



Interim Regulations – Emergency Temporary Shelters

Amendment to the Tacoma Municipal Code

Planning Commission Findings of Fact and Recommendations Report *July 19, 2017 Draft*

A. Subject

The emergency interim zoning regulations pertaining to emergency temporary shelters, as enacted by the City Council on June 6, 2017, per Ordinance No. 28432.

B. Summary of Interim Regulations

The adoption of emergency Ordinance No. 28432 is intended to limit the ongoing suffering of individuals, families, and youth occupying homeless encampments by allowing provision of emergency temporary shelters. This is part of a three-phase plan that consists of mitigation of the conditions in homeless encampments in the first phase, providing emergency sheltering and transition services in the second phase, and providing long-term housing in the third phase. Ordinance No. 28432 addresses the types of services/sheltering included in the second phase.

As adopted, the interim regulations are effective through November 14, 2017 or until the City's zoning regulations for emergency temporary aid and shelter are permanently updated. The interim regulations contain the following key provisions:

- Allowing the Director of Emergency Management to approve the nature, form, scope, design, and location, and provide oversight over, the erection, installation, implementation, management, and operation of emergency temporary shelters, when and where practicable;
- Exempting shelters from land use regulations and standards, except to the extent that federal or state law mandates compliance with a particular land use regulation or standard and compliance has not been excepted pursuant to operation of state or federal law or a declaration of emergency by the Governor or federal official or agency vested with authority to declare a public emergency; and
- Requiring the management of shelters to take into account: (a) access to basic health, support, and transportation services; (b) minimizing impacts on neighborhoods or environmentally sensitive areas; (c) ensuring safety and security of the occupants; (d) accommodation for those with access and functional needs; and (e) public outreach and engagement.

C. Background

The Puget Sound region is experiencing extremely high numbers of homeless. In the South Sound and Pierce County, Tacoma, as the largest city, has been experiencing increasing numbers of homeless individuals and homeless encampments. In April 2014, the City passed Ordinance No. 28216, which adopted regulations to create a defined permitting process for temporary homeless

camps operated and supported by religious institutions. The code associated with this Ordinance is codified in *TMC* Section 13.05.020.

In April of 2017, complaints arose regarding homeless activity in the downtown area and the growth of encampments, including locations under the 15th Street Bridge and the A Street pedestrian underpass. Concurrently, the Neighborhood and Community Services Department led a cleanup of the area known as “The Jungle”, which was located at the East 26th Street Bridge and under the I-705 overpass. This cleanup included connecting encampment occupants with services and site reclamation. In response to these growing encampment issues and clean-up efforts, the City Council and City staff began to reassess and explore alternatives to the City’s approach to homelessness and encampments.

On May 2, 2017, Councilmember Keith Blocker put forward a Council Consideration Request (CCR) to reexamine current land use regulations for Temporary Homeless Camps (*TMC* 13.05.020). The request asked that a review consider increased flexibility for religious organizations and allowance on other private or public sites. Additionally, a decision was made by Mayor Strickland, in concert with City Council and at the time, the Interim City Manager, to develop an emergency temporary aid and shelter program in response to the homelessness crisis; this policy directive led to Resolution No. 39716. Resolution No. 39716 responded to the homelessness crisis by directing the Interim City Manager to promptly prepare and present to the City Council an Emergency Temporary Aid and Shelter Program to respond to the homelessness crisis, and to prepare and present an ordinance declaring a state of emergency relating to the current homeless crisis, authorizing the suspension of certain regulations to facilitate the Emergency Temporary Aid and Shelter Program, and providing for approval of such emergency services contracts as are necessary to support this program.

On May 9, 2017, Ordinance No. 28430 was passed and declared a state of public health emergency relating to the conditions of homeless encampments. In response to this state of emergency, Ordinance No. 28432 was passed.

D. Findings of Fact

1. The Planning Commission finds that:
 - a) Temporary emergency shelter sites provide needed community services in response to the declared public health emergency
 - b) The provisioning of basic emergency shelter, temporary transitional shelters, and related supportive services for persons experiencing homeless is consistent with numerous policies of the *One Tacoma* Comprehensive Plan and the community priorities identified in Tacoma 2025, to increase housing security so that everyone has shelter
 - c) The current zoning and land use controls governing emergency housing do not address the need for establishment and operation of temporary emergency shelters by the City under the circumstances of a public emergency, and require additional review and public hearings to develop suitable land use controls applicable during a declared state of emergency, and

- d) It is in the best interest of the public health, safety, and welfare to adopt the interim zoning and land use controls
2. Homeless encampments often occur without appropriate sanitation facilities or proper trash receptacles and often become contaminated with garbage, human wastes, used needles and dirty dressings resulting in occupants facing serious health and sanitation issues.
3. Conditions in homeless encampments are personally stressful and expose occupants to communicable diseases like tuberculosis and respiratory illnesses, violence, malnutrition and harmful weather exposures and exasperate common conditions such as high blood pressure , diabetes, and asthma because there is no safe place to store medications or syringes properly.
4. Behavioral health issues such as depression or alcoholism often develop or are made worse for people living in homeless encampments, and these conditions frequently co-occur with a complex mix of severe physical, psychiatric, substance use, and social problems.
5. The housing and homelessness crisis presents an existing and on-going threat of significant harm to human health and life requiring immediate action.
6. The time it will take to create permanent regulations that address the immediate need is not in line with a crisis response.
7. The current regulations lay out directives for religious institutions in non-emergency conditions; the interim regulations provide the City with broad authority to address the homelessness crisis

E. Conclusions

The Planning Commission concludes that:

1. Given the public health and welfare concerns associated with the homelessness crisis, there is just cause for the interim regulations and a need to adopt permanent regulations to address ways to mitigate the issue of homelessness.
2. The enacted interim regulations and need for permanent regulations support the City's strategic goals for a safe, clean, attractive, and sustainable city; and
3. These regulations consistent with the Growth Management Act, will benefit the City as a whole, will not adversely affect the City's public facilities and services, and are in the best interests of the public health, safety and welfare of the citizens of Tacoma.

F. Recommendations

Move forward with interim regulations as currently written. The proposed scope for the permanent regulations should include consideration of the following issues:

1. Create or modify regulations for general emergency authority and response
2. Modify regulations passed in accordance with Ordinance No. 28216 (*TMC* Section 13.05.020)
3. Create or modify regulations to address ongoing and additional issues surrounding serving and housing homeless individuals and families

G. Exhibits

1. Ordinance No. 28432
2. Ordinance No. 28430
3. Work Plan/Schedule



ORDINANCE NO. 28432

1 AN ORDINANCE relating to zoning and land use controls; adopting interim zoning
2 and land use controls as an emergency measure to permit the City to site
3 temporary emergency shelters in response to a declared public
4 emergency; to be effective for a period of six months; setting a public
5 hearing date for July 25, 2017; referring the interim regulations to the
6 Planning Commission for review and recommendation; and establishing an
7 effective date

8 WHEREAS, on May 2, 2017, the City Council adopted Resolution
9 No. 39716, directing the City Manager to promptly prepare and present to the City
10 Council an Emergency Temporary Aid and Shelter Program to respond to the
11 homelessness crisis and to prepare and present an ordinance declaring a state of
12 emergency, and

13 WHEREAS, on May 9, 2017, the City Council passed Ordinance No. 28430,
14 declaring a state of public health emergency relating to the conditions of homeless
15 encampments located in the City, and

16 WHEREAS the City Council concluded therein, inter alia, that the ongoing
17 suffering of individuals, families, and unaccompanied youth occupying homeless
18 encampments, and the threat to the public health and safety, will continue in the
19 absence of the immediate implementation of interim measures designed to meet
20 the survival and safety needs of those persons, such as the provision of hygiene
21 facilities; trash collection; sanitary facilities; temporary shelters; outreach and
22 gateway services; safe and stable shelter; linkage to tailored services to meet each
23 individual's unique needs; a connection to housing, social, public and mental
24 health services; storage of property and safety; potable drinking water; solid waste
25 disposal; and human waste disposal, and
26



WHEREAS the City Manager has proposed and presented to the Mayor and City Council a three-phase Emergency Temporary Aid and Shelter Program to respond to the homeless crisis and the emergent conditions endangering the public health, safety, and welfare, and

WHEREAS the three-phase plan consists of mitigation of the conditions in homeless encampments in the first phase, providing emergency sheltering and transition services in the second phase, and providing long-term housing in the third phase, and

WHEREAS the second phase will include the City's establishment of temporary emergency shelter sites on public property, or private property made available by the owners to the City, to be managed and operated by the City, and

WHEREAS such temporary emergency shelter sites provide needed community services in response to the declared public health emergency, and

WHEREAS the provisioning of basic emergency shelter, temporary transitional shelters, and related supportive services for persons experiencing homeless is consistent with Policies H-4.7 and H-4.8 of Goal H-4 of the Housing Element of the City's Comprehensive Plan, Policy PFS-6.9 of Goal PFS-6 of the Public Facilities and Services element of the Comprehensive Plan, and is consistent with the human and social needs community priorities identified in Tacoma 2025, to increase housing security so that everyone has shelter, and

WHEREAS the current zoning and land use controls governing emergency housing do not address the need for establishment and operation of temporary emergency shelters by the City under the circumstances of a public emergency,



and require additional review and public hearings to develop suitable land use controls applicable during a declared state of emergency, and

WHEREAS while such amendments to the land use code are under consideration, and in response to the current state of emergency as declared by the City Council pursuant to Ordinance No. 28430, it is necessary to establish interim land use controls for a six month period to permit the establishment and operation of temporary emergency shelter sites, and

WHEREAS RCW 36.70A.390 and TMC 13.02.055 authorize the establishment of interim zoning controls when an emergency exists; provided that, a public hearing must be held within 60 days of passage of an ordinance adopting interim zoning controls, and

WHEREAS based upon the foregoing and the findings, conclusions and declaration of a public health emergency pursuant to Ordinance No. 28430, the City Council finds that it is in the best interest of the public health, safety, and welfare to adopt the interim zoning and land use controls as set forth in Exhibit "A," attached hereto, and

WHEREAS the City Council further desires to fix a time and date for public hearing for the purpose of considering the proposed interim zoning and land use controls; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the interim zoning and land use controls as set forth in Exhibit "A," attached hereto and incorporated by this reference as though fully set forth herein, are hereby adopted.



Section 2. That the interim zoning and land use controls adopted hereby shall be in force and effect from the time of passage until 11:59 p.m. on November 14, 2017, unless sooner terminated or extended as provided by law.

Section 3. That Tuesday, July 25, at approximately 5:15 p.m., is hereby fixed as the time, and the City Council Chambers on the First Floor of the Tacoma Municipal Building, 747 Market Street, Tacoma, Washington, as the place when and where a public hearing shall be held on the interim zoning and land use controls adopted pursuant to this ordinance.

Section 4. That the City Clerk shall give proper notice of the time and place of said hearing.

Section 5. That, pursuant to Section 13.02.055 of the Tacoma Municipal Code, the City Council hereby refers these interim regulations to the Planning Commission for its review and to develop findings and a recommendation regarding the interim regulations prior to the City's Council's hearing on July 25, 2017.

Section 6. That, based upon the declaration of a public health emergency set forth at Ordinance No. 28430 and the findings of the City Council herein, a



1 public emergency exists, making this ordinance effective upon passage by an
2 affirmative vote of a least six members of the City Council.

3
4 Passed JUN 06 2017

5 
6 Mayor

7 Attest:

8 
9 City Clerk

10
11 Approved as to form:

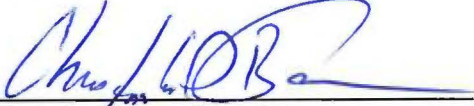
12 
13 Chief Deputy City Attorney



EXHIBIT "A"

INTERIM LAND USE PROVISIONS EMERGENCY TEMPORARY SHELTERS

SECTION 1 – Purpose and Intent

The purpose of this ordinance is to provide regulatory guidance regarding the provision of emergency temporary shelters and associated support services to distressed persons requiring basic assistance after an emergency has been declared. This ordinance establishes an expedited process for approval of the nature, scope, form, design, and location of emergency temporary shelters established by the City in response to a declared public emergency.

SECTION 2 – Authority and Specific Responsibilities

The roles and responsibilities of key elected and appointed officials in times of emergency are set forth in the City Charter, the Tacoma Municipal Code ("TMC"), the City's Comprehensive Emergency Management Plan, and state law. The Director shall be vested with authority to give approvals, to make orders and rules, and to make or issue notices, licenses, permits, certificates, or other documents for the purposes set forth herein.

In carrying out the responsibilities of this ordinance, the Director shall coordinate with and may delegate, as appropriate, to the Administrator of Emergency Management (see TMC 1.10.040), the City's Emergency Management Team, individual City Departments, and/or outside agencies and humanitarian aid organizations. For example, per the City's Emergency Management Plan, the Neighborhood and Community Services Department is generally the lead implementing agency for temporary sheltering programs, with support from other departments and agencies, such as Tacoma Public Utilities, Environmental Services, Public Works, Police, Fire, Health, and Planning and Development Services.

SECTION 3 – Definitions

Declared Public Emergency. For purposes of this ordinance, a declared public emergency shall mean an emergency that has been declared or proclaimed to exist within the corporate limits of the City, by a governmental official, governing body or governmental agency vested with authority to declare or proclaim a public emergency within the corporate limits of the City.

Director. For purposes of this ordinance, director shall mean and refer to the Director of Emergency Management for the City of Tacoma, the director's successors and designees, and the administrator of Emergency Management



when acting on behalf of the director when the director is unable to carry out the director's duties.

Emergency. For purposes of this ordinance, emergency shall mean an event or set of circumstances: (a) which demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken neighborhood overtaken by such occurrences, or (b) which reaches such a dimension or degree of destructiveness as to warrant the City Council proclaiming the existence of a disaster or the Governor declaring a state of emergency in accordance with appropriate local and state statute, or (c) in which human health or safety is jeopardized and/or public or private property is imminently endangered, or (d) which has been declared an emergency by the Governor pursuant to Chapter 43.06 RCW

Emergency Temporary Shelter. For purposes of this ordinance, Emergency Temporary Shelter is defined as temporary living quarters and sites, along with related temporary support services, equipment, and facilities, provided by, or on behalf of, the City or other governmental entity in response to a declared public emergency. The emergency temporary shelter may include, but is not limited to, facilities such as tents, temporary structures, mobile structures, recreational vehicles, use of existing structures, etc.

SECTION 4 – Approval of Emergency Temporary Shelters; Permitted Use

In the event of a declared public emergency and when the Director has determined that there is a need for emergency temporary shelter, the Director shall have the authority, upon consultation with the appropriate public officials when and where practicable, to approve the nature, form, scope, design, and location, and provide oversight over, the erection, installation, implementation, management, and operation of emergency temporary shelters. Such approval and oversight shall be based upon the circumstances attendant to the declared public emergency and the need to protect public health, safety, or welfare through the provisioning and operation of emergency temporary shelter.

Notwithstanding any provision to the contrary in the City's land use codes or regulations, such emergency temporary shelters shall be a permitted use in any zone in the City and shall be exempt from land use regulations and standards, except to the extent that federal or state law mandates compliance with a particular land use regulation or standard and compliance has not been excepted pursuant to operation of state or federal law or a declaration of emergency by the Governor or federal official or agency vested with authority to declare a public emergency. The Director when exercising the authority set forth in this ordinance, and to the extent practicable given the limitations associated with the circumstances of the declared emergency, shall take into consideration the general intent and purpose of the City's land use and other regulations and the factors set forth below.



1 The implementation and management of emergency temporary shelters shall be
2 consistent with the City's Comprehensive Emergency Management Plan, and
3 shall, when and where practicable, given the limitations associated with the
4 circumstances of the declared emergency, include consideration of factors such
5 as:

- 6 • Access to basic health and sanitation services, such as food, solid and sanitary
7 waste collection, and temporary water, power and other utility services;
 - 8 • Access to support services, such as healthcare, social services, counseling,
9 legal services, and skill training;
 - 10 • Access to arterials, public transit, and other transportation services and
11 facilities;
 - 12 • Minimizing impacts on businesses and residential neighborhoods;
 - 13 • Minimizing impacts on environmentally sensitive areas and features;
 - 14 • Site and facility designs and operations that ensure safety and security of the
15 occupants and the surrounding community;
 - 16 • Reasonable accommodation for those with access and functional needs; and
 - 17 • Where feasible and appropriate, public outreach and engagement to gain the
18 community's assistance in this effort.
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ORDINANCE NO. 28430

1 AN ORDINANCE relating to public health and safety; declaring a state of public
2 health emergency relating to the conditions of homeless encampments;
3 authorizing such actions as are reasonable and necessary in light of such
4 emergency to mitigate the conditions giving rise to such public health
5 emergency; authorizing the Mayor to terminate the state of the public health
6 emergency; establishing an effective date; and providing for sunset of the
7 force and effect of this ordinance.

8 WHEREAS, in Tacoma and Pierce County and in communities throughout
9 the nation, large numbers of individuals, families, and unaccompanied youth are
10 experiencing homelessness due to such factors as job loss, stagnant and declining
11 wages, family crisis, trauma, substance abuse, economic reasons, mental health
12 issues, and loss of housing, and

13 WHEREAS communities like Seattle, Washington; Portland, Oregon; and
14 Los Angeles, California, have declared states of emergency in order to provide
15 emergency services and shelters for unsheltered individuals, families and
16 unaccompanied youth, and

17 WHEREAS point in time counts conducted in the greater Tacoma and
18 Pierce County area have identified 1,997 homeless persons in year 2012; 1,303 in
19 year 2013; 1,474 in year 2014; 1,283 in year 2015; 1,762 in year 2016; and
20 1,321 in year 2017, and

21 WHEREAS, despite the improving economy, on any given night in Tacoma
22 approximately 500 people, including families and unaccompanied youth, can be
23 found sleeping in parks, cars, and abandoned buildings, on streets and wooded
24 areas, under highway overpasses, and in other places not meant for human
25 habitation, and
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WHEREAS, of the 1,321 homeless persons counted in the point in time count for 2017, 21 percent were identified as chronically homeless, 14 percent were households with children, 39 percent were female, 14 percent were victims of domestic violence, 6 percent were unaccompanied youth and young adults, 10 percent were veterans, and 41 percent were people of color, and

WHEREAS, in years 2015-2016, the unsheltered population in the greater Tacoma area increased by 46 percent and since 2010, the unsheltered homeless population had increased by 192 percent, with more individuals, families and unaccompanied youth living in places not fit for human habitation, and

WHEREAS the supply of available temporary and permanent support housing for unsheltered persons residing in Tacoma is inadequate to meet demand, resulting in long lines for emergency shelters (the wait list for some shelters is as high as 100 people per night), a lack of other housing interventions, and long waits for temporary, permanent or supportive housing, leading to an increased number of unsheltered households, and

WHEREAS, on any given night, over 50 homeless encampments can be found in Tacoma, some of which may be occupied by 100 or more persons, and

WHEREAS conditions in homeless encampments endanger public health, are traumatic and expose occupants to communicable diseases like tuberculosis and respiratory illnesses, violence, malnutrition, and harmful weather exposures and exacerbate common conditions such as high blood pressure, diabetes, and asthma because there is no safe place to properly store medications or syringes, and



WHEREAS behavioral health issues such as depression or alcoholism often develop or are made worse for people living in homeless encampments, and these conditions frequently co-occur with a complex mix of severe physical, psychiatric, substance use, and social problems, and

WHEREAS, according to the National Health Care for the Homeless Council, persons "... experiencing homelessness are three to four times more likely to die prematurely than their housed counterparts, and experience an average life expectancy as low as 41 years . . . ," and

WHEREAS health care services are not effective when a patient's health is continually compromised by street and shelter conditions, and inpatient hospitalization or residential drug treatment and mental health care do not have lasting impacts when the patient is returned to a homeless environment, and

WHEREAS conditions in homeless encampments that result in occupants facing serious health and sanitation issues and which are dangerous to human health include: accumulation of uncontained garbage that becomes a food source for vermin, vectors (organisms that transmit diseases or parasites), and related pathogens; lack of proper food storage and clean dishes that can facilitate the spread of food-borne disease; lack of sanitary facilities to dispose of human and animal fecal waste; improper disposal of discarded medical and sharps waste; accumulation of combustible materials that can ignite; lack of access to handwashing and personal hygiene; lack of clean water; lack of access to healthy food (resulting in homeless individuals digging in garbage for food, increasing



health risks); and the victimization of homeless persons by both sheltered and non-sheltered persons, and

WHEREAS the potential for disease transmission within and external to a homeless encampment increases with the increasing number of homeless encampments and higher concentration of occupants, and

WHEREAS the increases in homeless encampments and higher concentrations of occupants, together with the lack of available services or facilities nearby, have a significant role in the scope and severity of public health issues and the urgency to take action to mitigate the conditions giving rise to this threat to public health and safety, and

WHEREAS the homeless encampments in the Tacoma area do not have on-site facilities for proper disposal of human waste, resulting in such waste being disposed of through use of makeshift latrines, buckets, or direct urination or defecation on the ground, and

WHEREAS improper disposal of sewage generated within homeless encampments, especially when there are high concentrations of occupants, has a high potential for community health impacts and significantly increases the exposure to pathogens, endangering the public health of the occupants and the surrounding community, and

WHEREAS handwashing is minimal and piles of solid waste often contain significant amounts of uncovered containers with human waste exposed to the environment, and



WHEREAS, in addition to the potential for an epidemic with diseases like
1 Cholera, a much more pervasive threat to the public health is increased exposure
2 to endemic illness that are already present in the community, including illness such
3 as Hepatitis A, Rotaviruses, and a host of other parasitic, bacterial and viral
4 pathogens, and
5

6 WHEREAS, based on the documented poor health conditions of individuals
7 experiencing homeless and the sheer numbers of occupants of homeless
8 encampments, it is very likely that the endemic illness is present in the
9 encampment populations at this time and that such persons are suffering from
10 such illnesses and will continue to suffer in the absence of action to mitigate the
11 impacts to public health, and
12

13 WHEREAS poor handwashing, poor food handling, and the lack of proper
14 food storage exacerbate public health impacts and increase the risk of foodborne
15 illness, many forms of which are easily transmitted through sewage, and
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17 WHEREAS homeless encampments observed in the City do not have
18 on-site systems for proper collection, storage, or disposal of solid waste, resulting
19 in significant piles of solid waste found at the homeless encampments, and
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21 WHEREAS solid waste that is not properly stored and disposed of is a
22 serious health hazard, leading to the spread of infectious diseases by, among
23 other things, attracting vectors such as flies, rats, and other creatures that in turn
24 spread disease, and
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26



WHEREAS solid waste found in homeless encampments can pose a higher health risk because of the presence of semi-contained human waste that can be found in higher quantities than in residential solid waste, and

WHEREAS, for some homeless encampments, the Solid Waste Division of the Environmental Services Department (the "Solid Waste Utility") has provided large containers on the border of homeless encampments for occupants to place solid waste, and

WHEREAS, despite the fact that these solid waste containers are heavily used, a large percentage of solid waste remains at most of the larger homeless encampment sites, exemplifying the need to provide additional services to mitigate the risk to public health presented by homeless encampments, and

WHEREAS other environmental degradation can occur, such as surface water contamination due to runoff from garbage that can find its way into groundwater, rivers, and other waterbodies causing harm to people, fish, and wildlife, and litter blown away from homeless encampments that can lead to secondary issues such as blocking storm drains or harming wildlife, and

WHEREAS, the number and size of the homeless encampments found in the City of Tacoma have grown significantly over the last two years, and

WHEREAS the multiple encampments that the City is experiencing, together with the higher concentrations of occupants, is causing harm to the occupants and has a significant potential to affect public health in the community, and



WHEREAS, when an encampment is removed by the City or private parties,
1 the occupants will generally move to or create another uncontrolled homeless
2 encampment which spreads to a wider area the potential for community exposure
3 to the negative health impacts associated with homeless encampments, and
4

5 WHEREAS the necessity for Solid Waste Utility services, including the
6 collection and removal of solid and other waste (cleanups), being provided at
7 homeless encampments in the City has been increasing because of the increase in
8 the number of homeless encampment sites and the higher concentrations of
9 occupants, and
10

11 WHEREAS, in 2016, the Solid Waste Utility's cleanup contractor cleaned up
12 homeless encampments 40 times and so far in 2017, the pace for cleanups has
13 been nearly 50 percent higher, based on the first four months of the year, which
14 could result in double the number of cleanups performed in 2016, and
15

16 WHEREAS the conditions found in homeless encampments in City create
17 significant health hazards related to sewage and solid waste associated with the
18 larger encampments and the risk to both the inhabitants and the community is
19 growing as more and larger homeless encampments are created and spread
20 across the City, and
21

22 WHEREAS the foregoing conditions, including the continuing and increasing
23 presence of homeless encampments in the City of Tacoma together with the large
24 concentrations of occupants in some of those homeless encampments, the lack of
25 adequate and proper on-site health and sanitation services and practices that will
26 prevent the spread of disease and the contamination of the environment, and the



lack of available services to address the public health and safety needs of the
1 occupants, pose a significant, direct and immediate threat to the health of the
2 inhabitants and a real and emergent threat to the health of the surrounding
3 community, and warrant a dramatically larger, extraordinary and urgent effort to
4 provide services as described below that will reduce the number of homeless
5 encampments, the high concentration of occupants, and mitigate the conditions of
6 the homeless encampments that harm public health and safety, and
7

8 WHEREAS many of these conditions can be mitigated through interim
9 measures designed to meet the immediate survival and safety needs of those
10 persons occupying homeless encampments, such as the provision of hygiene
11 facilities, trash collection, sanitary facilities, potable drinking water, temporary
12 shelters, and outreach and gateway services within the encampments; providing a
13 safe and stable place to live; linkage to tailored services to meet each individuals
14 unique needs; a connection to housing, social, public and mental health services;
15 storage of personal belongings and safety; solid waste disposal; and human waste
16 disposal, and
17
18

19 WHEREAS these conditions arise from human-made events and present an
20 existing and ongoing threat of significant harm to human health and life, requiring
21 that the City take immediate action, and
22

23 WHEREAS the existing scope, intensity, and impact of the conditions of
24 homeless encampments upon the public health, safety and welfare and the
25 essential governments functions related to sanitation, could not reasonably have
26 been foreseen, and



WHEREAS, the City Council, having considered the records on file with the City Clerk, including the declaration of the Environmental Services Solid Waste Division Manager, and other publicly available information regarding homelessness in general and in the region, and having been in all matters fully advised, finds that it is in the best interest of the public health, safety, and welfare for the City Council to declare a state of public health emergency and authorize such actions as are reasonable and necessary to mitigate the conditions giving rise to such emergency; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the above-stated recitals are adopted as findings of the City Council and are incorporated by this reference as though fully set forth herein.

Section 2. That the City Council hereby makes the following conclusions:

A. The risk to the health and safety of the occupants of homeless encampments located in Tacoma, including families and unaccompanied youth, and to the community at large is growing as more homeless encampments are created in the City and as concentrations of occupants within individual homeless encampments increase.

B. The lack of adequate and proper on-site health and sanitation services and practices found in homeless encampments in the City creates an intolerable and imminent risk of the spread of disease and contamination of the environment and compounds the human suffering of those persons occupying homeless encampments.



C. The ongoing suffering of individuals, families, and

unaccompanied youth occupying homeless encampments, and the threat to the public health and safety, will continue in the absence of the immediate implementation of interim measures designed to meet the immediate survival and safety needs of those persons, such as the provision of hygiene facilities, trash collection, sanitary facilities, temporary shelters, outreach and gateway services, safe and stable shelter, linkage to tailored services to meet each individual's unique needs, a connection to housing, social, public and mental health services, storage of property and safety, potable drinking water, solid waste disposal, and human waste disposal.

D. The humane-made conditions in homeless encampments are ongoing and have resulted in injury to persons, destruction of property, environmental degradation, and threat to the health and safety of the inhabitants and the public in general of such a degree and proportion that, in the absence of taking extraordinary measures to protect the public health, safety and welfare, such injuries, human suffering, environmental degradation, public harm and threat to the public health will continue and will intensify.

E. These conditions create an unforeseen imminent, genuine, and substantial threat to the public health, welfare, and safety and constitute a public health emergency, warranting the need for urgent action to preserve public health, protect life, and protect public property, and

F. Such conditions warrant the exercise of the City's power to declare a public health emergency under authority of Article XI, Section 11, of the



1 State Constitution, Chapter 38.52 RCW, Chapter 39.04 RCW, RCW 35.33.081,
2 WAC 197-11-880 and other applicable laws and regulations, and pursuant to
3 Section 2.4 of the Tacoma City Charter, Chapters 1.06, 1.10, and 8.96 of the
4 Tacoma Municipal Code, and pursuant thereto, and the authorization of such
5 extraordinary measures as are reasonable and necessary in light of such public
6 health emergency to mitigate the conditions giving rise the public emergency.

7 Section 3. That, based upon the foregoing findings and conclusions, the
8 City Council does hereby proclaim and declare a state of public health emergency
9 in the City of Tacoma; Therefore,
10

11 A. The City Manager, as Director of Emergency Management for the
12 City of Tacoma (the "Emergency Management Director"), is authorized and
13 empowered to carry out those powers and duties given to the Emergency
14 Management Director pursuant to Chapter 1.10 TMC as are reasonably necessary
15 in light of the public health emergency as declared herein.
16

17 B. The Mayor is authorized and empowered to carry out those
18 powers and duties given to the Mayor pursuant to Chapters 1.10 and 8.96 TMC as
19 are reasonably necessary in light of the public health emergency as declared
20 herein.
21

22 C. The Chief of the Tacoma Fire Department, as Administrator of
23 Emergency Management of the City of Tacoma (the "Administrator"), is authorized
24 and empowered to carry out those powers and duties given to the Administrator
25 pursuant to Chapter 1.10 TMC as are reasonably necessary in light of the public
26 health emergency as declared herein.



D. Those departments, officers, and employees of the City designated under the City's Emergency Management Plan are authorized and empowered to carry out those powers and duties given to such departments, officers, and employees as are reasonably necessary in light of the public health emergency as declared herein.

E. In carrying out the powers and duties as described above, the Emergency Management Director, the Administrator, and departments, officers, and employees of the City designated under the City's Emergency Management Plan, are authorized, among other things, to do the following:

(1) enter into contracts and incur obligations necessary to combat such emergency situations to protect the health and safety of persons and property;

(2) provide appropriate emergency assistance to those persons occupying homeless encampments; and

(3) take other actions, as appropriate, in response to such emergency.

The powers and authority vested under this declaration and proclamation shall be exercised in the light of the exigencies of such emergency situation without regard to time consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements and such other requirements of law that are not superseded under authority of this emergency declaration).



1 Section 4. That the City Council shall, no later than 120 days after the
2 effective date of this ordinance, review the conditions that have given rise to this
3 public health emergency to determine if such conditions warrant keeping in place
4 the extraordinary measures authorized herein to response to this public health
5 emergency.

6 Section 5. That Mayor shall have authority to terminate the state of the
7 public health emergency declared and proclaimed pursuant to this ordinance.

8 Section 6. That this ordinance shall sunset and no longer be in force or
9 effect at 11:59 p.m. on October 9, 2017.

10 Section 7. That, based upon the facts and conclusions as specified herein,
11 a public emergency exists, making this ordinance effective upon passage by an
12 affirmative vote of a least six members of the City Council.
13


14
15 Passed MAY 09 2017

16
17 
18 _____
19 Mayor

20 Attest:

21 
22 _____
23 City Clerk

24 Approved as to form:

25 
26 _____
Chief Deputy City Attorney



Emergency Temporary Shelters Interim Regulations

(Proposed Revisions to the Land Use regulatory Code)

Schedule

(as of June 6, 2017)

Color Keys:

City Council
Planning Commission

Date	Event
June 6, 2017	City Council – Enact emergency interim regulations concerning emergency temporary shelters, effective for 6 months; set July 25 for a public hearing; request the Planning Commission to formulate findings of fact and recommendation to justify the adoption of the interim regulations. (Ordinance No. 28432)
June 21	Planning Commission – Review Council’s request.
July 19	Planning Commission – Develop and forward to the Council the findings of fact and recommendation justifying the need for the interim regulations, along with the work plan for permanent regulations.
July 25	City Council – Public Hearing on the draft interim regulations and the findings of fact and recommendation on the need for the measure.
August 2	Planning Commission – Review comments received at Council’s hearing and begin developing draft permanent regulations.
August 16	Planning Commission – Develop draft permanent regulations.
September 20	Planning Commission – Release draft permanent regulations for public review and set October 18 for a public hearing.
October 18	Planning Commission – Public Hearing on the draft permanent regulations, leaving hearing record open through October 25.
November 1	Planning Commission – Review public hearing comments, modify the draft permanent regulations accordingly, and forward the recommended permanent regulations to the Council.
November 7	City Council – Resolution to set public hearing date for November 21.
November 21	City Council – Study Session to review the recommended permanent regulations.
November 21	City Council – Public Hearing on the recommended permanent regulations.
November 28	City Council – First reading of ordinance adopting permanent regulations.
December 5	City Council – Final reading of ordinance adopting permanent regulations, effective immediately.