470 is immune from civil  
30 liability for (a) damages arising from the permitting decisions for a  
31 temporary encampment for the homeless as provided in this section and  
32 (b) any conduct or unlawful activity that may occur as a result of  
33 the temporary encampment for the homeless as provided in this  
34 section.

35 (9) A religious organization hosting outdoor encampments, vehicle  
36 resident safe parking, or indoor overnight shelters for the homeless  
37 that receives funds from any government agency may not refuse to host  
38 any resident or prospective resident because of age, sex, marital  
39 status, sexual orientation, race, creed, color, national origin,  
40 honorably discharged veteran or military status, or the presence of

1 any sensory, mental, or physical disability or the use of a trained  
2 dog guide or service animal by a person with a disability, as these  
3 terms are defined in RCW 49.60.040.

4 (10)(a) Prior to the opening of an outdoor encampment, indoor  
5 overnight shelter, temporary small house on-site, or vehicle resident  
6 safe parking, a religious organization hosting the homeless on  
7 property owned or controlled by the religious organization must host  
8 a meeting open to the public for the purpose of providing a forum for  
9 discussion of related neighborhood concerns, unless the use is in  
10 response to a declared emergency. The religious organization must  
11 provide written notice of the meeting to the city or town legislative  
12 authority at least one week if possible but no later than ninety-six  
13 hours prior to the meeting. The notice must specify the time, place,  
14 and purpose of the meeting.

15 (b) A city or town must provide community notice of the meeting  
16 described in (a) of this subsection by taking at least two of the  
17 following actions at any time prior to the time of the meeting:

18 (i) Delivering to each local newspaper of general circulation and  
19 local radio or television station that has on file with the governing  
20 body a written request to be notified of special meetings;

21 (ii) Posting on the city or town's web site. A city or town is  
22 not required to post a special meeting notice on its web site if it:  
23 (A) Does not have a web site; (B) employs fewer than ten full-time  
24 equivalent employees; or (C) does not employ personnel whose duty, as  
25 defined by a job description or existing contract, is to maintain or  
26 update the web site;

27 (iii) Prominently displaying, on signage at least two feet in  
28 height and two feet in width, one or more meeting notices that can be  
29 placed on or adjacent to the main arterials in proximity to the  
30 location of the meeting; or

31 (iv) Prominently displaying the notice at the meeting site.

32 **Sec. 4.** RCW 35A.21.360 and 2010 c 175 s 4 are each amended to  
33 read as follows:

34 (1) A religious organization may host (~~temporary encampments~~  
35 ~~for~~) the homeless on property owned or controlled by the religious  
36 organization whether within buildings located on the property or  
37 elsewhere on the property outside of buildings.

1       (2) Except as provided in subsection (7) of this section, a code  
2 city may not enact an ordinance or regulation or take any other  
3 action that:

4       (a) Imposes conditions other than those necessary to protect  
5 public health and safety and that do not substantially burden the  
6 decisions or actions of a religious organization regarding the  
7 location of housing or shelter, such as an outdoor encampment, indoor  
8 overnight shelter, temporary small house on-site, or vehicle resident  
9 safe parking, for homeless persons on property owned or controlled by  
10 the religious organization;

11       (b) Requires a religious organization to obtain insurance  
12 pertaining to the liability of a municipality with respect to  
13 homeless persons housed on property owned by a religious organization  
14 or otherwise requires the religious organization to indemnify the  
15 municipality against such liability; ~~((or))~~

16       (c) Imposes permit fees in excess of the actual costs associated  
17 with the review and approval of ~~((the required))~~ permit applications.  
18 A code city has discretion to reduce or waive permit fees for a  
19 religious organization that is hosting the homeless;

20       (d) Specifically limits a religious organization's availability  
21 to host an outdoor encampment on its property or property controlled  
22 by the religious organization to fewer than six months during any  
23 calendar year. However, a code city may enact an ordinance or  
24 regulation that requires a separation of time of no more than three  
25 months between subsequent or established outdoor encampments at a  
26 particular site;

27       (e) Specifically limits a religious organization's outdoor  
28 encampment hosting term to fewer than four consecutive months;

29       (f) Limits the number of simultaneous religious organization  
30 outdoor encampment hostings within the same municipality during any  
31 given period of time. Simultaneous and adjacent hostings of outdoor  
32 encampments by religious organizations may be limited if located  
33 within one thousand feet of another outdoor encampment concurrently  
34 hosted by a religious organization;

35       (g) Limits a religious organization's availability to host safe  
36 parking efforts at its on-site parking lot, including limitations on  
37 any other congregationally sponsored uses and the parking available  
38 to support such uses during the hosting, except for limitations that  
39 are in accord with the following criteria that would govern if

1 enacted by local ordinance or memorandum of understanding between the  
2 host religious organization and the jurisdiction:

3 (i) No less than one space may be devoted to safe parking per ten  
4 on-site parking spaces;

5 (ii) Restroom access must be provided either within the buildings  
6 on the property or through use of portable facilities, with the  
7 provision for proper disposal of waste if recreational vehicles are  
8 hosted; and

9 (iii) Religious organizations providing spaces for safe parking  
10 must continue to abide by any existing on-site parking minimum  
11 requirement so that the provision of safe parking spaces does not  
12 reduce the total number of available parking spaces below the minimum  
13 number of spaces required by the code city, but a code city may enter  
14 into a memorandum of understanding with a religious organization that  
15 reduces the minimum number of on-site parking spaces required;

16 (h) Limits a religious organization's availability to host an  
17 indoor overnight shelter in spaces with at least two accessible exits  
18 due to lack of sprinklers or other fire-related concerns, except  
19 that:

20 (i) If a code city fire official finds that fire-related concerns  
21 associated with an indoor overnight shelter pose an imminent danger  
22 to persons within the shelter, the code city may take action to limit  
23 the religious organization's availability to host the indoor  
24 overnight shelter; and

25 (ii) A code city may require a host religious organization to  
26 enter into a memorandum of understanding for fire safety that  
27 includes local fire district inspections, an outline for appropriate  
28 emergency procedures, a determination of the most viable means to  
29 evacuate occupants from inside the host site with appropriate  
30 illuminated exit signage, panic bar exit doors, and a completed fire  
31 watch agreement indicating:

32 (A) Posted safe means of egress;

33 (B) Operable smoke detectors, carbon monoxide detectors as  
34 necessary, and fire extinguishers;

35 (C) A plan for monitors who spend the night awake and are  
36 familiar with emergency protocols, who have suitable communication  
37 devices, and who know how to contact the local fire department; or

38 (i) Limits a religious organization's ability to host temporary  
39 small houses on land owned or controlled by the religious

1 organization, except for recommendations that are in accord with the  
2 following criteria:

3 (i) A renewable one-year duration agreed to by the host religious  
4 organization and local jurisdiction via a memorandum of  
5 understanding;

6 (ii) Maintaining a maximum unit square footage of one hundred  
7 twenty square feet, with units set at least six feet apart;

8 (iii) Electricity and heat, if provided, must be inspected by the  
9 local jurisdiction;

10 (iv) Space heaters, if provided, must be approved by the local  
11 fire authority;

12 (v) Doors and windows must be included and be lockable, with a  
13 recommendation that the managing agency and host religious  
14 organization also possess keys;

15 (vi) Each unit must have a fire extinguisher;

16 (vii) Adequate restrooms must be provided, including restrooms  
17 solely for families if present, along with handwashing and potable  
18 running water to be available if not provided within the individual  
19 units, including accommodating black water;

20 (viii) A recommendation for the host religious organization to  
21 partner with regional homeless service providers to develop pathways  
22 to permanent housing.

23 (3)(a) A code city may enact an ordinance or regulation or take  
24 any other action that requires a host religious organization and a  
25 distinct managing agency using the religious organization's property,  
26 owned or controlled by the religious organization, for hostings to  
27 include outdoor encampments, temporary small houses on-site, indoor  
28 overnight shelters, or vehicle resident safe parking to enter into a  
29 memorandum of understanding to protect the public health and safety  
30 of both the residents of the particular hosting and the residents of  
31 the code city.

32 (b) At a minimum, the agreement must include information  
33 regarding: The right of a resident in an outdoor encampment, vehicle  
34 resident safe parking, temporary small house on-site, or indoor  
35 overnight shelter to seek public health and safety assistance, the  
36 resident's ability to access social services on-site, and the  
37 resident's ability to directly interact with the host religious  
38 organization, including the ability to express any concerns regarding  
39 the managing agency to the religious organization; a written code of  
40 conduct agreed to by the managing agency, if any, host religious

1 organization, and all volunteers working with residents of the  
2 outdoor encampment, temporary small house on-site, indoor overnight  
3 shelter, or vehicle resident safe parking; and when a publicly funded  
4 managing agency exists, the ability for the host religious  
5 organization to interact with residents of the outdoor encampment,  
6 indoor overnight shelter, temporary small house on-site, or vehicle  
7 resident safe parking using a release of information.

8 (4) If required to do so by a code city, any host religious  
9 organization performing any hosting of an outdoor encampment, vehicle  
10 resident safe parking, or indoor overnight shelter, or the host  
11 religious organization's managing agency, must ensure that the code  
12 city or local law enforcement agency has completed sex offender  
13 checks of all adult residents and guests. The host religious  
14 organization retains the authority to allow such offenders to remain  
15 on the property. A host religious organization or host religious  
16 organization's managing agency performing any hosting of vehicle  
17 resident safe parking must inform vehicle residents how to comply  
18 with laws regarding the legal status of vehicles and drivers, and  
19 provide a written code of conduct consistent with area standards.

20 (5) Any host religious organization performing any hosting of an  
21 outdoor encampment, vehicle resident safe parking, temporary small  
22 house on-site, or indoor overnight shelter, with a publicly funded  
23 managing agency, must work with the code city to utilize Washington's  
24 homeless client management information system, as provided for in RCW  
25 43.185C.180. When the religious organization does not partner with a  
26 managing agency, the religious organization is encouraged to partner  
27 with a local homeless services provider using the Washington homeless  
28 client managing information system. Any managing agency receiving any  
29 funding from local continuum of care programs must utilize the  
30 homeless client management information system. Temporary, overnight,  
31 extreme weather shelter provided in religious organization buildings  
32 does not need to meet this requirement.

33 (6) For the purposes of this section((7)):

34 (a) "Managing agency" means an organization such as a religious  
35 organization or other organized entity that has the capacity to  
36 organize and manage a homeless outdoor encampment, temporary small  
37 houses on-site, indoor overnight shelter, and a vehicle resident safe  
38 parking program.

39 (b) "Outdoor encampment" means any temporary tent or structure  
40 encampment, or both.

1        (c) "Religious organization" means the federally protected  
2 practice of a recognized religious assembly, school, or institution  
3 that owns or controls real property.

4        (d) "Temporary" means not affixed to land permanently and not  
5 using underground utilities.

6        ~~((4))~~ (7)(a) Subsection (2) of this section does not affect a  
7 code city policy, ordinance, memorandum of understanding, or  
8 applicable consent decree that regulates religious organizations'  
9 hosting of the homeless if such policies, ordinances, memoranda of  
10 understanding, or consent decrees:

11        (i) Exist prior to the effective date of this section;

12        (ii) Do not categorically prohibit the hosting of the homeless by  
13 religious organizations; and

14        (iii) Have not been previously ruled by a court to violate the  
15 religious land use and institutionalized persons act, 42 U.S.C. Sec.  
16 2000cc.

17        (b) If such policies, ordinances, memoranda of understanding, and  
18 consent decrees are amended after the effective date of this section,  
19 those amendments are not affected by subsection (2) of this section  
20 if those amendments satisfy (a)(ii) and (iii) of this subsection.

21        (8) An appointed or elected public official, public employee, or  
22 public agency as defined in RCW 4.24.470 is immune from civil  
23 liability for (a) damages arising from the permitting decisions for a  
24 temporary encampment for the homeless as provided in this section and  
25 (b) any conduct or unlawful activity that may occur as a result of  
26 the temporary encampment for the homeless as provided in this  
27 section.

28        (9) A religious organization hosting outdoor encampments, vehicle  
29 resident safe parking, or indoor overnight shelters for the homeless  
30 that receives funds from any government agency may not refuse to host  
31 any resident or prospective resident because of age, sex, marital  
32 status, sexual orientation, race, creed, color, national origin,  
33 honorably discharged veteran or military status, or the presence of  
34 any sensory, mental, or physical disability or the use of a trained  
35 dog guide or service animal by a person with a disability, as these  
36 terms are defined in RCW 49.60.040.

37        (10)(a) Prior to the opening of an outdoor encampment, indoor  
38 overnight shelter, temporary small house on-site, or vehicle resident  
39 safe parking, a religious organization hosting the homeless on  
40 property owned or controlled by the religious organization must host

1 a meeting open to the public for the purpose of providing a forum for  
2 discussion of related neighborhood concerns, unless the use is in  
3 response to a declared emergency. The religious organization must  
4 provide written notice of the meeting to the code city legislative  
5 authority at least one week if possible but no later than ninety-six  
6 hours prior to the meeting. The notice must specify the time, place,  
7 and purpose of the meeting.

8 (b) A code city must provide community notice of the meeting  
9 described in (a) of this subsection by taking at least two of the  
10 following actions at any time prior to the time of the meeting:

11 (i) Delivering to each local newspaper of general circulation and  
12 local radio or television station that has on file with the governing  
13 body a written request to be notified of special meetings;

14 (ii) Posting on the code city's web site. A code city is not  
15 required to post a special meeting notice on its web site if it: (A)  
16 Does not have a web site; (B) employs fewer than ten full-time  
17 equivalent employees; or (C) does not employ personnel whose duty, as  
18 defined by a job description or existing contract, is to maintain or  
19 update the web site;

20 (iii) Prominently displaying, on signage at least two feet in  
21 height and two feet in width, one or more meeting notices that can be  
22 placed on or adjacent to the main arterials in proximity to the  
23 location of the meeting; or

24 (iv) Prominently displaying the notice at the meeting site.

Passed by the House March 7, 2020.

Passed by the Senate March 3, 2020.

Approved by the Governor March 31, 2020.

Filed in Office of Secretary of State March 31, 2020.

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