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HOUSE BILL 2893

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State of Washington

66th Legislature

2020 Regular Session

By Representative Thai

1 AN ACT Relating to homeless individuals; adding a new section to  
2 chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and  
3 adding a new section to chapter 36.01 RCW.

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

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

7 (1) Except as provided in subsection (2) of this section, cities  
8 and towns may not impose criminal sanctions against homeless  
9 individuals for sleeping outdoors on public property when no  
10 alternative shelter is available to them.

11 (2) Subsection (1) of this section does not apply to individuals  
12 who do have access to adequate temporary shelter, whether that is  
13 because they have the means to pay for it or because it is  
14 realistically available to them for free, but they have chosen not to  
15 use it.

16 (3) As long as an ordinance and its enforcement do not result in  
17 the punishment of a homeless individual for lacking the means to live  
18 out the universal and unavoidable consequences of being human, a city  
19 or town with insufficient shelter is not precluded by subsection (1)  
20 of this section from barring the:

- 1 (a) Act of sitting, lying, or sleeping outside at particular  
2 times or in particular locations;  
3 (b) Obstruction of public rights-of-way; or  
4 (c) Erection of certain structures.

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

7 (1) Except as provided in subsection (2) of this section, code  
8 cities may not impose criminal sanctions against homeless individuals  
9 for sleeping outdoors on public property when no alternative shelter  
10 is available to them.

11 (2) Subsection (1) of this section does not apply to individuals  
12 who do have access to adequate temporary shelter, whether that is  
13 because they have the means to pay for it or because it is  
14 realistically available to them for free, but they have chosen not to  
15 use it.

16 (3) As long as an ordinance and its enforcement do not result in  
17 the punishment of a homeless individual for lacking the means to live  
18 out the universal and unavoidable consequences of being human, a code  
19 city with insufficient shelter is not precluded by subsection (1) of  
20 this section from barring the:

- 21 (a) Act of sitting, lying, or sleeping outside at particular  
22 times or in particular locations;  
23 (b) Obstruction of public rights-of-way; or  
24 (c) Erection of certain structures.

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

27 (1) Except as provided in subsection (2) of this section,  
28 counties may not impose criminal sanctions against homeless  
29 individuals for sleeping outdoors on public property when no  
30 alternative shelter is available to them.

31 (2) Subsection (1) of this section does not apply to individuals  
32 who do have access to adequate temporary shelter, whether that is  
33 because they have the means to pay for it or because it is  
34 realistically available to them for free, but they have chosen not to  
35 use it.

36 (3) As long as an ordinance and its enforcement do not result in  
37 the punishment of a homeless individual for lacking the means to live  
38 out the universal and unavoidable consequences of being human, a

1 county with insufficient shelter is not precluded by subsection (1)  
2 of this section from barring the:

3 (a) Act of sitting, lying, or sleeping outside at particular  
4 times or in particular locations;

5 (b) Obstruction of public rights-of-way; or

6 (c) Erection of certain structures.

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