



City of Tacoma
Planning and Development Services

**Agenda Item
D-3**

To: Planning Commission
From: John Harrington, Development Services Division
Subject: **Temporary Homeless Camps Regulations**
Meeting Date: September 18, 2013
Memo Date: September 11, 2013

The City of Tacoma intends to provide regulatory controls to protect public health and safety for temporary homeless camps within the City that are associated with a religious organization as provided for in RCW 36.01.290.

The legislation, adopted in 2010, grants broad authority to religious organizations to host temporary camps for homeless persons on property owned or controlled by such organizations. It prohibits local governments from enacting an ordinance or regulation that imposes conditions other than those necessary to protect the public health and safety and that do not substantially burden the decisions or actions of a religious organization with respect to the provision of homeless housing.

At the next meeting on September 18, 2013, the Planning Commission will review the draft scope of work for the proposed amendments to the Tacoma Municipal Code to address this issue. Attached are the draft scope of work, a copy of RCW 36.01.290, and a benchmarking table showing what other jurisdictions are contemplating in response to the legislation.

If you have any questions, please contact me at 279-8950 or jharring@cityoftacoma.org.

Attachments (3)

c: Peter Huffman, Interim Director



Temporary Homeless Camps

(Proposed Revisions to TMC 13.06.635 Temporary Use)

BACKGROUND

In 2010, the Washington Legislature passed [Ch. 175 \(ESHB 1956\)](#), codified as [RCW 36.01.290](#) which granted broad authority to religious organizations to host temporary homeless camps for individuals experiencing homelessness on property owned or controlled by such organizations. It prohibits local governments from enacting an ordinance or regulation that imposes conditions other than those necessary to protect the public health and safety and that do not substantially burden the decisions or actions of a religious organization with respect to the provision of temporary homeless camps. It also prohibits the imposition of permit fees in excess of the actual costs associated with the review and approval of the required permit applications for temporary homeless camps.

It is the intent of the City of Tacoma to regulate temporary tent camps to protect public health and safety for such camps within the City that are associated with a religious organization as provided for in RCW 36.01.290. There is organized interest in the community to address homelessness and to provide options for persons in this life situation.

Within the scope of state law, there are still some significant standards that are at the discretion of the local jurisdictions. Some of these issues include: number of people permitted in the camp, length of time the camp may operate, number of camps permitted at any one time in the city, and restrictions for demographic of persons allowed in the camp. This city must consider numerous measures to protect the health and safety of persons in the camp, neighboring land uses and the surrounding community.

APPROACH

A set of regulations to address the temporary homeless camps and associated issues will be developed through extensive outreach efforts, with proposed amendments to the Tacoma Municipal Code, Section 13.06.635 Temporary Uses, to be adopted by the City Council.

There are a number of non-governmental organizations and governmental agencies in the Greater Tacoma/Pierce County area that have been engaged for some time assisting the homeless. City staff will tap into the experience and expertise of these groups and the public-at-large by holding a number of public meetings to elicit feedback and to hear concerns regarding the operation of temporary homeless camps in the City.

Some of the community based agencies, organizations and groups that staff plans to consult with include: Tent City Tacoma, Associated Ministries, Metropolitan Development Council, Catholic Community Services, Comprehensive Life Resources, Ministerial Alliance, Tacoma-Pierce County Coalition to End Homelessness,. The Tacoma Community Council and the Cross District Association will also be given presentations, with the expectation that smaller sub-groups will want to hear additional presentations and give their input.

Within the City, the Neighborhoods and Community Services Department, the Tacoma Police and Fire Departments and the Tacoma/Pierce County Health Department will be consulted regarding public safety and health considerations for the operation of a temporary homeless camp.

Since the state law addressing homeless camps was enacted, numerous jurisdictions across the state have already adopted land use regulations to control the permitting and operation of temporary homeless camps. Staff will also be looking at the experience of other jurisdictions in determining best practices and effective approaches.

Based on the feedback from the community meetings, consultation with City public safety and health agencies and the experience of other cities, a set of regulations will be drafted for consideration by the Planning Commission as an amendment to the Tacoma Municipal Code Section 13.06.635 for Temporary Uses. The Commission will then present its Code amendment recommendation to the City Council for final review and action. At appropriate junctures throughout the review process, periodic updates will also be provided to, and feedback solicited from, the City Council’s Infrastructure, Planning and Sustainability Committee and Neighborhoods and Housing Committee.

REVIEW SCHEDULE (TENTATIVE)

Date	Event
September 2013 – February 2014	Public Outreach
September 11, 2013	Human Services Committee, TMB Rm 148
September 17	Cross District Neighborhood Business Council
September 18	Planning Commission
September 26, 10 am	TPD ALL CLO Meeting (invite TFD and THD)
September 26, 6 pm	Community Council, Rm 16, TMB North
October 16	Planning Commission
October 21	Neighborhood and Housing Committee
November 6	Planning Commission
November 20	Planning Commission – set a public hearing date
December 2	Neighborhoods and Housing Committee
December 18	Planning Commission Public Hearing
January 15, 2014	Planning Commission
February 5	Planning Commission Recommendation
February 11	City Council – Set a public hearing date
February 12	Infrastructure, Planning and Sustainability Committee
February 17	Neighborhoods and Housing Committee
February 25	City Council – Study Session and Public Hearing
March 4	City Council – First reading of ordinance
March 11, 2014	City Council – Final reading of ordinance

Temporary Encampments Legislation

RCW 36.01.290

Temporary encampments for the homeless — Hosting by religious organizations authorized — Prohibitions on local actions.

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

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

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

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

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

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

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

[2010 c 175 § 2.]

Notes:

Findings -- 2010 c 175: "The legislature finds that there are many homeless persons in our state that are in need of shelter and other services that are not being provided by the state and local governments. The legislature also finds that in many communities, religious organizations play an important role in providing needed services to the homeless, including the provision of shelter upon property owned by the religious organization. By providing such shelter, the religious institutions in our communities perform a valuable public service that, for many, offers a temporary, stop-gap solution to the larger social problem of increasing numbers of homeless persons.

This act provides guidance to cities and counties in regulating homeless encampments within the community, but still leaves those entities with broad discretion to protect the health and safety of its citizens. It is the hope of this legislature that local governments and religious organizations can work together and utilize dispute resolution processes without the need for litigation." [2010 c 175 § 1.]

Intent -- Construction -- 2010 c 175: "Nothing in this act is intended to change applicable law or be interpreted to prohibit a county, city, town, or code city from applying zoning and land use regulations allowable under established law to real property owned by a religious organization, regardless of whether the property owned by the religious organization is used to provide shelter or housing to homeless persons." [2010 c 175 § 5.]

Prior consent decrees and negotiated settlements for temporary encampments for the homeless not superseded -- 2010 c 175: "Nothing in this act supersedes a court ordered consent decree or other negotiated settlement between a public agency and religious organization entered into prior to July 1, 2010, for the purposes of establishing a temporary encampment for the homeless as provided in this act." [2010 c 175 § 6.]

**Temporary Homeless Encampments Regulations
Benchmarking Table
September 11, 2013**

City	Max Persons Allowed	# Camps Limited	Per Site Time Limit (days)	Extension Allowed (days)	Notice Req'd	Non-Church Sites Allowed	18 yr + only	Buffer or Setbacks Req'd	Perimeter Fence Req'd	Parking Req'd	TUP Req'd	Near Transit Stop Req'd	Code of Conduct / ID	Sex Offender / Warrant Check	On-site Manager and Security	Fire and Life Health and Safety Inspections	Coop w Providers of Shelters and Services	Sponsor Insurance / Hold Harmless Req'd	Comments
Edmonds Temp Homeless Encampment Permit	100*	1	90/year		10-day notice 300' to all property owners	X	X*	crit areas/buffers; and 20' from PL	6' high	5 spaces; plan req'd	X additional conditions allowed	1/4 mi	X		X	X			*may be less depending on site
Bothell Transitory Accommodations	100		90/year		childcare fac and schools w/in 600'	X		Min 20' increased depending on site	6' high temp	may require parking plan	Transitory Accommodations Permit	1/2 mi	X	X	X	X		X	Noise/light
Kirkland Homeless Encampment	100		92/year		14 day notice 500'	X	X*	20' from PL of res uses	sight obscuring	5 spaces	X additional conditions allowed	1/2 mi plan req'd	X	X	X	X			public info meeting; no animals, light
Lynnwood Temporary Tent Encampments	100	1	90 / calendar yr w min 180 day separation		14 day notice 300'	X	X*	20' from PL; 40' from Single family; no crit areas/buffers	6' sight obscuring*	can't displace req'd	X additional conditions allowed; no charge; can deny	plan req'd	X	X	X	X	X	X	45 days for decision; food handling and storage; lighting
Mercer Island Temporary Encampment Permit	100	precludes locating w/in 1/2 mi pf previous camp w/in 18 mo.	90 + 5 to move on weekends		child care facilities and schools w/in 600'	NO	X*	20' from PL of res uses	6' sight obscuring*	must have parking; no #	X; must apply 75 days prior to occupancy; public mtg req'd w 10 days notice	1/2 mi	X	X	X	X		X	designated smoking area; lighting; allows additional pers who arrive after sundown for one night;
Mountlake Terrace Temporary Shelter Encampments			90/in any 365 day period		30- day notice to all properties w/in 300' of PL	X	If under 18 must be w parent/ legal guardian	20' from PL or res uses; no crit area/buffers		3 spaces; traffic plan req'd	X; must apply 60 days prior to occupancy; public mtg req'd w/in 14 days of Director decision		X	X	X	X		X	service animals only; lighting; director's decision

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Olympia Temporary Homeless Encampment	40 or less	1 in city	180/in any 12 mo period		10 day notice prior to public meeting to all properties w/in 300 of PL	X		no crit area/buffer	6' sight obscuring fence or landscaping		X; must apply 30 days in advance; public meeting req'd 14 days prior to issuance of TUP	1/4 mi of stop w 7-days/wk service or provide shuttle to bus	X	X	X	X			Also have a County Homeless Encampment w county as sponsor; Director decision
Seattle Transitional Encampments	100										NO					X			Allowed as an accessory use to existing religious facility or to other principal use on property owned/controlled by relig. org.
Shoreline Tent City			60	up to 365 days						Adequate parking per director	X; neighborhood mtg req'd w 10 day notice to prop owners w/in 500' of PL								Director approved
Spokane Homeless Encampments	100	1	90; city-wide total max is 180 days in 24 month period	one time of 40 days; may be granted w/in last 30 days and if no violations occurred	All prop owners w/in 1000' of proposed site; public mtg req'd 2 wks prior to app submittal	X	age 16 and under and families shall be in separate area within camp	prohibited in shoreline and critical areas and buffers; 750' from library, school (unless part of a church that is applicant), park, daycare center or another encampment	6' sight obscuring fence or landscaping	3 spaces for staff plus one per each resident that has a vehicle	permit req'd and can be appealed by sponsoring or host agency if denied	1/4 mi w of stop w 7-days / wk service or provide shuttle to bus	X animals permitted on leashes which do not fight or disturb	X	X	X	X	X	21 days for Director of Neighborhood Services or designee to approve; provided on private property
Woodinville	100	1	100	60		X		X			X		X	X	X	X	X	X	city improvements