

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING THE EMERGENCY HOUSING FACILITIES CODE, OMC CHAPTER 18.50, AND DECLARING AN EMERGENCY SO THIS ORDINANCE SHALL BECOME EFFECTIVE UPON ADOPTION.

WHEREAS, the City of Olympia recognizes the unique role and rights of faith-based organizations under the United States Constitution; and

WHEREAS, Olympia Municipal Code (OMC) Chapter 18.50 allows for temporary Emergency Housing Facilities hosted by a faith-based organization, not-for-profit organization, or unit of government which provides temporary housing to homeless persons, subject to certain criteria and requirements; and

WHEREAS, OMC 18.50.020 defines a "Host Agency" for an Emergency Housing Facility as a faith-based organization, or a not-for-profit organization, or a unit of government which owns or controls the property or has an ownership interest in the property that is the subject of an application for an Emergency Housing Facility Permit for providing basic services and support to temporary Emergency Housing Facility residents, such as hot meals and coordination of other needed donations and services; and

WHEREAS, a Host Agency may request a permit for an encampment of up to forty (40) residents; and

WHEREAS, the existing provisions in OMC 18.50 provide more freedom to the Host Agency to draft safety plans according to its interests, plans, and needs; and

WHEREAS, this Ordinance allows both high barrier and low barrier camps; and

WHEREAS, this Ordinance allows a Host Agency to provide camps for families, adults, and people transitioning out of facilities; and

WHEREAS, this Ordinance may reduce harm to homeless persons and provide services to assist residents with clean and sober living; and

WHEREAS, Emergency Housing Facilities permitted under OMC Chapter 18.50 ideally should be located in areas where there is easy access to services and affordable food, either by walking or by using public transit; and

WHEREAS, the City encourages self-management of Emergency Housing Facilities and other efforts to create community among their residents; and

WHEREAS, this Ordinance removes certain restrictions on Emergency Housing Facilities, although the Host Agency is still allowed to place restrictions of their choice on the encampment; and

WHEREAS, the City Council determines it to be in the best interest of the City of Olympia to amend OMC Chapter 18.50 to more easily facilitate the establishment and self-management of Emergency Housing

Facilities by faith-based organizations, not-for-profit organizations, and units of government, and to comply with RCW 35A.21.360; and

WHEREAS, the City Council previously amended this Ordinance on an interim basis on June 5, 2018 as it determined that this Ordinance was needed to immediately address a public emergency due to growing homelessness in the City of Olympia, and found said Ordinance to be necessary for the immediate protection and preservation of public health, public safety, public property or public peace, and that this Ordinance should be made effective upon adoption; and

WHEREAS, the City Council held a public hearing on the interim amendments to OMC Chapter 18.50 on July 24, 2018; and

WHEREAS, the City Council amended this Ordinance again on an interim basis on October 23, 2018, to correct scrivener errors, to correct the distance notification to be given to property owners, specifying that checks shall be for felony warrants, adding a waiver for public health emergency, and declaring an emergency so the amended Ordinance was made effective upon adoption; and

WHEREAS, the interim zoning regulations, as previously amended twice herein, were referred to the Olympia Planning Commission for review and recommendation. The Planning Commission held a public hearing on the amended Ordinance on October 15, 2018, and forwarded its recommendations to the City Council on November 19, 2018. The Planning Commission's recommendations, along with correction of scrivener's errors, are included herein;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC Chapter 18.50. Olympia Municipal Code Chapter 18.50 is hereby further amended to read as follows:

18.50.010 Emergency Housing Facility

"Emergency Housing Facility" means temporary emergency housing that may include tents and small structures organized and managed as temporary accommodations for homeless people, and may be hosted by a faith-based organization, not-for-profit organization, or a unit of government.

For purposes of this section, a "not-for-profit" shall mean an organization duly incorporated in the State of Washington and recognized by the Internal Revenue Service as an IRC 501 (c)(3) charitable organization.

18.50.020 Host Agency

Emergency Housing Facilities. "Host Agency" means a faith-based organization, or a not-for-profit organization, or a unit of government which owns or controls the property or has an ownership interest in the property that is the subject of an application for an Emergency Housing Facility Permit for providing basic services and support to temporary Emergency Housing Facility residents, such as hot meals and coordination of other needed donations and services.

Ownership interest shall include an interest by recorded title or by fully executed lease of the subject property.

18.50.030 Sponsoring Agency

"Sponsoring Agency" means the Host Agency or another agency that assists the Host Agency and that joins in an application with a Host Agency for an Emergency Housing Facility Permit and assumes responsibility for providing basic services and support to Emergency Housing Facility residents, such as hot meals, social services, sanitation, hygiene, storage of belongings, trash and refuse collection, and coordination of other needed donations and services.

18.50.040 Who May Apply

Emergency Housing Facility. Emergency Housing Facilities shall be permitted as an accommodation of faith-based exercise by a Host Agency and Sponsoring Agency, or by a unit of government, or by a not-for-profit organization. Each Host Agency and Sponsoring Agency shall jointly apply for a permit under this Section and shall jointly certify compliance with all applicable requirements for approval and conditions of this Chapter and the application.

18.50.050 Applicable Procedures

A. Emergency Housing Facility. A Permit for an Emergency Housing Facility is an administrative decision. In addition to the requirements for administrative decisions found elsewhere in the Olympia Municipal Code, the following procedures apply:

1. Advance Notice Required. The Host Agency and Sponsoring Agency shall notify the City of the proposed Emergency Housing Facility a minimum of thirty (30) days in advance of the proposed date of establishment for the Emergency Housing Facility. The advance notification shall be in the form of an application for a Permit for an Emergency Housing Facility and shall contain the following information:
 - a. The date the Emergency Housing Facility will commence;
 - b. The length of time the ~~encampment~~ Emergency Housing Facility will continue;
 - c. The maximum number of residents proposed for the ~~encampment~~ Emergency Housing Facility;
 - d. The host location;
 - e. The names of the Host and Sponsoring Agencies; and
 - f. The manner in which the Emergency Housing Facility will comply with the requirements of this Chapter.

2. Informational Meeting Required. The Host Agency and/or Sponsoring Agency shall conduct at least one (1) informational meeting within, or as close to, the location where the proposed Emergency Housing Facility will be located, a minimum of two (2) weeks prior to the issuance of the temporary use permit. The time and location of the meeting shall be agreed upon between the City and the Host Agency and/or Sponsoring Agency. All property owners within five hundred (500) feet of the proposed Emergency Housing Facility shall be notified by mail ten (10) days in advance of the meeting ~~by the Host Agency and/or Sponsoring Agency~~. In lieu of notice by mail, an alternative means of notice may be provided that is reasonably calculated to notify the neighboring property owners within five hundred (500) feet of the proposed ~~encampment~~ Emergency Housing Facility.

3. Signs Required. The applicant shall also provide notice of the application within the same timeframe identified above by posting two signs or placards on the site or in a location immediately adjacent to the site that provides visibility of the signs to motorists using adjacent streets. The Director of Community Planning and Development or his or her designee shall establish standards for size, color, layout, design, working, placement, and timing of installation and removal of the signs or placards.

18.50.060 Emergency Housing Facility - Criteria/Requirements for Approval

The Director of the Community Planning and Development Department ("Director") or his or her designee may issue a temporary and revocable permit for an Emergency Housing Facility subject to the following criteria and requirements.

A. Site Criteria.

1. Emergency Housing Facility.

a. If the Sponsoring Agency is not the Host Agency of the site, the Sponsoring Agency shall submit a written agreement from the Host Agency allowing the Emergency Housing Facility, or from the owner of the property, and clarifying the obligations of the Sponsoring Agency.

b. The property must be sufficient in size to accommodate the ~~tents~~ temporary housing and necessary on-site facilities, including, but not limited to the following:

i. Sanitary portable toilets in the number required to meet capacity guidelines for the population of the encampment;

ii. Hand washing stations by the toilets and by the food areas;

iii. Refuse receptacles for trash, recycling and garbage; and

iv. Storage of personal belongings.

- c. The Host and Sponsoring Agencies shall provide an adequate potable water source to the Emergency Housing Facility, as approved by the City.
- d. No Emergency Housing Facility shall be located within a Sensitive/Critical Area or its buffer as defined under OMC Chapter 18.32 except on existing paved or gravel sites.
- e. No permanent structures will be constructed for the Emergency Housing Facility.
- f. No more than forty (40) residents shall be allowed at any one ~~encampment~~ Emergency Housing Facility. The City may further limit the number of residents as site conditions dictate.
- g. Adequate on-site parking shall be provided for the Emergency Housing Facility, as determined by the City upon review of the application. ~~No off-site parking will be allowed.~~ The number of vehicles used by the Emergency Housing Facility residents and the location where they may park shall be provided in the permit application. ~~If the Emergency Housing Facility is located on a site that has another preexisting use, it shall be shown that the Emergency Housing Facility parking will not create a shortage of on-site parking for the other use/s on the property.~~ No off-site parking will be allowed.
- h. The Emergency Housing Facility shall be located within a quarter (1/4) mile of a bus stop with seven (7) days per week service, whenever possible. If not located within a quarter (1/4) mile of a bus stop, the Host or Sponsoring Agency must demonstrate the ability for residents to obtain access to the nearest public transportation stop (such as carpools or shuttle buses).
- ~~i. The Emergency Housing Facility shall be adequately buffered and screened 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 Emergency Housing Facility behind buildings. The type of screening shall be approved by the City.~~
- ~~ji. 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. Portable toilets shall be placed to minimize odor impacts to adjacent properties.~~
- kj. At the time of the City's approval, there shall be no other approved Emergency Housing Facilities located within one thousand (1,000) feet of the approved ~~encampment~~ temporary Emergency Housing Facility site. Approved Emergency Housing Facilities must be separated by a buffer of at least one thousand (1,000) feet under this Chapter.

B. Security.

1. Emergency Housing Facility.

a. An operations and security plan for the Emergency Housing Facility shall be submitted to the City at the time of application. The security plan shall address potential security and neighborhood impacts within five hundred (500) feet of the ~~encampment~~ temporary Emergency Housing Facility site.

b. The Host Agency shall provide to all residents of the Emergency Housing Facility a Code of Conduct for living at the Emergency Housing Facility. 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:

i. Possession or use of illegal drugs is prohibited.

ii. Violence against staff or residents of the ~~encampment~~ Emergency Housing Facility is prohibited.

iii. Any open flames are prohibited.

iv. Trespassing on private property in the surrounding neighborhood is prohibited.

v. Littering on the Emergency Housing Facility site or in the surrounding neighborhood is prohibited.

vi. Noise or music in excess of the limits set forth in OMC 18.40.080 is prohibited.

Nothing in this Section shall prohibit the Host Agency, Sponsoring Agency or an Emergency Housing Facility Manager from imposing and enforcing additional Code of Conduct conditions not otherwise inconsistent with this Section.

c. All Emergency Housing Facility residents must sign an agreement to abide by the Code of Conduct and failure to do so may result in the noncompliant resident's immediate expulsion from the property.

d. The Host or Sponsoring Agency shall keep a log of all people who stay overnight in the ~~encampment~~ Emergency Housing Facility, including names, dates of birth, and dates of stay in the ~~encampment~~ Emergency Housing Facility. Logs shall be kept and retained for a minimum of six (6) months.

e. The Host or Sponsoring Agency shall take all reasonable and legal steps to obtain verifiable identification such as a driver's license, government-issued identification card, military identification, passport, or other reasonable forms of identification from prospective and existing encampment residents.

f. The Host or Sponsoring Agency will use identification received from prospective and existing encampment residents to obtain sex offender and felony warrant checks from the Washington State Patrol, the Thurston County Sheriff's Office or the Olympia Police Department.

i. If the felony warrant and sex offender checks reveal either (1) an existing or outstanding felony 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 of the check is a sex offender, required to register with the County Sheriff or their county of residence pursuant to RCW 9A.44.130, then the Host or Sponsoring Agency may reject the subject of the check for residency in the Emergency Housing Facility or may eject the subject of the check if that person is already an Emergency Housing Facility resident.

ii. The Host or Sponsoring Agency shall immediately contact the Olympia Police Department if the reason for rejection or ejection of an individual from the Emergency Housing Facility is an active felony warrant. In other cases of rejection or ejection, the designated representative of the Host or Sponsoring Agency may immediately contact the Olympia Police Department, the Thurston County Sheriff's Office, or the Washington State Patrol.

g. The Host or Sponsoring Agency shall self-manage its residents and prohibit illegal drugs, violence, and abuse of any kind, littering, or noise disturbances of other residents or adjacent neighbors while located on the Emergency Housing Facility property.

h. The Host or Sponsoring Agency will appoint a designated representative(s) to serve "on-duty" as an Encampment Manager at all times as a point of contact for the Olympia Police Department and will orient law enforcement how the security tent operates for the Emergency Housing Facility. The name and contact information of the on-duty designated representative(s) will be posted daily in the security tent will be provided to the City with the application. The City shall provide contact numbers of non-emergency personnel, which shall be posted at the security tent.

C. Timing.

Emergency Housing Facility:

1. The duration of an Emergency Housing Facility shall be for one hundred eighty (180) days, and may be extended for an additional one hundred eighty-five (185) days upon submittal of an application and proof that the site did not have on-site criminal violations greater than the crime rate of the surrounding neighborhood three hundred and sixty-five (365) days. Two (2) one-year permit extensions may be granted by the Director upon submittal of a letter from the Host Agency requesting said extension. After two (2) consecutive permit extensions have been granted, a new temporary use permit under this Chapter shall be required.

2. The site may be approved for a duration longer than one year-three hundred and sixty-five (365) days with two (2) one-year permit extensions upon submittal of a conditional use permit to be reviewed and approved by the Olympia Hearing Examiner pursuant to OMC Chapter 18.48. The conditional use permit shall demonstrate consistency with this Chapter and the rest of OMC Title 18. In addition, the applicant must demonstrate that criminal violations onsite were not greater than the crime rate of the surrounding neighborhood. The approval of a conditional use permit may be for a time less than one hundred eighty (180) days, subject to review of demonstrated impacts upon the surrounding neighborhoods. The length of time of the approved use shall be determined by the Olympia Hearing Examiner.

D. Health and Safety.

1. Emergency Housing Facility. The Emergency Housing Facility shall conform to the following fire requirements:

- a. There shall be no open fires, ~~for cooking without~~ Cooking fires shall only be by pre-approval by the Olympia Fire Department and no open fires for heating;
- b. No heating appliances within the individual tents housing units are allowed without pre-approval by the Olympia Fire Department;
- c. No cooking appliances, other than microwave appliances, are allowed in individual-tents housing units;
- d. An adequate number, with appropriate rating, of fire extinguishers shall be provided as approved by the Olympia Fire Department;
- e. Adequate access for fire and emergency medical apparatus shall be provided. This shall be determined by the Olympia Fire Department;

f. Adequate separation between tents and other structures aisles of six feet (6') shall be maintained for gurney and firefighter access and six feet (6') separation shall be maintained as from fences and property lines. Separation between individual units on the site shall be determined on a site specific visit by the Olympia Building and Fire Departments; and

g. Electrical service shall be in accordance with recognized and accepted practice and codes. ~~Electrical cords shall not be strung together. Any electrical cords used must be approved for outdoor exterior use.~~

h. There shall be an address associated to the Emergency Housing Facility site for emergency reporting and response. The address shall be posted and readily visible on approach;

i. The Emergency Housing Facility site shall remain clear of physical, environmental, biological, or medical waste that could be a health hazard to residents and emergency responders; and

j. There shall be no smoking inside of housing units.

2. The Host Agency and Sponsoring Agency shall permit inspections by City staff and the Thurston County Health Department at reasonable times without prior notice of compliance with the conditions of the Emergency Housing Facility Permit.

E. Director's Decision.

1. Emergency Housing Facility.

a. Purpose. The Director shall review the proposal to ensure compliance with the provisions of this Chapter and all other applicable laws to ensure that the health, safety and welfare of the citizens of the City is preserved, and to provide an expedient and reasonable land use review process for decisions and interpretations of this Chapter.

b. Director Authority. The Director may modify the submittal requirements as deemed appropriate.

c. Notice of Decision. The Director shall notify the Sponsoring and Host Agencies of his or her decision to approve, modify or deny the application within a timely manner, but not prior to fourteen (14) days after the neighborhood informational meeting. The Director's decision is a final decision of the City. Appeals of decisions to approve or deny an Emergency Housing Facility Permit shall be to Thurston County Superior Court.

F. Emergency Housing Facility Permit Termination. If the Host Agency or Sponsoring Agency fails to take action against a resident who violates the terms and conditions of its permit, it may result in immediate termination of the permit issued to the Host Agency or Sponsoring Agency. If the City learns of acts of violence by residents of the encampment and the Host Agency or Sponsoring Agency has not adequately addressed the situation to protect residents, the temporary use permit may be immediately terminated.

G. Emergency Housing Facility Permit Revocation. Upon determination that there has been a violation of any approval criteria or condition of application, the Director of Community Planning and Development or his or her designee, may give written notice to the permit holder describing the alleged violation. Within fourteen (14) 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 fourteen (14) day period, the Director of Community Planning and Development or his or her designee, shall sustain or revoke the permit. When an Emergency Housing Facility Permit is revoked, the Director of Community Planning and Development or his or her designee shall notify the permit holder by first class and certified mail of the revocation and the findings upon which revocation is based. Appeals from the Director's decision to revoke a temporary Emergency Housing Facility permit shall be to Thurston County Superior Court.

H. Public Health Emergency Waiver. Upon adoption of an ordinance by the Olympia City Council declaring a public health emergency, the requirements of this Chapter may be waived by the Director or his or her designee for faith-based organizations, not-for-profit organizations and units of government. Any waiver of the requirements of this Chapter shall be for a period not to exceed six (6) months, except when the Council finds a public health emergency continues to exist after holding a public hearing, then the requirements of this Chapter may be waived for an additional six (6) month period. Further waivers of this Chapter's requirements shall only occur after Council holds a public hearing and finds that the public health emergency is continuing.

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 4. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 5. Effective Date. This Ordinance is for the immediate preservation of public peace, health, safety, and welfare of the public, and shall take effect upon adoption, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: