

**From:** [Keith Stahley](#)  
**To:** [Amy Buckler](#)  
**Cc:** [Anna Schlecht](#)  
**Subject:** FW: Emergency Housing Facilities  
**Date:** Tuesday, September 11, 2018 8:18:12 AM  
**Attachments:** [0918 Draft Overnight Sleeping Ordinance.rtf](#)  
[0918 Draft Amendments to OMC.docx](#)  
[Model Homeless Camp Site Ord CM.docx](#)

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FYI:

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**From:** Subir Mukerjee <subirmukerj@gmail.com>  
**Sent:** Sunday, September 09, 2018 3:03 PM  
**To:** Keith Stahley <kstahley@ci.olympia.wa.us>  
**Subject:** Re: Emergency Housing Facilities

Hi Keith:  
Thanks for your email.

My main concern about Olympia's ordinance is that it does not allow for a separate and less onerous process for small sites with 6 or less vehicles, tents or huts on church properties. I know that staff has taken a position that they are allowed based on the definition of "family". However, my concern is that this interpretation by staff, while its welcome, is a stretch and could be potentially overturned on appeal from neighboring residents.

So I have drafted an ordinance which is an addition to Olympia's code OMC 18.50.070, which if adopted would provide for permitted overnight sleeping on property owned by either a place of worship, business or public entity. This would also achieve dispersal of these smaller sites throughout the city, which would also reduce any impacts to the surrounding neighborhoods. In my discussions with Eugene staff, these smaller sites do not require a permit from the city. The property owner must comply with the performance standards listed in 18.50.070 D, and enforcement is initiated only if there is noncompliance.

The draft ordinance is crafted based on Eugene's code, which also allows for 1 vehicle, tent or hut on single-family lots (see Section 18.50.070 B). Olympia may not want to go this far, but I have put it into the draft ordinance for consideration, just in case.

The Emergency Housing Facilities ordinance adopted by Olympia is a good first step. By major concern is Section 18.50.050 C, Timing, which limits the initial time to 180 days, with a possible extension of another 185 days, and then possibility of further time extensions based on a conditional use permit. These time limits will give pause to any entity which could consider this level of investments with no surety of them being able to operate it after these limits. Eugene's approach is that the operator has to enter into an annual operational agreement with the city, agree to the performance standards and requirements, which can be terminated by the City Manager or designee for non-compliance if they are not met. I think this approach provides the needed assurances to the city, as well as the operator, and removes the onerous, expensive and sometimes contentious CUP process.

I have attached a draft ordinance which incorporates permitted overnight sleeping into the OMC. Also attached are a draft OMC code with the draft ordinance incorporated in it, and the model code that we discussed earlier. At this point, it may be simpler just to adopt the

permitted overnight sleeping ordinance into the OMC, especially in light of the 9th Circuit Court decision. By the way, KUOW had a good discussion on the ruling last Friday, at noon.

I would be happy to provide some written comments to the Planning Commission if they are accepting public comments, and if you think that they might be helpful. By the way, the City of Lacey has formed a Faith Leaders Steering Committee on Homelessness, and I did a similar presentation to them a couple of weeks ago.

Please feel free to call on me if you have any questions or need further information.  
Subir

Subir Mukerjee  
Board Member, Community Supported Shelters  
[subirmukerj@gmail.com](mailto:subirmukerj@gmail.com)  
360-259-9857

On Sep 9, 2018, at 9:38 AM, Keith Stahley <[kstahley@ci.olympia.wa.us](mailto:kstahley@ci.olympia.wa.us)> wrote:

Hi Subir,

Anna mentioned that you expressed some concerns about the City's Emergency Housing Facility regulations.

The ordinance as it is written is very permissive, so I'd be interested in hearing more about what gives you pause.

We've got a planning commission meeting on the 17<sup>th</sup> to start the discussion about a permanent ordinance. I'd welcome your input and perspective in that process. We plan to have permanent regulations in place by the end of the year.

I also can't find the a copy of the model ordinance that you sent. If you could resend it I'd appreciate it. Even more helpful would be an assessment between the model and the City's Emergency Housing Facility Regulations that I've attached.

These facilities are going to become even more important with recent 9<sup>th</sup> Circuit decision (see attached decision).

Cheers,

Keith Stahley, Director  
Community Planning and Development Department

[Kstahley@ci.olympia.wa.us](mailto:Kstahley@ci.olympia.wa.us)

360.753.8227

<Homeless emergency housing regulations ordinance.pdf><Homeless Boise  
Case.pdf>

**From:** [Leonard Bauer](#)  
**To:** [Stacey Ray](#)  
**Cc:** [Amy Buckler](#)  
**Subject:** FW: Change in housing ordinance  
**Date:** Wednesday, October 3, 2018 11:05:36 AM

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I believe this is intended as public comment on the housing ordinance being considered by OPC. Please include in their next packet as they deliberate. Thanks

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

From: cpdinfo  
Sent: Wednesday, October 3, 2018 10:33 AM  
To: Leonard Bauer <[lbauer@ci.olympia.wa.us](mailto:lbauer@ci.olympia.wa.us)>  
Subject: FW: Change in housing ordinance

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

From: DENISE L Halloran <[hallorandl@msn.com](mailto:hallorandl@msn.com)>  
Sent: Wednesday, October 03, 2018 10:30 AM  
To: cpdinfo <[cpdinfo@ci.olympia.wa.us](mailto:cpdinfo@ci.olympia.wa.us)>  
Subject: Change in housing ordinance

I strongly oppose the suggested change. I am a home owner AND TAX PAYER. A primary consideration when I bought my home was the protections offered by the City ordinances. I did not need to be concerned that a homeless encampment would be established in my neighborhood. I trusted that the city would continue those protections.

To pass the proposed ordinance is a betrayal of the citizens who have invested in the City by purchasing and maintaining their homes.

To allow sex offenders near a school and child care facility is egregious.

Do not move forward with this plan.

Sent from my iPad

## Just Housing Feedback on Amended Version of OMC 18.50

Firstly, we want to recognize and applaud the significant changes that are included in the proposed amended version of ordinance 18.50. If approved, we believe that most of the proposed amendments will improve our community's ability to meet the need for more legal shelter. Specifically, we enthusiastically support the following proposed amendments:

- Removal of the cap on the # of encampments that can exist at one time.
- Extending the time an encampment can be permitted in one location to greater than one year.
- Removing the ban on creating a new encampment on the same property as a previous encampment for a period of 1 year after the creation of the previous encampment.
- Including language that encourages harm-reduction practices and self-governance.
- Enabling the creation of both low-barrier and high-barrier encampments by removing bans on alcohol & legal weapons, and by empowering hosts/sponsors to decide on rules for the encampment they are hosting.

While we support and commend these proposed changes, we also recognize the absence of other changes we proposed. We feel strongly that their absence will significantly limit our ability to meet the needs of our community, despite the positive impacts of the previously mentioned amendments. Therefore, we believe that the following changes should be considered and discussed further, before omitting them from the proposed amended ordinance. We have also included our reasons for why we see these changes as being so important to the success of the amended ordinance and questions for further discussion and consideration.

1. **Allow for encampments to be permitted on public and private property.** The amended version of the ordinance still only permits encampments to exist on property owned or leased by a religious group or the county.

### Why we believe this change merits further consideration and discussion:

- Enabling only religious organizations and the county to serve as host agencies limits our ability to find creative and effective solutions to our shelter crisis. Allowing for encampments to exist on public and private property drastically expands the types of solutions we can explore.
- If we limit host agencies to religious organizations and the county, it is unlikely that we will be able to create enough tent cities to significantly meet the need for shelter-particularly in a reasonable time frame. Religious organizations are already doing an incredible amount of work to meet the needs of our community. Their capacity to take on more is limited. Though the county is becoming more involved in finding solutions to our regional shelter crisis, they are still some ways away from hosting tent cities.

- Neighboring city governments have found ways to host temporary encampments. As our own crisis continues, it seems more and more unavoidable that we too will have to explore and embrace this type of shelter solution to meet the needs of our community. It makes sense for us to figure out how we can make this type of solution possible sooner rather than later.
- We know that there is an interest among some private property owners (from residential home owners to large property owners) in hosting people surviving in tents. Numerous existing encampments, including some of our communities largest, are currently located on private property with the knowledge and support of the property owners. Finding ways to support and embrace community-based solutions like this, rather than banning them, has huge potential for opening doors to new, creative, and effective solutions.

#### Further questions for consideration and discussion

- What are the specific liability risks/costs the city would take on, if they were to host encampments?
- Was there a change in city liability costs when the camping ban was enacted?
- How do other cities make it possible for their local governments to host encampments?
- How were encampments and the liability risks associated with them managed prior to the enactment of the camping ban ordinance?
- What are the specific liability risks/costs the city would take on if they were to allow for private property owners to host encampments?

2. **Lower-barrier background checks/reporting requirements.** The amended version of ordinance 18.50 has the same background check/reporting requirements as the original. The requirements are high-barrier and limit the potential effectiveness of the ordinance. Again, we ask that the city seriously consider replacing the background check/reporting requirements with an agreement like the agreement the City of Olympia has with The Interfaith Works Emergency Overnight Shelter. The primary aspects of this agreement we support are:

- Only required to screen the guest through the sex offender registry. No requirement to do a background check that includes screening for warrants.
- Completing background checks based on name given, rather than requiring ID.

We also support enabling host/sponsor agencies to determine who can and cannot access their shelter/encampment. (Ex. Allowing the agencies to determine what levels of sex offenders-if any- they will accept and whether or not they will accept people with active warrants).

Why we believe this change merits further consideration and discussion:

- The IFWEOS background check/reporting model has been successful enough to not require amendments since the shelter began.
  - Background checks/reporting requirements are currently one of the most significant barriers keeping people from accessing shelter and services. Failing to adopt lower-barrier screening requirements will severely limit who the amended version of the ordinance will impact, as a sizeable number of people will still be unable to access safe and legal shelter.
  - There are no laws that ban people with sex offenses (with the exception of sex offenses involving minors) from private, religious, or public property. In this way, by not enabling hosts to decide at their own discretion who they will allow at their encampment is creating an unnecessary barrier.
  - Making it so that all sex offenders cannot access any sanctioned tent city makes our community more unsafe. It is statistically proven that the more unstable their living conditions are, the more likely it is that people with sex offenses will re-offend. This is why people's sex offender level increases when they become homeless. Enabling hosts/sponsors to determine what levels- if any- of sex offenders they will accept increases the likelihood that even people with sex offenses will be able to access safe and legal shelter, improving the general safety of our community.
  - A considerable number of people living on the streets do not have ID and are unable to obtain it for an array of reasons (inability to obtain other proof of identification, costs, no address, etc).
  - Requiring ID conflicts with our status as a Sanctuary City, as undocumented immigrants do not have and are unable to obtain legal ID.
3. **Finally, we encourage city staff to reconsider the amendment making “loud disturbances”, a violation of the Code of Conduct.** Our main concern with this amendment is that it is one that is very likely to impact every encampment created under this ordinance, yet it is not defined in any way. If this amendment is to remain a part of the proposed ordinance, then we would encourage city staff to better define what “loud disturbances” would be significant enough to constitute a violation of the Code of Conduct.