

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING INTERIM REGULATIONS FOR EMERGENCY HOMELESS ENCAMPMENTS BY AMENDING THE THURSTON COUNTY CODE, INCLUDING THE THURSTON COUNTY ZONING ORDINANCE (TITLE 20 TCC), THE ZONING ORDINANCE OF THE LACEY URBAN GROWTH AREA (TITLE 21 TCC), THE TUMWATER UGA ZONING ORDINANCE (TITLE 22 TCC), AND THE OLYMPIA UGA ZONING ORDINANCE (TITLE 23 TCC) BY AMENDING SECTIONS 20.35.090, 21.64.090, 22.51.090, AND 23.45.090, AND BY ADDING SECTIONS 20.35.130, 21.64.130, 22.51.130, AND 23.45.130, ESTABLISHING A ONE (1) YEAR WORK PLAN TO STUDY EMERGENCY HOMELESS ENCAMPMENT REGULATIONS, AND TO DETERMINE FINAL APPROPRIATE REGULATIONS.

WHEREAS, pursuant to RCW 36.70A.390 and other lawful authority, the Board of Thurston County Commissioners (Board) has the authority to enact interim zoning controls; and **WHEREAS**, pursuant to RCW 36.70A.390 the Board shall hold a public hearing on this interim zoning control within sixty (60) days of its adoption; and

WHEREAS, homelessness is a national, state, regional, and local issue affecting all of Thurston County, in both urban and rural areas, with the majority of those experiencing homelessness originating from Thurston County; and

WHEREAS, homelessness has devastating effects on human lives and severe health, safety, social, economic, and environmental impacts on cities, towns, neighborhoods, families, schools, businesses, healthcare facilities, and social service agencies; and

WHEREAS, the Board recognizes that many people seeking shelter, social services, transportation, and housing do so in urban areas where services and transportation are most accessible; and supports and joins the City of Olympia, which has the largest concentration of unsheltered residents, in working together and collaborating with all partners to find solutions; and

WHEREAS, Thurston County, through the Public Health and Social Services Department, provides approximately 5.8 million dollars each year to 35 nonprofit agencies that provide emergency shelter, coordinated entry, rental assistance, affordable housing, and other supportive services, and yet funding is inadequate to meet the growing population and demand; and

WHEREAS, the Board is working to coordinate efforts between County departments and finds it necessary to amend existing emergency homeless encampment regulations to address the current crisis declared by approving Resolution No. H-2-2018 on June 14, 2018, supported by the findings therein and adopted herein this reference; and **WHEREAS**, the Board recognizes the vital contributions of nonprofits, faith-based organizations, community groups, advocates, and private citizens who provide temporary, permanent, and supportive housing, and other social and health services to those in need utilizing best practice approaches; and

WHEREAS, in a recent Thurston County survey conducted by Berk Consulting, homelessness was identified as the top concern and priority for citizens; and

WHEREAS, the cost of housing is rising, the vacancy rate for rental housing is nearing record lows, and there is not sufficient affordable housing in Thurston County all of which contribute to growing homelessness along with economic and family instability factors; and

WHEREAS, the number of people known to be experiencing homelessness in Thurston County on a given day has significantly risen in the past year with 835 persons counted in the Annual Point in Time Census; and

WHEREAS, in 2017, there were 1,670 children who experienced homelessness in Thurston County public schools, 38% of those experiencing homelessness are families with children, and young adults, children and families make up the majority of those without stable housing in our community; and

WHEREAS, domestic violence is also a serious public health issue that is the fourth ranking cause of homelessness, with survivors fleeing domestic violence representing ¼ of those experiencing homelessness in Thurston County; and

WHEREAS, 38% of those identified were unsheltered, living in outdoor places not fit for human habitation, including streets, parks, wooded areas, and cars, putting people at risk of serious health conditions, communicable diseases, and even death; and

WHEREAS, there are record numbers of people living in encampments where lack of access to drinking water, handwashing, toilets, proper food and medicine storage, and waste disposal poses a serious risk to all people and the environment; and

WHEREAS, physical health was the most commonly reported disability among those in our community experiencing homelessness, and people without housing have high rates of chronic physical and mental health conditions and are three times more likely to die early. Physical health complications commonly experienced by those without stable housing and shelter include hypothermia, injuries, chronic pain, musculoskeletal disorders, hunger, malnutrition, skin diseases, foot disorders, infectious diseases such as hepatitis A, B, & C, shigella, tuberculosis, influenza, immune disorders, HIV/AIDS, sexually transmitted diseases, dental problems, respiratory illnesses such as asthma, chronic obstructive pulmonary disease, RSV, pneumonia, hypertension, diabetes, cancer, depression, post-traumatic stress disorder, and other illnesses; and

WHEREAS, nearly 1/3 of people experiencing homelessness were people of color which is disproportionate to the Thurston County population indicating serious racial disparities that need to be addressed; and

WHEREAS, vulnerable populations such as those that are disabled, and those that suffer from substance use disorders and mental illnesses need supportive housing options that are currently not sufficient to meet the needs; and

WHEREAS, the Board seeks to address practices and conditions that cause a threat to the public's health and the safety and welfare of our community; and

WHEREAS, the Board has reassessed the amendments to the Housing Chapter of the Thurston County Comprehensive Plan, and believes further amendments to the homeless encampment regulations are necessary to implement the amendments to the Comprehensive Plan and provide for the safety and welfare of our community; and

WHEREAS, the interim ordinance will remain in place for one (1) year while the County works with its citizens and interested parties to devise appropriate measures to address the homelessness crisis, and consider amendments to its comprehensive plan and the Thurston County Code; and

WHEREAS, it is the intent of the Board to lift the interim regulations following the completion of the work; and

WHEREAS, the Board believes adopting the interim ordinance is necessary for the preservation of the public health, safety, and general welfare of Thurston County residents, and that this Ordinance should be made effective upon adoption;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THURSTON COUNTY, AS FOLLOWS:

SECTION 1. THURSTON COUNTY ZONING ORDINANCE (TITLE 20 TCC). Thurston County Code Chapter 20.35 TCC is hereby amended to read as follows:

A. Amend the operations and security plan requirements of Section 20.35.090, as follows:

Section 20.35.090 (5) – Operations and Security Plan required.

...

5. The sponsoring agency shall take all reasonable and legal steps to obtain verifiable ID. The sponsoring agency may require presentation of identification such as a driver's license, government issued identification card, military identification or passport, fingerprinting technologies, or other reasonable forms of identification from prospective and existing encampment residents.

...

Section 20.35.090 (7) – Operations and Security Plan required.

...

7. The sponsoring agency ~~will~~ may use verifiable identification listed in this section (20.35.090 TCC), to obtain sex offender and warrant checks ~~from the Thurston County Sheriff's Office for~~ prospective and existing homeless encampment residents.

a. 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 sponsoring agency ~~will~~ may reject the subject to the check for residency to homeless encampment or eject the subject of the check if that person is already a homeless encampment resident.

...

Section 20.35.090 (8) – Operations and security plan required.

...

8. The sponsoring agency shall self police and self manage its residents and shall prohibit alcohol, illegal drugs, ~~weapons~~, fighting, and abuse of any kind, littering or disturbing neighbors while located on the property.

...

- B. Amend Chapter 20.35 to add a new section to allow the director of Community Planning and Economic Development to waive specified requirements in a public health emergency, as follows:

Section 20.35.130 – Emergency Waiver.

Upon adoption of an emergency resolution by the Thurston County Board of Health and/or the Thurston County Board of Commissioners declaring a public health emergency, the requirements of this Chapter may be waived by the Director or his or her designee for faith-based organizations, not-for-profit organizations and units of government, except for the requirements in TCC 20.35.080 (9), (10), and (11) and TCC 20.35.090 (2), (3), (7), and (8). TCC 20.35.080 (1) and (2) may be waived or modified at the discretion of the Director or his or her designee with concurrence by the Thurston County Health Officer. Any waiver of the requirements of this Chapter shall be for a period not to exceed six (6) months, except when the Board finds a public health emergency continues to exist after holding a public hearing, then the requirements of this Chapter may be waived for an additional six (6) month period. Further waivers of this Chapter’s requirements shall only occur after the Board holds a public hearing and finds that the public health emergency is continuing.

SECTION 2. LACEY UGA ZONING ORDINANCE (TITLE 2 TCC). Thurston County Code Chapter 21.64 TCC is hereby amended to read as follows:

- A. Amend the operations and security plan requirements of Section 21.64.090, as follows:

Section 21.64.090 (E) – Operations and Security Plan required.

...

E. The sponsoring agency shall take all reasonable and legal steps to obtain verifiable ID’s. The sponsoring agency may require presentation of identification such as a driver's license, government issued identification card, military identification or passport, fingerprinting technologies, or other reasonable forms of identification from prospective and existing encampment residents.

...

Section 21.64.090 (G) – Operations and Security Plan required.

...

G. The sponsoring agency ~~will~~ may use verifiable identification listed in this section (21. 64.090 TCC), to obtain sex offender and warrant checks from the Thurston County Sheriff's Office for prospective and existing homeless encampment residents.

1. 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 sponsoring agency ~~will~~ may reject the subject to the check for residency to homeless

encampment or eject the subject of the check if that person is already a homeless encampment resident.

...

Section 21.64.090 (H) – Operations and security plan required.

...

H. The sponsoring agency shall self police and self manage its residents and shall prohibit alcohol, illegal drugs, ~~weapons~~, fighting, and abuse of any kind, littering or disturbing neighbors while located on the property.

...

- B. Amend Chapter 21.64 to add a new section to allow the director of Community Planning and Economic Development to waive specified requirements in a public health emergency, as follows:

Section 21.64.130 – Emergency Waiver.

Upon adoption of an emergency resolution by the Thurston County Board of Health and/or the Thurston County Board of Commissioners declaring a public health emergency, the requirements of this Chapter may be waived by the Director or his or her designee for faith-based organizations, not-for-profit organizations and units of government, except for the requirements in TCC 21.64.080 (I), (J), and (K) and TCC 21.64.090 (B), (C), (G), and (H). TCC 21.64.080 (A) and (B) may be waived or modified at the discretion of the Director or his or her designee with concurrence by the Thurston County Health Officer. Any waiver of the requirements of this Chapter shall be for a period not to exceed six (6) months, except when the Board finds a public health emergency continues to exist after holding a public hearing, then the requirements of this Chapter may be waived for an additional six (6) month period. Further waivers of this Chapter’s requirements shall only occur after the Board holds a public hearing and finds that the public health emergency is continuing.

SECTION 3. TUMWATER UGA ZONING ORDINANCE (TITLE 22 TCC). Thurston County Code Chapter 22.51 TCC is hereby amended to read as follows:

- A. Amend the operations and security plan requirements of Section 22.51.090, as follows:

Section 22.51.090 (E) – Operations and Security Plan required.

...

E. The sponsoring agency shall take all reasonable and legal steps to obtain verifiable ID₂. The sponsoring agency may require presentation of identification such as a driver's license, government issued identification card, military identification or passport, fingerprinting technologies, or other reasonable forms of identification from prospective and existing encampment residents.

...

Section 22.51.090 (G) – Operations and Security Plan required.

...

G. The sponsoring agency ~~will~~ may use verifiable identification listed in this section (22.51.090 TCC), to obtain sex offender and warrant checks ~~from the Thurston County Sheriff's Office for~~ prospective and existing homeless encampment residents.

1. 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 sponsoring agency ~~will~~ may reject the subject to the check for residency to homeless encampment or eject the subject of the check if that person is already a homeless encampment resident.

...

Section 22.51.090 (H) – Operations and security plan required.

...

H. The sponsoring agency shall self police and self manage its residents and shall prohibit alcohol, illegal drugs, ~~weapons~~, fighting, and abuse of any kind, littering or disturbing neighbors while located on the property.

...

- B. Amend Chapter 22.51 to add a new section to allow the director of Community Planning and Economic Development to waive specified requirements in a public health emergency, as follows:

Section 22.51.130 – Emergency Waiver.

Upon adoption of an emergency resolution by the Thurston County Board of Health and/or the Thurston County Board of Commissioners declaring a public health emergency, the requirements of this Chapter may be waived by the Director or his or her designee for faith-based organizations, not-for-profit organizations and units of government, except for the requirements in TCC 22.51.080 (I), (J), and (K) and TCC 22.51.090 (B), (C), (G), and (H). TCC 22.51.080 (A) and (B) may be waived or modified at the discretion of the Director or his or her designee with concurrence by the Thurston County Health Officer. Any waiver of the requirements of this Chapter shall be for a period not to exceed six (6) months, except when the Board finds a public health emergency continues to exist after holding a public hearing, then the requirements of this Chapter may be waived for an additional six (6) month period. Further waivers of this Chapter's requirements shall only occur after the Board holds a public hearing and finds that the public health emergency is continuing.

SECTION 4. OLYMPIA UGA ZONING ORDINANCE (TITLE 23 TCC). Thurston County Code Chapter 23.45 TCC is hereby amended to read as follows:

- A. Amend the operations and security plan requirements of Section 23.45.090, as follows:

Section 23.45.090 (E) – Operations and Security Plan required.

...

E. The sponsoring agency shall take all reasonable and legal steps to obtain verifiable ID_s. The sponsoring agency may require presentation of identification such as a driver's license, government issued identification card, military identification or passport, fingerprinting technologies, or other reasonable forms of identification from prospective and existing encampment residents.

...

Section 23.45.090 (G) – Operations and Security Plan required.

...

G. The sponsoring agency ~~will~~ may use verifiable identification listed in this section (23.45.090 TCC), to obtain sex offender and warrant checks ~~from the Thurston County Sheriff's Office for~~ prospective and existing homeless encampment residents.

1. 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 sponsoring agency ~~will~~ may reject the subject to the check for residency to homeless encampment or eject the subject of the check if that person is already a homeless encampment resident.

...

Section 23.45.090 (H) – Operations and security plan required.

...

H. The sponsoring agency shall self police and self manage its residents and shall prohibit alcohol, illegal ~~drugs, weapons,~~ fighting, and abuse of any kind, littering or disturbing neighbors while located on the property.

...

- B. Amend Chapter 23.45 to add a new section to allow the director of Community Planning and Economic Development to waive specified requirements in a public health emergency, as follows:

Section 23.45.130 – Emergency Waiver.

Upon adoption of an emergency resolution by the Thurston County Board of Health and/or the Thurston County Board of Commissioners declaring a public health emergency, the requirements of this Chapter may be waived by the Director or his or her designee for faith-based organizations, not-for-profit organizations and units of government, except for the

requirements in TCC 23.45.080 (I), (J), and (K) and TCC 23.45.090 (B), (C), (G), and (H). TCC 23.45.080 (A) and (B) may be waived or modified at the discretion of the Director or his or her designee with concurrence by the Thurston County Health Officer. Any waiver of the requirements of this Chapter shall be for a period not to exceed six (6) months, except when the Board finds a public health emergency continues to exist after holding a public hearing, then the requirements of this Chapter may be waived for an additional six (6) month period. Further waivers of this Chapter's requirements shall only occur after the Board holds a public hearing and finds that the public health emergency is continuing.

SECTION 5. WORK PLAN.

The work plan established by this ordinance is as follows:

1. Spring 2019 - Interim Regulations
2. Spring-Fall 2019 - Study Emergency Homeless Encampment Issues and Regulations
3. Fall 2019 – Planning Commission Review
4. Fall 2019 – Board of County Commissioners Review

SECTION 6. DURATION. This ordinance shall expire twelve (12) months after the effective date of this ordinance, *or earlier by Board action.*

SECTION 7. SEVERABILITY. If any section, subsection, sentence, clause, phrase or other portion of this Ordinance or its application to any person is, for any reason, declared invalid, illegal or unconstitutional 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.

SECTION 8. EFFECTIVE DATE. This Ordinance shall take effect *immediately upon adoption.*

SECTION 9. CORRECTIONS. Upon approval of the Prosecuting Attorney’s Office, the Clerk of the Board is authorized to make any necessary corrections to any section, subsection, sentence, clause, phrase or other portion of this Ordinance for scrivener or clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

ADOPTED: _____

ATTEST:

BOARD OF COUNTY COMMISSIONERS

Thurston County, Washington

Clerk of the Board

Chair

APPROVED AS TO FORM:

JON TUNHEIM

PROSECUTING ATTORNEY

Vice-Chair

TRAVIS BURNS

Deputy Prosecuting Attorney

Commissioner