
HOUSE BILL 2085

State of Washington

67th Legislature

2022 Regular Session

By Representative Wicks

1 AN ACT Relating to temporary emergency shelters; amending RCW
2 19.27.042; adding a new section to chapter 35.21 RCW; adding a new
3 section to chapter 35A.21 RCW; and adding a new section to chapter
4 36.01 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.21
7 RCW to read as follows:

8 (1) A city may adopt an ordinance or take any other action to
9 regulate the creation of temporary emergency shelter communities.

10 (2) If a city adopts an ordinance or takes any other action to
11 regulate the creation of temporary emergency shelter communities, the
12 city must allow a sponsor or managing agency to apply for a land use
13 permit application to provide the temporary emergency shelters and
14 basic services and support for residents of the temporary emergency
15 shelter community.

16 (3) Upon filing the land use permit application for a temporary
17 emergency shelter community, the sponsor or managing agency must
18 prepare and file a temporary emergency shelter community
19 responsibility plan. The plan must identify both the physical and
20 social infrastructure needed to support the temporary emergency
21 shelter community, as well as include an enforceable code of conduct

1 and provisions addressing access to safe parking, public
2 transportation, food assistance, community resources, site
3 inspections, utility connections, and public safety and emergency
4 services.

5 (4) A city may terminate any agreement with a sponsor or managing
6 agency if the temporary emergency shelter community poses serious and
7 documented threats to the health and well-being of the surrounding
8 community. If the city terminates the agreement, the sponsor or
9 managing agency must address each documented concern before
10 resubmitting an application for a temporary emergency shelter
11 community within the city.

12 (5) This section does not apply to the hosting of the homeless on
13 property owned or controlled by a religious organization as
14 authorized under RCW 35.21.915.

15 (6) For purposes of this section:

16 (a) "Managing agency" means an organization that has the capacity
17 to organize and manage a temporary emergency shelter community,
18 and may be the same entity as the sponsor.

19 (b) "Sponsor" means a nonprofit or other local community-based
20 organization that has an agreement with the managing agency to
21 provide basic services and support for the residents of a temporary
22 emergency shelter community, such as food and sanitation, and liaison
23 with the surrounding community and joins with the managing agency in
24 an application for a temporary use permit. A sponsor may be the same
25 entity as the managing agency.

26 (c) "Temporary emergency shelter" means a shelter not affixed to
27 land and not using underground utilities, built in accordance with
28 the state building code, and providing temporary housing
29 accommodations for persons experiencing homelessness or for
30 persons experiencing domestic violence.

31 NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.21
32 RCW to read as follows:

33 (1) A code city may adopt an ordinance or take any other action
34 to regulate the creation of temporary emergency shelter communities.

35 (2) If a code city adopts an ordinance or takes any other action
36 to regulate the creation of temporary emergency shelter communities,
37 the code city must allow a sponsor or managing agency to apply for a
38 land use permit application to provide the temporary emergency

1 shelters and basic services and support for residents of the
2 temporary emergency shelter community.

3 (3) Upon filing the land use permit application for a temporary
4 emergency shelter community, the sponsor or managing agency must
5 prepare and file a temporary emergency shelter community
6 responsibility plan. The plan must identify both the physical and
7 social infrastructure needed to support the temporary emergency
8 shelter community, as well as include an enforceable code of conduct
9 and provisions addressing access to safe parking, public
10 transportation, food assistance, community resources, site
11 inspections, utility connections, and public safety and emergency
12 services.

13 (4) A code city may terminate any agreement with a sponsor or
14 managing agency if the temporary emergency shelter community poses
15 serious and documented threats to the health and well-being of the
16 surrounding community. If the code city terminates the agreement, the
17 sponsor or managing agency must address each documented concern
18 before resubmitting an application for a temporary emergency shelter
19 community within the code city.

20 (5) This section does not apply to the hosting of the homeless on
21 property owned or controlled by a religious organization as
22 authorized under RCW 35.21.915.

23 (6) For purposes of this section:

24 (a) "Managing agency" means an organization that has the capacity
25 to organize and manage a temporary emergency shelter community,
26 and may be the same entity as the sponsor.

27 (b) "Sponsor" means a nonprofit or other local community-based
28 organization that has an agreement with the managing agency to
29 provide basic services and support for the residents of a temporary
30 emergency shelter community, such as food and sanitation, and liaison
31 with the surrounding community and joins with the managing agency in
32 an application for a temporary use permit. A sponsor may be the same
33 entity as the managing agency.

34 (c) "Temporary emergency shelter" means a shelter not affixed to
35 land and not using underground utilities, built in accordance with
36 the state building code, and providing temporary housing
37 accommodations for persons experiencing homelessness or for
38 persons experiencing domestic violence.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.01
2 RCW to read as follows:

3 (1) A county may adopt an ordinance or take any other action to
4 regulate the creation of temporary emergency shelter communities.

5 (2) If a county adopts an ordinance or takes any other action to
6 regulate the creation of temporary emergency shelter communities, the
7 county must allow a sponsor or managing agency to apply for a land
8 use permit application to provide the temporary emergency shelters
9 and basic services and support for residents of the temporary
10 emergency shelter community.

11 (3) Upon filing the land use permit application for a temporary
12 emergency shelter community, the sponsor or managing agency must
13 prepare and file a temporary emergency shelter community
14 responsibility plan. The plan must identify both the physical and
15 social infrastructure needed to support the temporary emergency
16 shelter community, as well as include an enforceable code of conduct
17 and provisions addressing access to safe parking, public
18 transportation, food assistance, community resources, site
19 inspections, utility connections, and public safety and emergency
20 services.

21 (4) A county may terminate any agreement with a sponsor or
22 managing agency if the temporary emergency shelter community poses
23 serious and documented threats to the health and well-being of the
24 surrounding community. If the county terminates the agreement, the
25 sponsor or managing agency must address each documented concern
26 before resubmitting an application for a temporary emergency shelter
27 community within the county.

28 (5) This section does not apply to the hosting of the homeless on
29 property owned or controlled by a religious organization as
30 authorized under RCW 35.21.915.

31 (6) For purposes of this section:

32 (a) "Managing agency" means an organization that has the capacity
33 to organize and manage a temporary emergency shelter community,
34 and may be the same entity as the sponsor.

35 (b) "Sponsor" means a nonprofit or other local community-based
36 organization that has an agreement with the managing agency to
37 provide basic services and support for the residents of a temporary
38 emergency shelter community, such as food and sanitation, and liaison
39 with the surrounding community and joins with the managing agency in

1 an application for a temporary use permit. A sponsor may be the same
2 entity as the managing agency.

3 (c) "Temporary emergency shelter" means a shelter not affixed to
4 land and not using underground utilities, built in accordance with
5 the state building code, and providing temporary housing
6 accommodations for persons experiencing homelessness or for
7 persons experiencing domestic violence.

8 **Sec. 4.** RCW 19.27.042 and 1991 c 139 s 1 are each amended to
9 read as follows:

10 (1) Effective January 1, 1992, the legislative authorities of
11 cities and counties may adopt an ordinance or resolution to exempt
12 from state building code requirements buildings whose character of
13 use or occupancy has been changed in order to provide housing for
14 indigent persons. The ordinance or resolution allowing the exemption
15 shall include the following conditions:

16 (a) The exemption is limited to existing buildings located in
17 this state;

18 (b) Any code deficiencies to be exempted pose no threat to human
19 life, health, or safety;

20 (c) The building or buildings exempted under this section are
21 owned or administered by a public agency or nonprofit corporation;
22 and

23 (d) The exemption is authorized for no more than five years on
24 any given building. An exemption for a building may be renewed if the
25 requirements of this section are met for each renewal.

26 (2) By January 1, 1992, the state building code council shall
27 adopt, by rule, guidelines for cities and counties exempting
28 buildings under subsection (1) of this section.

29 (3) By July 1, 2024, the state building code council shall adopt,
30 by rule, standards for temporary emergency shelters and make them
31 available for local adoption.

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