

Subject: Ordinances #1529, 1530, 1531, 1532 – Regulating Temporary Encampments

**FOR INFORMATION ONLY
 NOT FOR DISCUSSION**

Proposed Council Action:

This is in the packet for information only.
 A public hearing is scheduled for May 19th.

Dept. Origin: Planning Dept.

Prepared by: Jennifer Robertson
 City Attorney's Office

For Agenda of: May 5, 2020

Exhibits: Ordinances #1529, 1530, 1531, & 1532

	Initial & Date
Concurred by Mayor:	_____
Approved/form by City Atty:	<u>JSR/4-29-2020</u>
Approved by City Engineer:	_____
Approved by Department Head:	_____

INFORMATION / BACKGROUND

Prior to the 2020 Legislative Session, RCW 35A.21.360 authorized religious organizations to host temporary encampments for homeless persons on property they own or control and likewise permits cities to impose conditions that are necessary to protect public health and safety and do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter for homeless persons on their property. However, during the 2020 Legislative Session, the State Legislature passed Engrossed Substitute House Bill 1754 which limited local regulation of temporary encampments. The effective date of ESHB 1754 is June 11, 2020. The terms of ESHB 1754 do not prohibit the effectiveness of any local regulations that exist prior to the effective date of ESHB 1754 provided that the local regulations do not categorically prohibit the hosting of the homeless by religious organizations, and have not been ruled by a Court to violate 42 U.S.C. § 2000cc. A copy of ESHB 1754 is attached.

Thus, in order to have local regulations on temporary encampments that differ from ESHB 1754, the City needs to adopt those regulations by the end of May 2020. The adopted regulations need to be consistent with federal limitations. Ordinance #1529 is based on a recently adopted City of Bellevue ordinance regulating temporary encampments. The Bellevue ordinance was framed on a federal consent decree that followed a lawsuit on earlier encampment regulations approximately 15 years ago. Because that ordinance is expected to pass federal challenge, framing the Ruston ordinance on such standards is also likewise to withstand any federal challenge.

What does this Ordinance do?

This ordinance creates a new chapter 25.11 in the Ruston Municipal Code to establish regulations for temporary encampments. It also amends the definitions section and land use

matrix elsewhere in Title 25 Zoning of the RMC and the permit processing sections RMC 19.01.010 and 19.01.011 for consistency.

What is a Temporary Encampment?

Temporary encampments are encampments hosted by religious institutions on church property for the purpose of providing a temporary place to live for people experiencing homelessness. The use is an outright permitted use in all zones subject to the regulations contained in Ch. 25.11 RMC.

What is the Temporary Encampment Permit?

Any church desiring to host a temporary encampment must apply for and obtain a temporary encampment permit from the City of Ruston. This permit is administrative, which means it is processed by and issued by the City's Planning Director. The permit requires public notice and a public meeting. (see Section 25.11.050.)

The permit also requires adherence to certain performance standards, such as adequate sanitation (drinking water, hand washing, showers, toilets) and food handling facilities with no more than 100 adult residents allowed (no children allowed). The residents of the encampment and the hosts are required to meet certain conduct requirements, such as no alcohol or weapons, no open flames, not littering, etc. (See section 25.11.060(2).)

The permit will allow a temporary encampment to be in place for up to 90 days at a time, with no more than one permit in effect at any one time. (Section 25.11.060(4).) Furthermore, it requires screening from nearby neighbors. There are general health and sanitation standards, including control of waste, insects, and rodents, etc.

What can the City do if there are problems during an encampment?

If an applicant fails to comply with the permit conditions, then the City has the right to revoke the permit. Appeals of revocations are heard by the City's hearing examiner. (Section 25.11.100.)

FISCAL CONSIDERATION

None.

RECOMMENDATION / MOTION

This is in the packet for information only. A public hearing is scheduled for May 19th.

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**

ENGROSSED SUBSTITUTE HOUSE BILL 1754

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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ORDINANCE NO. 1529

AN ORDINANCE OF THE CITY OF RUSTON, WASHINGTON, REGARDING REGULATING TEMPORARY ENCAMPMENTS, ESTABLISHING A NEW CHAPTER 25.11 IN THE RUSTON MUNICIPAL CODE ENTITLED “TEMPORARY ENCAMPMENT PERMIT” FOR THE PURPOSE OF REGULATING TEMPORARY ENCAMPMENTS, CREATING PERMIT REQUIREMENTS, INCLUDING APPLICATION REQUIREMENTS AND CRITERIA AND CONDITIONS FOR ISSURANCE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, both the First Amendment to the United States Constitution and Article 1, Section 11 of the Washington State Constitution protect the free exercise of religion; and

WHEREAS, The Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc, (RLUIPA) prohibits local government from imposing land use regulations that substantially burden religious exercise unless those regulations further a compelling governmental interest and are the least restrictive means for furthering that interest; and

WHEREAS, RCW 35A.21.360, as currently in effect, authorizes religious organizations to host temporary encampments for homeless persons on property they own or control and likewise permits cities to impose conditions that are necessary to protect public health and safety and do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter for homeless persons on their property; and

WHEREAS, the City has determined that temporary accommodations must be safe, sanitary, and regulated consistent with state and local laws, regulations, and practices pertaining to health and safety; and

WHEREAS, the City finds that hosts, sponsors and managers of Temporary Encampments have a responsibility to assure the health and safety of Temporary Encampment residents, as well as the surrounding community; and

WHEREAS, the City has a compelling interest in protecting the health and safety of all of its residents, as well as the enforcement of its zoning laws in order to preserve public health and safety; and

WHEREAS, houses of worship that could potentially host temporary encampments for homeless persons on property they own or control are located in residential areas in the City; and

WHEREAS, during the 2020 Legislative Session, the State Legislature passed Engrossed Substitute House Bill 1754 which limited local regulation of temporary encampments and amended RCW 35A.21.360; and

WHEREAS, the effective date of ESHB 1754 is June 11, 2020; and

WHEREAS, ESHB 1754 does not prohibit the effectiveness of any local regulations that exist prior to the effective date of ESHB 1754 and do not categorically prohibit the hosting of the homeless by religious organizations, and have not been ruled by a Court to violate 42 U.S.C. § 2000cc; and

WHEREAS, the City would like to adopt regulations consistent with federal law ahead of the effective date of ESHB 1754 to ensure the health, safety and welfare of all residents or Ruston, including residents who may be temporarily hosted by a religious institution in accordance with the temporary encampment regulations; and

WHEREAS, the City's SEPA Responsible Official issued a Determination of Non-Significance (DNS) on April 24, 2020 with a comment deadline of May 8, 2020; and

WHEREAS, in accordance with RCW 36.70A.106, this amending ordinance has been sent to the State Department of Commerce with a request for expedited review on April 29, 2020; and

WHEREAS, the request for expedited review was granted and the required time has passed to allow adoption by the City Council on the date of adoption; and

WHEREAS, on May 5, 2020, the City Council held the first reading on this Ordinance; and

WHEREAS, on May 19, 2020, the Ruston City Council held a duly noticed public hearing on these proposed regulations which would modify the City’s zoning code; and

WHEREAS, the public hearing date was also the date of the City Council’s second reading of this Ordinance; and

WHEREAS, following the public hearing the City Council deliberated on the new zoning code regulations; and

WHEREAS, after a full deliberation and consideration, the City adopted this Ordinance during its regular meeting at second reading; **NOW, THEREFORE**

THE CITY COUNCIL OF THE CITY OF RUSTON HEREBY ORDAINS AS FOLLOWS:

Section 1. A new Chapter 25.11 is hereby added to the Ruston Municipal Code, entitled “Temporary Encampment Permit” to read as follows:

Chapter 25.11 – Temporary Encampment Permit

Section:

- 25.11.010** **Scope**
- 25.11.020** **Applicability**
- 25.11.030** **Who may apply**
- 25.11.040** **Submittal requirements**
- 25.11.050** **Applicable procedures**
- 25.11.060** **Use requirements**

- 25.11.070 Hardship exception**
- 25.11.080 Decision criteria**
- 25.11.090 Time limitation**
- 25.11.100 Revocation of Temporary Encampment Permit**

25.11.010 Scope.

This chapter establishes the exclusive procedure and criteria that the City will use in making a decision upon an application to permit a Temporary Encampment. A Temporary Encampment Permit is processed under the procedures contained in this Chapter.

25.11.020 Applicability.

This Chapter 25.11 RMC applies to each application for a Temporary Encampment Permit and each Temporary Encampment use within the City.

25.11.030 Who may apply.

Temporary Encampments shall not be permitted within the City except as an accommodation of religious exercise by an Encampment Host, Encampment Sponsor, or Encampment Manager. Each Encampment Host, Encampment Manager and Encampment Sponsor of a Temporary Encampment shall jointly apply for a permit under this Chapter 25.11 and shall jointly certify compliance with all applicable use requirements and conditions of this chapter in the application.

25.11.040 Submittal requirements.

A. Prior to or upon filing their application for a Temporary Encampment Permit, the Encampment Host, Encampment Sponsor and Encampment Manager shall prepare an Encampment Management Responsibility Plan, which shall be included with their permit application. An application that does not contain an Encampment Management Responsibility Plan shall not be considered complete. The Encampment Management Responsibility Plan shall include all of the following:

1. A description of the security measures that the Encampment Host, Encampment Sponsor and Encampment Manager intend to employ at the Encampment Site, including criteria for rejection as a resident, a code of conduct, neighborhood security patrols, if any, whether and how they will implement outstanding warrant or registered sex offender background checks, and whether and how any Temporary Encampment residents or prospective residents may be ejected from the Temporary Encampment based on the results of such checks.
2. A certificate of insurance identifying any applicable policies of insurance, including policy limits, held by the Encampment Host, Encampment Sponsor, or Encampment Manager. Full copies of any such policies shall be available for the City's inspection at the Encampment Host Site.
3. A description of any requested exemptions sought pursuant to RMC 25.11.060.A.8.a, 25.11.060.A.11.k, or 25.11.070, and a description of the manner in which the proposed exemptions satisfy the criteria of the exemption provision and this part.

4. A transportation plan demonstrating compliance with RMC 25.11.060.A.6.
5. A proposed Site plan.
6. A street address which, for the duration of the Temporary Encampment, shall be considered the permanent and fixed address of each individual while residing at the Temporary Encampment.

25.11.050 Applicable procedures.

A Temporary Encampment Permit is an Administrative decision to which the following procedures apply:

A. Public Meeting Required.

The Director shall hold an informational Public Meeting. Prior to the Public Meeting, the Encampment Host shall meet and confer with the Ruston Police Department regarding the proposed security measures. At the Public Meeting, a representative of the Encampment Host shall present in writing and describe the proposed Encampment Management Responsibility Plan, and any input or comment received on the plan, including any comment or input from the Ruston Police Department, or comment or input from Schools and/or Child Care Services under subsection B of this section. The Public Meeting shall be attended by all applicants of the proposed Temporary Encampment Permit.

B. Additional Mailed Notice.

The requirements for mailed notice of the application set forth in RMC 19.02.030 shall be expanded to include owners of real property within 600 feet of the project Site. Prior to the decision of the Director on a Temporary Encampment Permit, the Encampment Host, Encampment Sponsor, or Encampment Manager shall meet and confer with the administration of any public or private elementary, middle, junior high or high school within 600 feet of the boundaries of the proposed Temporary Encampment Site, and shall meet and confer with the operators of any known Child Care Service within 600 feet of the boundaries of the proposed Temporary Encampment Site. The Encampment Host and the School administration and/or Child Care Service operator shall make a good faith effort to agree upon any additional conditions that may be appropriate or necessary to address School and/or child care concerns regarding the location of a Temporary Encampment within 600 feet of such a facility. Any such conditions agreed upon between the parties shall be submitted to the Director for consideration for inclusion within the Temporary Encampment Permit. In the event the parties fail to agree on any conditions, either party may provide the Director with a written summary of the parties' discussions, which the Director may consider in evaluating whether the criteria for the Temporary Encampment Permit are met, or the need for additional conditions upon the Temporary Encampment Permit based on the applicable decision criteria.

C. Signed Notice.

The applicant shall provide notice of the application by posting two Signs or placards on the Site or in a location immediately adjacent to the Site that provides visibility to motorists using

adjacent streets. The Director shall establish standards for size, color, layout, design, wording, placement, and timing of installation and removal of the Signs or placards.

D. Post-Issuance Informational Public Meeting.

The Encampment Host, Encampment Sponsor and Encampment Manager shall confirm in writing, on at least a monthly basis during the duration of any Temporary Encampment, their continued compliance with the use requirements in RMC 25.11.060 and all applicable conditions of approval. Within a reasonable time of no longer than 14 days following a request from the Director, the Encampment Host shall address operational concerns raised about a permitted Temporary Encampment. The Director may require a post-issuance informational Public Meeting between the Encampment Host and members of the public if operational concerns related to health and safety are not timely resolved.

25.11.060 Use requirements.

A. The following requirements apply to each Temporary Encampment:

1. The Encampment Host, Encampment Sponsor, and Encampment Manager must demonstrate that the proposed use meets the definition of a Temporary Encampment, as set out in RMC 25.01.020.
2. The Encampment Host, Encampment Sponsor, and Encampment Manager shall ensure enforcement of a code of conduct at the Temporary Encampment Site. The code of conduct shall be in substantially the following form or address the following issues:
 - a. Possession or use of illegal drugs is not permitted.
 - b. No alcohol is permitted.
 - c. No weapons are permitted.
 - d. All knives over three and one-half inches must be turned in to the Encampment Manager for safekeeping.
 - e. No violence is permitted.
 - f. No open flames are permitted.
 - g. No trespassing into private property in the surrounding neighborhood is permitted.
 - h. No loitering in the surrounding neighborhood is permitted.
 - i. No littering on the Temporary Encampment Site or in the surrounding neighborhood is permitted.

Nothing within this section shall prohibit the Encampment Host, Encampment Sponsor or Encampment Manager from imposing and enforcing additional code of conduct conditions not otherwise inconsistent with this section.

3. The maximum number of residents at a Temporary Encampment Site shall be determined taking into consideration Site conditions but shall in no case be greater than 100 at any one time. Any proposed Site shall be of sufficient size to support the activities of the Temporary Encampment without the overcrowding of residents or any intrusion into required Setbacks. In determining the maximum occupancy of a Temporary Encampment, the Director shall consider the square footage of the Encampment Site; the number of proposed Temporary Enclosures; the number of required or proposed bathing, food handling, hand washing, laundry, and toilet facilities; required Setbacks; and the ongoing use of the Site by the Encampment Host. The City shall impose a condition on the Temporary Encampment Permit for the Encampment limiting the number of residents or occupants to the number determined pursuant to this subsection. Any increase in the number of residents or occupants beyond that applied for by the applicants and included in the Temporary Encampment Permit shall require a revision to the Temporary Encampment Permit, which shall be processed as a new application.

4. The duration of a Temporary Encampment at any specific location shall not exceed 90 days at any one time.

5. There shall be no more than one Temporary Encampment in the City at any time. No Temporary Encampment use shall be permitted within one-half mile of any Site where a Temporary Encampment use under Chapter 25.11 RMC has operated within the prior 180-day period. A Temporary Encampment may be located at the same Site no more than once every 18 months.

6. A Temporary Encampment shall be within one-half mile of a public transportation stop, or the Encampment Sponsor, Encampment Host or Encampment Manager shall otherwise demonstrate the ability for Temporary Encampment occupants to obtain access to the nearest public transportation stop. During hours when public transportation is not available, the Encampment Sponsor, Encampment Host, or Encampment Manager shall also make transportation available to anyone who is rejected from or ordered to leave the Temporary Encampment. Bus schedules, phone numbers for emergency drivers and taxis and the location of the nearest 24-hour transit center to which rejected persons will be transported when buses are not available shall be posted in a prominent location for Encampment residents.

7. On-site Parking Spaces of the Encampment Host shall not be displaced unless the required minimum parking remains available for the Encampment Host's use, as set forth in RMC 25.01.090. The Host may provide shared parking or off-site parking pursuant to RMC 25.01.090 to satisfy minimum parking requirements.

8. The perimeter of a Temporary Encampment must be buffered from surrounding properties as follows:

a. The Temporary Encampment, as measured from the Temporary Encampment perimeter, shall meet the minimum Setback requirements applicable to the Encampment Host in the underlying zone; provided, that no Temporary Encampment Setback shall be less than 20 feet; and provided further, that the Encampment Host, Encampment Sponsor, or Encampment Manager may petition the Director for a reduction of Setback requirements applicable to the Encampment Host in the underlying Land Use district to no less than 20 feet. In considering whether a reduction should be granted, the Director may consider whether the minimum Setback requirements applicable to the Encampment Host in the underlying Land Use district, if applied to the Temporary Encampment, would substantially burden the siting or hosting of a Temporary Encampment at a particular location or by a particular Encampment Host, Encampment Sponsor, or Encampment Manager and may consider the effects on health and safety of residents and the community should the reduction be granted.

b. The Temporary Encampment shall be surrounded by a view-obscuring Fence or equivalent solid Structure, which in no event shall be less than six feet high. The perimeter surrounding the Temporary Encampment shall have a single designated point for ingress or egress, consistent with applicable fire and other safety regulations.

9. The Encampment Host, Encampment Sponsor and Encampment Manager shall not permit children under the age of 18 to stay overnight in a Temporary Encampment, unless circumstances prevent a more suitable overnight accommodation for the child and parent or guardian. If a child under the age of 18, either alone or accompanied by a parent or guardian, attempts to stay overnight, the Encampment Host, Encampment Sponsor or Encampment Manager shall endeavor to find alternative shelter for the child and any accompanying parent or guardian.

10. The Encampment Host, Encampment Sponsor or Encampment Manager shall take all reasonable and lawful steps to obtain verifiable identification, such as a valid driver's license, government-issued identification card, military identification card, or passport, from all prospective and current residents of a Temporary Encampment. The Encampment Host shall retain a log of all overnight residents of the Temporary Encampment, including names and dates.

11. The Encampment Host, Encampment Sponsor or Encampment Manager shall assure compliance with the following health and safety regulations. References to the application of local ordinances and regulations shall include the codes and regulations of Pierce County and the City of Ruston. All references are to regulations, ordinances and codes now or as hereafter amended:

a. Water Supply. The Encampment Host, Encampment Manager or Encampment Sponsor must:

- i. Provide at least one hot water handwash sink as near to the food preparation facilities as the Site will reasonably allow. If the hot water sink is located further than 100 feet from the food preparation facilities or is not otherwise located on site, then a cold-water sink shall be located within 100 feet of the food preparation facilities.
 - ii. Prohibit the use of common drinking cups or containers from which water is dipped or poured, except for water and coffee containers and carafes that are filled with only potable water sources and washed once weekly with bleach and hot water.
 - iii. Ensure any containers used for non-potable water are labeled as such.
- b. Sewage and Wastewater Disposal. The Encampment Host, Encampment Manager and Encampment Sponsor must provide for sewage and wastewater disposal in accordance with the codes and regulations of local health jurisdictions.
- c. Electricity and Lighting. The Encampment Host, Encampment Manager or Encampment Sponsor must ensure that all electrical wiring, fixtures and electrical equipment must comply with the electrical standards of the Department of Labor and Industries regulations, Chapter 19.28 RCW, and local ordinances, and be maintained in a safe condition.
- d. Hand Washing and Bathing. An Encampment Host, Encampment Manager or Encampment Sponsor must:
 - i. Provide one hand wash sink for every 25 persons. At least two hand wash sinks must be adjacent to toilets, and other hand wash sinks may be located throughout the Temporary Encampment Site for general use.
 - ii. Provide one hot water shower on the Temporary Encampment Site; provided, however, that if the ratio of hot showers to residents is less than one for every 40 persons, the Director's Permit decision shall include designation of off-site shower facilities for use by Temporary Encampment residents within a reasonable proximity from the Temporary Encampment Site and the Encampment Host, Encampment Sponsor and/or Encampment Manager shall provide a means of transportation to the designated facilities.
 - iii. Provide cleanable, nonabsorbent waste containers.
 - iv. Maintain bathing and hand washing facilities in a clean and sanitary condition, cleaned at least daily.
- e. Toilets. The Encampment Host, Encampment Manager or Encampment Sponsor must:
 - i. Provide the following toilet facilities:

- (1) One toilet, including portable toilets, for every 25 persons;
 - (2) Hand washing sinks adjacent to toilets, as provided in subsection A.11.d of this section; and
- ii. Maintain toilets in a clean and sanitary condition.
- f. Cooking and Food Handling. In common food-handling areas, the Encampment Host, Encampment Manager or Encampment Sponsor must provide:
- i. An enclosure, adequate in size, separate from any sleeping quarters;
 - ii. No direct openings to living or sleeping areas from the common food-handling area;
 - iii. Nonabsorbent, easily cleanable food preparation counters situated off the floor;
 - iv. When perishable food will be in place, mechanical refrigeration conveniently located and able to maintain a temperature of 45 degrees Fahrenheit or below shall be provided. If mechanical refrigeration is not reasonably available, then the use of ice chests complies with this requirement provided the ice chests are maintained at a temperature of 45 degrees or less, ice for ice chests is replenished when necessary to maintain temperature, ice chests are in working order and fitted with tight fitting lids, ice chests are cleaned at least weekly with a bleach solution and thoroughly rinsed prior to re-use, shared meals for the majority of residents are not prepared on-site, and the Encampment Host, Encampment Sponsor and/or Encampment Manager shall promptly comply with any correction notice or direction by Tacoma-Pierce County Health Department or other agency with jurisdiction regarding food preparation and storage on site.
- g. Maintenance of Bedding. The Encampment Host, Encampment Manager or Encampment Sponsor must maintain bedding, if provided by the Encampment Host, Encampment Manager or Encampment Sponsor, in a clean and sanitary condition.
- h. Refuse Disposal. The Encampment Host, Encampment Manager or Encampment Sponsor must:
- i. Comply with local sanitation codes for removing and disposing of refuse from housing areas.
 - ii. Store refuse in on-site trash cans with snap tight lids that are lined with trash bags that are removed and replaced daily.
 - iii. Keep refuse containers clean.

- iv. Provide a refuse container adjacent to food preparation area and within 100 feet of each Dwelling Unit.
- v. Empty refuse containers at least twice each week, and when full.
- i. Insect and Rodent Control. The Encampment Host, Encampment Manager or Encampment Sponsor must take effective measures to prevent and control insect and rodent infestation.
- j. Disease Prevention and Control. The Encampment Host, Encampment Manager or Encampment Sponsor must:
 - i. Report immediately to the Tacoma-Pierce County Health Department:
 - (1) Suspected food poisoning;
 - (2) Unusual prevalence of fever, diarrhea, sore throat, vomiting, or jaundice; or
 - (3) Productive cough, or when weight loss is a prominent symptom among occupants.
 - ii. Comply with reporting requirements applicable to Schools and child care facilities in WAC 246-101-415 and 246-101-420 as now or hereafter amended.
- k. Substantial Compliance. An Encampment Host, Encampment Sponsor, or Encampment Manager may petition the Director for an exemption from particular provisions of this subsection A.11 upon a showing of substantial compliance or alternative means of compliance. Alternative means of compliance may include the following:
 - i. Use of facilities already available on the Encampment Host Site or within the Encampment Host's facilities (such as preexisting indoor or outdoor hand washing, toilet, or shower facilities);
 - ii. Use of facilities located sufficiently near the Encampment Host Site so as to adequately address the health and safety of Encampment residents (such as adjacent public toilet, shower or hand washing facilities);
 - iii. Use of alternative means to assure the health and safety of both the Temporary Encampment residents and surrounding neighborhood residents, occupants and users.

In considering whether an exemption should be granted, the Director may consider whether the provision or provisions of this subsection A.11 at issue, if applied to the Temporary Encampment, would substantially burden the siting or hosting of a Temporary Encampment at a particular location or by a particular Encampment Host, Encampment Sponsor, or Encampment Manager.

12. Exterior lighting shall be shielded or recessed so that direct glare and reflections are contained within the Temporary Encampment and shall also be directed downward and away from adjoining properties and public rights-of-way. No lighting shall blink, flash, or be of unusually high intensity or brightness. All lighting fixtures utilized at Temporary Encampments shall be appropriate in scale, intensity, and height to the use that they are serving.

25.11.070 Hardship exception.

An Encampment Host, Encampment Sponsor, or Encampment Manager may petition the Director for an exception from any of the Specific Use Requirements of RMC 25.11.060 upon grounds of hardship. In considering whether a hardship exception should be granted, the Director may consider whether the provision or provisions at issue substantially burden the siting or hosting of a Temporary Encampment at a particular location or by a particular Encampment Host, Encampment Sponsor, or Encampment Manager and the effects on health and safety of residents and the community should the exception be granted.

25.11.080 Decision criteria.

The Director may approve or approve with modifications an application for a Temporary Encampment Permit if:

- A. The Temporary Encampment complies with the Use Requirements set out in RMC 25.11.060 and other applicable requirements of this code; and
- B. The Temporary Encampment will not be materially detrimental to the public health, safety or welfare of the Temporary Encampment residents or the surrounding community; and
- C. The imposition of a condition under which the City reserves the right to impose additional conditions or to reconsider the Temporary Encampment Permit within a certain timeframe from approval date, based on complaints filed with the City.

25.11.090 Time limitation.

A Temporary Encampment Permit is valid for up to 90 days beginning the first day of the Temporary Encampment.

25.11.100 Revocation of Temporary Encampment Permit.

Upon determination that there has been a violation of any decision criteria or condition of approval, the Director may give written notice to the permit holder describing the alleged violation. Within 14 days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the 14-day period, the Director shall sustain or revoke the permit. When a Temporary Encampment permit is revoked, the Director shall notify the permit holder by certified mail of the revocation and the findings upon which revocation is based. Appeals of decisions to revoke a Temporary Encampment Permit will be heard by the Ruston Hearing Examiner and be processed using the procedures contained in Chapter 19.04 RMC.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be 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 3. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 4. Effective Date. This Ordinance shall be effective five days after publication as provided by law.

ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this ____ day of _____, 2020.

APPROVED by the Mayor this ____ day of _____, 2020.

Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:

Judy Grams
City Clerk

APPROVED AS TO FORM:

Jennifer S. Robertson
City Attorney's Office

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO: 1529