

Chapter 16.64

EMERGENCY HOUSING FACILITIES (DRAFT)

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16.64.010 Definitions

A. "Emergency housing facility" means temporary emergency housing that may include tents, vehicles and small structures not on a permanent foundation organized and managed as temporary accommodations for homeless persons, and may be hosted by a faith-based organization, not-for-profit organization, or the city of Lacey.

For purposes of this section, a "not-for-profit" shall mean an organization duly incorporated in the State of Washington and recognized by the Internal Revenue Service as an IRC 501 (c)(3) charitable organization.

B. "Host agency" means a faith-based organization, or a not-for-profit organization, or the city of Lacey which owns or controls the property or has an ownership interest in the property that is the subject of an application for an Emergency Housing Facility Permit for providing basic services and support to temporary emergency housing facility residents, such as hot meals and coordination of other needed donations and social services which may include mental health and drug addiction treatment.

Ownership interest shall include an interest by recorded title or by fully executed lease of the subject property.

C. "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 an emergency housing facility permit and assumes responsibility for providing basic services and support to emergency housing facility residents, such as hot meals, social services, sanitation, hygiene, storage of belongings, trash and refuse collection, and coordination of other needed donations and social services which may include mental health and drug addiction treatment.

D. "Temporary" means lasting for only a limited period of time; not permanent.

E. "Temporary overnight site" means a location established by the city of Lacey for tents and/or vehicles for occupancy by homeless persons between the hours of 7:00 p.m. and 7:00 a.m.

16.64.015 Who may apply.

A. Emergency housing facilities shall be permitted only as an accommodation of a faith-based organization by a host agency and sponsoring agency, by the city of Lacey, or by a not-for-profit organization. Each host agency and sponsoring agency shall jointly apply for a permit under this section and shall certify compliance with all applicable requirements for approval and conditions of this chapter and the application. (Ord. 1410 §1 (part), 2013; Ord. 1346 §1, 2010; Ord. 1326 §5, 2009; Ord. 1307 §5, 2008).

B. Temporary overnight sites shall only be established by the city of Lacey. The city is responsible to apply for all permits for temporary overnight sites under this section and shall certify compliance with all applicable requirements for approval and conditions of this chapter and the application.

16.64.020 Applicable procedures.

A. An emergency housing facility permit is an administrative determination as identified in Section 1C.030 (Limited Administrative Review) of the City of Lacey Development Guidelines and Public Works Standards. In addition to the requirements for administrative determinations found in Section 1C.030 of the Development Guidelines and Public Works Standards the following additional procedures apply:

1. Advance Notice Required. The host agency and sponsoring agency shall notify the city of the proposed emergency housing facility a minimum of thirty days in advance of the proposed date of establishment for the emergency housing facility. The advance notification shall contain the following information:

- a. The date the emergency housing facility intends to begin operation;
- b. The length of time expected for operation;
- c. The maximum number of residents proposed;
- d. The host location;
- e. Host and sponsoring agency names; and
- f. The manner in which the emergency housing facility will comply with the requirements of this chapter.

2. North Thurston Public Schools Notified. Upon receipt of an application the director shall send a copy of the application to the administrative offices of the North Thurston Public Schools.

3. Public Meeting Required. The host agency and/or sponsoring agency shall conduct at least one public information meeting within or as close as possible to the location where the proposed emergency housing facility will be located. The meeting shall be held a minimum of fourteen days prior to the issuance of the administrative approval. The time and location of the meeting shall be agreed upon between the city and host agency and/or sponsoring agency. All property owners within five hundred feet of the proposed emergency housing facility site shall be notified by mail by the host agency and/or sponsoring agency a minimum of fourteen days in advance of the meeting. 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 five hundred feet of the facility.

4. Signs Required. The applicant shall also provide notice of the application by posting two signs or placards on the site, or in a location immediately adjacent to the site, that provide visibility to motorists using adjacent streets. Timing for placing signs shall coincide with other notification requirements described above. The director of community and economic development shall establish standards for size, color, layout, design, placement, and timing of installation and removal of the signs or placards.

5. Plan for Reporting Statistics. Included in the application shall be a plan for reporting statistics associated with the operation of the emergency housing facility. Statistics gathered should include but are not limited to: number of residents within the facility on a given date, length of stay, last known place of residence, and where the resident is transitioning to when leaving the facility. The statistics gathered by the host or sponsoring agency will aid the city of Lacey in addressing the root causes of homelessness.

B. A temporary overnight site permit is an administrative determination as identified in Section 1C.030 (Limited Administrative Review) of the City of Lacey Development Guidelines and Public Works Standards. In addition to the requirements for administrative determinations found in Section 1C.030 of the Development Guidelines and Public Works Standards, the following additional procedures apply:

1. The city shall provide notification to all property owners, known organizations, and businesses within three hundred feet of the proposed site of the intent to establish a temporary overnight site 14 days prior to establishing the site. Notification may be by mail, phone or personal contact.

2. The city shall hold a general informational meeting discussing the proposal prior to establishing the site. Notice of the informational meeting may be combined with the notice of intent to establish a temporary overnight site.

16.64.030 Criteria/requirements for approval.

The community and economic development director or designee may issue a temporary and revocable permit for an emergency housing facility subject to the following criteria and requirements:

A. Site Criteria.

1. Ownership. The host agency shall submit documentation that it owns or has a leasehold interest in the subject property;
2. Size. The property must be sufficient in size to accommodate the residents and must have necessary on-site facilities including but not limited to the following:
 - a. Sanitary toilets in the number required to meet capacity guidelines located such that no odors shall be detectable from exterior property lines;
 - b. Hand washing facilities by the toilets and by any food areas;
 - c. Refuse receptacles; and
 - d. Lockable storage of personal belongings.
3. Water Source. The host agency shall provide an adequate water source to the emergency housing facility as approved by the city.
4. Sensitive Areas. No emergency housing facility shall be located within a sensitive or critical area or its buffer as defined under LMC Title 14.
5. Limitation on Residents. No more than twenty residents shall be allowed for facilities operated by a faith-based or not-for-profit organization. The city may further limit the number of residents as site conditions dictate. There is no limitation on the number of residents for facilities operated by the city of Lacey.
6. Parking. Adequate on-site parking shall be provided for the emergency housing facility. No off-site parking will be allowed. The estimated number of vehicles used by the emergency housing facility residents shall be provided in the permit application. If the emergency housing facility is located on a site with another use, it shall be shown that the emergency housing facility will not create a shortage of on-site parking for the other use(s) on the property. A host agency or sponsoring agency may allow overnight occupancy of vehicles. Residents within vehicles are subject to the same requirements of this chapter as those located within the emergency housing facility.
7. Public Transportation. The emergency housing facility shall be located within a quarter mile of a bus stop with service seven days per week. If not located within a quarter mile of a bus stop, the host agency or sponsoring agency must demonstrate the ability for residents to obtain access to the nearest public transportation stop (such as carpools or shuttle buses).
8. Screening. The emergency housing facility shall be adequately buffered and screened to be site obscuring from adjacent right-of-way and residential properties. Screening shall be a minimum height of six feet and may include, but is not limited to, a combination of fencing, landscaping, or the placement of the emergency housing facility behind buildings. The type of screening shall be approved by the city.
9. Privacy for Sanitary Facilities. 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. **Operations and Security Plan.** An operations and security plan for the emergency housing facility shall be submitted to the city at the time of application. The security plan shall address potential security and neighborhood impacts within five hundred feet of the emergency housing facility site.
2. **Code of Conduct.** The host agency shall ensure that the emergency housing facility has a code of conduct to be enforced by the host agency which, at a minimum, prohibits alcohol, illegal drugs, weapons, violence, littering on the emergency housing facility site or in the surrounding neighborhood, noise in excess of the limits set forth in LMC 16.57.030, and open fires. The code of conduct should also address any other issues related to camp and neighborhood safety. A copy of the code of conduct shall be submitted to the city at the time of application.
3. In addition to the above standards, the host agency or sponsoring agency may adopt and enforce additional code of conduct conditions not otherwise inconsistent with this section.
4. **Sign Agreement.** All emergency housing facility residents must sign an agreement to abide by the code of conduct. Failure to do so shall result in the noncompliant resident's immediate and permanent expulsion from the property.
5. **Log.** The host or sponsoring agency shall keep a log of all persons who stay overnight in the emergency housing facility. The log shall include names, birth dates, and dates of stay. Logs shall be retained a minimum of one year.
6. **Identification.** The host or sponsoring agency shall require verifiable photo identification of prospective and current emergency housing facility residents. Acceptable forms of identification include a driver's license, government issued identification card, military identification, or passport. Replacement of lost identification can be facilitated through an appropriate advocacy center. Photo identification is necessary to verify one's identity and to apply for services, housing, and employment. If verifiable photo identification cannot be obtained, the individual must agree to be fingerprinted or will not be admitted to the camp. The Lacey Police Department shall provide fingerprinting services at no charge to the host or sponsoring agency.
7. **Warrant and Sex Offender Status Check.** The host or sponsoring agency shall engage the Lacey police department to use the photo identification to check for outstanding in-state and out-of-state warrants and registered sex offender status.
 - a. **Outstanding Warrants.** If said warrant check reveals an existing or outstanding warrant from any jurisdiction in the United States, the host or sponsoring agency may reject the subject of the check for residency in the emergency housing facility or may eject the subject of the check if that person is already an emergency housing facility resident and will immediately report the finding to the Lacey police department.
 - b. **Sex Offender Status.** If the check reveals the applicant to be a registered sex offender required to register with the County Sheriff or their county of residence pursuant to RCW 9A.44.130, the host or sponsoring agency may reject the subject of the check for residency in the emergency housing facility or may eject the subject of the check if that person is already an emergency housing facility resident and will immediately report the finding to the Lacey police department.
- C. **Security.** The host or sponsoring agency shall ensure the emergency housing facility is secure and managed to strictly prohibit illegal drugs, weapons, fighting, abuse of any kind, littering, or disturbing the neighbors while located on the property.
- D. **Entrance/Host Tent.** The host or sponsoring agency shall ensure there is an entrance/host tent that is manned twenty-four hours a day seven days a week. The host or sponsoring agency will appoint a designated "on duty" emergency housing facility manager at all times. Said representative shall also serve as a point of contact for the Lacey police department, and will orient the department on how the entrance operates. The names of the on-duty representative will be posted daily at the entrance. The city shall provide contact numbers of nonemergency personnel which shall be posted at the entrance.
- E. **Visitors.** Visitors to the emergency housing facility must meet the following procedures and requirements:

1. Visitors to the emergency housing facility must be invited by a resident, host agency, or sponsoring agency and must be able to show picture ID.
2. Visitors must be accompanied by the resident that invited the visitor while at the emergency housing facility.
3. Visitors may be at the emergency housing facility only between the hours of 7:00 a.m. and 10:00 p.m.
4. Visitors shall not stay overnight.
5. A maximum of two visitors per resident shall be present within the emergency housing facility at any one time. The host or sponsoring agency may further restrict the number of visitors based on facility capacity.

F. **Age Restrictions.** Residents of the emergency housing facility must be at least eighteen years of age. No minors are permitted entrance to the emergency housing facility unless they are related to a camp resident. Minors related to a resident may visit the emergency housing facility during the day. (Ord. 1410 §1 (part), 2013; Ord. 1346 §1, 2010; Ord. 1326 §8, 2009.)

G. **Entry Program.** Residents of the emergency housing facility should be placed through a coordinated entry program.

H. **Temporary Overnight Sites.** When the city of Lacey is establishing a temporary overnight site, the following requirements shall apply:

1. **Size.** The property must be sufficient in size to accommodate the intended purpose and must have necessary on-site facilities including but not limited to the following:
 - a. Sanitary toilets in the number required to meet capacity guidelines;
 - b. Hand-washing facilities; and
 - c. Refuse receptacles.
2. **Sanitary Facilities.** All sanitary portable toilets shall be located such that no odors shall be detectable from exterior property lines and to provide privacy from adjacent properties and rights-of-way. The placement location shall be approved by the city.
3. **Security.** The site shall be fully fenced and may utilize security cameras. An operations and security plan for the site shall be enforced with a copy on file at Lacey City Hall.
4. **Code of Conduct.** The city shall ensure that the temporary overnight site has an enforceable code of conduct which, at a minimum, prohibits alcohol, illegal drugs, weapons, violence, littering on the site or in the surrounding neighborhood, noise in excess of the limits set forth in LMC 16.57.030, and open fires. The code of conduct should also address any other issues related to camp and neighborhood safety. A copy of the code of conduct shall be on file at Lacey City Hall.
5. **Fire Safety, and Health.** The provisions of LMC 16.64.040 shall apply to temporary overnight sites.

16.64.040 Fire, safety, and health.

The emergency housing facility shall meet the following fire, safety, and health requirements:

- A. **Fire Safety.** The emergency housing facility shall conform to the following requirements:
1. **Open Fires.** Open fires are prohibited. All fires shall adhere to the regulations of the Olympic Region Clean Air Agency;
 2. **Heating Appliances.** No heating appliances within individual units are allowed unless approved by the building official;

3. Cooking. A common tent may provide community cooking facilities and services for the camp, but only if approved by the host agency and the health department. No cooking appliances are allowed within individual tents of residents;
4. Fire Extinguishers. An adequate number and appropriate rating of fire extinguishers shall be provided as approved by the fire department;
5. Emergency Access. Adequate access for the fire and emergency medical apparatus shall be provided. This shall be determined by the fire marshal;
6. Separation. Adequate separation between tents and other structures shall be maintained as determined by the fire marshal; and
7. Electrical Service. 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.

B. Health. All necessary sanitary facilities including temporary sanitary portable toilets and facilities for hand washing shall be provided. All applicable health standards for providing and using such facilities shall be satisfied as required by the health department.

C. Access for Inspections. The host agency shall permit inspections by city staff and the Thurston County health department to ensure compliance with the conditions of this permit. Inspections shall occur at reasonable times, and may occur without prior notice. (Ord. 1410 §1 (part), 2013; Ord. 1346 §1, 2010; Ord. 1326 §9, 2009; Ord. 1307 §5, 2008).

D. Accommodating the Emergency Housing Facility Indoors. In cases where the host or sponsoring agency determine it is practical or necessary to accommodate the facility inside existing structures, the host or sponsoring agency shall have the option of making such a request to the city. Upon receiving a request to host the facility inside of existing buildings, the community and economic development director or designee may issue a temporary and revocable permit for an indoor emergency housing facility subject to the following criteria and requirements:

1. Compliance with Building Codes. An indoor emergency housing facility shall comply with the requirements of the city's building codes. However, pursuant to RCW 19.27.042, the building official shall have the authority to exempt code deficiencies so long as such deficiencies pose no threat to human life, health, or safety.

2. Building Criteria. The buildings proposed for use shall be of sufficient size to accommodate the residents and must have necessary on-site facilities including but not limited to the following:

- a. Adequate water supply;
- b. Sanitary toilets in the number required to meet capacity guidelines;
- c. Hand washing facilities by the toilets and food areas;
- d. Refuse receptacles; and
- e. Kitchen facilities for food preparation;

- f. All applicable health standards for providing and using such facilities shall be satisfied as required by the health department. (Ord. 1410 §§1 (part), 3, 2013; Ord. 1346 §1, 2010; Ord. 1327 §1, 2009; Ord. 1326 §7, 2009; Ord. 1307 §5, 2008).

16.64.050 Community and economic development director's decision.

The community and economic development director shall review the proposal for compliance with the provisions of this chapter and all other applicable law. Said review shall ensure that the health, safety and welfare of the citizens of the city are preserved, and shall provide an expedient and reasonable land use review process for decisions and interpretations of this chapter. The director may modify the submittal requirement as deemed appropriate. The director shall notify the host agency and sponsoring agency of his or her decision to approve, modify, or deny the

application within a timely manner, but not prior to fourteen days after the public meeting. (Ord. 1410 §1 (part), 2013; Ord. 1307 §5, 2008).

16.64.060 Limitations.

A. Duration. Duration of the emergency housing facility shall not exceed one year and may be extended for two additional six-month extensions upon submittal of an application and proof that the site did not have on-site criminal violations greater than the crime rate of the surrounding neighborhood. The site may be approved for a duration longer than two years upon approval of a conditional use permit pursuant to LMC 16.66.

B. Parcel Limitation. No host agency shall host an emergency housing facility more than one time in any twenty-four-month period, beginning on the date the emergency housing facility locates on a parcel of property.

C. Number Limitation. There shall be no limit on the number of emergency housing facilities, however, the City Council shall periodically examine the number of facilities within the community and may enact restrictions limiting the number of facilities.

D. The provisions of this Section shall not apply to temporary overnight sites.

16.64.070 Revocation.

A. If the host agency or sponsoring agency fails to take action against a resident who violates the terms and conditions of the permit, it may result in immediate termination of the permit issued to the host agency or sponsoring agency. If the City learns of acts of violence by residents of the emergency housing facility and the Host Agency or Sponsoring Agency has not adequately addressed the situation to protect residents, the permit may be immediately terminated.

B. Upon determination that that has been a violation of any approval criteria or condition of application, the director of community and economic development may give written notice to the permit holder describing the alleged violation. Within fourteen days of the mailing of notice of violation, the permit holder shall show cause why the permit shall not be revoked. At the end of the fourteen-day period, the director shall sustain or revoke the permit. When an emergency housing facility permit is revoked, the director shall notify the permit holder by certified mail of the revocation and the findings upon which the revocation is based. Appeals of decisions to revoke an emergency housing facility permit shall be to Thurston County Superior Court. (Ord. 1410 §1 (part), 2013; Ord. 1346 §1, 2010; Ord. 1326 §11, 2009; Ord. 1307 §5, 2008).

16.64.080 Emergency shelters.

The provisions of this chapter shall not apply to emergency or cold weather shelters where the screening of individuals to be temporarily housed in such shelters is conducted by an emergency shelter network or a religious organization providing the emergency shelter. (Ord. 1410 §1 (part), 2013; Ord. 1346 §1, 2010; Ord. 1326 §12, 2009; Ord. 1307 §5, 2008).

16.64.090 Severability.

If any section, subsection, sentence, clause, phrase, or other portion of this chapter, or its application to any person, is for any reason declared invalid in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof. (Ord. 1410 §5, 2013).

Additional associated amendments:

Repeal: LMC 16.06.375: Host Agency definition

LMC 16.06.372: Homeless Encampment definition

Amend: LMC 16.06.676: Religious Organization definition

16.06.676 Religious organization.

“Religious organization” means organizations and institutions developed for the purposes of religious exercise and considered protected under the Religious Land Use and Institutionalized Persons Act (RLUIPA). Particularly relevant in the context of the

ordinance codified in this section is a religious organization whose religious activities and beliefs typically include providing basic needs such as emergency housing, shelters, meals, and assistance to the poor and needy. (Ord. 1539 §53, 2019; Ord. 691 §6, 1984).