



# MONROE PLANNING COMMISSION

|                 |   |
|-----------------|---|
| <b>SUBJECT:</b> | <b>DISCUSSION - Proposed Code Amendments Regarding Temporary Homeless Encampments</b> |
|-----------------|---|

|              |                       |                 |                   |                         |
|--------------|-----------------------|-----------------|-------------------|-------------------------|
| <b>DATE:</b> | <b>DEPT:</b>          | <b>CONTACT:</b> | <b>PRESENTER:</b> | <b>ITEM:</b>            |
| 12/14/2020   | Community Development | Shana Restall   | Shana Restall     | <b>Old Business # 1</b> |

**Discussion:** 08/12/2019, 03/09/2020, 04/13/2020, 06/06/2020, 07/27/2020, and 10/26/2020, 12/14/2020

**Public Hearing:**

**Attachments:**

1. DRAFT Temporary Encampments Code
2. Proposed review timeline
3. Comparison of state law and proposed local regulations

**REQUESTED ACTION:**

None, this meeting is informational only. A public hearing on this topic will take place at a later date.

**POLICY CONSIDERATIONS**

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

**DESCRIPTION/BACKGROUND**

Over the last decade, temporary homeless encampments, sometimes called tent cities, have become an often-used mechanism for providing shelter for homeless individuals. These encampments usually rotate between various host properties, which are generally owned by religious organizations. On March 6, 2007, the Monroe City Council adopted Ordinance No. 003/2007, which added a chapter to the zoning code to regulate temporary homeless encampments within the City. However, in 2010, the state adopted legislation that limited a local government’s purview over these encampments. RCW 35A.21.360 authorizes religious organizations to host temporary homeless encampments and states that cities may not:

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

Governor Inslee signed into law Engrossed Substitute House Bill 1754 on March 31, 2020, which provides additional clarification regarding the regulation of temporary encampments. The City's code was not updated at the time Engrossed House Bill 1956 was adopted and has yet to be updated to reflect the provisions of Engrossed Substitute House Bill 1754. The proposed amendments are intended to bring the code into compliance with state law.

**FISCAL IMPACT**

N/A

**TIME CONSTRAINTS**

On June 9, 2020, the City adopted Ordinance No. 005/2020, which repealed and replaced previously adopted interim provisions to regulate temporary encampments. The interim ordinance is in effect for no longer than six months per RCW 35A.63.220, Moratoria, Interim Zoning Controls—Public Hearing—Limitation on Length.

## Chapter 22.90 TEMPORARY ENCAMPMENTS

### Sections:

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

### **22.90.010. Purpose**

The City of Monroe finds it is necessary to promote solutions to the complex problem of homelessness. One solution is to facilitate, with appropriate regulation and oversight, sponsors of temporary shelters in existing structures and in temporary outdoor encampments organized and managed by religious organizations. These facilities do not represent a permanent solution to homelessness, but rather can provide vitally needed shelter and a first step toward more permanent forms of housing. This chapter reflects guidance provided by ESHB 1754, WAC 51-16-030, and by federal law that religious institutions are free to practice their faith including offering assistance to the homeless. This chapter further attempts to appropriately balance such considerations with the city's need to protect the health, safety and welfare of both temporary encampment residents and of the public.

### **22.90.020. Applicability; Construction.**

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

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

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

### **22.90.030. Definitions**

The following definitions shall apply for purposes of this chapter:

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

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

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

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

utilities.

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

#### **22.90.040. General provisions.**

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

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

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

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

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

E. The host religious organization and/or managing agency shall ensure the temporary encampment's compliance with all applicable state laws and regulations, the Monroe Municipal Code, Fire District 7 directives, and Snohomish health district standards concerning, but not limited to, drinking water connections, solid waste disposal, human waste, electrical systems, and fire resistant materials.

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

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

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

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

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

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

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

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

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

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

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

upon which they stayed.

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

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

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

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

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

3. Temporary, overnight, extreme weather shelters provided in religious organization buildings are exempt from the requirements of this subsection.

#### **22.90.050 Memorandum of understanding.**

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

1. The right of a temporary encampment resident to seek public health and safety assistance;

2. The resident's ability to access social services on-site;

3. The resident's ability to directly interact with the host religious organization, including the ability to express any concerns regarding the managing agency to the religious organization;

4. A written code of conduct agreed to by the managing agency, if any, host religious organization, and all volunteers working with residents; and

5. Where a publicly funded managing agency exists, the ability for the host religious organization to interact with residents using a release of information.

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

#### **22.90.060. Outdoor encampments.**

A. The hosting term of an outdoor encampment shall not exceed ~~four~~ 180 consecutive ~~months~~ days at one location per each 365 day period;

A. The hosting term of an outdoor encampment shall not exceed four 180 cumulative months days at one location per each 365 day period;

B. At least ~~three months~~ 90 days shall lapse between subsequent or established outdoor encampments at a particular site.

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

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

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

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

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

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

2. Open flames are prohibited in an outdoor encampment.

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

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

5. Only wired electrical heating is allowed within tents and other temporary structures used for habitation at an outdoor encampment.

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

#### **22.90.070 Indoor overnight shelters.**

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

A. If the fire code official finds that fire-related concerns associated with an indoor overnight shelter pose an imminent danger to persons within the shelter, the city may take action to limit the religious organization's availability to host the indoor overnight shelter; and

B. The city may require a host religious organization to enter into a memorandum of understanding for fire safety that includes:

1. Inspections by the fire code official;

2. An outline for appropriate emergency procedures;

3. A determination of the most viable means to evacuate occupants from inside the host site with appropriate illuminated exit signage;

4. Panic bar exit doors; and

5. A completed firewatch agreement indicating:

a. Posted safe means of egress;

b. Operable smoke detectors, carbon monoxide detectors as necessary, and fire extinguishers;

c. A plan for monitors who spend the night awake and are familiar with emergency protocols, who have suitable communication devices, and who know how to contact the fire department.

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

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

A. A renewable one-year duration agreed to by the host religious organization and the city via a memorandum of understanding;

B. Maintaining a maximum unit square footage of one 120 square feet, with units set

at least six feet apart;

C. Electricity and heat, if provided, must be inspected by the city;

D. Space heaters, if provided, must be approved by the local fire authority;

E. Doors and windows must be included and be lockable, with a recommendation that the managing agency and host religious organization also possess keys;

F. Each unit must have a fire extinguisher;

G. Adequate restrooms must be provided, including restrooms solely for families if present, along with handwashing and potable running water to be available if not provided within the individual units, including accommodating black water;

H. A recommendation for the host religious organization to partner with regional homeless service providers to develop pathways to permanent housing.

#### **22.90.090 Vehicle resident safe parking areas.**

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

1. No less than one space may be devoted to safe parking per ten on-site parking spaces;

2. Restroom access must be provided either within the buildings on the property or through use of portable facilities, with the provision for proper disposal of waste is recreational vehicles are hosted; and

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

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

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

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

1. How the proposed temporary encampment will meet the requirements set forth in this chapter;

2. Potential adverse effects that the proposed temporary encampment will likely have on neighboring properties and the community;

3. Measures to mitigate such adverse effects;

4. A proposed written code of conduct for the temporary encampment;

5. Measures to meet applicable requirements of the International Fire Code; and

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

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

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

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

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

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

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



# Draft Review Timeline

## Temporary Encampments Regulations

| DATE              | MEETING                                   | ACTION(S)   |
|-------------------|---|---|
| <b>12/3/2020</b>  | CHSAB                                     | <ul style="list-style-type: none"> <li>• CHSAB reviews draft regulations; and</li> <li>• Crafts a recommendation for the Planning Commission</li> </ul>                           |
| <b>12/14/2020</b> | Planning Commission                       | <ul style="list-style-type: none"> <li>• Review and discussion of the proposed code and CHSAB recommendation</li> </ul>   |
| <b>1/11/2021</b>  | Planning Commission                       | <ul style="list-style-type: none"> <li>• Holds a public hearing; and</li> <li>• Drafts a recommendation to send to the City Council</li> </ul>                                    |
| <b>1/25/2021</b>  | Planning Commission                       | <ul style="list-style-type: none"> <li>• Staff brings the Findings back for the Chair to sign</li> </ul>  |
| <b>1/26/2021</b>  | P3 Committee                              | <ul style="list-style-type: none"> <li>• Staff presents the proposed regulations to the P3 Committee; and</li> <li>• Proposed regulations reviewed by the P3 Committee</li> </ul> |
| <b>2/9/2021</b>   | City Council                              | <ul style="list-style-type: none"> <li>• City Council discusses and holds a first reading of the proposed regulations</li> </ul>  |
| <b>2/23/2021</b>  | City Council                              | <ul style="list-style-type: none"> <li>• Final reading of the ordinance; and</li> <li>• Council makes a decision regarding adoption of the proposed regulations</li> </ul>        |
| <b>2/23/2021</b>  | Estimated date of ordinance adoption      |   |
| <b>2/26/2021</b>  | Estimated date of publication             |   |
| <b>3/3/2021</b>   | Estimated date for code to go into effect |   |

# Temporary Encampments

## Comparison of State Law and Proposed City Regulations

**A. Provisions in which state and local laws are inconsistent:**

| <b>22.90.030 Definitions.</b> |                        |  |
|-------------------------------|------------------------|--|
|                               | <b>State Law</b>       | <b>Proposed Code</b>   |
| 1.                            | No definition provided | “Temporary encampment” means a temporary housing or shelter for homeless persons, such as an outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking area. |

| <b>22.90.040 General Provisions.</b> |   |   |
|--------------------------------------|---|---|
|                                      | <b>State Law</b>  | <b>Proposed Code</b>  |
| 1.                                   | If a host religious organization receives funds from any government agency, it may not refuse to host anyone because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, as these terms are defined in RCW 49.60.040 | <u>Not in MMC</u>   |
| 2.                                   | <del><u>Not in state law</u></del>  | <del>Temporary encampments on private property are prohibited</del>   |
| 3.                                   | <u>Not in state law</u>   | The host religious organization and/or managing agency shall provide a transportation plan for the temporary encampment, which shall include provisions for access to and from transit services.  |
| 4.                                   | <u>Not in state law</u>   | The host religious organization and/or managing agency shall ensure the temporary encampment’s compliance with all applicable state laws and regulations, the Monroe Municipal Code, Fire District 7 directives, and Snohomish health district standards concerning, but not limited to, drinking water connections, solid waste disposal, human waste, electrical systems, and fire resistant materials. |
| 5.                                   | <u>Not in state law</u>   | The host religious organization and/or the managing agency shall appoint an individual to serve as a permanent point of contact for the temporary encampment.   |
| 6.                                   | <u>Not in state law</u>   | At least one representative of the host religious organization, the managing agency, and/or a designated occupant shall be on duty at the encampment all times.   |

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|-----|-------------------------|--|
| 7.  | <u>Not in state law</u> | Adequate toilet facilities shall be provided on site and shall be set back at least 40 feet from all property lines. Restroom access shall be provided either within the buildings on the host property or through use of portable facilities.                             |
| 8.  | <u>Not in state law</u> | Hand washing stations provided near the toilets and food preparation areas;  |
| 9.  | <u>Not in state law</u> | Food preparation and/or service tents and/or facilities shall be provided;   |
| 10. | <u>Not in state law</u> | Solid waste receptacles shall be provided on site throughout the temporary encampment. A regular trash patrol in the immediate vicinity of the site shall also be provided.  |
| 11. | <u>Not in state law</u> | An adequate supply of potable water shall be available on site at all times.   |
| 12. | <u>Not in state law</u> | All applicable city, county, health department, and state regulations pertaining to drinking water connections and solid waste disposal shall be met.  |
| 13. | <u>Not in state law</u> | Temporary encampments shall not cause or permit the intrusion of noise exceeding the applicable thresholds set forth in WAC 173-60-040.  |
| 14. | <u>Not in state law</u> | The host religious organization and/or the managing agency shall keep a log of the names of all overnight residents of the temporary homeless encampment and the date(s) stayed.   |
| 15. | <u>Not in state law</u> | Periodic inspections of the temporary encampment by public officials from agencies with regulatory jurisdiction, including, without limitation, the fire marshal, may be conducted at reasonable times, consistent with applicable constitutional and statutory standards. |

### 22.90.050 Memorandum of understanding.

|    | State Law   | Proposed Code  |
|----|---|--|
| 1. | A code city <u>may</u> enter into a memorandum of understanding to protect the public health and safety | The city <u>shall</u> require the host religious organization and/or a managing agency to execute a memorandum of understanding to protect the health and safety |

### 22.90.060 Outdoor encampments.

|    | State Law   | Proposed Code  |
|----|---|--|
| 1. | Maximum encampment duration <u>no less than 6 months</u>  | Maximum encampment duration <u>no more than <del>4 months</del> 180 days</u>                               |
| 2. | <u>Maximum of 3 months</u> between outdoor encampments at a site  | <u>At least <del>three months</del> 90 days</u> between outdoor encampments at a site                      |
| 3. | Simultaneous and adjacent hostings may be limited if located within one thousand feet of another outdoor encampment concurrently hosted by a religious organization | Proposed regulations would limit encampments within 1,000 feet of each other. <u>This is optional.</u>     |
| 4. | Not in state law – found in existing code   | An outdoor encampment shall be located a minimum of 20 feet from the property line of abutting properties. |
| 5. | Not in state law – found in existing code   | Any exterior lighting must be directed downward and contained within the outdoor encampment.               |

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|-----|---|---|
| 6.  | Not in state law – found in existing code | The maximum residential density of an outdoor encampment is one occupant per 400 square feet of parcel area; provided, that the maximum number of occupants within an outdoor encampment shall not exceed 100 regardless of the size of the parcel.                         |
| 7.  | Not in state law – found in existing code | <ul style="list-style-type: none"> <li>All tents exceeding 300 square feet, and all canopies exceeding 400 square feet, shall be comprised of flame retardant materials.</li> </ul>   |
| 8.  | Not in state law – found in existing code | <ul style="list-style-type: none"> <li>Open flames are prohibited in an outdoor encampment.</li> </ul>  |
| 9.  | Not in state law – found in existing code | <ul style="list-style-type: none"> <li>If temporary structures other than tents are used for habitation within an outdoor encampment, each such structure shall have a door, at least one egress window, and shall be equipped with a functional smoke detector.</li> </ul> |
| 10. | Not in state law – found in existing code | <ul style="list-style-type: none"> <li>An adequate power supply to the outdoor encampment is required; provided, that properly permitted and installed construction site type electrical boxes may be approved by the zoning administrator.</li> </ul>                      |
| 11. | Not in state law – found in existing code | <ul style="list-style-type: none"> <li>Only wired electrical heating is allowed within tents and other temporary structures used for habitation at an outdoor encampment.</li> </ul>  |
| 12. | Not in state law – found in existing code | The outdoor encampment shall ensure a minimum separation of six feet between structures, including tents.   |

***B. Provisions in which state and local laws are consistent:***

**22.90.030 Definitions.**

|    | State Law  | Proposed Code     |
|----|--|-------------------|
| 1. | "Managing agency" means an organization such as a religious organization or other organized entity that has the capacity to organize and manage a homeless outdoor encampment, temporary small houses on-site, indoor overnight shelter, and a vehicle safe parking program. | Same as state law |
| 2. | "Outdoor encampment" means any temporary tent or structure encampment, or both.  | Same as state law |
| 3. | "Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.  | Same as state law |
| 4. | "Temporary" means not affixed to land permanently and not using underground utilities.   | Same as state law |

**22.90.040 General Provisions.**

|    | State Law   | Proposed Code     |
|----|---|-------------------|
| 1. | A religious organization may host the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the site outside of buildings | Same as state law |
| 2. | If required to do so by a code city, the host must ensure that local law enforcement has completed sex offender checks of all adult residents and guests  | Same as state law |
| 3. | The host religious organization retains the authority to allow such offenders to remain on the property   | Same as state law |
| 4. | Any host religious organization must work with the city to utilize Washington's homeless client management information system, as provided for in RCW 43.185C.180.  | Same as state law |

|    |  |                   |
|----|--|-------------------|
| 5. | When there is no managing agency, the host religious organization is encouraged to partner with a local homeless services provider using the Washington homeless client managing information system. | Same as state law |
| 6. | Any managing agency receiving any funding from local continuum of care programs must utilize the homeless client management information system.  | Same as state law |
| 7. | Temporary, overnight, extreme weather shelters provided in religious organization buildings are exempt from the requirements of this subsection.   | Same as state law |

### 22.90.050 Memorandum of understanding.

|    | State Law   | Proposed Code     |
|----|---|-------------------|
| 1. | The MOU must contain information about the following:   | Same as state law |
|    | <ul style="list-style-type: none"> <li>The right of a resident in a temporary encampment to seek public health and safety assistance</li> </ul>   | Same as state law |
|    | <ul style="list-style-type: none"> <li>The resident's access to social services on-site</li> </ul>  | Same as state law |
|    | <ul style="list-style-type: none"> <li>The resident's ability to directly interact with the host religious organization, including the ability to express any concerns regarding the managing agency to the religious organization</li> </ul> | Same as state law |
|    | <ul style="list-style-type: none"> <li>A written code of conduct agreed to by the managing agency, if any, host religious organization, and all volunteers working with temporary encampment</li> </ul>                                       | Same as state law |
| 2. | The ability of the host religious organization to interact with residents of the temporary encampment using a release of information  | Same as state law |

### 22.90.070 Indoor overnight shelters.

|    | State Law   | Proposed Code     |
|----|---|-------------------|
| 1. | A code city may not limit the host an indoor overnight shelter in spaces with at least two accessible exits due to lack of sprinklers or other fire-related concerns  | Same as state law |
| 2. | The code city may take action to limit the religious organization's availability to host the indoor overnight shelter if there is determined to imminent danger   | Same as state law |
| 3. | A code city may require a host religious organization to enter into an MOU for fire safety that includes:   | Same as state law |
|    | <ul style="list-style-type: none"> <li>Local fire district inspections</li> </ul>   | Same as state law |
|    | <ul style="list-style-type: none"> <li>An outline for appropriate emergency procedures</li> </ul>   | Same as state law |
|    | <ul style="list-style-type: none"> <li>The most viable means to evacuate occupants from the host site with appropriate illuminated exit signage</li> </ul>  | Same as state law |
|    | <ul style="list-style-type: none"> <li>Panic bar exit doors</li> </ul>  | Same as state law |
|    | <ul style="list-style-type: none"> <li>A completed fire watch agreement indicating: 1) Posted safe means of egress; 2) Operable smoke detectors, carbon monoxide detectors, as necessary, and fire extinguishers; and 3) Overnight monitors plan</li> </ul> | Same as state law |

### 22.90.080 Temporary houses on-site.

|    | State Law  | Proposed Code     |
|----|--|-------------------|
| 1. | Subject to a renewable one-year duration via a memorandum of understanding | Same as state law |
| 2. | Maximum unit area of one hundred twenty square feet                        | Same as state law |
| 3. | Units set at least six feet apart  | Same as state law |
| 4. | Electricity and heat must inspected by the local jurisdiction              | Same as state law |

|     |  |                   |
|-----|--|-------------------|
| 5.  | Space heaters must be approved by the local fire authority   | Same as state law |
| 6.  | Doors and windows must be included and be lockable   | Same as state law |
| 7.  | Recommend that the managing agency and host possess keys to the units  | Same as state law |
| 8.  | Each unit must have a fire extinguisher  | Same as state law |
| 9.  | Restrooms must be provided, including restrooms solely for families  | Same as state law |
| 10. | If not within the individual units, provide handwashing and potable running water  | Same as state law |
| 11. | Recommend that the host religious organization to partner with regional homeless service providers   | Same as state law |
| 12. | Any host working with a publicly funded managing agency, must work with the code city to utilize Washington's homeless client management information system, as provided for in RCW 43.185C.180.             | Same as state law |
| 13. | When a religious organization does not partner with a managing agency, they are advised to partner with a local homeless services provider using the Washington homeless client managing information system. | Same as state law |
| 14. | Any managing agency receiving any funding from local continuum of care programs must utilize the homeless client management information system.  | Same as state law |

### 22.90.090 Vehicle resident safe parking areas.

|    | State Law   | Proposed Code     |
|----|---|-------------------|
| 1. | Safe parking to be located in host's on-site parking lot  | Same as state law |
| 2. | Devote at least one space per ten on-site parking spaces to safe parking  | Same as state law |
| 3. | Restroom access provided either within the buildings on the host's site or through use of portable facilities   | Same as state law |
| 4. | Abide by any existing on-site parking minimum requirement for existing uses   | Same as state law |
| 5. | The provision of safe parking spaces can't reduce the total number of available parking spaces to below the minimum number of spaces required   | Same as state law |
| 6. | The host must inform vehicle residents how to comply with laws regarding the legal status of vehicles and drivers, and provide a written code of conduct consistent with area standards | Same as state law |
| 7. | The City may reduce the min. # of spaces required by the MMC by entering into an MOU with the host.   | Same as state law |

### 22.90.100 Application and review process; Appeals.

|    | State Law  | Proposed Code     |
|----|--|-------------------|
| 1. | Before opening of a temporary encampment, the host organization must hold a public community meeting   | Same as state law |
| 2. | Written notice of the meeting shall be provided to the Council at least one week, if possible, but no later than ninety-six hours prior to the meeting   | Same as state law |
| 3. | Notice must give the time, place, & purpose of the meeting   | Same as state law |
| 4. | The City must provide notice of the community meeting by taking at least two of the following actions at any time prior to the time of the meeting: <ul style="list-style-type: none"> <li>• Publish in the newspaper</li> <li>• Post on the code city's web site</li> <li>• Signage with one or more meeting notices that can be placed on or adjacent to the main arterials in proximity to the location of the meeting; or</li> <li>• Prominently displaying the notice at the meeting site.</li> </ul> | Same as state law |