

Temporary Homeless Encampments...you can't just say no

By Lisa Knapton

With the number of homeless persons increasing, religious organizations are playing an important role in providing needed services to the homeless population. Temporary homeless encampments, also known as tent cities, are one way of providing shelter for homeless individuals. Washington law allows for the hosting of temporary encampments for the homeless on property owned or controlled by religious organizations. [RCW 35.21.915](#) provides the authority for religious organizations to host encampments but also provides guidance and limitations to cities and counties in developing and applying regulations for temporary homeless encampments within their communities.

The law allows cities and counties the discretion to apply regulations for the sole purpose of protecting the health and safety of the citizens of the community, without substantially placing burdens on the actions of the religious organizations hosting the encampments. Many jurisdictions have enacted ordinances, consistent with [RCW 36.70A.106](#), which provide additional rules and regulations specific to temporary homeless encampments. In accordance with [RCW 36.70A.106](#), any changes to a city or county's regulation of land must be submitted to the Department of Commerce. Permit applications for the siting of new encampments should undergo a public hearing process to allow for public comment.

WCIA Members may provide for the siting of temporary encampments for the homeless by use of a conditional use or temporary use permitting application process. Elements of an ordinance and application/permit process should include but not be limited to establishment of:

- Siting locations
- Zoning setbacks in relationship to abutting property lines containing residential uses
- Maximum number of residents allowed
- Whether or not to allow minors and/or pets
- Establishment of a code of conduct for residents and method for enforcement of the code
- Parking of resident vehicles and public transportations needs
- Prohibition of alcohol, other intoxicants and weapons in the encampment
- Requirement that the managing agency ensure compliance with Washington State and local government codes concerning but not limited to potable water connections, handling of human waste, refuse disposal, electricity and use of fire retardant materials
- Requirement that the managing agency take all reasonable steps to obtain verifiable identification of encampment residents and use of identification to obtain sex offender and warrant checks from the appropriate agency
- Establishment of the duration of the encampment

Information regarding Temporary Homeless Encampments can be found in ADM.39, Temporary Homeless Encampments, and a sample ordinance can be found in ADM 39.01 of the Liability Resource Manual. The Liability Resource Manual is available through the Member Resources page on the WCIA website: <http://www.wciapool.org/member-resources>

For assistance, please contact your assigned Risk Management Representative. For further information, visit the Municipal Research and Services Center (MRSC) at [MRSC](#).