



## Planning Commission

### Deliberation on an Ordinance for Emergency (Homeless) Housing Facilities Hosted by Faith- Based Organizations, Not-for-Profit Organizations or Units of Government

**Agenda Date:** 11/19/2018  
**Agenda Item Number:**  
**File Number:** 18-1097

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**Type:** recommendation   **Version:** 1   **Status:** Filed

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#### **Title**

Deliberation on an Ordinance for Emergency (Homeless) Housing Facilities Hosted by Faith-Based Organizations, Not-for-Profit Organizations or Units of Government

#### **Recommended Action**

The Land Use and Environment Committee considered the proposed amendments to the City's Emergency (Homeless) Housing regulations on May 17, 2018 and unanimously recommended that City Council move forward with amendments as proposed by staff on an emergency basis. The City Council approved the attached ordinance as an emergency ordinance on June 5, 2018 and asked that the Planning Commission consider these revisions, hold a public hearing and provide recommendations to City Council for action by the end of 2018.

#### **Report**

##### **Issue:**

A briefing by staff, followed by deliberations on the Ordinance for Emergency Housing Facilities Hosted by Faith-Based Organizations, Not-for-Profit Organizations or Units of Government adopted on June 5, 2018 by City Council as an emergency ordinance.

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

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

Amy Buckler, Downtown Programs Manager

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

On November 5, the Planning Commission began deliberations on changes to the Emergency Housing Ordinance. Notes on the deliberations to date are **attached**.

At the meeting, staff provided the Commission with some revised fire department revisions, **attached**. The Commission requested that more transparent information be provided to applicants

pertaining to the types of cooking and heating devices that would be approved. General guidance provided by the Fire Department is **attached**.

The Commission posed some further questions in regards to regulating firearms and notice of sex offender residency. Staff will provide an update at the meeting, and has **attached** two applicable state statutes to review.

On October 15, the Planning Commission held a public hearing on the ordinance. The written record was held open through October 19. Written public comments are **attached**.

#### ORDINANCE AMENDED ON OCTOBER 23

On October 23, the City Council amended the ordinance on an emergency basis.

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 recommended the City Council adopt immediate amendments to OMC Chapter 18.50 (the Amendments), as outlined below. Staff notified the Planning Commission at the public hearing that the City Council would be immediately considering these amendments, which were adopted on October 23.

#### 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 corrected.

#### Effective Immediately

These Amendments were adopted on October 23 and went into effect immediately.

#### FAITH COMMUNITY & CITY TINY HOUSE PILOT PARTNERSHIP

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On October 23, the City Council approved a pilot partnership whereby the City will provide up to \$100,000 and staff support for three emergency housing facilities on faith and non-profit community property during 2019. A description is **attached**.

ADDITIONAL BACKGROUND (Previously provided)

On June 5, the City Council adopted amendments to the City's Emergency Housing Ordinance to provide more flexibility for faith based organizations, not-for-profits and government entities to host emergency housing facilities on their sites. The Council adopted the amendments on an emergency (interim) basis, which meant the changes went into effect immediately. This also required the City Council to hold a public hearing within 60 days, which they did on July 24, 2018. The Council also asked that the Planning Commission hold a public hearing and make a recommendation regarding the changes. Council must consider and vote on the recommendation by the end of the year.

The City of Olympia adopted its first Emergency Housing Ordinance (formally known as the Temporary Encampment Ordinance) in 2008. These land use regulations were adopted largely as a response to Camp Quixote's occupation of City-owned property in downtown. The regulations were amended in 2011 to provide for a permanent encampment on County-owned property in Mottman Industrial Park known as Quixote Village. A single temporary encampment hosted by a faith-based organization was also allowed. However, no temporary encampments have been hosted by faith-based organizations since Quixote Village was established.

Emergency Housing Facilities in the form of tiny house villages are now a commonly accepted practice for responding to homelessness with emergency and transitional housing. Both the City of Seattle and the City of Eugene have seen multiple emergency housing facilities established in the past three years.

Prior to June 5, the City of Olympia's Temporary Homeless Encampment regulations were very limiting when it came to these types of facilities. Only one facility on County property plus one additional facility that could move from church site to church site in the entire City was allowed. Based on the number of unsheltered people living in and around Olympia there appears to be a need for multiple facilities.

Staff is actively working with religious institutions to create opportunities for siting emergency housing facilities on their property. Having regulations in place that allow for the creation of emergency housing facilities would help to facilitate these conversations.

Proposed Ordinance

The ordinance amended on an interim basis on June 5 and currently under consideration is **attached**. Amendments include:

- Changing the name of the regulations to Emergency Housing Facility Regulations
- Eliminating the differentiation between types of Emergency Housing Facilities
- Increasing the number of Emergency Housing Facilities allowed
- Allow facilities to be operated by or hosted on faith based, not-for-profit organizations and governmental entities
- Reducing barriers for clients

- Reducing barriers for host organizations

An additional amendment to the zoning code is also **attached**. This is a housekeeping amendment to clarify the difference between Emergency (Homeless) Housing and Emergency (Disaster) Housing regulations.

#### Public Outreach

Staff has been in discussion with faith community coalitions about this ordinance. Briefings were provided to the Coalition of Neighborhood Associations (10/8) and the PBIA Advisory Board (7/12); the ordinance update has also been mentioned at various other community meetings where the topic of homelessness has been discussed.

A public information meeting was held on October 11. Notice of the info meeting was provided to the media, neighborhood association contacts, advisory board members, the e-newsletter contact list, the Olympia Downtown Association, the Martin Way ad hoc neighborhood group, Just Housing and parties of record (*when contact info was provided*) from the June 24 City Council public hearing.

#### Next Steps

The Planning Commission is asked to make their recommendation in November, in order to have the City Council consider it and make a final decision in December.

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

Homelessness is of significant public concern.

#### **Options:**

Following a briefing by staff, begin deliberations. Staff is available to answer questions.

1. Recommend the City Council make changes to the ordinance as determined through Planning Commission deliberations.
2. Recommend the City Council make no changes to the ordinance.

#### **Financial Impact:**

Process of exploring potential changes to the ordinance is included in CP&D's base budget. The City Council has approved up to \$100,000 for a pilot project to support three faith-based, non-profit sites in 2019.

#### **Attachments:**

Notes from Nov 5 Deliberations  
Fire Department Revised Comments  
Approved Cooking & Heating Guidance  
State Statutes  
Public Comments (*as of 10/28/18*)  
Staff Comments  
Current Ordinance (*Amended 10/23/18*)  
Related Zoning Code Amendment  
Pilot Partnership Description

