
HOUSE BILL 1373

State of Washington

68th Legislature

2023 Regular Session

By Representative Stokesbary

1 AN ACT Relating to funding the removal of illegal encampments
2 near schools, child care centers, parks, and courthouses; amending
3 RCW 36.70A.190; adding a new section to chapter 36.01 RCW; adding a
4 new section to chapter 35.21 RCW; adding a new section to chapter
5 35A.21 RCW; adding new sections to chapter 43.31 RCW; adding a new
6 section to chapter 43.185C RCW; and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.01
9 RCW to read as follows:

10 (1)(a) By May 1, 2025, the county legislative authority of each
11 county that is required or that chooses to plan under RCW 36.70A.040
12 must adopt an ordinance making it unlawful for any person to camp on
13 public property within 500 feet of:

- 14 (i) Public or private elementary or secondary schools;
- 15 (ii) School walk areas, as determined under rules promulgated by
16 the superintendent of public instruction pursuant to RCW 28A.150.290;
- 17 (iii) Child day care centers, as defined in RCW 43.216.010;
- 18 (iv) Public parks, as defined in RCW 69.50.435; and
- 19 (v) County courthouses.

20 (b) A county that is not required under (a) of this subsection to
21 adopt the specified ordinance may voluntarily choose to do so. A

1 county that voluntarily adopts the ordinance is eligible for grants
2 under subsection (3) of this section under the same conditions as
3 counties required to adopt the ordinance under (a) of this
4 subsection.

5 (2)(a) Upon adoption of the ordinance required in subsection (1)
6 of this section, the county legislative authority must submit copies
7 of the ordinance to the department of commerce.

8 (b) By May 1st of each year, the county legislative authority or
9 chief executive of the county must submit to the department of
10 commerce:

11 (i) A certification signed by the chair of the county legislative
12 authority or by the chief executive of the county, certifying that
13 the ordinance adopted pursuant to subsection (1) of this section
14 remains in effect and that the county has taken reasonable steps to
15 enforce the ordinance on an ongoing and regular basis, including
16 visiting not less than weekly those areas where camping is prohibited
17 and making reasonable efforts to respond to complaints about unlawful
18 camping on such areas within five calendar days of receipt of a
19 complaint.

20 (ii) A report detailing the measures that have been taken to
21 monitor and remove those in violation of the ordinance required in
22 subsection (1) of this section, whether any violations of the
23 ordinance have occurred, and how the revenue provided in subsection
24 (3) of this section has been utilized.

25 (3) A county that has adopted the ordinance required by
26 subsection (1) of this section and that is in compliance with the
27 requirements of subsection (2) of this section shall receive funding
28 under the encampment cleanup grant program created in section 4 of
29 this act.

30 (4)(a) A county that has not adopted the ordinance required by
31 subsection (1) of this section or that has failed to submit the
32 ordinance, certification, or report as required by subsection (2) of
33 this section is ineligible to receive grants under RCW 36.70A.190.

34 (b)(i) A county that has not adopted the ordinance required by
35 subsection (1) of this section or that has failed to submit the
36 ordinance, certification, or report as required by subsection (2) of
37 this section shall have the funding it receives under subsection (3)
38 of this section reduced each year that it has not been in compliance
39 with the requirements of this section until it has not been in
40 compliance for four consecutive years. A county that has not been in

1 compliance for four or more consecutive years is ineligible for
2 funding. A reduction or cessation of funding under this subsection
3 shall continue until such time as the county is able to fully comply
4 with this section.

5 (ii) When funding is reduced under this subsection, it shall be
6 reduced by the following amounts:

7 (A) One-fourth of the total that the county would otherwise be
8 eligible to receive if the county is out of compliance for between
9 one and two years;

10 (B) One-half of the total that the county would otherwise be
11 eligible to receive if the county is out of compliance for between
12 two and three years; or

13 (C) Three-fourths of the total that the county would otherwise be
14 eligible to receive if the county is out of compliance for between
15 three and four years.

16 (5) The definitions in this subsection apply throughout this
17 section unless the context clearly requires otherwise.

18 (a) "Camp" or "camping" means to pitch, use, or occupy camp
19 facilities for the purposes of habitation, as evidenced by the use of
20 camp paraphernalia. Camp facilities include, but are not limited to,
21 tents, huts, temporary shelters, or vehicles if said vehicle is being
22 used as temporary living quarters, and may include a recreational
23 vehicle, tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets,
24 or any form of cover or protection from the elements other than
25 clothing. Camp paraphernalia includes, but is not limited to,
26 tarpaulins, cots, beds, sleeping bags, blankets, mattresses,
27 hammocks, or cooking facilities or equipment. For the purposes of
28 this section, "camp" and "camping" do not include the use of camp
29 facilities at an area designated for temporary recreational camping.

30 (b) "Public property" means any street, alley, sidewalk, parking
31 space, pedestrian or transit mall, bike path, greenway, or any other
32 structure or area encompassed within the public right-of-way; any
33 park, parkway, mountain park, or other recreation facility; or any
34 other grounds, buildings, fixtures, or other facilities owned or
35 leased by the state or by any other public owner, regardless of
36 whether such public property is vacant or occupied and actively used
37 for any public purpose.

38 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.21
39 RCW to read as follows:

1 (1) (a) By May 1, 2025, the city legislative authority of each
2 city that is required or that chooses to plan under RCW 36.70A.040
3 must adopt an ordinance making it unlawful for any person to camp on
4 public property within 500 feet of:

5 (i) Public or private elementary or secondary schools;

6 (ii) School walk areas, as determined under rules promulgated by
7 the superintendent of public instruction pursuant to RCW 28A.150.290;

8 (iii) Child day care centers, as defined in RCW 43.216.010;

9 (iv) Public parks, as defined in RCW 69.50.435; and

10 (v) County courthouses.

11 (b) A city that is not required under (a) of this subsection to
12 adopt the specified ordinance may voluntarily choose to do so. A city
13 that voluntarily adopts the ordinance is eligible for grants under
14 subsection (3) of this section under the same conditions as cities
15 required to adopt the ordinance under (a) of this subsection.

16 (2) (a) Upon adoption of the ordinance required in subsection (1)
17 of this section, the city must submit copies of the ordinance to the
18 department of commerce.

19 (b) By May 1st of each year, the city legislative authority or
20 chief executive of the city must submit to the department of
21 commerce:

22 (i) A certification signed by the chair of the city legislative
23 authority or by the chief executive of the city, certifying that the
24 ordinance adopted pursuant to subsection (1) of this section remains
25 in effect and that the city has taken reasonable steps to enforce the
26 ordinance on an ongoing and regular basis, including visiting not
27 less than weekly those areas where camping is prohibited and making
28 reasonable efforts to respond to complaints about unlawful camping on
29 such areas within five calendar days of receipt of a complaint.

30 (ii) A report detailing the measures that have been taken to
31 monitor and remove those in violation of the ordinance required in
32 subsection (1) of this section, whether any violations of the
33 ordinance have occurred, and how the revenue provided in subsection
34 (3) of this section has been utilized.

35 (3) A city that has adopted the ordinance required by subsection
36 (1) of this section and that is in compliance with the requirements
37 of subsection (2) of this section shall receive funding under the
38 encampment cleanup grant program created in section 4 of this act.

39 (4) (a) A city that has not adopted the ordinance required by
40 subsection (1) of this section or that has failed to submit the

1 ordinance, certification, or report as required by subsection (2) of
2 this section is ineligible to receive grants under RCW 36.70A.190.

3 (b) (i) A city that has not adopted the ordinance required by
4 subsection (1) of this section or that has failed to submit the
5 ordinance, certification, or report as required by subsection (2) of
6 this section shall have the funding it receives under subsection (3)
7 of this section reduced each year that it has not been in compliance
8 with the requirements of this section until it has not been in
9 compliance for four consecutive years. A city that has not been in
10 compliance for four or more consecutive years is ineligible for
11 funding. A reduction or cessation of funding under this subsection
12 shall continue until such time as the city is able to fully comply
13 with this section.

14 (ii) When funding is reduced under this subsection, it shall be
15 reduced by the following amounts:

16 (A) One-fourth of the total that the city would otherwise be
17 eligible to receive if the city is out of compliance for between one
18 and two years;

19 (B) One-half of the total that the city would otherwise be
20 eligible to receive if the city is out of compliance for between two
21 and three years; or

22 (C) Three-fourths of the total that the city would otherwise be
23 eligible to receive if the city is out of compliance for between
24 three and four years.

25 (5) The definitions in this subsection apply throughout this
26 section unless the context clearly requires otherwise.

27 (a) "Camp" or "camping" means to pitch, use, or occupy camp
28 facilities for the purposes of habitation, as evidenced by the use of
29 camp paraphernalia. Camp facilities include, but are not limited to,
30 tents, huts, temporary shelters, or vehicles if said vehicle is being
31 used as temporary living quarters, and may include a recreational
32 vehicle, tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets,
33 or any form of cover or protection from the elements other than
34 clothing. Camp paraphernalia includes, but is not limited to,
35 tarpaulins, cots, beds, sleeping bags, blankets, mattresses,
36 hammocks, or cooking facilities or equipment. For the purposes of
37 this section, "camp" and "camping" do not include the use of camp
38 facilities at an area designated for temporary recreational camping.

39 (b) "Public property" means any street, alley, sidewalk, parking
40 space, pedestrian or transit mall, bike path, greenway, or any other

1 structure or area encompassed within the public right-of-way; any
2 park, parkway, mountain park, or other recreation facility; or any
3 other grounds, buildings, fixtures, or other facilities owned or
4 leased by the state or by any other public owner, regardless of
5 whether such public property is vacant or occupied and actively used
6 for any public purpose.

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

9 (1)(a) By May 1, 2025, the legislative authority of each code
10 city that is required or that chooses to plan under RCW 36.70A.040
11 must adopt an ordinance making it unlawful for any person to camp on
12 public property within 500 feet of:

- 13 (i) Public or private elementary or secondary schools;
- 14 (ii) School walk areas, as determined under rules promulgated by
15 the superintendent of public instruction pursuant to RCW 28A.150.290;
- 16 (iii) Child day care centers, as defined in RCW 43.216.010;
- 17 (iv) Public parks, as defined in RCW 69.50.435; and
- 18 (v) County courthouses.

19 (b) A code city that is not required under (a) of this subsection
20 to adopt the specified ordinance may voluntarily choose to do so. A
21 code city that voluntarily adopts the ordinance is eligible for
22 grants under subsection (3) of this section under the same conditions
23 as code cities required to adopt the ordinance under (a) of this
24 subsection.

25 (2)(a) Upon adoption of the ordinance required in subsection (1)
26 of this section, the code city's legislative authority must submit
27 copies of the ordinance to the department of commerce.

28 (b) By May 1st of each year, the code city's legislative
29 authority or chief executive of the code city must submit to the
30 department of commerce:

- 31 (i) A certification signed by the chair of the code city's
32 legislative authority or by the chief executive of the code city,
33 certifying that the ordinance adopted pursuant to subsection (1) of
34 this section remains in effect and that the code city has taken
35 reasonable steps to enforce the ordinance on an ongoing and regular
36 basis, including visiting not less than weekly those areas where
37 camping is prohibited and making reasonable efforts to respond to
38 complaints about unlawful camping on such areas within five calendar
39 days of receipt of a complaint.

1 (ii) A report detailing the measures that have been taken to
2 monitor and remove those in violation of the ordinance required in
3 subsection (1) of this section, whether any violations of the
4 ordinance have occurred, and how the revenue provided in subsection
5 (3) of this section has been utilized.

6 (3) A code city that has adopted the ordinance required by
7 subsection (1) of this section and that is in compliance with the
8 requirements of subsection (2) of this section shall receive funding
9 under the encampment cleanup grant program created in section 4 of
10 this act.

11 (4) (a) A code city that has not adopted the ordinance required by
12 subsection (1) of this section or that has failed to submit the
13 ordinance, certification, or report as required by subsection (2) of
14 this section is ineligible to receive grants under RCW 36.70A.190.

15 (b) (i) A code city that has not adopted the ordinance required by
16 subsection (1) of this section or that has failed to submit the
17 ordinance, certification, or report as required by subsection (2) of
18 this section shall have the funding it receives under subsection (3)
19 of this section reduced each year that it has not been in compliance
20 with the requirements of this section until it has not been in
21 compliance for four consecutive years. A code city that has not been
22 in compliance for four or more consecutive years is ineligible for
23 funding. A reduction or cessation of funding under this subsection
24 shall continue until such time as the code city is able to fully
25 comply with this section.

26 (ii) When funding is reduced under this subsection, it shall be
27 reduced by the following amounts:

28 (A) One-fourth of the total that the code city would otherwise be
29 eligible to receive if the code city is out of compliance for between
30 one and two years;

31 (B) One-half of the total that the code city would otherwise be
32 eligible to receive if the code city is out of compliance for between
33 two and three years; or

34 (C) Three-fourths of the total that the code city would otherwise
35 be eligible to receive if the code city is out of compliance for
36 between three and four years.

37 (5) The definitions in this subsection apply throughout this
38 section unless the context clearly requires otherwise.

39 (a) "Camp" or "camping" means to pitch, use, or occupy camp
40 facilities for the purposes of habitation, as evidenced by the use of

1 camp paraphernalia. Camp facilities include, but are not limited to,
2 tents, huts, temporary shelters, or vehicles if said vehicle is being
3 used as temporary living quarters, and may include a recreational
4 vehicle, tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets,
5 or any form of cover or protection from the elements other than
6 clothing. Camp paraphernalia includes, but is not limited to,
7 tarpaulins, cots, beds, sleeping bags, blankets, mattresses,
8 hammocks, or cooking facilities or equipment. For the purposes of
9 this section, "camp" and "camping" do not include the use of camp
10 facilities at an area designated for temporary recreational camping.

11 (b) "Public property" means any street, alley, sidewalk, parking
12 space, pedestrian or transit mall, bike path, greenway, or any other
13 structure or area encompassed within the public right-of-way; any
14 park, parkway, mountain park, or other recreation facility; or any
15 other grounds, buildings, fixtures, or other facilities owned or
16 leased by the state or by any other public owner, regardless of
17 whether such public property is vacant or occupied and actively used
18 for any public purpose.

19 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.31
20 RCW to read as follows:

21 (1) The encampment cleanup grant program is created in the
22 department of commerce. Grant funding must be distributed to counties
23 that are required to or voluntarily enact an ordinance under section
24 1 of this act. Counties must enter into subgrants with cities that
25 are required to or voluntarily enact an ordinance under section 2 or
26 3 of this act. In making subgrants, counties must distribute funds
27 based on the city's relative share of unsheltered homeless
28 individuals living in the county.

29 (2) Grantees must first use funds awarded under this section for
30 actions to enforce an ordinance enacted pursuant to sections 1, 2, or
31 3 of this act including, but not limited to, costs to clear garbage,
32 debris, or hazardous materials, and costs to prevent future
33 encampments from forming in areas protected under the enacted
34 ordinances. Grant funding may also be used for other activities to
35 address and prevent homelessness, including providing housing and
36 supportive services for homeless individuals and families.

37 (3) The department of commerce must distribute funds awarded
38 under this section to counties as follows:

1 (a) 50 percent based on the county's relative share of the
2 state's population, as determined by the office of financial
3 management pursuant to RCW 43.62.035; and

4 (b) 50 percent based on the county's relative share of the number
5 of unsheltered homeless individuals living in the state of
6 Washington, as determined by the annual Washington homeless census
7 conducted pursuant to RCW 43.185C.030.

8 (4) Grants provided under subsection (3) of this section
9 constitute reimbursement for purposes of RCW 43.135.060(1).

10 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.31
11 RCW to read as follows:

12 (1) The encampment cleanup account is created in the state
13 treasury. Moneys in the account consist of appropriations and
14 transfers made to the account by the legislature and all other moneys
15 directed for deposit into the account. Moneys in the account may only
16 be spent after appropriation. Expenditures from the account may be
17 used by the department of commerce for the encampment cleanup grant
18 program created in section 4 of this act.

19 (2) For the fiscal year beginning July 1, 2023, and each
20 subsequent fiscal year, the legislature must transfer an amount no
21 lower than \$100,000,000 into the encampment cleanup account.

22 **Sec. 6.** RCW 36.70A.190 and 2022 c 252 s 5 are each amended to
23 read as follows:

24 (1) The department shall establish a program of technical and
25 financial assistance and incentives to counties and cities to
26 encourage and facilitate the adoption and implementation of
27 comprehensive plans and development regulations throughout the state.

28 (2) The department shall develop a priority list and establish
29 funding levels for planning and technical assistance grants both for
30 counties and cities that plan under RCW 36.70A.040. Priority for
31 assistance shall be based on a county's or city's population growth
32 rates, commercial and industrial development rates, the existence and
33 quality of a comprehensive plan and development regulations, and
34 other relevant factors.

35 (3) The department shall develop and administer a grant program
36 to provide direct financial assistance to counties and cities for the
37 preparation of comprehensive plans under this chapter. The department
38 may establish provisions for county and city matching funds to

1 conduct activities under this subsection. Grants may be expended for
2 any purpose directly related to the preparation of a county or city
3 comprehensive plan as the county or city and the department may
4 agree, including, without limitation, the conducting of surveys,
5 inventories and other data gathering and management activities, the
6 retention of planning consultants, contracts with regional councils
7 for planning and related services, and other related purposes.

8 (4) The department shall establish a program of technical
9 assistance:

10 (a) Utilizing department staff, the staff of other state
11 agencies, and the technical resources of counties and cities to help
12 in the development of comprehensive plans required under this
13 chapter. The technical assistance may include, but not be limited to,
14 model land use ordinances, regional education and training programs,
15 and information for local and regional inventories; and

16 (b) Adopting by rule procedural criteria to assist counties and
17 cities in adopting comprehensive plans and development regulations
18 that meet the goals and requirements of this chapter. These criteria
19 shall reflect regional and local variations and the diversity that
20 exists among different counties and cities that plan under this
21 chapter.

22 (5) The department shall provide mediation services to resolve
23 disputes between counties and cities regarding, among other things,
24 coordination of regional issues and designation of urban growth
25 areas.

26 (6) The department shall provide services to facilitate the
27 timely resolution of disputes between a federally recognized Indian
28 tribe and a city or county.

29 (a) A federally recognized Indian tribe may request the
30 department to provide facilitation services to resolve issues of
31 concern with a proposed comprehensive plan and its development
32 regulations, or any amendment to the comprehensive plan and its
33 development regulations.

34 (b) Upon receipt of a request from a tribe, the department shall
35 notify the city or county of the request and offer to assist in
36 providing facilitation services to encourage resolution before
37 adoption of the proposed comprehensive plan. Upon receipt of the
38 notice from the department, the city or county must delay any final
39 action to adopt any comprehensive plan or any amendment or its
40 development regulations for at least 60 days. The tribe and the city

1 or county may jointly agree to extend this period by notifying the
2 department. A county or city must not be penalized for noncompliance
3 under this chapter due to any delays associated with this process.

4 (c) Upon receipt of a request, the department shall provide
5 comments to the county or city including a summary and supporting
6 materials regarding the tribe's concerns. The county or city may
7 either agree to amend the comprehensive plan as requested consistent
8 with the comments from the department, or enter into a facilitated
9 process with the tribe, which must be arranged by the department
10 using a suitable expert to be paid by the department. This
11 facilitated process may also extend the 60-day delay of adoption,
12 upon agreement of the tribe and the city or county.

13 (d) At the end of the 60-day period, unless by agreement there is
14 an extension of the 60-day period, the city or county may proceed
15 with adoption of the proposed comprehensive plan and development
16 regulations. The facilitator shall write a report of findings
17 describing the basis for agreements or disagreements that occurred
18 during the process that are allowed to be disclosed by the parties
19 and the resulting agreed-upon elements of the plan to be amended.

20 (7) The department shall provide planning grants to enhance
21 citizen participation under RCW 36.70A.140.

22 (8)(a) A county that is not in compliance with the requirements
23 of section 1 of this act, or a city that is not in compliance with
24 section 2 or 3 of this act, is ineligible to receive grants or
25 technical assistance under this section except as provided in (b) of
26 this subsection.

27 (b) By June 1, 2025, and by each subsequent June 1st thereafter,
28 the department shall notify any city or county that will not qualify
29 for technical assistance and grants for the coming fiscal year
30 because of a failure to comply with the requirements of section 1, 2,
31 or 3 of this act. A city or county that remedies its noncompliance
32 within 30 days of receiving a notification shall be considered to
33 have complied with the requirements of this section for the coming
34 fiscal year.

35 NEW SECTION. Sec. 7. A new section is added to chapter 43.185C
36 RCW to read as follows:

37 (1) By January 1, 2024, the department must maintain an online
38 data dashboard updated on a quarterly basis with performance metrics
39 regarding verified homeless encampment sites. The dashboard must

1 allow for viewing data at a statewide level and by county. The
2 dashboard must include the following performance metrics:

3 (a) The number and location of verified homeless encampment
4 sites;

5 (b) The number of individuals living in a verified homeless
6 encampment site who received an offer of shelter before a local
7 government or state agency took action to close the site; and

8 (c) Total expenditures, by fund source, for closing verified
9 homeless encampment sites. Types of expenditures may include, but are
10 not limited to, costs for outreach and the provision of services to
11 homeless individuals previously living at the encampment site; law
12 enforcement costs; costs to collect and dispose of garbage; costs to
13 clear debris or hazardous material; and other costs to prevent future
14 encampments from forming.

15 (2) Any local government receiving state funds for homelessness
16 assistance or state or local document recording fees under RCW
17 36.22.176, 36.22.178, 36.22.179, or 36.22.1791, must provide a report
18 to the department that includes the information described in
19 subsection (1)(a) through (c) of this section on a quarterly basis.
20 If a local government fails to report or provides an inadequate or
21 incomplete report, the department must take corrective action, which
22 may include withholding state funding for homelessness assistance to
23 the local government to enable the department to use such funds to
24 contract with other public or nonprofit entities to provide
25 homelessness assistance within the jurisdiction.

26 (3) The department may provide grants to local governments to
27 assist with costs associated with collecting and reporting data as
28 required under subsection (2) of this section.

29 (4) The definitions in this subsection apply throughout this
30 section unless the context clearly requires otherwise.

31 (a) "Public property" means any street, alley, sidewalk, parking
32 space, pedestrian or transit mall, bike path, greenway, or any other
33 structure or area encompassed within the public right-of-way; any
34 park, parkway, mountain park, or other recreation facility; or any
35 other grounds, buildings, fixtures, or other facilities owned or
36 leased by the state or by any other public owner, regardless of
37 whether such public property is vacant or occupied and actively used
38 for any public purpose.

39 (b) "Verified homeless encampment site" means a site located on
40 public property where one or more homeless individuals or households

1 pitch, use, or occupy camp facilities for the purposes of habitation.
2 The state agency or local government who owns the property where the
3 site is located must verify the presence of homeless individuals or
4 households using or occupying camp facilities. Camp facilities
5 include, but are not limited to, tents, huts, temporary shelters, or
6 vehicles if said vehicle is being used as temporary living quarters,
7 and may include a recreational vehicle, tent, tarpaulin, lean-to,
8 sleeping bag, bedroll, blankets, or any form of cover or protection
9 from the elements other than clothing. For the purposes of this
10 section, a "verified homeless encampment site" does not include the
11 use of camp facilities at an area designated for temporary
12 recreational camping.

13 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
14 preservation of the public peace, health, or safety, or support of
15 the state government and its existing public institutions, and takes
16 effect immediately.

--- END ---