

Director's Report Transitional Encampment Amendments

Introduction

The Department of Planning and Development is proposing to amend the Land Use Code to define transitional encampments as a use intended for temporary sleeping and shelter. This proposal defines what activities and development may accompany the encampment, and provides minimum standards for their location as a use accessory to religious facilities. Currently Seattle's Land Use Code does not define transitional encampments and lacks standards that address these types of activities.

Background

As in many American cities, homelessness is well-documented in the City of Seattle. The City and nonprofit organizations have provided numerous facilities, services, and programs to serve persons who either lack shelter or are at risk for becoming homeless. However, available facilities and services cannot accommodate all persons requiring shelter. According to information supplied by the City of Seattle Human Services Department, a count of people without shelter, conducted on one night in January 2011, found 1,753 people living outside a suitable shelter for sleeping.

In the fall of 2010, a Citizen Review Panel on Housing and Services for Seattle's Unsheltered Homeless Population recommended that the City establish a transitional encampment to help meet the immediate survival and safety needs of individuals without access to safe shelter. While a city-sponsored encampment is under review, these proposed Code amendments are intended to authorize practices for accommodation of encampment facilities sponsored by religious facilities in the City of Seattle. The panel recognized that while an encampment should not become a substitute for safe, affordable housing, an encampment is a viable housing option that can provide community, safety, and dignity in people's lives. The panel recommended that the location of an encampment should provide reasonable access to key services such as transportation.

The proposed amendment is consistent with Resolution 31292 adopted May 2, 2011 by the City Council that sets out a work plan to address homelessness. One of the alternatives the Council lists for consideration in the resolution is to work with faith-based communities to support shelter space in church buildings or parking lots. The proposed amendment responds directly to this alternative.

Over the years homeless people have organized to seek suitable properties on which to reside in temporary encampments, usually a cluster of tents and other impermanent structures, with some on-site services provided. In Seattle, these encampments have been subject to the willingness of

property owners, frequently churches, to invite them to use their property and to the support from surrounding communities. Generally, these encampments have provided a necessary service to the homeless and have established rules and provide some on-site services.

Transitional encampments are not defined in the City's land use regulations. Acknowledging the value of these encampments, Code standards permitting organized transitional encampments have been developed that allow persons to stay in religious-entity-sponsored transitional encampments at locations that provide on-site services including showers, cooking or meal service facilities, and portable bathrooms. Encampments provide a means for meeting the immediate needs of individuals who have no access to permanent shelter. At a time when there are so many homeless individuals on the streets, encampments can provide a viable temporary living option. Existing encampments in Seattle have demonstrated that they can provide 24-hour access, accommodate couples as well as families and pets, and offer various other benefits of self-governance including safety and a sense of privacy and community.

The City has had experience with existing encampments over the years. An encampment location should provide reasonable access to key services, including public transportation and other important services such as hygiene facilities, trash removal, electricity, running water, and sewage facilities. These services are available on many suitable sites developed with religious facilities. Many of these types of sites are large enough to accommodate a sizable encampment of individuals in need of shelter. Religious facilities also have successfully argued in the courts that sponsorship and management of shelters and encampments for homeless individuals is a part of their religious mission and ministry.

In addition, Engrossed Substitute House Bill (ESHB) 1956, adopted by the State Legislature in 2010, "... provides guidance to cities and counties in regulating homeless encampments within the community, but still leaves those entities with broad discretion to protect the health and safety of its citizens."

It should be noted that transitional encampments have been permitted under the Land Use Code in the past, through the issuance of temporary use permits. A temporary use permit for up to six months is allowed in the Seattle Land Use Code under Section 23.42.040.C for any use that does not involve the erection of a permanent structure and meets certain broad criteria for review, including that the use is not materially detrimental to the public welfare, does not result in substantial injury to property in the vicinity, and is consistent with the spirit and purpose of the Land Use Code. Temporary use permits are subject to public notice and comment, and require a written decision that is appealable to the City's Office of Hearing Examiner. The temporary use permit process will continue to be available to allow encampments on sites where they are not accessory to religious facilities.

Proposal

To clarify the Code regarding regulation of encampments, amendments are proposed to define a “transitional encampment” use and to allow the use to locate on sites owned or occupied by a religious facility. The proposal would accomplish the following:

- Add a new definition for a “transitional encampment” to clarify that an encampment is a use providing temporary quarters for sleeping and shelter and describing the activities and development that are associated with the encampment;
- Add a new Code Section 23.42.054 providing for the transitional encampment use to locate on sites owned or occupied by a religious facility, such as a church or synagogue;
- Add specific standards for operation of the encampment in new Section 23.42.054 to address site management and operations, maintenance, and hygiene.

Transitional encampment sites would be required to meet these basic public health and safety standards:

- Maximum of 100 occupants;
- Required inspections by public health and safety officials;
- Specific fire and health safety conditions including location of fire extinguishers, first aid kits, appropriate power and light connections, toilets, running water, appropriate cooking facilities if provided; and

In addition to the specific standards required by the proposed amendment, religious facilities may enter into hosting agreements with encampment operators that will address encampment rules for the purpose of promoting good neighbor relations. These agreements between the religious facilities and encampment operators have been successful in the past and include prohibitions on alcohol, drugs, and possession of weapons, rules for children within the encampment, prohibiting sex offenders within the encampment, and regulations of behavior limiting verbal abuse, intimidating remarks, yelling or degrading remarks against members of the religious facility, other encampment inhabitants, or the public.

Analysis

Encampments of homeless individuals have been located within the City of Seattle for many years. According to information obtained from the City Human Services Department (HSD), shelters are operating at maximum capacity and cannot accommodate all of the needs of homeless people in Seattle. Encampments provide shelter and basic services to individuals in need. At these facilities, people reside in temporary shelters such as tents, and specific rules for operation and security are accepted and observed. Without the option of an encampment, individuals may otherwise be forced to seek shelter in alleys, doorways, vacant buildings,

greenbelts, or other locations not designed or intended for safe and sanitary habitation. The City will continue to pursue other options, such as building additional shelters, low-income housing, or managed temporary spaces in churches and public buildings. But such resources are currently inadequate to meet the needs of all homeless persons and are not likely to be provided in adequate amounts in the near future. Typically such temporary shelters are available under only the worst environmental conditions such as snowstorms and freezing weather.

In contrast, a managed transitional encampment is a lower cost alternative to more permanent and costly housing options. Transitional encampments have been provided in the past by religious facilities, though the residents have been required to move frequently when allotted times in neighborhoods or when agreements with churches or other property owners expire. Adopting specific regulations and standards for transitional encampments, as well as making clear that encampments accessory to churches are not subject to specific time limits, at least as a Code requirement, will reduce the current uncertainty. Frequently relocating encampments is a hardship when other suitable locations are not readily available and there is uncertainty where the encampment may locate next. Transitional encampments have met with resistance in some residential neighborhoods where they are believed to be incompatible with neighborhoods and families, particularly if anticipated longer than a few months. While this may be the perception, information from HSD, Police, and Fire Departments indicate that encampments have generally operated safely and have caused few problems to surrounding neighbors.

The proposal would acknowledge encampments as an allowed use accessory to a religious facility site. Health and safety criteria for their location were determined based on the need for an encampment to provide facilities including shelter, food service, showers, and lavatories, for up to 100 persons. These standards are expected to limit the number of sites that would likely be used as encampments, while allowing for the needs of the homeless in the city to be accommodated.

The proposal is consistent with State law as expressed in ESHB 1956. The state legislation allows jurisdictions to provide standards that protect public health and safety, as long as they "...do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter for homeless persons on property owned by the religious organization." This proposed legislation provides standards for basic health and safety of those in the encampment, as well as those in surrounding areas. Unlike what is allowed by the state bill, however, the City does not propose to require permits when it is a use accessory to a religious facility.

Recommendation

The proposed legislation offers a reasonable and effective means to temporarily address homelessness in the city. Specific provisions are provided for both location and operation of encampments so that they can be operated as a safe and healthy facility for the encampment occupants with minimal impacts to surrounding properties and uses. DPD recommends that the City Council adopt the proposed legislation.