

Homeless Encampment Ordinance Peer City Documents

City of Seattle



**Legislative Department
Seattle City Council
Memorandum**

Date: May 31, 2011
To: Committee on the Built Environment
From: Councilmember Nick Licata
Subject: Proposed Comprehensive Plan Amendment - Long-term, Self-managed Encampments

Background

There is an ongoing shortage of shelter and housing for Seattle's homeless. The January 2011 one-night count found 1,753 unsheltered persons. Addressing this problem will require ingenuity and openness to alternative means to sheltering our homeless population. The Mayor convened an Expert Review Panel that in October 2010 recommended the creation of a City-sanctioned semi-permanent encampment while also stating that an encampment should never be considered a long-term solution to homelessness and urging the City to continue to pursue real, lasting and permanent solutions to homelessness. As long as there is not a legal right to housing, providing unsheltered individuals access to a safe alternative is humane and important.

This spring, in response to a legislative proposal forwarded by the Mayor which would have authorized transitional encampments in some industrial areas, the Council adopted Resolution 31292. Resolution 31292 set out a work program and timeline for reviewing alternatives for sheltering Seattle's homeless. This work program includes considering land use authorization for long-term encampments. The proposed Comprehensive Plan amendments are consistent with Resolution 31292 and will allow the Council to consider the land use issues associated with long-term encampments in the 2011-2012 Comprehensive Plan amendment cycle.

Proposed Amendment

Amend Land Use Policy 10 (LU10), as follows:

In order to ensure that a wide range of housing opportunities are available to Seattle's current and future residents, generally permit residential uses, including long-term homeless encampments, in all zones, except in industrial zones and some shoreline areas, where residential uses may conflict with the intended industrial or water-dependent use of the area. Long-term homeless encampments may be permitted in industrial zones and some shoreline areas where the encampment would not displace an industrial or water-dependent use.

Amend Land Use Policy 145 (LU145), as follows:

Prohibit new residential uses in industrial zones, except for special types of dwellings that are related to the industrial area and that would not restrict or disrupt industrial activity. In addition, long-term homeless encampments that will not displace an industrial use may be permitted.

Application of Amendment Criteria

Resolution 30662 sets out criteria the Council considers in determining whether to include a proposed amendment in the Comprehensive Plan docket-setting resolution. Those criteria seek to answer the questions:

- Is the amendment appropriate for the Comprehensive Plan,
- Does the amendment meet existing state and local laws;
- Is it practical to consider the amendment; and
- Has there been a neighborhood review process, or can a review process be conducted prior to final Council consideration of the amendment.

Each criterion is discussed below.

Is the amendment appropriate for the Comprehensive Plan?

Long-term encampments are not expressly recognized as a residential use in the Comprehensive Plan or the Land Use and Zoning Code. Clarification that long-term encampments are a contemplated residential use allowable in all zones could facilitate development of siting regulations. Additionally, because most residential uses are not allowed in industrial zones, specific policy authorization is required to allow long-term encampments in industrial areas.

This land use policy issue is appropriate for inclusion in a Comprehensive Plan and cannot be accomplished by regulatory changes alone.

Does the amendment meet existing state and local laws?

The proposed amendment does not contravene any requirements of the Growth Management Act or compel action that would be illegal under the laws of the City of Seattle, State of Washington, or the United States.

Is it practical to consider the amendment?

The Mayor's Citizen Review Panel on Housing and Services for Seattle's Unsheltered Homeless Population examined the potential for long-term encampments from 2010 through the spring of this year. Additionally, Resolution 31292 requested that the Human Services Department (HSD) report on existing shelter services to the Council's Housing, Human Services, Health and Culture (HSHHC) Committee. That report was received on May 18 and heard in HSHHC Committee on

May 25. In the report, HSD Director Dannette Smith said, “The findings of the Review Panel reinforce the need to look at our investments in homeless services in new ways.” Both efforts will help guide the Council in determining whether a change in land use policy is warranted to allow alternatives residential uses, like long-term encampments, for Seattle’s unsheltered.

Has there been a neighborhood review process to develop any proposed change to a neighborhood plan?

The Council’s review of alternatives on or after July 31, 2011, as described in Resolution 31292, will occur in open public meetings conducted by the Housing Human Services Health and Culture Committee. Additionally, the proposed Comprehensive Plan amendments will be subject to public review and scrutiny through the Council’s Comprehensive Plan amendment process set out in Resolution 31117. This process includes at least two public hearings. These forums will provide opportunities for public review and feedback on the proposed amendments.



SEATTLE CITY ATTORNEY'S OFFICE

Peter S. Holmes, City Attorney

E-NEWSLETTER

November 2011 Issue: 2

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Holmes taps three firms as outside legal counsel for SPD

City Attorney Pete Holmes has selected [Christie Law Group PLLC](#), [Freimund Jackson Tardif LLP](#) and [Stafford Frev Cooper](#) to represent the City and its Police Department against a range of allegations, including wrongful arrest and death, excessive use of force, police misconduct and violations of federal civil rights, in cases the City Attorney's Office cannot handle due to conflicts or capacity issues.

The City's exclusive and long-standing annual contract with Stafford Frey Cooper expired at the end of 2010. Going forward, police officers will be represented by torts attorneys in Holmes' office and these three outside firms as circumstances require.

Robert L. Christie, the lead partner at Christie Law Group (www.ChristieLawGroup.com), is in his 31st year as a trial lawyer with emphasis on defending police officers and their departments in civil litigation arising from police action. He has defended hundreds of individual officers and scores of police departments throughout Washington in state and federal courts.

As lead attorney for his firm's proposal, Gregory Jackson (www.fjtlaw.com) has extensive experience working with SPD as a former City attorney prosecuting misdemeanors in Seattle Municipal Court and as a former King County senior deputy prosecuting attorney. Jackson also represented law enforcement officers and their governmental agencies.

Stafford Frey Cooper (www.StaffordFrey.com) has represented City of Seattle officers and the City in police action work for more than 40 years. Ted Buck, lead attorney for Stafford Frey Cooper on City work, has represented police officers throughout the region for 20 years.

Besides general police action work, the Christie Law Group and Stafford Frey Cooper were tapped to be on-scene responders to requests for legal assistance from officers involved in shootings and to represent them at inquests.

Holmes assembled an experienced and diverse panel to consider the written proposals. After discussion, review, comparison with the criteria and consensus approval, the panel invited several firms back to participate in oral presentations. Panel members included high-level CAO staff and outside experts, including Nicholas Metz, deputy chief at SPD; Bruce Hori, the City's risk manager; George Mattson, retired King County Superior Court judge; John Strait, ethics professor at Seattle University Law School, and Anne Levinson, retired Municipal Court judge and the current auditor of SPD's Office of Professional Accountability.

"I was particularly pleased to see the emphasis on quality representation and sensitivity to the interests of the City and the individual officers in assuring that outside law firms

selected will be fine advocates for such cases," commented Strait, associate professor of law at Seattle University School of Law.

"Lawsuits involving police agencies and police officers often involve issues of great public concern and the potential for significant taxpayer costs," Levinson said. "In seeking proposals for this work and adding in-house counsel, the City Attorney found an effective way to better serve the public, the officers and the City, as well as provide more ongoing policy and legal advice to the Police Department."

The austere budget climate motivated Holmes to attract more outside practitioners to represent SPD in civil cases. The City can realize substantial savings through a competitive process and CAO's lower internal costs. Holmes said, "It's a tough time budget-wise. Savings on legal fees translate to more officers on the street. There's a direct connection."

Equally important, the City will be able to play a more supportive role in policy – by having a closer working relationship with the individual officers.

Aside from the need to pare costs, Holmes noted he has been concerned over the prior lack of a competitive process in selecting and retaining legal counsel.

Holmes' move was supported by the City Council, which agreed during last year's budget deliberations to add funding for two torts lawyers plus a paralegal and legal assistant.

Holmes continually kept the Seattle Police Officer's Guild (SPOG) and the Seattle Police Management Association (SPMA) informed of his decisions and the procedures. An unfair labor practice complaint from SPOG is pending. In a letter to SPOG in 2010, Holmes wrote, "the selection of counsel for city employees is a decision vested within the discretion of the City Attorney, and is not subject to collective bargaining."

State bar recognizes Criminal Division Chief for professionalism

Craig A. Sims was presented the Professionalism Award at the 2011 WSBA Annual Awards Dinner in September at Olive 8 in Seattle. Accompanying Craig to the podium

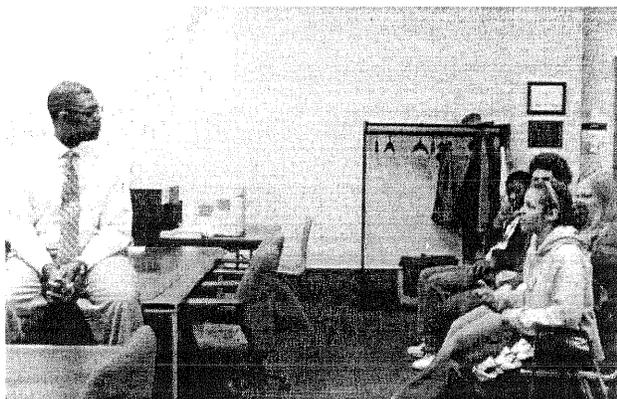
was his father, who appeared even more delighted about the award than Craig and his CAO colleagues in attendance. Congratulations to Craig!

This honor is awarded to a member of the bar who exemplifies the spirit of professionalism, defined as “the pursuit of a learned profession in the spirit of service to the public and in the sharing of values with other members of the profession.”

In addition to his Criminal Division duties, Craig is an adjunct professor at Seattle University School of Law, where he teaches comprehensive pretrial advocacy, and is a visiting lecturer at the University of Washington School of Law. He is the 2010-11 president-elect of the SU Law Alumni Board.

Also, Craig is a member and past president of the Loren Miller Bar Association. He has served as a King County Bar Association trustee since 2009. He has also served on the WSBA Leadership Institute Advisory Board since 2009.

In 2010, Craig received the Faculty Member of the Year Award by SU School of Law’s Black Law Student Association. In 2008 he received the Urban League of Seattle Spirit Award and was named Mock Trial Coach of the Year by the SU School of Law’s Black Law Student Association.



Criminal Division Chief Craig Sims, at far left, talked with students from Tyree Scott Freedom School about Seattle Municipal Court operations.

Seattle, King County OK jail contract

The City currently contracts with King County to house its misdemeanor inmates in the County’s jail facilities. Legislation approved by the City Council and the King County Council will replace the existing contract for jail services with a new contract that will run from Jan. 1, 2012 through Dec. 31, 2030. The current contract, entered into in 2002

and originally set to expire at the end of 2012, was extended through 2016 to provide the City with sufficient time to evaluate its alternatives. After evaluating its options, which included possible contracts with Yakima County, Snohomish County, the South Correctional Entity (SCORE), and even building its own jail, the City chose to remain with King County under a new, renegotiated contract.

The new contract represents a long-term, durable partnership between Seattle and King County. It provides certainty by guaranteeing the City access to jail beds at King County through 2030. Starting in 2012, King County will guarantee the City access to 228 jail beds. This guaranteed number of jail beds will gradually increase over the term of the contract to 335 jail beds by 2030. The increase is consistent with growth in the City's projected jail population. The jail bed guarantee also is the maximum number of beds (or cap) that the County is obligated to provide. If the County has space available, it may provide a greater number of beds, but it is under no obligation to do so.

As part of this new contract, the City has agreed to pay for a minimum number of beds each year. In 2012, the City has committed to paying for a minimum of 175 jail beds. In 2017, after the City's contract with Snohomish County ends, this guarantee will increase to 233 beds. This minimum bed commitment (or floor) will gradually increase over the term of the contract to 258 beds by 2030.

- The City can reduce the minimum floor if it gives 18 months notice and notice occurs prior to notification of capital expansion by the County. If the City reduces the minimum floor, the number of beds the County is required to provide (or the cap) also will decrease. The cap is set to be 30% higher than the floor.
- If the City is sending 100% of its inmates to King County, it can reduce its minimum bed commitment for the following year if it gives notice by July 1.

The new contract also sets the basis for reasonable and predictable fees for services. The most significant change from the current contract is a decrease in the booking fee from \$329 to \$95. This change will save the City more than \$2 million annually. In future years, fees will increase by CPI plus a 1.5% surcharge for general housing and by CPI plus a 3% surcharge for medical and psychiatric services. There will be rate resets every 5 years, where the rates will be based upon the prior year's adopted budget. There also will be a rate reset if CPI exceeds 8%.

If King County needs to expand its facilities in order to have enough capacity to house all the inmates, the City will help pay for a portion of the capital expansion costs.

- The total planning and capital cost cannot exceed \$66 million in 2011 dollars (adjusted for inflation). A portion of this total cost would be allocated to the City.
- The City's share of the total capital cost will be based upon its percentage share of the total jail population (currently about 10% to 12%).
- Payment would start when the County's debt service payments start or when the expansion becomes operational (whichever occurs first).
- The estimated City annual surcharge would be approximately \$640,000, plus inflation, per year.

This long-term contract will mean that King County will continue to be the City's primary provider of jail bed space for the City's misdemeanor inmates for the next two decades. Because the King County Jail is located adjacent to the City's Municipal Justice Center, the proposed contract would maintain significant operational advantages for Seattle's courts, law enforcement and attorneys. For the County, the proposed contract will provide for predictable use of its jail space, leading to greater operational efficiency.

The new contract also reflects the long-standing interest of the City and the County in a wide variety of diversion, alternative and re-entry programs. These programs ensure efficient use of public funds by safely keeping low-risk populations out of jail so that capacity is available for those who pose a more serious risk to public safety.

City Council removes permit requirement for church-run homeless encampments

This fall the City Council passed an ordinance that permits religious organizations that own or control property in the City to host a homeless encampment without obtaining City permits as long as they comply with basic health and safety standards.

Although churches have previously hosted encampments on church parking lots, the new ordinance, consistent with state law, permits encampments on parking lots and other church-owned property.

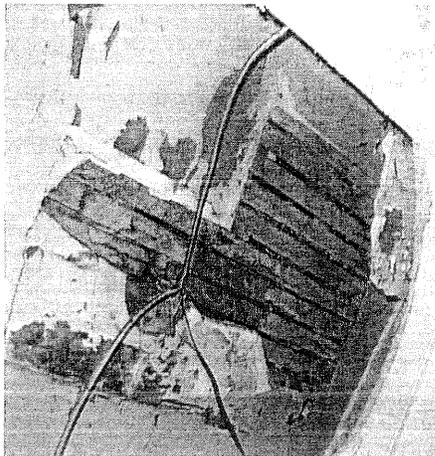
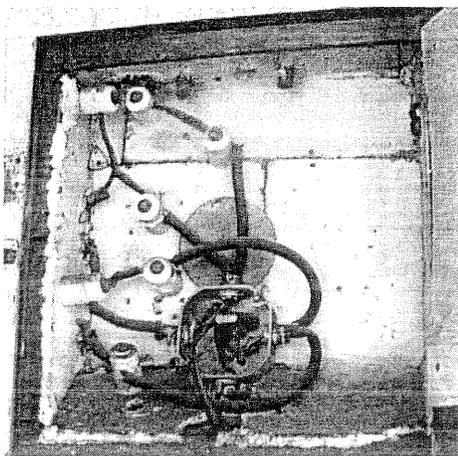
Previously, churches were required to obtain a temporary use permit in order to allow a church to host an encampment for up to six months. Private property owners will still be required to obtain a temporary use permit if they wish to host an encampment.

Under a previously entered consent decree set to expire in March 2012, hosts are not required to obtain a temporary use permit to host Tent City 3. The consent decree allows Share/WHEEL, which operates Tent City 3, to operate only one encampment within the City and requires the encampment not operate for longer than three months in a location. Under the ordinance religious organizations may now host an encampment without a permit for as long as they desire.

The ordinance limits the number of encampment in habitants to 100 individuals, provides for fire and health standards, requires inspections before the encampment is established, and provides for inspections while the encampment is operating.

Private property owners will still need to comply with any permit requirements and applicable environmental review.

Court upholds SMC's authority to levy fines above \$75,000



City inspectors cited a substandard interior wall in a Sisley house (left) and hazardous exposed wiring (right).

The imposition of \$615,000 in penalties on a Seattle landlord for housing code violations has been affirmed by the Washington Court of Appeals, Division One.

The central question in the appeal by Hugh and Martha Sisley was whether judges in two separate trials in Seattle Municipal Court (SMC) properly levied penalties exceeding \$75,000, which is the limit for civil claims in Washington's district courts. A King

County Superior Court judge found no issue with the nature of the housing code violations but said SMC could not impose fees over \$75,000.

“The City has the right to enforce its ordinance,” the three-judge appeals panel ruled unanimously. “To superimpose the district court jurisdiction limit upon municipal code enforcement proceedings is to frustrate the City’s enforcement scheme and improperly undermine the power granted to the City by the legislature.”

The ruling applies to a wide variety of civil violations of City code, including those brought by the Department of Planning and Development, Department of Transportation and Seattle Public Utilities.

Karen White, DPD Code Compliance Director, applauded the ruling as “very important to the City’s ability to enforce its codes. When someone won’t correct code violations repeatedly, having the ability to collect large enough monetary penalties is essential. Without this tool, there is no deterrence to continuing to violate city laws, no consequence for failing to cure conditions that can threaten someone’s health or safety or that can bring down a whole neighborhood.”

White was echoed by City Attorney Pete Holmes: “The appellate court’s decision reinforces the City’s ability to make it more expensive to be a slumlord than to comply with the Seattle Municipal Code. This is a victory for good government and for Seattle’s neighborhoods.”

DPD has amassed close to 200 code enforcement cases relating to Sisley properties dating to the 1980s. The cases included housing code violations, exterior maintenance and junk storage violations, emergency orders, and unfit vacant buildings subject to demolition. More than 25 cases against Hugh Sisley have been filed in Municipal Court to gain compliance with City codes.

Under City code, the maximum penalties that can be assessed for housing violations are \$150 per day for violations in the unit for the first 10 days, and \$500 per day thereafter. For violations in the common areas, the penalty is \$150 per day for the first 10 days, and \$500 per day thereafter.

The two Sisley properties at issue are at 6515 16th Ave. NE and 6317 15th Ave. E. They are single-family homes that had been cut up and rented as guest rooms.

At the 16th Ave. location, according to court testimony, a young man agreed to rent a room in the house (the tenants shared the common areas including the bathroom and the kitchen). He paid a \$500 security deposit and agreed to pay \$500 per month rent. After about three months, the tenant complained of a severe ant infestation in his bedroom. The manager refused to have the room exterminated. The tenant contacted DPD for assistance, which resulted in an inspection of the tenant's room and the common areas. During the inspection 16 other housing code violations were observed (including deteriorated stairs, missing handrails, lack of a permanent heat source, missing smoke detectors and broken wall coverings). The ant infestation made the room unlivable and the tenant was forced to move in with friends. The tenant asked for the return of his \$500 security deposit, but was refused.

The Sisleys were issued a Notice of Violation and ordered to correct the violations by April 10, 2008. Under the code, penalties continue to accrue until the violator allows a reinspection to confirm compliance. The Sisleys refused to allow a reinspection of the property. At the time of trial the property was out of compliance for 406 days. Municipal Court Judge Jean Rietschel, now a King County Superior Court judge, assessed a penalty in an amount less than the maximum. She ordered the Sisleys pay: *\$100 per day for violations in the unit the first 10 days, and \$300 per day thereafter and *\$100 per day for violations in the common areas the first 10 days, and \$300 per day thereafter The judgment was for \$247,400.

At the other property -- 6317 15th Ave. E. -- a young man entered into a rental agreement and paid \$1,000 for first and last month's rent to rent one of four bedrooms at the home. The bedroom was supposed to have a functioning toilet/shower in the room. He was to share the common areas with the other tenants in the house. Before moving his belongings into the house, the tenant discovered that six of eight windows in his room were broken (some were boarded up) and there was a hole in the wall stuffed with newspaper to cover electrical wiring. The tenant asked that repairs be made or his \$1,000 be returned. The Sisleys' manager refused to return any portion of the money paid. The tenant called DPD for assistance ; the inspectors found 26 housing code violations (including a non-functioning toilet and shower in the tenant's room. holes in the front door. exposed electrical wiring, broken and peeling wall and ceiling covers, broken and boarded up windows, and an electrical cord taped to an outlet in the hallway providing power to a bedroom).

DPD issued a Notice of Violation in the bedroom unit and the common areas, requiring compliance by Aug. 7, 2008. The Sisleys again refused to allow a reinspection to confirm compliance. At the time of trial the property had been out of compliance for 375 days. The Court determined that there were no mitigating factors and imposed the maximum penalty and issued a judgment in the amount of \$368,000.

Drug policy reform is Holmes' topic away from Seattle

Seattle is among several U.S. cities at the forefront of drug policy reform and, this fall, City Attorney Pete Holmes chronicled the City's progress and pitfalls at two major conferences.

At the annual meeting of the Washington State Association of Municipal Attorneys in October, Holmes' address segued from his decision to stop prosecuting simple possession of marijuana when he took office in January 2010 to the City's efforts to reform medical marijuana laws statewide.

After Gov. Chris Gregoire vetoed an act that would have created a statewide regulatory framework – 11 years after voters approved medical marijuana – the City Council endorsed legislation written by the CAO to deal with medical marijuana operations within Seattle City limits. C.B. 117229 was crafted to respond to multiple stakeholders' concerns that medical use of cannabis be conducted safely and fairly for the health and welfare of the community. The ordinance specifies that problems at medical cannabis facilities should be reported to the Customer Service Bureau, the Seattle Police Department, or the Department of Planning and Development, depending upon the nature of the problem.

As of fall 2011, Holmes told the WSAMA audience, roughly two-thirds of the openly advertising dispensaries have obtained City business licenses, a requirement under the ordinance.

While acknowledging the federal prohibition of medical marijuana, Holmes explained that the "Seattle Way" responds to changes in state law in a responsible manner to minimize impacts on patients, providers and the health, safety and welfare of the community.

Holmes carried that message to Los Angeles earlier this month when he attended the International Drug Policy Reform Conference hosted by the national Drug Policy Alliance. He spoke on a panel that contrasted Washington and Colorado's marijuana legalization ballot initiatives as well as their potential effects on medical marijuana laws.

City Inside/Out: Seattle Veterans Court 11/18/2011

Seattle Channel looks at an innovative new approach to helping Seattle veterans who get into legal trouble. Seattle Veterans Court offers a therapeutic approach for defendants who qualify, but does it work? Meet two Seattle men who fought for the U.S. but then fell into addiction and homelessness when they returned. Veterans Court offers them another chance, but can they stick to their rigid probation terms? We also hear from Presiding Judge Fred Bonner, Prosecutor Jennifer Grant, Defender Burns Petersen and U.S. Dept. of Veterans Affairs' Veterans Justice Outreach Coordinator Kevin Devine about how they are helping local veterans access community services while re-integrating into civilian life. <http://www.seattlechannel.org/videos/video.asp?ID=3061133>

LINKS TO NEWS STORIES

Jury clears officers in dispute over loud party

http://seattletimes.nwsourc.com/html/localnews/2016627363_weedbrothers28m.html

City Attorney Pete Holmes, Who Is Prosecuting Occupy Seattle Protesters, Is at the Occupy Seattle Protests

<http://slog.thestranger.com/slog/archives/2011/10/08/city-attorney-pete-holmes-who-is-prosecuting-occupy-seattle-protesters-is-at-the-occupy-seattle-protests>

Anti-gun activists honor former Assistant U.S. Attorney Tom Wales

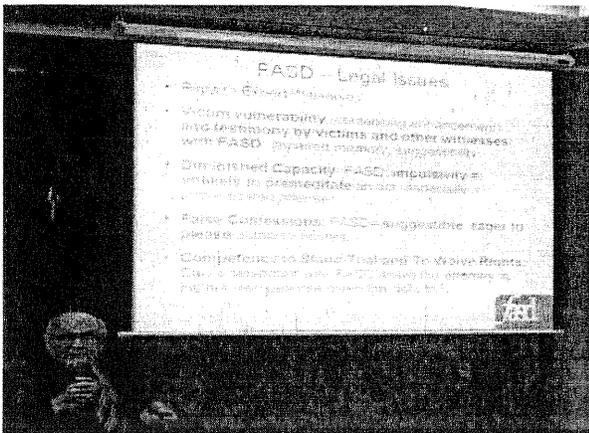
<http://www.q13fox.com/news/kcpq-antigun-activists-honor-former-assistant-us-attorney-tom-wales-20111009.0.4826077.story>

Seattle program aims to break the habit of incarceration

http://seattletimes.nwsourc.com/html/localnews/2016486501_diversion13m.html



In October Pete Holmes spoke at the launch of LEAD, a new program aimed at reducing drug crime in Belltown by offering low-level offenders a ride to treatment instead of jail.



Last month CAO invited experts on FASD (Fetal Alcohol Spectrum Disorder) to teach prosecutors, public defenders, probation officers and other court personnel about the birth defect's impact on individuals and how they interact with the criminal justice system. Retired King County Superior Court Judge Anthony Wartnick, shown at left, addressed multiple legal issues and court rulings in defendants diagnosed with FASD.



Seattle's new ordinance on medical marijuana dispensaries was the topic of a conversation with Clear Channel's Street Beat host, Tony Benton, that aired on KUBE 93. Also on the panel was, left, John Davis, proprietor of the Northwest Patient Resource Centers.



One of the first veterans in Seattle Municipal Court's Veteran Treatment Court appeared Sept. 20 before Presiding Judge Fred Bonner. Supervising Attorney Jennifer Grant represents CAO's Criminal Division in the therapeutic court, the first such court in King County.

The Seattle City Attorney's Office is committed to providing the City of Seattle with the highest caliber legal advice to help protect the health, safety, welfare, and civil rights of all.

With more than 90 lawyers, the City's Law Department is one of the largest law offices in Seattle and is the third largest public law office in the state.

The City Attorney's Office is made up of three divisions:

The Civil Division represents the City in lawsuits and advises City officials as they develop programs, projects, policies, and legislation. The sections within the Civil Division include torts (claims), governmental affairs, land use, environmental protection, labor and employment, and contracts/utilities.

The Criminal Division represents the City in prosecuting traffic infractions, misdemeanors, and gross misdemeanors in Seattle Municipal Court. The types of cases prosecuted by the Criminal Division include driving under the influence, traffic infractions, domestic violence, theft, assault, and trespassing.

The Administration Division staff provide budgeting, accounting, human resource, clerical and information technology services for the City Attorney's Office.

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If you have suggestions for stories or comments on how we can make this newsletter better, please email kimberly.mills@seattle.gov.

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Seattle Municipal Code

Information retrieved March 19, 2014 11:35 AM

Title 23 - LAND USE CODE
Subtitle III - Land Use Regulations
Division 2 - Authorized Uses and Development Standards
Chapter 23.42 - GENERAL USE PROVISIONS

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

(Ord. [123729](#) , § 1, 2011.)

New legislation may amend this section!

The above represents the most recent SMC update, which includes ordinances codified through Ordinance 124367 except 124105 with effective dates prior to 10 December, 2013.

Recently approved legislation may not yet be reflected in Seattle Municipal Code. See the legislative history at the bottom of each section to determine if new legislation has been incorporated.

Search for recently approved legislation referencing this section. (Searches for legislation approved within the past six months, which may not yet be incorporated into the SMC. See the legislative history for each section to confirm whether an ordinance is reflected.)

Search for proposed legislation that refers to this section. (Searches for Council Bills introduced since 01/2012 and not yet passed.)

Note: The above searches are provided to assist in research, but they are not guaranteed to capture all relevant legislation. Search directly on the [Council Bills and Ordinances Index](#) for the most comprehensive results.

For research assistance, contact the Seattle City Clerk's Office at (206) 684-8344, or by e-mail, clerk@seattle.gov.

For interpretation or explanation of a particular SMC section, please contact the relevant City department.

HISTORY OF TENT CITIES IN KING COUNTY

Locally, Tent Cities are democratically organized and operate with a Code of Conduct which requires sobriety, nonviolence, cooperation and participation. Security workers are on duty 24 hours a day. Litter patrols are done on a daily basis.

Tent Cities provide their own trash removal and port-a-potties. Bus tickets are provided to each participant each day so s/he can get to work or appointments. There is a food preparation area. Volunteers bring hot meals most evenings.

In February, One Night Count volunteers counted 1,753 people outside without shelter in Seattle, including children and seniors. There were 700 more people outside that night in selected areas visited throughout the rest of the County. The numbers of people counted outside are separate from roughly 6000 people who were in area emergency shelters and transitional housing programs on the same night. Proponents of Tent Cities say that they are needed because there is not enough indoor shelter for all who need it. Tent Cities provide a safe place for your belongings, flexible hours for workers, and the ability for couples to stay together.

Tent City 1 – 1990 Goodwill Games, on mudflats south of the Kingdome. After negotiations with the City, 99 SHARE members moved into the abandoned METRO Bus Barn near Seattle Center, and SHARE's first self-managed shelter started at Immaculate Conception Church.

Tent City2 – 1998 on Beacon Hill. The City opened the Municipal Building lobby shelter to respond, SHARE/WHEEL, arguing for a public-land encampment, moved to the greenbelt near Jose Rizal Park. The City bulldozed the camp and arrested 18 people; charges were dropped.

Tent City3 – Began in 2000 on private land at MLK Way and S Charleston Street. The City notified property owners that they were in violation of the land use code and risked being fined. Tent City3 made three moves before El Centro de la Raza agreed to host the camp for six months and apply with SHARE/WHEEL for a permit. El Centro accrued \$17,000 in fines during the permit processing period, and the permit application was denied. In 2001, King County Superior Court overturned the Seattle Hearing Examiner's permit denial. In 2002 City Attorney Tom Carr, El Centro, and SHARE/WHEEL signed a Consent Decree permitting Tent City3 and setting forth its basic operating principles. It operates mainly in the City of Seattle, but also Burien, Seatac, Shoreline as well. It currently is at St Mark's Episcopal Cathedral.

Tent City4 - Began in 2004. It operates in King County, mainly on the East Side. They negotiated with King County and numerous King County jurisdictions to establish land use standards for temporary homeless encampments. Tent City 4 has been hosted in Mercer Island, Bothell, Woodinville, Finn Hill, Kirkland, Bellevue, Redmond, and Issaquah. Tent City4 is at the St. Jude Catholic Church in Redmond where it will remain until July.

Nickelsville – Since 2008, sixteen different properties in Seattle have hosted Nickelsville.

- 1) Highland Park and E Marginal Way (city land)
- 2) Highland Park and E Marginal Way (state land)
- 3) Daybreak Star Land near Discovery Park (United Indians of All Tribes)
- 4) University Christian Church
- 5) University Congregational United Church of Christ
- 6) Bryn Mawr United Methodist Church
- 7) Highland Park Land owned by Washington State D.O.T.
- 8) Terminal 107 (ostensibly owned by the Port, really land of the Duwamish Peoples)
- 9) St Andrews Episcopal
- 10) Keystone Congregational Church
- 11) New Hope Missionary Baptist Church
- 12) Greater Mt. Baker Missionary Baptist Church
- 13) Martin Luther King Jr Way South and South 129th (owned by Pete Sikov)
- 14) Lutheran Church of the Good Shepherd
- 15) University Congregational United Church of Christ
- 16) Old Fire Station #39

Resolution No

31292

A RESOLUTION regarding services for homeless people who may not currently be served by the existing shelter system; and creating a work plan and timeline for analyzing alternatives and recommending actions that meet the long term housing and immediate survival and safety needs of homeless people who do not have access to safe shelter.

Revised Legislation File

Date of Introduction of Resolution

4-18-11

Date of Committee Report

Housing, Women, Senior & Health

Date of Committee Report

Date of Committee Report

Date of Final Action

4-22-11

Date of Final Action

The City of Seattle - Legislative Department

Resolution sponsored by

Richard Cook

Committee Action

Date

Recommendation

Date

4/21/11

CPD

4/21/11

This file is complete and ready for presentation to full council.

Full Council Action

Date

Decision

Date

4/22/11

UNOPPOSED

4/22/11

RESOLUTION 31292

1
2
3 A RESOLUTION regarding services for homeless people who may not currently be served by
4 the existing shelter system; and creating a work plan and timeline for analyzing
5 alternatives and recommending actions that meet the long term housing and immediate
6 survival and safety needs of homeless people who do not have access to safe shelter.

7
8 WHEREAS, the City Council is dedicated to helping homeless people obtain temporary and
9 ultimately permanent housing; and

10
11 WHEREAS, although the one night homeless count showed a 15 percent decrease over the last
12 two years, the 2011 count found 1,753 people sleeping outdoors; and

13
14 WHEREAS, in the fall of 2010, the Council requested the City's Human Services Department
15 (HSD) complete an in-depth report that examines how our current city shelter system
16 works and whether it meets the needs of the various homeless populations including
17 among others, working homeless, couples, and victims of domestic violence; and

18
19 WHEREAS, HSD will provide this report to the Council on May 18, 2011; and

20
21 WHEREAS, the Mayor convened a Citizen's Review Panel to make recommendations on
22 homeless encampments and Seattle's unsheltered homeless population; and

23
24 WHEREAS, the panel's final report dated October 18, 2010 included a list of sites to be
25 considered for an encampment; and

26
27 WHEREAS, the Mayor's proposed Sunny Jim encampment site was not on the panel's list; and

28
29 WHEREAS, the Sunny Jim site poses opportunities but also many challenges including the site
30 is industrially-zoned property that does not permit a longer-term encampment use; and

31
32 WHEREAS, permitting a longer-term encampment use on the Sunny Jim site requires
33 amendments to the Comprehensive Plan and land use code; and

34
35 WHEREAS, amendments to the Comprehensive Plan and land use code for the Sunny Jim site
36 require that State Environmental Policy Act (SEPA) review be completed before the
37 Council considers a longer-term encampment on this site, which review is subject to
38 appeal and would take a number of months to complete; and

39
40 WHEREAS, the Council believes it may be possible to move forward with greater speed in
41 addressing the needs of unsheltered homeless if alternatives to the Sunny Jim site are
42 considered; NOW THEREFORE



1 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:**

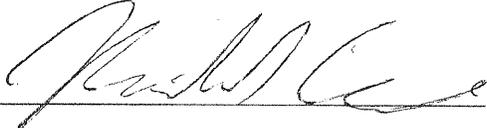
2 Section 1. The Council will receive the HSD report on existing City shelter services in
3 late May. On or after July 31, 2011, the Council will review the report and develop a list of
4 alternatives that address shortfalls in City-provided homeless services. The Council's review of
5 each alternative will examine legal and policy constraints, feasibility, and costs. The goal of
6 Council's review will be to recommend one or more options for action. If the recommendations
7 have budgetary implications these will be considered either as part of the review of alternatives
8 or during the Council's 2012 budget deliberations.

9 Section 2. The Council's review of alternatives will include but are not limited to: (1)
10 renovating Fire Station 39 as a possible long-term shelter or housing facility; (2) working with
11 faith-based communities to support shelter space in church buildings or parking lots, or on City
12 land leased to churches; (3) purchasing another motel similar to the Aloha Inn to provide
13 transitional housing; (4) providing additional rent assistance vouchers; (5) considering an
14 encampment at a location such as those sites reviewed by the Citizen Review Panel that
15 preferably will not require Comprehensive Plan or land use code amendments; and (6) modifying
16 the City's existing shelter service contracts to address any shortcomings identified in the HSD
17 and Council reviews.

18 Section 3. The Council will hold the proposed land use legislation regarding the Sunny
19 Jim site because the Council cannot approve the legislation until SEPA has been completed. In
20 addition, the Council will review the legislation concerning proceeds from the Sunny Jim
21 insurance settlement and decide whether: (1) the \$300,000 required for environmental
22 remediation at the Sunny Jim site should be appropriated in the near future; (2) to allow some of
23 these funds to be used for other one-time homeless service needs; or (3) if all or some of these
24 funds should be reserved for other priority purposes in light of continuing concerns about the
25 City's financial situation in 2011.



1 Adopted by the City Council the 2nd day of May, 2011, and signed
2 by me in open session in authentication of its adoption this 2nd day
3 of May, 2011.

4 
5 President _____ of the City Council

6
7 Filed by me this 2nd day of May, 2011.

8 
9 _____
10 City Clerk

11
12 (Seal)

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Legislative	Traci Ratzliff/4-8153	

Legislation Title:

A RESOLUTION regarding services for homeless people who may not currently be served by the existing shelter system; and creating a work plan and timeline for analyzing alternatives and recommending actions that meet the long term housing and immediate survival and safety needs of homeless people who do not have access to safe shelter.

Summary of the Legislation:

This legislation indicates the City Council's intent to review alternatives to the Mayor's proposed homeless encampment at Sunny Jim beginning on or after July 31, 2011. This review will begin after receipt of the Human Services Department's report to Council on the City's current shelter system that may include recommendations for improving the service to homeless people who may not be well served by our current system, working individuals, victims of domestic violence, among others. This report is due at the end of May. Alternatives to be considered, include but are not limited to: (1) renovating Fire Station 39 as a possible long-term shelter or housing facility; (2) working with faith-based communities to support shelter space in church buildings or parking lots, or on City land leased to churches; (3) purchasing another motel similar to the Aloha Inn to provide transitional housing; (4) providing additional rent assistance vouchers; (5) considering an encampment at a location such as those sites reviewed by the Citizen Review Panel that preferably will not require Comprehensive Plan or land use code amendments; and (6) modifying the City's existing shelter service contracts to address any shortcomings identified in the HSD and Council reviews. The Council will review the legal and policy constraints and feasibility and costs of each alternative.

Background:

Mayor McGinn has proposed establishing a homeless encampment on City owned property known as the "Sunny Jim" site. There are many legal and policy challenges related to this proposal. As a result, the Council wants to consider alternatives that can be implemented more quickly and can provide the needed services that will move people from homelessness to housing without needing to overcome the legal and policy challenges associated with the Mayor's proposal. This legislation establishes the work plan and timeline for the Council's consideration of such alternatives.

Please check one of the following:

 x This legislation does not have any financial implications.



STATE OF WASHINGTON – KING COUNTY

--SS.

271062
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

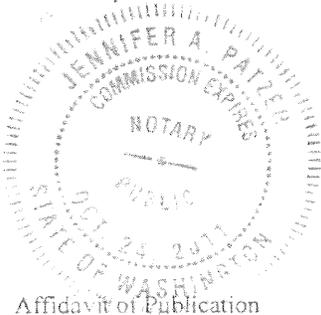
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:31292 TITLE ONLY

was published on

05/13/11

The amount of the fee charged for the foregoing publication is the sum of \$ 34.13, which amount has been paid in full.



[Signature]

Subscribed and sworn to before me on
05/13/11 *[Signature]*

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on May 2, 2011, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>. Contact: Office of the City Clerk at (206) 684-8344.

RESOLUTION NO. 31292

A RESOLUTION regarding services for homeless people who may not currently be served by the existing shelter system; and creating a work plan and timeline for analyzing alternatives and recommending actions that meet the long term housing and immediate survival and safety needs of homeless people who do not have access to safe shelter.

Publication ordered by the City Clerk
Date of publication in the Seattle Daily
Journal of Commerce, May 13, 2011.
5/13/271962

Ordinance No. 123729

Council Bill No. 119288

AN ORDINANCE relating to land use and zoning, amending Sections 23.43.040, 23.50.012, and 23.64A.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.

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: [Signature]

Committee Action:

Date: 0288 Recommendation: 3-0 Neg. Sec. 116 Vote: (9-1)

This file is complete and ready for presentation to Full Council.

Full Council Action:

Date: 10.3.11 Decision: Passed as Amended Vote: 9-0

Law Department

Related Legislation File:

Date Introduced in Related Committee	To: (Committee)	Date Presented to Mayor	Date Returned to City Clerk
<u>10.12.2011</u>	Housing, Human Services, Health, and Culture	<u>10.4.11</u>	<u>10.13.2011</u>
Date Referred	To: (Committee)	Date Voted by Mayor	Date Passed Over Veto
<u>10.3.11</u>			
Date Signed by Mayor	Published in Layfile Only	Published in Full Text	Date Veto Sustained
<u>10.13.2011</u>			
Date Returned Without Signature			

ORDINANCE 123729

1
2 AN ORDINANCE relating to land use and zoning; amending Sections 23.43.040, 23.50.012, and
3 23.84A.038 of the Seattle Municipal Code; and adding new Sections 23.42.054,
4 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.

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

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

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

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

13 WHEREAS, this ordinance does not change the current code provision that allows entities,
14 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

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

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

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

23 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

24 Section 1. A new Section 23.42.054 of the Seattle Municipal Code is adopted to read as
25 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;

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

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

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

7
8 3. Provide toilets, running water, and garbage collection according to the
9 following standards:

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

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

15 c. Remove garbage frequently enough to prevent overflow.

16
17 4. Cooking facilities, if they are provided, may be located in either an indoor
18 location or outdoors according to the following standards:

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

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

23 c. Provide a means to keep perishable food cold; and
24
25

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

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

6 **23.45.595 Transitional encampments accessory use**

7
8 Transitional encampments accessory to religious facilities or to principal uses located on
9 property owned or controlled by a religious organization are regulated by Section 23.42.054,
10 Transitional Encampments Accessory to Religious Facilities.

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

13 **23.47A.036 Transitional encampments accessory use**

14
15 Transitional encampments accessory to religious facilities or to principal uses located on
16 property owned or controlled by a religious organization are regulated by Section 23.42.054,
17 Transitional Encampments Accessory to Religious Facilities.

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

20 **23.50.012 Permitted and Prohibited Uses**

21
22 * * *

**Table A for 23.50.012
 Uses in Industrial Zones**

USES	PERMITTED AND PROHIBITED USES BY ZONE				
	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.

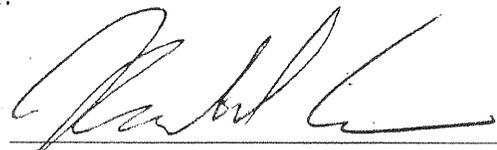
* * *

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.

1
2 Section 9. This ordinance shall take effect and be in force 30 days from and after its
3 approval by the Mayor, but if not approved and returned by the Mayor within ten days after
4 presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

5 Passed by the City Council the 3rd day of October, 2011, and
6 signed by me in open session in authentication of its passage this
7

8 3rd day of October, 2011.

9
10 

11 President _____ of the City Council
12

13 Approved by me this 13th day of October, 2011.
14

15 

16 Michael McGinn, Mayor
17

18
19 Filed by me this 13th day of October, 2011.
20

21 
22
23 For Monica Martinez Simmons, City Clerk

24 (Seal)
25

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Planning & Development	Bill Mills/ 4-8738	Joe Regis/5-0087

Legislation Title:

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.

Summary of the Legislation:

The proposal would accomplish the following:

- Add a new definition for a “transitional encampment” to clarify that an encampment is a use providing temporary quarters for sleeping and shelter and describing the activities and development that are associated with the encampment;
- Add a new Code Section 23.42.054 providing for the transitional encampment use to locate on sites owned or occupied by a religious facility, such as a church or synagogue;
- Add specific standards for operation of the encampment in new Section 23.42.054 to address site management and operations, maintenance, and hygiene.

Transitional encampment sites would be required to meet these standards:

- Maximum of 100 occupants;
- Required inspections by public health and safety officials;
- Specific fire and health safety conditions including location of fire extinguishers, first aid kits, appropriate power and light connections, toilets, running water, appropriate cooking facilities if provided; and
- Site inspection by public officials prior to commencing operation.

Background:

Homeless encampments have been located within the City of Seattle for many years. According to information obtained by the City Human Services Department, shelters are operating at maximum capacity and cannot accommodate all the needs of the homeless in Seattle. One solution to deal with the lack of shelter capacity is to establish well-managed transitional encampments with specific standards for operation, maintenance, and hygiene. Individuals who may join a managed encampment would, if an encampment alternative did not exist, live outside



and occupy spaces in alleys, doorways, vacant buildings, greenbelts, or other outdoor locations not designed or intended for shelter use. A managed encampment is a relatively low cost alternative to permanent housing options.

The proposal would acknowledge transitional managed encampments as an allowed use and would limit them to religious facility sites. Health and safety criteria for their location were determined based on the need for an encampment to provide facilities including shelter, food service, showers, and lavatories, for up to 100 persons. These standards are expected to limit the number of sites that would likely be used as encampments, while allowing for the needs of the homeless in the city to be accommodated.

The proposed legislation is not expected to generate additional costs to the City through the implementation of the proposed zoning regulations. Encampments are recognized as accessory uses to religious facilities, and no permit is required. Therefore, minimal if any review time will be required of City staff as a result of this proposal. Funding for encampments sponsored by religious facilities is not expected to be provided by the City

 x This legislation does not have any financial implications.



City of Seattle

Michael McGinn, Mayor

Office of the Mayor

August 9, 2011

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill containing proposed amendments to the Land Use Code that would define transitional encampments for the homeless as a use intended for temporary sleeping and shelter. The Bill also describes what activities and development may accompany the encampment, and the minimum standards for their location as a use accessory to religious facilities.

Encampments can provide a viable, low-cost, safe, and secure transitional housing option for individuals who would otherwise have no other options. While we recognize an encampment should not become a substitute for safe, affordable housing, these proposed Land Use Code amendments will help to address the lack of alternatives for the homeless. This proposal would allow organized encampments subject to appropriate and specific rules related to operation, maintenance, and hygiene. Food, sanitation, and other services would be provided. I believe the proposed legislation offers a reasonable and effective means to help address homelessness in the city, while minimizing impacts to surrounding properties.

Thank you for your consideration of this legislation. Should you have questions, please contact Bill Mills in the Department of Planning and Development at 684-8738.

Sincerely,

Daryl Smute Deputy Mayor

for Mike McGinn

Mayor of Seattle

MICHAEL MCGINN
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 615-0476 Fax: (206) 684-5360, Email: mayors.office@seattle.gov

An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.



ORDINANCE _____

1
2 AN ORDINANCE relating to land use and zoning; amending Sections 23.43.040, 23.50.012, and
3 23.84A.038 of the Seattle Municipal Code; and adding new Sections 23.42.054,
4 23.44.053, 23.45.595, and 23.47A.036; to permit transitional encampments for homeless
5 individuals as a use accessory to religious facilities in all zones.

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

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

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

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

16 WHEREAS, this ordinance does not change the current code provision that allows entities,
17 including secular entities, to continue to host transitional encampments after obtaining a
18 temporary use permit according to existing procedures in the Seattle Land Use Code; and

19 WHEREAS, RCW 35.21.915 permits cities regulating homeless encampments on a religious
20 facility's property to impose conditions necessary to protect the health and safety of the
21 public; and

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

26 WHEREAS, agreements between religious facilities and transitional encampment operators may
27 address encampment rules that extend beyond zoning standards, including prohibiting
28 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:

THIS VERSION IS NOT ADOPTED



23.42.054 Transitional Encampments Accessory to Religious Facilities

1
2 A. Transitional encampment accessory use. A transitional encampment is allowed as an
3 accessory use on a site in any zone, if the established principal use of the site is as a religious
4 facility, subject to the provisions of subsection 23.42.054.B. A religious facility site includes
5 property developed with legally-established parking that is accessory to the religious facility.
6 Parking accessory to the religious facility that is displaced by the encampment does not need to
7 be replaced.
8

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

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

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

- 13 a. Properly space, hang, and maintain fire extinguishers within the
14 encampment as required by the Fire Department;
15
16 b. Provide and maintain a 100-person first-aid kit;
17
18 c. Establish and maintain free of all obstructions access aisles as required
19 by the Fire Department.
20
21 d. Install appropriate power protection devices at any location where
22 power is provided;
23
24 e. Designate a smoking area;
25
26 f. Keep the site free of litter and garbage;
27
28

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

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

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

7
8 3. Provide toilets, running water, and garbage collection according to the
9 following standards:

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

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

15 c. Remove garbage frequently enough to prevent overflow.

16
17 4. Cooking facilities, if they are provided, may be located in either an indoor
18 location or outdoors according to the following standards:

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

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

23 c. Provide a means to keep perishable food cold; and
24
25

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

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

7
8 C. A site inspection of the encampment by a Department inspector is required prior to
9 commencing encampment operations.

10 D. Parking is not required for a transitional encampment allowed under this Section
11 23.42.054.

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

14
15 **23.43.040 Accessory uses and structures(~~(; exceptions to development standards for solar~~**
16 **~~collectors and solariums.))~~**

17 * * *

18 F. Transitional encampments accessory to religious facilities. Transitional encampments
19 accessory to religious facilities are regulated by Section 23.42.054.

20
21 Section 3. A new Section 23.44.053 of the Seattle Municipal Code is adopted to read as
22 follows:

23 **23.44.053 Transitional encampments accessory to religious facilities**
24
25

THIS VERSION IS NOT ADOPTED

1 Transitional encampments accessory to religious facilities are regulated by Section
2 23.42.054, Transitional Encampments Accessory to Religious Facilities.

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

5 **23.45.595 Transitional encampments accessory to religious facilities**

6 Transitional encampments accessory to religious facilities are regulated by Section
7 23.42.054, Transitional Encampments Accessory to Religious Facilities.

8
9 Section 5. A new Section 23.47A.036 of the Seattle Municipal Code is adopted to read
10 as follows:

11 **23.47A.036 Transitional encampments accessory to religious facilities**

12 Transitional encampments accessory to religious facilities are regulated by Section
13 23.42.054, Transitional Encampments Accessory to Religious Facilities.

14
15 Section 6. Section 23.50.012 of the Seattle Municipal Code, which section was last
16 amended by Ordinance 123378, is amended as follows:

17 **23.50.012 Permitted and Prohibited Uses**

18 * * *

THIS VERSION IS NOT ADOPTED



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 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"

THIS VERSION IS NOT ADOPTED



* * *

1
2 “Transitional Encampment” means a use having tents or a similar shelter that provides
3 temporary quarters for sleeping and shelter. The use may have common food preparation,
4 shower, or other commonly-used facilities that are separate from the sleeping shelters.

* * *

6 Section 8. The provisions of this ordinance are declared to be separate and severable.
7
8 The invalidity of any particular provision shall not affect the validity of any other provision.

PROVISION IS NOT ADOPTED

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

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

7
8
9
10 _____
11 President _____ of the City Council

12 Approved by me this ____ day of _____, 2011.

13
14
15 _____
16 Michael McGinn, Mayor

17
18 Filed by me this ____ day of _____, 2011.

19
20
21 _____
22 Monica Martinez Simmons, City Clerk

23 (Seal)

28
THIS VERSION IS NOT ADOPTED

STATE OF WASHINGTON – KING COUNTY

--SS.

277513
CITY OF SEATTLE, CLERKS OFFICE

No. 123727, 123728, 123729

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT: TITLE ONLY ORDINANCE

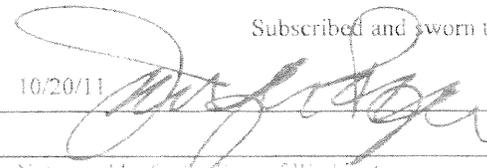
was published on

10/20/11

The amount of the fee charged for the foregoing publication is the sum of \$ 47.78, which amount has been paid in full.


Subscribed and sworn to before me on

10/20/11


Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

Title Only Ordinances

The full text of the following legislation, passed by the City Council on October 3, 2011, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 123727

AN ORDINANCE relating to the Multifamily Housing Property Tax Exemption Program; amending subsection A.7 of Section 5.73.040 of the Seattle Municipal Code to modify replacement housing obligations.

ORDINANCE NO. 123728

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

ORDINANCE NO. 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.

Date of publication in the Seattle Daily Journal of Commerce, October 20, 2011.
10/20(277513)

