



## City Council

### Approval of an Ordinance Amending the Emergency Housing Facilities Code, Olympia Municipal Code (OMC) Chapter 18.50 - First and Final Reading

**Agenda Date:** 10/23/2018  
**Agenda Item Number:** 4.L  
**File Number:** 18-1006

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**Type:** ordinance **Version:** 1 **Status:** Passed

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#### **Title**

Approval of an Ordinance Amending the Emergency Housing Facilities Code, Olympia Municipal Code (OMC) Chapter 18.50 - First and Final Reading

#### **Recommended Action**

##### **Committee Recommendation:**

Not referred to a committee.

##### **City Manager Recommendation:**

Move to approve on first and final reading an Ordinance amending the Emergency Housing Facilities Code, OMC Chapter 18.50, to correct scrivener errors, to correct the distance of notification to property owners, to specify that background checks shall be for felony warrants, to add a waiver for public health emergency, and to declare an emergency so this ordinance shall be effective upon adoption.

#### **Report**

##### **Issue:**

Whether to approve on first and final reading an ordinance amending the Emergency Housing Facilities Code, OMC18.50, 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 this ordinance shall be effective upon adoption.

##### **Staff Contact:**

Amy Buckler, Downtown Programs Manager, Community Planning & Development, 360.570.5847

##### **Presenter(s):**

None - Consent Calendar Item.

##### **Background and Analysis:**

The Emergency Housing Facilities ordinance is a land use regulation that provides opportunity for faith-based, not-for-profit and government entities to host temporary housing facilities for homeless

individuals on sites they own or control, subject to a permit.

On June 5, 2018, the City Council approved Ordinance No. 7142, which amended the Emergency Housing Facilities Code, OMC 18.50, on an emergency/interim basis. The primary aim of the amendments was to provide more flexibility to meet growing demand for emergency housing/shelter in Olympia. The interim ordinance is currently under review by the Olympia Planning Commission, which will make a recommendation to City Council regarding permanent regulations before the end of November.

Subsequently, on September 4, 2018, the 9<sup>th</sup> Circuit Court of Appeals issued a decision in *Martin vs. City of Boise*. Upon review of this decision, staff recommends the City Council adopt immediate amendments to OMC Chapter 18.50 (the Amendments), as outlined below. Staff notified the Planning Commission at its October 15, 2018 public hearing on the ordinance that the City Council would be immediately considering these amendments.

#### Adding a Waiver for Public Health Emergency

The waiver (see 18.50.060.H) would provide authority to the Community Planning & Development Director to waive permit requirements in OMC Chapter 18.50 for faith-based, not-for-profit and government sites when there is a declared public health emergency. Waiving the requirements in certain circumstances may be necessary in order to provide enough shelter options for homeless individuals in light of recent case law.

The July 17, 2018, Declaration of Public Health Emergency Ordinance No. 7146, ostensibly provides this authority already. Adding the waiver to OMC Chapter 18.50 provides transparency and additional defense. It clarifies the waiver can be extended in six-month increments following a public hearing and determination by the City Council that the public health emergency is continuing.

#### Felony Warrant

Currently, the Emergency Housing Facilities Code requires host or sponsoring agencies to take all reasonable and legal steps to obtain verifiable identification of residents, and use ID received to obtain warrant checks from law enforcement. The amendment to OMC 18.50.060.F clarifies that the checks would be for *felony* warrants (e.g., robbery, assault, rape, murder) as opposed to misdemeanor warrants (e.g., shoplifting). Staff believes this limit is necessary, in light of current case law, to avoid establishing a qualifying barrier to shelter for homeless individuals.

#### Other Housekeeping

Upon further review of OMC Chapter 18.50, scrivener's error were found. The public notice requirement was intended to apply to property owners within 500 feet (not 300 feet), as was mistakenly left in one place. A couple other small spelling or grammatical errors were also found.

#### Effective Immediately

If approved by Council, the Amendments will go into effect immediately upon adoption. The Amendments will be folded into the Planning Commission public hearing and recommendation on the overall ordinance.

RCW 35A.13.190 provides that no ordinance shall take effect until five days after the date of publication unless otherwise provided by statute or charter, except that an ordinance designated as a

public emergency ordinance for the protection of public health, public safety, public property or the public peace, may be made effective upon adoption. Such an ordinance requires the vote of one more than the majority of the whole membership of the Council. (A majority plus one.)

**Neighborhood/Community Interests (if known):**

There is significant public concern about the issue of homelessness in Olympia.

**Options:**

1. Move to approve on first and final Reading amendments to the Emergency Housing Facilities Code, OMC Chapter 18.50, to correct scrivener errors, to correct the distance of notification to property owners, to specify that background checks shall be for felony warrants, to add a waiver for public health emergency, and to declare an emergency so this ordinance shall be effective upon adoption.
1. Do not adopt amendments to the Emergency Housing Facilities Code at this time.

**Financial Impact:**

N/A

**Attachments:**

Ordinance