

## Temporary Homeless Encampments and Tiny House Villages

It may be time to consider updating the City's Temporary Homeless Encampment Regulations to recognize these types of facilities as an integral part of the emergency housing spectrum -- at least until such time as our emergency housing and shelter capacity exceeds the number of homeless in our community. MRSC notes that the state has authorized religious organizations to host temporary encampments and also limits a local government's ability to regulate these encampments (RCW 36.01.290 counties, 35A.21.360 code cities, 35.21.915 other cities and towns). The State Legislature's findings associated with RCW 36.01.290 (Temporary Encampments for Homeless) provides some clarity and justification for this approach:

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

The City of Olympia's Unified Development Code provides for the creation of temporary homeless encampments. Section 18.50 of the code establishes two types of encampments:

- A temporary emergency homeless encampment (TEHE) hosted by a religious organization.
- A County Homeless Encampment - now known as Quixote Village. Only one such facility is allowed in the City of Olympia. Further reference to the County Homeless Encampment has been eliminated from the text below for clarity purposes.

A TEHE requires a religious organization to act as a "host agency" and apply for the temporary homeless encampment permit. The code also identifies a "sponsoring agency" that may be the "host agency" or may be another agency such as a not for profit that takes responsibility for support and services to the camp.

The code provides that, "Temporary homeless encampments shall be permitted only as an accommodation of religious exercise and is an administrative decision." The director may issue a temporary and revocable permit subject to a demonstration of compliance

with the requirements of the code and fulfillment of the procedural requirements contained therein.

TEHEs are only allowed for 180 days and can only be on the same property once per year. They also are limited to no more than one in the City. Because of their temporary nature, approval of a TEHE is by the Director of CP&D and is appealable to the Superior Court.

The Cities of Seattle and Portland both have specific regulations allowing the creation of Tiny House Villages. The City of Seattle's approach is similar to Olympia's in that they differentiate between City and privately operated facilities and religious institution operated facilities. Seattle's regulations for private facilities include limitations on minimum size, require the creation of a Community Advisory Committee, limit the duration to one year with a one year extension, and provides for a minimum of a one mile separation between facilities.

In order to accommodate a Tiny House Village or Tiny House Villages in Olympia Chapter 18.50 would need to be amended to allow Tiny House Villages on a longer term basis. It does not seem feasible to build tiny houses and then be required to move them every six months. Longer term TEHE could be considered through the CUP process if the fee was waived rather than the administrative process associated with temporary encampments.

There also is likely to be a need for more than one such facility in the City of Olympia and the current THE regulations only allow a single encampment in addition to Quixote Village located on County-owned property.

City Staff was able to visit the [Low Income Housing Institute's Tiny House Village](#) located on 22<sup>nd</sup> Avenue in Seattle to get a better handle on how a Tiny House Village is being operated and maintained. LIHI now operates seven temporary encampments in Seattle. Each of these tiny house villages targets a different population ranging from families with children to low barrier single adults and is therefore operated differently. LIHI's newest facility targets single females. The 22<sup>nd</sup> Avenue village caters to families and could be described as being high barrier as operates with rules regarding drug use and offender status. This facility is able to be operated with limited oversight while the lower barrier facilities may require 24 hour security.

Links to more information about these facilities is found at the end of this report. The visit to LIHI's 22<sup>nd</sup> Avenue Village occurred on December 20<sup>th</sup> 2016 and included Councilmember Bateman, Downtown Liaison Mark Rentfrow and Renata Rollins. The visit was hosted by LIHI and included Executive Director Sharon Lee, Volunteer and Advocacy Coordinator Josh Castle and Essential Needs Coordinator Brad Gerber.

According to Sharon Lee, with the Low Income Housing Institute, the structures in the Tiny House Village were not required to obtain building permits because they are below the size threshold (144 square feet). They did obtain plumbing and electrical permits for the electrical and plumbing connections. Each unit in the LIHI's Tiny House Village was built by volunteers and is insulated and has an electrical connection that can support a heater and a light. The village was clean, orderly and felt safe. Ms. Lee reported that many people had been able to transition from there into more permanent housing.

Eugene, Oregon also has extensive experience in operating temporary homeless encampments. They currently operate a program in conjunction with the St. Vincent DePaul Society and the not for profit Community Supported Structures that supports three tiny house villages and over 30 scattered small site encampments throughout the City of Eugene. Additional information about the City of Eugene's program can be found through the link provided below.

### **Tacoma Experience:**

The City of Tacoma declared a "Homeless Emergency" in May of 2017. They decided to use the Stability Site model for their temporary homeless camps. Using a city-owned surplus property, they built a temporary camp, mixed with tents, tiny houses and a large mega tent, which housed around 90 individuals experiencing homelessness. The site setup is very basic: perimeter fencing, garbage/recycle dumpsters, portable showers and port-a-potties. The Stability Site is the entry point for many of the most in-need, chronically homeless, high barrier, and high utilizer individuals in the community. This is the option for individuals sleeping on sidewalks, alcoves and in encampments throughout the city. The site is low barrier and open to all that are looking for a safe place to sleep. Residents are required to follow site rules and engagement is expected. A wide menu of outreach services are onsite daily.

More information about Tacoma's Stabilization Site may be found through the link below.

### **Next Steps:**

Issues to consider may include: potential funding approaches, availability of qualified partners to operate such a facility, siting and operational criteria and amendments to our regulations to allow a Tiny House Village or Villages.

### **Additional Resources:**

Additional information including:

- RCW 35A.21.360 Temporary Encampments for Homeless,

- City of Olympia’s Municipal Code regulations 18.50,
- City of Seattle’s temporary homeless encampment regulations,
- Link to MRSC,
- Link to LIHI information about encampments, and
- Link to the City of Eugene’s homeless programs

## RCW 35A.21.360

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

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

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

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

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

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

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

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

[ 2010 c 175 § 4.]

#### NOTES:

**Findings (from 36.01.290) –2010 c 175:** "The legislature finds that there are many homeless persons in our state that are in need of shelter and other services that are not being provided by the state and local governments. The legislature also finds that in many communities, religious organizations play an important role in providing needed services to the homeless, including the provision of shelter upon property owned by the religious organization. By providing such shelter, the religious institutions in our communities perform a valuable public service that, for many, offers a temporary, stop-gap solution to the larger social problem of increasing numbers of homeless persons.

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

**18.50.000 Chapter Contents**

**Sections:**

<u>18.50.010</u>	Homeless Encampment
<u>18.50.020</u>	Host Agency
<u>18.50.030</u>	Sponsoring Agency
<u>18.50.040</u>	Who May Apply
<u>18.50.050</u>	Applicable Procedures
<u>18.50.060</u>	Homeless Encampment - Criteria/Requirements for Approval

(Ord. 6528 §1, 2008).

**18.50.010 Homeless Encampment**

"Homeless Encampment" means temporary emergency homeless encampment, hosted by a religious organization, or County Homeless Encampment which provides temporary housing to homeless persons.

(Ord. 6771 §3, 2011; Ord. 6528 §1, 2008).

**18.50.020 Host Agency**

A. Temporary Homeless Encampment. "Host Agency" means the religious organization which owns the property or has an ownership interest in the property that is the subject of an application for a Temporary Homeless Encampment Permit for providing basic services and support to temporary emergency homeless encampment residents, such as hot meals and coordination of other needed donations and services.

(Ord. 6771 §3, 2011; Ord. 6528 §1, 2008).

**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 a Temporary or County Homeless Encampment Permit and assumes responsibility for providing basic services and support to temporary emergency homeless encampment residents, such as hot meals and coordination of other needed donations and services.

(Ord. 6771 §3, 2011; Ord. 6528 §1, 2008).

**18.50.040 Who May Apply**

A. Temporary Homeless Encampment. Temporary homeless encampments shall be permitted only as an accommodation of religious exercise by a Host Agency and Sponsoring Agency. 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.

(Ord. 6771 §3, 2011; Ord. 6528 §1, 2008).

#### **18.50.050 Applicable Procedures**

A. Temporary Homeless Encampment. A Temporary Encampment Permit 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 homeless encampment a minimum of thirty (30) days in advance of the proposed date of establishment for the homeless encampment. The advance notification shall be in the form of an application for a Temporary Encampment Permit and shall contain the following information:

- a. The date the homeless encampment will commence;
- b. The length of encampment;
- c. The maximum number of residents proposed;
- d. The host location;
- e. The names of the Host and Sponsoring Agencies; and
- f. The manner in which the homeless encampment 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 homeless encampment 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 300 feet of the proposed homeless encampment 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 300 feet of the proposed encampment.

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 their designee shall establish standards for size, color, layout, design, working, placement, and timing of installation and removal of the signs or placards.

(Ord. 6771 §3, 2011; Ord. 6528 §1, 2008).

#### **18.50.060 Homeless Encampment - Criteria/Requirements for Approval**

The Director of the Community Planning and Development Department or their designee may issue a temporary and revocable permit for a homeless encampment subject to the following criteria and requirements.

##### **A. Site Criteria.**

##### **1. Temporary Homeless Encampment**

- 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 homeless encampment and clarifying the obligations of the Sponsoring Agency.
- b. The property must be sufficient in size to accommodate the tents and necessary on-site facilities, including, but not limited to the following:
  - i. Sanitary portable toilets in the number required to meet capacity guidelines;
  - ii. Hand washing stations by the toilets and by the food areas;
  - iii. Refuse receptacles; and
  - iv. Food tent and security tent.
- c. The Host and Sponsoring Agencies shall provide an adequate water source to the homeless encampment, as approved by the City.
- d. No homeless encampment shall be located within a Sensitive/Critical Area or its buffer as defined under Chapter [18.32](#) of the Olympia Municipal Code.
- e. No permanent structures will be constructed for the homeless encampment.



f. No more than 40 residents shall be allowed at any one encampment. The City may further limit the number of residents as site conditions dictate.

g. Adequate on-site parking shall be provided for the homeless encampment. No off-site parking will be allowed. The number of vehicles used by homeless encampment residents shall be provided in the permit application. If the homeless encampment is located on a site that has another preexisting use, it shall be shown that the homeless encampment parking will not create a shortage of on-site parking for the other use/s on the property.

h. The homeless encampment 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 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 homeless encampment 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 homeless encampment behind buildings. The type of screening shall be approved by the City.

j. 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.

## B. Security.

### 1. Temporary Homeless Encampment

a. An operations and security plan for the homeless encampment shall be submitted to the City at the time of application.

b. The Host Agency shall provide to all residents of the homeless encampment a Code of Conduct for living at the homeless encampment. 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 not permitted.
- ii. No alcohol is permitted.
- iii. No weapons are permitted.

- iv. All knives over three and one-half (3-1/2) inches must be turned into the Host or Sponsoring Agency's on-site Encampment Manager for safekeeping.
- v. No violence is permitted.
- vi. No open flames are permitted without pre-approval by the Department of Community Planning and Development.
- vii. No trespassing into private property in the surrounding neighborhood is permitted.
- viii. No loitering in the surrounding neighborhood is permitted.
- ix. No littering on the Temporary Encampment site or in the surrounding neighborhood is permitted.

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

- c. All homeless encampment residents must sign an agreement to abide by the Code of Conduct and failure to do so shall 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, including names and birth dates, and dates of stay. Logs shall be kept a minimum of six (6) months.
- e. The Host or Sponsoring Agency shall take all reasonable and legal steps to obtain verifiable ID, such as a driver's license, government-issued identification card, military identification, or passport from prospective and existing encampment residents.
- f. The Host or Sponsoring Agency will use identification to obtain sex offender and warrant checks from the Washington State Patrol, the Thurston County Sheriff's Office or relevant local police department.
  - i. If said warrant and sex offender checks reveal either (1) an existing or outstanding warrant from any jurisdiction in the United States for the arrest of the individual who is the subject of the check; or (2) the subject 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 will reject the subject of the check for residency to the homeless encampment or eject the subject of the check if that person is already a homeless encampment resident.

ii. The Host or Sponsoring Agency shall immediately contact the police department if the reason for rejection or ejection of an individual from the homeless encampment is an active warrant. In other cases of rejection or ejection, the designated representative of the Host or Sponsoring Agency shall immediately provide the facts leading to such action to the Olympia Police Department and the Thurston County Sheriff's Office.

g. The Host or Sponsoring Agency shall self-manage its residents and prohibit alcohol, drugs, weapons, fighting, and abuse of any kind, littering, or disturbing the neighbors while located on the property.

h. The Host or Sponsoring Agency will appoint a designated representative to serve "on-duty" as an Encampment Manager at all times to serve as a point of contact for the Police Department and will orient the Police as to how the security tent operates. The name of the on-duty designated representative will be posted daily in the security tent. The City shall provide contact numbers of non-emergency personnel which shall be posted at the security tent.

#### C. Timing.

##### 1. Temporary Homeless Encampment

a. The duration of the temporary homeless encampment shall not exceed one hundred eighty (180) days.

b. No additional temporary homeless encampments may be allowed on the same parcel of property in any 12-month period beginning on the date the homeless encampment locates on a parcel of property.

c. No more than one (1) temporary homeless encampment may be located in the City at any time.

#### D. Health and Safety.

1. Temporary Homeless Encampment. The homeless encampment shall conform to the following fire requirements:

a. There shall be no open fires for cooking without pre-approval by the Fire Department and no open fires for heating;

b. No heating appliances within the individual tents are allowed without pre-approval by the Olympia Fire Department;

- c. No cooking appliances other than microwave appliances are allowed in individual tents;
- d. An adequate number, with appropriate rating, of fire extinguishers shall be provided as approved by the Fire Department;
- e. Adequate access for fire and emergency medical apparatus shall be provided. This shall be determined by the Fire Department;
- f. Adequate separation between tents and other structures shall be maintained as determined by the Fire Department; and
- g. Electrical service shall be in accordance with recognized and accepted practice. Electrical cords are not to be strung together and any cords used must be approved for exterior use.

3. 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 Temporary and County Homeless Encampment Permit.

E. Director's Decision.

1. Temporary Homeless Encampment

- a. Purpose. The Director shall review the proposal to ensure compliance with the provisions of this chapter and all other applicable law, 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 14 days after the neighborhood informational meeting. This Decision is a final decision of the City. Appeals of decisions to approve or deny a Temporary Encampment Permit shall be to Thurston County Superior Court.

F. Temporary Homeless Encampment Permit Termination. If the Host Agency or Sponsoring Agency fails to take action against a resident who violates the terms and conditions of this permit, it may result in immediate termination of the permit. If the City learns of uncontrolled violence or acts of violence by residents of the encampment

and the Host Agency or Sponsoring Agency has not adequately addressed the situation, the temporary use permit may be immediately terminated.

G. Temporary Homeless Encampment 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 their designee may give written notice to the permit holder describing the alleged violation. Within 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 14-day period, the Director of Community Planning and Development or their designee shall sustain or revoke the permit. When a Temporary Homeless Encampment Permit is revoked, the Director of Community Planning and Development or their designee shall notify the permit holder by certified mail of the revocation and the findings upon which revocation is based. Appeals of decisions to revoke a Temporary Encampment permit shall be to Thurston County Superior Court.

(Ord. 6771 §3, 2011; Ord. 6763 § 1, 2011; Ord. 6528 §1, 2008).

## City of Seattle Approach:

### Building Permits

In constructing Tiny Houses, we found that we were able to build them as an exception to the Seattle Building Code as long as they stayed a particular size. The Seattle Building Code states that a building permit is not required for one-story detached accessory buildings if they are under 120 square feet. We were able to advise all the groups who built the houses to stay under this threshold, ideally to create a structure that was 8 feet by 12 feet (96 square feet) to be an exception to the code:

From

[http://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web\\_informational/s047860.pdf](http://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web_informational/s047860.pdf)

(the Chapter 1, Administration section of the Seattle Building Code found here: <http://www.seattle.gov/dpd/codesrules/codes/building/default.htm>)

### Other Resources:

MRSC Resources: <http://mrsc.org/Home/Explore-Topics/Legal/Regulation/Homeless-Housing.aspx>

LIHI Resources: <https://lihiwa.files.wordpress.com/2016/04/tent-encampments-and-tiny-house-villages-as-a-crisis-response-to-homelessness-april-2016.pdf>

City of Eugene Oregon: <https://www.eugene-or.gov/3482/Homelessness>

City of Tacoma:

[http://www.cityoftacoma.org/government/city\\_departments/neighborhood\\_and\\_community\\_services/human\\_services\\_division/homelessness\\_services/](http://www.cityoftacoma.org/government/city_departments/neighborhood_and_community_services/human_services_division/homelessness_services/)