



Homeless Encampment Ordinance Comments

City of Sammamish Public Comments

O'BRIEN, BARTON & HOPKINS PLLP

ATTORNEYS AT LAW

O'BRIEN PROFESSIONAL BUILDING

175 N.E. GILMAN BLVD., SUITE 100

ISSAQUAH, WASHINGTON 98027

Telephone (425) 391-7427

Facsimile (425) 391-7489

John L. O'Brien, Inc. P.S.

Lisa K. Barton

S. Russell Joe**

Fred Hopkins

Michael S. Essig

Steven R. Leppard

Sean E. Nyberg

Mary E. O'Brien*

John G. Price

Gerald G. Tuttle

Kirk R. Wines+

*Also Admitted to Alaska Bar

** Retired

+Of Counsel

October 12th, 2013

Father Kevin Duggan

Mary Queen of Peace

1121 228th Ave SE

Sammamish, WA 98075

Mr. Kamuron Gurol

Community Development

801 228th Ave SE

Sammamish, WA 98075

Mr. Rich Shively

Mary Queen of Peace

1121 228th Ave. SE

Sammamish, WA 98075

RE: Tent City4 Temporary Use Permit

Dear Father Duggan, Mr. Shively and Mr. Gurol,

I imagine Friday night's meeting was as frustrating for all of you as it was for the members of the audience. It is difficult to have any meaningful discourse when emotions are so high. Unfortunately, many of my questions were not read to the panel. The panel did not answer my question that was read by the moderator: "Why don't you do criminal background checks?"

I would like to review my question about the lack of criminal background checks for camp residents, my reason for the concern and submit a proposed amendment to the church's contract with Share/Wheel, which would also be incorporated into the Temporary Use Permit.

Issue:

Paragraph 5 of the agreement between the Church and Share/Wheel is entitled "Sex Offender and Outstanding Warrant Checks". It states, "All residents must have been checked prior to entering into the encampment". That is all it says. There is nothing in the paragraph about restricting sex offenders from the camp, or doing a criminal conviction background check on the residents to see if there are any restrictions on their residence or restraining orders in place that will not show up in an "active warrant" search.

This limitation to screening for active warrants is also found in the Temporary Use Permit application, paragraph 10, entitled "Screening Process", and states, "Applicants are checked for warrants. Those with active warrants are not allowed in the camp. Sammamish police will be informed of any sex offender or individual with an active warrant who seeks admittance to the camp, and who is subsequently turned away".

This limitation to investigations being restricted to active warrants is also found in the fact sheet that was distributed Friday night.

Concern:

My concerns are the lax standards restricting sex offenders from the camp and a state statute that puts restrictions on registered sex offenders' residency. Certain convicted sex offenders are restricted from residing within 880 feet of a school. RCW 9.94A.703, entitled "Community custody — Conditions. States:

"When a court sentences a person to a term of community custody, the court shall impose conditions of community custody as provided in this section".

(1) Mandatory conditions. As part of any term of community custody, the court shall:

(c) If the offender was sentenced under RCW 9.94A.507 for an offense listed in RCW 9.94A.507(1)(a), and the victim of the offense was under eighteen years of age at the time of the offense, prohibit the offender from residing in a community protection zone; (emphasis added).

A "Community Protection Zone" is defined in RCW 9.94A.030:

(6) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

The offenses referenced in subsection c above are found in RCW 9.94A.507(1)(a). They are:

Rape in the first degree;

Rape in the second degree;

Rape of a child in the first degree;

Child molestation in the first degree;

Rape of a child in the second degree; and

Indecent liberties.

As well as these offenses with a finding of sexual motivation:

Murder in the first degree;

Murder in the second degree;

Homicide by abuse;

Kidnapping in the first degree;

Kidnapping in the 2nd degree;

Assault in the first degree;

Assault in the 2nd degree; and

Burglary in the first degree.

Are sex offenders to be allowed in the camp and how are you going to know if a resident is a convicted sex offender restricted from residing within 880 feet of a school if you don't do back ground checks?

Proposal:

I propose that paragraph 5 of the agreement between the church and Share/Wheel be amended by the following language and that this language be incorporated in the group's Temporary Use Permit.

“Applicants to Tent City4 will show valid picture identification to obtain sex offender and warrant checks. If said warrant check reveals either (1) an existing or outstanding warrant from any jurisdiction in the United States for the arrest of the individual who is the subject of the check; or (2) the subject is a sex offender, required to register with the County sheriff or their county of residence pursuant to RCW 9A.44.130, then the Managing or Sponsoring Agency will reject the subject of the check for residency to the homeless encampment or eject the subject if that person is already a homeless encampment resident”.

I wish I could take credit for this language but this paragraph is a direct quote from a section of the City of Puyallup's Temporary Homeless Encampment ordinance. Auburn, Bothell, Kirkland, Lynwood, Mercer Island and Spokane have similar sections in their ordinances.

Although no constitutional challenges to these ordinances have been brought before Washington courts, other jurisdictions have upheld sex offender residency restrictions based on the government's compelling interest in protecting children. See, Weems v. Little Rock Police Department, 453 F.3d 1010 (2006) holding that Arkansas law barring sex offenders from living near schools was not unconstitutional as well as the Iowa case of Doe v. Miller, 405 F.3d 700 (8th Cir. 2005), the Georgia case, Doe v Baker, No. Civ.A 1:05-CV-2265 (2005); and Illinois case of People vs. Leroy, 828 N.E.2d 769 (2005).

Conclusion:

Personally, I would think that the Church, Share/Wheel and the residents of the camp would like to know that convicted sex offenders are not on the premises. Procedurally, Sammamish Municipal Code 21A.110.020 states that a temporary use permit is not to be granted if “The proposed use is detrimental to the public welfare”. Restricting sex offenders from the camp is a legitimate use of the police power of the City and mandated by state law. A restriction on sex offenders should become part of the church's contract and the Temporary Use Permit.

Thank you for your time and consideration,

/s/

John O'Brien
JLOB:ob

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November 27, 2013

Members of the Sammamish City Council

RE: Proposed Ordinance No. 2013-XXX, Creating an Interim Option for Temporary Use Permit Applicants to Request an Extension to the Permit Time Line;
Tent City 4's Request for Extension of Temporary Use Permit

Members of the City Council,

As many of you know, our family owns and operates the Arbor School adjacent to City Hall and the Mary Queen of Peace church. We have 100 families at the school, 150 children and 40 staff, most of who are women. It is my understanding that Share/Wheel and Mary Queen of Peace have asked for an extension of the 60 day Temporary Use Permit issued for the homeless encampment on the Mary Queen of Peace grounds. In order to consider this proposal, you are considering an "interim option ordinance" for temporary use permit applicants to ask for an extension of time. This ordinance is being considered on December 3rd. Unfortunately, we are unable to attend the council meeting and ask that you accept this letter as our opposition to the proposed ordinance.

The camp's initial 60 day permit was granted with eleven days' notice to the neighborhood. The only public discussion held prior to the permit being granted was a panel presentation at the church. Public input was limited to asking questions that were reviewed by 3 screeners and then read to the panel by a moderator. My questions regarding:

- (1) Lack of insurance;
- (2) Share/Wheel's Hold harmless Clause in its contract with the church;
- (3) Active warrant and criminal background checks;
- (4) Sex offenders within 880 feet of a school;
- (5) The FBI's investigation into Share/Wheel reported by the Seattle Times last summer;

- (6) Independent security force; and
- (7) Neighborhood buffers were not answered by the panel.

Actually, my question regarding active warrant and background checks was reviewed by one of the screeners and thrown on the floor.

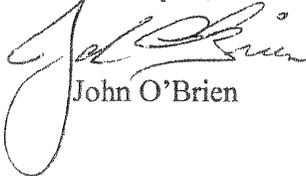
In response to the concerns of the families and staff at Arbor, we hired an independent security guard (unarmed) to escort the staff to and from their cars and to patrol the school grounds during school hours. The attached log is a brief summary of some of the security guard's encounters with the members of the camp which include his visual observations of drug smoking on the bench behind the Arbor playground fence, drinking alcohol and smoking drugs on the way from the 228th street bus stop to the camp, offers of the sale of drugs, offers of the sale of stolen property and comments regarding the breaking and entering at the Kelman mansion and Arbor school.

The anticipated response from the camp will obviously be, "Well, as soon as you told us of the problems we kicked the participants out of the camp". We are paying \$250.00 per day for someone to do the work their internal security force is supposed to do.

I want to remind the council that the original 60 day Temporary Use Permit was issued to the encampment because they came to the city with an "emergency" request for a place to set up the camp. There are hardly any criteria in place for the issuance of a Temporary Use Permit. Two sections of the Sammamish ordinance are pertinent. A Temporary Use Permit will not be issued if the use is materially detrimental to the public welfare or if the use is incompatible with existing land uses in the immediate vicinity in terms of noise and hours of operation.

This request for a procedural, interim, extension is anything but procedural. The ordinance affects only one applicant, at the request of the applicant. Isn't that the definition of a quasi-judicial decision by the council? The ordinance should not be passed with such haste and especially not under these circumstances. Time should be taken to thoughtfully consider a comprehensive homeless encampment ordinance for the city, including timing, security, proximity to schools and continuous criminal background checks. We urge you not to pass the ordinance.

Thank you,



John O'Brien



Mary O'Brien

Security Resources Notes on Arbor School Assignment

Jorge Jimenez

First incident was with a female. She got kicked out of Tent City for being loud and out of control. Cops were called, arrived on the scene a few minutes after and calmed the situation down.

Person named Gregory. I got really close and made him comfortable with me. He asked if I knew anyone who did drugs or if I did. Drugs like crystal meth/heroin that he can get inside the camp. He told me who/where and what people not to talk to. Gregory also tried to sell me items he stole from either the store or tent city. I did the report about 2 days ago and he is currently out of Tent City.

Another person I met told me who sells drugs and what kind. He also told me that he heard people from the camp breaking into private properties behind the park and so on. He also said that he heard people wanted to break into the school.

Two people were smoking some kind of uncontrolled substance by the benches behind the school. I reported that. I pointed out the two people that were there. I said they were there at 8:54am – which they said they arrived at camp at 9:00am – told them what they were wearing and what kind of bags they had with them. There were three bags: 2 white and 1 blue bag.

Sean saw 2 people smoking and drinking beer or liquor by the bus stop. I reported it to Tent City. It was the same two guys that were smoking by the benches that same day.

Jan - 14 - 14

① At one thirty - I went to my car for my break and at around 1:45 to 2:00 o'clock I saw two marked police officer's rolled thru the back and then 2 more rolled after that - like ten minutes after the first one came I saw 2 people in handcuffs put in one car then another person talking to the cop then after got put in hand cuffs 2 more came out of the corner with the cops right behind him holding there hand's then a Sheriff officer pulled up twitched car's put one in one car and one in another car then after that they were continuing there proceder.

December-5-13

~~November-25~~ - 13 (Report) Jentcity

① - the day I found the crystal meth pipe
one the side of the library - Mr. Richard
and the priest came up to my car and
were asking me were did I find the crystal
meth pipe - I showed him were and
then he was asking me if I had written
any incident's on paper and if I did to show
it to him so he can be aware about
whats going on. So I went on - on the
conversation telling him that certain
people in the camp are selling - and doing
it (crystal meth/heroin) - and certain people
telling me that the crimes they were
committing inside the camp and outside
we got mad had a higher voice tone
and said to me why should I believe
you because to me it does not make
sense that they would tell you this - I
said it's because of my tattoos and
they think that I'm still in that
life they live in right now. they
both were asking me questions and
did not give me enough time to answer
before asking me a rather question - they
were really upset and mad because

~~NOVEMBER~~ -

didn't believe me so they said to me this is just words from me and not or no evidence of what I'm saying so I told him about the operation on what's going on - he did not have a clue on what's going on so he said I'll be right back he wanted to talk to the police officer cause he just said he spoke with them and they didn't mention anything like that, he came back and said to me the police station is closed I'll go in the morning to see what's going on and obviously he wanted to see if I was lying or not.

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1956

Chapter 175, Laws of 2010

61st Legislature
2010 Regular Session

HOMELESS PERSONS--SHELTERS--RELIGIOUS ORGANIZATIONS

EFFECTIVE DATE: 06/10/10

Passed by the House March 6, 2010
Yeas 57 Nays 38

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 2, 2010
Yeas 40 Nays 5

BRAD OWEN

President of the Senate

Approved March 23, 2010, 2:19 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1956** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 23, 2010

Secretary of State
State of Washington

ENGROSSED SUBSTITUTE HOUSE BILL 1956

AS AMENDED BY THE SENATE

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session

By House Local Government & Housing (originally sponsored by Representatives Williams, Chase, Ormsby, Darneille, Van De Wege, Dickerson, and Simpson)

READ FIRST TIME 02/20/09.

1 AN ACT Relating to the housing of homeless persons on property
2 owned or controlled by a church; adding a new section to chapter 36.01
3 RCW; adding a new section to chapter 35.21 RCW; adding a new section to
4 chapter 35A.21 RCW; and creating new sections.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that there are many
7 homeless persons in our state that are in need of shelter and other
8 services that are not being provided by the state and local
9 governments. The legislature also finds that in many communities,
10 religious organizations play an important role in providing needed
11 services to the homeless, including the provision of shelter upon
12 property owned by the religious organization. By providing such
13 shelter, the religious institutions in our communities perform a
14 valuable public service that, for many, offers a temporary, stop-gap
15 solution to the larger social problem of increasing numbers of homeless
16 persons.

17 This act provides guidance to cities and counties in regulating
18 homeless encampments within the community, but still leaves those
19 entities with broad discretion to protect the health and safety of its

1 citizens. It is the hope of this legislature that local governments
2 and religious organizations can work together and utilize dispute
3 resolution processes without the need for litigation.

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

6 (1) A religious organization may host temporary encampments for the
7 homeless on property owned or controlled by the religious organization
8 whether within buildings located on the property or elsewhere on the
9 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 public
13 health and safety and that do not substantially burden the decisions or
14 actions of a religious organization regarding the location of housing
15 or shelter for homeless persons on property owned by the religious
16 organization;

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

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

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

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

33 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.21 RCW
34 to read as follows:

35 (1) A religious organization may host temporary encampments for the

1 homeless on property owned or controlled by the religious organization
2 whether within buildings located on the property or elsewhere on the
3 property outside of buildings.

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

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7 health and safety and that do not substantially burden the decisions or
8 actions of a religious organization regarding the location of housing
9 or shelter for homeless persons on property owned by the religious
10 organization;

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24 encampment for the homeless as provided in this section and (b) any
25 conduct or unlawful activity that may occur as a result of the
26 temporary encampment for the homeless as provided in this section.

27 NEW SECTION. **Sec. 4.** A new section is added to chapter 35A.21 RCW
28 to read as follows:

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

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

35 (a) Imposes conditions other than those necessary to protect public
36 health and safety and that do not substantially burden the decisions or

1 actions of a religious organization regarding the location of housing
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15 public agency as defined in RCW 4.24.470 is immune from civil liability
16 for (a) damages arising from the permitting decisions for a temporary
17 encampment for the homeless as provided in this section and (b) any
18 conduct or unlawful activity that may occur as a result of the
19 temporary encampment for the homeless as provided in this section.

20 NEW SECTION. **Sec. 5.** Nothing in this act is intended to change
21 applicable law or be interpreted to prohibit a county, city, town, or
22 code city from applying zoning and land use regulations allowable under
23 established law to real property owned by a religious organization,
24 regardless of whether the property owned by the religious organization
25 is used to provide shelter or housing to homeless persons.

26 NEW SECTION. **Sec. 6.** Nothing in this act supersedes a court
27 ordered consent decree or other negotiated settlement between a public
28 agency and religious organization entered into prior to July 1, 2010,
29 for the purposes of establishing a temporary encampment for the
30 homeless as provided in this act.

Passed by the House March 6, 2010.

Passed by the Senate March 2, 2010.

Approved by the Governor March 23, 2010.

Filed in Office of Secretary of State March 23, 2010.

Debbie Beadle

From: Elizabeth Maupin <eli410maupin@gmail.com>
Sent: Tuesday, February 25, 2014 8:59 PM
To: Carl de Simas
Subject: Fwd: King County Encampment Ordinance
Attachments: King County Homeless Encampment Ord. May 2005 AMENDED February 2014.docx; ESHB 1956-S.SL.pdf; RLUIPA 106th CONGRESS.doc; Seattle Faith Tent City ordinance.docx

Follow Up Flag: Follow up
Flag Status: Flagged

In preparation for tomorrow's meeting, I'm forwarding this. Bill Kirlin-Hackett gives a good sense of the context in which the ordinances were crafted and the attachments include some of the material I was planning to share with you.

Elizabeth Maupin, M.Div.
Issaquah Sammamish Interfaith Coalition, coordinator
425 392 3344 (shared phone), 206 478 3899 (cell)
eli410maupin@gmail.com

----- Forwarded message -----

From: ITFH <itfh@comcast.net>
Date: Tue, Feb 25, 2014 at 2:18 PM
Subject: King County Encampment Ordinance
To: Kathy Lambert <kathy.lambert@kingcounty.gov>, Rod Dembowski <rod.dembowski@kingcounty.gov>, Joe McDermott <joe.mcdermott@kingcounty.gov>, Larry Gossett <larry.gossett@kingcounty.gov>
Cc: Dow Constantine <dow.constantine@kingcounty.gov>, Adrienne Quinn <Adrienne.Quinn@kingcounty.gov>

King County Human Services Committee,

The current landscape of homeless encampments has shifted many encampment ordinances as written to requiring change. The Eastside of the County is particularly needing such attention as to ordinances.

As Co-Chair of the Citizens Advisory Committee on Homeless Encampments, through whom the current King County Encampment Ordinance was the result of months of study, written, and delivered to the County Council, where it was approved, perhaps I see it as my duty to remind you that

the current ordinance is written to expire 12/31/14 (attached, and I've part way started amending the attached version with changes).

But there is an even better reason to amend and extend this ordinance, and that is the current ordinance governing encampments in Seattle. The original King County ordinance was by design modelled on the Seattle Consent Decree (2002-12), which expired and was replaced by Seattle Ordinance Number: 123729, 10/13/11 (attached, which took effect as the Consent Decree expired the following Spring). The Seattle Ordinance aimed only at faith community hosting, in part due to its own Code already having considerable provision for encampments on public land. Recent efforts to enact a companion ordinance to the faith ordinance have stalled for various reasons.

However, the faith ordinance abides State law (ESHB-1956, 2010), and the Federal Law, RLUIPA 2001 (both attached). Essentially what Seattle has done is allow faith communities to host an unlimited number of managed encampments at faith host sites simultaneously or in succession with no time limit save one the host effects. That may sound like chaos would break loose, but that is not the case due to the limited resources available to manage sites, pay for services, and so on.

Bottom line, with whom do I work via King County to bring current its encampment legislation. Likely it will be one other than the Human Services Committee, but I want you alerted initially since the main issue is under your watch.

The urgency attaching to this is also due to the fact that every ordinance passed by a jurisdiction on the Eastside was based on the King County ordinance. A new model will assist everyone and keep the wheel from being reinvented. Too often folks fail to accommodate State and Federal law, for example, on religious use.

Best to you all,

The Rev. Bill Kirlin-Hackett

Director, **The Interfaith Task Force on Homelessness**

In residence at St. Luke's Lutheran Church

3030 Bellevue Way NE, Bellevue WA 98004

[425.442.5418](tel:425.442.5418) www.itfhomeless.org

[ITFH on Facebook](#)

Ring the bell that still can ring! Forget your perfect offering!

There is a crack, a crack in everything,

That's how the light gets in.

Leonard Cohen

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1956

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5 any other action that:

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

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

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

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

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

27 NEW SECTION. **Sec. 4.** A new section is added to chapter 35A.21 RCW
28 to read as follows:

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

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

35 (a) Imposes conditions other than those necessary to protect public
36 health and safety and that do not substantially burden the decisions or

1 actions of a religious organization regarding the location of housing
2 or shelter for homeless persons on property owned by the religious
3 organization;

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

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

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12 means the federally protected practice of a recognized religious
13 assembly, school, or institution that owns or controls real property.

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

20 NEW SECTION. **Sec. 5.** Nothing in this act is intended to change
21 applicable law or be interpreted to prohibit a county, city, town, or
22 code city from applying zoning and land use regulations allowable under
23 established law to real property owned by a religious organization,
24 regardless of whether the property owned by the religious organization
25 is used to provide shelter or housing to homeless persons.

26 NEW SECTION. **Sec. 6.** Nothing in this act supersedes a court
27 ordered consent decree or other negotiated settlement between a public
28 agency and religious organization entered into prior to July 1, 2010,
29 for the purposes of establishing a temporary encampment for the
30 homeless as provided in this act.

Passed by the House March 6, 2010.

Passed by the Senate March 2, 2010.

Approved by the Governor March 23, 2010.

Filed in Office of Secretary of State March 23, 2010.

Legislative File ID **2004-0519**

Type: **Ordinance** Status: **Passed**
Enactment Date: **5/10/2005** Enactment # **15170**

title

AN ORDINANCE relating to zoning; creating a temporary use permit for homeless encampments; amending Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020, Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100 and Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120, adding a new section to K.C.C. chapter 21A.32 and adding a new chapter to K.C.C. Title 21A.

..body

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. Homelessness is recognized as a significant problem in King County and elsewhere in the nation.

B. Some estimates conclude that more than nine, thousand King County residents are homeless on any given night.

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C. King County finds it unacceptable that people are dying on the streets of our communities because there are insufficient safe alternative locations for habitation by homeless persons.

D. The citizens' advisory commission on homeless encampments ("CACHE") was established by the metropolitan King County council in June 2004 to study the issues of homeless encampments, including whether there is a need for homeless encampments, whether these homeless encampments shall be sited on public or private land, or both, and identifying procedural guidelines for siting and permitting future homeless encampments.

E. The final report of the CACHE found that homeless encampments are not ideal but found that there is a need for the homeless encampments until more permanent housing is available across King County.

F. Homeless encampments serve as an interim survival mechanism while King County continues its important work as a member of the regional Committee to End Homelessness in King County seeking permanent housing alternatives and supportive services through a plan and recommendations that began in 2005.

G. The establishment of homeless encampments once generated concerns about the adequacy of notice to affected communities before their establishment. These concerns have been alleviated by following protocols that continue to advance,

H. Managers, sponsors and hosts for homeless encampments are willing to assume responsibility for homeless encampment residents' compliance with written codes of conduct.

I. Managers, sponsors and hosts for homeless encampments have developed codes of conduct that prohibit the use of drugs and alcohol inside the homeless encampment, prohibit weapons, violence or open flames inside the homeless

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encampment, and require homeless encampment residents to act respectfully toward each other and their neighborhood at all times.

J. Managers, sponsors and hosts for homeless encampments must abide by conditions with regard to community notification, maximum occupancy, environmental health and safety rules, buffers and boundaries, resident identification, inspections by relevant public health, public safety and other appropriate regulatory agencies.

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Deleted: and requirements

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K. It is the intent of the county to encourage the managing agency to disperse homeless encampment sites geographically.

Deleted: and to move the homeless encampment to other properties within ninety days, so that no one community or area of the county is unduly impacted.

L. Homeless juveniles and families with children are considered as the highest priority for placement within shelters or transitional housing. Homeless adult persons without children have the lowest priority for placement. Homeless encampments, therefore, are often a last measure to assure safe haven for adult homeless persons.

O. An encampment best utilizes, is self-government to comply with health, fire and public safety regulations, and the residents live by a code of conduct providing a drug-free, alcohol-free and respectful environment.

Deleted: M. Seattle Housing and Resource Effort ("SHARE") and the Women's Housing, Equality and Enhancement League ("WHEEL") are nonprofit organizations that advocate and provide services for homeless persons and that have established Tent City 4 in King County to provide a safe community for up to one hundred homeless persons every night.

Deleted: N. SHARE/WHEEL has successfully worked with churches and nonprofit groups to provide support services and assistance to residents of Tent City 4, and the site moves every ninety days.

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P. The King County Code currently does not specifically authorize or prohibit the use of tents as shelter within a tent encampment for homeless persons on private property. The King County Zoning Code (K.C.C. Title 21A) prohibits uses not specifically permitted unless those uses qualify for a temporary land use permit

Deleted: Q. Since need and crime impacts of encampments are of concern to the community, an annual report on occupancy rates and crime incidence rates should be provided to the council.

R. The provisions of this ordinance are updated from the initial 2004 King County encampment ordinance to coincide with provisions of the Seattle Municipal Code as indicated in Ordinance Number 123729, October 13, 2011,

S. Numerous discussions with representatives of various faith-based organizations have indicated a general consensus that the Seattle ordinance indicated in Section R. abides both Washington State Law, passed since the initial King County encampment ordinance, and Federal Law, the Religious Land Use and Institutional persons Act of 2001, that provide oversight guidelines, relating to faith community hosting of homeless encampments.

T. The provisions represent generally applicable standards necessary to assure the creation in all cases of a safe homeless encampment with minimal impact to neighboring communities. In particular cases, it may be possible to fashion less restrictive conditions that would be adequate to assure the creation of a safe homeless encampment with minimal impacts to neighboring communities based on an individualized inquiry into particular circumstances. Variations from the general applicable standards in this ordinance should be reviewed as a Type 2 land use decision to allow adequate opportunity for an individual inquiry to evaluate the impacts of any proposed variations from the general standards established in this ordinance.

U. The provisions of this ordinance establish land use permitting requirements for homeless encampments in unincorporated King County. Although these provisions apply to both public and private land, this ordinance is not intended to create any right to establish a homeless encampment on public land. The siting of homeless encampments

Deleted: generally based upon standards contained within the consent decree between the city of Seattle and SHARE/WHEEL and El Centro de la Raza and the CACHE recommendations.

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on land owned by King County shall continue to be subject to the county's discretionary authority, as limited by applicable law.

V. This ordinance is not intended to be a permanent solution to homelessness.

W. Because the original King County encampment ordinance contained, sunset date of December 31, 2014, extending such authority to establish homeless encampments will be consistent with the goals of the Ten Year Plan to End Homelessness developed by the Committee to End Homelessness in King County as it extends its time frame, and will be incorporated into the enabling legislation.

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SECTION 2. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020 are each hereby amended to read as follows:

Classifications of land use decision processes.

A. Land use permit decisions are classified into four types, based on who makes the decision, whether public notice is required, whether a public hearing is required before a decision is made and whether administrative appeals are provided. The types of land use decisions are listed in subsection E₂ of this section.

1. Type 1 decisions are made by the director, or his or her designee, ("director") of the department of development and environmental services ("department"). Type 1 decisions are non appealable administrative decisions.

2. Type 2 decisions are made by the director. Type 2 decisions are discretionary decisions that are subject to administrative appeal.

3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner following an open record hearing. Type 3 decisions may be appealed to the county council, based on the record established by the hearing examiner.

4. Type 4 decisions are quasi-judicial decisions made by the council based on the record established by the hearing examiner.

B. Except as provided in K.C.C. 20.44.120A.7 and 25.32.080 or unless otherwise agreed to by the applicant, all Type 2, 3 and 4 decisions included in consolidated permit applications that would require more than one type of land use decision process may be processed and decided together, including any administrative appeals, using the highest-numbered land use decision type applicable to the project application.

C. Certain development proposals are subject to additional procedural requirements beyond the standard procedures established in this chapter.

D. Land use permits that are categorically exempt from review under SEPA do not require a threshold determination (determination of nonsignificance ~~((t))~~["DNS"((t))] or determination of significance ~~((t))~~["DS"((t))]). For all other projects, the SEPA review procedures in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

E. Land use decision types are classified as follow:

TYPE 1	(Decision by director, no administrative appeal)	<u>Temporary use permit for a homeless encampment under sections 6 through 14 of this ordinance;</u> ((B)) building permit, site development permit, or clearing and grading permit that is not subject to SEPA, that is categorically exempt from SEPA as provided in K.C.C. 20.20.040, or for which the department has issued a determination of nonsignificance or mitigated determination of nonsignificance; boundary line adjustment; right of
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		<p>way; variance from K.C.C. chapter 9.04; shoreline exemption; approval of a conversion-option harvest plan; a binding site plan for a condominium that is based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites, ((ø)) a site development permit for the entire site circumstances.</p>
TYPE 2 ¹	<p>(Decision by director appealable to hearing examiner, no further administrative appeal)</p>	<p>Short plat; short plat revision; short plat alteration; zoning variance; conditional use permit; temporary use permit under K.C.C. chapter 21A.32; temporary use permit for a homeless encampment under section 15 of this ordinance; shoreline substantial development permit²; building permit, site development permit or clearing and grading permit for which the department has issued a determination of significance; reuse of public schools; reasonable use exceptions under K.C.C. 21A.24.070₂B; preliminary determinations under K.C.C. 20.20.030₂B; sensitive areas exceptions and decisions to require studies or to approve, condition or deny a development proposal based on K.C.C. chapter 21A.24; extractive operations under K.C.C. 21A.22.050; binding site plan; waivers from the moratorium provisions of K.C.C. 16.82.140</p>

		based upon a finding of special.
TYPE 3 ¹	(Recommendation by director, hearing and decision by hearing examiner, appealable to county council on the record)	Preliminary plat; plat alterations; preliminary plat revisions.
TYPE 4 ^{1,3}	(Recommendation by director, hearing and recommendation by hearing examiner decision by county council on the record)	Zone reclassifications; shoreline environment redesignation; urban planned development; special use; amendment or deletion of P suffix conditions; plat vacations; short plat vacations; deletion of special district overlay.

¹ See K.C.C. 20.44.120_C₂ for provisions governing procedural and substantive SEPA appeals and appeals of Type 3 and 4 decisions to the council.

² When an application for a shoreline permit is combined with other permits requiring Type 3 or 4 land use decisions under K.C.C. 25.32.080, the examiner, not the director, makes the decision. A shoreline permit, including a shoreline variance or conditional use, is appealable to the state Shorelines Hearings Board and not to the hearing examiner.

³ Approvals that are consistent with the Comprehensive Plan may be considered by the council at any time. Zone reclassifications that are not consistent with the Comprehensive Plan require a site-specific land use map amendment and the council's

hearing and consideration shall be scheduled with the amendment to the Comprehensive Plan under K.C.C. 20.18.040 and 20.18.060.

F. The definitions in section 7 of this ordinance apply to this section.

SECTION 3. Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100 are each hereby amended to read as follows:

Permit issuance.

A. The department shall issue its recommendation to the hearing examiner on a Type 3 or Type 4 land use decision within one hundred fifty days from the date the applicant is notified by the department pursuant to this chapter that the application is complete. The time periods for action by the hearing examiner on a Type 3 or Type 4 land use decision shall be governed by the hearing examiner's rules.

B.1. Except as otherwise provided in subsection B.2 of this section, the department shall issue its final decision on a Type 1 or Type 2 land use decision within one hundred twenty days from the date the applicant is notified by the department pursuant to this chapter that the application is complete.

2. The following shorter time periods apply to the type of land use permit indicated:

New residential building permits	90 days
Residential remodels	40 days
Residential appurtenances, such as decks and garages	15 days, or 40 days
	residential
	appurtenances that
	require substantial
	review.

Clearing and grading 90 days
Health Department review 40 days

(for projects pending a final department review or permit or review and permit).

Type 1 temporary use permit for a homeless encampment: 30 days.

Type 2 temporary use permit for a homeless encampment: 40 days

SECTION 4. Ordinance 10870, Section 549, as amended, and K.C.C.

21A.32.120 are each hereby amended to read as follows:

Temporary use permits – duration and frequency. Except as otherwise provided in this chapter or in K.C.C. chapter 21A.-- (created under section 5 of this ordinance). ~~((f))~~ temporary use permits shall be limited in duration and frequency as follows:

A. The temporary use permit shall be effective for no more than one hundred eighty days from the date of the first event;

B. The temporary use shall not exceed a total of sixty days. ~~((, provided that))~~, ~~((t))~~ This requirement applies only to the days that the event or events actually take place. For a winery in the A or RA zones, the temporary use shall not exceed a total of two events per month and all parking for the events must be accommodated on site;

C. The temporary use permit shall specify a date upon which the use shall be terminated and removed; and

D. A temporary use permit shall not be granted for the same temporary use on a property more than once per calendar year, though a temporary use permit may be granted for multiple events during the approval period.

SECTION 5. Sections 6 through 15 of this ordinance should constitute a new chapter in K.C.C. Title 21A entitled "Homeless Encampments."

NEW SECTION. SECTION 6. **Purpose.** It is the purpose of this chapter to ensure the maintenance of a safe environment within the homeless encampments and to address the potential impacts to neighborhoods by establishment of such homeless encampments

NEW SECTION. SECTION 7. **Definitions.** The definitions in this section apply throughout this chapter and to K.C.C. 20.20.020 unless the context clearly requires otherwise.

A. "Homeless encampment" means a group of homeless persons temporarily residing out of doors on a site with a host and services provided by a sponsor and supervised by a managing agency.

B. "Host" means the owner of the site property that has an agreement with the managing agency to allow the use of property for a homeless encampment. A "host" may be the same entity as the sponsor or the managing agency.

C. "Managing agency" means an organization that has the capacity to organize and manage a homeless encampment. A "managing agency" may be the same entity as the host or the sponsor.

D. "Public health" means the Seattle-King County department of public health.

E. "Sponsor" means a local church or other local, community-based organization that has an agreement with the managing agency to provide basic services and support for the residents of a homeless encampment and liaison with the surrounding community and

joins with the managing agency in an application for a county permit. A "sponsor" may be the same entity as the host or the managing agency.

NEW SECTION. SECTION 8. Approval required. A homeless encampment may be permitted as a temporary use in accordance with K.C.C. chapter 21A.32 only in compliance with this chapter.

NEW SECTION. SECTION 9. Use and sponsorship agreements. The following written agreements shall be provided by the applicant:

A. If the applicant is not the sponsor, an agreement to provide or coordinate basic services and support for the homeless encampment residents and to join with the applicant in all applications for relevant permits; and

B. If the applicant is not the host, an agreement granting permission to locate the homeless encampment at the proposed location and to join with the applicant in all applications for relevant permits.

NEW SECTION. SECTION 10. Application submittal and content.

A. An application for a homeless encampment shall be submitted to the department at least thirty days in advance of the desired date to commence the use for a type 1 permit or forty days in advance of the desired date to commence the use for a type 2 permit.

B. In addition to contents otherwise required for such applications, the application shall include:

1. A copy of a written code of conduct adopted by the host or entered into between the host and managing agency addressing the issues identified in the example code of conduct, Attachment A to this ordinance. The written code of conduct must require homeless encampment residents to abide by specific standards of conduct to promote

health and safety within the homeless encampment and within the adjoining neighborhoods. Nothing in this subsection is intended to preclude the host and the managing agency from agreeing, in the written code of conduct, to additional terms or standards of conduct stricter than the example code of conduct;

2. The name of the managing agency and the sponsor; and
3. The host signature.

NEW SECTION. SECTION 11. Homeless encampment standards. A

homeless encampment is subject to the following standards:

A. The maximum number of residents at a homeless encampment site shall be determined taking into consideration site conditions, but in no case shall be greater than one hundred at any one time;

B. The duration of a homeless encampment at any specific location shall not exceed ninety-two days at any one time, including setup and dismantling of the homeless encampment;

C. A homeless encampment may be located at the same site no more than once every twelve months;

D. The host and managing agency will assure all applicable public health regulations, including but not limited to the following, will be met:

1. Sanitary portable toilets;
2. Hand washing stations by the toilets;
3. Food preparation or service tents;
4. Security tents; and
5. Refuse receptacles;

E. The homeless encampment shall be within a half mile of a public transportation stop or the sponsor or host must demonstrate the ability for residents to obtain access to the nearest public transportation stop through sponsor or host provided van or car pools. During hours when public transportation is not available, the sponsor or host shall also make transportation available to anyone who is rejected from or ordered to leave the homeless encampment;

F. The homeless encampment site must be buffered from surrounding properties with:

1. A minimum twenty-foot setback in each direction from the boundary of the lot on which the homeless encampment is located, excluding access;
2. Established vegetation sufficiently dense to obscure view; or
3. A six foot high, view-obscuring fence;

G. No permanent structures shall be erected on the homeless encampment site;

H. A regular trash patrol in the immediate vicinity of the homeless encampment site shall be provided;

I. Public health guidelines on food donations and food handling and storage, including proper temperature control, shall be followed and homeless encampment residents involved in food donations and storage shall be made aware of these guidelines;

J. The managing agency shall not permit children under the age of eighteen to stay overnight in the homeless encampment except under exigent circumstances. If a child under the age of eighteen, either alone or accompanied by a parent or guardian, attempts to stay overnight, the managing agency will immediately contact child

protective services and endeavor to find alternative shelter for the child and any accompanying parent or guardian;

K. The managing agency shall keep a log of all people who stay overnight in the homeless encampment, including names and dates;

L. The managing agency shall take all reasonable and legal steps to obtain verifiable identification, such as a driver's license, government-issued identification card, military identification or passport from prospective and homeless encampment residents;

M. The managing agency shall enforce the written code of conduct;

N. The site property is owned or leased by the sponsor or an affiliated entity; and

O. The host shall provide a transportation plan as part of the permit process.

NEW SECTION. SECTION 12. Parking impacts. On-site parking spaces of the host use shall not be displaced unless sufficient parking remains available for the host's use to compensate for the loss of on-site parking spaces.

NEW SECTION. SECTION 13. Community notice and informational meeting. The managing agency, in partnership with the sponsor, shall:

A. At least fourteen days before the anticipated start date of the homeless encampment, provide notification to all residences and businesses within five hundred feet of the boundary of the proposed homeless encampment site, but the area shall be expanded as necessary to provide notices to at least twenty different residences or businesses, as well as any unincorporated area council, if applicable, and any homeowner association representing residents receiving notice. The notice shall contain the following specific information:

1. Name of sponsor;

2. Name of host if different from the sponsor;
 3. Date the homeless encampment will begin;
 4. Length of stay;
 5. Maximum number of residents allowed;
 6. Planned location of the homeless encampment;
 7. Dates, times and locations of community informational meetings about the homeless encampment;
 8. Contact information including names and phone numbers for the managing agency and the sponsor; and
 9. A county contact person or agency; and
- B. Conduct at least one community informational meeting held on the host site, or nearby, at least ten days before the anticipated start date of the homeless encampment. The purpose of the meeting is to provide those residences and businesses that are entitled to notice under this section with information regarding the proposed duration and operation of the homeless encampment, conditions that will be placed on the operation of the homeless encampment and requirements of the written code of conduct, and to answer questions regarding the homeless encampment.

NEW SECTION. SECTION 14. Compliance with permit conditions and written code of conduct.

A. In order to assess compliance with the terms of the permit, inspections may be conducted at reasonable times without prior notice by the fire district, public health or department staff. The managing agency shall implement all directives of the fire district

within forty-eight hours. Public health and department directives shall be implemented within the time specified by the respective agencies.

B. Failure by the managing agency to take action against a resident who violates the terms of the written code of conduct may result in cancellation of the permit.

NEW SECTION. SECTION 15. Option to modify standards. An applicant for a homeless encampment may apply for a temporary use permit that applies standards that differ from those established by sections 9 through 14 of this ordinance. In addition to all other permit application requirements, the applicant shall submit a description of the requirements to be modified and shall demonstrate how the modification will result in a safe homeless encampment under the specific circumstances of the application. The department shall review the proposed modifications and shall either deny or approve the application, with conditions if necessary, to ensure a safe homeless encampment with minimal impacts to the host neighborhood. The hearing examiner shall expedite the hearing on an appeal of the department's decision under this section.

SECTION 16. Sections 5 through 15 of this ordinance expire January 1, 2015.

SECTION 17. Section 18 of this ordinance takes effect January 1, 2015.

NEW SECTION. SECTION 18. There is hereby added to K.C.C. chapter 21A.32 a new section to read as follows:

Homeless encampments – prohibited. A homeless encampment is a prohibited use and shall not be approved through a temporary use permit. If the King County Ten Year Plan to End Homelessness has not been fully implemented and there is still a need for

homeless encampments, the county council may through legislative action extend sections 5 through 16 of this ordinance.

106th CONGRESS
2d Session
S. 2869

AN ACT

To protect religious liberty, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Religious Land Use and Institutionalized Persons Act of 2000'.

SEC. 2. PROTECTION OF LAND USE AS RELIGIOUS EXERCISE.

(a) **SUBSTANTIAL BURDENS-**

(1) **GENERAL RULE-** No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution--

(A) is in furtherance of a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling governmental interest.

(2) **SCOPE OF APPLICATION-** This subsection applies in any case in which--

(A) the substantial burden is imposed in a program or activity that receives Federal financial assistance, even if the burden results from a rule of general applicability;

(B) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, even if the burden results from a rule of general applicability; or

(C) the substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved.

(b) **DISCRIMINATION AND EXCLUSION-**

(1) **EQUAL TERMS-** No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.

(2) **NONDISCRIMINATION-** No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.

(3) **EXCLUSIONS AND LIMITS-** No government shall impose or implement a land use regulation that--

- (A) totally excludes religious assemblies from a jurisdiction; or
- (B) unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.

SEC. 3. PROTECTION OF RELIGIOUS EXERCISE OF INSTITUTIONALIZED PERSONS.

- (a) GENERAL RULE- No government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution, as defined in section 2 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997), even if the burden results from a rule of general applicability, unless the government demonstrates that imposition of the burden on that person--
 - (1) is in furtherance of a compelling governmental interest; and
 - (2) is the least restrictive means of furthering that compelling governmental interest.
- (b) SCOPE OF APPLICATION- This section applies in any case in which--
 - (1) the substantial burden is imposed in a program or activity that receives Federal financial assistance; or
 - (2) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes.

SEC. 4. JUDICIAL RELIEF.

- (a) CAUSE OF ACTION- A person may assert a violation of this Act as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.
- (b) BURDEN OF PERSUASION- If a plaintiff produces prima facie evidence to support a claim alleging a violation of the Free Exercise Clause or a violation of section 2, the government shall bear the burden of persuasion on any element of the claim, except that the plaintiff shall bear the burden of persuasion on whether the law (including a regulation) or government practice that is challenged by the claim substantially burdens the plaintiff's exercise of religion.
- (c) FULL FAITH AND CREDIT- Adjudication of a claim of a violation of section 2 in a non-Federal forum shall not be entitled to full faith and credit in a Federal court unless the claimant had a full and fair adjudication of that claim in the non-Federal forum.
- (d) ATTORNEYS' FEES- Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended--
 - (1) by inserting 'the Religious Land Use and Institutionalized Persons Act of 2000,' after 'Religious Freedom Restoration Act of 1993,'; and
 - (2) by striking the comma that follows a comma.
- (e) PRISONERS- Nothing in this Act shall be construed to amend or repeal the Prison Litigation Reform Act of 1995 (including provisions of law amended by that Act).

(f) **AUTHORITY OF UNITED STATES TO ENFORCE THIS ACT-** The United States may bring an action for injunctive or declaratory relief to enforce compliance with this Act. Nothing in this subsection shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General, the United States, or any agency, officer, or employee of the United States, acting under any law other than this subsection, to institute or intervene in any proceeding.

(g) **LIMITATION-** If the only jurisdictional basis for applying a provision of this Act is a claim that a substantial burden by a government on religious exercise affects, or that removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, the provision shall not apply if the government demonstrates that all substantial burdens on, or the removal of all substantial burdens from, similar religious exercise throughout the Nation would not lead in the aggregate to a substantial effect on commerce with foreign nations, among the several States, or with Indian tribes.

SEC. 5. RULES OF CONSTRUCTION.

(a) **RELIGIOUS BELIEF UNAFFECTED-** Nothing in this Act shall be construed to authorize any government to burden any religious belief.

(b) **RELIGIOUS EXERCISE NOT REGULATED-** Nothing in this Act shall create any basis for restricting or burdening religious exercise or for claims against a religious organization including any religiously affiliated school or university, not acting under color of law.

(c) **CLAIMS TO FUNDING UNAFFECTED-** Nothing in this Act shall create or preclude a right of any religious organization to receive funding or other assistance from a government, or of any person to receive government funding for a religious activity, but this Act may require a government to incur expenses in its own operations to avoid imposing a substantial burden on religious exercise.

(d) **OTHER AUTHORITY TO IMPOSE CONDITIONS ON FUNDING UNAFFECTED-** Nothing in this Act shall--

(1) authorize a government to regulate or affect, directly or indirectly, the activities or policies of a person other than a government as a condition of receiving funding or other assistance; or

(2) restrict any authority that may exist under other law to so regulate or affect, except as provided in this Act.

(e) **GOVERNMENTAL DISCRETION IN ALLEVIATING BURDENS ON RELIGIOUS EXERCISE-** A government may avoid the preemptive force of any provision of this Act by changing the policy or practice that results in a substantial burden on religious exercise, by retaining the policy or practice and exempting the substantially burdened religious exercise, by providing exemptions from the policy or practice for applications that substantially burden religious exercise, or by any other means that eliminates the substantial burden.

(f) **EFFECT ON OTHER LAW-** With respect to a claim brought under this Act, proof that a substantial burden on a person's religious exercise affects, or removal of that burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, shall not

establish any inference or presumption that Congress intends that any religious exercise is, or is not, subject to any law other than this Act.

(g) BROAD CONSTRUCTION- This Act shall be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of this Act and the Constitution.

(h) NO PREEMPTION OR REPEAL- Nothing in this Act shall be construed to preempt State law, or repeal Federal law, that is equally as protective of religious exercise as, or more protective of religious exercise than, this Act.

(i) SEVERABILITY- If any provision of this Act or of an amendment made by this Act, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provision to any other person or circumstance shall not be affected.

SEC. 6. ESTABLISHMENT CLAUSE UNAFFECTED.

Nothing in this Act shall be construed to affect, interpret, or in any way address that portion of the first amendment to the Constitution prohibiting laws respecting an establishment of religion (referred to in this section as the 'Establishment Clause'). Granting government funding, benefits, or exemptions, to the extent permissible under the Establishment Clause, shall not constitute a violation of this Act. In this section, the term 'granting', used with respect to government funding, benefits, or exemptions, does not include the denial of government funding, benefits, or exemptions.

SEC. 7. AMENDMENTS TO RELIGIOUS FREEDOM RESTORATION ACT.

(a) DEFINITIONS- Section 5 of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb-2) is amended--

- (1) in paragraph (1), by striking 'a State, or a subdivision of a State' and inserting 'or of a covered entity';
- (2) in paragraph (2), by striking 'term' and all that follows through 'includes' and inserting 'term 'covered entity' means'; and
- (3) in paragraph (4), by striking all after 'means' and inserting 'religious exercise, as defined in section 8 of the Religious Land Use and Institutionalized Persons Act of 2000.'

(b) CONFORMING AMENDMENT- Section 6(a) of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb-3(a)) is amended by striking 'and State'.

SEC. 8. DEFINITIONS.

In this Act:

- (1) CLAIMANT- The term 'claimant' means a person raising a claim or defense under this Act.
- (2) DEMONSTRATES- The term 'demonstrates' means meets the burdens of going forward with the evidence and of persuasion.

(3) FREE EXERCISE CLAUSE- The term 'Free Exercise Clause' means that portion of the first amendment to the Constitution that proscribes laws prohibiting the free exercise of religion.

(4) GOVERNMENT- The term 'government'--

(A) means--

(i) a State, county, municipality, or other governmental entity created under the authority of a State;

(ii) any branch, department, agency, instrumentality, or official of an entity listed in clause (i); and

(iii) any other person acting under color of State law; and

(B) for the purposes of sections 4(b) and 5, includes the United States, a branch, department, agency, instrumentality, or official of the United States, and any other person acting under color of Federal law.

(5) LAND USE REGULATION- The term 'land use regulation' means a zoning or landmarking law, or the application of such a law, that limits or restricts a claimant's use or development of land (including a structure affixed to land), if the claimant has an ownership, leasehold, easement, servitude, or other property interest in the regulated land or a contract or option to acquire such an interest.

(6) PROGRAM OR ACTIVITY- The term 'program or activity' means all of the operations of any entity as described in paragraph (1) or (2) of section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4a).

(7) RELIGIOUS EXERCISE-

(A) IN GENERAL- The term 'religious exercise' includes any exercise of religion, whether or not compelled by, or central to, a system of religious belief.

(B) RULE- The use, building, or conversion of real property for the purpose of religious exercise shall be considered to be religious exercise of the person or entity that uses or intends to use the property for that purpose.

City of Seattle Legislative Information Service

Information retrieved on June 18, 2012 9:36 AM

Council Bill Number: 117288

Ordinance Number: 123729

AN ORDINANCE relating to land use and zoning; amending Sections 23.43.040, 23.50.012, and 23.84A.038 of the Seattle Municipal Code; and adding new Sections 23.42.054, 23.44.053, 23.45.595, and 23.47A.036; to permit transitional encampments for homeless individuals as a use accessory to religious facilities in all zones.

Status: Passed as amended

Date passed by Full Council: October 3, 2011

Vote: 9-0

Date filed with the City Clerk: October 13, 2011

Date of Mayor's signature: October 13, 2011

(about the signature date)

Date introduced/referred to committee: September 12, 2011

Committee: Housing, Human Services, Health, and Culture

Sponsor: LICATA

Committee Recommendation: Pass

Date of Committee Recommendation: September 28, 2011

Committee Vote: 3 (Licata, Clark, Rasmussen) - 0

Index Terms: RELIGIOUS-INSTITUTIONS, HOMELESS, LAND-USE-REGULATIONS, ZONING, PUBLIC-REGULATIONS, CAMPS

Fiscal Note: Fiscal Note to Council Bill 117288

Electronic Copy: PDF scan of Ordinance No. 123729

Text

AN ORDINANCE relating to land use and zoning; amending Sections 23.43.040, 23.50.012, and 23.84A.038 of the Seattle Municipal Code; and adding new Sections 23.42.054, 23.44.053, 23.45.595, and 23.47A.036; to

permit transitional encampments for homeless individuals
as a use accessory to religious facilities in all zones.

WHEREAS, there is a well-documented history of homelessness in
Seattle and a demonstrated need for additional facilities
to address the issue; and

WHEREAS, faith-based communities have proven effective in
providing shelter and support for homeless persons,
including providing space on their property for
transitional encampments that do not include permanent
structures; and

WHEREAS, faith-based communities have made support of homeless
persons an integral part of their religious mission, and
their transitional encampment activity is incidental to
their religious facilities; and

WHEREAS, transitional encampments may currently be allowed as
a temporary use, in any zone, without specific health and
safety standards in the Seattle Land Use Code; and

WHEREAS, this ordinance does not change the current code
provision that allows entities, including secular
entities, to continue to host transitional encampments
after obtaining a temporary use permit according to

existing procedures in the Seattle Land Use Code; and

WHEREAS, RCW 35.21.915, permits cities regulating homeless encampments on property owned or controlled by a religious organization to impose conditions necessary to protect the health and safety of the public; and

WHEREAS, adding specific transitional encampment health and safety standards to the Code, including limits to numbers of occupants and provisions for cooking and utilities, provides clear guidance to religious facilities and protects the health and safety of the public; and

WHEREAS, agreements between religious facilities and transitional encampment operators may address encampment rules that extend beyond zoning standards, including prohibiting alcohol, drugs, weapons and sex offenders; or establishing rules for children in encampments; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Section 23.42.054 of the Seattle Municipal Code is adopted to read as follows:

23.42.054 Transitional Encampments Accessory to Religious

Facilities or to Other Principal Uses Located on Property
Owned or Controlled by a Religious Organization

A. Transitional encampment accessory use. A transitional encampment is allowed as an accessory use on a site in any zone, if the established principal use of the site is as a religious facility or the principal use is on property owned or controlled by a religious organization, subject to the provisions of subsection 23.42.054.B. A religious facility site includes property developed with legally-established parking that is accessory to the religious facility. Parking accessory to a religious facility or located on property owned or controlled by a religious organization that is displaced by the encampment does not need to be replaced.

B. The encampment operator or applicant shall comply with the following provisions:

1. Allow no more than 100 persons to occupy the encampment site as residents of the encampment.

2. Comply with the following fire safety and health standards:

a. Properly space, hang, and maintain fire

extinguishers within the encampment as required by the Fire Department;

b. Provide and maintain a 100-person first-aid kit;

c. Establish and maintain free of all obstructions access aisles as required by the Fire Department.

d. Install appropriate power protection devices at any location where power is provided;

e. Designate a smoking area;

f. Keep the site free of litter and garbage;

g. Observe all health-related requirements made by the Public Health Department of Seattle & King County; and

h. Post and distribute to encampment residents, copies of health or safety information provided by the City of Seattle, King County or any other public agency.

i. Prohibit any open flames except an outdoor heat source approved by the Fire Department.

3. Provide toilets, running water, and garbage collection according to the following standards:

a. Provide and maintain chemical toilets as recommended by the portable toilet service provider or provide access to toilets in an indoor location;

b. Provide running water in an indoor location or alternatively, continuously maintain outdoor running water and discharge the water to a location approved by the City; and

c. Remove garbage frequently enough to prevent overflow.

4. Cooking facilities, if they are provided, may be located in either an indoor location or outdoors according to the following standards:

a. Provide a sink with running water in an indoor location or alternatively, continuously maintain outdoor running water and discharge the water to a location approved by the City;

b. Provide a nonabsorbent and easily-cleanable food preparation counter;

c. Provide a means to keep perishable food cold;

and

d. Provide all products necessary to maintain the cooking facilities in a clean condition.

5. Allow officials of the Public Health Department of Seattle & King County, the Seattle Fire Department, and Seattle Department of Planning and Development to inspect areas of the encampment that are located outdoors and plainly visible without prior notice to determine compliance with these standards.

C. A site inspection of the encampment by a Department inspector is required prior to commencing encampment operations.

D. Parking is not required for a transitional encampment allowed under this Section 23.42.054.

Section 2. Section 23.43.040 of the Seattle Municipal Code, which section was last amended by Ordinance 123378, is amended as follows:

~~peratoriums.))~~

Deleted: 23.43.040 Accessory uses and structures ((→) exceptions to development standards for solar collectors and)

* * *

F. Transitional encampments accessory use.

Transitional encampments accessory to religious facilities or to principal uses located on property owned or controlled by a religious organization are regulated by Section 23.42.054.

Section 3. A new Section 23.44.053 of the Seattle Municipal Code is adopted to read as follows:

23.44.053 Transitional encampments accessory use

Transitional encampments accessory to religious facilities or to principal uses located on property owned or controlled by a religious organization__are regulated by Section 23.42.054, Transitional Encampments Accessory to Religious Facilities.

Section 4. A new Section 23.45.595 of the Seattle Municipal Code is adopted to read as follows:

23.45.595 Transitional encampments accessory use

Transitional encampments accessory to religious

facilities or to principal uses located on property owned or controlled by a religious organization are regulated by Section 23.42.054, Transitional Encampments Accessory to Religious Facilities.

Section 5. A new Section 23.47A.036 of the Seattle Municipal Code is adopted to read as follows:

23.47A.036 Transitional encampments accessory use

Transitional encampments accessory to religious facilities or to principal uses located on property owned or controlled by a religious organization are regulated by Section 23.42.054, Transitional Encampments Accessory to Religious Facilities.

Section 6. Section 23.50.012 of the Seattle Municipal Code, which section was last amended by Ordinance 123378, is amended as follows:

23.50.012 Permitted and Prohibited Uses

* * *

Table A for 23.50.012

Uses in Industrial Zones					
PERMITTED AND PROHIBITED USES BY ZONE					
USES	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
* * *					
E. INSTITUTIONS					
E.1. Adult care centers	X	X	X	X	X
E.2. Child care centers	P	P	P	P	P
E.3. Colleges	EB	EB	EB	X(6)	X(6)
E.4. Community centers and Family support centers	EB	EB	EB	P	P
E.5. Community clubs	EB	EB	EB	X	P
E.6. Hospitals	EB	EB	CU(7)	P	P
E.7. Institutes for advanced study	P	P	P	X	X
E.8. Libraries	X	X	X	X	X
E.9. Major institutions subject to the provisions of Chapter 23.69	EB	EB	EB	EB	EB
E.10. Museums	EB	EB(9)	EB	X(8)	X(8)
E.11. Private clubs	EB	EB	EB	X	X
E.12. Religious facilities	P(15)	P(15)	P(15)	P(15)	P(15)
E.13. Schools, elementary or secondary	EB	EB	EB	X	X
E.14. Vocational or fine arts schools	P	P	P	P	P

* * *

(15) Transitional encampments accessory to religious facilities or to principal uses located on property owned or controlled by a religious organization are regulated by Section 23.42.054.

Section 7. Section 23.84A.038 of the Seattle Municipal Code, which section was last amended by Ordinance 123495, is amended as follows:

23.84A.038 "T"

* * *

"Transitional Encampment" means a use having tents or a similar shelter that provides temporary quarters for sleeping and shelter. The use may have common food preparation, shower, or other commonly-used facilities that are separate from the sleeping shelters.

* * *

Section 8. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

Section 9. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2011, and signed by me in open session in authentication of its passage this

____ day of _____, 2011.

President _____ of the City Council

Approved by me this ____ day of _____, 2011.

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2011.

Monica Martinez Simmons, City Clerk

(Seal)

Bill Mills DPD Transitional Encampment ORD October 3, 2011 Version #12

I Form Last Revised: May 2, 2011

Debbie Beadle

From: Kamuron Gurol
Sent: Friday, February 28, 2014 10:44 AM
To: Carl de Simas
Cc: Susan Cezar; Kurt Aldworth; Devany Lunde; Debbie Beadle
Subject: FW: positive document/Tent City 4
Attachments: community support tc4.doc; ATT00001.htm

Follow Up Flag: Follow up
Flag Status: Flagged

From: Nancy Whitten
Sent: Friday, February 28, 2014 10:32 AM
To: Kamuron Gurol
Cc: City Council; byacizi@ci.sammamish.wa.us; runtis3@comcast.net
Subject: FW: positive document/Tent City 4

Kamuron, I am forwarding to you the email and attachments of positive comments concerning the United Methodist's potential hosting of Tent City 4 and ask that you provide the information to the Planning Commission and make it part of the record on our tent city ordinance proposal. I will be sending a second email with questions and answers in the same regard. Nancy Whitten

From: Rickie Anderson <runtis3@comcast.net>
Sent: Thursday, February 27, 2014 5:15 PM
To: Nancy Whitten
Subject: Fwd: positive document/Tent City 4

Nancy--Here is a copy of the positive comments we received as part of our community meeting regarding the hosting of Tent City 4. If you have any questions please feel free to contact me--Rickie Anderson

Begin forwarded message:

From: Rickie Anderson <runtis3@comcast.net>
Date: February 21, 2014 9:01:17 PM PST
To: Brad Anderson <bradleyanderson@comcast.net>
Subject: positive documents

COMMUNITY SUPPORT

COMMENTS

Please voice my comment: I am a Girl Scout leader who uses the church building. I teach Sunday School here at FUMC. I have 2 small children. I view this as a wonderful opportunity to give, serve and teach our children. We have so much to give.

The difference between TC4 and us is the roof over our heads. We all are broken – with the difference being TC4 brokenness is visible and ours is hidden under our roof. We can't ostracize TC4 just because we can see the brokenness. Maybe the reason we shrink back from this opportunity is because it reveals something we like to keep hidden.

I am the chairperson of the neighborhood watch in Klahanie. It's important regardless of approval of TC4 that our neighborhood engage in the neighborhood watch program. I approve of TC4.

I am a member of St. Jude parish in Redmond. We have had T4C stay with us FOUR times with no problems, arrests, or complaints. The first time we had the camp stay at our church the neighbors, especially parents of school children, were strongly opposed to having homeless people in their neighborhood. The next THREE times they came to our church there were no objections, NOT ONE, from the neighbors. *(capitals copied from original comment)*

I am proud of this church for extending a helping hand to TC4. It is clear what God would have us do – Jesus was consistent in his teaching on serving the poor.

TC4 does attract people with issues, but they do eject those whose behavior causes a problem in the camp. In the THREE times hosting in Issaquah we found them to be good guests. The Community Church of Issaquah and our nearby neighbors always felt safer when TC4 were our neighbors than when they were not there. There were 3 preschools on our site and a school across the street. TC4 became an educational opportunity for those schools, and teachers and students looked forward to their return.

I live in Summer Meadows. Within the neighborhood, my home is closest to the church, my fence separates us and my daughter attends ITBS. I have no problem with 90 days. People deserve help. If there becomes a problem I believe and EXPECT it will be handled swiftly and effectively.

“What Would Jesus Do?” Jesus would help the homeless, he would allow Tent City in his backyard. I am one of your neighbors in Summer Meadows. I am in support of TC4 at Faith UMC.

Thank you for having TC4 here. My family and I are very happy to have them here.

“What Would Jesus Do?” The answer is easy: HOST TENT CITY 4

I am a Mary Queen of Peace (MQP) parishioner and my home backs up to FUMC. I fully support having tent city stay here and I would also like to help if TC4 is approved.

I work at MQP and attend the church. I supported TC4 there and I support it here. I border the church (FUMC) property and they will be in my back yard. Please host them.

I am a Klahanie resident and a member of MQP. I totally support TC4 at Faith UMC. It was a great gift to have them at MQP. I served and ate Thanksgiving dinner w/ TC4 residents.

I appreciate that this church, my neighbor in my own neighborhood, would honor their mission and scriptural expectations to care for these folks.

Thank you for reaching out to "the least of our brother's".

As of February 11, 2014, the Federal database lists 7 registered sex offenders living in Issaquah. Why should we worry that TC4 will bring more? www.city-data.com

OFFERS OF ASSISTANCE

TC4 camps provide a safety net for individuals in need. Thank you for considering being a partner in this work. THE IFCB (Issaquah Food and Clothing Bank) is here to help when needed. We can provide help with food, warm clothing and equipment. Please keep us in the loop as a resource and partner--
Issaquah Food and Clothing Bank

If we want to donate food or clothes or other necessities, whom do we contact?

Where would people donating food, etc. drive when coming to make deliveries?

How can we volunteer?

If Faith Church members vote to host Tent City 4, you can check our website www.faithchurch.org for details of how to volunteer and donate.

How large is your congregation and do you allow others to volunteer or help?

Faith Church has approximately 600 members. We welcome all volunteer help on any of the outreach programs within which we are involved, such as the Issaquah Hot Meal Program, Change the World Day, Habitat for Humanity Benefit Garage Sale (1/3 of the volunteers who work on this project are from outside the church), and many other mission opportunities. If Faith Church members vote to host Tent City 4, you can check our website www.faithchurch.org for details of how to volunteer and donate to support this mission. Come Walk (and work) with us!

The Klahanie Board has notified our Klahanie Neighborhood Patrol (off duty King County Police Officers) of the encampment and has allocated extra funding for more officers if needed. The KNP will be vigilant with patrols in that area for the time that the encampment is present.

Debbie Beadle

From: Kamuron Gurol
Sent: Tuesday, February 4, 2014 8:21 AM
To: Carl de Simas
Cc: Susan Cezar; Kurt Aldworth; Debbie Beadle
Subject: Fwd: Homeless Encampment Ordinances: A Comparison of KC Municipalities
Attachments: BQ.fw[1].png

Follow Up Flag: Follow up
Flag Status: Completed

Hi Carl, see below. Please include Mr Preston in our outreach efforts, thanks. -KG

Sent from my iPhone

Begin forwarded message:

From: Don Gerend <dgerend@sammamish.us>
Date: February 4, 2014, 7:53:06 AM PST
To: Kamuron Gurol <kgurol@sammamish.us>, Lyman Howard <lhoward@sammamish.us>, Ben Yazici <BYazici@sammamish.us>
Subject: RE: Homeless Encampment Ordinances: A Comparison of KC Municipalities

I haven't responded and his addressing doesn't tell to whom he sent it. Feel free to respond.

Don

From: Kamuron Gurol
Sent: Tuesday, February 4, 2014 6:27 AM
To: Don Gerend; Lyman Howard; Ben Yazici
Subject: RE: Homeless Encampment Ordinances: A Comparison of KC Municipalities

Thanks, we will take a look. Mercer Island also compiled peer city codes into a table. I have asked our staffer to update those tables and work with MRSC to ensure we have the latest info. Has anyone responded to Mr. Preston or should I do so? Thx, -Kamuron

From: Don Gerend
Sent: Monday, February 3, 2014 5:26 PM
To: Lyman Howard; Ben Yazici; Kamuron Gurol
Subject: FW: Homeless Encampment Ordinances: A Comparison of KC Municipalities

I don't know if you received this information.

Don

From: David Preston <preston.david@comcast.net>
Sent: Monday, February 3, 2014 4:32 PM

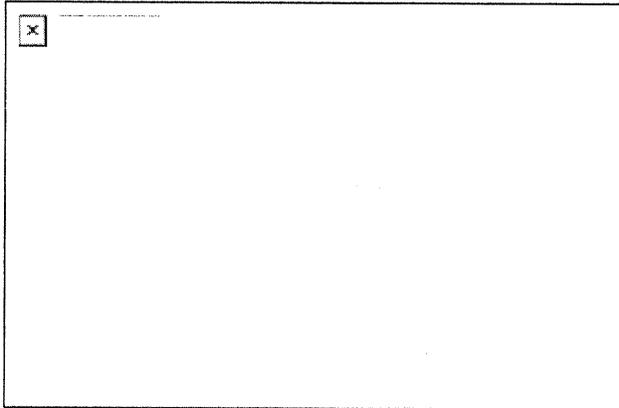
To: preston.david@comcast.net

Subject: Homeless Encampment Ordinances: A Comparison of KC Municipalities

Compiled by the City of Renton as part their process. The document might be a little out of date, but it's still useful.

http://rentonwa.gov/uploadedFiles/Business/EDNSP/planning/D09_Staff_Report.pdf

-David Preston



Debbie Beadle

From: Claudia Haunreiter <claudiahaunreiter@yahoo.com>
Sent: Thursday, February 6, 2014 5:28 PM
To: Carl de Simas
Subject: Re: Tent City 4

Follow Up Flag: Follow up
Flag Status: Completed

Thank you so much for setting that straight for me. It is very important to stop that kind of "gossip" and nip it in the bud so that it doesn't taint our hopes to have Tent City 4 back in our city. There are many who are already nervous having the "unsavory" (poor and homeless) in our community and this is the kind of stuff that would fuel a lot of anger and unfounded fear. Things will and can happen among Tent City residents but for the most part they have a pretty darn good record and as a resident of Sammamish I am in support of helping these people.

I do appreciate your time in this matter and I look forward to hearing more in the months to come.

Claudia Haunreiter

On Thursday, February 6, 2014 5:16 PM, Carl de Simas <cdesimas@sammamish.us> wrote:
Ms. Haunreiter,

Tent City 4 was not to leave based on public safety issues. Rather, TC 4 left as a result of the expiration of the 60 day temporary use permit and 30 day extension totaling 90 days. Again, I will be reaching out soon to set up a meeting with you and others interested in this topic.

Thank you,

Carl

--
Carl de Simas
City of Sammamish – Department of Community Development
Code Compliance Officer
425-295-0547
cdesimas@sammamish.us
Department of Code Compliance



Sammamish 2035. Building Community Together

Help shape Sammamish's future....

<http://sammamish.us/departments/communitydevelopment/ComprehensivePlan.aspx#>

From: Claudia Haunreiter [mailto:claudiahaunreiter@yahoo.com]
Sent: Thursday, February 06, 2014 1:48 PM
To: Carl de Simas
Subject: Re: Tent City 4

As much as I appreciate the time you spent to reply...you didn't answer the question. Was Tent City 4 ordered to leave Sammamish on criminal related issues? Simple.

Claudia Haunreiter

On Thursday, February 6, 2014 1:03 PM, Carl de Simas <cdesimas@sammamish.us> wrote:
Hello Ms. Haunreiter,

Thank you very much for your inquiry, your comments and your interest in this subject. We are in the beginning stages of research and retrospective related to the topics of Tent City 4 and homeless encampments code development. I will be reaching out to you and others soon to set up a meeting so we can hear and discuss your concerns

Your thoughts are very important to this process. I look forward to meeting with you.

Thank you,

Carl

--
Carl de Simas
City of Sammamish – Department of Community Development
Code Compliance Officer
425-295-0547
cdesimas@sammamish.us
[Department of Code Compliance](#)



Sammamish 2035. Building Community Together

Help shape Sammamish's future....

<http://sammamish.us/departments/communitydevelopment/ComprehensivePlan.aspx#>

From: Debbie Beadle
Sent: Thursday, February 06, 2014 11:30 AM
To: Carl de Simas; Kamuron Guroi; Susan Cezar
Subject: FW: Tent City 4

FYI

From: Claudia Haunreiter <claudiahaunreiter@yahoo.com>
Sent: Thursday, February 6, 2014 10:22 AM
To: Debbie Beadle
Cc: Tara
Subject: Re: Tent City 4

I have an inquiry about Tent City 4 and it's stay in Sammamish. I was visiting with a customer and she told me that the TC4 residents were actually told to leave (early) for some serious legal issues (drugs etc.). Asked to leave by Church? or city? I hadn't heard this and I thought I had read all the articles in our local paper. Is this true? If so, it truly saddens me. If the city kicked them out they should not over react since we have crime in our own back yard (Sammamish). I would think it would be sad to kick out a complete group over the bad deeds of a few. If one student does wrong should we expel the whole class (or school). I think not. I would appreciate any knowledge you have on this situation. I have no problem voicing my thoughts to our city council. Maybe if one of them does wrong we could get rid of them all :)

Claudia Haunreiter
resident of Sammamish 30 years :(

On Monday, February 3, 2014 3:44 PM, Debbie Beadle <dbeadle@sammamish.us> wrote:
Good Day,

As you know, Mary, Queen of Peace church in Sammamish recently hosted Tent City 4 for 90 days ending January 17. Tent City 4 has since moved to Lake Sammamish State Park where they have been permitted to stay on a temporary basis.

It is likely that homeless encampments like Tent City 4 will be invited by religious organizations in Sammamish in the future. State law requires jurisdictions to make allowances for such organizations to host homeless encampments as part of their religious mission. The Sammamish City Council has directed staff to research the experience of peer cities, gather stakeholder input and develop regulations for Sammamish to permit this type of temporary land use. Your input will help inform the code development process.

Carl de Simas, our code compliance officer, is managing the code development process. He will work to ensure all public comment is collected and compiled for review by elected and appointed officials. In the coming days, city staff will be in touch to set up meetings. Our timeline is ambitious, so you can expect to hear from us soon. Carl's contact info is: cdesimas@sammamish.us or (425) 295-0547.

Your input is invaluable and we look forward to working with you. Thanks in advance,

On behalf of Kamuron Gurol – Community Development Director

Thank you

Debbie Beadle

Administrative Assistant to the Community Development Director/Deputy Director

Employee of the Year 2012

Community Development Department

City of Sammamish

(T) 425-295-0525

(F) 425-295-0600



SAMMAMISH2035

Sammamish 2035, Building Community Together

Please be aware that email communication with Council Members or City staff is a public record and is subject to disclosure upon request.

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Debbie Beadle

From: Kathryn Knutson <kathryknutson@hotmail.com>
Sent: Tuesday, February 11, 2014 9:40 AM
To: Homeless Encampment Code
Subject: homeless camps

Follow Up Flag: Follow up
Flag Status: Flagged

Greetings,

I would like to express my concern with the decision to allow 'tent city' in Sammamish. I observed on more than one occasion some suspect individuals making their way along 228th. One woman appeared to be in a stupor as she crossed against the light and stumbled up the hill. This was just outside Discovery Elementary. It was alarming to see. There were also individuals directly outside of Skyline High School who appeared disheveled and frankly a bit scary. I also understand that there were police incidents at the camp.

The presence of the camp made me feel less safe in our community. I also question choosing a location so close to our schools. I understand there is a larger issue of homelessness on a County wide basis that needs to be addressed, but don't think the answer is to shuttle people around to suburban communities. The City of Sammamish has an obligation to keep our families safe and enhance the quality of life for Sammamish residents.

Thank you,

Kathryn Knutson

Debbie Beadle

From: Christina Pribbernow <crpribb@comcast.net>
Sent: Wednesday, February 19, 2014 10:38 AM
To: Homeless Encampment Code
Subject: Homeless Encampments

Follow Up Flag: Follow up
Flag Status: Flagged

Planning Commission,

Homeless in the Seattle surrounding area is a King County problem and not the problem of anyone city. The problem needs to be addressed with the county by the cities in the county. To allow homeless encampments in our city or any city is taking the problem solving away from the county. It is not a Washington State problem since most of homeless people live in King County. We need to put into place rent control until affordable housing can be built such as boarding houses and studio apartments. The minimum wage needs to be raised so individuals can take steps to provide for themselves. Homeless encampments are not the answer and will forestall work towards a solution.

-Christina Pribbernow

Debbie Beadle

From: Christina Pribbernow <crpribb@comcast.net>
Sent: Thursday, February 20, 2014 12:58 PM
To: Carl de Simas
Subject: Re: Homeless Encampments

Follow Up Flag: Follow up
Flag Status: Flagged

My name is Christina Pribbernow and not Ms. Knutson,

On the subject of rent control, check King 5 news regarding Lockhaven Apartments in Ballard and the increase on rent and what it is doing to it's residents. Will those people be in Tent City 4 here too? Will we also have seniors living in tents with the young homeless? How many homeless encampments will it take to get solutions? If cities say no to encampments may-be the county will be forced to take action for it's out of control problem of homeless.

Thank you,
Christina Pribbernow

From: "Carl de Simas" <cdesimas@sammamish.us>
To: "Christina Pribbernow" <crpribb@comcast.net>
Sent: Wednesday, February 19, 2014 10:40:57 AM
Subject: RE: Homeless Encampments

Ms. Knutson,

Hello and thank you very much for your comments. We appreciate your interest in this subject and code development process.

If you have further comments/concerns, please do not hesitate to send those along.

Thank you again,

Carl

--
Carl de Simas
City of Sammamish – Department of Community Development
Code Compliance Officer
425-295-0547
cdesimas@sammamish.us
[Department of Code Compliance](#)



Sammamish 2035. Building Community Together

Help shape Sammamish's future....

<http://sammamish.us/departments/communitydevelopment/ComprehensivePlan.aspx#>

From: Christina Pribbernow [mailto:crpribb@comcast.net]
Sent: Wednesday, February 19, 2014 10:38 AM
To: Homeless Encampment Code
Subject: Homeless Encampments

Planning Commission,

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-Christina Pribbernow

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Debbie Beadle

From: Sarah Fournier <sarahandps@yahoo.com>
Sent: Friday, February 21, 2014 4:54 PM
To: Homeless Encampment Code
Subject: Homeless Encampment Code

Follow Up Flag: Flag for follow up
Flag Status: Flagged

I would like to begin by thanking the Planning Commission for seeking opinions from the citizens of Sammamish in regards to the homeless encampment code development. Homelessness is an epidemic in America with far reaching implications to all communities. It is altruistic of Sammamish to provide resources to the homeless community, but to a fault.

According to the National Alliance to End Homelessness, "45 percent of homeless people reported indicators of mental health problems during the past year. About 25 percent of the homelessness population has serious mental illness." In comparison, only 6% of Americans are severely mentally ill (National Institute of Mental Health, 2009). In addition, the Substance Abuse and Mental Health Services Administration reports that 34.7% of homeless adults had chronic substance abuse, 80% had experienced alcohol and/or drug problems and 54% had been incarcerated one or more times. Our small city has a population with one third of the citizens under the age of 18. The potential for interaction between such a large youth population with an at-risk group of individuals should illustrate that hosting the homeless poses a significant security risk for our community. The potential for something to go wrong, with the hugely dense population of children, is too great of a risk. The job of our government is to look after the best interest of the majority of its citizens; approving the permits that enables the local churches to support temporary housing for the homeless is not putting the citizens' best interests and needs first.

It is also worth noting that the demographics of the Tent City homeless population consisted entirely of adults. The Mayor's Message article in the Sammamish Review was misleading in its attempt to pull at heartstrings by detailing the suffering of young children. This message was manipulative and unnecessary as it is irrelevant to the current issue of the tent city code revision.

One of the greatest assets Sammamish has is an uncharacteristically low incident rate of crime. If we intentionally welcome into our city a group of individuals with a documented propensity for substance abuse, and a disproportionate ratio of serious mental illnesses, then we are inviting unnecessary risk. Our town is too small, and our child population too great, to take on such risk and liability. I ask that the Planning Commission consider what is right for our city, and our children, and put the needs of our citizens before the wishes of a local church.

Jason and Sarah Fournier

Debbie Beadle

From: RRHOA Communications <communications@redfordranchhoa.com>
Sent: Saturday, February 22, 2014 4:01 PM
Cc: RRHOA Board; Carl de Simas; Kamuron Gurol
Subject: Redford Ranch HOA: Sammamish City Planning Commission Needs Input

To: All Residents of Redford Ranch
Subject: Sammamish City Planning Commission Needs Input for Regulations Governing Temporary Encampments

Redford Ranch Resident:

The Sammamish Planning Commission is in the process of creating regulations governing temporary encampments in the city of Sammamish. Donna and I were able to meet with Kameron Gurol, Community Development Director, and Carl de Simas, Code Compliance Officer, last week to provide input on behalf of Redford Ranch to discuss our community's experience with Tent City IV. We covered Redford Ranch's concerns, what worked, what didn't, and recapped our presentation to the City Council and my subsequent meeting with then Mayor Tom Odell and Councilmember Don Gerend. Mr. Gurol and Mr. de Simas, as well as the City Council, were receptive to Redford Ranch's suggestions and are eager to hear of our community's experience.

The Planning Commission is in the process of collecting community feedback and I urge all residents concerned to reach out to Carl de Simas (cdesimas@sammamish.us), who is project managing community feedback, by email with your concerns and input. You can also send your feedback to the program's email address at HEC@sammamish.us or ask about Mr. de Simas' office hours. The Planning Commission's general meeting is scheduled for March 6, the same evening as the Redford Ranch HOA meeting, so if you plan to attend the Planning Commission meeting, please return your proxy to the Board. The Board will continue to work with Mr. Gurol and Mr. de Simas as the Planning Commission devises more permanent regulations governing temporary encampments, but now is the time to have your input directly into the process.

Michael Liu
Secretary, Redford Ranch Homeowners Association

Debbie Beadle

From: Kamuron Gurol
Sent: Monday, February 24, 2014 8:49 AM
To: Carl de Simas
Cc: Ben Yazici
Subject: FW: tent city 4--Faith Church/final document

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Carl, please add to public input, thanks. -KG

From: Nancy S. Whitten <nancyswhitten@msn.com>
Sent: Monday, February 24, 2014 7:56 AM
To: Rickie Anderson; Kathy Huckabay; nwhitten@sammamish.wa; Kamuron Gurol; Nancy Whitten
Subject: RE: tent city 4--Faith Church/final document

Thanks, Rickie. I'm out of town and will review closely on my return. I am forwarding on to staff to be made part of the record. On this please use my city email nwhitten@sammamish.wa. The good comments should be shown as well as the bad so I suggest you forward on also.

From: runtis3@comcast.net
To: huckkathy@comcast.net; nancyswhitten@msn.com
Subject: tent city 4--Faith Church/final document
Date: Sun, 23 Feb 2014 13:18:06 -0800

Kathy and Nancy--I thought you may like to see the final document that was prepared as a response to the questions raised at our Community meeting on Feb.11. It may be helpful as you consider enacting regulations regarding homeless encampments in Sammamish. We strove to answer the questions as completely and factually as possible, even though some of the questions were, in my opinion, thoughtless and cruel. Just wanted you to know that there is a level of fear in our community. Of course we also received a good amount of positive comments and support. I have not included those here but could forward them along if you think they would be helpful.

If you have any questions, please let me know. This has been quite the long and extensive endeavor!!

--Rickie Anderson, Mission Team, Faith United Methodist Church

Debbie Beadle

From: Jane McGrane <jane_mcgrane@hotmail.com>
Sent: Tuesday, February 25, 2014 5:58 PM
To: Homeless Encampment Code
Subject: homeless camp comments

Follow Up Flag: Follow up
Flag Status: Flagged

I am a resident of Sammamish I live in the Redford Ranch neighborhood and wanted to let you know of my experiences when tent city 4 was located at Mary Queen of Peace. I am a stay at home mum so I am around a lot during the day, I also have a son who attends Skyline High school. On quite a few occasions walking around the area I noticed several people who were under the influence of alcohol/drugs. Most times I ignored them when they spoke to me but it was a concern as my son has to walk to/from school. I saw that King county has a few rules which I don't remember anyone commenting about and I would like to see included these are.

F. The homeless encampment site must be buffered from surrounding properties with:

1. A minimum twenty-foot setback in each direction from the boundary of the lot on which the homeless encampment is located, excluding access;
2. Established vegetation sufficiently dense to obscure view; or
3. A six foot high, view-obscuring fence;

I would also ask the city of Sammamish to consider the neighbors of the church that hosts the camp, by limiting the frequency that the camp is able to return to the same church. This would share the responsibility by the whole city and not the same neighborhoods. I also feel that the organization that helps tent city needs to give cities more advanced notice. I feel that they use the urgency as leverage and that does not give the hosts enough time to prepare and to do their due diligence.

Thank you
Jane McGrane

Debbie Beadle

From: David Preston <preston.david@comcast.net>
Sent: Tuesday, February 25, 2014 2:40 PM
To: Bill Lasby
Cc: Leonard Di Toro; Sharon Hopkins; kcexec@kingcounty.gov; Leah Helms; Tony Bui; Don Pace; Darrell Rodgers; James Chan
Subject: Here's the final Health Department piece on The Blog Quixotic

Importance: High

Follow Up Flag: Follow Up
Due By: Tuesday, February 25, 2014 3:21 PM
Flag Status: Completed

Bill Lasby
Health & Environmental Investigator IV
Seattle King County Public Health

Here it is, Bill. As promised:

<http://roominate.com/blog/2014/rats-how-the-health-department-threw-their-work-and-your-money-down-a-hole/>

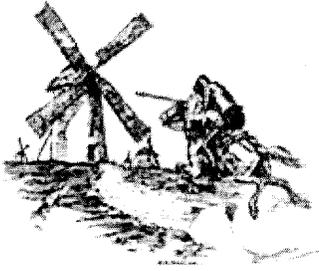
I'm going to make sure this story stays up there on the front page for a while and that it gets circulated among citizens who follow homeless issues.

It's already gotten some play on the unofficial "Nickelsville" Facebook page, and I think it's going to be increasingly relevant in the coming months as the fallout from recent scandals involving Homeless, Inc. continues shaking out.

You know . . . shootings . . . food stamp fraud . . . the usual.

Cheers,

David



The Blog Quixotic

<http://roominate.com/blog>

The Blog Quixotic

Winner of the Nobel Prize for
Blogging *

Rats! ~ How the Health Department threw their work (and your money) down a hole.

Posted on February 19, 2014 by DBP

The documents below tell the story of how one government agency in Washington State, the Seattle King County Department of Public Health, failed to do its job and serve the public interest.

Of course, government failures happen all the time. Unless they're especially spectacular or costly, they're not news. What sets this particular failure apart is the fact that the agency in question – the Health Department – had everything it *needed* to succeed. It had the time, the money, the expertise, the good will. And most of all, it had the experience. And yet it failed anyway.

What went wrong?

Part I

Nickelsville-Highland Park (An early success)

By the fall of 2012, the illegal squatters camp known as Nickelsville had been occupying some disused public property in the south Seattle neighborhood of **Highland Park** for over a year and a half. During that time, food waste, bags of pet food, and other inducements to rats had been accumulating in various places throughout the camp: around the tents and shacks, in the “ecological” compost heaps the camp’s leaders had set up, around the food storage depot. Along with a steady supply of food, the camp offered the area’s native rat population a wealth of nooks and crannies in which they could shelter and breed. And breed they did. Rats could be seen running through the camp in broad daylight and the camp’s nearest neighbors (who lived hundreds of feet away) were starting to complain.

Nickelsville-Highland Park was founded and controlled by Scott Morrow and Peggy Hotes, directors of a local “non-profit” shelter group known as SHARE. Morrow and Hotes are both intelligent people with college educations. Hotes is a teacher in the Lake Washington School District who works with children daily. There can be no doubt that these folks understand the principles of hygiene, and with children, elderly, and other vulnerable people living at under their care at Nickelsville, you would think that Morrow and Hotes would have taken steps to address the rat problem. But no. Instead, it was left for neighbors to contact the Health Department. When they did, the Department responded quickly, doing an inspection of the camp, contracting with a pest exterminator, and doing some on-site hygiene presentations to the camp residents. In addition, the Department arranged for another city office to provide Nickelsville with dozens of free metal trash cans and two hand-washing stations. Finally, cinder blocks were delivered to the camp so that camp residents (“Nickelodeons”) could raise their tents and shacks off the ground, to discourage rodents from nesting beneath them.

Of course, the rats didn't suddenly vanish from Nickelsville. The camp was, after all, situated in the midst of a wetland that offered the local rats plenty of other food sources and hiding places. But the rat population *was* noticeably diminished. And better still, the Nickelodeons (if not their leaders) had gotten a lesson in the importance of personal hygiene.

Though all these benefits came free of charge to Nickelsville, they were certainly not without cost to the taxpayers. The work logs below, and other documents that I obtained from the Health Department using a Public Disclosure Request, show half a dozen or more Public Health officials devoting over a hundred hours of their time to this matter over several months:

Nickelsville Health Department Work Log ~ 2012

Nickelsville Health Department Work Log ~ 2013

And this is not a hundred hours of some clerk tapping on a keyboard and sharpening pencils either. This is a hundred hours of people with letters after their names. One of the lead investigators, [Sharon Hopkins](#), is a DVM (doctor of veterinary medicine). [She makes \\$61.00 per hour](#), plus benefits Sharon's "boss," Bill Lasby, [makes \\$47.00 per hour](#). Salaries go down from there. But not by much.

If anything, my hundred-hours estimate would be a gross understatement of the total time spent on the Nickelsville rodent-control project – especially when you consider all the players involved. The last item entered by Dr. Hopkins for 2012 has this description:

Attend **multiagency meeting** regarding status of Nickelville public health concerns and legal status – held at Seattle City Hall.

That meeting took 95 minutes of Dr. Hopkins' time, and we can reasonably estimate that there were at least five other high-powered staff at that meeting, so a more accurate estimate of the **total** time spent on the Nickelsville rat problem, *just for that one day*, would be at least nine hours:

6 employees X 90 minutes = 540 minutes (or 9 hours)

There were probably several meetings like that, where experts from different agencies put their heads together to work on this. All I asked for were records from the Health Department; I don't know how many hours were spent by other agencies or the Mayor's staff.

Rodent control cost another **\$9,000**. I don't know how much the trash cans and hand-washing stations cost. It's important to understand that the money spent by Health, significant though it was, was a small fraction of the overall costs borne by the taxpayers. [See [here](#) for an account of the clean-up costs at the Highland Park squat alone.]

* * * * *

In late November, 2012, the Health Department produced a comprehensive write-up of their Nickelsville sanitary inspection and recommendations:

Nickelsville Sanitation Report ~ November, 2012

This document represents the sole “product” of the rat abatement effort at Nickelsville, tangible or otherwise.

Despite the price tag – and despite the fact that Mr. Morrow and Ms. Hotes should have known better than to let a rat infestation occur in the first place – I consider the rat abatement project at Nickelsville-Highland Park to have been a success. I’d go beyond that, even, and say that it was a *model of good government!* Consider the way it played out:

- A neighbor complained.
- The Health Department quickly mobilized and visited Nickelsville.
- They quickly produced a report and created an abatement plan.
- They trained the Nickelodeons on basic hygiene.
- They gave the camp other resources (trash cans, hand washing stations, and cinder blocks).
- They did follow-up visits.

... and, as a result ...

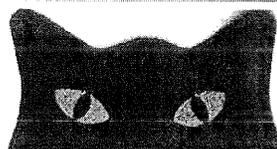
- The rat population went down, and stayed down.

Huzzah! Right?

Well, yes. But read on ...

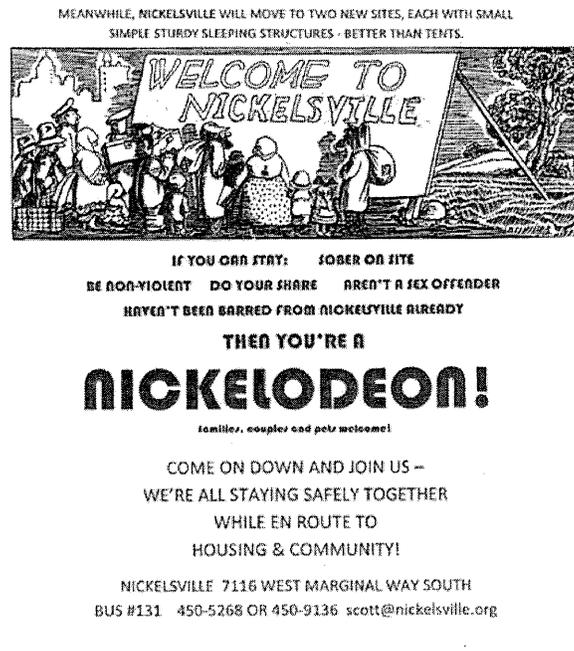
Part II Nickelsville-Skyway (An inexplicable failure)

In **September, 2013**, as a result of increasing neighborhood pressure and increasing social chaos at Nickelsville, the Seattle City Council finally evicted the camp from its Highland Park squat. Two months before evicting the squatters, the Council allocated **\$500,000** to a local shelter ([Union Gospel Mission](#)) to help campers find other lodgings. Incredibly, the Council, led by **Nick Licata**, failed to impose the most basic accountability on the relocation program. No in-place census was taken at the camp, and, more importantly, no order was given to roll up the WELCOME mat. Quite the contrary, in fact. In an effort to subvert the relocation plan, camp leader Peggy Hotes began distributing come-one/come-all invitations (like the one below) within hours of the City Council’s announcement:



HOMELESS?

THE SEATTLE CITY COUNCIL IS GIVING SOME AGENCY HALF A MILLION DOLLARS TO
GET NICKELODEONS 'ONTO THE ROUTE' TO HOUSING BY SEPTEMBER 1ST!



Source: [Peggy Hotes' Facebook page](#)

By late August of 2013, after the City's relocation money had been exhausted and one week before Nickelsville was scheduled to be evicted, the camp population was slightly *above* what it had been during the peak summer months, and many of the hard-core squatters, who considered themselves Nickelodeons for life announced their intention to follow Nickelsville wherever it went. Meanwhile, camp leaders Morrow and Hotes crowed that, far from allowing the camp to be disbanded, they were instead going to set up three *new* franchises around the city. (See the fine print in Ms. Hotes' flyer above.)

On September 1, 2013, the newly swollen Nickelsville did indeed metastasize, into three separate camps, with two groups of squatters migrating to locations in downtown Seattle and a third moving into an unincorporated part of King County known as Skyway. Just like the Highland Park squat, all three of Nickelsville's new squats were illegal because they had failed to apply for a permit in advance, failed to notify the neighbors, and so on. The Skyway squat was illegal on the additional grounds that it had moved onto property on which three years' worth of back taxes were owed.

Notwithstanding Nickelsville's failure to comply with the permitting requirements, all three of the new Nickelsville camps were granted permits to stay. The Skyway camp, which was under the jurisdiction of King County and not Seattle, was granted an "emergency permit" by the King County Department of Permitting and Environmental Review (DPER). When I asked a DPER official named **Jim Chan** why he believed Nickelsville-Skyway had an emergency need, he said: "Because Scott Morrow told me."

This, despite the fact that Mr. Morrow had had more than two months' notice that Nickelsville was going to be evicted from Highland Park.

* * * * *

When the Nickelsville splinter group moved to Skyway, they brought with them several trash cans that the Health Department had given them at Highland Park. Unfortunately, they did not bring enough of these cans to hold all their trash or keep it secure from rats.

They also brought a few cinder blocks, but not nearly enough to elevate all the tents off the ground so that the rats couldn't nest under them.

Nickelsville did not make any arrangements for Dumpster service at the Skyway site, and I'm told that this was because they had left the Highland Park location owing the waste disposal company (Waste Management, Inc.) several thousand dollars.

Since Nickelsville-Skyway had an insufficient number of trash cans and no Dumpster service, bags of trash began piling up immediately, as you can see from the photo below. That photo was taken on November 18, but is very typical of the situation that prevailed throughout the camp's three-month stay:



Neighbors complained to the DPER's Jim Chan about the trash, but when he showed up for inspection, he took no action. Instead, he simply reclassified the dumping area as a "dumpster."

See Mr. Chan's inspection letter here:

DPER Inspection Letter for Nickelsville-Skyway ~ 11/5/13

2. The camp was completely clean and free of any accumulation of rubbish, trash, or debris. There are several garbage cans throughout the camp. There is a trash containment area (dumpster) at the south end side of the camp that was empty. They make a dump run when the dumpster becomes full.

I visited the camp for myself around this time, to see for myself what it looked like, and indeed, it was awful. In addition to the piles of trash, the camp smelled of human waste.

Knowing Nickelsville's history with the Health Department, I eventually decided to call my contact there, **Bill Lasby**, who had overseen the Health Department's rat-abatement program at Highland Park. The next day, Mr. Lasby sent one of his inspectors (**Leonard Di Toro**) to inspect the Skyway camp. Mr. Di Toro found the same conditions I had and wrote them up in the report below:

Leonard Di Toro's NV-Skyway Inspection Report ~ 11/18/13

Excerpt:

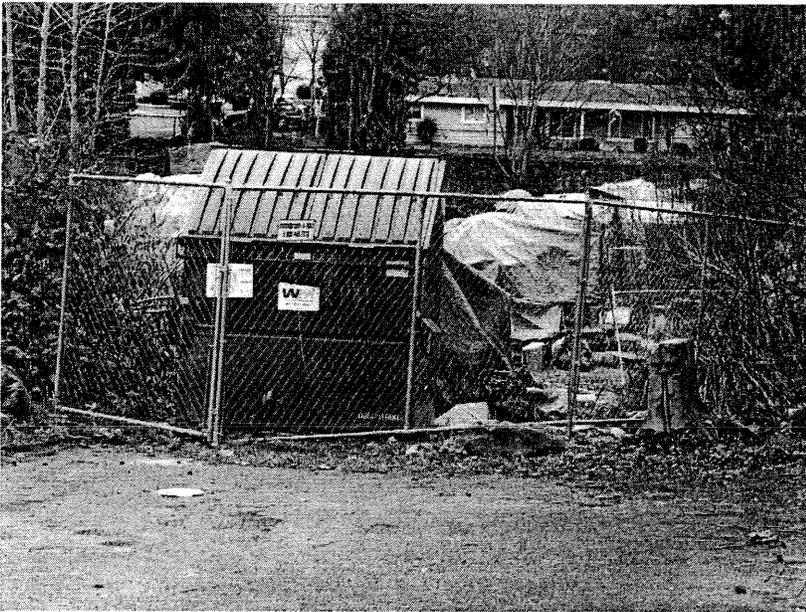
On November 18, 2013 Public Health Seattle-King County received a complaint regarding the sanitary conditions at a homeless camp located at 12914 MLK Jr. Way So., Seattle, WA 98178. I inspected this encampment on Tuesday November 19, 2013 and observed the following conditions at the camp:

- Rubbish, debris and bags of garbage were stored in an open utility trailer at the south end of the encampment. The bags of garbage were visibly breeched by rodents and birds. The camp security person told me that garbage is removed about every two weeks contingent upon raising adequate funds to pay for transfer station fees. Utilizing an available pick-up truck the garbage is self-hauled by people living at the camp.

The letter goes on to recommend that all garbage be kept covered and that it be removed at least once a week. In addition, the camp was told that all "graywater" (bathwater, dishwater, etc.) be disposed of properly. Apparently, people were just dumping that in the bushes outside their tents.

The Nickelsville residents with whom Mr. Di Toro met told him that the camp couldn't afford a Dumpster and could not afford to haul the trash away on their own more. I'll examine those claims in a moment, but for now I'll note that Mr. Di Toro gave Nickelsville three unlimited vouchers for free dump runs. Each voucher would pay for one truckload full of garbage to be dumped at Metro's South Transfer Station (just down the hill) regardless of weight or volume of the load. Within a few days of Mr. Di Toro's visit, a real Dumpster had arrived on the site, courtesy of a different agency within King County.

That free Dumpster was virtually useless to the campers. In the first place, it was too small. In the second place, it was good for just one free pick-up. The Dumpster filled up within hours of being opened and sat there uselessly until the camp finally moved out.



In fact, neither the Dumpster service nor the free dump-run coupons were used until Nickelsville's final move-out from Skyway, in early December, 2013.

Part III

Why? How?

How could this have happened? How could the government of King County (a government which includes the Seattle-King County Health Department) have spent tens of thousands of dollars of taxpayer money to abate rats and improve hygienic conditions at Nickelsville-Highland Park, only to stand by silently as the camp pulled up stakes and settled into another filthy hole just a few miles down the road?

On December 16, 2013 – two weeks after the camp had moved out of Skyway – Mr. Di Toro got in touch with me with his report of what had happened. He told me that he'd been the one who'd responded to the complaint and had done the inspection . . . and he was happy to inform me that the trash problem at Skyway was "resolved." (!)

"No. It wasn't resolved," I said. "Nickelsville just up and left."

"That's right," he said. "So it's not a problem any more."

[I'm paraphrasing here. I don't remember what the exact words were.]

"But your department didn't do anything to address the problem while it was ongoing," I said. "People lived in filth the whole time they were there."

"Well, you called us in November, and they were out of there in December. We gave them some vouchers for dump runs. That's about all we could do."

"But they didn't even *use* the trash vouchers," I said. "Not until they left."

[No response to that.]

When I asked Mr. Di Toro why the Health Department didn't ticket Nickelsville or require that they use the dump vouchers immediately, Mr. Di Toro explained to me that the Department's emphasis is on education and compliance, not punishment.

"Great," I said, "but the education part was already done. Many of the Skyway squatters had come straight from Highland Park. They'd been through the drill. Certainly Scott Morrow and Peggy Hotes knew what was expected of them. They were there for the Highland Park abatement program, and they're the ones who set up the subsequent Skyway camp. So they KNEW."

Mr. Di Toro claimed that he was not aware of any of that. When I asked him, point blank, he said he didn't know anything about the history of his department and Nickelsville. He hadn't read anything about it in the papers, hadn't Googled it, hadn't checked the files. In short, he hadn't researched it in any way.

"It was Bill Lasby who sent you out there, right?" I asked. "He knew all about Nickelsville-Highland Park. Didn't he tell you anything about that before he sent you out there?"

"No," he said.

-Honest to God. That's what Mr. Di Toro told me. He said that his boss, Bill Lasby - the same Bill Lasby who had overseen the Nickelsville abatement project - hadn't mentioned anything about that before sending him to Nickelsville-Skyway. And no one else had either.

That was, in fact, a lie. **Ms. Leah Helms**, who had plenty of experience with Nickelsville-Highland Park, had briefed Mr. De Toro about it before he went on his site visit. This fact is shown quite clearly in the Health Department work logs above.

Here's an item from the work log for 2013 showing Ms. Helms discussing the Highland Park rat problem with two other specialists. It's dated January 9, 2013:

EMPLOYEE ID	ACTIVITY DATE	COMMENT MEMO	ENTERED BY
EE000660	03-Jan-13	Discussed with Morgan site visit on 1-4-2012 with Seattle City officials, and arranged for Don Pace to see reports and be available to be a part of the onsite team.	LASBYB
EE0100216	09-Jan-13	discussion with DonP and Morgan about Nickelsville	HELM5L
EE0040128	09-Jan-13	Nickelsville's Scott Morrow called requesting clarification on the requirement on the height that the shelters should be raised.	PACEDON

Now here's another item from a "Review of Work" document I obtained. It shows Ms. Helms briefing Mr. Di Toro ("Leonard") about Nickelsville's history with the Health Department shortly before he went on his visit to the Skyway camp. [Click the image to enlarge it.]

REVIEW OF ACTIVITIES (if any)	
<p>DAI# DA2477783</p> <p>Comments: reviewed email, discussed with bill, forwarded email to</p>	

Ultimately, though, I find the incompetence theory unsatisfying. I'm not ruling out incompetence as a factor, mind, but to me it seems more likely that the Health Department didn't pursue action on Nickelsville-Skyway because it didn't *want* to.

Or perhaps it had been warned not to.

Certainly, that would fit the pattern of government "looking the other way" when it comes to violations committed by Mr. Morrow and his associates. I've been documenting a pattern of illegal and unethical activity by Morrow and his front group, SHARE, for the past ten months, and in that time I've confronted dozens of public officials with the evidence. They always seem to have some excuse why they can't do *anything*:

"It's too late to do anything now."¹

"We can't find the witnesses."²

"The witnesses won't testify."^{3,4}

"They won't press charges."⁵

"It's not our jurisdiction."^{6,7}

"There's already a police investigation going."^{8,9}

"I've been moved off the case."¹⁰

"He's helping the homeless."^{11,12}

"I can't do anything. Why don't you take it to *The Stranger*?"¹³

"Nobody gives the City a better deal on shelter spaces than Scott."¹⁴

"It was an emergency."¹⁵

"No one in the office told me anything about it."¹⁶

"We focus on compliance, not penalties."¹⁷

"There might be an investigation, but we can't talk about it."¹⁸

Or just plain . . . [Silence]^{19,20,21}

Have I left anything off the list? Seattle-ites are creative people, so I'm sure the list of excuses will keep growing as time goes on. Meanwhile, I'll keep collecting the evidence and building my readership. And embarrassing as many public officials as I have to along the way.

Postscript

Nickelsville Could Have Picked Up Its trash

Of all the excuses I've ever heard made on Nickelsville's behalf, this claim of "they have no money" is the most bogus one of all. Not surprisingly, it is the one most preferred by Scott Morrow himself, who claims to be "just an unpaid consultant" who is running an organization that is constantly short of funds . . . so won't you please help?

Friendly news organizations, like KPLU and the *Seattle Times* are happy to do their part, by running stories that focus on children at Nickelsville. The stories often finish with a direct plea for money, or a feel-good line about how some philanthropist has just dropped a bundle on the camp. We see the pattern repeated many times. Meanwhile, in their fund-raising pitches, Nickelsville always claims to be running out of money to cover basic costs, such as port-a-pots. Next thing you know, they're announcing a grant from some organization with "social justice" in the name, or getting a boost from some city official who's attending one of their "gala auctions."

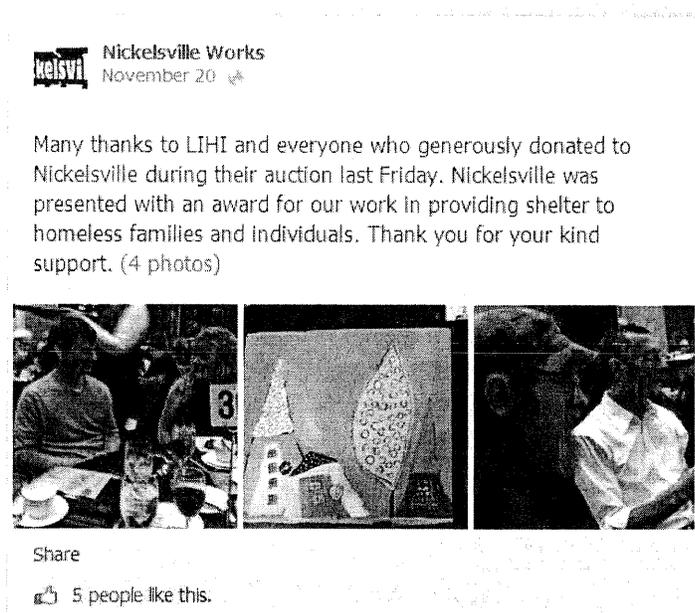
The Nickelsville's-broke-as-a-joke narrative seems to have permeated the consciousness of every government official this side of the Pecos, but the King County Department of Permitting is an especially well-indoctrinated bunch. **As it turns out, the 2013 squat was actually the second time around for Nickelsville at Skyway.** Three years earlier, in 2010, Nickelsville had showed up at the same property (also illegally and also without advance notice). At that time their fee was conveniently waived, presumably because they were broke. The second time around, when I complained to DPER's Jim Chan about how Nickelsville was being granted a permit illegally – without an advance application and without notifying the neighbors – he assured me that Nickelsville would pay a price for that, in the form of a penalty fee added onto their base permit cost. But when I followed up with him, I discovered that no such fee was ever levied.

Later, I discovered that Nickelsville had not remitted even the base fee they had been invoiced for (around \$400). Presumably they won't be paying that either, because as everyone knows, they're broke. As of now, the 2013 Skyway permit fee remains unpaid by Nickelsville.

I find this broke-as-a-joke narrative curious, especially in light of the fact that in mid-November, at about the same time Nickelsville-Skyway residents were claiming that they could not afford to haul their trash away, Nickelsville was crowing on Facebook about the money they'd just made at an auction held downtown . . .



Source: LIHI.org



Source: [Nickelsville Works Facebook page](#)

Nor should we forget money in the bank. Here's a statement of Nickelsville's 2012 finances, as reported to the [Washington State Secretary of State's Charities Program](#). After years of flying under the radar, Nickelsville was compelled to submit these documents in response to a complaint filed with the SOS by me.

Nickelsville State Charity Application ~August, 2013

On **Page 2** of the application, you'll see that Nickelsville received more than \$50,000 in revenues in 2012. Receipts in 2013 are likely to have been at least as high. In addition to their regular grants from the "[NW Social Justice Fund](#)," there's the LIHI charity auction money, and pass-thru donations from various other non-profit groups around town, groups like [Operation Sack Lunch](#). Beyond *all that* money, Nickelsville has access to tens of thousands of dollars of in-kind donations, and hundreds of thousands of dollars in money its parent group, SHARE, receives in annual grants from Seattle's Human Services Department.

Note: "Unpaid consultant" Morrow controls the finances and operations of both SHARE and Nickelsville, and while I'm not accusing Morrow of misappropriating SHARE'S money, let's just say the when it comes to business operations, SHARE's assets are fungible. SHARE's accounting practices have been the subject of a prolonged police investigation, according to HSD's public records officer, [David Takami](#).

The point here is not to dissect Mr. Morrow's accounting practices; the point is to show that Nickelsville *has* money. At least enough money to pay for Dumpster service, or failing that, weekly dump runs. And at least enough money to pay a \$400 permit fee at Skyway.

At this point, it shouldn't even matter whether Nickelsville and Mr. Morrow are lying about their finances. It's clear as a bell that they are not capable of sheltering homeless people, or keeping them out of filth. Let's suppose, for the sake of argument, that Scott Morrow really is an unpaid consultant and Nickelsville really is broke-as-a-

joke. So what's he doing opening new franchises and walking away and letting people there rot? Any so-called homeless organization that can't observe the most basic, most common-sense hygiene standards – even after being lavished with money, time, and LOVE by local government – has no business running a homeless camp.

It's time for King County to start moving Scott Morrow and Nickelsville OUT of the homeless business. For good.

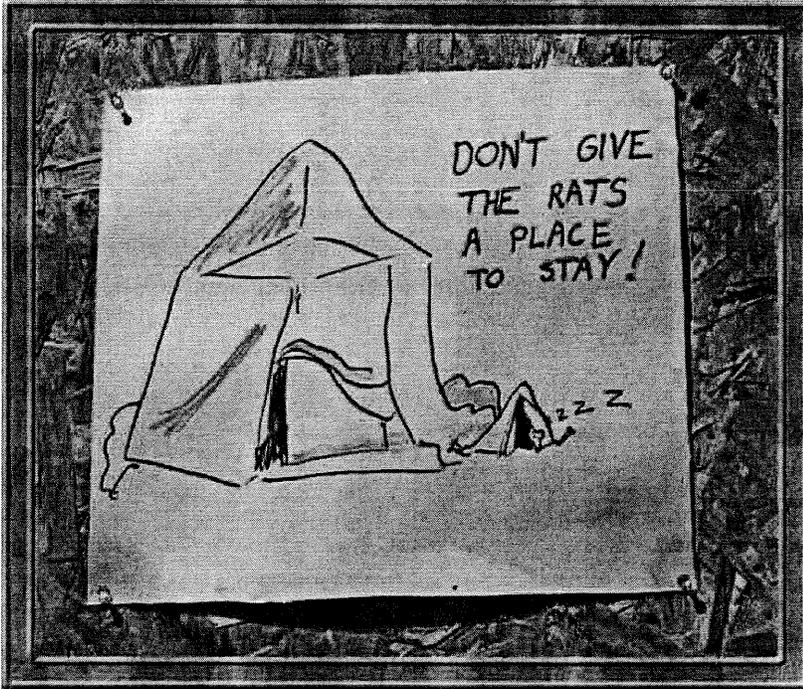


Photo by Kevin R. McClintic

Hark! Democracy Opportunity



Does what you've read here make you mad? If so, you should contact one or more of the officials below and ask them for their response. See if what they say has the "ring of truth." –that is, if you can get them to respond at all .

Trust me: I have contacted each one of these people with this same information – sometimes more than once – and to date I have not received a commitment from *any* of them to hold Nickelsville or Scott Morrow accountable.

The easiest thing you can do is just drop them a line to tell them that you've read this post. It WILL make a difference.

Bill Lasby

Health & Environmental Investigator IV
Seattle King County Public Health
Salary: \$100,214

Project manager for Nickelsville-Highland Park rat abatement project. According to investigator Leonard Di Toro, neither Lasby nor anyone else briefed him about Nickelsville's previous interactions with Health before sending him on the inspection at NV-Skyway.

Phone: (206) 263-8495
E-mail: Bill.Lasby@kingcounty.gov

James Chan

Assistant Director for Permitting
King County DPER
Salary: \$116,597

He let Nickelsville move into Skyway without a permit because Scott Morrow told him it was “an emergency.” He also granted Nickelsville permission to dump trash in Skyway and refused to impose any financial penalties or even require Nickelsville to pay the base permit fee.

Phone: (206) 477-0835
E-mail: Jim.Chan@kingcounty.gov

John Starbard

Director
King County DPER
Salary: \$150,916

Jim Chan's boss. I've Cc'd him on many e-mails. He steadfastly refused to require Nickelsville to comply with King County permitting requirements, including: application process, public notification, sanitation, and permitting fees.

Phone: (206) 477-0382
E-mail: John.Starbard@kingcounty.gov

Larry Gossett

King County Council Member for District 2 (Skyway)

Salary: \$140,664

I've Cc'd Gossett on many e-mails and linked him to many posts. Larry is pals with Scott Morrow's front-group LIHI, and a publicly financed LIHI building inamed for him. As a Black "civil rights hero" representing a largely Black area, Gossett has a lock on Skyway, running unopposed in election after election.

Phone: (206) 296-1002

E-mail: Larry.Gossett@kingcounty.gov

Rod Dembowski

King County Council Member for District 1

Salary: ??? (Too much, whatever it is.)

Specialist in County housing issues. Dembowski has been made aware of the situation at Skyway. He didn't respond to my request for a meeting to address problems with DPER's kid-gloves treatment of Nickelsville.

Phone: (206) 477-1001

E-mail: Rod.Dembowski@kingcounty.gov

Dow Constantine

King County Executive

Salary: \$202,945

Oversees County agencies that fund and regulate Morrow operations (SHARE, Tent Cities, Nickelsville). I've Cc'd him on e-mails, so he knows the score. I've never gotten a direct response from him or his office.

Phone: (206) 296-4040

E-mail: kcexec@kingcounty.gov

Leonard "Lenny Bull" Di Toro

Health & Environment Investigator II

Seattle King County Public Health

Salary: \$75,982

Truthistically challenged.

Phone: Why bother?

E-mail: Why bother?

1. Various
2. Seattle Police Department (various)
3. Seattle Office for Civil Rights (complaint filings)
4. King County Dept. of Human Services (various)
5. Seattle City Attorney Pete Holmes (quoted by *Seattle Times* columnist [Emily Heffter](#))
6. Seattle Human Services Department (David Takami, Catherine Lester)
7. Seattle City Councilmember Nick Licata (via his aide, Lisa Herbold)
8. Seattle Mayor Mike McGinn (speaking to a neighborhood group)
9. King County Dept. of Planning and Environmental Review (James Chan)
10. King County Health Department (Leonard Di Toro)
11. King County Councilmembers Rod Dembowski, Larry Gossett
12. King County Executive, Dow Constantine
13. Attorney General Bob Ferguson

This entry was posted in [General](#), [Politics](#) and tagged [Department of Permitting and Environmental Review, DPER](#), [James Chan](#), [jim chan](#), [King County Council](#), [Larry Gossett](#), [Leonard Di Toro](#), [Peggy Hotes](#), [pest control](#), [rats](#), [Scott Morrow](#), [Sharon Hopkins](#), [Skway](#). Bookmark the [permalink](#).

4 Responses to *Rats! ~ How the Health Department threw their work (and your money) down a hole.*



Rats In A Cage says:

February 19, 2014 at 3:11 pm

Holy stinking pile of trash! These folks make how much and they threw the public's money down a hole (again!)???

Shoot, I'm accountable at my job and don't make nearly as much as these guys and gals. "I need they job!"



Jiggers says:

February 19, 2014 at 6:38 pm

You can only blame the fucking libraltards here. No one else is fucking up this city more than they are. I don't know why people can't see that. Now we get to deal with a crazy Socialist who thinks this is the wild west again..



Duckitude says:

February 20, 2014 at 9:36 am

Messrs. D and Jiggers:

I am hoping that when D said "Unless they're especially spectacular or costly, they're not news" he meant, in the mainstream media current journalistic dead-zone, it wouldn't be "worth" publishing unless it could make the news organization top entertainment dollar.

It's news to me, and, thank you D for sticking with this daylighter mission. (See <http://www.unsheepable.com> if you don't know what a "daylighter" is.) Kudos, dude!

So, as for socialists, democrats, republicans, libraltards, tear partiers (oh, I mean, tea partiers), the brands have no meaning in real life. It is the person that counts. I will take a socialist branded activist over any lazy elected official, any day. At least

activism triggers discussion; laziness, under any brand, brings nothing to the community, but more sheep and sheepish mindsets and behavior. Mix it up, Ms. Sawant! I like it. I like it!

Oh, yeah, don't forget to vote The Non-Incumbent Party!



Duckitude says:

February 21, 2014 at 9:10 am

TGIF, for some. My first day back to work... oh, well.

So, in my opinion, it is a huge conflict of interest for King County Dept. of Health to be in charge of administering the department's rules and regulations, because, they will never, ever, ever, regulate or disciplines their own. In other words, if the Executive ("Yes-Man Extraordinaire") or any of his minions has a cause, well, the DOH will kowtow.

I can tell you this for sure from personal experience. If King County itself, endangers the health of its citizens through any of its many health-risky activities such as wastewater, air pollution, air contamination, solid waste, bad construction practices, hazardous spills, you name it, they WILL NOT DO CRAP ABOUT IT. Did I say "crap."

Oh, yah. Here you go. The whole summer of 2013 the Lowman Beach Park neighborhood was being gassed and sprayed with sewage odors and air borne contaminants due to, believe this or not, they had pressurized the sewage pipes leading into the Murray Pump Station with the work they were doing 2 miles south at the Barton Pump Station, and it was literally pushing air and air contaminants, including sewage mists, back up through an intake fan. Yah, you got it. The pressure was enough to reverse the fan.

I have at least a hundred written complaints I was never able to follow up on since I was being picked apart by other government vultures during the same period of time. However, I can tell you this. Any private company or business that was fouling the air and causing a stench that, at predictable times, would make people nauseous (and which made me actually sick – salmonella), would be fined big time by the DOH. Not King County. No one, and I mean literally, no one, from the city prosecutor, to Puget Sound Air, to our wonderful neighborhood police and our wonderful neighborhood prosecutor liaison, to the DOH, would cite them, talk to them, or get things fixed.

King County did "respond" by sealing over certain vents, and alleged that the "air filters" were working fine. But, I know better, from a whistleblower, that the carbon filter mechanisms and housing in Murray are so rusted out that they are useless. And, most of the stench emanates from four in street grided street drains, which they refused to even sample by saying "not our responsibility, SPU or DOT." Finger-pointing begins. Then SPU says, no, "King County."

Useless bullshit and lazy bastards! They don't give a shit, literally, whether they pollute the neighborhood, and they stonewall, and lie.

So, good luck with the city charlatans and bamboozlers. (I love those two words!)

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THE TODAY FILE

Your guide to the latest news from around the Northwest

January 31, 2014 at 7:54 AM

Man critically hurt by gunfire at Seattle homeless camp

Posted by Jennifer Sullivan

Seattle police are investigating a shooting at a homeless encampment near the Chinatown International District early this morning.

Police were called to the greenbelt in the 300 block of Seventh Avenue South, adjacent to Interstate 5, around 12:20 a.m., police spokesman Mark Jamieson said. Witnesses said a man in his 40s entered the wooded area, a popular homeless encampment called "The Jungle," and started yelling.

Witnesses said the man then went back to his car, pulled out a gun and started firing "at no one in particular," Jamieson said.

After the gunfire, the man got back into his car, described by witnesses as "an older sedan," and took off in an unknown direction, according to police reports.

“One of the shots struck a man in the leg,” Jamieson said, adding that it appeared the bullet hit an artery.

The victim, who has not identified, was taken to Harborview Medical Center with life-threatening injuries, Jamieson said.

Comments | More in General news, The Blotter | Topics: Harborview Medical Center, Seattle Police, shooting

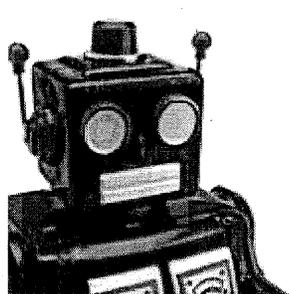
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Blotter | Shooting at homeless encampment; Detectives shut down crime ring trafficking in government benefits

Posted on February 24, 2014 by Megan Hill

Your weekend blotter updates:

- A fight led to a shooting at a homeless encampment under the Yesler overpass at 4th Ave and Terrace Street late Saturday night, says the Seattle Police Department. Just before midnight, the 50-year-old victim was involved in an altercation with three other males at the camp. According to SPD:

The victim was striking a subject using a 2X2 board when a reportedly uninvolved male approached and shot him. The suspect fled the scene on foot. The victim walked a few feet and collapsed on some bedding in the encampment on the west side of the street.

Seattle Fire responded and transported the victim to Harborview Medical Center with critical injuries.

Homicide and CSI responded and processed the scene.

The investigation continues

- A team of detectives and members of other agencies working in concert over two weeks shut down a large crime ring accused of trafficking and fraudulent use of government-issued Electronic Benefit Transfer ("EBT") cards at a S. Jackson Street market. SPD detectives with the Seattle Police Department's Major Crimes Task Force (MCTF) worked with officers from the East Precinct's Anti-Crime Team and Community Police Team, the Department of Social and Health Services' (DSHS) Office of Fraud and Accountability and federal agents with the U.S. Department of Agriculture (USDA). The investigation involved activities at the Minh Tam Market. SPD's blotter has more:

On February 19th, 2014 the Major Crimes Task Force executed a total of eight search warrants surrounding two separate trafficking rings, arresting four suspects and seizing over \$427,000.00 in U.S. currency located in bank accounts, the suspect store location and the suspect's home residence.

During the first phase of the investigation, several undercover sales of EBT benefits were sold to a female suspect in her 60's, who processed transactions at various stores for food items. She then paid undercover officers approximately 50 cents on the dollar for the benefit amount used on the EBT cards. Undercover officers were told by the suspect that the food items that she was purchasing were being resold to other unidentified suspects, who own and run Seattle area restaurants. Those restaurants have not been identified at this time. The female suspect was arrested yesterday but has not been charged yet.

In the second phase of the investigation several additional undercover sales of EBT benefits were sold directly at Minh Tam's Market, which then gave the undercover officers cash back at the same rate of approximately 50 cents on the dollar. The undercover officer would simply meet up with an associate/employee of the store, walk inside, approach the store clerk and let them know how much of their government issued EBT benefit funds they wished to sell. The store clerk would make the transaction and give the undercover officer approximately half of the cash amount, which the store transferred into their account. In two of the undercover transactions, the associate/employee, who met with the undercover officers and introduced them to the store clerk, also sold the undercover officers suspected rock cocaine as a portion of their food stamp transaction payment.

The suspects in these cases potentially face a multitude of charges including Food Stamp Trafficking and Money Laundering.

The Washington State Attorney General's Office has agreed to open up a case on the suspect(s) with the U.S. Attorney's Office possibly looking at federal charges as well.

This case is still ongoing and continues to be investigated by the Seattle Police Department's Major Crimes Task Force along with the USDA and DSHS.

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This entry was posted in **News** by **Megan Hill**. Bookmark the **permalink** [<http://www.centraldistrictnews.com/2014/02/blotter-shooting-at-homeless-encampment-detectives-shut-down-crime-ring-trafficking-in-government-benefits/>]



About Megan Hill

Megan Hill is the Editor of Central District News. She's also a freelance food, travel, and feature writer.

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ONE THOUGHT ON "BLOTTER | SHOOTING AT HOMELESS ENCAMPMENT; DETECTIVES SHUT DOWN CRIME RING TRAFFICKING IN GOVERNMENT BENEFITS"



pinebeetle

on February 24, 2014 at 10:31 am said:

Simply despicable people. These crimes are well known common and obvious to the observant eye. I've also observed persons making rounds to food banks and loading up vehicles with food that is then sold in markets like Mihn Tams. Perhaps not a crime but another example of the lowly behavior some people stoop to. People with money in the bank and nice cars. Through the book at them and then banish from America for life.

Debbie Beadle

From: Janice Richardson <ncaazebra@icloud.com>
Sent: Wednesday, February 26, 2014 5:17 PM
To: Carl de Simas
Subject: Meth bust and syringes. ALLGED rape. Minor in nature ?

Follow Up Flag: Follow up
Flag Status: Flagged

<http://www.faithunited.org/law-enforcement-resources-and-response/>

Sent from my iPhone

Date: 9/19/2009

Dear Sirs and Ladies,

I am writing to inform you that within the next week there shall be a protest in Seattle WA by a group supported by city funds and church monies. The SHARE group in Seattle is protesting the city of Seattle not paying on an advance of monies for bus fair. The city did offer the money but on the condition that SHARE sign a form promising not to close any of their indoor shelters at least through the end of the year. With Share's current financial situation this a reasonable concern on part of the city of the Seattle.

The city of Seattle has not done enough to help the homeless and to help ensure there is affordable low cost housing for those who are unable to work or who are the working poor. While the city has not been able to afford additional affordable housing they have been able to come up with the funds to hire additional police officers to sweep the homeless out of the local parks. The lack of support for homeless shelters in Seattle is vast and appalling. The city's only day homeless shelter for women with children is about to find itself with no place to go and find itself homeless. I guess people with children should know better than to have found themselves homeless. (Church of Mary Magdalene & Mary's Place Day Center).

But I write to you to bring to your attention that in this time of crisis for the shelters a new crisis exists in Seattle.

Share is intending on protesting the city not coming through with the bus tickets with out any conditions tied to it within the next week.

I am resident of Tent City #4 which resides on Holy Spirit Lutheran Church in Kirkland WA. I am a Roman Catholic - a single lady with no criminal record of any kind and my occupation prior to reduction of hrs to the point of lay off was as a licensed security officer. I have been informed that if I do not participate in the "voluntary" protest that I am required to vacate my tent on Holy Spirit property for the duration of the protest or be cited for trespass.

I do not support the protest. I think the city has every right to demand accountability and to be sure that that if it is giving funds to any organization that those funds will be used accordingly. I think SHARE has deep financial difficulties that it needs to openly address. I as a licensed security officer am not to be engaging in acts that could result in my arrest. I am still listed active with my security company and still hold my WA state unarmed guard card.

I am being told I must engage in a protest I do not support or be evicted from my tent.

I am told I must risk being arrested and filmed in a protest to keep a space in a tent on Lutheran Church property. I feel the Lutheran church would not support homeless people having to engage in any protest they do not agree with and yet due to SHARE's rules that we can not interact with our hosts or donor churches - I can not go and report the situation to our host church. I believe this rule is quite convenient to keep the churches of all denominations from knowing what is going on with this organization that they support so much. I feel that any church that supports this organization is violating the civil rights of the homeless people in the Share shelters.

I feel that homeless people have the same constitutional rights as any other person and I should not be forced to engage in a protest I do not agree with - to risk an action that could possibly result in my arrest (the loss of my license and my ability to get a job with Homeland security) - to risk being photographed at a protest and being labeled as not only homeless but as a protestor for an action I do not even fully agree with.

I feel that my homeless condition is not something to be moved about and exposed at the whim of some organization that seeks to raise its profile with the press. This organization has invited the press in mass to the forced voluntary event. I feel that homeless people having to go to this event may be having their right to privacy violated along with their rights to free speech and freedom of political philosophy and freedom of religion. My life and my future should not be something to be cast to the whim of some radical group engaged in a fight with the city of Seattle.

I feel having to move or be evicted from my tent violates any normal housing rights a regular person may have. Why am I facing less rights when churches and the city itself give money to this organization? Where in the Bible does it say the homeless are any less entitled to any rights? No other landlord or renting organization I have ever heard of has been allowed to tell its tenants they have to protest with them or get out for the duration of the protest. I feel any organization that gives money to this organization that threatens to violate the constitutional and housing rights of its residents for political gain - is as guilty as the organization that would do the violating.

I choose to come to tent City 4 when I had lost my job (2nd lay off in 10 months) and my place where I rented a room. I didn't want to put myself in a position where I would violate my religious principles and do anything stupid that might make my bad situation worse. I needed a place where I could take work on any shift and most shelters do not work with this. I spend my time going to medical appointments and job searching. My plan is get a new full time job- save some money and go on with my life.

Now I am being asked to risk being arrested for a protest I don't agree with just to have a tent over my head. And it isn't just me the licensed security officer being asked to risk.

At TC 4 we also have an individual who came to me and asked for my help. The individual has 2 prior felonies and said that the party did not want to ever do anything again to violate the law and land in trouble with the law. The individual said to me they had done wrong things in their past and had hurt themselves and others and choose to not do that any more. The party feared discrimination by police during the protest and did not want to be photographed at the event. In the state of WA - 3 strikes is out for felonies. I fully support any felon choosing to stop committing crimes as I think most people would and yet to have a tent over her/his head this person is being told by SHARE they have to risk a confrontation with police. This not right.

Another party in the camp is a soldier in the military who lives to serve his country. He is a reservist trying to go back full time. He can not engage in protest and violate the UCMJ. I fully support any soldier who does not want to engage in a protest so as not to inflame his command and the military. He has to find a new place to live if this protest goes forward or do it and potentially violate the UCMJ.

SHARE in my opinion doesn't have the right to ask any of us to do this protest. No homeless person should

be forced to go to any protest or to be put in situations where they will be put in the media spotlight unless they choose to. To say you protest or you have to move out even temporarily is discrimination.

Homeless people only have less rights in the law if we allow others to take our rights and if organizations that give money to groups do not care if they violate our rights.

I know a lot of people think homeless people are crazy alcoholic bums with no future - but the new face of homelessness is the working person who didn't have any savings and lost their job.

Even the rule they have where we can not tell the host churches matters that are going on violates our religious freedoms and it tricks the churches that give so much.

I wonder how the catholic church in Seattle would feel about giving money to an organization that during the summer months required all its residents to come up with \$25 value donated item with receipt or to give a \$30 gift card with receipt to the organization each month for the months of June, July, and Aug or face 30 day bar of being kicked out of the Share shelters. I was told when I had no idea how I would come up with the money or the donation requirement to sell my food stamps in China town at a place where they give you 50% value on your stamps in cash and sell you no food. I was encouraged to go sell my plasma. I ended up paying someone who paid someone who goes business to business in downtown seattle asking for businesses to donate items for the auction. I paid \$10 for an item that had already been donated by a business to help the homeless. My unemployment has not started and I had no money. Luckily I had gig doing surveys for the Mariners come up just in time. No homeless person should have to sell their food stamps to come up with money to give to SHARE for this fall harvest auction. It is illegal and unethical. But none of the homeless persons can go to any of the sponsoring churches to tell them what is up because to tell local sponsoring churches is a permanent bar. So I am making sure the catholic organizations out fo Seattle are getting this and if any of them tell the Bishop - oh shit how am I supposed to control what some nun or priest do!! You know those nuns and priests!

Also most the churches don't seem to realize that the so called community credit thing that Share forces us to do - has their churches listed on a list for people to get community credit with conditions. Only 2-3 spots exist for any church on any week and not all churches are listed every week and you can not get credit for going to any church not on the list.

If everyone wanted to go to the Catholic Church - only those who happen to get to sign up for the list first irregardless of their faith get credit for those spots. You don't get a community credit done every 2 week you get a 2 week bar from the shelter - or in otherwords you get kicked out of the shelter.

Sure Share has some non-religious events people can go to - if you happen to be free during the time of those few meeting. I feel firmly that the freedom of religious choice and worship even for the homeless is not negotiable. I think homeless people should not be forced to go to a church just to be seen so SHARE can hit that church up for donations. I asked if I could go to a Bible study for credit having an interest in such church activity and I was told no - that only Sunday service where lots of people might see me would do for it isn't about anything sprititual but about being seen so that the organization can get more donations. I am sorry but I don't think God and faith exists just as a marketing tool.

One of the former tenants of Tent City 4 became even more hostile than he was initially toward christianity after being forced to do church time. He felt violated as a Wiccan. I feel Wiccans, Buddhists,

Mormons, Atheists, heck even the Satanists ~~along with all others who may believe differently have the right not to have to endure religious ceremonies as any condition of shelter.

I feel a Roman catholic should not have to face having to go to the religious services of another faith in order to have shelter space if space is not available at a close by roman catholic church . I feel the church can not morally sponsor the SHARE shelter on its properties or with money if the rights of Roman Catholics in the shelters are not respected to the degree the Pope would approve of.

I do apologize for the length of this - but I wanted to get it all out on the table. You see this week I face being evicted from my tent over a protest I do not agree with. I suppose I could choose to leave "voluntarily " as they say I can - but really come on people they forcing me from my tent by threat and that is not right.

This last week we had several people barred from our Tent city in Kirkland for drinking in public, fighting and well it sounds like stripping as well on the public beach.

I am about to be barred for refusing "voluntarily" move out of the church property when I refuse to camp out at the Mayor of Seattle's home and other homes of several other Seattle council members and that just isn't right. I feel I have the right not to break the law - not to get arrested - not to have to protest for something I do not fully support - and not to loose my "tent home" just because I will not protest-and I think most would agree.

Now who is going to help me do anything about this?

I ask the city for support in stopping Share from forcing any of us to participate in the protest or face loosing our housing situations no matter what form our housing may be in. Just as others have the right to protest - I should have the right not to!!

Should the city be unable or unwilling to help with the above request- I ask for some help in getting housing resources in safe sane setting for those in the shelters for the duration of the protest who may be felons and have no desire protest and face any kind of altercation with law enforcement. I feel it is important to support those felons who want to be on the right track!

I have no idea where I shall go - I had a job interview last week to be a night auditor and if offered the job - there is no shelter that will work with grave shift and won't ask for any money down. I guess I have to not sleep for as long as the protest goes on.

This one lady from tent city who is former felon and drug addict says my morality that has me in tent city instead of shacking up with some guy is going to be priceless one day. They say doing the right thing always pays off. But these days I am having serious doubts. Doing the right thing just doesn't have enough media spin!

-D.K.

[Name abbreviated by David Preston]

Debbie Beadle

From: Elizabeth Maupin <eli410maupin@gmail.com>
Sent: Wednesday, February 26, 2014 3:11 PM
To: Carl de Simas
Subject: Fwd: Seattle ordinance on encampments

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you for taking time to meet with me today!
If you need to find the Seattle ordinance again, here is a link.

Elizabeth Maupin, M.Div.
Issaquah Sammamish Interfaith Coalition, coordinator
425 392 3344 (shared phone), 206 478 3899 (cell)
eli410maupin@gmail.com

----- Forwarded message -----

From: **Herbold, Lisa** <Lisa.Herbold@seattle.gov>
Date: Wed, Feb 26, 2014 at 11:41 AM
Subject: RE: Seattle ordinance on encampments
To: Elizabeth Maupin <eli410maupin@gmail.com>

Hi Elizabeth,

I am sorry for the delay. I was out for a couple days this week. Here is the bill:

[http://clerk.seattle.gov/~scripts/nph-brs.exe?s1=&s3=&s4=&s2=&s5=licata\[spon\]+and+%40dir%3E20110000+and+%40dir%3C20120000&Sect4=and&l=20&Sect2=THESON&Sect3=PLURON&Sect5=CBOR1&Sect6=HITOFF&d=CBOR&p=1&u=%2F~public%2Fcbor1.htm&r=7&f=G](http://clerk.seattle.gov/~scripts/nph-brs.exe?s1=&s3=&s4=&s2=&s5=licata[spon]+and+%40dir%3E20110000+and+%40dir%3C20120000&Sect4=and&l=20&Sect2=THESON&Sect3=PLURON&Sect5=CBOR1&Sect6=HITOFF&d=CBOR&p=1&u=%2F~public%2Fcbor1.htm&r=7&f=G)

Best,

Lisa Herbold

Legislative Aide to Councilmember Nick Licata

Seattle City Council

lisa.herbold@seattle.gov

206-684-8803

Keep in touch...

Follow Nick on:     



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Nick's *Urban Politics* blog

Subscribe to Nick's Urban Politics, click [here](#).

From: Elizabeth Maupin [mailto:eli410maupin@gmail.com]
Sent: Friday, February 21, 2014 3:48 PM
To: Herbold, Lisa
Subject: Seattle ordinance on encampments

Hi!

I'm meeting early Monday morning with staff at the City of Sammamish to talk about an ordinance to govern the hosting of tent encampments.

I'd really like to see a copy of the current Seattle ordinance as yours seems to be working well. Can you help me find that?

Thanks!

Elizabeth Maupin, M.Div.

Issaquah Sammamish Interfaith Coalition, coordinator

425 392 3344 (shared phone), 206 478 3899 (cell)

eli410maupin@gmail.com

Debbie Beadle

From: Janice Richardson <ncaazebra@msn.com>
Sent: Wednesday, February 26, 2014 4:09 PM
To: Carl de Simas
Subject: Fwd:

Follow Up Flag: Follow up
Flag Status: Flagged

Please read this homeless ladies plea for help. She did not want to be forced to protest for shelter

Sent from my iPhone

Begin forwarded message:

From: Janice Richardson <ncaazebra@icloud.com>
Date: February 26, 2014, 2:18:46 PM PST
To: Janice Richardson <ncaazebra@msn.com>

http://roominate.com/blogg/NV/Text_of_DK_E-mail.pdf

Sent from my iPhone

Law Enforcement Resources and Response

2/21/2014

Law Enforcement Resources and Response

The following information from Major Ron Griffin of the King County Sheriff's Office addresses questions of support while Tent City 4 is at Faith United Methodist Church

It is certainly understandable that the issue of sponsoring a homeless camp within a community can bring a host of mixed feelings.

In reference to Tent City 4, from a law enforcement perspective we have not had the numbers or type of calls that bring significant concern to us. As an example, the City of Sammamish experienced 30 calls in a 90-day period mostly minor in nature.

Recent information from Issaquah PD indicates they have had four calls of a minor nature over a 45-day period at the current Tent City in Lake Sammamish State Park. Again, this number is not compelling.

Having said this, by the nature of homeless camps in which people are struggling and at times desperate, it is a valid concern that a camp may have an impact on a neighborhood and challenge law enforcement resources. The key to success is the ability of camp organizers/management to adequately screen and self-police camp residences and ensure rules are followed.

Our role in law enforcement is to remain neutral and ensure the safety and rights of all citizens to include both the surrounding neighborhood and Tent City.

The following general description of police operations should address most of the questions you provided. In reference to questions requiring the analysis of data or research into specific investigations, this is time consuming and labor intensive. KCSO will continue to work on obtaining answers to these questions and provide them to you as soon as possible.

The King County Sheriff's Office will respond to all calls of a police nature. Currently unincorporated Deputies at North Precinct handle an average of 800 calls for service each month.

It is true that unincorporated districts are larger geographical areas causing greater separation between deputies.

It is reasonable that on most days the district deputy on each shift (3 shifts) would be able to perform at least one area check of the camp and immediate neighborhood, providing a uniform presence. Additional patrols would ideally occur if time allows.

Response time to calls is based on three factors: Priority of call based on the nature of the event. (Threats against person's vs. property), availability of deputy, and distance the deputy must travel.

Based on these factors, response times will vary. A person walking down a street with no other suspicious elements is much different from a person actively looking in cars and trying door handles. It is important that only true and accurate information be reported.

During any in-progress event of a significant matter or threats against persons, field supervisors have the ability to coordinate and direct additional resources to provide the appropriate response. This includes everything from SWAT, Bomb, Helicopter, and mutual aid from nearby jurisdiction if necessary. The King County Sheriff's Office has an excellent track record of responding to critical events and often provides assistance to neighboring jurisdiction. It is true that any police response takes longer in rural areas vs. a city municipality.

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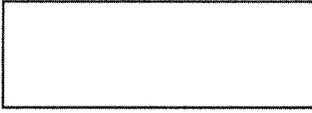
3924 Issaquah Pine Lake Road Issaquah, WA 98029

Phone: 425-392-0123 x2

Email: hello@faithunited.org

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Debbie Beadle

From: Manish <manishgarg@live.com>
Sent: Thursday, February 27, 2014 10:55 PM
To: Carl de Simas
Subject: regulations governing temporary encampments

Follow Up Flag: Follow up
Flag Status: Flagged

February 27, 2014

Hello Mr. Carl de Simas,

I am a resident of Redford Ranch community which is adjacent to Merry Queen of Peace church. I am informed that your office is collecting community feedback about Tent City IV.

We agree that providing shelters to needy and homeless people is a noble cause and we support it.

However we have some concerns which are listed below -

- There was report in Sammamish Review about drug activity and subsequent police raid in Tent City IV which made us very concerned. Since Skyline school was near to Tent City IV, I think it was not safe for the student over there
- Our house is in close vicinity of the area where Tent City IV was housed and tents were visible from our family, dining and kitchen. It had real privacy issues for us. We always had to keep our windows blinds down and working in backyard was also uncomfortable.
- Reports about criminal and drug activities that keep appearing in press is always a matter of grave concern to residents living in the proximity of Tent City IV. Since we have kids, we live in fear, and hope that nothing bad will happen.

In view of the above points, I would like Sammamish city to take into account the following points while granting permit to Tent City IV in future

- There should not be any school near the place where Tent City resides
- There should not be any residential community in close proximity to the place where Tent City resides. This will prevent intrusion of residents privacy because of Tent City IV

I sincerely hope that your office will take in account our suggestions while formulating rules regarding future permits to Tent City IV.

Thank You,

Yours Sincerely,

Manish Garg

22564 SE 12Th PL

Sammamish

WA 98075

Debbie Beadle

From: Raylene Wheeler <raylene_5@yahoo.com>
Sent: Thursday, February 27, 2014 8:04 PM
To: Carl de Simas
Cc: Carl de Simas; Debbie Beadle
Subject: Re: Tent City 4

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Carl,

Sorry this has taken me so long to respond to. We had out of town visitors for two weeks and have been quite busy with that. I appreciate your reaching out to me and soliciting my opinion with Tent City 4.

I have a three year old attending Arbor Montessori, next door to where the tent camp was placed while in Sammamish. Because of that, I think I have a pretty good idea about the concerns around where to place the camp and the various issues that may come up during its stay. Initially, I was quite upset with the church's decision to host the camp, fully understanding that this is within their rights under the First Amendment. My concerns were the following: what kind of security measures would be in place given that the camp would be located only feet away from a preschool and a residential area? What kind of background checks does the camp institute and are they *really* that reliable? What kind of crime has been associated with the camp in the past given that the homeless population in general has higher rates of criminal activity, mental health issues and substance abuse. My husband and I were pretty disgusted with the "community outreach" meeting that took place at the church just one week prior to the camp moving in. In no way was it an open dialog with the community and in no way did it allay our concerns.

During its stay at Mary Queen of Peace, I did not interact with the camp nor did I directly experience any negative effects of the camp. To put our minds at ease, we did pull our son out of outdoor playtime while at Arbor. I believe other parents may have done the same and some may have even pulled their children out completely. So, our direct contact was pretty limited. As the three month period was drawing to a close, I had begun to think that maybe it hadn't been quite the scary experience I had envisioned. I would still NOT support its placement near our child's school in the future, but maybe placing it in a non-residential area, away from schools would not be such a bad idea.

Well, then I began to understand more clearly the crime that occurred within TC4 while it was in Sammamish and my opinion changed back towards fear and outrage. Men were dealing and using methamphetamine within just feet of my child's preschool. Assaults were taking place within the camp, next to a preschool. There were a total of 8 arrests in the camp during its stay, out of a population of roughly 50 people...a 15% rate of crime!!! If we extended that percentage out to the city as a whole, that would equate to close to 8,000 residents in Sammamish being arrested in a three month period. These numbers are frightening. For the mayor and other members on the council to characterize this as a "very positive experience" is astounding. Our own police chief said that by the end of their stay "we encountered some serious issues" related to crime in the camp.

There are several regulations I would like to see the city put in place for when the camp returns. My preference would be that the city take the more "strict" route as Mercer Island has done. One, the camp should not be allowed to return to the same location within an 18 month period. Two, the camp should be within a short distance of public transportation. Three, a 60 day maximum stay would be preferred (Bellevue has this restriction). Four, cigarette use should be banned within the camp if it is placed within a certain distance of homes and/or schools. In addition, there should be regular checks done by the city to ensure regulations are being followed, background checks should be strictly enforced and the code of conduct should also be strictly enforced.

Ultimately, I believe this entire discussion around ordinances and permits misses the really important issue of whether or not this camp actually helps the homeless population. How can a roaming camp that, in its very nature is unstable, lead to a more stable life for its inhabitants? How can a camp that is placed in one of the more remote, inaccessible cities in King County, be good for people trying to get to their jobs or to job placement services or health services? This is not an effective way to help the needy in our community. In the ten years TC4 has been traveling the Eastside, it seems that churches and communities could have started or expanded a shelter. I realize this is a side discussion but one that must be addressed at some point.

My hope is that the city council will take a sober look at the problems associated with the camp and use that to draft a series of strict regulations that minimize the impact it will have on any given neighborhood in the city. And to think seriously about the consequences of allowing a homeless camp to be placed near schools and homes. That each member on the city council think about how they would personally feel if the camp were placed in their own backyards. It is NOT a safe camp and has a real record of serious crimes taking place within its walls. Please think about this as you move forward in the process. And I would very much enjoy speaking to you directly about this if time permits :)

Thank you,
Raylene Wheeler

Sent from my iPad

On Feb 10, 2014, at 2:43 PM, Carl de Simas <cdesimas@sammamish.us> wrote:

Hello,

I am following up on Kamuron's message below in hopes of touching base with you and hearing any concerns or experiences you have had regarding the topic of homeless encampments. In particular, I am interested in hearing your thoughts around the recent temporary homeless encampment, Tent City 4, which was situated at Mary, Queen of Peace for 90 days ending last month.

As Kamuron mentioned, our timeline is ambitious, so time is of the essence. To that point, I would like to offer a few options for you to inform the process at this early stage:

- Email me at cdesimas@sammamish.us
- Snail mail me at 801 228th Ave SE, Sammamish, WA 98075
- Call me at 425-295-0547
- Meet with me at City Hall (801 228th Ave SE) during one of the two following windows:
 - Thursday, February 20th from 8:30 – 10:30am
 - Thursday, February 27th from 3:00 – 5:00pm

If you choose to meet with me, please do RSVP to cdesimas@sammamish.us and let me know which day you plan on coming in and approximately what time.

We thank you for your interest in this very important code development process and we look forward to hearing from you.

Best regards,

Carl

--

Carl de Simas
City of Sammamish – Department of Community Development
Code Compliance Officer
425-295-0547
cdesimas@sammamish.us
Department of Code Compliance

<image003.jpg>

Help shape Sammamish's future....

<http://sammamish.us/departments/communitydevelopment/ComprehensivePlan.aspx#>

From: Debbie Beadle
Sent: Monday, February 03, 2014 3:43 PM
Cc: Carl de Simas
Subject: Tent City 4

Good Day,

As you know, Mary, Queen of Peace church in Sammamish recently hosted Tent City 4 for 90 days ending January 17. Tent City 4 has since moved to Lake Sammamish State Park where they have been permitted to stay on a temporary basis.

It is likely that homeless encampments like Tent City 4 will be invited by religious organizations in Sammamish in the future. State law requires jurisdictions to make allowances for such organizations to host homeless encampments as part of their religious mission. The Sammamish City Council has directed staff to research the experience of peer cities, gather stakeholder input and develop regulations for Sammamish to permit this type of temporary land use. Your input will help inform the code development process.

Carl de Simas, our code compliance officer, is managing the code development process. He will work to ensure all public comment is collected and compiled for review by elected and appointed officials. In the coming days, city staff will be in touch to set up meetings. Our timeline is ambitious, so you can expect to hear from us soon. Carl's contact info is: cdesimas@sammamish.us or (425) 295-0547.

Your input is invaluable and we look forward to working with you. Thanks in advance,

*On behalf of Kamuron Gurol – Community Development Director
Thank you*

*Debbie Beadle
Administrative Assistant to the Community Development Director/Deputy Director
Employee of the Year 2012
Community Development Department
City of Sammamish
(T) 425-295-0525
(F) 425-295-0600*

<image001.png>

Sammamish 2035, Building Community Together

Please be aware that email communication with Council Members or City staff is a public record and is subject to disclosure upon request.

Debbie Beadle

From: Janice Richardson <ncaazebra@msn.com>
Sent: Thursday, February 27, 2014 4:39 PM
To: linda@wscadv.org; Kate.Kruller@TukwilaWa.gov; Toby Nixon;
dmarchio@kirklandwa.gov; Carl de Simas; sally.clark@seattle.gov;
sally.bagshaw@seattle.gov; jean.godden@seattle.gov; tom.rasmussen@seattle.gov
Cc: kathy.lambert@kingcounty.gov; jane.hague@kingcounty.gov;
larry.phillips@kingcounty.gov; rod.dembowski@kingcounty.gov
Subject: LAW DOES NOT ALLOW HOMELESS TO BE DV

Follow Up Flag: Follow up
Flag Status: Flagged

When trying to get homeless women that say they were sexually assaulted harassed or forced into sex acts. into safe housing so they feel non threatened to report to those who's job it is to get reports. The homeless say DAWN AND NEW BEGINNINGS. KC PROSECUTORS SAY Homeless under SHARE DON'T QUALIFY. the assailant is unrelated. ????? If you have no where safe to go that KC211 has 6 week back log and your option is tent city share or nicklesville one in the same same rules. Same cult rules and same leaders. The police seem to not understand that there is NO safe housing in KC. That homeless are not welcome, don't qualify , can't go to the referrals that work for a live in or married couple a victim of domestic abuse. Anyone able to answer this ? Safe harbors is city data collecting. We as a community don't have a SAFE HARBOR for these vulnerable women ! It appears that maybe this is a reason they are easily victimized and have a history of silence until its later and difficult For police to investigate and put a case together ? I'm not an expert but looking for answers no one has. Janice.

Debbie Beadle

From: Toby Nixon <toby@tobynixon.com>
Sent: Friday, February 28, 2014 2:39 PM
To: 'Linda Olsen'; 'Janice Richardson'; Kate.Kruller@TukwilaWa.gov; dmarchio@kirklandwa.gov; Carl de Simas; sally.clark@seattle.gov; sally.bagshaw@seattle.gov; jean.godden@seattle.gov; tom.rasmussen@seattle.gov
Cc: kathy.lambert@kingcounty.gov; jane.hague@kingcounty.gov; larry.phillips@kingcounty.gov; rod.dembowski@kingcounty.gov
Subject: RE: LAW DOES NOT ALLOW HOMELESS TO BE DV

Follow Up Flag: Follow up
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My understanding of Janice's concern is that Seattle and King County, directly and through a number of non-profit agencies, provide funding for tent cities and other forms of homeless shelter through SHARE. When someone is sexually assaulted in one of SHARE's facilities, and someone calls 911 to report it, then the person who called the police (even if they are the victim) is automatically barred from housing in all SHARE facilities, including all shelters and tent cities. This is a huge disincentive for anyone to report such crimes. Who would make such a report if the result will be getting chased out of camp under threat of violence and told to never come back, knowing that there is no place else for them to go but the street?

Janice would like us -- all of us, as community leaders -- to acknowledge that this outrage is taking place, and to demand that SHARE's rules be changed so that it is safe for ANYONE to report a crime that occurs in any SHARE facility, and that nobody can be barred from camps or shelters because they do so. Janice believes that public funds should not be allowed to be granted, or provided on a fee-for-service basis, to any organization that uses intimidation and threats of violence and deprivation of housing to prevent the reporting of sexual assaults, including against minors, or for reporting other crimes. Such organizations should not be permitted to claim because they are self-policing, run by committee, and take care of their own problems, that they are therefore exempt from the law, that police are not welcome to come onto their territory to enforce the law, and that anyone who calls in the police must be forcibly removed and barred from returning.

Janice has been asking for this action for many years. She has been ignored for too long. When will those who have the power to do something about it stand up and act? Shouldn't it be as simple as adding a clause to all contracts -- not only for SHARE, but EVERY social service non-profit -- that the contract will be cancelled and the organization be ineligible in the future if the organization maintains any policy (or evidences by their action the existence of an unwritten policy) of rejecting people from receiving services because they report a crime?

By not dealing with this, we are tacitly condoning it.

Best regards,

Toby Nixon
Kirkland City Council

-----Original Message-----

From: Linda Olsen [mailto:linda@wscadv.org]
Sent: Friday, February 28, 2014 8:43 AM

To: Janice Richardson; Kate.Kruller@TukwilaWa.gov; Toby Nixon; dmarchio@kirklandwa.gov; Carl de Simas; sally.clark@seattle.gov; sally.bagshaw@seattle.gov; jean.godden@seattle.gov; tom.rasmussen@seattle.gov
Cc: kathy.lambert@kingcounty.gov; jane.hague@kingcounty.gov; larry.phillips@kingcounty.gov; rod.dembowski@kingcounty.gov
Subject: RE: LAW DOES NOT ALLOW HOMELESS TO BE DV

Janice,

It isn't completely clear to me what you're asking. Domestic violence confidential shelters prioritize those who are in the greatest amount of danger as a result of intimate partner violence (in the State of Washington DSHS DV shelter Administrative Codes and contracts). Because of the high turnaway rates at DV shelter, there is often not even enough space for those at the highest end of the lethality rate. When you and I first started talking about safety for women who had been sexually assaulted in the eastside Tent City, I suggested that Lifewire could be a resource. I have a long history with that organization and made the call to them asking if they could provide a safe space (they often have hotel money) for a sexual assault victim in need of shelter and wanting to report sexual assault/harassment/exploitation without fear of retaliation from the Tent City management. The shelter director confirmed that this is something they would do. I could possibly do a similar ask of New Beginnings, but I know their shelter space and resources do not have the same flexibility as Lifewire. I do not know the new leadership at DAWN yet--wouldn't feel comfortable asking. This is not a conversation I would have with the King County Prosecuting Attorney's office. The goal is for safety--and the ability to make a report if someone chooses to. The end goal isn't for the report to be a requirement of receiving safe shelter. No domestic violence agency would agree with that as an expectation for someone receiving safe shelter and/or services.

I think you and I also have talked about the law and definition of domestic violence in this state, which includes roommates/those sharing living accommodations. This could be stretched to the SHARE locations. But basically, sexual assault and sexual exploitation certainly stand alone and don't have to come under a domestic violence umbrella.

So I may be totally off the mark with your concerns--I'm so sorry if I am.

I do respect and appreciate your tireless efforts to be a voice for those in fear of raising their own. All the best,

Linda Olsen, MA, MSW
Program Coordinator, Housing
Washington State Coalition Against Domestic Violence
500 Union Street, Suite 200
Seattle, WA 98101
206-389-2515, x 205
206-389-2520 (FAX)
linda@wscadv.org
www.wscadv.org

-----Original Message-----

From: Janice Richardson [mailto:ncaazebra@msn.com]
Sent: Thursday, February 27, 2014 4:39 PM
To: Linda Olsen; Kate.Kruller@TukwilaWa.gov; Toby Nixon; dmarchio@kirklandwa.gov; Carl de Simas; sally.clark@seattle.gov; sally.bagshaw@seattle.gov; jean.godden@seattle.gov; tom.rasmussen@seattle.gov
Cc: kathy.lambert@kingcounty.gov; jane.hague@kingcounty.gov; larry.phillips@kingcounty.gov; rod.dembowski@kingcounty.gov
Subject: LAW DOES NOT ALLOW HOMELESS TO BE DV

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Debbie Beadle

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Sent: Friday, February 28, 2014 2:44 PM
To: Toby Nixon; 'Janice Richardson'; Kate.Kruller@TukwilaWa.gov; dmarchio@kirklandwa.gov; Carl de Simas; sally.clark@seattle.gov; sally.bagshaw@seattle.gov; jean.godden@seattle.gov; tom.rasmussen@seattle.gov
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Subject: RE: LAW DOES NOT ALLOW HOMELESS TO BE DV

Follow Up Flag: Follow up
Flag Status: Flagged

Toby,
I totally agree and I believe that is exactly what Janice is saying.... Linda

-----Original Message-----

From: Toby Nixon [mailto:toby@tobynixon.com]
Sent: Friday, February 28, 2014 2:39 PM
To: Linda Olsen; 'Janice Richardson'; Kate.Kruller@TukwilaWa.gov; dmarchio@kirklandwa.gov; 'Carl de Simas'; sally.clark@seattle.gov; sally.bagshaw@seattle.gov; jean.godden@seattle.gov; tom.rasmussen@seattle.gov
Cc: kathy.lambert@kingcounty.gov; jane.hague@kingcounty.gov; larry.phillips@kingcounty.gov; rod.dembowski@kingcounty.gov
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Janice has been asking for this action for many years. She has been ignored for too long. When will those who have the power to do something about it stand up and act? Shouldn't it be as simple as adding a clause to all contracts -- not only for SHARE, but EVERY social service non-profit -- that the contract will be cancelled and the organization be ineligible in the future if the organization maintains any policy (or evidences by their action the existence of an unwritten policy) of rejecting people from receiving services because they report a crime?

By not dealing with this, we are tacitly condoning it.

Best regards,

Toby Nixon
Kirkland City Council

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Sent: Friday, February 28, 2014 8:43 AM

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rod.dembowski@kingcounty.gov

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Program Coordinator, Housing

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From: Janice Richardson <ncaazebra@msn.com>
Sent: Saturday, March 1, 2014 12:13 AM
To: Linda Olsen; Kate.Kruller@TukwilaWa.gov; Toby Nixon; dmarchio@kirklandwa.gov; Carl de Simas; sally.clark@seattle.gov; sally.bagshaw@seattle.gov; jean.godden@seattle.gov; tom.rasmussen@seattle.gov
Cc: kathy.lambert@kingcounty.gov; jane.hague@kingcounty.gov; larry.phillips@kingcounty.gov; Rod.Dembowski@kingcounty.gov
Subject: Re: LAW DOES NOT ALLOW HOMELESS TO BE DV

Follow Up Flag: Follow up
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Linda,

There is a group of Women that want to tell their experiences. There is a history and some of it is documented.

It goes back to 2004 with a deaf lady Brenda staying at Tent City in Bothell, and she is alleged to be raped, a social worker, or donor found out and told Bothell Police, due to the fact that he was a Registered sex offender he was told to leave. St Brendans Catholic Church had a school. Some of the Neighbors were Seattle Police officer Home Owners concerned for their Families.

Shortly after Brenda was in Seattle and Beaten for telling, SFD transported her to Harborview.

Dominque Trudel was being harassed at SHARE shelter she called August 2010 SPD and reported her fear. For calling SPD she was barred kicked out of ALL SHARE SHELTERS.

She filed a Seattle Civil rights complaint. Telling about how unfair this was, leaving her no right to protect herself.

Helen and Barb a couple as partners, Helen was being sexually touched, at Tent City 3 last year in Shoreline and Barb spoke up about this being wrong and they were barred and lied about. I drove and rescued them and their belongings. I had 8 OTHER Women surround my SUV asking if I could get them help, find them resources, could they get into Camp Unity.

Did I know anyone they could tell. I TRIED, I CALLED council Members, I called Life Wire, I called KING COUNTY CIVIL RIGHTS who told me that they don't qualify the federal government doesn't see tents as homes so they are NOT allowed to complain. Thus no one hears.

Nicklesville Naiya and another lady alleged sexual assaults. SOUTHWEST Precident Police arrived for the other Lady call and when they got their THE SHOW OF FORCE TEAM had bag and tagged her personal stuff and throw on street AND they were chasing her out of encampment with RAKES< tools, sticks, tire iron TYPE of things using them as weapons to produce fear as someone had called 911. This infraction is due to disrupting the harmony of camp.

Naiya as you are aware was 16 and NO ONE CALLED POLICE OR CPS. We have since asked homeless that have joined Camp Unity, WHY DID NO ONE CALL POLICE? the Answer was they did not want to lose their shelter, Tent.

In a Normal Housing IF a woman is sexually assaulted and others call 911 the Apartment Manager doesn't punish 911 caller evicting the caller from their apartment.

I am totally against this screen in rule written and verbal that calling Police is ONLY for life and death and it is grounds to bar homeless for calling. When City of Seattle KC 211 system is sending everyone to SHARE Shelters, Nicklesville or Tent City. AND THIS RULE applies to all

WE Eastside Women do not feel it is safe for the vulnerable homeless women. After becoming aware that this rule is silencing sexual acts against their bodies and being.

There is a RECENT new alleged possible allegation of a possible rape in Sammamish at Queen Mary of Peace TENT CITY 4.

I am trying to say THE REASON that witness don't come forward, and it is hard to investigate and why Police don't hear at the time these things happen.

I WOULD LIKE A CITY AND COUNTY discussion. I FEEL that the SMARTER THAN ME people should NOT GIVE TENT CITY A LAND USE PERMIT to have this RULE told to homeless during the screen into SHARE, I think it should not be in place, it is discrimination most sexual assaults are on women.

I would like the City of Seattle to CHANGE doing Shelter Business and Bus Tickets with SHARE Unless they have SHARE agree to QUIT threatening sexual victims with losing SHARE SHELTER if they call 911 or anyone who calls on their behalf. IT would be a great start.

There is another Seattle Civil Rights complaint from Desiree Krautkremer, 2010 and a 4 page letter 2009 she begs for help to no avail. She explains the FORCED protesting. the Letter gives the reader the insite that we are NOT getting Homeless services. It is almost modern day slavery to USE HUMANS for Donations and Fund Raising while their LIVES ARE FALLING more and more apart and they are farther from living in society and getting rehoused.

Linda, The Police that we spoke to said "anyone can call the Police" The Point is that the KING COUNTY HOMELESS that KC211 a city contract sends them to SHARE and this is a SHARE RULE with eviction consequences.

THERE ARE MANY MANY stories of other sexually attacks, harassments, assaults, that have gone unreported.

One lady said she did her own therapy after deciding Shelter was her Number one concern she just started self medicating, she is on SSDI I tried to get her to go into 30% paid shelter and she was now using herion shooting up it numbed her.

Another person FINALLY got her with UGM and my understanding is they have her in rehab.

Union Gospel Mission is doing some wonderful work in our community, while SHARE may be good at organizing protests, and having FREE CHURCHES open their doors for homeless the CHURCHES will help without SHARE. MOST CHURCHES did not know SHARE is paid by the CITY the huge contracts and bus tickets they had NO IDEA, but kept helping due to the Need in Seattle.

I would like the Women safe, and having access to the services that would help her become rehoused. Skills,trade school, job, income, volunteers are working hard against all odds.

Janice Richardson

Sent from Windows Mail

From: Linda Olsen

Sent: Friday, February 28, 2014 8:43 AM

To: Janice Richardson, Kate.Kruller@TukwilaWa.gov, Toby Nixon, dmarchio@kirklandwa.gov, Carl de

Simas, sally.clark@seattle.gov, sally.bagshaw@seattle.gov, jean.godden@seattle.gov, tom.rasmussen@seattle.gov

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Debbie Beadle

From: Doreen Marchione <DMarchione@kirklandwa.gov>
Sent: Sunday, March 2, 2014 12:41 PM
To: 'Toby Nixon'; 'Linda Olsen'; 'Janice Richardson'; Kate.Kruller@TukwilaWa.gov; Carl de Simas; sally.clark@seattle.gov; sally.bagshaw@seattle.gov; jean.godden@seattle.gov; tom.rasmussen@seattle.gov
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Subject: RE: LAW DOES NOT ALLOW HOMELESS TO BE DV

Follow Up Flag: Flag for follow up
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The issue for Kirkland is that we do not fund Tent Cities so we have no leverage in this issue. A while back, in response to Janice's concerns, I met with our human services staff & our police department to see what response Kirkland could have to the allegations about Tent City. Since we do not fund them and Kirkland police has not received any complaints, we could not take any action.

My personal view is that King County needs to put an undercover officer in Tent City to find out what is going on.

Doreen

-----Original Message-----

From: Toby Nixon [mailto:toby@tobynixon.com]
Sent: Friday, February 28, 2014 2:39 PM
To: 'Linda Olsen'; 'Janice Richardson'; Kate.Kruller@TukwilaWa.gov; Doreen Marchione; 'Carl de Simas'; sally.clark@seattle.gov; sally.bagshaw@seattle.gov; jean.godden@seattle.gov; tom.rasmussen@seattle.gov
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Best regards,

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I think you and I also have talked about the law and definition of domestic violence in this state, which includes roommates/those sharing living accommodations. This could be stretched to the SHARE locations. But basically, sexual assault and sexual exploitation certainly stand alone and don't have to come under a domestic violence umbrella.

So I may be totally off the mark with your concerns--I'm so sorry if I am.

I do respect and appreciate your tireless efforts to be a voice for those in fear of raising their own. All the best,

Linda Olsen, MA, MSW
Program Coordinator, Housing
Washington State Coalition Against Domestic Violence
500 Union Street, Suite 200
Seattle, WA 98101
206-389-2515, x 205
206-389-2520 (FAX)

linda@wscadv.org
www.wscadv.org

-----Original Message-----

From: Janice Richardson [mailto:ncaazebra@msn.com]

Sent: Thursday, February 27, 2014 4:39 PM

To: Linda Olsen; Kate.Kruller@TukwilaWa.gov; Toby Nixon; dmarchio@kirklandwa.gov; Carl de Simas; sally.clark@seattle.gov; sally.bagshaw@seattle.gov; jean.godden@seattle.gov; tom.rasmussen@seattle.gov

Cc: kathy.lambert@kingcounty.gov; jane.hague@kingcounty.gov; larry.phillips@kingcounty.gov; rod.dembowski@kingcounty.gov

Subject: LAW DOES NOT ALLOW HOMELESS TO BE DV

When trying to get homeless women that say they were sexually assaulted harassed or forced into sex acts. into safe housing so they feel non threatened to report to those who's job it is to get reports. The homeless say DAWN AND NEW BEGINNINGS. KC PROSECUTORS SAY Homeless under SHARE DON'T QUALIFY. the assailant is unrelated. ????? If you have no where safe to go that KC211 has 6 week back log and your option is tent city share or nicklesville one in the same same rules. Same cult rules and same leaders. The police seem to not understand that there is NO safe housing in KC. That homeless are not welcome, don't qualify , can't go to the referrals that work for a live in or married couple a victim of domestic abuse. Anyone able to answer this ? Safe harbors is city data collecting. We as a community don't have a SAFE HARBOR for these vulnerable women ! It appears that maybe this is a reason they are easily victimized and have a history of silence until its later and difficult For police to investigate and put a case together ? I'm not an expert but looking for answers no one has. Janice.

Debbie Beadle

From: Kamuron Gurol
Sent: Monday, March 3, 2014 7:54 AM
To: Nancy Whitten; Rita Z; Don Gerend; Kathleen Huckabay; Bob Keller; Tom Odell; Ramiro Valderrama-Aramayo; Tom Vance
Cc: Ben Yazici; Carl de Simas; Devany Lunde
Subject: RE: Homeless Encampments in Sammamish

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks for your input, the Planning Commission will begin its work on this starting Thursday. Public hearings at the Commission and City Council level will be held. Your input has been received and we encourage you to continue to participate. -Kamuron Gurol

From: Nancy Whitten
Sent: Monday, March 3, 2014 7:41 AM
To: Rita Z; Don Gerend; Kathleen Huckabay; Bob Keller; Tom Odell; Ramiro Valderrama-Aramayo; Tom Vance
Cc: Kamuron Gurol; Ben Yazici
Subject: RE: Homeless Encampments in Sammamish

Thank you for writing. I am forwarding your letter to staff so it can be made part of the record on our potential tent city ordinance. This proposed ordinance is on a fast track and you may wish to get involved to present your concerns as the Planning Commission considers its recommended action which will then come to the council.

From: Rita Z <ritaz315@gmail.com>
Sent: Monday, March 3, 2014 12:24 AM
To: Don Gerend; Kathleen Huckabay; Bob Keller; Tom Odell; Nancy Whitten; Ramiro Valderrama-Aramayo; Tom Vance
Subject: RE: Homeless Encampments in Sammamish

Dear Council Members:

I'm writing this letter to express my family concerns regarding the hosting of Tent City (and similar) encampment in Sammamish. I'd like to point out that my family very much supports the idea of providing temporary living areas for homeless people and those in need, especially when our City has great resources and also a great desire for that purpose. However I also hope that the City can provide some level of protection for its residents. It's unfortunate but also well known that the homeless encampments sometimes relate to unlawful activities like drugs and firearms. This poses increased risk to the residents that have houses located close to the encampment. Please let me use our house as an example.

Our lot is adjacent to the church (that recently considered hosting Tent City but canceled it at the last moment for non-disclosed reasons). The church's parking is about 30-40 feet away from our house, it is practically in

our backyard. We do not have any fence, we barely have any trees between these lots. People can just walk into our back yard if desired. The proposed encampment would be located just 70-80 feet away were 60+ people will be living right in front of our house, cooking outdoors, using toilets, running power generator for 3 months. We'd see and hear everybody in that camp from our house windows, deck and backyard every day and night. The constant noise would have serious impact on our everyday life. The security would be a huge concern due to such a proximity and direct access to our house, especially at night time.

I hope you'd consider adding a limitation to the encampment hosting rules where the location of such encampment should be at least 300 feet away from the nearest residential building (house). This would be also a great reassurance that the City Council being very progressive in its community services also takes a good care of the existing residents. We're living in Sammamish since 2004, we love every moment of it and hope to stay here for many more years.

Thank you very much for your consideration.

Sincerely,
Margarita Zabolotskaya
(425) 770-7310

Debbie Beadle

From: G J GUSE <gusefour@msn.com>
Sent: Tuesday, March 4, 2014 11:35 PM
To: Homeless Encampment Code
Subject: Temporary Homeless Encampments Code Development Process

Follow Up Flag: Follow up
Flag Status: Flagged

I just wanted to write and thank the city for the work they are doing to put appropriate code in place for future homeless encampments. The memorandum from Mr. Gurol for the March 6, 2014 meeting that is posted on the city website really targets many of the concerns of residents.

I would note that there needs to be coordination with the city and the county/Metro transit. If our city is going to be hosting people without transportation of their own, they really need to provide adequate bus transportation. Our city has absolutely no bus transportation on Sundays, very limited amounts on Saturdays, and it is virtually impossible to travel to Redmond area at any time other than "rush hours." Many of the TC4 residents that work do not obtain 9-5 jobs, so the lack of transportation becomes a huge issue. In addition, there are increasing numbers of young disabled adults in our community (10% of our students are receiving special education services) who also would benefit from extra bus service.

Thank you for listening to the concerns of the residents and for the careful thought you are putting into establishing these rules to protect the interests of all involved.

Julie Guse

Debbie Beadle

From: denise darnell <sddarnell@gmail.com>
Sent: Tuesday, March 4, 2014 11:31 PM
To: Homeless Encampment Code
Subject: tent city

Follow Up Flag: Follow up
Flag Status: Flagged

March 4, 2014

Dear City Council Representatives,

I am a Sammamish resident and wholeheartedly support our cities' churches supporting Tent Cities as need arises. I have three children that go to the area schools (Creekside, PLMS and Skyline). Since the Tent City began at Mary Queen of Peace, they have all come with me to volunteer as well as have a 'tour' of the various tent cities. I also know of many other families with children that have enjoyed meeting the residents, bringing donations and spreading the word on volunteering opportunities.

I work at Discovery Elementary and our K-Kids (Kiwanis) Club made sack lunches for the residents at MQP and are preparing to make the lunches for the residents at the Methodist Church. The children also wrote individual notes for the residents and were educated on what Tent City looks like. My own son and his friend collected wood from their neighbors and brought a truckload down to the residents living at the Sammamish Park for their large bonfire.

For the children and families that live in our area (I often refer to it as the 'Sammamish Bubble'), I can not emphasize HOW IMPORTANT it has been to have them interact with the Tent Cities. Our children are very lucky, as are all of us who live in beautiful, warm, cozy houses..... who never have to wonder about their next meal or have to walk for miles to get to the closest store.... who don't have all their belongings in a single garbage bag or get soaking wet as they are sleeping on a rainy night!

Why would we deny the experience of helping others or learning about people that look different than ourselves? Why wouldn't we want our children to have the opportunity to volunteer and to understand what it really means to show empathy?

Why wouldn't we want our children to realize that they are lucky to have all that they take for granted and appreciate the fact that others around them can use a helping hand?

Yes, Sammamish is a nice place to live. But, it is not perfect. The homeless at Tent City are not going to tarnish us or our squeaky clean image. They are not going to bring crime and drugs here. The Sammamish Safeway already sells more liquor than any other grocery store in the state. There are already drugs and arrests at our very own high schools on the plateau. The police are already busy with different mistakes that the citizens of Sammamish have made. Let's not pretend that we are too perfect to help others that might be different than ourselves.

My belief is that the city needs to adjust their ordinance to be similar to the homeless encampment ordinances of Seattle. Sammamish has the opportunity to be in the forefront of this issue and to show that our city is compassionate and inclusive.

If Mercer Island, Bellevue, Woodinville and Issaquah can ALL support Tent Cities and allow them into their communities, SO CAN WE!!

Respectfully,

Denise Steele Darnell

Debbie Beadle

From: Janice Richardson <ncaazebra@msn.com>
Sent: Wednesday, March 5, 2014 11:38 AM
To: jeff.mcmorris@kingcounty.gov; Rod.Dembowski@kingcounty.gov;
sally.clark@seattle.gov; tim.burgess@seattle.gov; tom.rasmussen@seattle.gov;
jean.godden@seattle.gov; sally.bagshaw@seattle.gov; bruce.harrell@seattle.gov;
judyc@klahanie.com; linda@wscadv.org; Kate.Kruller@TukwilaWa.gov;
kathy.lambert@kingcounty.gov; larry.phillips@kingcounty.gov
Subject: Fw: LAW DOES NOT ALLOW HOMELESS TO BE DV
Follow Up Flag: Follow up
Flag Status: Flagged

Toby Nixon former Senator and Kirkland Council explains this PERFECT..RIGHT BELOW PLEASE READ in addition I hope Seattle City Council, Mayor, Human Services and County Permits, Bellevue Permits take this into account. NO Women should be sexually assaulted, harassed, raped, Assaulted and can't call police.

Examples have been

2010 Dominique Trudel civil rights complaint against SHARE she called SPD and was barred yet the man she was afraid of was a KC registered sex offender.

2013 A recent Rape under Tent City 4 went unreported.

2012 a 16 sexually assaulted at Nicklesville NO ONE CALLS CPS OR 911

another Lady was reportedly raped and did call 911 BY THE TIME Seattle Police arrived as said in SPD report the women's stuff was bagged and tagged and at curb the SHOW OF FORCE Team was chasing the woman with TOOLS .

I think this is enough to show this SHARE rule at screen in and barring people on Saturdays shows the dangers.

Janice

Sent from Windows Mail

From: Linda Olsen
Sent: Friday, February 28, 2014 2:43 PM
To: Toby Nixon, Janice Richardson, Kate.Kruller@TukwilaWa.gov, dmarchio@kirklandwa.gov, Carl de Simas, sally.clark@seattle.gov, sally.bagshaw@seattle.gov, jean.godden@seattle.gov, tom.rasmussen@seattle.gov
Cc: kathy.lambert@kingcounty.gov, jane.hague@kingcounty.gov, larry.phillips@kingcounty.gov, Rod.Dembowski@kingcounty.gov

Toby,

I totally agree and I believe that is exactly what Janice is saying.... Linda

-----Original Message-----

From: Toby Nixon [<mailto:toby@tobynixon.com>]
Sent: Friday, February 28, 2014 2:39 PM

To: Linda Olsen; 'Janice Richardson'; Kate.Kruller@TukwilaWa.gov; dmarchio@kirklandwa.gov; 'Carl de Simas'; sally.clark@seattle.gov; sally.bagshaw@seattle.gov; jean.godden@seattle.gov; tom.rasmussen@seattle.gov
Cc: kathy.lambert@kingcounty.gov; jane.hague@kingcounty.gov; larry.phillips@kingcounty.gov; rod.dembowski@kingcounty.gov
Subject: RE: LAW DOES NOT ALLOW HOMELESS TO BE DV

My understanding of Janice's concern is that Seattle and King County, directly and through a number of non-profit agencies, provide funding for tent cities and other forms of homeless shelter through SHARE. When someone is sexually assaulted in one of SHARE's facilities, and someone calls 911 to report it, then the person who called the police (even if they are the victim) is automatically barred from housing in all SHARE facilities, including all shelters and tent cities. This is a huge disincentive for anyone to report such crimes. Who would make such a report if the result will be getting chased out of camp under threat of violence and told to never come back, knowing that there is no place else for them to go but the street?

Janice would like us -- all of us, as community leaders -- to acknowledge that this outrage is taking place, and to demand that SHARE's rules be changed so that it is safe for ANYONE to report a crime that occurs in any SHARE facility, and that nobody can be barred from camps or shelters because they do so. Janice believes that public funds should not be allowed to be granted, or provided on a fee-for-service basis, to any organization that uses intimidation and threats of violence and deprivation of housing to prevent the reporting of sexual assaults, including against minors, or for reporting other crimes. Such organizations should not be permitted to claim because they are self-policing, run by committee, and take care of their own problems, that they are therefore exempt from the law, that police are not welcome to come onto their territory to enforce the law, and that anyone who calls in the police must be forcibly removed and barred from returning.

Janice has been asking for this action for many years. She has been ignored for too long. When will those who have the power to do something about it stand up and act? Shouldn't it be as simple as adding a clause to all contracts -- not only for SHARE, but EVERY social service non-profit -- that the contract will be cancelled and the organization be ineligible in the future if the organization maintains any policy (or evidences by their action the existence of an unwritten policy) of rejecting people from receiving services because they report a crime?

By not dealing with this, we are tacitly condoning it.

Best regards,

Toby Nixon
Kirkland City Council

-----Original Message-----

From: Linda Olsen [<mailto:linda@wscadv.org>]

Sent: Friday, February 28, 2014 8:43 AM

To: Janice Richardson; Kate.Kruller@TukwilaWa.gov; Toby Nixon; dmarchio@kirklandwa.gov; Carl de Simas; sally.clark@seattle.gov; sally.bagshaw@seattle.gov; jean.godden@seattle.gov; tom.rasmussen@seattle.gov

Cc: kathy.lambert@kingcounty.gov; jane.hague@kingcounty.gov; larry.phillips@kingcounty.gov; rod.dembowski@kingcounty.gov

Subject: RE: LAW DOES NOT ALLOW HOMELESS TO BE DV

Janice,

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I think you and I also have talked about the law and definition of domestic violence in this state, which includes roommates/those sharing living accommodations. This could be stretched to the SHARE locations. But basically, sexual assault and sexual exploitation certainly stand alone and don't have to come under a domestic violence umbrella.

So I may be totally off the mark with your concerns--I'm so sorry if I am.

I do respect and appreciate your tireless efforts to be a voice for those in fear of raising their own. All the best,

Linda Olsen, MA, MSW
Program Coordinator, Housing
Washington State Coalition Against Domestic Violence
500 Union Street, Suite 200
Seattle, WA 98101
206-389-2515, x 205
206-389-2520 (FAX)
linda@wscadv.org
www.wscadv.org

-----Original Message-----

From: Janice Richardson [<mailto:ncaazebra@msn.com>]

Sent: Thursday, February 27, 2014 4:39 PM

To: Linda Olsen; Kate.Kruller@TukwilaWa.gov; Toby Nixon; dmarchio@kirklandwa.gov; Carl de Simas; sally.clark@seattle.gov; sally.bagshaw@seattle.gov; jean.godden@seattle.gov; tom.rasmussen@seattle.gov

Cc: kathy.lambert@kingcounty.gov; jane.hague@kingcounty.gov; larry.phillips@kingcounty.gov;

rod.dembowski@kingcounty.gov

Subject: LAW DOES NOT ALLOW HOMELESS TO BE DV

When trying to get homeless women that say they were sexually assaulted

harassed or forced into sex acts. into safe housing so they feel non threatened to report to those who's job it is to get reports. The homeless say DAWN AND NEW BEGINNINGS. KC PROSECUTORS SAY Homeless under SHARE DON'T QUALIFY. the assailant is unrelated. ????? If you have no where safe to go that KC211 has 6 week back log and your option is tent city share or nicklesville one in the same same rules. Same cult rules and same leaders. The police seem to not understand that there is NO safe housing in KC. That homeless are not welcome, don't qualify , can't go to the referrals that work for a live in or married couple a victim of domestic abuse. Anyone able to answer this ? Safe harbors is city data collecting. We as a community don't have a SAFE HARBOR for these vulnerable women ! It appears that maybe this is a reason they are easily victimized and have a history of silence until its later and difficult For police to investigate and put a case together ? I'm not an expert but looking for answers no one has. Janice.

Devany Lunde

From: Janice Richardson <ncaazebra@msn.com>
Sent: Wednesday, March 5, 2014 11:49 AM
To: Carl de Simas
Subject: Re: LAW DOES NOT ALLOW HOMELESS TO BE DV

Follow Up Flag: Follow up
Flag Status: Flagged

I sent you a GROUP private Email because I think it is SO IMPORTANT to tackle this issue I believe if you take 5 minutes to read it

Kirkland City Councilman Toby Nixon rephrasing me does a beautiful job

Linda Olson from domestic violence and Dorine all know there is an issue

Two ways we could try to STOP the abuse of women and silencing them after the crimes of forced sex, assaults, and threats to be barred if they call 911

1. Ask Churches to NOT ALLOW this RULE in the contract with SHARE
2. NOT allow this when city permits SHARE and CHURCH make sure that
3. this not calling Police about crimes is not allowed or no permit
4. HAVING a meeting where you leave neighbors time to talk the meetings
5. are very bully HOMELESS HATERS NIMBYS

Scott Morrow does NOT CARE about child safety as your taxpayers do

I ALSO don't like that the HEADS OF SHARE come by and take away all the DONATED things meant for the HOMELESS the bus tickets donated by church members neighbors, expensive things they cherry pick, they take the good food, money, clothes, batteries, tools, the good sleeping bags, SECURITY records the donations and the BIG BOYS Marvin Furtell Scott Morrow, and a group come take it away for the GOOD OF SHARE>

so they are still stranded without bus tickets to get to jobs, school, DSHS, veterans admin

I think by NOT protecting homeless we are allowing the neglect and abuse and I think we add to the dangers for neighbors.

Janice

Sent from Windows Mail

From: Carl de Simas

Sent: Friday, February 28, 2014 3:04 PM

To: Janice Richardson

Hello and thank you very much for your comments. We appreciate your interest in this subject and code development process.

If you have further comments/concerns, please do not hesitate to send those along to HEC@sammamish.us. Also, our Web page may provide further information:
www.ci.sammamish.wa.us/departments/communitydevelopment/HomelessEncampmentCode.

Thanks again!

--

Carl de Simas

City of Sammamish – Department of Community Development

Code Compliance Officer

425-295-0547

cdesimas@sammamish.us

Department of Code Compliance

Help shape Sammamish's future...

<http://sammamish.us/departments/communitydevelopment/ComprehensivePlan.aspx#>

-----Original Message-----

From: Janice Richardson [mailto:ncaazebra@msn.com]

Sent: Thursday, February 27, 2014 4:39 PM

To: linda@wscadv.org; Kate.Kruller@TukwilaWa.gov; Toby Nixon; dmarchio@kirklandwa.gov; Carl de Simas; sally.clark@seattle.gov; sally.bagshaw@seattle.gov; jean.godden@seattle.gov; tom.rasmussen@seattle.gov

Cc: kathy.lambert@kingcounty.gov; jane.hague@kingcounty.gov; larry.phillips@kingcounty.gov;

rod.dembowski@kingcounty.gov

Subject: LAW DOES NOT ALLOW HOMELESS TO BE DV

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unrelated. ????? If you have no where safe to go that KC211 has 6 week back log and your option is tent city share or nicklesville one in the same same rules. Same cult rules and same leaders. The police seem to not understand that there is NO safe housing in KC. That homeless are not welcome, don't qualify , can't go to the referrals that work for a live in or married couple a victim of domestic abuse. Anyone able to answer this ?

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Please be aware that email communication with Council Members or City staff is a public record and is subject to disclosure upon request.

From: [Janice Richardson](#)
To: [Carl de Simas](#)
Subject: Re:
Date: Wednesday, March 5, 2014 12:20:28 PM

IF Sammaish REally cares about Homeless people

the fact that you cant call 911 without being barred should NOT BE allowed when issuing a permit it goes against their civil rights or protection it keeps sheriff police from protecting and serving

The fact that Saturday Bars IF you are FALSELY accused of an infraction you have to ADMIT guilt in writing it is a way to OWN you P if you try to talk later SHARE scott says

LOOK this person broke rules they are not to be trusted.

I think the we are here to give them refugee is wrong I think they need to connect

to proper services and get the HELP Up out of homelessness.

I DONT Agree that the Police should look the other way. Hands off approach, Don't harasses homeless Share wants to keep their secrets .. Catholic Church unforntuallynly has been told over and over...

the sad thing for me iS QMP Father Kevin Duggans IS well aware of things and is not forthcoming he is enabling SHARE to keep homeless from services

He was the FATHER at ST John Vianney when Scott Morrow threw Roman Catholic Deseriee Krautkreamer homeless lady off the church property for being unwilling to protest for fear of being arrested and not getting her job back she was laid off from.

I AM A CHILD ADVOCATE and I care about Homeless. I am not an enabler I believe laws must be followed for safety of neighbors working 10 hours to pay taxes to own homes.

I believe homeless need to connect to proper services and should not be under SHARE.

Janice
Sent from Windows Mail

From: [Carl de Simas](#)
Sent: Friday, February 28, 2014 3:02 PM
To: [Janice Richardson](#)

Hello and thank you very much for your comments. We appreciate your interest in this subject and code development process.

If you have further comments/concerns, please do not hesitate to send those along to HEC@sammamish.us. Also, our Web page may provide further information: www.ci.sammamish.wa.us/departments/communitydevelopment/HomelessEncampmentCode.

Thanks again!

--

Carl de Simas
City of Sammamish – Department of Community Development
Code Compliance Officer
425-295-0547
cdesimas@sammamish.us
[Department of Code Compliance](#)

Sammamish 2035



Help shape Sammamish's future....

<http://sammamish.us/departments/communitydevelopment/ComprehensivePlan.aspx#>

From: Janice Richardson [mailto:ncaazebra@msn.com]
Sent: Wednesday, February 26, 2014 4:09 PM
To: Carl de Simas
Subject: Fwd:

Please read this homeless ladies plea for help. She did not want to be forced to protest for shelter

Sent from my iPhone

Begin forwarded message:

From: Janice Richardson <ncaazebra@icloud.com>
Date: February 26, 2014, 2:18:46 PM PST
To: Janice Richardson <ncaazebra@msn.com>

http://roominate.com/blogg/NV/Text_of_DK_E-mail.pdf

Sent from my iPhone

Please be aware that email communication with Council Members or City staff is a public record and is subject to disclosure upon request.

From: [Janice Richardson](#)
To: [Carl de Simas](#)
Subject: Fwd: Scott morrow wanted police kept away then blames them
Date: Wednesday, March 5, 2014 7:20:44 PM

I realize this is 10 months ago. However it's same non profit same homeless move among tents cities and same leader. He doesn't want weekly background checks. And says no child ever hurt. 16 year old sexually assaulted is a child hurt. There was also a tent city 3 share staff who was caught with no pants on and a Roosevelt high school junior in his tent. The mother told us when contacted. No media. No records he's devastated he feels he loves girlfriend but this older man bought him things and lured him to tent city! Janice.

Sent from my iPhone

Begin forwarded message:

From: Janice Richardson <ncaazebra@msn.com>
Date: March 5, 2014, 7:02:48 PM PST
To: Toby Nixon <toby@tobynixon.com>, Janice Richardson <ncaazebra@msn.com>
Subject: FW: Scott morrow wanted police kept away then blames them

Subject: Scott morrow wanted police kept away then blames them
From: ncaazebra@msn.com
Date: Fri, 12 Apr 2013 07:06:47 -0700
To: andy.hill@leg.wa.gov

This is what was posted on the Nickelsville Works page PINNED POSTS

Central Comm

Yesterday afternoon, per the instruction of We, the Nickelsville Central Committee of 3/20/13, Porta Pottie Service was withdrawn at Nickelsville. IT WILL RETURN THIS AFTERNOON.

The reason for this decision was our inability at Nickelsville in preventing the overrun of our community by meth dealers and barred, violent former campers. Progress was made yesterday, but the situation is still teetering on the brink.

The basis for this problem with barred campers returning and raising havoc is the failure of the Seattle Police Department to treat our community like ANY of the other organized shelters and encampments in Seattle.

After almost two years at 7116 W Marginal Wy SW, and clear City recognition of our organization, there is no longer any excuse for police inaction. At any other organized encampment or shelter in Seattle the police, per the request of the leadership and/or staff, assist in removing barred individuals from camp.

Nickelsville cannot continue if meth dealers, thieves, and barred violent individuals can flop out in, or roam through, the camp. Police failure to support -

and actually thwart - our repeated efforts to keep our home safe has been draining and demoralizing. In a self managed community like Nickelsville, almost everyone has to participate in security, or there IS NO security.

It is a brutal thing to lose porta potties for a day. The estimation of the Nickelsville Central Committee though, was that without this wake up call, the camp would be lost.

We are not out of the woods. Tonight the camp will consider allowing outside volunteers to help with security shifts. Please call SPD Chief Diaz and ask him to treat Nickelsville like Tent City3. Our staff persons' phone number is (206) 450-9136 and his email address is scott@nickelsville.org.

9 hours ago

From: Elizabeth Maupin
To: Homeless Encampment Code
Subject: Ordinance on encampments
Date: Wednesday, March 5, 2014 9:24:52 AM

Dear City of Sammamish,

As you prepare to draft your own ordinance on encampments, I thought it would be helpful for you to have some background on the history of ordinances of this type in King County.

When Tent City 4 wanted to move to Temple B'Nai Torah in November 2005, Bellevue's new permitting process limited the hosting to 40 residents and 60 days duration. The host congregation, the Church Council of Greater Seattle, and SHARE filed a lawsuit against the City of Bellevue to challenge the rules. The parties negotiated a consent decree where TC4 and its supporters acknowledged that Bellevue was within its rights to adopt these code changes in exchange for allowing TC4 to stay 90 days at the Temple and St Luke's sites in Bellevue and agreeing not to return to the city for one year.

This set a precedent which has haunted homeless encampments in East King County ever since.

In 2009-2010 the state legislature passed ESHB 1956, which says:

"(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;" The King County ordinance and the ordinances of other municipalities which were modeled to some degree on the Bellevue Consent Decree and the county ordinance are now out of compliance with state law wherever they impose restrictions on frequency and duration of encampments, as these are not related to public health or safety.

From the encampment perspective, the patchwork of a variety of different municipal ordinances with varying restrictions has made finding hosts sites rather difficult. Some sites are not suitable in every season and will only be able to invite an encampment during their best season. Sometimes there is a hiccup in plans and either a short extension or an alternative short-term site is needed. Bellevue has better transportation and a larger number of suitable sites than Issaquah or Woodinville, but their ordinance allows only one encampment per year. Now that there are two encampments moving about the Eastside, finding sites not impacted by these restrictions is getting exceedingly difficult and lead time for community preparation is often lost in the crisis of emergency moves. There is also the matter that very frequent moves are wasteful of resources.

The Seattle City ordinance does not impose these restrictions on frequency and duration. It has been working quite well for several years now. I therefore urge the Sammamish City Council to look to the Seattle ordinance and not to the County ordinance which is out of compliance with state law and is going to be re-written later this year.

Sammamish has an opportunity to get ahead of the curve, and be a leader on the Eastside!

Sincerely,

Elizabeth Maupin, M.Div.

www.facebook.com/IssaquahSammamishInterfaithCoalition

425 392 3344 (shared phone), 206 478 3899 (cell)

eli410maupin@gmail.com

410 Mt. Jupiter Drive SW, Issaquah, WA 98027

From: [Carl de Simas](#)
To: [Kamuron Guroi](#); [Susan Cezar](#); [Debbie Beadle](#); [Evan Maxim](#)
Subject: FW: Richardson - Tent City 4 Response.pdf
Date: Thursday, March 6, 2014 2:03:58 PM
Attachments: [Richardson - Tent City 4 Response.pdf](#)
[ATT00001.txt](#)

HEC comment submittal attached. This is a report via a public records request by Janice Richardson of City of Redmond.

Debbie - we should also include this attachment as a public comment.

Thanks,

Carl

--

Carl de Simas
City of Sammamish – Department of Community Development
Code Compliance Officer
425-295-0547
cdesimas@sammamish.us
Department of Code Compliance

Help shape Sammamish's future....

<http://sammamish.us/departments/communitydevelopment/ComprehensivePlan.aspx#>

-----Original Message-----

From: Janice Richardson [<mailto:ncaazebra@icloud.com>]
Sent: Thursday, March 06, 2014 1:16 PM
To: Carl de Simas
Subject: Richardson - Tent City 4 Response.pdf



March 6, 2014

**Redmond Washington Police Department – Records Division
Response to request from J. Richardson for Tent City IV information**

**** The data provided herein is an estimate based on available data related to the Tent City site within the City of Redmond. The date of the original summary information below was October 28, 2013. The same summary data has been copied and is being provided for purposes of a record request filed on February 27, 2014.

Tent City July – October 2013 Final Review

This memorandum is a summary of calls for service for Tent City IV which was located at Redwood Family Church, 11500 Red-Wood Road Redmond, Washington between July and October 2013. As the recap indicates a majority of the calls for service were initiated by Tent City staff calling 911 for a variety of calls below. One of the major concerns that the community has when Tent City comes to Redmond is regarding sex offenders. There were no applicants who were registered sex offenders during this stay.

The staff was polite and most of the day to day operations at Tent City took place without any involvement from the Redmond Police Department. The calls for service are broken down as follows:

- **Warrant Service / Fugitive Arrests** – highest volume of TC calls. RPD is called when TC determines a subject has a warrant or if TC personnel are unable to determine who a perspective resident is. (11)
- **Disturbances** – highest volume of calls related to actual incidents at TC. Disturbances include assaults, disruptive residents, intoxicated residents, and residents who break TC rules and then refuse to leave. (9)
- **Medical/Welfare Checks** – RPD responded to medical/welfare check calls at TC and other areas around the city related to residents of TC. (2)
- **Trespass** – incidents where subjects have been trespassed from TC. (2)
- **Weapon** – a handgun was found in a TC bathroom and turned over to the police. Owner later contacted police, didn't want gun returned to him. (1)
- **Theft** – TC resident stole a bicycle from outside a grocery store. (1)
- **Drug Paraphernalia** – TC residents possessing drug paraphernalia. (1)
- **Other incidents** include a No Contact Order violation, 9-1-1 call for help to TC (unfounded), alarm at the church (unknown cause), TC resident arguing over fare with a cab driver, and a confrontation with a neighbor when moving in. (1)
- RPD has not received any calls regarding an RSO at TC.

There were 5 arrests in incidents determined to have been related to Tent City between July and October 2013:

- Disorderly Conduct – 1
- DV Court Order Violation – 1
- Possession of Drug Paraphernalia – 1
- Possession of Stolen Property 3 – 1
- FTA Warrant – 1

**** The data provided above is an estimate based on the data available related to Tent City site within the City of Redmond.

Response to Public Disclosure Request prepared by: Cathy Smoke, Police Support Services Specialist *CBS*



ORDINANCE NO. 1410

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON RELATING TO TEMPORARY HOMELESS ENCAMPMENTS, RE-ADOPTING SECTIONS 16.06.372, 16.06.374, 16.06.671, AND 16.64.010 – 16.64.100 AS THE SAME WERE ADDED OR AMENDED BY ORDINANCE NOS. 1307 AND 1326, FURTHER AMENDING SECTIONS 16.64.030 AND 16.64.070 AND ADOPTING A NEW SECTION 16.64.110, ALL OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, in 2008, the Lacey City Council adopted a homeless encampment ordinance, and

WHEREAS, that ordinance was subsequently amended in 2009 and readopted in 2010, and

WHEREAS, that ordinance provided that it would be in effect for one year subject to further action by the Council and said year has expired, and

WHEREAS, homeless encampments have been successful in providing temporary shelter for homeless persons and have had minimal impacts on areas where they have been located, and

WHEREAS, the City Planning Commission has reviewed the homeless encampment ordinance and has recommended certain amendments to improve the ordinance, and

WHEREAS, the Council finds that the amendments contained in this ordinance support the health, safety, and welfare of the citizens of the City of Lacey.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Sections 16.06.372, 16.06.374, 16.06.671, and 16.64.010 – 16.64.100 are hereby re-adopted as the same are set forth at length in Ordinance Nos. 1307 and 1326 and now codified in the designated sections of the Lacey Municipal Code.

Section 2. The title of Chapter 16.64 of the Lacey Municipal Code shall be changed from “Homeless Shelters” to “Homeless Encampments.”

Section 3. Section 16.64.030 of the Lacey Municipal Code is hereby amended to read as follows:

16.64.030 Requirements for Approval.

The Community Development Director or designee may issue a temporary and revocable permit for a homeless encampment subject to the following criteria and requirements:

A. Site Criteria:

1. Ownership: The Host Agency shall submit documentation that it owns or has a leasehold interest in the subject property;
2. Size: The property must be sufficient in size to accommodate the residents and, for outside encampments, must have necessary on site facilities including but not limited to the following:
 - a) Food tent and host tent;
 - b) Sanitary toilets in the number required to meet capacity guidelines;
 - c) Hand washing facilities by the toilets and by any food areas; and
 - d) Refuse receptacles.
3. Water Source: The Host Agency shall provide an adequate water source to the homeless encampment as approved by the City.
4. Sensitive Areas: No homeless encampment shall be located within a sensitive or critical area or its buffer as defined under LMC Title 14.
5. Permanent Structures: No new permanent structures shall be constructed for the homeless encampment.
6. Limitation on Residents: No more than 40 residents shall be allowed. The City may further limit the number of residents as site conditions dictate.

7. Parking: Adequate on site parking shall be provided for the homeless encampment. No off site parking will be allowed. Parking space for the number of vehicles used by homeless encampment residents and staff shall be provided. If the homeless encampment is located on a site with another use, it shall be shown that the homeless encampment will not create an undue shortage of on site parking for the other use(s) on the property.

8. Public Transportation: Whenever possible, the homeless encampment should be located within a quarter (1/4) mile of a bus stop with service seven (7) days per week. If not located within a quarter mile of a bus stop, the Host Agency must demonstrate the ability for residents to obtain access to the nearest public transportation stop (such as carpools or shuttle buses).

9. Screening: The homeless encampment shall be adequately buffered and screened to be site obscuring from adjacent right of way and residential properties. Screening shall be a minimum height of six (6) feet and may include, but is not limited to, a combination of fencing, landscaping, or the placement of the homeless encampment behind buildings. The type of screening shall be approved by the City.

10. Privacy for Sanitary Facilities: All sanitary portable toilets shall be screened from adjacent properties and rights of way. The type of screening shall be approved by the City and may include, but is not limited to, a combination of fencing and/or landscaping.

11. Distance Requirements to sensitive land uses: Because a homeless encampment is a non-traditional living arrangement and therefore provides less privacy and more complex living arrangements than traditional homes, a distance requirement that provides visual separation and buffering from other sensitive land use activities is considered appropriate. To satisfy this concern, no shelter shall be permitted within 300 feet of a licensed child daycare facility or any public or private pre-school or elementary, middle, or high school. However, in the event that a daycare or school is located within the property of a potential Host Agency, this requirement may be waived by the Director if the owner of the daycare or school principal agrees to the waiving of the distance requirement.

B. Security:

1. Operations and Security Plan: An operations and security plan for the homeless encampment shall be submitted to the City at the time of application.

2. Code of Conduct: The Host Agency shall ensure that the homeless encampment has an enforceable code of conduct which, at a minimum, prohibits alcohol, non-prescribed drugs, weapons, violence, and open fires. The code of conduct should also address any other issues related to camp and neighborhood safety. A copy of the Code of Conduct shall be submitted to the City at the time

~~of application, and shall be in substantially the following form or address the following issues:~~

- ~~a) Drugs—possession or use of illegal drugs is not permitted;~~
- ~~b) Alcohol—no alcohol is permitted;~~
- ~~c) Weapons—no weapons are permitted;~~
- ~~d) Knives—all knives with blades over 3 and 1/2 inches must be turned in to the on-duty responsible person at the entry/host tent for safekeeping;~~
- ~~e) Violence—no violence is permitted;~~
- ~~f) Fires—no open flames are permitted. An exception may be made for propane heating or other similar appliance if approved by the fire marshal;~~
- ~~g) Trespassing—no trespassing into private property in the surrounding neighborhood is permitted;~~
- ~~h) Loitering—no loitering in the surrounding neighborhood is permitted;~~
- ~~i) Littering—no littering on the Homeless Encampment site or in the surrounding neighborhood is permitted;~~

3. In addition to the above standards, the Host Agency may adopt and enforce additional Code of Conduct conditions not otherwise inconsistent with this Section.

C. Accommodating the homeless encampment residents indoors. In cases where the Host Agency and the camp residents determine it is practical or necessary to accommodate the camp inside existing church structures, the church shall have the option of making such a request to the City. Upon receiving a request to host the camp inside of existing buildings, the Community Development Director or designee may issue a temporary and revocable permit for an indoor encampment subject to the following criteria and requirements:

1. Compliance with Building Codes: An indoor encampment shall comply with the requirements of the City's building codes. However, pursuant to RCW 19.27.042, the Building Official shall have the authority to exempt code deficiencies so long as such deficiencies pose no threat to human life, health, or safety.

2. Building Criteria: The buildings proposed for use shall be of sufficient size to accommodate the residents and must have necessary on site facilities including but not limited to the following:

- a) Adequate water supply;
- b) Sanitary toilets in the number required to meet capacity guidelines;

- c) Hand washing facilities by the toilets and food areas;
- d) Refuse receptacles; and
- e) Kitchen facilities for food preparation;
- f) All applicable health standards for providing and using such facilities shall be satisfied as required by the Health Department.

Section 4. Section 16.64.070 of the Lacey Municipal Code is hereby amended to read as follows:

16.64.070 Limitations

A. Duration: Duration of the homeless encampment shall not exceed ~~ninety (90)~~ one hundred and eighty (180) days.

B. Parcel Limitation: No Host Agency shall host a homeless encampment more than one time in any 12-month period, beginning on the date the homeless encampment locates on a parcel of property.

C. Number Limitation: No more than one (1) homeless encampment may be located in the City at any time.

Section 5. There is hereby added to the Lacey Municipal Code a new section, 16.64.110, to read as follows:

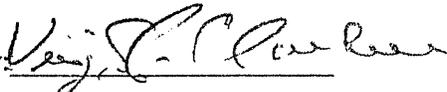
16.64.110 Severability

If any section, subsection, sentence, clause, phrase, or other portion of this Ordinance, or its application to any person, is for any reason declared invalid in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

Section 6. The Summary attached hereto is hereby approved for publication.

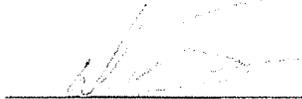
PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON, at a regularly-called meeting thereof, held this 14th day of
February, 2013.

CITY COUNCIL

By: 

Mayor

Approved as to form:


City Attorney

Attest:


City Clerk

Arbor Schools 02/03/2014

The Seattle Times

Winner of Nine Pulitzer Prizes

Local News

Originally published June 2, 2013 at 8:40 PM | Page modified June 3, 2013 at 11:46 AM

Homeless group's tough tactics draw criticism

SHARE provides more taxpayer-funded shelter than any other organization in King County, but its support is wavering amid scrutiny of its strict policies and use of public money.

By Emily Heffter

Seattle Times staff reporter



Valerie Siegfried, who has been homeless for a year and a half and lives in a North King County tent encampment.

"If we want to be in a shelter, if we want to stay alive, then we are required to do this," she said.

This is an unseen cost of staying in shelters operated by SHARE, the Seattle Housing and Resource Effort, which provides more taxpayer-funded beds for homeless people than anyone in King County, and does it for a fraction of the cost.

Now questions about the way the nonprofit treats the people it serves are fueling a lack of confidence in the organization.

Allegations the group has been misusing public money, illegally withholding bus tickets, and forcing the homeless into activism has caught the attention of the Seattle Police Department and FBI. Seattle City Attorney Pete Holmes said his office gave to police emails, financial documents, meeting notes and other records that show possible criminal conduct. //

Morrow, a founder of the nonprofit, is not accused of profiting personally from SHARE revenue. He says he does not talk on the record.

Seattle Deputy Mayor Darryl Smith said the city would never approve of SHARE requiring advocacy in return for shelter. He has heard rumors, but nothing substantiated, he said. The mayor's office has never asked for an investigation and is pursuing legislation to allow additional tent cities in Seattle.

Almost 100 homeless people packed into City Hall for a meeting of the King County Committee to End Homelessness in April. They were a powerful lobby — the faces of homelessness, each with a story to tell.

They stayed for an hour before crossing the street and lining up to write their names on Scott Morrow's yellow legal pad.

Anyone who doesn't sign in with Morrow to show they were there risks being kicked out of their encampment for a week, explained

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"We want to provide emergency shelter for anybody who needs it," Smith said. "We hate the fact that stuff like this potentially goes on."

SHARE officially runs two encampments and 16 indoor shelters, plus some storage lockers. Nickelsville, a third encampment, is illegally on city property and has the same governing model. Morrow organizes Nickelsville and sometimes sleeps there.

SHARE pays each of its eight employees \$15,000 a year, for 30 hours of work per week.

Authorities started investigating this winter after about 60 residents of Tent City 4, in Kirkland, splintered off to form their own camp and were open about their concerns. Now a group of Eastside churches is reconsidering its support of SHARE, said the Rev. Bill Kirlin-Hackett, director of the Interfaith Task Force on Homelessness.

In Seattle, the City Council is trying to find more traditional shelter for people staying at the SHARE-associated Nickelsville encampment, citing concerns about conditions there.

The people whom SHARE serves say they are under constant threat of losing shelter or transportation. The obligations that come with living in a SHARE camp or indoor shelter can make it difficult to find and keep jobs, residents say.

In the fall of 2012, SHARE said it needed more bus tickets to get through the winter, but the city and county refused. So SHARE closed down its shelters and set up a camp at the King County Administration Building. Residents said in letters to City Council members that they were told they would be denied shelter after the camp-out if they didn't participate.

SHARE residents "were told if we didn't go, we would be barred from all SHARE shelters," wrote one former camper, Mike Ankerstjerne. "I was looking for a job with fervor, and missed four interviews."

Another man, Mike Messer, wrote that Morrow "blackmailed us into doing his forced advocacy by threatening us with loss of bus tickets if we didn't 'volunteer' to sleep at the courthouse."

About two weeks later, SHARE got the bus tickets and reopened its shelters.

SHARE leaders deny that people were forced to camp out. Board member Jarvis Capucion said anyone was welcomed back after the protest was over, whether they participated or not.

"Everyone is encouraged to participate," he said. "If I'm someone like me that cares about SHARE and I like the place that I'm staying, then I will participate. ... That's part of being in the community. If you care about this place, you need to help us keep this place."

Capucion himself has had run-ins with the rules before. He was barred from a SHARE tent city several years ago, for theft. He said there was a misunderstanding when he borrowed something. He moved to another tent city, where he has lived for three years.

People are told when they sign up for SHARE shelter that they must participate in the community, Capucion said. "Those not willing to participate cannot stay here."

But some residents say they feel taken advantage of.

A group in 2011 was told they were going to a public meeting, but once in the van, they were driven to West Seattle to help the Nickelsville encampment set up, said Elizabeth, a homeless woman who helped organize the trip. She did not want her last name published. "People were really upset," she said.

Capucion said the new Nickelsville site was a secret, so no one knew where they were going when they boarded the vans that day. But he said people should have been told they were going to help Nickelsville move.

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"If they claim to have been told otherwise, then somebody lied to them or gave them bad information," he said.

Camp residents also say they risk losing shelter if they don't come up with gift cards or other donated items for the organization's annual fundraising auction.

"A place to stay safe"

At the same time, SHARE is helping to fill a vast need. A one-night count in January found 2,736 people without shelter in King County. That includes about 250 people staying in four tent cities, which are not government funded.

The city gives hundreds of thousands of dollars every year to SHARE for shelter. Mary Flowers, the city's senior grants and contracts specialist, described the group as "really more of an advocacy organization in many ways than a direct-service outfit."

Stories about SHARE's draconian rules have circulated for years, and Morrow, 55, has always been in the background. Morrow does not collect a salary. His business card says he is a SHARE consultant. But he is widely feared by residents and staff who say he is the architect of the organization's culture.

The premise of SHARE has been the same since it formed in 1990. While traditional, faith-based shelters offer social workers, church services, 12-step programs, job training and other services, SHARE simply offers a mat and a blanket. Everyone must agree to be part of the self-management structure of SHARE and follow some basic rules, which includes staying sober.

SHARE, on its website, describes itself as a self-help group, and not a social-service organization.

SHARE charges the city \$5.60 per bed, per night, to keep its shelters running. That's about half what the next-cheapest city-funded shelter costs.

Since 1997, Seattle has continued to increase its contract with SHARE, paying the organization \$403,000 in 2012 to provide up to 300 beds a night.

SHARE also raises money from private sources, and it gets about \$20,000 a year from King County and a subsidy so it can buy \$573,625 worth of bus tickets at an 80 percent discount.

Almost all of SHARE's shelter space is donated by churches, and laundry — a major expense — is free at the Catholic Community Services-owned Aloha Inn.

"We provide simple shelter," said Capucion. "People need a place to stay safe and to be able to go to sleep, basically. That's the gist of what our shelter's all about."

Controversial advocate

Morrow, an Everett native who has been an advocate for the poor his entire adult life, worked for the Seattle Tenants Union before founding SHARE. Police records show decades of arrests for protesting on behalf of homeless people.

"He is one of the most dedicated people I have ever known," said Joe Martin, an old friend who works for Pike Market Medical Clinic. "There are very few people who can measure up to the kind of dedication that Scott Morrow has demonstrated time and time again."

Morrow holds "office hours" three mornings a week from 6:30 to 7:30, passing out coffee at Victor Steinbrueck Park. He stays most often at friends' houses or with his partner, a Kirkland teacher who has a home in Bellevue.

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“He is utterly devoted,” said Tim Harris, the executive director of Real Change. “He’s a risk-taker. He is extremely strategic in some ways and very rigid in others.”

While plenty of people dedicate their working lives to helping people, Martin said Morrow dedicates his entire life.

Morrow also wields tremendous political power. He has access to hundreds of homeless people who say they are required to show up and sometimes speak at public meetings and are forbidden from talking about SHARE with members of the churches that host them.

To pressure political decision-makers for more resources, SHARE has hosted mandatory camp-outs on council members’ lawns, at the mayor’s home and at the King County Administration Building.

Martin said SHARE is unique because it empowers people who would otherwise remain silent.

“SHARE is a politically-charged program that provides services and also is a program that expects its participants to stand up for themselves and stand up for issues,” he said.

The group has seen its budget grow each year. Despite donations and more than \$800,000 in annual revenue, SHARE for years has complained in monthly reports to the city that it may not have enough money to continue operating.

In 2011, Efran Agmata, a city human-services department employee, checked out that claim and reported the organization was, in fact, operating on a shoestring. In an interview, Agmata said he did not audit the organization’s spending. He looked at its processes to make sure, for example, that SHARE employees had time sheets and that the board of directors knew how much money the city was giving SHARE.

“I take their statements at face value. If this is what they give me, then this is what I have.”

He also noted the organization wasn’t keeping track of in-kind donations, making it hard to verify what the group needs to pay for.

Strict rules

The city’s human-services department has never investigated SHARE’s tactics, and political leaders take a cautious approach.

When Councilmember Richard Conlin learned by email earlier this year that Morrow had removed portable toilets from the Nickelsville encampment to punish campers, he replied, “This is very disturbing.”

He didn’t pursue it, he said, because he didn’t think he had the leverage to do anything.

Mike Johnson, a senior program director for the Union Gospel Mission, put it this way: “I think we all like the idea, and because SHARE has this way of presenting itself as being very democratized — ‘hey, we’re just homeless people’ — when you criticize SHARE or the leadership, you’re criticizing the homeless people, and nobody wants to do that.”

But SHARE’s culture of rules and consequences is hardly a secret.

The organization notes on its monthly reports to the city which of its shelters were closed for a night or two as punishment, which the organization calls “accountability.” For example, if shelter residents don’t kick out a person who missed a SHARE meeting or was caught with alcohol or drugs.

SHARE’s shelters are “democratic,” which means a simple majority is all it takes to put any resident back on the street. Staying at a shelter means adhering to a 50-page book of

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procedures and obeying rules set by the governing body at each camp and shelter. Without many options, the people staying at the shelters usually do what they're told.

Capucion said requirements and strict rules are crucial to SHARE, "to keep order."

"Some people who would rather not do anything, this is not for them," he said.

Harris, of Real Change, said he has heard story after story about SHARE's rules turning lives upside down.

"In some ways, the SHARE shelters are very empowering to the people involved, but there's this dark side to it," he said. "To me, it just feels inflexible and draconian and the sort of thing that is going to create ill will with any organization, and I think that it winds up being a top-down enforcement of a rigid rule that in the long run undermines the community that it's designed to create."

News researcher Miyoko Wolf contributed to this report. Emily Heffter: 206-464-8246 or eheffter@seattletimes.com. On Twitter: @EmilyHeffter

NO DIRECTION HOME: CONSTITUTIONAL LIMITATIONS ON WASHINGTON'S HOMELESS ENCAMPMENT ORDINANCES

Jordan Talge

Abstract: The Washington State Constitution protects the free exercise of religion. It also vests strong police power in local governments. When these two constitutional provisions conflict, the Washington State Supreme Court must draw the line between valid police power action and impermissible burden on free exercise. In *City of Woodinville v. Northshore United Church of Christ*,¹ a municipal government crossed that line. The City of Woodinville, Washington refused to consider a church's application to host a homeless encampment. The Court held this outright refusal to be an unjustified infringement on the church's free exercise of religion. The Court did not, however, articulate permissible steps a municipality could take to regulate homeless encampments on church property. Absent further guidance on the appropriate reach of homeless encampment ordinances, religious organizations and municipalities lack clarity in hosting and regulating these sites. More than a dozen municipalities in Washington have taken action to regulate temporary homeless encampments, and legal challenges surrounding these encampments are likely to persist. This Comment applies the Washington State Supreme Court's strict scrutiny test to municipal homeless encampment regulations, distinguishing valid exercises of police power from undue restrictions on religious free exercise.

INTRODUCTION

As homelessness continues to plague cities across the United States,³ advocacy groups have implemented numerous strategies to address the unfortunate consequences. One such effort has been the organization and erection of temporary homeless encampments or "tent cities," several of

1. 166 Wash. 2d 633, 211 P.3d 406 (2009).

2. *See, e.g.,* Mercer Island Citizens for Fair Process v. Tent City 4, 156 Wash. App. 393, 400, 232 P.3d 1163, 1167 (2010). This is the most recent Washington appellate case involving homeless encampments. Though the court decided the case on statutory grounds not implicating constitutional protections of municipal police power or religious free exercise, the case demonstrates the likelihood that legal challenges to homeless encampments will continue. *See* Act of March 23, 2010, ch. 175, 2010 Wash. Sess. Laws 1092 (acknowledging litigation between municipalities and religious organizations over homeless encampments).

3. *See* DEP'T OF HOUS. & URBAN DEV., 2009 ANNUAL HOMELESSNESS ASSESSMENT REPORT TO CONGRESS, at i (2010), available at <http://www.hudhre.info/documents/5thHomelessAssessmentReport.pdf> ("On a single night in January 2009, there were an estimated 643,067 sheltered and unsheltered homeless people nationwide."). This report estimates that up to 37% of these homeless persons were "unsheltered or on the 'street.'" *Id.*

which have been located in Washington State.⁴ Religious organizations—claiming a mandate to aid the homeless⁵—often host temporary encampments on their property.⁶ Cities and municipalities typically subject these religious organizations and the encampments they host to specific regulations as conditions for approval.⁷

In regulating homeless encampments, municipalities exercise the inherent police power of all local governments.⁸ This municipal police power is expressly authorized by article XI of the Washington State Constitution, allowing “[a]ny county, city, town or township [to] make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws.”⁹ The Washington State Supreme Court has interpreted this provision broadly,¹⁰ upholding municipal regulations that have a direct bearing on public health or

4. See Young Chang, *New Tent City Revisits Issues Seattle Faced*, SEATTLE TIMES, July 6, 2004, at B1 (reporting that tent cities have been hosted in Burien, Tukwila, and Shoreline, Wash.); Sonia Krishnan, *Issaquah Church May Host Tent City in August*, SEATTLE TIMES, May 12, 2007, at B3; Don Mann, *Smooth Sailing for Church and Tent City 4, but Not All Are Happy*, WOODINVILLE WEEKLY, Aug. 2, 2010, http://www.nwnnews.com/index.php?option=com_content&view=article&id=1747:smooth-sailing-for-church-and-tent-city-4-but-not-all-are-happy&catid=34:news&Itemid=72 (referencing a homeless encampment in Woodinville, Wash.); Rachel Pritchett, *What Tent Cities Are Really Like*, KITSAP SUN, Aug. 7, 2010, at A1 (referencing a homeless encampment in Olympia, WA and a proposed homeless encampment on the Kitsap Peninsula); Amy Roe, *Mercer Island May Host Tent City*, SEATTLE TIMES, June 15, 2007, at B1.

5. See, e.g., Nicole Tsong, *Clergy Disputes Mercer Island’s Tent City Rules*, SEATTLE TIMES, Mar. 15, 2010, at B1 (quoting Michael Ramos, Executive Director of the Greater Church Council of Seattle, as stating that hosting a homeless encampment furthers “a fundamental religious duty to shelter those who are homeless and feed those who are hungry”); see also *City of Woodinville v. Northshore United Church of Christ*, 166 Wash. 2d 633, 642, 211 P.3d 406, 410 (2009) (noting that the City of Woodinville “conceded . . . the Church’s sincerity of belief” in hosting a homeless encampment as a religious requirement).

6. See, e.g., Will Mari, *Another U District Church Agrees to Host Nickelsville Encampment*, SEATTLE TIMES, Dec. 1, 2008, at B1 (referencing a homeless encampment in a church parking lot near the University of Washington in Seattle, Wash.).

7. See *infra* text accompanying notes 33–35, 53–56 (outlining the health and safety regulations included in municipal homeless encampment ordinances).

8. Hugh D. Spitzer, *Municipal Police Power in Washington State*, 75 WASH. L. REV. 495, 497 (2000) (describing traditional concepts of police power as including the “general governance of the community” (citing ERNST FREUND, *THE POLICE POWER: PUBLIC POLICY AND CONSTITUTIONAL RIGHTS* § 2, at 2 (1904))).

9. WASH. CONST. art. XI, § 11.

10. See Spitzer, *supra* note 8, at 495 (explaining that municipalities in Washington have enjoyed “strong regulatory powers” under the state constitution’s police power provision); see also Justice Philip A. Talmadge, *The Myth of Property Absolutism and Modern Government: The Interaction of Police Power and Property Rights*, 75 WASH. L. REV. 857, 880 (2000) (explaining that early police power cases in Washington demonstrated that “[t]he legislature is itself primarily the judge of how far police restrictions shall go.” (quoting *State v. Nichols*, 28 Wash. 628, 632, 69 P. 372, 373 (1902))).

safety.¹¹ The Court has affirmed municipal police power actions regulating sewage treatment, clean water, waste disposal, fire safety, and weapon possession, as well as aesthetic regulations aimed at mitigating specific threats to public health or safety.¹² Most municipal homeless encampment ordinances include similar regulations,¹³ and Washington courts are likely to uphold these measures as applied to secular actors.¹⁴

As applied to religious organizations, however, homeless encampment regulations implicate the Washington State Constitution's "absolute" protection of religious freedom.¹⁵ To maintain this strong protection, Washington courts analyze all government actions affecting a party's religious exercise under "strict scrutiny."¹⁶ Under the strict scrutiny standard, the reviewing court conducts three distinct analyses of the government action in question. First, the court decides whether the government action actually burdens the free exercise of religion.¹⁷ Second, the court decides whether a compelling state interest justifies the government's burden on free exercise.¹⁸ Third, the court decides whether the government's action is the least restrictive means of achieving its compelling interest.¹⁹

11. See Spitzer, *supra* note 8, at 500 (noting that the Washington State Supreme Court has historically upheld "ordinances protecting the physical health and safety of citizens").

12. See *infra* text accompanying notes 24–29.

13. See *infra* text accompanying notes 33–35, 53–56 (outlining the health and safety regulations included in municipal homeless encampment ordinances).

14. See *infra* text accompanying notes 24–29.

15. WASH. CONST. art. 1, § 11.

16. See, e.g., *First Covenant Church of Seattle v. City of Seattle*, 120 Wash. 2d 203, 218, 840 P.2d 174, 183 (1992) (stating that the Washington State Supreme Court will subject any infringement on religious free exercise to strict scrutiny); see also *infra* text accompanying note 102 (explaining the Washington State Supreme Court's reliance on the strict scrutiny test).

17. See, e.g., *First Covenant*, 120 Wash. 2d at 226, 840 P.2d at 187 (explaining that government action can be upheld if it does not burden religious free exercise under the first prong of the strict scrutiny test); see also *infra* text accompanying notes 106–130 (describing the Washington State Supreme Court's burden analysis).

18. See, e.g., *First Covenant*, 120 Wash. 2d at 226, 840 P.2d at 187 ("State action is constitutional under the free exercise clause of article 1 if the action results in no infringement of a citizen's right or if a compelling state interest justifies any burden on the free exercise of religion." (citing *Witters v. State Comm'n for the Blind*, 112 Wash. 2d 363, 371, 771 P.2d 1119, 1123 (1989); *City of Sumner v. First Baptist Church of Sumner*, 97 Wash. 2d 1, 7–8, 639 P.2d 1358, 1362 (1982))); see also *infra* text accompanying notes 131–138 (explaining the Washington State Supreme Court's requirement for finding a compelling government interest).

19. See, e.g., *First Covenant*, 120 Wash. 2d at 227, 840 P.2d at 187 ("The State also must demonstrate that the means chosen to achieve its compelling interest are necessary and the least restrictive available." (citing *Sumner*, 97 Wash. 2d at 8, 15, 639 P.2d at 1366 (Utter, J., concurring); *State ex rel. Holcomb v. Armstrong*, 39 Wash. 2d 860, 864, 239 P.2d 545, 548 (1952))); see also

This Comment applies the strict scrutiny test to municipal homeless encampment regulations in Washington. Part I reviews the Washington State Supreme Court's police power jurisprudence, demonstrating the Court's willingness to uphold measures designed to protect public health and safety. Part II analyzes the Court's treatment of the state constitution's free exercise clause, outlining the difficulty municipal governments face in surviving the Court's strict scrutiny test.

Finally, Part III applies the Washington State Supreme Court's three-pronged strict scrutiny test to municipal homeless encampment regulations. Under the first prong of the strict scrutiny test, all homeless encampment regulations burden religious free exercise. Under the second prong, however, many of these regulations serve a compelling government interest in protecting public health and safety. Such measures include sanitation, clean water, and security mandates. Nevertheless, even if homeless encampment regulations serve a compelling health and safety interest, they must be the least restrictive means of achieving that interest under the third prong of the strict scrutiny test. This Comment argues that uniform caps on the number of residents a homeless encampment may host and blanket restrictions on the length of time an encampment may remain at a particular site are not the least restrictive means of protecting public health and safety and are therefore invalid impositions on religious free exercise.

I. MUNICIPAL GOVERNMENTS MAY PROTECT PUBLIC HEALTH AND SAFETY UNDER THEIR INHERENT POLICE POWER

More than a dozen municipalities in Washington currently regulate homeless encampments within their jurisdictions.²⁰ Each of these

infra text accompanying notes 139–145 (describing the Washington State Supreme Court's least restrictive means requirement).

20. At least thirteen municipalities in Washington have taken action to regulate homeless encampments. Municipalities have approved city ordinances, updates to municipal zoning codes, conditional use permits, and consent decrees regulating these encampments. This Comment uses "regulations" and "ordinances" as generic terms to refer to these kinds of municipal actions. *See* Auburn, Wash., Ordinance 6014 (May 2, 2006) [hereinafter Auburn]; BOTHELL, WASH., MUN. CODE § 12.06.160 (2010) [hereinafter BOTHELL], <http://www.codepublishing.com/wa/bothell>; Burien, Wash., Temporary Use Permit BUR 02-0979-LU-A (Nov. 1, 2002) [hereinafter Burien]; Issaquah, Wash., Special Event/Use Permit SPE07-00032 (June 11, 2007) [hereinafter Issaquah]; KIRKLAND, WASH., ZONING CODE § 127.05-.45 (2010) [hereinafter KIRKLAND], http://kirklandcode.ecitygov.net/CK_KMC_Search.html; LYNNWOOD, WASH., MUN. CODE § 21.74.010-.070 (2010) [hereinafter LYNNWOOD], <http://www.mrsc.org/mc/lynnwood/Lynnwood21/lynnwood2174.html>; Mercer Island, Wash., Ordinance 10C-01 (Feb. 1, 2010) [hereinafter Mercer Island]; OLYMPIA, WASH., MUN. CODE § 18.50.000-.060 (2010) [hereinafter

regulations is based on police power authority vested in municipal governments, a power that has been described as “the inherent power of the community to regulate activities for the protection of public health and safety.”²¹

In Washington, article XI of the state constitution governs the police power, authorizing “[a]ny county, city, town or township [to] make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws.”²² The Washington State Supreme Court has recognized the broad municipal authority afforded by this constitutional provision.²³ The Court has consistently upheld government action directly affecting public health, including ordinances governing sewage treatment,²⁴ clean water,²⁵ and solid waste disposal.²⁶ The Court has also regularly upheld government efforts to protect public safety and security, including ordinances governing fire safety²⁷ and restrictions on weapon possession.²⁸ In cases where the government’s action only indirectly affects health and safety, such as ordinances regulating outdoor aesthetics, the Court has required that the government action further a health and safety purpose to constitute a valid exercise of the police power.²⁹

OLYMPIA], <http://www.codepublishing.com/wa/olympia/>; SEATAC, WASH., MUN. CODE § 15.20.045 (2010) [hereinafter SEATAC], <http://www.codepublishing.com/wa/seatac/>; Seattle, Wash., Consent Decree in *SHARE/WHEEL v. City of Seattle*, 49428-7-1 (Mar. 13, 2002) [hereinafter Seattle Decree]; Shoreline, Wash., Administrative Order 301138-A (Apr. 23, 2003) [hereinafter Shoreline]; SPOKANE, WASH., MUN. CODE § 10.08C (2010) [hereinafter SPOKANE], <http://www.spokanecity.org/services/documents/smc/default.aspx>; Woodinville, Wash., Ordinance 369 (Aug. 10, 2004) [hereinafter Woodinville].

21. See Spitzer, *supra* note 8, at 497.

22. WASH. CONST. art. XI, § 11.

23. See Spitzer, *supra* note 8, at 497.

24. *Morse v. Wise*, 37 Wash. 2d 806, 810–11, 226 P.2d 214, 216 (1951); *Elliot v. City of Leavenworth*, 197 Wash. 427, 435–36, 85 P.2d 1053, 1056–57 (1938).

25. *Kaul v. City of Chehalis*, 45 Wash. 2d 616, 620, 277 P.2d 352, 354 (1955).

26. *City of Spokane v. Carlson*, 73 Wash. 2d 76, 79, 436 P.2d 454, 456 (1968); *Cornelius v. City of Seattle*, 123 Wash. 550, 559, 213 P. 17, 21 (1923).

27. *Haas v. City of Kirkland*, 78 Wash. 2d 929, 932, 481 P.2d 9, 11 (1971); *Coffin v. Blackwell*, 116 Wash. 281, 287, 199 P. 239, 241–42 (1921); *City of Seattle v. Hinckley*, 40 Wash. 468, 470–71, 82 P. 747, 748 (1905).

28. *City of Seattle v. Montana*, 129 Wash. 2d 583, 595, 919 P.2d 1218, 1225 (1996); *State v. Krantz*, 24 Wash. 2d 350, 353, 164 P.2d 453, 454 (1945).

29. *Ackerly Commc’ns, Inc. v. City of Seattle*, 92 Wash. 2d 905, 920, 602 P.2d 1177, 1186–87 (1979); *Markham Adver. Co. v. State*, 73 Wash. 2d 405, 424, 439 P.2d 248, 260 (1968); *Lenci v. City of Seattle*, 63 Wash. 2d 664, 676, 388 P.2d 926, 934 (1964).

A. *Municipal Governments May Take Action Necessary to Protect Public Health*

The Washington State Supreme Court has upheld municipal police power laws protecting public health.³⁰ As the Court announced in *State v. Boren*,³¹ “[t]he state, under its police power, has the right, and it is its duty, to protect its people This is especially true as to the health of the people, which affects every man, woman and child within the state.”³² Homeless encampment regulations in Washington almost uniformly include provisions designed to protect public health.

Homeless encampment regulations in Washington require effective sewage treatment,³³ adequate clean water,³⁴ and regular trash collection.³⁵ Recognizing municipal authority to protect public health,

30. See Spitzer, *supra* note 8, at 500 (noting that the Washington State Supreme Court has historically upheld “ordinances protecting the physical health and safety of citizens”).

31. 36 Wash. 2d 522, 219 P.2d 560 (1950).

32. *Id.* at 525, 219 P.2d at 568.

33. See, e.g., Auburn, *supra* note 20, at 4 (requiring host to accommodate “sanitary portable toilets in the number required to meet capacity guidelines”); BOTHELL, *supra* note 20, § 12.06.160(B)(3)(d)(4) (“Adequate toilet facilities shall be provided on-site.”); Burien, *supra* note 20, at 2 (requiring host to include “sanitation facilities”); KIRKLAND, *supra* note 20, § 127.25(2)(1) (requiring host to comply with human waste regulations); LYNNWOOD, *supra* note 20, § 21.74.030(K) (requiring host to provide “sanitary portable toilets”); Mercer Island, *supra* note 20, at 4 (requiring host to comply with human waste regulations); SEATAC, *supra* note 20, § 15.20.045(B)(2) (requiring host to provide sanitary portable toilets); SPOKANE, *supra* note 20, § 10.08C.120(H) (requiring host to provide “[o]ne sanitary portable toilet per twenty persons on-site”).

34. See, e.g., Auburn, *supra* note 20, at 4 (requiring host to provide “hand washing stations by the toilet and by the food areas” of the encampment and also to “provide an adequate water source to the Homeless Encampment”); BOTHELL, *supra* note 20, § 12.06.160(B)(3)(d)(4) (“[An] adequate supply of potable water shall be available on-site at all times.”); Burien, *supra* note 20, at 2 (requiring host to provide “hot water for sanitation purposes”); KIRKLAND, *supra* note 20, § 127.25(2)(1) (requiring host to comply with drinking water regulations); LYNNWOOD, *supra* note 20, § 21.74.030(K) (requiring host to provide “[h]and-washing stations by the toilets and food preparation areas”); Mercer Island, *supra* note 20, at 4 (requiring host to comply with drinking water standards); SEATAC, *supra* note 20, § 15.20.045(B)(2) (requiring host to provide hand washing stations and an adequate water source to the encampment); SPOKANE, *supra* note 20, § 10.08C.120(H) (requiring host to provide hand washing stations by the toilets and food areas, and to provide showers and an adequate water source).

35. See, e.g., Auburn, *supra* note 20, at 4 (requiring host to provide adequate number of “refuse receptacles”); BOTHELL, *supra* note 20, § 12.06.160(B)(3)(d)(5) (“Adequate facilities for dealing with trash shall be provided on-site.”); KIRKLAND, *supra* note 20, § 127.25(2)(1) (requiring host to comply with solid waste disposal regulations); LYNNWOOD, *supra* note 20, § 21.74.030(N) (“Facilities for dealing with trash shall be provided on-site.”); Mercer Island, *supra* note 20, at 4 (requiring host to comply with solid waste disposal regulations); Seattle Decree, *supra* note 20, at 6 (requiring trash patrol in the host site neighborhood); SEATAC, *supra* note 20, § 15.20.045(B)(2) (requiring host to provide adequate refuse receptacles); SPOKANE, *supra* note 20, § 10.08C.120(N), (requiring host to provide refuse containers and remove solid waste from the site).

the Washington State Supreme Court has upheld municipal regulations mandating sewage treatment,³⁶ clean water,³⁷ and waste cleanup³⁸ in previous police power cases.

The Washington State Supreme Court has long recognized municipal authority to mandate sewage and sewer services.³⁹ In *Elliot v. City of Leavenworth*,⁴⁰ the Court held that the public health threat posed by raw sewage justified an ordinance creating a new sewage system and its financing scheme.⁴¹ The Court affirmed the validity of sewage regulations in *Morse v. Wise*.⁴² In *Morse*, the Court held that when a city regulates sewage, it “acts pursuant to the police power granted to it to provide sewer service to protect the health of its inhabitants.”⁴³

The Court has also upheld local drinking water regulations as valid exercises of municipal police power.⁴⁴ In *Kaul v. City of Chehalis*,⁴⁵ the Court held it was “the duty of the city to furnish [residents] with wholesome water, free from contamination.”⁴⁶ Because of this municipal public health duty, the city’s drinking water regulation “violate[d] none of [the public’s] constitution[al] rights.”⁴⁷

Sanitation regulations, including garbage cleanup and collection ordinances, are also constitutional exercises of municipal police power. The Washington State Supreme Court has held that regulation of “noxious, unwholesome substances” directly promotes public health, therefore falling within the police power of the municipality.⁴⁸ In one particular case, the Court upheld a sanitation ordinance despite evidence that the ordinance itself was enacted to satisfy questionable legislative motives.⁴⁹ The Court has even upheld a municipal ordinance requiring

36. *Morse v. Wise*, 37 Wash. 2d 806, 810–11, 226 P.2d 214, 216 (1951); *Elliot v. City of Leavenworth*, 197 Wash. 427, 431, 85 P.2d 1053, 1054–55 (1938).

37. *Kaul v. City of Chehalis*, 45 Wash. 2d 616, 620, 277 P.2d 352, 354 (1955).

38. *City of Spokane v. Carlson*, 73 Wash. 2d 76, 79, 436 P.2d 454, 456 (1968); *Cornelius v. City of Seattle*, 123 Wash. 550, 559, 213 P. 17, 21 (1923).

39. *Elliot*, 197 Wash. at 431, 85 P.2d at 1054–55.

40. 197 Wash. 427, 85 P.2d 1053 (1938).

41. *Id.* at 431, 85 P.2d at 1054–55.

42. 37 Wash. 2d 806, 226 P.2d 214 (1951).

43. *Id.* at 810–11, 226 P.2d at 216.

44. *Kaul v. City of Chehalis*, 45 Wash. 2d 616, 621, 277 P.2d 352, 355 (1955).

45. 45 Wash. 2d 616, 620, 277 P.2d 352, 354 (1955).

46. *Id.*

47. *Id.*

48. *City of Spokane v. Carlson*, 73 Wash. 2d 76, 79, 436 P.2d 454, 456 (1968) (quoting *Smith v. City of Spokane*, 55 Wash. 219, 221, 104 P. 249, 250 (1909)).

49. *Cornelius v. City of Seattle*, 123 Wash. 550, 559, 213 P. 17, 21 (1923) (affirming the power

disposal of non-threatening cardboard,⁵⁰ further demonstrating the strong municipal police power to regulate sanitation.

B. Municipal Governments May Enact Measures to Protect Public Safety

In addition to broad authority to protect public health, municipalities may protect public safety under their constitutional police power.⁵¹ This ability to maintain “the safety of the community” is a “universally recognized right of the community in all civilized governments” and falls squarely within the police power.⁵² Homeless encampment regulations in Washington include many provisions designed to protect public safety.

Most municipal homeless encampment ordinances include public safety provisions mandating fire safety,⁵³ restrictions on weapons,⁵⁴ and

of the City of Seattle to enact a law requiring food waste from city restaurants and hotels to be collected by a city contractor despite strong evidence that the ordinance was adopted not as a public health measure but as a means of discouraging Japanese hog farmers who relied on the food waste for feed).

50. *Carlson*, 73 Wash. 2d at 80–81, 436 P.2d at 457 (“The mere fact that the particular refuse picked up and disposed of by the defendant may not have been injurious to the public health does not mean that the city could not reasonably decide that the control of the disposition of such materials was necessary for the protection of the public health and sanitation.”).

51. See Spitzer, *supra* note 8, at 500 (noting that the Washington State Supreme Court has historically upheld “ordinances protecting the physical health and safety of citizens”).

52. *City of Seattle v. Hinckley*, 40 Wash. 468, 471, 82 P. 747, 748 (1905).

53. See, e.g., Auburn, *supra* note 20, at 6–7 (requiring that tents be made of “fire-retardant material,” prohibiting open fires, and requiring fire extinguishers and proper electrical cords); BOTHELL, *supra* note 20, § 12.06.160(B)(3)(d)(2) (subjecting homeless encampments to review by fire marshal for proper spacing of tents at any time); Burien, *supra* note 20, at 2 (requiring that tents be made of flame-retardant material, prohibiting open flames and smoking, and requiring adequate electrical cords); Issaquah, *supra* note 20, at 2 (requiring that tents be made of flame-retardant material, and prohibiting open flames and smoking); KIRKLAND, *supra* note 20, § 127.25(2)(k)(4) (prohibiting open flames in encampment); Mercer Island, *supra* note 20, at 4 (requiring that flame-retardant materials be used, and prohibiting open flames); SEATAC, *supra* note 20, § 15.20.045(E)(2) (requiring that tent materials be flame-retardant, prohibiting open flames, and requiring fire extinguishers and proper electrical equipment); SPOKANE, *supra* note 20, §§ 10.08C.120(N), 10.08C.140(B) (requiring that host site provide fire extinguishers, mandating that tent materials be flame-retardant, and prohibiting open fires).

54. See, e.g., Auburn, *supra* note 20, at 5–6 (requiring that host agency provide “Operations and Security Plan” and enforce a code of conduct that prohibits weapons, drugs, and alcohol); BOTHELL, *supra* note 20, § 12.06.160(B)(3)(e)(3)(F) (stating that host “shall provide on-site security” for the encampment); KIRKLAND, *supra* note 20, § 127.25(2)(k) (requiring host site to enforce code of conduct prohibiting weapons, drugs and alcohol, and violence); Mercer Island, *supra* note 20, at 4 (requiring host to enforce code of conduct prohibiting drugs and alcohol, violence, and weapons, including knives over three-and-a-half inches in length); SEATAC, *supra* note 20, § 15.20.045(C) (requiring host site to provide security plan and enforce code of conduct prohibiting drugs and

prohibitions against sex offenders residing in homeless encampments.⁵⁵ The ordinances also include aesthetic requirements to screen homeless encampments from neighboring properties.⁵⁶ Recognizing the rights of local governments to protect public safety, the Washington State Supreme Court has consistently upheld municipal ordinances mandating fire safety,⁵⁷ and has also recognized the right of local governments to place reasonable restrictions on weapon possession.⁵⁸ The Washington State Supreme Court has not had occasion to rule on the constitutionality of sex offender residency restrictions, but other courts have generally found such ordinances to fall within the police power.⁵⁹ Finally, the

alcohol, violence, and weapons); Seattle Decree, *supra* note 20, at 6 (requiring enforcement of homeless encampment code of conduct prohibiting drugs and alcohol, violence, and weapons, including knives over three-and-a-half inches in length); SPOKANE, *supra* note 20, § 10.08C.120(P) (requiring host site to have “operations and security plan” to prohibit drugs and alcohol, disorderly conduct, and weapons).

55. *See, e.g.*, Auburn, *supra* note 20, at 6 (mandating that host obtain a sex offender check from the local sheriff or police department and reject any resident who is a registered sex offender); BOTHELL, *supra* note 20, § 12.06.160(B)(3)(e)(3) (mandating that host obtain a sex offender check from the local sheriff or police department and reject any resident who is a registered sex offender); KIRKLAND, *supra* note 20, § 127.25(2)(m) (requiring host to obtain sex offender checks and comply with police reporting based on results of those checks); LYNNWOOD, *supra* note 20, §§ 21.74.030(O)–(P) (requiring host to obtain sex offender check and reject any registered sex offender from homeless encampments); Mercer Island, *supra* note 20, at 4 (“No convicted sex offender shall reside in the temporary encampment.”); SEATAC, *supra* note 20, § 15.20.045(C) (requiring host site to obtain sex offender checks and reject any resident who is a registered sex offender); SPOKANE, *supra* note 20, § 10.08C.120(P) (requiring host site to prohibit sex offenders from entering encampments).

56. *See, e.g.*, Auburn, *supra* note 20, at 5 (requiring that homeless encampments be “adequately buffered and screened” with “fencing [or] landscaping” at “a minimum height of six (6) feet”); BOTHELL, *supra* note 20, § 12.06.160(B)(3)(b)(3) (requiring that homeless encampments be screened from adjacent properties by “a minimum six-foot-high temporary fence, an existing fence, existing dense vegetation, [or] an existing topographic difference”); KIRKLAND, *supra* note 20, § 127.25(2)(m) (requiring “sight obscuring fencing” around encampments); LYNNWOOD, *supra* note 20, § 21.74.030(C) (“A six-foot-tall sight-obscuring fencing is required around the perimeter of the encampment”); Mercer Island, *supra* note 20, at 3 (requiring a “six-foot high sight obscuring fence” or other vegetation or landscaping to “provide a privacy and visual buffering among neighboring properties”); SEATAC, *supra* note 20, § 15.20.045(B)(9) (requiring that encampments be “adequately buffered and screened” by fencing or landscaping at least six feet in height); Seattle Decree, *supra* note 20, at 5 (requiring a buffer of “established vegetation sufficiently dense to obscure view and at least eight feet in height” or “an eight-foot high, view-obscuring fabric fence”).

57. Haas v. City of Kirkland, 78 Wash. 2d 929, 932, 481 P.2d 9, 11 (1971); Coffin v. Blackwell, 116 Wash. 281, 287, 199 P. 239, 241–42 (1921); *Hinckley*, 40 Wash. at 470–71, 82 P. at 748.

58. City of Seattle v. Montana, 129 Wash. 2d 583, 595, 919 P.2d 1218, 1225 (1996); State v. Krantz, 24 Wash. 2d 350, 353, 164 P.2d 453, 454 (1945).

59. *See, e.g.*, Weems v. Little Rock Police Dep’t, 453 F.3d 1010, 1016–20 (8th Cir. 2006) (holding that Arkansas law barring sex offenders from living near schools was not an unconstitutional ex post facto law, did not violate substantive due process, did not violate equal protection, and did not violate constitutional right to intrastate travel); *see also infra* text

Washington State Supreme Court has approved regulations of outdoor aesthetics, but only when those regulations are designed to promote public safety.⁶⁰

The Washington State Supreme Court has long upheld the right of municipalities to enforce fire safety and fire hazard regulations.⁶¹ In a decision announced shortly after Washington attained statehood, the Court held that “[t]here can be no doubt as to the constitutionality” of a Seattle ordinance designed “to protect persons from fire.”⁶² The Court has since affirmed that “[i]t is well settled that the enactment of reasonable ordinances regarding the protection of the lives and safety of persons, as well as the protection of property against fire, is within the police power of a municipality.”⁶³ The Court has also upheld enforcement of fire ordinances through fines and possible criminal sanctions as a valid exercise of the police power.⁶⁴

In addition to fire safety provisions, most homeless encampment ordinances require hosts to keep their encampment free of weapons.⁶⁵ The Washington State Supreme Court has upheld municipal regulations of weapon possession.⁶⁶ Washington courts have approved limitations on pistol ownership for violent criminal convicts,⁶⁷ bans on weapons in penal institutions,⁶⁸ restrictions on guns where alcohol is served,⁶⁹ and prohibitions against carrying guns that alarm or frighten other persons.⁷⁰

accompanying notes 73–78 (describing sex offender registry restrictions in Washington and the treatment of similar restrictions in other jurisdictions).

60. See *Ackerly Commc'ns, Inc. v. City of Seattle*, 92 Wash. 2d 905, 920, 602 P.2d 1177, 1186–87 (1979); *Markham Adver. Co. v. State*, 73 Wash. 2d 405, 424, 439 P.2d 248, 260 (1968); *Lenci v. City of Seattle*, 63 Wash. 2d 664, 676, 388 P.2d 926, 934 (1964).

61. See *Coffin*, 116 Wash. at 287, 199 P. at 240–41; *Hinckley*, 40 Wash. at 470–71, 82 P. at 748.

62. *Hinckley*, 40 Wash. at 470–71, 82 P. at 748.

63. *Haas v. City of Kirkland*, 78 Wash. 2d 929, 932, 481 P.2d 9, 11 (1971).

64. *City of Everett v. Unsworth*, 54 Wash. 2d 760, 764, 344 P.2d 728, 730–31 (1959).

65. See, e.g., *Mercer Island*, *supra* note 20, at 4 (requiring host to enforce code of conduct prohibiting drugs and alcohol, violence, and weapons, including knives over three-and-a-half inches in length); see also *supra* text accompanying note 54 (describing homeless encampment weapons restrictions).

66. See *City of Seattle v. Montana*, 129 Wash. 2d 583, 595, 919 P.2d 1218, 1225 (1996); *State v. Krantz*, 24 Wash. 2d 350, 353, 164 P.2d 453, 454 (1945).

67. *State v. Tully*, 198 Wash. 605, 607, 89 P.2d 517, 518 (1939).

68. *State v. Barnes*, 42 Wash. App. 56, 58, 708 P.2d 414, 415 (1985).

69. *Second Amendment Found. v. City of Renton*, 35 Wash. App. 583, 587, 668 P.2d 596, 598 (1983).

70. *State v. Spencer*, 75 Wash. App. 118, 124, 876 P.2d 939, 942 (1994).

The Court has even upheld municipal restrictions on “ordinary” fixed-blade knives to protect public safety.⁷¹

Unlike fire safety and weapons ordinances, the constitutionality of sex offender laws has not been tested in Washington State.⁷² The Washington State Legislature has passed laws mandating that criminals convicted of sex crimes register with appropriate law enforcement agencies,⁷³ and that law enforcement agencies release sex offender information to the public.⁷⁴ Washington has placed residency restrictions on some classes of sex offenders.⁷⁵ Sex offenders convicted of sex crimes involving minors are not allowed to live within “community protection zone[s],”⁷⁶ defined as areas within “eight hundred eighty feet of the facilities and grounds of a public or private school.”⁷⁷ To date, no constitutional challenge to these statutes has been brought before a Washington appellate court. Courts in other jurisdictions have upheld sex offender residency restrictions based on the government’s compelling interest in protecting children.⁷⁸

71. *Montana*, 129 Wash. 2d at 590, 919 P.2d at 122.

72. Washington appellate courts have not addressed the legality of the state’s sex offender laws. The constitutionality of sex offender laws falls outside the scope of this Comment.

73. WASH. REV. CODE § 9A.44.130 (2008).

74. *Id.* §§ 72.09.345, 4.24.550 (2008).

75. *Id.* § 9.94A.703 (2008) (prohibiting sex offenders convicted of child sex crimes from living within “community protection zones”).

76. *Id.*

77. *Id.* § 9.94A.030(8) (2008).

78. *See Weems v. Little Rock Police Dep’t*, 453 F.3d 1010, 1016–20 (8th Cir. 2006) (holding that Arkansas law barring sex offenders from living near schools was not an unconstitutional ex post facto law, did not violate substantive due process, did not violate equal protection, and did not violate constitutional right to intrastate travel); *Doe v. Miller*, 405 F.3d 700, 708–22 (8th Cir. 2005) (holding that Iowa law preventing sex offenders from living within 2,000 feet of a school did not violate substantive or procedural due process, did not abridge any constitutional right to travel, did not violate the Fifth Amendment’s protection against self-incrimination, and was not an ex post facto law); *Doe v. Baker*, No. Civ.A. 1:05-CV-2265, 2006 WL 905368, *2–9 (N.D.Ga. Apr. 5, 2006) (holding that Georgia state law prohibiting sex offenders from living within 1,000 feet of school or childcare facility was not an ex post facto law, did not violate the Eighth Amendment’s prohibition on cruel and unusual punishment, did not violate substantive or procedural due process, and did not result in a “taking” under the Fifth Amendment); *People v. Leroy*, 828 N.E.2d 769, 776–77 (Ill. App. Ct. 2005) (holding that Illinois statute prohibiting sex offenders from living within 500 feet of schools was reasonably related to the government’s compelling interest in protecting children from known sex offenders). Although the Washington State Supreme Court has not ruled on the validity of sex offender residency restrictions, it has recognized a compelling interest in state protection of children in other contexts. *See State v. Meacham*, 93 Wash. 2d 735, 738, 612 P.2d 795, 797 (1980) (upholding paternity test law because “the interest of the State in the welfare of its minor children has long been a compelling and paramount concern.” (citing *Heney v. Heney*, 24 Wash. 2d 445, 165 P.2d 864 (1946); *State v. Coffey*, 77 Wash. 2d 630, 465 P.2d 665 (1970); *State v. Bowen*, 80 Wash. 2d 808, 498 P.2d 877 (1972); *State v. Wood*, 89 Wash. 2d 97, 569 P.2d 1148 (1977))); *see*

In addition to fire safety ordinances, weapons restrictions, and prohibitions on sex offenders, most municipal homeless encampment ordinances regulate the aesthetic impact of encampments.⁷⁹ The Washington State Supreme Court has upheld aesthetic regulations when enacted for a public safety purpose.⁸⁰ The Court first addressed a challenge to a municipal regulation of outdoor aesthetics in *Lenci v. City of Seattle*.⁸¹ In *Lenci*, the Court considered the validity of a Seattle city ordinance requiring the premises of a motor vehicle wrecker to be “enclosed by a view obscuring, firm and substantial fence or a solid wall, at least eight (8) feet high.”⁸² The plaintiffs, owners of wreck yards in the city, argued that the ordinance was based on aesthetic considerations beyond the valid exercise of the police power.⁸³ The Court acknowledged that “[t]he basic rule . . . is that aesthetic conditions alone will not support invocation of the police powers,” but held that if the regulation protected public safety, “the fact that aesthetic considerations play a part in its adoption does not affect its validity.”⁸⁴ The Court reviewed legislative findings surrounding the screening ordinance and testimony that the view-obstructing fence was needed to lessen the “volume of thefts of parts of automobiles.”⁸⁵ Because “[m]inimizing crime, vandalism, and petty thievery is an objective well within the recognized scope of municipal police power,” the Court upheld the ordinance.⁸⁶

also State v. Motherwell, 114 Wash. 2d 353, 365, 788 P.2d 1066, 1072 (1990) (upholding child abuse reporting statute because “the State’s interest in the protection of children is unquestionably of the utmost importance.”).

79. See *supra* text accompanying note 56; see also *Shoreline*, *supra* note 20, at 3–4. In 2002, the City of Shoreline denied Shoreline Free Methodist Church’s application to host a homeless encampment because of the project’s “appearance.” Officials from the city visited another homeless encampment site, a visit that “confirmed that although clean and orderly, the appearance of the encampment is visually incompatible with a low or medium density residential neighborhood.” Only after reapplying with a plan for a “temporary screening fence” was the church able to host a homeless encampment. Observing tents of “various materials and colors,” the City of Shoreline agreed with a previous homeless encampment host that an encampment is “not a pleasant thing to look at.” *Id.*

80. See *Ackerly Commc’ns, Inc. v. City of Seattle*, 92 Wash. 2d 905, 920, 602 P.2d 1177, 1186–87 (1979); *Markham Adver. Co. v. State*, 73 Wash. 2d 405, 424, 439 P.2d 248, 260 (1968); *Lenci v. City of Seattle*, 63 Wash. 2d 664, 676, 388 P.2d 926, 934 (1964).

81. 63 Wash. 2d 664, 388 P.2d 926 (1964).

82. *Id.* at 666, 388 P.2d at 928.

83. *Id.* at 676, 388 P.2d at 934.

84. *Id.* at 676–77, 388 P.2d at 934.

85. *Id.* at 673, 388 P.2d at 932.

86. *Id.* at 676, 388 P.2d at 934.

Four years after *Lenci*, the Court employed similar reasoning to uphold a state highway beautification measure in *Markham Advertising Co. v. State*.⁸⁷ In that case, several advertising companies challenged the State's Highway Advertising Control Act.⁸⁸ The advertising companies, like the auto-wreckers in *Lenci*, argued that the statute was based on aesthetic considerations alone and was thus an invalid exercise of municipal police power.⁸⁹ The Court disagreed. As it did in *Lenci*, the Court afforded broad deference to legislative findings that demonstrated "a substantial relation between traffic safety and the regulation of outdoor advertising."⁹⁰ Because traffic safety "is clearly a proper purpose for the exercise of the police power,"⁹¹ the Court upheld the statute.⁹²

C. *The Washington State Supreme Court Has Not Addressed the Validity of Maximum-Resident or Maximum-Duration Regulations*

Municipal homeless encampment ordinances in Washington typically limit the number of residents who can live in a proposed encampment.⁹³ Most of the ordinances restrict all homeless encampments to 100 residents,⁹⁴ irrespective of a host's capacity to serve additional persons. Most homeless encampment ordinances also include blanket limitations

87. 73 Wash. 2d 405, 439 P.2d 248 (1968).

88. *Id.* at 408, 439 P.2d at 251.

89. *Id.* at 421, 439 P.2d at 258.

90. *Id.*

91. *Id.*

92. *Id.* at 424, 439 P.2d at 260.

93. *See, e.g.,* Auburn, *supra* note 20, at 5, 6 ("[N]o more than 100 residents shall be allowed" at any homeless encampment, and the maximum duration of any homeless encampment "shall be ninety (90) days"); BOTHELL, *supra* note 20, § 12.06.160(B)(3)(c)(1) ("[U]nder no circumstances shall a proposed transitory accommodation be allowed in one location for more than 90 days."); KIRKLAND, *supra* note 20, at 1 ("The maximum number of residents within a homeless encampment is 100."); LYNNWOOD, *supra* note 20, §§ 21.74.030(E), 21.74.040 (stating that the maximum number of homeless encampment residents shall not "be greater than 100 people" and that "[t]emporary tent encampments may be approved for a period not to exceed 90 days"); Mercer Island, *supra* note 20, at 2 ("The encampment shall be limited to a maximum of 100 persons," and no encampment may operate for more than "90 consecutive days" in the same location); SEATAC, *supra* note 20, § 15.20.045(B), (D) ("No more than one hundred (100) residents shall be allowed," and "[t]he duration of the homeless encampment shall not exceed ninety (90) days"); Seattle Decree, *supra* note 20, at 5, 7 ("The maximum number of residents at an encampment is 100," and "the maximum duration of a SHARE/WHEEL tent encampment at a site is three (3) consecutive months."); SPOKANE, *supra* note 20, § 10.08C.120(A), (C) ("No more than one hundred residents shall be allowed," and "[t]he maximum continuous duration of a homeless encampment shall be ninety days.").

94. *See, e.g.,* Auburn, *supra* note 20, at 5 ("[N]o more than 100 residents shall be allowed.").

on the time period an encampment may stay at one host site.⁹⁵ No homeless encampment is allowed to stay at one host site longer than three consecutive months,⁹⁶ regardless of the host's capacity to maintain the encampment for longer periods of time. Organizations are also prohibited from hosting an encampment at the same site for more than six months during a two-year period.⁹⁷ Unlike the homeless encampment provisions previously discussed, these maximum-resident and maximum-duration restrictions lack analogous precedent in Washington case law. The validity of these provisions, even as applied to secular actors, is not as clear as the other health and safety provisions discussed in this Comment.

II. ONLY POLICE POWER ACTIONS PROTECTING PUBLIC HEALTH AND SAFETY CAN JUSTIFY A BURDEN ON FREE EXERCISE

The Washington State Constitution provides for “absolute freedom of conscience in all matters of religious sentiment, belief and worship.”⁹⁸ Despite this “absolute” protection, however, Washington citizens may not use religious freedom to “justify practices inconsistent with the peace and safety of the state.”⁹⁹ By including this important caveat, the constitution protects religious freedom while also subjecting it to valid police power regulations.¹⁰⁰ Establishing a line between valid police power action and unconstitutional infringement on free exercise has required the Washington State Supreme Court to update its religious freedom jurisprudence in the last two decades. Since 1992, the Court has interpreted the state constitution to provide more protection for free exercise than the federal constitution¹⁰¹ and has continued to review any governmental interference with free exercise under strict scrutiny.¹⁰²

95. See, e.g., LYNNWOOD, *supra* note 20, §§ 21.74.030(E), 21.74.040 (“Temporary tent encampments may be approved for a period not to exceed 90 days.”).

96. *Id.*

97. See, e.g., Mercer Island, *supra* note 20, at 2.

98. WASH. CONST. art. I, § 11.

99. *Id.*

100. See *City of Woodinville v. Northshore United Church of Christ*, 166 Wash. 2d 633, 642, 211 P.3d 406, 410 n.3 (2009) (explaining that the religious exercise protected by the Washington State Constitution is not so broad as to prohibit the government from requiring “compliance with reasonable police power regulation”); see also *State v. Gohl*, 46 Wash. 408, 410, 90 P. 259, 260 (1907) (“A constitutional guaranty of certain rights to the individual citizen does not place such rights entirely beyond the police power of the state.”).

101. When assessing differences between the state and federal constitutions, the Washington State Supreme Court applies a six-factor test to determine which constitution provides greater

A. *The Washington State Supreme Court Applies a Strict Scrutiny Test to Government Actions that Affect Religious Free Exercise*

Under the Washington State Supreme Court's strict scrutiny test, the Court conducts three distinct analyses of the government action in question. First, the Court decides whether the government action actually burdens the free exercise of religion.¹⁰³ Second, the Court decides whether a compelling state interest justifies the government's burden on free exercise.¹⁰⁴ Third, the Court decides whether the

protection for certain activities. This six-factor test was announced in *State v. Gunwall*, 106 Wash. 2d 54, 720 P.2d 808 (1986). The first time the Court applied the *Gunwall* factors to the free exercise of religion was in *First Covenant Church of Seattle v. City of Seattle*, 120 Wash. 2d 203, 840 P.2d 174 (1992). The Court found that "[t]he language of our state constitution is significantly different and stronger than the federal constitution." *Id.* at 225, 840 P.2d at 186. The Court thus distinguished its religious freedom jurisprudence from the U.S. Supreme Court's more restrictive view of free exercise expressed in its contemporaneous decision in *Employment Division v. Smith*, 494 U.S. 872 (1990). Under the more protective standard announced in *First Covenant*, the Washington State Supreme Court held, contrary to the U.S. Supreme Court's decision in *Smith*, that a "facially neutral, even-handedly enforced statute that does not directly burden free exercise may, nonetheless, violate [the Washington State Constitution], if it indirectly burdens the exercise of religion." *First Covenant*, 120 Wash. 2d at 226, 840 P.2d at 187. *First Covenant* thus created a distinct religious freedom jurisprudence in Washington, insulated from federal religious freedom cases and the federal legislative reaction to *Smith*. See *Northshore United Church of Christ*, 166 Wash. 2d 633, 645, 211 P.3d 406, 411 (2009) (explaining that the Washington constitution provides greater protection for religious freedom, and "[s]ince we hold for the Church on state constitutional grounds, we need not, and therefore do not, decide whether there is violation of [the federal Religious Land Use and Institutionalized Persons Act (RLUIPA)].").

102. *Munns v. Martin*, 131 Wash. 2d 192, 199, 930 P.2d 318, 321 (1997) ("This Court applies a strict scrutiny test to the analysis of religious exercise cases."); *First United Methodist Church of Seattle v. Hearing Exam'r for the Seattle Landmarks Pres. Bd.*, 129 Wash. 2d 238, 247, 916 P.2d 374, 378 (1996) (noting that the Washington State Supreme Court applies a strict scrutiny test); *First Covenant*, 120 Wash. 2d at 218, 840 P.2d at 183 (stating that the Washington State Supreme Court will subject any infringement on free exercise to strict scrutiny). The elements of the strict scrutiny test the Washington State Supreme Court employs are the same as those outlined by the U.S. Supreme Court in *Sherbert v. Verner*, 374 U.S. 398 (1963). Although the Washington State Supreme Court did not determine that the Washington State Constitution provided greater protection for religious free exercise than the U.S. Constitution until its decision in *First Covenant* in 1992 (see *supra* text accompanying note 101), earlier Washington cases still provide guidance on the application of the strict scrutiny test and will be discussed throughout this Comment.

103. *Munns*, 131 Wash. 2d at 199, 930 P.2d at 321 (noting that the first part of the strict scrutiny test is to identify whether a burden has been placed on the free exercise of religion); *First United Methodist*, 129 Wash. 2d at 246, 916 P.2d at 378 (noting that the first part of the strict scrutiny test is to identify whether a burden has been placed on the free exercise of religion); *First Covenant*, 120 Wash. 2d at 226, 840 P.2d at 187 (explaining that government action can be upheld if it does not burden religious free exercise under the first prong of the strict scrutiny test).

104. *Munns*, 131 Wash. 2d at 199, 930 P.2d at 321 (requiring that government infringement on free exercise be justified by "a compelling state interest"); *First United Methodist*, 129 Wash. 2d at 246, 916 P.2d at 378 (explaining that government restrictions on free exercise must "serve a compelling state interest"); *First Covenant*, 120 Wash. 2d at 226, 840 P.2d at 187 ("State action is

government's action is the least restrictive means of achieving its compelling interest.¹⁰⁵ Only if the government action advances a compelling interest by the least restrictive means will a burden on religious free exercise be upheld.

1. *The Government Action Must Be More than a "Slight Inconvenience" to Burden Free Exercise*

The Washington State Supreme Court begins its strict scrutiny examination by determining whether the government action has burdened the free exercise of religion.¹⁰⁶ This first prong of the strict scrutiny test requires the party alleging restraint of free exercise to demonstrate "the coercive effect of the enactment as it operates against him in the practice of his religion."¹⁰⁷ As a preliminary matter, the complaining party must demonstrate that its religious beliefs are sincere.¹⁰⁸ The religious activity need not be a "fundamental tenet" of

constitutional under the free exercise clause of article 1 if the action results in no infringement of a citizen's right or if a compelling state interest justifies any burden on the free exercise of religion." (citing *Witters v. State Comm'n for the Blind*, 112 Wash. 2d 363, 371, 771 P.2d 1119, 1123 (1989); *City of Sumner v. First Baptist Church of Sumner*, 97 Wash. 2d 1, 7-8, 639 P.2d 1358, 1362 (1982))).

105. *Northshore United Church of Christ*, 166 Wash. 2d at 642, 211 P.3d at 410 (explaining that government must demonstrate that "it has a narrow means for achieving a compelling goal" (citing *Open Door Baptist Church v. Clark County*, 140 Wash. 2d 143, 152, 995 P.2d 33, 39 (2000)); *Open Door Baptist*, 140 Wash. 2d at 154, 995 P.2d at 39 (holding that the government's action must be "the least restrictive available to achieve the ends sought" (quoting *Sumner*, 97 Wash. 2d at 8, 639 P.2d at 1362)); *Munns*, 131 Wash. 2d at 199, 930 P.2d at 321 (the government's action must be "the least restrictive means for achieving the government objective" (citing *First United Methodist*, 129 Wash. 2d at 246, 916 P.2d at 378)); *First United Methodist*, 129 Wash. 2d at 246, 916 P.2d at 378 (explaining that government action must be the "least restrictive means for achieving the government objective"); *First Covenant*, 120 Wash. 2d at 227, 840 P.2d at 187 ("The State also must demonstrate that the means chosen to achieve its compelling interest are necessary and the least restrictive available." (citing *Sumner*, 97 Wash. 2d at 8, 15, 639 P.2d at 1366 (Utter, J., concurring); *State ex rel. Holcomb v. Armstrong*, 39 Wash. 2d 860, 864, 239 P.2d 545, 548 (1952))).

106. *Munns*, 131 Wash. 2d at 199, 930 P.2d at 321 (noting that the first part of the strict scrutiny test is to identify whether a burden has been placed on the free exercise of religion); *First United Methodist*, 129 Wash. 2d at 246, 916 P.2d at 378 (noting that the first part of the strict scrutiny test is to identify whether a burden has been placed on the free exercise of religion); *First Covenant*, 120 Wash. 2d at 226, 840 P.2d at 187 (explaining that a government action can be upheld if it does not burden religious free exercise under the first prong of the strict scrutiny test).

107. *First Covenant*, 120 Wash. 2d at 218, 840 P.2d at 183 (quoting *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203, 223 (1963)).

108. *Northshore United Church of Christ*, 166 Wash. 2d at 642, 211 P.3d at 410 (explaining that "a party challenging government action must show two things: that the belief is sincere and that the government action burdens the exercise of religion." (citing *Open Door Baptist*, 140 Wash. 2d at 152, 995 P.2d at 38)); see also *Munns*, 131 Wash. 2d at 199, 930 P.2d at 321 ("The first prerequisite

the complaining party's religion for the religious activity to be protected.¹⁰⁹

The Washington State Supreme Court's standard for determining whether government action has a coercive effect on a party's religious beliefs is not clearly defined.¹¹⁰ The Court has concluded that a "slight inconvenience" on free exercise is permissible, but a "substantial burden" is not.¹¹¹ Although the Court has not articulated the difference between a slight inconvenience and an impermissible burden, it has explained that its determination depends on "the context in which [the government action] arises."¹¹²

Even when evaluating government actions in similar contexts, the Washington State Supreme Court has evaluated burdens on free exercise differently. In three cases decided in the 1990s, the Court held that forcing religious organizations to follow municipal land use application procedures constituted an "administrative burden" that could be justified only by a compelling government interest.¹¹³ In those cases, the Court held that simply requiring a religious organization "to seek the approval of a government body" established an impermissible burden on the free

for any free exercise challenge is that the parties have a sincere religious belief."). Washington courts have interpreted religious beliefs broadly. *See In re Marriage of Jensen-Branch*, 78 Wash. App. 482, 490, 899 P.2d 803, 808 n.2 (1995) (noting that "religious beliefs" should be interpreted broadly). The government is often willing to concede the sincerity of the complaining party's religious beliefs, including the concession that helping the homeless is a sincere religious belief. *See Northshore United Church of Christ*, 166 Wash. 2d at 641, 211 P.3d at 410 (noting that the government conceded the sincerity of the church's religious belief in hosting a homeless encampment).

109. *See Sumner*, 97 Wash. 2d at 7, 639 P.2d at 1362 (rejecting the argument that "because the regulation here involved does not impact directly a fundamental tenet of the church, it does not violate a member's First Amendment rights."); *State v. Motherwell*, 114 Wash. 2d 353, 361, 788 P.2d 1066, 1070 n.6 (1990) (explaining that in federal constitutional jurisprudence, "[t]he Supreme Court has in some cases discussed the centrality of a claimant's religious tenets, but it has never expressly required claimants to establish centrality.").

110. *See* Christopher W. Rosenbleeth, Note, *Free Exercise of Religion—An Ordinance Requiring a Church to Apply for a Conditional Use Permit Does Not Violate the Free Exercise Clause*, 32 RUTGERS L.J. 1100, 1110 (2001) (explaining an "impermissible inconsistency" in the U.S. Supreme Court's burden analysis).

111. *Northshore United Church of Christ*, 166 Wash. 2d at 644, 211 P.3d at 411.

112. *Id.*

113. *Munns*, 131 Wash. 2d at 195, 930 P.2d at 319 (holding that landmark ordinance created an "administrative burden" that was not justified by a compelling interest); *First United Methodist Church of Seattle v. Hearing Examiner for the Seattle Landmarks Pres. Bd.*, 129 Wash. 2d 238, 251, 916 P.2d 374, 381 (1996) (noting that religious institutions cannot be restricted by "administrative" burdens); *First Covenant Church of Seattle v. City of Seattle*, 120 Wash. 2d 203, 219, 840 P.2d 174, 183 (1992) ("The [historic preservation] ordinances burden free exercise 'administratively' because they require that First Covenant seek the approval of a government body.").

exercise of religion.¹¹⁴ By 2000, however, the Court held that land use application procedures did not burden free exercise.¹¹⁵ Unlike its earlier determination of “administrative burdens,” the Court characterized the impact of land use application procedures as “little more than the inconvenience of filling out paperwork.”¹¹⁶ Commentators have criticized this inconsistency in the Court’s burden analysis,¹¹⁷ and the Court itself has had difficulty reconciling its burden determinations following these decisions.¹¹⁸

Despite the inconsistent standard for determining whether a burden has been placed on a party’s free exercise, the Washington State Supreme Court usually recognizes a burden when the government action has a financial impact on the complaining party.¹¹⁹ The Court has maintained that “not all financial burdens” are onerous enough to impair free exercise.¹²⁰ “Gross financial burdens,” however, can be justified only by a compelling government interest.¹²¹ “Gross financial burdens” have never been clearly defined, but the Court has recognized a burden on free exercise when government action has reduced the value of

114. *First Covenant*, 120 Wash. 2d at 219, 840 P.2d at 183 (“The [historic preservation] ordinances burden free exercise ‘administratively’ because they require that First Covenant seek the approval of a government body.”).

115. *Open Door Baptist Church v. Clark Cnty.*, 140 Wash. 2d 143, 166, 995 P.2d 33, 46 (2000) (holding that application requirements for a zoning permit did not cause “anything more than an incidental burden upon the free exercise of religion”).

116. *Id.* at 160, 995 P.2d at 43.

117. See Rosenbleeth, *supra* note 110; see also Beth Prieve, Comment, *Religious Land Use Jurisprudence: The Negative Ramifications for Religious Activities in Washington After Open Door Baptist Church v. Clark County*, 26 SEATTLE U. L. REV. 365, 388 (2002) (“The Washington Supreme Court displayed a far less protective treatment of church organizations than previously reflected in other decisions.”).

118. See *City of Woodinville v. Northshore United Church of Christ*, 166 Wash. 2d 633, 642, 644, 211 P.3d 406, 410, 411 (2009) (offering the ambiguous explanation that “a burden can be a slight inconvenience without violating article I, section 11, but the State cannot impose a substantial burden on exercise of religion.”).

119. See *Open Door Baptist*, 140 Wash. 2d at 160, 995 P.2d at 42–43 (discussing in dicta that an application fee could be a financial burden on a religious organization); *First United Methodist Church of Seattle v. Hearing Exam’r for the Seattle Landmarks Pres. Bd.*, 129 Wash. 2d 238, 251–52, 916 P.2d 374, 381 (1996) (holding that ordinance prohibiting church from selling its property to generate revenue placed a financial burden on religious free exercise); *First Covenant*, 120 Wash. 2d at 219, 840 P.2d at 183 (explaining that the landmark ordinance in question burdened the church financially).

120. *First United Methodist*, 129 Wash. 2d at 249, 916 P.2d at 380 (“While not all financial burdens have a coercive effect on the practice of religion, gross financial burdens violate the right to free exercise.” (citing *First Covenant*, 120 Wash. 2d at 219, 840 P.2d at 183)).

121. *Id.*

church property.¹²² The Court has also suggested the possibility that a \$5,523 application fee would place a financial burden on a religious organization.¹²³

Washington courts have recognized burdens on free exercise when the government has required parties to take action prohibited by their religious beliefs, even if the action appears minimally invasive and reasonable. Washington courts have recognized burdens on free exercise resulting from government-mandated paternity testing,¹²⁴ tuberculosis screening,¹²⁵ flag saluting,¹²⁶ driver licensing,¹²⁷ and malpractice insurance.¹²⁸ Washington courts have also recognized burdens on free exercise when the government has prevented citizens and religious organizations from participating in activities required by their religious beliefs, such as restrictions against marijuana use,¹²⁹ and housing the homeless.¹³⁰

122. *First United Methodist*, 129 Wash. 2d at 251–52, 916 P.2d at 381 (holding that ordinance prohibiting church from selling its property to generate revenue placed a financial burden on religious free exercise); *First Covenant*, 120 Wash. 2d at 219, 840 P.2d at 183 (explaining that the landmark ordinance in question burdened the church financially by decreasing the church's property value by almost one half).

123. *Open Door Baptist*, 140 Wash. 2d at 160, 995 P.2d at 42–43 (discussing in dicta that an application fee could be a financial burden on a religious organization).

124. *State v. Meacham*, 93 Wash. 2d 735, 740, 612 P.2d 795, 798 (1980) (discussing the fact that the government may only “restrict an individual’s exercise of conduct under a religious belief” as it did with its blood testing regulation if such an action is justified by a compelling interest).

125. *State ex rel. Holcomb v. Armstrong*, 39 Wash. 2d 860, 863, 239 P.2d 545, 547–48 (1952) (explaining that the plaintiff whose religious beliefs prohibited her from undergoing an x-ray as part of a campus tuberculosis screening program had a right that was protected against infringement and that the university’s board of regents infringed that right).

126. *Bolling v. Super. Ct. for Clallam Cnty.*, 16 Wash. 2d 373, 387, 133 P.2d 803, 810 (1943) (holding that a state law requiring school children to salute the flag placed a burden on the children of Jehovah’s Witnesses).

127. *State v. Clifford*, 57 Wash. App. 127, 130, 132, 787 P.2d 571, 574 (1990) (finding that statute requiring a party to obtain a driver’s license against his religious beliefs placed a burden on free exercise).

128. *Backlund v. Bd. of Comm’rs*, 106 Wash. 2d 632, 641, 724 P.2d 981, 986 (1986) (finding that rule requiring doctor to purchase malpractice insurance was protected belief that could only be infringed by a compelling government interest).

129. *State v. Balzer*, 91 Wash. App. 44, 55, 954 P.2d 931, 937 (1998) (explaining that a restriction on marijuana use burdens a party who believes marijuana use is part of his religion).

130. *City of Woodinville v. Northshore United Church of Christ*, 166 Wash. 2d 633, 644, 211 P.3d 406, 411 (2009).

2. *Protecting Health and Safety Is the Only Government Interest Compelling Enough to Justify a Burden on Free Exercise*

If a government's police power action burdens the free exercise of religion, the government must demonstrate that its action serves a "compelling state interest [that] justifies any burden on the free exercise of religion."¹³¹ The Court has described the compelling interest standard in lofty terms, stating that an interest can be compelling only if it "has a 'clear justification . . . in the necessities of national or community life' that prevents a 'clear and present, grave and immediate' danger to public health, peace, and welfare."¹³² The Court has refused to find a government interest compelling absent a "grave danger to the public health, peace, or welfare."¹³³ Even when government regulations "further cultural and esthetic interests," the Court will not uphold the regulations unless they "protect public health or safety."¹³⁴ Commentators have identified protection of health and safety as the crucial component of compelling government interests.¹³⁵

Contrary to its treatment of measures protecting health and safety, the Washington State Supreme Court has refused to recognize a compelling interest in government regulation of outdoor aesthetics and historic preservation of buildings. The Court applied its compelling interest standard in three cases in which religious organizations were burdened by aesthetically motivated historic preservation ordinances.¹³⁶ In each case, the Court held that the preservation ordinances failed to qualify as

131. *First Covenant Church of Seattle v. City of Seattle*, 120 Wash. 2d 203, 226, 840 P.2d 174, 187 (1992) (citing *Witters v. State Comm'n for the Blind*, 112 Wash. 2d 363, 371, 771 P.2d 1119, 1123 (1989); *City of Sumner v. First Baptist Church of Sumner*, 97 Wash. 2d 1, 7–8, 639 P.2d 1358, 1362 (1982)).

132. *First Covenant*, 120 Wash. 2d at 226–27, 840 P.2d at 187 (quoting *Bolling v. Super. Ct. for Clallam Cnty.*, 16 Wash. 2d 373, 385, 133 P.2d 803, 809 (1943); *State ex rel. Holcomb v. Armstrong*, 39 Wash. 2d 860, 864, 239 P.2d 545, 548 (1952)).

133. *First Covenant*, at 227, 840 P.2d at 188 (citing *State ex rel. Holcomb*, 39 Wash. 2d at 864, 239 P.2d at 548).

134. *Id.* at 222, 840 P.2d at 185.

135. Katie Hosford, Comment, *The Search for a Distinct Religious-Liberty Jurisprudence Under the Washington State Constitution*, 75 WASH. L. REV. 643, 658 (demonstrating that, in the absence of well-developed Washington State Supreme Court case law, the Washington State Court of Appeals has limited compelling interests to only those that protect peace and safety (citing *State v. Norman*, 61 Wash. App. 16, 808 P.2d 1159 (1991); *State v. Balzer*, 91 Wash. App. 44, 954 P.2d 931 (1998))).

136. *Munns v. Martin*, 131 Wash. 2d 192, 195, 930 P.2d 318, 319 (1997) (landmark ordinance); *First United Methodist Church of Seattle v. Hearing Exam'r for the Seattle Landmarks Pres. Bd.*, 129 Wash.2d 238, 251, 916 P.2d 374, 381 (1996) (historic preservation ordinance); *First Covenant*, 120 Wash. 2d at 219, 840 P.2d at 183 (historic preservation ordinance).

compelling interests justifying their burden on free exercise.¹³⁷ The fatal flaw in each case was the failure of the aesthetic ordinances to “protect public health or safety.”¹³⁸

3. *The Government Action Will Fail If Less Restrictive Measures Could Achieve the Compelling Interest*

If the government establishes that its burden on religious free exercise is justified by a compelling interest, it still has one final hurdle to clear: The government must show that its action is the least restrictive means of achieving its compelling interest.¹³⁹ To determine whether the government has met this least restrictive requirement, the Washington State Supreme Court inquires “whether there are less restrictive alternatives . . . still fulfilling the legitimate governmental interests”¹⁴⁰ The Court will “‘searchingly examine’ the asserted

137. *Munns*, 131 Wash. 2d at 195, 930 P.2d at 319 (landmark ordinance); *First United Methodist*, 129 Wash.2d at 251, 916 P.2d at 381 (historic preservation ordinance); *First Covenant*, 120 Wash. 2d at 219, 840 P.2d at 183 (historic preservation ordinance).

138. *Munns*, 131 Wash. 2d at 201, 930 P.2d at 322 (holding that historic preservation ordinances “do not protect public health or safety”); *First United Methodist*, 129 Wash. 2d at 250, 916 P.2d at 380 n.6 (explaining that landmark ordinances might further aesthetic and historical interests but are not compelling (citing *First Covenant*, 120 Wash. 2d at 223, 840 P.2d at 185)); *First Covenant*, 120 Wash. 2d at 222, 840 P.2d at 185 (holding that despite cultural and aesthetic interests protected by historic preservation ordinances, those ordinances do not further compelling interests because they “do not protect public health or safety”).

139. *City of Woodinville v. Northshore United Church of Christ*, 166 Wash. 2d 633, 642, 211 P.3d 406, 410 (2009) (requiring the government to demonstrate that “it has a narrow means for achieving a compelling goal” (citing *Open Door Baptist Church v. Clark Cnty.*, 140 Wash. 2d 143, 152, 995 P.2d 33, 39 (2000))); *Open Door Baptist*, 140 Wash. 2d at 154, 995 P.2d at 39 (holding that the government’s action must be “the least restrictive available to achieve the ends sought” (quoting *Sumner v. First Baptist Church of Sumner*, 97 Wash. 2d 1, 8, 639 P.2d 1358, 1362 (1982))); *Munns*, 131 Wash. 2d at 199, 930 P.2d at 321 (requiring that the government’s action be “the least restrictive means for achieving the government objective”); *First United Methodist*, 129 Wash. 2d at 246, 916 P.2d at 378 (explaining that government action must be the “least restrictive means for achieving the government objective”); *First Covenant*, 120 Wash. 2d at 227, 840 P.2d at 187 (“The State must also demonstrate that the means chosen to achieve its compelling interest are necessary and the least restrictive available.” (citing *Sumner*, 97 Wash. 2d at 8, 15, 639 P.2d at 1366 (Uter, J., concurring))).

140. *Sumner*, 97 Wash. 2d at 10, 639 P.2d at 1363–64; see also *Open Door Baptist*, 140 Wash. 2d at 166–67, 995 P.2d at 46 (observing, in dicta, that the government had “no less restrictive alternative to requiring” a church to apply for a zoning exemption without completely exempting churches from zoning requirements); *State v. Motherwell*, 114 Wash. 2d 353, 366, 788 P.2d 1066, 1073 (1990) (holding that child abuse reporting statute was the least restrictive means of accomplishing government’s interest in protecting children from abuse because protecting children from abuse could not be “accomplished in a less inhibitory manner... while still allowing the state to satisfy its interests”); *State v. Meacham*, 93 Wash. 2d 735, 740, 612 P.2d 795, 798 (1980) (“If the statute’s purpose may be achieved by measures less drastic than restriction of First Amendment rights, the state must utilize such other measures.” (citing *State v. Loetze*, 92 Wash. 2d 52, 58–59,

interest of the [government], and should consider the effect of allowing specific exceptions or deviations” to accommodate free exercise.¹⁴¹ When government regulation and religious free exercise conflict, the government must approach such conflicts “with flexibility,” striving toward “accommodation between the competing interests.”¹⁴² Rigid enforcement of government regulations demonstrates that the least restrictive means have not been employed.¹⁴³ The government action must also be a “narrow” approach to achieving its interest¹⁴⁴ and must share a nexus of necessity with the interest.¹⁴⁵

B. The Court’s Only Decision Affecting Homeless Encampments on Church Property Provides Little Guidance on the Valid Reach of the Police Power

In *City of Woodinville v. Northshore United Church of Christ*,¹⁴⁶ the Washington State Supreme Court applied its strict scrutiny test for the first time to a government action that affected a homeless encampment on church property.¹⁴⁷ In 2004, the Northshore United Church of Christ entered into a consent agreement with the City of Woodinville, Washington regarding temporary homeless encampments.¹⁴⁸ The contract prohibited the church from hosting any homeless encampment “without a valid temporary use permit.”¹⁴⁹ After signing the agreement,

593 P.2d 811, 814 (1979)).

141. *Sumner*, 97 Wash. 2d at 10, 639 P.2d at 1363 (internal citation omitted) (citing *Wisconsin v. Yoder*, 406 U.S. 205, 221 (1972)).

142. *Sumner*, at 9–10, 639 P.2d at 1363–64.

143. *See id.* at 9–10, 639 P.2d at 1363 (“An effort to accommodate the religious freedom of appellants while at the same time giving effect to the legitimate concerns of the City . . . would seem to be in order.”).

144. *See Northshore United Church of Christ*, 166 Wash. 2d at 645, 211 P.3d at 411 (holding that a blanket restriction on all conditional use permits was not a “narrow means for achieving a compelling goal”).

145. *See Meacham*, 93 Wash. 2d at 740–41, 612 P.2d at 798 (holding that the state’s compelling interest in collecting child support from fathers had a nexus of necessity with a blood-drawing requirement in paternity tests); *see also Backlund v. Bd. of Comm’rs of King Cnty. Hosp. Dist. 2*, 106 Wash. 2d 632, 646–47, 724 P.2d 981, 989 (1986) (holding that a public hospital’s requirement that doctors carry malpractice insurance had a nexus of necessity with the compelling interest of providing adequate funds for patients who successfully litigate malpractice claims against the doctor).

146. 166 Wash. 2d 633, 211 P.3d 406 (2009).

147. *Id.* at 637, 211 P.3d at 407–08.

148. *Id.* at 638, 211 P.3d at 408 (“The City, Share/Wheel, and the Church executed a contract spelling out conditions for the temporary use and the parties’ rights and duties.”).

149. *Id.*

the city adopted a moratorium on all temporary use permits.¹⁵⁰ While the moratorium was still in place, the church applied for a permit to host a homeless encampment.¹⁵¹ The city rejected the application because of its moratorium.¹⁵² The church proceeded to host the encampment without the permit and the city filed for a temporary restraining order.¹⁵³ The trial court enjoined the church from hosting the encampment and the Washington Court of Appeals affirmed on federal constitutional and statutory grounds.¹⁵⁴ The church appealed the decision to the Washington State Supreme Court,¹⁵⁵ and the Court addressed whether the city's refusal to consider the church's application violated the state constitution's protection of free exercise.¹⁵⁶

Under the first prong of the strict scrutiny test, the Court analyzed whether the city's actions placed a burden on the church.¹⁵⁷ The Court reasoned that a burden on free exercise "must be evaluated in the context in which it arises."¹⁵⁸ The Court analyzed the homeless encampment context, finding that "[h]ousing the homeless affects those outside the church in a way that private prayer or religious services inside the church buildings do not."¹⁵⁹ The Court reasoned that "[c]ities may mediate these externalities reflecting concerns for safety, noise, and crime" based on the police power of the state and the limits placed on free exercise in the state constitution.¹⁶⁰ Nevertheless, the Court held that a city "may not outright deny consideration of permitting."¹⁶¹ The city's complete refusal to consider a church's application to host the homeless encampment thus "placed a substantial burden on the Church."¹⁶²

150. *Id.*

151. *Id.*

152. *Id.* ("The City refused to process the application, citing the moratorium on all permits . . .").

153. *Id.* at 639, 211 P.2d at 408.

154. *City of Woodinville v. Northshore United Church of Christ*, 139 Wash. App. 639, 654, 162 P.3d 427, 434 (2007).

155. *City of Woodinville v. Northshore United Church of Christ*, 162 Wash. 2d 1019, 178 P.3d 1033 (2008) (granting review).

156. *Northshore United Church of Christ*, 166 Wash. 2d at 640, 211 P.3d at 409.

157. *Id.* at 642, 211 P.3d at 410 ("[A] party challenging government action must show . . . that the government action burdens the exercise of religion.").

158. *Id.* at 644, 211 P.3d at 411.

159. *Id.*

160. *Id.*

161. *Id.*

162. *Id.*

The Court only briefly discussed whether the city's moratorium served a compelling interest.¹⁶³ Because the city failed to brief the matter, the Court summarily determined that no compelling interest was present.¹⁶⁴ While the Court noted that municipal police power still provides a valid check on religious free exercise,¹⁶⁵ it provided little guidance as to the valid reach of municipal regulation of homeless encampments.

III. WHILE MANY HOMELESS ENCAMPMENT REGULATIONS ARE VALID POLICE POWER ACTIONS, SOME FAIL THE STRICT SCRUTINY TEST

Even though municipal governments may regulate a broad range of activities under their constitutionally protected police power,¹⁶⁶ police power actions affecting the free exercise of religion are still subject to the Washington State Supreme Court's strict scrutiny test.¹⁶⁷ Such is the case when municipalities regulate homeless encampments hosted by religious organizations. The strict scrutiny test requires that homeless encampment regulations burdening religious exercise be justified by a compelling government interest.¹⁶⁸ The homeless encampment regulations must also be the least restrictive means of achieving the government's goal.¹⁶⁹

163. *Id.* at 642, 211 P.3d at 410 (discussing that the city had not briefed whether its actions served a compelling interest and that "the only issue presented is whether the city's actions substantially burden the free exercise" of the church).

164. *Id.*

165. *Id.* at 642, 211 P.3d at 410 n.3 (explaining that "[o]f course, the government may require compliance with reasonable police power regulation").

166. See Spitzer, *supra* note 8.

167. See, e.g., *First Covenant Church of Seattle v. City of Seattle*, 120 Wash. 2d 203, 218, 840 P.2d 174, 183 (1992) (stating that the Washington State Supreme Court will subject any infringement on free exercise to strict scrutiny); see also *supra* text accompanying notes 102–105 (explaining the Washington State Supreme Court's reliance on the strict scrutiny test).

168. See, e.g., *First Covenant*, 120 Wash. 2d at 226, 840 P.2d at 187 ("State action is constitutional under the free exercise clause of article 1 if the action results in no infringement of a citizen's right or if a compelling state interest justifies any burden on the free exercise of religion." (citing *Witters v. State Comm'n for the Blind*, 112 Wash. 2d 363, 371, 771 P.2d 1119, 1122–23 (1989); *City of Sumner v. First Baptist Church of Sumner*, 97 Wash. 2d 1, 7–8, 639 P.2d 1358, 1362 (1982))); see also *supra* text accompanying notes 131–138 (explaining the Washington State Supreme Court's burden analysis).

169. *First Covenant*, 120 Wash. 2d at 227, 840 P.2d at 187 ("The State also must demonstrate that the means chosen to achieve its compelling interest are necessary and the least restrictive available." (citing *Sumner*, 97 Wash. 2d at 14–15, 639 P.2d at 1366 (Utter, J., concurring))); see also *supra* text accompanying notes 139–145 (describing the Washington State Supreme Court's least restrictive means requirement).

A. Municipal Homeless Encampment Regulations Create a Burden on Religious Free Exercise that Must Be Justified by a Compelling Government Interest

Under the first prong of the strict scrutiny test, Washington courts decide whether a government action burdens the free exercise of religion.¹⁷⁰ Although the Washington State Supreme Court has never established a clear burden formula, Washington courts generally recognize a burden on free exercise if the government action causes a party to incur substantial financial expense,¹⁷¹ compels a party to act counter to its religious beliefs,¹⁷² or prevents a party from engaging in acts required by the party's religion.¹⁷³ Under this reasoning, homeless encampment regulations burden free exercise when applied to religious organizations.

The Washington State Supreme Court has held sanitation, sewage, clean water, and security regulations to be constitutionally protected exercises of municipal police power when applied to secular actors.¹⁷⁴ As applied to religious institutions, however, these regulations create a burden on free exercise that must be justified by a compelling government interest. Requiring a church to pay for additional sanitation, sewage, and drinking water service for temporary residents affects the organization financially. Fire safety provisions also have a financial impact by forcing a religious organization to shoulder the cost of flame-retardant tents and outdoor electrical equipment. The same is true for weapons bans and security patrols, which could require the retention of a private security firm. Visual screening regulations also add costs to the protected activity of housing the homeless. These regulations and other fees associated with hosting a homeless encampment¹⁷⁵ are a significant

170. *See, e.g., First Covenant*, 120 Wash. 2d at 226, 840 P.2d at 187 (explaining that government action can be upheld if it does not burden religious free exercise under the first prong of the strict scrutiny test).

171. *See, e.g., Open Door Baptist Church v. Clark Cnty.*, 140 Wash. 2d at 160, 995 P.2d at 42–43 (discussing in dicta that an application fee could be a financial burden on a religious organization); *see also supra* text accompanying notes 119–123 (explaining financial burdens on religious free exercise).

172. *See supra* text accompanying notes 124–128.

173. *See supra* text accompanying notes 129–130.

174. *See supra* text accompanying notes 24–28.

175. Anne Kim, *Tent City Hit With \$4,000 Bill*, SEATTLE TIMES, Sept. 9, 2006, at B3 (explaining that First Evangelical Lutheran Church, a homeless encampment host site, had been billed for the hours that Bothell city officials spent processing its application).

financial burden analogous to the burdens described in previous Washington cases.¹⁷⁶

The regulations would also burden religious organizations “administratively”¹⁷⁷ because they require religious institutions to follow secular standards when engaging in protected religious activity. Providing sewage, clean water, trash cleanup, and security support is much more burdensome than the mere “inconvenience of filling out paperwork.”¹⁷⁸ It requires a concentrated financial and administrative effort to comply with municipal standards for assisting the homeless.

A prohibition against hosting sex offender residents would also burden religious exercise. While many religious organizations do not want sex offenders living in their homeless encampments,¹⁷⁹ other religious organizations could argue that helping all homeless persons is part of their religious practice, regardless of a resident’s criminal history. Prohibiting such religious organizations from hosting homeless sex offenders prevents them from engaging in protected religious acts. This prohibition places a burden on free exercise analogous to burdens recognized in other Washington cases where government action has kept a party from participating in sincerely held religious activity.¹⁸⁰

Similarly, uniform limitations on the number of residents a church may host at its encampment and blanket restrictions on the duration an encampment may stay at a particular site both burden the free exercise of religion. When an organization has a religious mandate to provide housing for the homeless, capping the number of homeless persons the organization may serve directly limits its protected religious practice. Likewise, limiting the duration of a particular homeless encampment

176. *Open Door Baptist Church*, 140 Wash. 2d at 160, 995 P.2d at 42–43 (discussing in dicta that an application fee could be a financial burden on a religious organization); *First United Methodist Church of Seattle v. Hearing Exam’r for the Seattle Landmarks Pres. Bd.*, 129 Wash. 2d 238, 251–52, 916 P.2d, 374, 381 (1996) (holding that ordinance prohibiting church from selling its property to generate revenue placed a financial burden on religious free exercise); *First Covenant Church of Seattle v. City of Seattle*, 120 Wash. 2d 203, 219, 840 P.2d, 174, 183 (1992) (explaining that the landmark ordinance in question burdened the church financially).

177. *First Covenant*, 120 Wash. 2d at 219, 840 P.2d at 183 (“The [historic preservation] ordinances burden free exercise ‘administratively’ because they require that First Covenant seek the approval of a government body . . .”).

178. *Open Door Baptist Church*, 140 Wash. 2d at 160, 995 P.2d at 43.

179. *Tent City 3 Frequently Asked Questions*, MAPLE LEAF LUTHERAN CHURCH, http://peaceoutchurch.org/index.php?option=com_content&task=blogcategory&id=77&Itemid=228 (last visited Sept. 13, 2010) (explaining that homeless encampment residents “do not want sex offenders living in their tent community”).

180. See, e.g., *State v. Balzer*, 91 Wash. App. 44, 55, 954 P.2d 931, 937 (1998) (recognizing that laws criminalizing marijuana possession placed a burden on the defendant’s free exercise).

shortens the period a religious organization can serve the homeless. The two related restrictions prohibit a religious organization from participating in protected religious exercise. The limits must therefore be justified by a compelling government interest.

B. Sewage, Sanitation, Fire Safety, and Security Regulations Protect Public Health and Safety, but Aesthetic Screening Regulations Do Not

Even when a government action burdens free exercise, it may still be valid if it serves a compelling interest.¹⁸¹ Despite the burden that all municipal homeless encampment regulations place on religious organization hosts, sewage, clean water, sanitation, and security measures all serve a compelling government interest in public health and safety. Conversely, visual screening requirements serve aesthetic interests alone and do not further a compelling health and safety interest.

Homeless encampment ordinances requiring sanitation, sewage, drinking water, and security measures all serve a compelling government interest. The Washington State Supreme Court has repeatedly found a direct public health justification in municipal ordinances dealing with sewage,¹⁸² clean water,¹⁸³ and waste disposal.¹⁸⁴ The importance of sanitation, sewage, and clean water ordinances to public health outweighs the burden they place on free exercise. Likewise, fire safety provisions would meet the second prong of the strict scrutiny test by protecting the community from fire danger, an interest that has long been held to fall within the municipal police power.¹⁸⁵ Practices posing a fire hazard are also limited by article I, section 11, which bans religious activities jeopardizing public safety.¹⁸⁶

A compelling government interest also justifies the burden a ban on weapons in homeless encampments places on a religious organization

181. See, e.g., *First Covenant*, 120 Wash. 2d at 226, 840 P.2d at 187 (“State action is constitutional under the free exercise clause of article 1 if the action results in no infringement of a citizen’s right or if a compelling state interest justifies any burden on the free exercise of religion.” (citing *Witters v. State Comm’n for the Blind*, 112 Wash. 2d 363, 371, 771 P.2d 1119, 1122–23 (1989); *City of Sumner v. First Baptist Church of Sumner*, 97 Wash. 2d 1, 7–8, 639 P.2d 1358, 1362 (1982))).

182. *Elliott v. City of Leavenworth*, 197 Wash. 427, 431, 85 P.2d 1053, 1054–55 (1938).

183. *Kaul v. City of Chehalis*, 45 Wash. 2d 616, 620, 277 P.2d 352, 354 (1954).

184. *City of Spokane v. Carlson*, 73 Wash. 2d 76, 80, 436 P.2d 454, 457 (1968); *Cornelius v. City of Seattle*, 123 Wash. 550, 556–57, 213 P. 17, 19 (1923).

185. *Coffin v. Blackwell*, 116 Wash. 281, 287, 199 P. 239, 241–42 (1921); *City of Seattle v. Hinckley*, 40 Wash. 468, 471, 82 P. 747, 748 (1905).

186. WASH. CONST. art. I, § 11.

host. In its limited discussion of the valid reach of homeless encampment regulations, the Washington State Supreme Court explained in *Northshore United Church of Christ* that large numbers of outdoor residents could create “externalities” such as crime that would require government action.¹⁸⁷ Eliminating weapons from the area would mitigate this externality by protecting the safety of encampment residents and the surrounding neighborhood. The Court has already recognized weapons restrictions as valid restrictions on the constitutionally protected right to bear arms.¹⁸⁸ For the same reasons, the positive impact of weapons restrictions on safety makes such regulations compelling enough to survive the second prong of the strict scrutiny test.

Like challenges to weapons bans, challenges to sex offender residency restrictions are likely justified by a compelling interest. The Washington legislature has already recognized an interest in sex offender residency restrictions to prevent crime and protect public safety.¹⁸⁹ Although this statute’s constitutionality has not been evaluated by the Washington State Supreme Court, the Court has long recognized child protection as a compelling government interest,¹⁹⁰ a conclusion that courts in other jurisdictions have reached in upholding sex offender residency restrictions.¹⁹¹

187. *City of Woodinville v. Northshore United Church of Christ*, 166 Wash. 2d 633, 644, 211 P.3d 406, 411 (2009).

188. *See, e.g., City of Seattle v. Montana*, 129 Wash. 2d 583, 592, 919 P.2d 1218, 1223 (1996).

189. WASH. REV. CODE § 9.94A.703 (2008) (prohibiting individuals convicted of child sex crimes from living within “community protection zones”).

190. Although the Washington State Supreme Court has not ruled on the validity of sex offender residency restrictions, it has recognized a compelling interest in state protection of children in other contexts. *See State v. Meacham*, 93 Wash. 2d 735, 738, 612 P.2d 795, 797 (1980) (upholding paternity test law because “the interest of the State in the welfare of its minor children has long been a compelling and paramount concern.” (citing *Heney v. Heney*, 24 Wash. 2d 445, 165 P.2d 864 (1946); *State v. Coffey*, 77 Wash. 2d 630, 465 P.2d 665 (1970); *State v. Bowen*, 80 Wash. 2d 808, 498 P.2d 877 (1972); *State v. Wood*, 89 Wash. 2d 97, 569 P.2d 1148 (1977))); *see also State v. Motherwell*, 114 Wash. 2d 353, 365, 788 P.2d 1066, 1072 (1990) (upholding child abuse reporting statute because “the State’s interest in the protection of children is unquestionably of the utmost importance.”).

191. *See Weems v. Little Rock Police Dep’t*, 453 F.3d 1010, 1016–20, (8th Cir. 2006) (holding that Arkansas law barring sex offenders from living near schools was not an unconstitutional ex post facto law, did not violate substantive due process, did not violate equal protection, and did not violate constitutional right to intrastate travel); *Doe v. Miller*, 405 F.3d 700, 708–22 (8th Cir. 2005) (holding that Iowa law preventing sex offenders from living within 2000 feet of a school did not violate substantive or procedural due process, did not abridge any constitutional right to travel, did not violate the Fifth Amendment’s protection against self-incrimination, and was not an ex post facto law); *Doe v. Baker*, No. Civ.A. 1:05-CV-2265, 2006 WL 905368, *2–9 (N.D. Ga. April 5, 2006) (holding that Georgia state law prohibiting sex offenders from living within 1000 feet of school or child care facility was not an ex post facto law, did not violate the Eighth Amendment’s

Unlike the health and safety measures discussed above, aesthetic screening regulations do not further a compelling government interest. Even as applied to secular organizations, aesthetic screening requirements have been justified only on the basis of limiting criminal activity¹⁹² or protecting public safety,¹⁹³ thereby coupling their aesthetic purpose with a larger government interest in public health and safety. The purpose of the homeless encampment screening requirements is simply to lessen the visual impact of the encampment,¹⁹⁴ thus protecting aesthetic interests alone. The screening requirements do not attempt to cure a direct threat to public safety, in contrast to the valid ordinances upheld in *Markham*¹⁹⁵ and *Lenci*.¹⁹⁶ More importantly, the Washington State Supreme Court has previously held that the government's interest in outdoor aesthetics is not compelling enough to justify a burden on religious free exercise.¹⁹⁷ Aesthetic interests are not compelling because they do not protect "public health and safety."¹⁹⁸ The aesthetic screening requirements in Washington's municipal homeless encampment ordinances fail the strict scrutiny test.

Just as visual screening regulations require a link to the protection of public health and safety, maximum-resident and maximum-duration restrictions must show a connection to health and safety to justify their burden on free exercise. Homeless encampment ordinances include these resident and duration restrictions but do not include an explanation of

prohibition of cruel and unusual punishment, did not violate substantive or procedural due process, and did not result in a "taking" under the Fifth Amendment); *People v. Leroy*, 828 N.E.2d 769, 776–77 (Ill. App. 2005) (holding that Illinois statute prohibiting sex offenders from living within 500 feet of schools was reasonably related to the government's compelling interest in protecting children from sex offenders).

192. *Lenci v. City of Seattle*, 63 Wash. 2d 664, 676–77, 388 P.2d 926, 934 (1964).

193. *Markham Adver. Co. v. State*, 73 Wash. 2d 405, 421, 439 P.2d 248, 258 (1968).

194. *See supra* text accompanying note 79 (describing the purpose of aesthetic screening requirements in homeless encampment ordinances).

195. *Markham*, 73 Wash. 2d at 421, 439 P.2d at 258.

196. *Lenci*, 63 Wash. 2d at 676–77, 388 P.2d at 934.

197. *Munns v. Martin*, 131 Wash. 2d 192, 195, 930 P.2d 318, 319 (1997) (landmark ordinance); *First United Methodist Church of Seattle v. Hearing Exam'r for the Seattle Landmarks Pres. Bd.*, 129 Wash. 2d 238, 251, 916 P.2d 374, 381 (1996); *First Covenant Church of Seattle v. City of Seattle*, 120 Wash. 2d 203, 219, 840 P.2d 174, 183 (1992); *see also supra* text accompanying notes 136–138 (explaining the Washington State Supreme Court's treatment of historic preservation ordinances as applied to religious organizations).

198. *First Covenant*, 120 Wash. 2d at 222, 840 P.2d at 185 (holding that despite cultural and aesthetic interests protected by historic preservation ordinances, those ordinances cannot be compelling interests because they "do not protect public health or safety").

the compelling interest such restrictions aim to achieve.¹⁹⁹ While a health and safety purpose is clear from the face of homeless encampment provisions regulating sewage, clean water, sanitation, fire safety, sex offender residency, and weapons, a health and safety justification is more attenuated in uniform maximum-resident and maximum-duration restrictions. Specific findings explaining the relationship between these provisions and the protection of health and safety are necessary to prove their compelling government interest.²⁰⁰ Possible findings could include a study linking resident density to health and safety. By defining a “safe” number of residents per unit of land, municipalities could show a compelling interest in limiting the number of residents in a given location. Likewise, pairing health and safety with specific homeless encampment durations would clarify the compelling interest that duration limitations are designed to achieve. While a sympathetic court might find a compelling interest in these blanket limitations as they are currently written, specific findings relating to health and safety are necessary to justify resident and duration limitations as compelling government interests.

C. *While Sewage, Sanitation, Fire Safety, and Security Regulations Are Sufficiently Narrow, One-Size-Fits-All Resident and Duration Restrictions Are Not*

Even if a government burden on free exercise is justified by a compelling interest, the government action must still be the least restrictive means of achieving that interest.²⁰¹ Washington courts must “searchingly examine” the government’s effect on religious free exercise to determine if a less restrictive measure, or an exception or deviation from the government regulation, could accommodate religious free exercise while still furthering the government’s compelling interest.²⁰²

199. See *supra* text accompanying notes 93–96 (describing maximum-resident and maximum-duration restrictions).

200. See, e.g., *Ackerly Commc’ns, Inc. v. City of Seattle*, 92 Wash. 2d 905, 920, 602 P.2d 1177, 1186–87 (1979) (validating government police power action because of findings that measure would protect health and safety).

201. *First Covenant*, 120 Wash. 2d at 227, 840 P.2d at 187 (“The State also must demonstrate that the means chosen to achieve its compelling interest are necessary and the least restrictive available.” (citing *City of Sumner v. First Baptist Church of Sumner*, 97 Wash. 2d 1, 8, 15, 639 P.2d 1358, 1366 (1982) (Utter, J., concurring))); see also *supra* text accompanying notes 139–145 (explaining the Washington State Supreme Court’s least restrictive means requirement).

202. *Sumner*, 97 Wash. 2d at 10, 639 P.2d at 1363–64 (citing *Wisconsin v. Yoder*, 406 U.S. 205, 221 (1972)).

The government's chosen regulation must be a "narrow means"²⁰³ selected in an overall effort toward accommodation.²⁰⁴

Sewage, clean water, sanitation, and security provisions in homeless encampment ordinances are all narrowly tailored to a single externality that outdoor homeless encampments present. It is difficult to imagine less inhibitory measures that would still achieve the government's health and safety goals. To protect against illness and disease, homeless encampment regulations require portable toilets, clean water, and trash collection. To protect the safety of residents and the surrounding neighborhood, homeless encampment regulations require reasonable fire prevention steps, prohibit sex offenders, and ban weapons. These provisions are narrowly tailored to the specific government interest they aim to achieve. Although the provisions burden the free exercise of religious organization hosts, they are narrow enough to demonstrate an effort at accommodation while still achieving their compelling government interest. Because of their narrow scope and their close nexus with the government interest they aim to promote, sewage, clean water, sanitation, and security measures are the least restrictive means of accomplishing compelling government interests in health and safety and are therefore constitutional.

Unlike the narrow health and safety regulations discussed above, uniform restrictions on the number of residents homeless encampments may host are not the least restrictive means of achieving their purported interest. Similarly, blanket limitations on the amount of time a religious organization may host a homeless encampment are not the least restrictive means of achieving a government goal. Homeless encampment regulations in Washington place a one-size-fits-all restriction on encampment residents at only 100 persons, irrespective of the size, location, or capacity of an encampment's host.²⁰⁵ Likewise, most homeless encampment regulations sharply limit all encampments to only ninety days at a particular site and flatly prohibit an organization from hosting a second encampment until two years after hosting its first.²⁰⁶ By rigidly enforcing these uniform restrictions on churches of varying size and capacity, municipalities fail to consider "exceptions or

203. *City of Woodinville v. Northshore United Church of Christ*, 166 Wash. 2d 633, 642, 211 P.3d 406, 410 (2009).

204. *Sumner*, 97 Wash. 2d at 10, 639 P.2d at 1363-64.

205. See *supra* text accompanying notes 93-97 (describing maximum-resident and maximum-duration restrictions).

206. See *supra* text accompanying notes 93-97.

deviations”²⁰⁷ that would be less restrictive to the protected religious activity of ministering to the homeless. If the resident and duration restrictions are aimed at protecting health and safety, less restrictive health and safety measures are already included in homeless encampment ordinances.²⁰⁸ When less restrictive means not only exist but have already been enacted by the municipality, uniform caps on residents and duration cannot be the least restrictive means of protecting health and safety.

Maximum-resident and maximum-duration restrictions also fail because they are not “narrow”²⁰⁹ means connected by a “nexus of necessity”²¹⁰ to the interest they purport to advance. Resident and duration restrictions lack findings establishing a government interest in health and safety.²¹¹ Without such findings, uniform caps at 100 residents and blanket limitations of ninety days at all host sites become arbitrary figures lacking the health and safety nexus required by the strict scrutiny test. To qualify as a narrow means, maximum-resident restrictions must establish a public health or safety interest in a specific resident density, perhaps through legislative findings defining the safe number of residents per unit of land. This “safe” density could then be applied individually to homeless encampment hosts to determine a maximum resident capacity for that specific host site. By applying this tailored density formula to specific hosts, municipalities would provide a much narrower restriction on free exercise than current one-size-fits-all limitations. Applying a “safe” density formula would also demonstrate a nexus with the government’s interest in health and safety. Only through narrow tailoring, such as a density formula, could maximum-resident restrictions satisfy the third prong of the strict scrutiny test. As currently written, such restrictions are unconstitutional infringements on free exercise.

Similarly, municipalities must link their ninety-day limitations on homeless encampments to the protection of health and safety. The government’s interest in homeless encampments being “temporary” is

207. *Sumner*, 97 Wash. 2d at 10, 639 P.2d at 1363–64.

208. *See supra* text accompanying notes 33–35, 53–55 (outlining the health and safety regulations included in municipal homeless encampment ordinances).

209. *City of Woodinville v. Northshore United Church of Christ*, 166 Wash. 2d 633, 642, 211 P.3d 406, 410 (2009).

210. *State v. Meacham*, 93 Wash. 2d 735, 740, 612 P.2d 795, 798 (1980).

211. *See supra* text accompanying notes 93–96; *see also supra* Part III.B (explaining that homeless encampment ordinances do not include findings that link maximum-resident restrictions to public safety).

not enough. Municipalities must demonstrate a “nexus of necessity” between the duration an encampment stays at a given site and the protection of public health and safety.²¹² Until municipalities establish this nexus and tailor restrictions to specific hosts, blanket limitations on encampment duration will fail to satisfy the third prong of the strict scrutiny test.

CONCLUSION

The Washington State Constitution provides “absolute” protection for religious free exercise. It also vests strong police power in municipal governments. Homeless encampment regulations stand at the threshold between these two competing constitutional provisions. To distinguish valid police power actions from undue restrictions on free exercise, the Washington State Supreme Court has articulated a three-pronged strict scrutiny test. Under the first prong of the strict scrutiny test, all homeless encampment regulations burden the free exercise of religion. Under the second prong, however, many of these burdens are justified by a compelling government interest in public health and safety. Provisions regulating sewage, clean water, sanitation, fire safety, weapons possession, and sex offender residency all protect public health and safety; whereas aesthetic screening requirements do not. Finally, under the third prong of the strict scrutiny test, blanket restrictions on encampment population size and duration are not the least restrictive means of accomplishing a compelling government interest. Municipalities and religious organizations should consider these constitutional limitations on Washington’s homeless encampment ordinances in the years ahead.

212. *Meacham*, 93 Wash. 2d at 740, 612 P.2d at 798 (1980).

**Attachment D: D-09 Temporary Homeless Encampment
Area of Renton Churches Interfaith Shelter Endeavor (ARISE) - Background**

ARISE is an acronym for Area of Renton Churches Interfaith Shelter Endeavor. It has been in existence since November 2005. It is an emergency men's shelter designed to help homeless men over the age of eighteen in South King County move from the streets into permanent housing. It recently became a program of Catholic Community Services (CCS). The shelter rotates locations every thirty days. Men come to the church at 9pm and leave by 7am the following morning. The hours were determined by the churches – many of them have evening activities which they did not want the shelter to conflict with. Dinner is served at 9pm, and the men go to sleep shortly thereafter. Typically the men stay in the sanctuary of a church and sleep on a mat. Their belongings, mats, and other equipment are stored in a trailer that is moved monthly by volunteers.

It is a partnership between CCS, local churches, the City, and the community.

Intakes are done by the CCS case manager at their Kent office, and at St. Anthony's Church in Renton on Tuesday and Thursday from 1-3pm. All of the men must be sober and drug free to be in the program. The case manager meets with the men at least once a month, and works with the men to stabilize them and to assist in placing them into housing appropriate for the client's next step. Many of the men are employed. A peer support group was recently started.

In 2009 84 individual homeless men were served and 28 of them were placed in housing.

In 2009 93% of the funding went to provide the site management and case management services. The site manager is the person who spends the night with the men each night. City of Renton Human Services funds this program for \$40,000 per year, and they are required to submit quarterly performance reports. In 2010, they have to serve 80 individual men, do 180 intakes, provide 7200 bed nights, and place 14 into permanent housing. The maximum number of men in shelter any night is 25.

Area churches and REACH (Renton Ecumenical Association of Churches) support this program. It is expected that local churches will contribute \$13,000 per year.

Each month, area churches provide the shelter site (the Host Church) and meals (the Support Church). Host Churches are ideally near bus lines and other services. All dinners are prepared at home by the Support Church volunteers and are brought to the Host Church, ready to serve. The Support Church prepares lunches for the men the next day. The men prepare their own breakfast from materials left by the Support Church.

The churches served 7,828 evening meals and provided food for a similar number of lunches and breakfasts. This used 3,021 volunteers for a total of 7,247 hours of time donated. It is estimated that the cost of meals averages around \$120/night so that would be a donation by the volunteers doing the "support" of about \$43,000.

	A temporary homeless encampment may be located at the same site no more than once every 12 months. For the purposes of this subsection, the 12 months shall be calculated from the last day of the prior encampment at the site.
Public Meeting	Informal Public Meeting Required. The code official shall require an applicant to conduct an informal public meeting to inform citizens about a proposed temporary homeless encampment prior to submittal of an application. Notice of the informal public meeting shall be provided in the same manner as required for notice of the application, at least 10 days prior to the informal public meeting. Prior to the informal public meeting, the temporary homeless encampment sponsor and managing organization shall meet and confer with the Police Department regarding any proposed security measures. At the informal public meeting, a representative of the temporary homeless encampment sponsor and managing organization shall present in writing and describe the proposed temporary homeless encampment location, timing, site plan, code of conduct, encampment concerns, management security measures, and any input or comment received on the plan, including any comment or input from the Police Department, or comment or input from schools and/or child care services. Copies of the agenda and other materials shall be provided by the applicant at the meeting. The meeting shall be conducted on the subject property whenever feasible.
School & Child Care Service, Notification	Prior to any application for a temporary homeless encampment permit, the temporary homeless encampment sponsor, or temporary homeless encampment managing organization shall meet and confer with the administration of any public or private elementary, middle, junior high or high school within 600 feet of the boundaries of the lot(s) proposed to contain the temporary homeless encampment, and shall meet and confer with the operators of any properly licensed child care service within 600 feet of the boundaries of the lot(s) proposed to contain the temporary homeless encampment. The temporary homeless encampment sponsor and the school administration and/or child care service operator shall make a good faith effort to agree upon any additional conditions that may be appropriate or necessary to address school and/or child care concerns regarding the location of a temporary encampment within 600 feet of such a facility. Any such conditions agreed upon between the parties shall be submitted to the Planning Director for consideration, for inclusion within the temporary homeless encampment permit. In the event the parties fail to agree on any conditions, either party may provide the Planning Director with a written summary of the parties' discussions, which the Planning Director may consider in evaluating whether the conditions for the temporary homeless encampment permit are met, or the need for additional conditions upon the temporary homeless encampment permit, without violating the legal rights of the temporary homeless encampment sponsor.
Notice of Application	A Notice of Development Application shall be provided prior to the Planning Director's decision according to Public Notice Requirements RMC 4-8-090.
Notice of Decision	A Notice of Decision for a Temporary Homeless Encampment, or summary thereof, shall contain the decision of the Planning Director and appeal procedure and be distributed as required for notice of application within four business days after the decision.
Decision & Appeals	Decision authority is at the Planning Director level and the Appeal Authority is with King County Superior Court.

proximity, Transportation Plan	temporary homeless encampment shall be within a half mile of a public transit stop or the sponsor or managing organization must demonstrate the ability for residents to obtain access to the nearest public transportation stop through sponsor or host provided van or car pools. During hours when public transportation is not available, the sponsor or host shall also make transportation available to anyone who is rejected from or ordered to leave the temporary homeless encampment.
Persons age 18 and under not allowed	The managing agency shall not permit children under the age of eighteen to stay overnight in the temporary homeless encampment except under exigent circumstances. If a child under the age of eighteen, either alone or accompanied by a parent or guardian, attempts to stay overnight, the managing agency will immediately contact Child Protective Services and endeavor to find alternative shelter for the child and any accompanying parent or guardian.
Code of conduct	<p>A code of conduct is required to be enforced by the managing agency. The code shall contain the following as a minimum:</p> <ol style="list-style-type: none"> 1) No drugs or alcohol. 2) No weapons. 3) No violence. 4) No open flames. 5) No loitering in the surrounding neighborhood. 6) Quiet hours. <p>Nothing within this section shall prohibit the temporary homeless encampment sponsor or managing organization from imposing and enforcing additional code of conduct conditions not otherwise inconsistent with this section.</p> <p>The managing agency shall enforce the written code of conduct. Failure by the managing agency to take action against a resident who violates the terms of the written code of conduct may result in cancellation of the permit.</p>
Compliance with health and safety codes	The temporary homeless encampment shall comply with all applicable standards of the Seattle-King County Health Department, or its successor. The managing agency shall ensure compliance with Washington State and City codes concerning but not limited to drinking water connections, human waste, solid waste disposal, electrical systems, and fire-resistant materials.
Inspections	The temporary homeless encampment shall permit regular inspections by the City, including the Police Department and Fire & Emergency Services, and King County Health Department to check compliance with the standards for temporary homeless encampment.
Identification	The managing agency shall take all reasonable and legal steps to obtain verifiable identification, such as a driver's license, government-issued identification card, military identification or passport from prospective and temporary homeless encampment residents.
Log-in and identification	The temporary homeless encampment managing organization shall maintain a resident log for all who are residing at the temporary homeless encampment. Such log shall be kept onsite at the temporary homeless encampment. Prospective encampment residents shall provide a verifiable form of identification when signing the log.
Duration / Frequency	Temporary homeless encampments may be approved for a time period not to exceed 92 days, including setup and dismantling of the encampment.

Attachment C: D-09 Temporary Homeless Encampments
 Draft Code Language to be included in RMC 4-9-240 in a new subsection

Code Elements ⁺	Proposed Code Language
Definitions	
Definition of 'Encampment'	Temporary Homeless Encampment: A group of homeless persons temporarily residing out of doors on a site with services provided by a sponsor and supervised by a managing agency.
Definition of 'Managing Organization'	Temporary Homeless Encampment Managing Organization: A group or organization that has the capacity to organize and manage a temporary homeless encampment. A temporary encampment "managing organization" may be the same entity as the temporary homeless encampment sponsor.
Definition of 'Sponsor'	Temporary Homeless Encampment Sponsor: A religious institution which owns the property or has an ownership interest in the property, for which a temporary homeless encampment is to be located, and that has an agreement with the temporary homeless encampment managing organization to provide basic services and support for the residents of a temporary homeless encampment and liaison with the surrounding community and joins with the managing organization in an application for a temporary homeless encampment permit. A "sponsor" may be the same entity as the managing organization.
Standards	
Location Criteria	A temporary homeless encampment shall be located at a religious institution. If the religious institution is not actively practicing on the site proposed for a temporary encampment, then the religious institution must comply with all other permit requirements for the underlying zone required for siting a new religious institution and temporary homeless encampment.
Setbacks	The temporary homeless encampment shall be located a minimum of 20 feet from the property line of abutting properties containing residential uses.
Visual buffering	A six-foot high sight obscuring fence, vegetative screen or other visual buffering shall be provided between the temporary homeless encampment and any abutting residential property and the right-of-way. The fence shall provide privacy and a visual buffering for encampment residents and neighboring properties in a manner and material approved by the code official. The code official shall consider existing vegetation, fencing, topographic variations and other site conditions in determining compliance with this requirement
Exterior Lighting	Exterior lighting must be directed downward, away from abutting and adjoining properties, and contained within the temporary homeless encampment.
Maximum residents	The maximum number of residents within a temporary homeless encampment is 100.
Parking, Additional	Each lot occupied by a temporary homeless encampment must provide or have available parking and vehicular maneuvering area. The temporary homeless encampment and the parking of any vehicles associated with a temporary homeless encampment application shall not displace the host site's parking lot in such a way that the host site no longer meets the minimum or required parking of the principle use as required by code or previous approvals unless an alternative parking plan has been approved by the Planning Director.
Transit	A transportation plan is required which shall include provision of transit services. The

Code Elements*	Bellevue	Bothell	Issaquah*	King County	Kirkland	Mercer Island	Redmond	SeaTac
Is there a provision for hold harmless / indemnification for City taxpayers?	No.	Yes. BMC 12.06.160.B.3.f.1	5.14.090 Yes. Special use Permit Sec. 14.	No.	No.	Codes: 8.04.120, 8.30.030, 17.14.113, 17.14.11 5, 17.15.030, 19.15.030, & RCW 70.95.240(2)(b-c) Yes, City is held harmless and indemnified.	No.	No.
Process For People Evicted From Tent City?	Yes.	Yes. BMC 12.06.160.B.3.e.3.D & C	Yes.		Yes. In Temp Use Permit ZOzn08-00001.	Yes. Process for eviction or unlawful detainer. RCW 59.12. See RWC 59.16-59.20. See also Mercer Island City Code 9.14, Trespass, to which usual police procedures apply.	No.	No.
Application Fee	\$440 total. \$110 land use fee, \$225 fee for land use sign, \$62 for fire inspection, \$43 for Right-of-Way use	Hourly rate based on time to process land use permit. Land use planner hourly rate is \$140.80	\$188.80 total. \$20 for special use permit, and \$168.80 for plumbing permit		\$212 for a Temporary Use Permit	None at this time. Must be submitted if required. A \$250 refundable deposit for a public notice sign would be required. A fee of \$69 was charged for a temporary power permit for Tent City	\$1,601.77 for a Temporary Use Permit	\$60 for a Temporary Use Permit

*Issaquah regulates Temporary Encampments with a "Temporary Use Permit" (which also includes many other temporary land uses) and is not specific to Temporary Encampments. Language is provided in the Issaquah Municipal Code that allows the city to place restrictions on the permit that are not necessarily spelled out in the code, subject to a legal nexus.

Code Elements*	Bellevue	Bothell	Issaquah*	King County	Kirkland	Mercer Island	Redmond	SeaTac
Specific Health, Safety and Fire Protections Apply?	Yes.	Yes. BMC 12.06.160.B.3.d	Yes.		Yes.	Yes. 19.06.090(A)(7), 19.06.090(A)(8), 19.06.090(A)(13), 19.06.090(A)(14)	Yes. RCDG 20D. 190-10-030.2.d and 20D.190- 10- 030.3.f	Yes. SMC 15.20.045.B.2 and 15.20.045.B.3
Identification, and Warrant and Sex Offender Checks Required For Persons at Encampment?	Yes. 20.30U.121	Yes, when deemed necessary. BMC 12.06.160.B.3.e.3	Not mentioned in Permit # SPE07-00032. (may be in separate agreement with Police Dept.).	Only identification required. 21A.45.060.L	Yes. KZC 127.25.	Yes. 19.06.090(A)(17) and 19.06.090(A)(19)	Only identification required. RCDG 20D.190-10- 030.3.e	Yes. SMC 15.20.045.C.5 and 15.20.045.C.6
Inspections Required?	Not addressed in 20.30U.	"may be conducted". BMC 12.06.160.B.3.d	Yes. Temp Use Permit.	Yes. 21A.45.090	Yes. KZC 127.25.	"shall permit inspections". 19.06.090(A)(15)	Not addressed.	"shall permit inspections". SMC 15.20.045.E.3
Is Notice Provided to Neighbors Prior to Decision?	Yes. LUC 20.35.510 & 525.	Yes. BMC 12.06.160.B.3.a.2 and BMC title 11	Not required for special use permit per IMC 5.14		Yes. KZC 127.42.	Yes. 19.06.090(C)(1) and 19.06.090(C)(2)	Yes. RCDG 20D.190-10- 030.4	Yes. Notify property owners prior to application. SMC 15.20.045.A.2
Must Notify, and Meet and Confer with Nearby Schools and Daycares?	Yes. Any within 600 feet of site. LUC 20.30U.122.	Yes. BMC 12.06.160.B.3.a.4	No. Not in Temporary Use Permit.	No.	No. Requires compatibility with surrounding uses.	Yes. Any within 600 feet of the encampment. 19.06.090(C)(2)	Not Prohibited.	Not Prohibited.
Can There be Immediate Enforcement of Violations?	Yes. LUC 20.30U.125 and BCC 1.18	Yes. BMC 12.06.160.B.3.a.7	Yes. IMC 5.14.090	Yes.	Yes.	Yes. Mercer Island Codes 8.04.120, 8.30.030, 17.14, 17.15, & 19.15.030	Yes. Chapter 1.14, 9.34, 14.04	Yes.
Are There Any Penalties for Violating Codes or Agreement?	Yes.	Yes. BMC 12.06.160.B.3.a.7 and 11.20.010	Yes. Civil fines or by imprisonment. IMC 5.14.060 and	Yes.	Yes.	Yes. Civil fines and penalties for City and State Code violations. Mercer Island	Yes. Chapter 1.14, 9.34, 14.04	Yes. Expulsion or Termination of Temporary Use Permit. SMC

Code Elements*	Bellevue	Bothell	Issaquah*	King County	Kirkland	Mercer Island	Redmond	SeaTac
Sight Obscuring Fence or Screening Required?	Yes. LUC 20.30U.125.	Yes. BMC 12.06.160.B.3.b.2 Yes. BMC 12.06.160.B.3.b.3	allows for other conditions deemed necessary) Yes, Use Permit #SPE07-00032.	of the lot. 21A.45.060.F.1 Yes. 21A.45.060.F	Yes, KZC 127.25.	Yes. 19.06.090(A)(10)(b)	030.3.f.ii Planning Director's decision. RCDG 20D.190-10-030.3.f.ii	Yes. SMC 15.20.045.B.9 and 15.20.045.B.10
Lighting Regulation.	Glare and reflections must be contained within Camp. LUC 20.30U.125.	Yes. BMC 12.06.160.B.3.e.2	None in Permit.	None.	Lighting must be directed downward and containing within camp. KZC 127.25.	Lighting must be directed inward toward encampment. 19.06.090(A)(10)(c)	Planning Director's decision. RCDG 20D.190-10-030.3.f.ii	None.
Maximum Number of Residents at Encampment.	100 persons. LUC 20.30U.125.	Based on land area. No max #. BMC 12.06.160.B.3.b.1	100 persons. Use Permit # SPE07-00032.	100 or determined taking site into consideration 21A.45.060A	100 persons. KZC 127.25.	100 persons. 19.06.090(A)(9)	100 persons. RCDG 20D.190-10-030.3.b	100 persons. SMC 15.20.045.B.6
Parking Requirements at Site?	Yes. LUC 20.30U.125.	Yes. BMC 12.06.160.B.3.b.4	Yes. Use Permit Condition 5.	Yes. 21A.45.070	Yes. KZC 127.25.	Yes. 19.06.090(A)(1)	Yes. RCDG 20D.190-10-030.3.d	Yes. SMC 15.20.045.B.7
Proximity to transit Required?	Yes. Within ½ mile of a transit stop. LUC 20.30U.125.	Yes. Within ½ mile of transit stop. BMC 12.06.160.B.3.b.5	No requirement in Permit # SPE07-00032.	Within ½ mile of a transit stop or ability to get there. 21A.45.060E	Yes, Within ½ mile of a transit stop. KZC 127.25.	Yes. Within ½ mile of a public transit stop. 19.06.090(A)(3)	Planning Director's decision. RCDG 20D.190-10-030.3.f.iii	Yes. Within ¼ mile or provide carpool/shuttle SMC 15.20.045.B.8
Children Prohibited from Staying in Encampment?	Yes. LUC 20.30U.125.	Not Prohibited.	No. Not under Permit # SPE07-00032.	Yes. Cannot stay overnight, except under exigent circumstances. 21A.45.060.J	Yes. KZC 127.25	Yes. Cannot stay overnight, except under exigent circumstances. 19.06.090(A)(12)	Planning Director's decision. RCDG 20D.190-10-030.3.f.ii	Not Prohibited.
Code of Conduct for Persons in Encampment?	Yes, LUC 20.30U.125	Yes. BMC 12.06.160.B.3.e.4	Not mentioned in Permit # SPE07-00032.	Yes. 21A.45.050.B.1	Yes. KZC 127.25	Yes. 19.06.090(A)(18)	Yes. RCDG 20D.190-10-030.3.f.i	Yes. SMC 15.20.045.C.3

Attachment B: D-09 Temporary Homeless Encampments
 Conditions of Approval – Code Comparison

Code Elements	Bellevue	Bothell	Issaquah*	King County	Kirkland	Mercer Island	Redmond	SeaTac
Minimum Time Application must be Submitted Prior to Arrival	None specified	None specified	None specified	30 or 40 days. 21A.45.050	None specified	90 days 19.06.090(A)(9)	30 days, RCDG 20D.190-10.030.3.a	Notify city 30 days prior to arrival and 14 days prior to application. SMC 15.20.045.A.1
Time Limit for Returning	May be located at the same site no more than once every 18 months. 20.30U.125(A)(5)	Shall not be allowed in one location for more than 90 days, either consecutively or cumulatively, during any 12-month period. BMC 12.06.160.B.3.c	No criteria found in ordinance or Special Event/Use Permit SPE07-00032.	No more than once every twelve months at the same site. 21A.45.060.C	The City may not grant a temporary use permit at the same site more frequently than once in every 365-day period. KZC 127.30	Must not be located within one mile of any site that contained a temporary encampment within the last 12 months. 19.06.090(A)(6)	Limited to a maximum of 110 days within any 365-day time period at one location. RCDG 20D.190-10-030.3.c	"The duration of the homeless encampment shall not exceed 90 days or exceed 180 days in any 2 year period." & "No more than one homeless encampment may be located in the City at any time." SMC 15.20.045.D.1 & 2.
Length of Stray.	Cannot exceed 60 days. LUC 20.30U.125(A)(4). Consent decree allows 90 days	90 days + weekend if 90th day is on a Friday. BMC 12.06.160.B.3.c.	90 days. Special Event/Use Permit SPE07-00032.	Shall not exceed 92 days at one time. 21A.45.060.B	Cannot exceed 92 days. KZC 127.30.	Cannot exceed 90 days. 19.06.090(A)(5)	110 days "at one location". RCDG 20D.190-10-030.3.b	Cannot exceed 90 days. SMC 15.20.045.D.1
Encampment Setback from Abutting Properties.	20 feet or more, LUC 20.30U.125.	20 feet or more, unless approved by adjacent property. BMC	No setback requirement in Permit. (IMC 5.14.050.A.10	Minimum of 20 feet in each direction from the boundary	20 feet or more. KZC 127.25.	20 feet or more, 19.06.090(A)(10)(a)	Planning Director's decision. RCDG 20D.190-10-	None.

Code Elements ↓	Mercer Island	Kirkland	King County
		<p>those in KZC 127.25. If a modification is proposed, then the application will be processed according to Process I, Chapter 145 KZC, including a comment period and appeal to the Hearing Examiner. In addition to all other permit application requirements, the applicant shall submit a description of the standard to be modified and shall demonstrate how the modification will result in a safe homeless encampment under the specific circumstances of the application. In considering whether the modification should be granted, the Planning Director shall consider the effects on health and safety of residents and the community.</p>	<p>applies standards that differ from those established by K.C.C. code. In addition to all other permit application requirements, the applicant shall submit a description of the requirements to be modified and shall demonstrate how the modification will result in a safe homeless encampment under the specific circumstances of the application. The department shall review the proposed modifications and shall either deny or approve the application, with conditions if necessary, to ensure a safe homeless encampment with minimal impacts to the host neighborhood. The hearing examiner shall expedite the hearing on an appeal of the department's decision under this section.</p>
<p>Decision & Appeals</p>	<p>Decision authority is at the Code Official level and the Appeal Authority is with King County Superior Court.</p>	<p>There is no administrative appeal of the Planning Director's decision for a temporary use permit. The action of the City in granting or denying an application under this chapter may be reviewed pursuant to the standards set forth in RCW 35.70C.130 in the King County Superior Court. The land use petition must be filed within 21 calendar days of the issuance of the final land use decision of the City. For information on the judicial process for land use decision, see 36.70C RCW.</p>	

Code Elements	Mercer Island	Kirkland	King County
	<p>within 600 feet of the boundaries of the lot(s) proposed to contain the temporary encampment. The temporary encampment sponsor and the school administration and/or child care service operator shall make a good faith effort to agree upon any additional conditions that may be appropriate or necessary to address school and/or child care concerns regarding the location of a temporary encampment within 600 feet of such a facility. Any such conditions agreed upon between the parties shall be submitted to the code official for consideration, for inclusion within the temporary encampment permit. In the event the parties fail to agree on any conditions, either party may provide the code official with a written summary of the parties' discussions, which the code official may consider in evaluating whether the conditions for the temporary encampment permit are met, or the need for additional conditions upon the temporary encampment permit, without violating the legal rights of the temporary encampments sponsor.</p>		
Website Information	<p>Yes, to provide information when a permit is applied for, the process, and related information for public awareness. This would be in addition to the regular Notice of Application process.</p>	<p>Yes, to provide information when a permit is applied for, the process, and related information for public awareness. This would be in addition to the regular Notice of Application process.</p>	
Notice of Decision		<p>A Notice of Decision for Homeless Encampment, or summary thereof, shall contain the decision of the Planning Director and appeal procedure and be distributed as required for notice of application within four business days after the decision.</p>	
Option to Modify Standards		<p>The applicant may apply for a temporary use permit that applies standards that differ from</p>	<p>An applicant for a homeless encampment may apply for a temporary use permit that</p>

Code Elements	Mercer Island	Kirkland	King County
		<p>code of conduct, and how to get more information (i.e., City website). The Planning Department shall distribute this notice as follows:</p>	<p>notice shall contain the following specific information: 1) Name of sponsor; 2) Name of host if different from the sponsor; 3) Date the homeless encampment will begin; 4) Length of stay; 5) Maximum number of residents allowed; 6) Planned location of the homeless encampment; 7) Dates, times and locations of community informational meetings about the homeless encampment; 8) Contact information including names and phone numbers for the managing agency and the sponsor; and 9) A county contact person or agency.</p>
Notice Distribution		<p>The notice, or a summary thereof, will be published in the official newspaper of the City at least seven calendar days prior to the Planning Director's decision.</p> <p>The notice, or a summary thereof, will be distributed to owners of all property within 500 feet of any boundary of the subject property and residents and tenants adjacent to the subject property at least 14 calendar days prior to the Planning Director's decision.</p> <p>No requirement.</p>	
School & Child Care Service, Notification	<p>Additional Mailed Notice. The requirements for mailing the notice of application set forth in MICC 19.15 shall be expanded to include owners of real property within 600 feet of the lot(s) containing the proposed temporary encampment.</p> <p>Yes. Prior to any application for a temporary encampment permit, the temporary encampment sponsor, or temporary encampment managing organization shall meet and confer with the administration of any public or private elementary, middle, junior high or high school within 600 feet of the boundaries of the lot(s) proposed to contain the temporary encampment, and shall meet and confer with the operators of any properly licensed child care service</p>		

Code Elements	Mercer Island	Kirkland	King County
	<p>provided in the same manner as required for notice of the application, at least 10 days prior to the informal public meeting. Prior to the informal public meeting, the temporary encampment sponsor and managing organization shall meet and confer with the Mercer Island Police Dept. regarding any proposed security measures. At the informal public meeting, a representative of the temporary encampment sponsor and managing organization shall present in writing and describe the proposed temporary encampment location, timing, site plan, code of conduct, encampment concerns, management security measures, and any input or comment received on the plan, including any comment or input from the Mercer Island Police Department, or comment or input from schools and/or child care services under subsection 2 of this section. Copies of the agenda and other materials shall be provided by the applicant at the meeting. The meeting shall be conducted on the subject property whenever feasible.</p>	<p>residents and tenants adjacent to the subject property. The purpose of the meeting is to provide the surrounding community with information regarding the proposed duration and operation of the homeless encampment, conditions that will likely be placed on the operation of the homeless encampment, requirements of the written code of conduct, and to answer questions regarding the homeless encampment.</p>	<p>that are entitled to notice under this section with information regarding the proposed duration and operation of the homeless encampment, conditions that will be placed on the operation of the homeless encampment and requirements of the written code of conduct, and to answer questions regarding the homeless encampment</p>
<p>Notice of Application Process</p>	<p>A Notice of Application for Homeless Encampment shall be provided prior to the Planning Director's decision. The purpose of the notice is to inform the surrounding community of the application. Due to the administrative and temporary nature of the permit, there is no comment period. The notice shall contain at a minimum the date of application, project location, proposed duration and operation of the homeless encampment, conditions that will likely be placed on the operation of the homeless encampment, requirements of the written</p>	<p>The managing agency, in partnership with the sponsor, shall: At least fourteen days before the anticipated start date of the homeless encampment, provide notification to all residences and businesses within five hundred feet of the boundary of the proposed homeless encampment site, but the area shall be expanded as necessary to provide notices to at least twenty different residences or businesses, as well as any unincorporated area council, if applicable, and any homeowner association representing residents receiving notice. The</p>	<p>The managing agency, in partnership with the sponsor, shall: At least fourteen days before the anticipated start date of the homeless encampment, provide notification to all residences and businesses within five hundred feet of the boundary of the proposed homeless encampment site, but the area shall be expanded as necessary to provide notices to at least twenty different residences or businesses, as well as any unincorporated area council, if applicable, and any homeowner association representing residents receiving notice. The</p>

Code Elements	Mercer Island	Kirkland	King County
	<p>code official may allow up to five additional days to accommodate moving on a weekend.</p> <ul style="list-style-type: none"> - The City shall not grant a permit for a temporary encampment that is proposed to commence on a lot or lots within one-half mile of any lot(s) that contained a temporary encampment within the last 18 months. For the purposes of this subsection, the 18 months shall be calculated from the last day of the prior temporary encampment within the one-half mile radius. No more than one temporary encampment may be located in the City at any time. 		<p>and dismantling of the homeless encampment A homeless encampment may be located at the same site no more than once every twelve months</p>
<p>Violation of conditions of approval</p>	<p>Upon determination that there has been a violation of any condition of approval, the code official may give written notice to the permit holder describing the alleged violation. Within seven days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the seven day period, the code official shall sustain or revoke the permit. When a Temporary Encampment Permit is revoked, the code official shall notify the permit holder by certified mail of the revocation and the findings upon which revocation is based. Appeals of decisions to revoke a Temporary Encampment Permit will be processed pursuant to RCW 36.70C. The availability of this procedure shall be in addition to the procedures set out in MICC 19.15.030.</p>		
<p>Public Meeting</p>	<p>Informal Public Meeting Required. The code official shall require an applicant to conduct an informal public meeting to inform citizens about a proposed temporary encampment prior to submittal of an application. Notice of the informal public meeting shall be</p>	<p>A minimum of 14 calendar days prior to the anticipated start of the encampment, the sponsor and/or managing agency shall conduct a public informational meeting by providing mailed notice to owners of property within 500 feet of the subject property and</p>	<p>Conduct at least one community informational meeting held on the host site, or nearby, at least ten days before the anticipated start date of the homeless encampment. The purpose of the meeting is to provide those residences and businesses</p>

Code Elements	Mercer Island	Kirkland	King County
Background checks: warrant & sex offender	<p>The temporary encampment managing organization shall obtain warrant and sex offender checks from the King County Sheriff's office for all current camp residents within the seven days prior to moving to Mercer Island, as well as from all new residents checking into the temporary encampment. If said check reveals the subject is a sex offender or has an active warrant, the temporary encampment managing organization or sponsor shall immediately contact the City of Mercer Island Police Department. The temporary encampment sponsor shall be responsible for verifying that the warrant and sex offender checks occur, that the log of persons residing at the temporary encampment is kept and that verifiable forms of identification are being provided.</p>	<p>The managing agency shall take all reasonable and legal steps to obtain verifiable identification from prospective encampment residents and use the identification to obtain sex offender and warrant checks from the appropriate agency. All requirements by the Kirkland Police Department related to identified sex offenders or prospective residents with warrants shall be met.</p>	
Services for residents	<p>All temporary encampments shall have services, such as food, water, and waste disposal, provided by a temporary encampment sponsor and supervised by a temporary encampment managing organization.</p>		
Log-in and identification	<p>The temporary encampment managing organization shall maintain a resident log for all who are residing at the temporary encampment. Such log shall be kept onsite at the temporary encampment. Prospective encampment residents shall provide a verifiable form of identification when signing the log.</p>		<ul style="list-style-type: none"> - The managing agency shall keep a log of all people who stay overnight in the homeless encampment, including names and dates - The managing agency shall take all reasonable and legal steps to obtain verifiable identification, such as a driver's license, government-issued identification card, military identification or passport from prospective and homeless encampment residents
Duration / Frequency	<p>- No temporary encampment shall operate within the City of Mercer Island for more than 90 consecutive days, except that the</p>	<p>Homeless encampments may be approved for a time period not to exceed 92 days.</p>	<p>The duration of a homeless encampment at any specific location shall not exceed ninety-two days at any one time, including setup</p>

Code Elements	Mercer Island	Kirkland	King County
	<p>neighborhood is permitted; and 9) No convicted sex offender shall reside in the temporary encampment.</p> <p>Nothing within this section shall prohibit the encampment sponsor or encampment managing organization from imposing and enforcing additional code of conduct conditions not otherwise inconsistent with this section.</p>		
<p>Compliance with health and safety codes</p>	<ul style="list-style-type: none"> - The temporary encampment shall comply with all applicable standards of the Seattle-King County Health Department, or its successor. - The temporary encampment shall comply with all Washington State and City codes concerning, but not limited to, drinking water connections, human waste, solid waste disposal, electrical systems, cooking and food handling and fire resistant materials. Servicing of portable toilets and trash dumpsters is prohibited between the hours of 10:00 pm and 7:00 am on Mondays through Fridays, excluding legal holidays, and between the hours of 10:00 pm and 9:00 am on Saturdays, Sundays, and legal holidays, except in the case of bona fide emergency or under permit from the code official in case of demonstrated necessity. 	<p>The managing agency shall ensure compliance with Washington State and City codes concerning, but not limited to drinking water connections, human waste, solid waste disposal, electrical systems, and fire-resistant materials.</p>	<ul style="list-style-type: none"> - The host and managing agency will assure all applicable public health regulations, including but not limited to the following, will be met: <ol style="list-style-type: none"> 1)Sanitary portable toilets; 2)Hand washing stations by the toilets; 3)Food preparation or service tents; 4)Security tents; and 5)Refuse receptacles - Public health guidelines on food donations and food handling and storage, including proper temperature control, shall be followed and homeless encampment residents involved in food donations and storage shall be made aware of these guidelines
<p>Inspections</p>	<p>The temporary encampment shall permit regular inspections by the City, including the Police Department, and King County Health Department to check compliance with the standards for temporary encampments. The Mercer Island Fire Department shall do an initial fire inspection and safety meeting at the inception of the temporary encampment.</p>	<p>The managing agency shall permit daily inspections by the City and/or Health Department to check compliance with the standards for homeless encampments.</p>	<p>In order to assess compliance with the terms of the permit, inspections may be conducted at reasonable times without prior notice by the fire district, public health or department staff. The managing agency shall implement all directives of the fire district within forty-eight hours. Public health and department directives shall be implemented within the time specified by the respective agencies</p>

Code Elements ↓	Mercer Island	Kirkland	King County
Persons age 18 and under not allowed	No children under the age of 18 are allowed to stay overnight in a temporary encampment unless accompanied by a parent or legal guardian. If any other child under the age of 18 attempts to stay overnight at the temporary encampment, the temporary encampment managing organization shall immediately contact the Washington State Department of Social and Health Services Child Protective Services, or its successor.	No children under 18 are allowed in the homeless encampment. If a child under the age of 18 attempts to stay at the homeless encampment, the managing agency shall immediately contact Child Protective Services.	make transportation available to anyone who is rejected from or ordered to leave the homeless encampment - The host shall provide a transportation plan as part of the permit process The managing agency shall not permit children under the age of eighteen to stay overnight in the homeless encampment except under exigent circumstances. If a child under the age of eighteen, either alone or accompanied by a parent or guardian, attempts to stay overnight, the managing agency will immediately contact child protective services and endeavor to find alternative shelter for the child and any accompanying parent or guardian
Animals		No animals shall be permitted in encampments except for service animals.	
Code of conduct	The temporary encampment sponsor and encampment managing organization shall ensure enforcement of a code of conduct at the temporary encampment site. The code of conduct shall be in substantially the following form or address the following issues: 1) Possession or use of illegal drugs is not permitted; 2) No alcohol is permitted; 3) No weapons are permitted; 4) All knives over three and one-half inches must be turned in to the encampment managing organization for safekeeping; 5) No violence is permitted; 6) No open flames are permitted; 7) No trespassing into private property in the surrounding neighborhood is permitted; 8) No littering on the Temporary Encampment site or in the surrounding	A code of conduct is required to be enforced by the managing agency. The code shall contain the following as a minimum: 1) No drugs or alcohol. 2) No weapons. 3) No violence. 4) No open flames. 5) No loitering in the surrounding neighborhood. 6) Quiet hours.	The managing agency shall enforce the written code of conduct. Failure by the managing agency to take action against a resident who violates the terms of the written code of conduct may result in cancellation of the permit.

Code Elements	Mercer Island	Kirkland	King County
Exterior Lighting	<p>The code official shall consider existing vegetation, fencing, topographic variations and other site conditions in determining compliance with this requirement</p> <p>Exterior lighting must be directed downward, away from adjoining properties, and contained within the temporary encampment.</p>	<p>Exterior lighting must be directed downward and contained within the homeless encampment.</p>	
Maximum residents	<p>The encampment shall be limited to a maximum of 100 persons. After the encampment reaches its 100 person capacity, any individual(s) who arrive after sundown (and meet all screening criteria) will be allowed to stay for one night, after which the individual(s) will not be permitted entry until a vacancy is available. Such occurrences shall be logged and reported to the code official on a weekly basis.</p>	<p>The maximum number of residents within a homeless encampment is 100.</p>	<p>The maximum number of residents at a homeless encampment site shall be determined taking into consideration site conditions, but in no case shall be greater than one hundred at any one time</p>
Parking, Additional	<p>Each lot occupied by a temporary encampment must provide or have available parking and vehicular maneuvering area. The temporary encampment and the parking of any vehicles associated with a temporary encampment application shall not displace the host site's parking lot in such a way that the host site no longer meets the minimum or required parking of the principle use as required by code or previous approvals unless an alternative parking plan has been approved by the code official.</p>	<p>Parking for five vehicles shall be provided.</p>	<p>On-site parking spaces of the host use shall not be displaced unless sufficient parking remains available for the host's use to compensate for the loss of on-site parking spaces</p>
Transit proximity, Transportation Plan	<p>The temporary encampment shall be located within one-half mile of a public transit stop.</p>	<p>The homeless encampment shall be located within one-half mile of transit service. A transportation plan is required which shall include provision of transit services.</p>	<p>- The homeless encampment shall be within a half mile of a public transportation stop or the sponsor or host must demonstrate the ability for residents to obtain access to the nearest public transportation stop through sponsor or host provided van or car pools. During hours when public transportation is not available, the sponsor or host shall also</p>

Code Elements	Mercer Island	Kirkland	King County
Permit complete application date	The applicant shall submit a complete application for a temporary encampment permit at least 75 days before or any occupancy by the temporary encampment.		B. If the applicant is not the host, an agreement granting permission to locate the homeless encampment at the proposed location and to join with the applicant in all applications for relevant permits. An application for a homeless encampment shall be submitted to the department at least thirty days in advance of the desired date to commence the use for a type 1 permit or forty days in advance of the desired date to commence the use for a type 2 permit.
Location Criteria	<p>Must be at a religious institution.</p> <p>A temporary encampment shall be located at a place of worship. If the place of worship is not actively practicing on the site proposed for a temporary encampment, then the place of worship must comply with all other permit requirements for the underlying zone required for siting a new place of worship and temporary encampment.</p>	<p>Not required at a religious institution except within one sub-area.</p> <p>An application for a homeless encampment must include a local church or other community-based organization as a sponsor or managing agency. Within the disapproval jurisdiction of the Houghton Community Council, an application must include a local church as a sponsor or managing agency.</p>	The site property is owned or leased by the sponsor or an affiliated entity
Setbacks from abutting properties	Temporary encampment structures shall be located a minimum of 20 feet from any property line that abuts a residential property , unless otherwise approved by the code official. All other setbacks and yards applicable to permanent structures shall apply to temporary structures related to temporary encampments;	The encampment shall be located a minimum of 20 feet from the property line of abutting properties containing residential uses.	A minimum twenty-foot setback in each direction from the boundary of the lot on which the homeless encampment is located, excluding access
Visual buffering	A six-foot high sight obscuring fence , vegetative screen or other visual buffering shall be provided between the temporary encampment and any abutting residential property and the right-of-way. The fence shall provide privacy and a visual buffering among neighboring properties in a manner and material approved by the code official.	Sight-obscuring fencing is required around the perimeter of the homeless encampment unless the Planning Director determines that there is sufficient vegetation, topographic variation, or other site conditions such that fencing would not be needed.	Established vegetation sufficiently dense to obscure view; or a six foot high, view-obscuring fence

Attachment A: D-09 Temporary Homeless Encampments
Code Comparison - City of Mercer Island / City of Kirkland / King County

Code Elements	Mercer Island (2010)	Kirkland (2006)	King County (2005)
Definition of 'Encampment'	<p>Temporary Encampment: A group of persons temporarily residing in one or more temporary structures, except for recreational purposes, and located at a place of worship.</p>	<p>Homeless Encampment: A group of homeless persons temporarily residing out of doors on a site with services provided by a sponsor and supervised by a managing agency.</p>	<p>Homeless Encampment: means a group of homeless persons temporarily residing out of doors on a site with a host and services provided by a sponsor and supervised by a managing agency.</p>
Definition of 'Managing Group'	<p>Temporary Encampment Managing Organization: A group or organization that has the capacity to organize and manage a temporary encampment. A temporary encampment "managing organization" may be the same entity as the temporary encampment sponsor.</p>	<p>Managing Agency: An organization that has the capacity to organize and manage a homeless encampment. A "managing agency" may be the same entity as the sponsor.</p>	<p>Managing Agency: means an organization that has the capacity to organize and manage a homeless encampment. A "managing agency" may be the same entity as the host or the sponsor.</p>
Definition of 'Sponsor'	<p>Temporary Encampment Sponsor: A place of worship which owns the property or has an ownership interest in the property, for which a Temporary encampment is to be located, and that has an agreement with the temporary encampment managing organization to provide basic services and support for the residents of a temporary encampment and liaison with the surrounding community and joins with the managing organization in an application for a temporary encampment permit. A "sponsor" may be the same entity as the managing organization.</p>	<p>Sponsor: An entity that has an agreement with the managing agency to provide basic services and support for the homeless encampment and liaison with the surrounding community and joins with the managing agency in an application for a temporary use permit. A "sponsor" may be the same entity as the managing agency.</p>	<p>Sponsor: means a local church or other local, community-based organization that has an agreement with the managing agency to provide basic services and support for the residents of a homeless encampment and liaison with the surrounding community and joins with the managing agency in an application for a county permit. A "sponsor" may be the same entity as the host or the managing agency.</p>
Use and sponsorship agreements			<p>The following written agreements shall be provided by the applicant: A. If the applicant is not the sponsor, an agreement to provide or coordinate basic services and support for the homeless encampment residents and to join with the applicant in all applications for relevant permits; and</p>

Fee for Temporary Use Permit of Encampment: \$100	X	
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Implementation Requirements

- Staff will need to meet with those City divisions that may be involved in reviewing or monitoring a temporary homeless encampment to discuss updates to regulations.
- Title IV should be amended to create a subsection within Renton Municipal Code (RMC) 4-9-240 for Temporary Homeless Encampments requirements and related definitions.
- Attachment C is the proposed code language to be added to section RMC 4-9-240.

Attachments

- Attachment A: Code language comparison: Mercer Island, Kirkland, and King County.
- Attachment B: Code comparison between eight jurisdictions in Tent City 4's area.
- Attachment C: Proposed code language to be added to RMC 4-9-240.
- Attachment D: ARISE - Background on local shelter program.

within one-half mile as a primary transportation source for camp residents. King County provides an alternative, where applicants can show how residents can get to transit.

Increased crime and emergencies: There is little or no increase in crime related to an encampment upon review of information from other jurisdictions' experiences. This is similar with Mercer Island Fire Department's review, where they found departments saw little impact on call volume and services including, both for fire and EMS. However, there is the public perception that such encampments lead to greater incidents of crime. Despite the lack of evidence in support, the perception issue may be an issue for the City and thus, the City should be prepared to address it if it should occur.

Temporary Use Permits can be conditioned with additional criteria or standards due to a specific situation as a basis for its approval. The following proposed elements are some of the main elements that a Temporary Homeless Encampment would need to adhere to unless there was a situation where the decision maker felt additional conditions are necessary. Elements regularly reviewed for any temporary use are vehicular parking impacts on the primary use, review of power and water hookups, waste water and temporary toilets, and inspections for other health and safety concerns by Development Services, Fire & Emergency Services, and/or Police.

Based on review of example codes in Attachment A and B, discussions with other City departments that may be involved in the permit, review, or inspection process, and other jurisdictions' experiences, staff recommends temporary encampment regulations include:

- Definitions that define the activity and groups involved;
- Standards such as visual buffering, lighting, setbacks, and public notice of application and decision as is standard with any adjacent development;
- Inspections, compliance with health and safety codes, and the following:

Element	Yes	No
Location at a religious organization	X	
Maximum number of residents: 100	X	
Transportation plan: alternative if not within ½ mile of bus stop	X	
Children not allowed: except in exigent circumstances	X	
Camp code of conduct included in application and enforced	X	
Log for all who stay overnight	X	
Identification required: provided by prospective resident	X	
Warrant and sex offender background check		X
Maximum length of stay at a site: 92 days	X	
An encampment can only be at a site once every 12 months	X	
Hold harmless agreement		X
Informal public meeting and notice by applicant	X	
Notification of school & child care services near encampment	X	
Hearing Examiner as decision authority (with public hearing)	X	

Staff Recommendation

Staff recommends that code language for permitting a Temporary Homeless Encampment be established within the City's Title IV Development Regulations. This code language should include definitions, development standards, and conditions for permitting the activity in a new section within the Temporary Use Permit section.

In April, an interdepartmental group consisting of representatives from Human Services, Fire & Emergency Services, Police, Planning, Development Services, and City Attorney divisions had a preliminary discussion about the topic to review the issue and plan a course of action. Following this, Staff collected sample regulations from other nearby jurisdictions with recent experience dealing with temporary encampments. Attachment A provides a code comparison between the jurisdictions of Mercer Island, Kirkland, and King County, with the regulatory code language provided to look at example code elements such as related definitions, standards, public notice, etc. Attachment B is a regulatory comparison from eight jurisdictions – Bellevue, Bothell, Issaquah, King County, Kirkland, Mercer Island, Redmond, and SeaTac – with a Yes/No format or short answer, and the specific code reference. Below are some of the issue's discussion topics:

State Legislature Bill 1956: These key declarations related to homeless encampments include granting broad authority to religious organizations to host them, prohibits jurisdictions from imposing burdensome regulations and fees, and provides immunity to local governments and public officials for damages arising from permitting the activity.

Location criteria: Many jurisdictions require them to locate at a religious organization, or at property owned by one. Advantages are that religious organizations may provide assistance to homeless persons or have an objective to do so and may be an entity that is more capable of coordinating food and other needs and help in other ways than if an encampment were located on a property where there are no services (i.e. Nickelsville in Skyway 2010). In addition to the services a religious organization can assist with, a jurisdiction tries to provide predictability for land use processes and decisions, and a location requirement would create predictability for the Renton community.

Identification, warrant, and sex offender background checks: Identification is usually required to stay overnight. Most of the jurisdictions in Attachment B require warrant and sex offender checks for campers. These background checks are legally suspect, as it is uncommon for someone visiting or living in a city to have the same review. There is likely to be significant controversy over this issue. Despite the possible legal ramifications of requiring warrant and background checks, some jurisdictions (most recently, Mercer Island) opted to nonetheless incorporate the requirement in order to assuage public protest against the temporary encampments.

Transit proximity and transportation plan: Many jurisdictions require an encampment to be in a relatively short distance of a transit stop to provide access to work, dwellings, and other services for residents. Mercer Island and Kirkland require a transit stop to be

- Nickelsville in Skyway, news article May 2010:
http://www.pnwlocalnews.com/south_king/ren/news/93453399.html
- ARISE Renton: http://www.ccsww.org/site/PageServer?pagename=homeless_arise

Impact Analysis

Effect on rate of growth, development, and conversion of land as envisioned in the Plan

No impact foreseen. This is a temporary use of limited duration.

Effect on the City's capacity to provide adequate public facilities

This is a temporary use which may require more public facilities use (water, sewer, power, garbage services, etc) than expected for the primary use of a property, but given its temporary nature, there would be no lasting effect.

Effect on the rate of population and employment growth

No impact foreseen.

Whether Plan objectives are being met as specified or remain valid and desirable

The Comprehensive Plan Housing Element's goals provide background for this docket item. Of the four goals, one specifies providing housing for special needs populations including the homeless and one relates maintaining and protecting the quality of life of residents.

Effect on general land values or housing costs

Minimal if any impact foreseen given the temporary use would be for limited time duration.

Whether capital improvements or expenditures are being made or completed as expected

Not applicable.

Consistency with GMA, the Plan, and Countywide Planning Policies

The City's Comprehensive Plan Housing Element, according to page VII-3, states that the element "Responds to the State's Growth Management Act (GMA), to the King County Countywide Planning Policies (CPP), to the City's Vision Statement, and to other elements of the Comprehensive Plan. Along with the residential sections of the Land Use Element, the Housing Element considers how Renton will accommodate its share of projected regional growth and how it will provide housing for all economic segments of its population. It provides a framework for addressing the housing needs of current and future residents. Finally, it serves as a guide for protecting and enhancing the quality of life in residential and mixed-use areas."

Effect on critical areas and natural resource lands

These considerations will be evaluated with a each application where these areas are identified.

Effect on other considerations

An Administrative Code Interpretation made in 2004 for temporary homeless encampments will be amended based on this proposal. The 2004 decision allows encampments in any zone and area of the City but would need to meet the criteria for temporary uses.

D# 09 TEMPORARY HOMELESS ENCAMPMENTS

General Description

The Planning Division is coordinating an update of the City of Renton's Temporary Homeless Encampment regulations, commonly known as "tent city". In 2004, an administrative policy decision allowed the activity to locate anywhere in the City by obtaining a permit, and has not been updated. Since that decision, a number of cities on the eastside have experienced temporary encampments locating in their boundaries and have begun the process of creating regulations.¹ These cities have encountered public support and protests, lawsuits, and court decisions. Given this, Planning staff believes that our City's code and regulations governing temporary homeless encampments should be reviewed and updated. Staff believes a pro-active approach to developing specific code in Title IV for the activity will better serve the City and applicants in the long-run by providing a predictable application process.

Homeless Encampments are usually sponsored and hosted by a religious organization as with Tent City 4 ("TC4"), which is the homeless encampment that locates in eastern King County cities (currently in Kirkland, with previous stays in Mercer Island and Issaquah). It is managed and supported by the non-profit groups SHARE and WHEEL. Community concerns and general public outcry (both for and against), tend to arise where TC4 locates. Although TC4 has located at sites without a permit previously, the group now complies with permit application processes and there are a number of examples where a permit and application process work. If a temporary homeless encampment application came to the City of Renton, the goal for all involved – Sponsor (religious organization), Manager (SHARE/WHEEL), and City – would be to create an agreement as to the terms of such an activity through a Temporary Use Permit that could balance providing assistance to homeless and public safety and welfare concerns. Common conditions of a temporary homeless encampment permit include:

- Maximum number of encampments allowed during a year at one location,
- Visual screening of the camp for privacy of camp residents and neighbors,
- Maximum number of camp residents and maximum length of stay at a site,
- A code of conduct for camp residents enforced by the residents,
- Identification for staying overnight and warrant and sex offender status,
- Regular inspections by the City (Fire, Police, etc.) and King County Health Department,
- Other elements that will create predictability for parties involved in the permit process.

For more detailed local, regional, and state level information about temporary encampments:

- SHARE's website: <http://www.sharewheel.org/Home/tent-cities>
- St Jude's explanation of TC4, Redmond: <http://stjude-redmond.org/TentCity4/FAQ.htm>
- Municipal Research: <http://www.mrsc.org/Subjects/Housing/tentcity/tentcity.aspx>
- State Legislature Bill 1956: <http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bill%20Reports/House/1956-S.E%20HBR%20PL%2010.pdf>

¹ "Tent City" and "Nickelsville" are examples of two prior temporary encampments.

Redford Ranch – Tent City Ordinance Proposal

- Towards a fair process

Proposal

- Sammamish City Council should consider adopting regulations governing Tent City permits similar to Mercer Island
 - Potential annual return to the same location puts an unfair share of responsibility upon neighboring schools and neighborhoods
 - Mercer Island ordinance distributes responsibility throughout the community
- Notable points in Mercer Island's permit code
 - The city shall not grant a permit for a campsite within one-half mile of any lots(s) that hosted it within the last 18 months.
 - The applicant shall submit a complete application for a permit at least 75 days before any occupancy.
 - An informal public meeting prior to submittal application is required.

Important notes on Redford Ranch proposal

- The Redford Ranch Homeowners Association is not taking a stand for or against temporary encampments in Sammamish
- We asking for the entire city of Sammamish to share the responsibility of temporary encampments
- The residents of Redford Ranch, especially those adjacent to the current Tent City, have been pleased with how Sammamish city staff and Mary Queen of Peace have worked with impacted residents to address concerns

Supporting notes

Reference

MERCER ISLAND MUNICIPAL CODE

19.06.090 Temporary encampment permit.

<http://www.codepublishing.com/wa/mercerisland/html/MercerIsland19/MercerIsland1906.html>

1. Application

- The applicant shall submit a complete application for a permit at least 75 days before any occupancy.
- An informal public meeting prior to submittal application is required.
- In Permit Application, A copy of any agreement between the sponsor & TC4, and any schools and/or child care services.
- The temporary encampment shall be located within one-half mile of a public transit stop.

2. Public Meeting

- An informal public meeting prior to submittal application is required.
- The notice of the above meeting shall be provided at least 10 days before the meeting.
- The sponsor and TC4 shall meet and confer with the Police Dept. before the public meeting.
- A Representative shall present all required information and provide copies of agenda and other materials.
- Mailed notice of application shall be expanded to include owners of real property within 600 feet of the campsite.

3. Schools & Daycares

- In Permit Application, A copy of any agreement between the sponsor & TC4, and any schools and/or child care services.
- The sponsor & TC4 shall meet and confer with the administration of any school or child care within 600 feet.
- The sponsor & TC4 and the school & child care shall make a good faith effort to agree upon any additional conditions that may be appropriate or necessary to address school and/or child care concerns.

4. Length of Stay

- The city shall not grant a permit for a campsite within one-half mile of any lots(s) that hosted it within the last 18 months.
- The 18 months shall be calculated from the last day of the prior stay within the one-half-mile radius.
- No more than one temporary encampment may be located in the city at any time.
- No temporary encampment shall operate within the city of Mercer Island for more than 90 consecutive days

5. Safety and Privacy Protection of Neighbors

- Temporary encampment structures shall be located a minimum of 20 feet from any property line that abuts a residential property.
- A six-foot-high sight-obscuring fence, vegetative screen or other visual buffering shall be provided between the temporary encampment and any abutting residential property and the right-of-way.
- Exterior lighting must be directed downward, away from adjoining properties, and contained within the temporary encampment.
- A designated smoking area shall be provided on site in the location which would result in the least impact on neighboring properties based on distance.

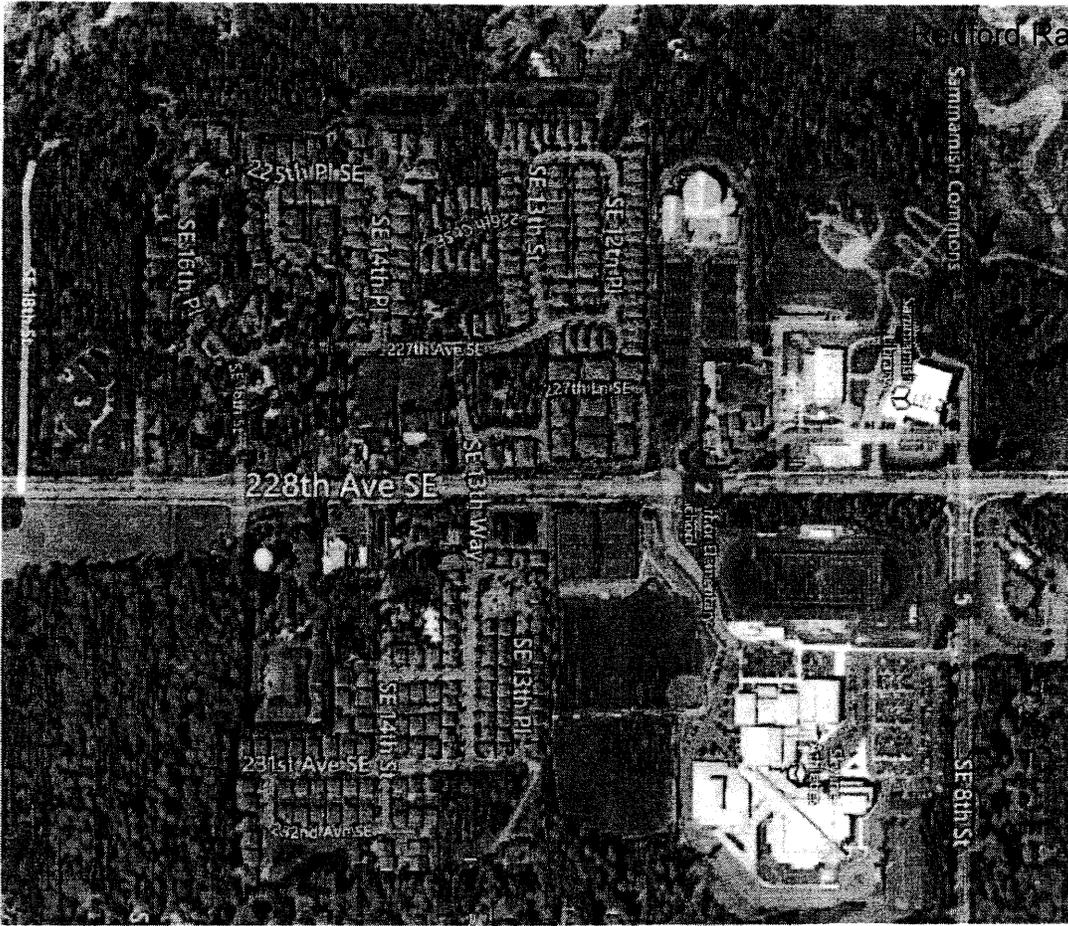
6. Campsite Code of Conduct

- a. Possession or use of illegal drugs is not permitted;
- b. No alcohol is permitted;
- c. No weapons are permitted;
- d. All knives over three and one-half inches must be turned in to the encampment managing organization for safekeeping;
- e. No violence is permitted;
- f. No open flames are permitted;
- g. No trespassing into private property in the surrounding neighborhood is permitted;
- h. No littering on the temporary encampment site or in the surrounding neighborhood is permitted; and
- i. No convicted sex offender shall reside in the temporary encampment.
- Additional code of conditions.

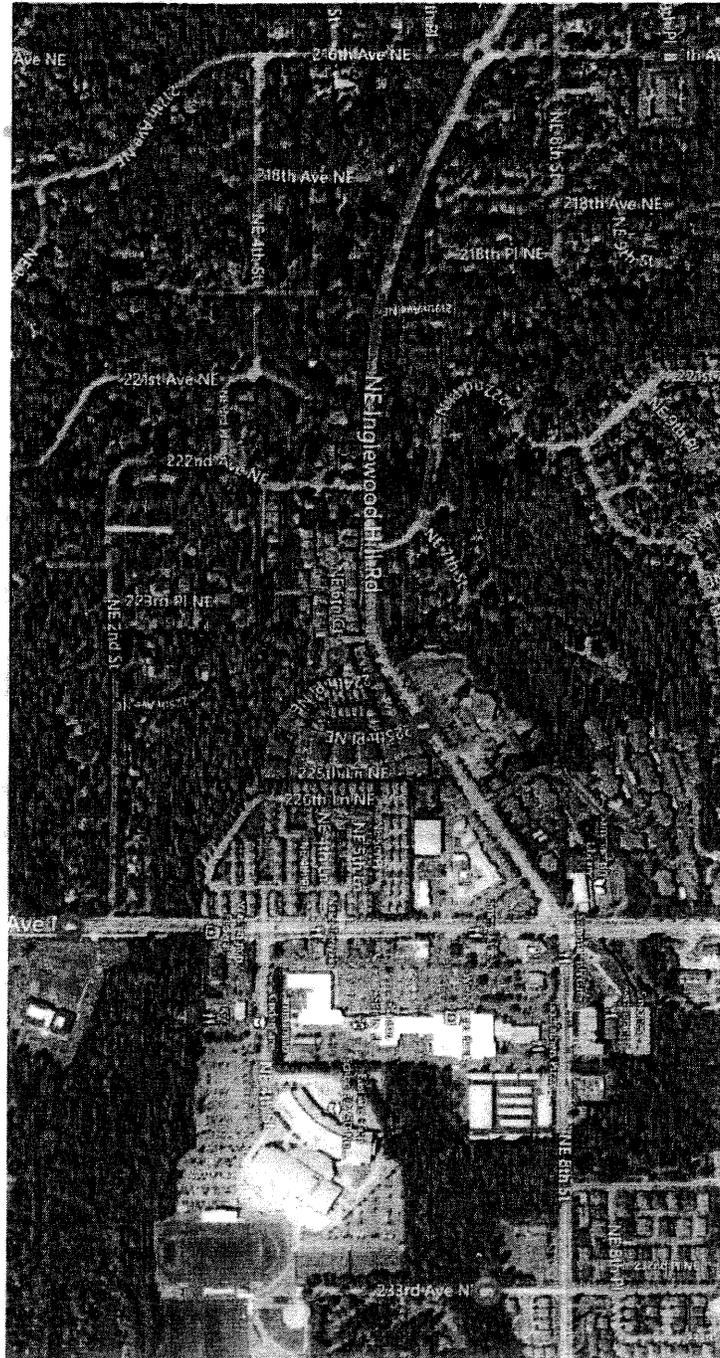
7. Other WA State and City Code

- Servicing of portable toilets and trash dumpsters is prohibited between the hours of 10:00 pm and 7:00 am on Mondays through Fridays, and between the hours of 10:00 pm and 9:00 am on Saturdays, Sundays, and legal holidays.
- The sponsor & TC4 shall sign a hold harmless agreement for the temporary encampment.
- The campsite shall permit regular inspections by the city, including the police department, and King County health department.
- The temporary encampment managing organization shall obtain warrant and sex offender checks from the King County sheriff's office for all current camp residents within the 7 days prior to the city.

Redford Ranch



- #5 – Sammamish Hills Lutheran
- #2 – Mary, Queen of Peace
- #3 – Pine Lake Covenant



- #8 – Church of Jesus Christ of LDS
- #1 – Sammamish Presbyterian
- #4 – Mars Hill Church
- #6 – Community Church of Joy

1107 228th AVE SE
Sammamish, WA 98075
Phone: 425.392.3866
Fax: 425.557.0175



March 6, 2014

Members of the Sammamish City Planning Commission

RE: Homeless Encampments Code 2014

Members of the City Planning Commission,

As you take up the issue of debating the contents of Sammamish's ordinance structuring rules for the placement of homeless encampments, we would like to share our experience with the camp recently placed behind the Mary Queen of Peace church and offer suggestions for the content of the ordinance.

Our family owns and operates the Arbor School adjacent to City Hall and the Mary Queen of Peace church. We have 100 families at the school, 180 children and 40 staff. The majority of the staff are women.

History of Camp as a Neighbor to the School:

The camp's initial 60 day permit was granted with eleven days' notice to the neighborhood. The only public discussion held prior to the permit being granted was a panel presentation at the church. Public input was limited to asking questions that were reviewed by 3 screeners and then read to the panel by a moderator. My questions regarding:

- (1) Lack of insurance;
- (2) Share/Wheel's Hold harmless Clause in its contract with the church;
- (3) Active warrant and criminal background checks;
- (4) Sex offenders within 880 feet of a school;
- (5) Independent security force; and
- (6) Neighborhood buffers were not answered by the panel.

In response to the concerns of the families and staff at Arbor, we hired an independent security guard (unarmed) to escort the staff to and from their cars and to patrol the school grounds during school hours. The attached log is a brief summary of some of the security guard's encounters with the members of the camp which include his visual observations of drug smoking on the bench behind the Arbor playground fence, drinking alcohol and smoking drugs on the way from the 228th street bus stop to the camp, offers of the sale of drugs, offers of the sale of stolen property and comments regarding the breaking and entering at the Kelman mansion and Arbor school.

This log was presented to the city council prior to their 30 extension of the camp's permit on December 3rd of last year. The day after the camp's extension was granted, the security guard found a crack pipe and drug paraphernalia by the walkway adjacent to the church parking lot, Arbor's playground and the City library. A call to the Sammamish police department resulted in a marked squad car coming to the school at the inopportune time of our parents dropping off their children for their day at school. Parents already on edge were filled with further concern.

An undercover sting operation was initiated by the King County police. The sting resulted in the arrest of two residents of the camp on January 14th, 2014, for possession of methamphetamines. According to newspaper reports, one of the residents arrested said he had no more meth in his tent as he had sold it to 12 other members of the camp. With an estimated number of 60 camp residents, that is just less than 25% of the camp on meth. The moratorium on homeless encampment permits was issued days after the meth arrests.

Suggestions for Contents of Ordinance:

Since the City Council passed its moratorium on encampment permits, we have taken the time to meet with City staff, review the state statute on homeless encampments and reviewed the approximately 13 city ordinances addressing homeless encampments.

Under RCW36.01.290 – Temporary Encampments for the Homeless, a City can impose conditions on the permitting of an encampment to protect public health and safety. A city can also require the hosting church to maintain an insurance liability policy to cover potential damages and loss.

1. Restricted Distance to Schools:

Courts, ruling that municipalities have a compelling state interest in protecting our children, have upheld very restrictive statutes in the name of child safety. Although no Washington state court has addressed a homeless camp's distance restriction to a school, at least two Washington cities have placed a distance restriction in their encampment ordinances. For example, Spokane restricts encampments from being within 750 of a "library, park, daycare center, or school", Spokane Municipal Code 10.08C.120. Lacey restricts an encampment from "within 300 feet of a "licensed daycare facility or any public or private school", Lacey Municipal Code 16.64.030(A)(11).

The following language is suggested for the Sammamish ordinance:

Distance Requirements to Schools: Because a homeless encampment is a non-traditional living arrangement and therefore provides less privacy and more complex living arrangements than traditional homes, a distance requirement that provides visual separation and buffering from other sensitive land use activities is considered appropriate. To satisfy this concern, no encampment shall be permitted within 1,000 feet of a licensed child daycare facility or any public or private pre-school or elementary, middle, or high school.

2. Independent Security Force: In addition to the log we have provided from our security guard, we believe the Commission has been provided with a summary of the myriad police calls, disturbances and assaults that were reported within the camp. At the public meeting, and in its permit application to the city, the Church and the Camp promised that the camp's internal "security team" would enforce the Code of Conduct of the camp residents which included zero tolerance of drugs, curfews and peace keeping duties. They clearly failed in this regard. We propose that the host organization be required to hire an independent security force to police the encampment rather than allowing them to rely on an internal security team or forcing neighbors to hire outside guards.

3. Liability Insurance: The state statute regarding homeless encampments states that municipalities are immune from civil liability for any damages arising out of the permitting of a homeless encampment. Tent City 4's agreement with Mary Queen of Peace stated that Tent City 4 would hold the church harmless from any claims of damages arising out of their stay. Assume, for a moment, that the internal security forces of the encampment allowed drugs in the camp or missed a convicted sex offender's record and allowed him into the camp. Further assume that a neighbor was injured by the acts of the drug induced resident or the felon. If the neighbor were to make a negligence claim based on the inadequate enforcement of the rules, where is the neighbor to look for compensation for the damages or injury? Not the city, not the church but to the assets of the uninsured tent city. We suggest that the host organization maintain a 5 million dollar liability policy as a condition of their permit.

4. Routine and Random Criminal Background Checks: At present, Tent City 4 runs a criminal background check prior to allowing a new resident into the camp. I believe you have been told about the Tacoma man, Robert McKay-Erskine, who raped a 6 year old girl in Tacoma and then fled to the camp at Redmond Family Church. At the time of his check in, Tacoma had not yet issued a bench warrant for his arrest. He was in the camp for nearly two weeks before he was finally discovered by happenstance. We propose that criminal background checks not only be run as a condition of entry into a camp, but additional checks be made on a bi-weekly basis as a further condition of residence in the camp.

5. Routine and Random Drug Screening: One can reasonably assume that if the Sammamish Police conducted an undercover operation to find Methamphetamines, that there was a drug problem in the camp. Because Tent City 4 was unable to control the use of drugs in their facility, we request that random drug test be administered to the residents.

We would like to thank the members of the Commission for their time and service on the Commission. We look forward to following this process as you develop Sammamish's new ordinance.

Thank you,

John O'Brien

Mary O'Brien

Sean O'Brien



Exhibit #40

Security Resources Notes on Arbor School Assignment

Jorge Jimenez

First incident was with a female. She got kicked out of Tent City for being loud and out of control. Cops were called, arrived on the scene a few minutes after and calmed the situation down.

Person named Gregory. I got really close and made him comfortable with me. He asked if I knew anyone who did drugs or if I did. Drugs like crystal meth/heroine that he can get inside the camp. He told me who/where and what people not to talk to. Gregory also tried to sell me items he stole from either the store or tent city. I did the report about 2 days ago and he is currently out of Tent City.

Another person I met told me who sells drugs and what kind. He also told me that he heard people from the camp breaking into private properties behind the park and so on. He also said that he heard people wanted to break into the school.

Two people were smoking some kind of uncontrolled substance by the benches behind the school. I reported that. I pointed out the two people that were there. I said they were there at 8:54am – which they said they arrived at camp at 9:00am – told them what they were wearing and what kind of bags they had with them. There were three bags: 2 white and 1 blue bag.

Sean saw 2 people smoking and drinking beer or liquor by the bus stop. I reported it to Tent City. It was the same two guys that were smoking by the benches that same day.

Jan - 14 - 14

- ① At one thirty - I went to my car for my break and at around 1:45 to 2:00 o'clock I saw two marked police officers rolled thru the back and then 2 more rolled after that - like ten minutes after the first one came I saw 2 people in handcuffs put in one car then another person talking to the cop then after got put in handcuffs 2 more came out of the corner with the cops right behind him holding there hands then a Sheriff officer pulled up switched cars put one in one car and one in another car then after that they were continuing there procedures.

December-5-13

~~November-25~~ - 13 (Report) Int/cit

① - the day i found the crystal meth pipe
one the side of the library - mr. Richard
and the priest came up to my car and
were asking me were did i find the crystal
meth pipe - I showed him were and
then he was asking me if I had written
any incident's on paper and if i did To show
it to him so he can be aware about
what's going on. So I went on - on the
conversation telling him that certain
people in the camp are selling - and doing
it (crystal meth/ heroine) - and certain people
telling me that the crimes they were
committing inside the camp and outside
we got mad had a higher voice tone
and said to me why should i believe
you because to me it does not make
sense that they would tell you this - I
said it's because of my father's and
they think that i'm still in that
life they live in right now they
both were asking me questions and
did not give me enough time to answer
before asking me a rather question - they
were really upset and mad because

~~NOVEMBER~~ -

didn't believe me so they said to me
this is just words from me and
not or no evidence of what I'm saying
so I told him about the operation
on what's going on - he did not have a
clue on what's going on so he said, I'll
be right back he wanted to talk to
the police officer cause he just said he
spoke with them and they didn't mention
anything like that, he came back and
said to me, the police station is closed
I'll go in the morning to see what's
going on and obviously he wanted to
see if I was lying or not.

Received PC 03062014

Exhibit #40
