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**SUBSTITUTE HOUSE BILL 1956**

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**State of Washington                      61st Legislature                      2009 Regular Session**

**By** House Local Government & Housing (originally sponsored by Representatives Williams, Chase, Ormsby, Darneille, Van De Wege, Dickerson, and Simpson)

READ FIRST TIME 02/20/09.

1            AN ACT Relating to the housing of homeless persons on property  
2 owned or controlled by a church; adding a new section to chapter 36.01  
3 RCW; adding a new section to chapter 35.21 RCW; adding a new section to  
4 chapter 35A.21 RCW; and creating a new section.

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

6            NEW SECTION.    **Sec. 1.**    (1) The legislature finds that there are  
7 many homeless persons in our state that are in need of shelter and  
8 other services that are not being provided by the state and local  
9 governments.    The legislature also finds that in many communities  
10 churches play an important role in providing needed services to the  
11 homeless, including the provision of shelter upon church property.    By  
12 providing such shelter, the religious institutions in our communities  
13 perform a valuable public service that, for many, offers a temporary,  
14 stop-gap solution to the larger social problem of increasing numbers of  
15 homeless persons.

16            (2) The legislature finds that some municipalities are resistant to  
17 the churches playing a role in providing the homeless with temporary  
18 shelter and have enacted ordinances aimed at thwarting such faith-based  
19 efforts.    The legislature further finds that such restrictions and

1 prohibitions upon churches constitute an unacceptable abridgment of the  
2 rights of religious institutions to provide help to those who are most  
3 vulnerable and in need of assistance. This legislative finding is well  
4 supported by the Washington courts, whose rulings have long supported  
5 the rights of citizens to practice their religious beliefs without  
6 unreasonable interference by the state. The legislature notes that in  
7 *First Covenant Church v. City of Seattle*, 120 Wn.2d 203, 229-30 (1992),  
8 the Washington supreme court declared that the guarantee of free  
9 exercise of religion under the Washington state Constitution "extends  
10 broader protection than the first amendment to the federal  
11 constitution." The legislature agrees that "[r]eligious free exercise  
12 remains an area around which government must tread very lightly." *Open  
13 Door Baptist Church v. Clark County*, 140 Wn.2d 143 (1999).  
14 Accordingly, the legislature finds that it is inconsistent with the  
15 protection of the free exercise of religion for municipalities to  
16 unduly burden the ability of churches to shelter the homeless as part  
17 of their religious mission.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.01 RCW  
19 to read as follows:

20 (1) A church may provide shelter or housing to homeless persons on  
21 property owned or controlled by the church whether within buildings  
22 located on the property or elsewhere on the property outside of  
23 buildings.

24 (2) A county may not enact an ordinance or regulation or take any  
25 other action that:

26 (a) Unreasonably interferes with the decisions or actions of a  
27 church regarding the location of housing or shelter for homeless  
28 persons on property the church owns or controls;

29 (b) Prohibits or attempts to regulate the housing of homeless  
30 persons on church property based upon the property's proximity to a  
31 school or day care center;

32 (c) Requires a church to maintain property and casualty insurance;  
33 or

34 (d) Requires a church to obtain insurance pertaining to the  
35 liability of a municipality with respect to homeless persons housed on  
36 church property or otherwise requires the church to indemnify the  
37 municipality against such liability.

1 (3) For the purposes of this section, "church" means a building or  
2 buildings and adjacent real property that is used as a place of worship  
3 by a religious denomination and that is owned or controlled by the  
4 denomination.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.21 RCW  
6 to read as follows:

7 (1) A church may provide shelter or housing to homeless persons on  
8 property owned or controlled by the church whether within buildings  
9 located on the property or elsewhere on the property outside of  
10 buildings.

11 (2) A city or town may not enact an ordinance or regulation or take  
12 any other action that:

13 (a) Unreasonably interferes with the decisions or actions of a  
14 church regarding the location of housing or shelter for homeless  
15 persons on property the church owns or controls;

16 (b) Prohibits or attempts to regulate the housing of homeless  
17 persons on church property based upon the property's proximity to a  
18 school or day care center;

19 (c) Requires a church to maintain property and casualty insurance;  
20 or

21 (d) Requires a church to obtain insurance pertaining to the  
22 liability of a municipality with respect to homeless persons housed on  
23 church property or otherwise requires the church to indemnify the  
24 municipality against such liability.

25 (3) For the purposes of this section, "church" means a building or  
26 buildings and adjacent real property that is used as a place of worship  
27 by a religious denomination and that is owned or controlled by the  
28 denomination.

29 NEW SECTION. **Sec. 4.** A new section is added to chapter 35A.21 RCW  
30 to read as follows:

31 (1) A church may provide shelter or housing to homeless persons on  
32 property owned or controlled by the church whether within buildings  
33 located on the property or elsewhere on the property outside of  
34 buildings.

35 (2) A code city may not enact an ordinance or regulation or take  
36 any other action that:

1           (a) Unreasonably interferes with the decisions or actions of a  
2 church regarding the location of housing or shelter for homeless  
3 persons on property the church owns or controls;

4           (b) Prohibits or attempts to regulate the housing of homeless  
5 persons on church property based upon the property's proximity to a  
6 school or day care center;

7           (c) Requires a church to maintain property and casualty insurance;  
8 or

9           (d) Requires a church to obtain insurance pertaining to the  
10 liability of a municipality with respect to homeless persons housed on  
11 church property or otherwise requires the church to indemnify the  
12 municipality against such liability.

13           (3) For the purposes of this section, "church" means a building or  
14 buildings and adjacent real property that is used as a place of worship  
15 by a religious denomination and that is owned or controlled by the  
16 denomination.

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