
SENATE BILL 5107

State of Washington

67th Legislature

2021 Regular Session

By Senator Fortunato

Prefiled 01/07/21.

1 AN ACT Relating to compassionate and effective strategies to
2 address the homelessness crisis; adding a new section to chapter
3 36.01 RCW; adding a new section to chapter 9A.84 RCW; creating new
4 sections; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that after the ninth
7 circuit court of appeals finding in *Martin v. City of Boise*, it is
8 imperative that cities and counties of a certain size provide shelter
9 to the homeless population. The provision of mental health and
10 substance abuse treatment options must be part of the shelter model
11 as well as security for the residents, staff, and counselors. Whereas
12 the state has allocated money for housing assistance in the housing
13 trust fund, the legislature also finds that such shelters should be
14 funded utilizing that money. Cities and counties are struggling to
15 cope with unauthorized camping and the negative environmental and
16 social impacts of such camping. By establishing a shelter, local
17 governments may then be allowed to manage the potential environmental
18 hazards that accompany sporadic camping.

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

1 (1) Every county and each city with a population over 50,000 must
2 establish and operate at least one emergency overnight shelter site
3 in its respective jurisdiction. Counties and each eligible city with
4 the county's geographic boundary must coordinate to ensure that there
5 are enough cumulative shelter beds to accommodate, at a minimum, the
6 sheltered and unsheltered portions of the county's most recent point-
7 in-time homeless count. Each shelter must prohibit the possession and
8 use of alcohol and unprescribed drugs on its premises contingent upon
9 evaluation for and compliance with treatment as recommended. Each
10 shelter must also provide for a police presence during the shelter's
11 operating hours. Counties and each eligible city shall require and
12 make available employment, mental health, and drug counseling
13 services at each shelter location.

14 (2) Any shelter established under this section is eligible for
15 assistance under the housing trust fund pursuant to RCW 43.185.050.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 9A.84
17 RCW to read as follows:

18 (1) A person is guilty of unauthorized camping if he or she camps
19 or stores personal property, including camp paraphernalia, on any
20 publicly owned or maintained land, whether improved or unimproved,
21 unless the land has been specifically designated by the controlling
22 jurisdiction as an area allowing recreational camping.

23 (a) "Camp paraphernalia" includes, but is not limited to, tents,
24 tarps, cots, beds, hammocks, mattresses, blankets, sleeping bags,
25 cooking equipment, and other items commonly associated with sleeping
26 or remaining outdoors overnight.

27 (b) "Camping" means the erection of a tent or other temporary
28 shelter or to assemble personal property on public land that to a
29 reasonable person indicates a person has remained or intends to
30 remain on the land overnight without proper permits or lawful
31 authority or when the land is not open to the public.

32 (2) Unauthorized camping is a misdemeanor.

33 NEW SECTION. **Sec. 4.** This act shall be known and cited as the
34 serious homelessness engagement leads to effective results (SHELTER)
35 act.

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