
SENATE BILL 5900

State of Washington

64th Legislature

2015 Regular Session

By Senators Miloscia, Hasegawa, and Kohl-Welles

Read first time 02/09/15. Referred to Committee on Human Services,
Mental Health & Housing.

1 AN ACT Relating to the hosting of the homeless by religious
2 organizations; and amending RCW 36.01.290, 35.21.915, and 35A.21.360.

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

4 **Sec. 1.** RCW 36.01.290 and 2010 c 175 s 2 are each amended to
5 read as follows:

6 (1) A religious organization may host temporary encampments for
7 the homeless on property owned or controlled by the religious
8 organization whether within buildings located on the property or
9 elsewhere on the property outside of buildings.

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

12 (a) Imposes conditions other than those necessary to protect
13 public health and safety and that do not substantially burden the
14 decisions or actions of a religious organization regarding the
15 location of housing or shelter for homeless persons on property owned
16 by the religious organization;

17 (b) Requires a religious organization to obtain insurance
18 pertaining to the liability of a municipality with respect to
19 homeless persons housed on property owned by a religious organization
20 or otherwise requires the religious organization to indemnify the
21 municipality against such liability; ((~~or~~))

1 (c) Imposes permit fees in excess of the actual costs associated
2 with the review and approval of the required permit applications;

3 (d) Limits a religious organization's availability to host a
4 rotating, established tent encampment to fewer than eight months
5 during any calendar year;

6 (e) Limits a religious organization's hosting term to fewer than
7 four months unless consented to by that religious organization for a
8 specific instance;

9 (f) Limits the number of simultaneous religious organization
10 hostings within the same municipality to one religious organization
11 hosting during any given period of time; or

12 (g) Limits a religious organization's availability to host safe
13 parking efforts at its on-site parking lot, including limitations on
14 any other church-sponsored uses and the parking available to support
15 such uses during the hosting, except for limitations that are in
16 accord with the following criteria that would govern if enacted by
17 local ordinance:

18 (i) No fewer than one space may be devoted to safe parking per
19 twenty on-site parking spaces;

20 (ii) Restroom access must be provided either within the buildings
21 on the property or through use of portable facilities;

22 (iii) If no managing agency oversees the safe parking, the host
23 religious organization must act as managing agency to assure sex
24 offender checks are completed, inform vehicle residents how to comply
25 with laws regarding the legal status of vehicles and drivers, and
26 provide a written code of conduct consistent with area standards.

27 (3) For the purposes of this section, "religious organization"
28 means the federally protected practice of a recognized religious
29 assembly, school, or institution that owns or controls real property.

30 (4) An appointed or elected public official, public employee, or
31 public agency as defined in RCW 4.24.470 is immune from civil
32 liability for (a) damages arising from the permitting decisions for a
33 temporary encampment for the homeless as provided in this section and
34 (b) any conduct or unlawful activity that may occur as a result of
35 the temporary encampment for the homeless as provided in this
36 section.

37 **Sec. 2.** RCW 35.21.915 and 2010 c 175 s 3 are each amended to
38 read as follows:

1 (1) A religious organization may host temporary encampments for
2 the homeless on property owned or controlled by the religious
3 organization whether within buildings located on the property or
4 elsewhere on the property outside of buildings.

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

7 (a) Imposes conditions other than those necessary to protect
8 public health and safety and that do not substantially burden the
9 decisions or actions of a religious organization regarding the
10 location of housing or shelter for homeless persons on property owned
11 by the religious organization;

12 (b) Requires a religious organization to obtain insurance
13 pertaining to the liability of a municipality with respect to
14 homeless persons housed on property owned by a religious organization
15 or otherwise requires the religious organization to indemnify the
16 municipality against such liability; ((~~or~~))

17 (c) Imposes permit fees in excess of the actual costs associated
18 with the review and approval of the required permit applications;

19 (d) Limits a religious organization's availability to host a
20 rotating, established tent encampment to fewer than eight months
21 during any calendar year;

22 (e) Limits a religious organization's hosting term to fewer than
23 four months unless consented to by that religious organization for a
24 specific instance;

25 (f) Limits the number of simultaneous religious organization
26 hostings within the same municipality to one religious organization
27 hosting during any given period of time; or

28 (g) Limits a religious organization's availability to host safe
29 parking efforts at its on-site parking lot, including limitations on
30 any other church-sponsored uses and the parking available to support
31 such uses during the hosting, except for limitations that are in
32 accord with the following criteria that would govern if enacted by
33 local ordinance:

34 (i) No fewer than one space may be devoted to safe parking per
35 twenty on-site parking spaces;

36 (ii) Restroom access must be provided either within the buildings
37 on the property or through use of portable facilities;

38 (iii) If no managing agency oversees the safe parking, the host
39 religious organization must act as managing agency to assure sex
40 offender checks are completed, inform vehicle residents how to comply

1 with laws regarding the legal status of vehicles and drivers, and
2 provide a written code of conduct consistent with area standards.

3 (3) For the purposes of this section, "religious organization"
4 means the federally protected practice of a recognized religious
5 assembly, school, or institution that owns or controls real property.

6 (4) An appointed or elected public official, public employee, or
7 public agency as defined in RCW 4.24.470 is immune from civil
8 liability for (a) damages arising from the permitting decisions for a
9 temporary encampment for the homeless as provided in this section and
10 (b) any conduct or unlawful activity that may occur as a result of
11 the temporary encampment for the homeless as provided in this
12 section.

13 **Sec. 3.** RCW 35A.21.360 and 2010 c 175 s 4 are each amended to
14 read as follows:

15 (1) A religious organization may host temporary encampments for
16 the homeless on property owned or controlled by the religious
17 organization whether within buildings located on the property or
18 elsewhere on the property outside of buildings.

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

21 (a) Imposes conditions other than those necessary to protect
22 public health and safety and that do not substantially burden the
23 decisions or actions of a religious organization regarding the
24 location of housing or shelter for homeless persons on property owned
25 by the religious organization;

26 (b) Requires a religious organization to obtain insurance
27 pertaining to the liability of a municipality with respect to
28 homeless persons housed on property owned by a religious organization
29 or otherwise requires the religious organization to indemnify the
30 municipality against such liability; ((~~or~~))

31 (c) Imposes permit fees in excess of the actual costs associated
32 with the review and approval of the required permit applications;

33 (d) Limits a religious organization's availability to host a
34 rotating, established tent encampment to fewer than eight months
35 during any calendar year;

36 (e) Limits a religious organization's hosting term to fewer than
37 four months unless consented to by that religious organization for a
38 specific instance;

1 (f) Limits the number of simultaneous religious organization
2 hostings within the same municipality to one religious organization
3 hosting during any given period of time; or

4 (g) Limits a religious organization's availability to host safe
5 parking efforts at its on-site parking lot, including limitations on
6 any other church-sponsored uses and the parking available to support
7 such uses during the hosting, except for limitations that are in
8 accord with the following criteria that would govern if enacted by
9 local ordinance:

10 (i) No fewer than one space may be devoted to safe parking per
11 twenty on-site parking spaces;

12 (ii) Restroom access must be provided either within the buildings
13 on the property or through use of portable facilities;

14 (iii) If no managing agency oversees the safe parking, the host
15 religious organization must act as managing agency to assure sex
16 offender checks are completed, inform vehicle residents how to comply
17 with laws regarding the legal status of vehicles and drivers, and
18 provide a written code of conduct consistent with area standards.

19 (3) For the purposes of this section, "religious organization"
20 means the federally protected practice of a recognized religious
21 assembly, school, or institution that owns or controls real property.

22 (4) An appointed or elected public official, public employee, or
23 public agency as defined in RCW 4.24.470 is immune from civil
24 liability for (a) damages arising from the permitting decisions for a
25 temporary encampment for the homeless as provided in this section and
26 (b) any conduct or unlawful activity that may occur as a result of
27 the temporary encampment for the homeless as provided in this
28 section.

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