

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.

--- END ---

ORDINANCE NO. 1530

AN ORDINANCE OF THE CITY OF RUSTON, WASHINGTON, REGARDING REGULATING TEMPORARY ENCAMPMENTS, AMENDING SECTION 25.01.020 OF THE CITY'S ZONING CODE TO ADD A DEFINITIONS FOR "DIRECTOR", "TEMPORARY ENCAMPMENT" AND "TEMPORARY ENCLOSURES" FOR PURPOSES OF CONSISTENCY WITH NEW CHAPTER 25.11 OF THE RUSTON MUNICIPAL CODE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council under Ordinance No. 1529 has adopted regulations regarding temporary encampments; and

WHEREAS, some new definitions need to be added to the "Definitions" section of the Ruston Zoning Code in order to implement new Chapter 25.11 RMC adopted under Ordinance No. 1529; 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 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, 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; **NOW, THEREFORE**

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

Section 1. Two new definitions are hereby added to RMC 25.01.020 to read as follows:

“Director” means the City of Ruston Planning and Community Development Director or designee.

“Temporary Encampment” means a transient or interim gathering or community comprised of Temporary Enclosures, which may include common areas designed to provide food, living, and sanitary services to occupants of the encampment; provided, that this definition shall not include recreational encampments of less than 10 days in duration.

“Temporary Enclosures” means tents and other forms of portable shelter that are not permanently attached to the ground, are intended to be erected and dismantled, and are intended for temporary outdoor occupancy. “Temporary Enclosures” shall provide protection from the elements, shall be comprised of flame-resistant material or treated with flame retardant in an approved manner, shall be elevated above and shall not allow direct contact with the bare ground, shall allow for means of unobstructed ingress and egress, shall protect against the entry of rodents and insects, and shall contain at least one window to allow for ventilation.

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: 1530