

ORDINANCE NO. 2020-

AN ORDINANCE adding Chapter 6.92 entitled Temporary Emergency Housing Facilities for the Homeless to the City of Yakima Municipal Code

WHEREAS, the 2019 Point in Time Count shows that there were 172 chronically homeless community members in Yakima County during the time period of the count; and

WHEREAS, it is anticipated that the count numbers are less than actual numbers because the Point in Time Count is a snapshot of a short period of time in January of every year; and

WHEREAS, the majority of people experiencing homelessness slept in emergency shelter the night prior to the Count, with smaller numbers indicating that they slept outside or in vehicles the night before; and

WHEREAS, religious organizations are allowed to operate temporary emergency encampments under RCW 35.21.915; and

WHEREAS, the Washington State Legislature recently passed ESHB 1754 which further defines terms, such as “temporary,” expands the type of emergency facilities allowed, and outlines the extent to which cities may regulate temporary emergency housing facilities; and

WHEREAS, the City wishes to adopt those regulations and a no-cost permit process for temporary emergency housing facilities for persons experiencing homelessness; and

WHEREAS, the City Council of the City of Yakima finds that it is in the best interests of the City and its residents to adopt Yakima Municipal Code Section 6.92 Temporary Emergency Housing Facilities for the Homeless; now, therefore,

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. Chapter 6.92 entitled Temporary Emergency Housing Facilities for the Homeless is added to the City of Yakima Municipal Code to read as follows:

**Chapter 6.92
TEMPORARY EMERGENCY HOUSING FACILITIES FOR THE HOMELESS**

Sections:	
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6.92.020	Definitions.
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- 6.92.130 Appeal
- 6.92.140 Operation without a permit—penalty.

6.92.010 Purpose.

A. The City recognizes that homelessness is an emergent problem within the City and that there need to be places where persons experiencing homelessness can go for emergency shelter, and religious organizations often provide such temporary emergency housing services.

B. Emergency shelters operated by religious organizations should provide a safe environment for those using them due to experiencing homelessness. As such, the City finds that there are certain fire and life safety matters that must be addressed when providing or operating an emergency shelter, either indoors or outdoors.

C. Neighboring communities can also be affected by emergency shelters, both those occurring indoors and those occurring outdoors like encampments. The City, religious organizations hosting facilities, and homeless service providers need to work together to ensure that both those who are experiencing homelessness and utilizing emergency shelter, and those property owners and residents surrounding the shelters are safe, and negative effects are limited.

D. Homelessness is a community problem, and the City wants to work with religious organizations who seek to help those experiencing homelessness by providing appropriate emergency shelter space and services.

E. The City agrees with the Legislature’s findings and intentions outlined in Section 1 of ESHB 1754. This chapter is intended to supplement the provisions of ESHB 1754 and RCW 35.21.915 and adopt the permissible regulations outlined therein.

6.92.020 Definitions.

For the purposes of this chapter, the following words shall have the following meanings:

A. “Department” means the Community Development Department.

B. “Director” means the city of Yakima director of community development and his or her designee.

C. “Facility” or “temporary emergency housing facility” means an outdoor encampment, indoor overnight shelter, temporary small house, or vehicle resident safe parking program location.

D. “Indoor overnight shelter” means any indoor facility operated as a place for emergency housing for a limited period of time not exceeding one year for people experiencing homelessness.

E. “Managing agency” means an organization such as a religious organization or other organized entity that has the capacity to organize and manage a homeless outdoor encampment, temporary small houses on-site, indoor overnight shelter, and/or a vehicle resident safe parking program.

F. "Outdoor encampment" means any temporary tent or structure encampment, or both.

G. "Religious organization" means the federally protected practice of a recognized religious

H. "Temporary" means not affixed to land permanently and not using underground utilities.

I. "Temporary small house" means a small structure which provides all the necessary components of a dwelling unit, as defined by Yakima Municipal Code 15.02.020, which is no less than 120 square feet and not permanently affixed to the ground or connected to City water or sewer services through a connection other than a temporary or RV connection.

J. "Vehicle resident safe parking program" means a program for people who are experiencing homelessness and sleeping in their vehicles at night. Vehicle resident safe parking program can include locations open only for overnight use, or locations open during the daytime and overnight where persons experiencing homelessness reside in their vehicles on-site.

6.92.030 Time restrictions.

A. No outdoor encampment or vehicle resident safe parking program may operate for longer than 275 days in one location per calendar year.

B. No indoor overnight shelter may operate for longer than 275 days in one location per calendar year.

C. Temporary small houses are regulated by YMC 6.92.070 and RCW 35.21.915.

D. Exception. The City may authorize permits for periods longer than those listed in subsection A and B when the use is subject to a Memorandum of Understanding between the City and a religious organization for use of City-owned property, and such original Memorandum of Understanding for the facility was entered into prior to the effective date of this ordinance.

6.92.040 Fire and life safety requirements.

A. The City finds that there are fire-related concerns associated with housing people in an indoor overnight shelter in facilities that were not originally designed for housing, or do not have sprinkler systems installed in rooms where people will be sleeping. These situations pose an imminent danger to persons using the shelter. For religious organizations seeking to use a facility for an indoor overnight shelter that was not originally designed for housing, or does not have an installed sprinkler system in rooms where people will be sleeping, fire and life safety requirements shall be followed.

B. The religious organization and managing agency (if applicable) shall enter into a memorandum of understanding for fire safety that includes the following:

1. The ability for the City to conduct inspections;

2. An agreed upon set of appropriate emergency procedures;
3. A site plan showing the most viable means to evacuate occupants from inside the facility, exit signage, and panic bar exit doors;
4. An agreement for a fire watch requiring:
 - a. Posted safe means of egress;
 - b. Operable smoke detectors, carbon monoxide detectors (as necessary) and fire extinguishers; and
 - c. A plan for monitors who spend the night awake and are familiar with emergency protocols, who have suitable communication devices, and who know how to contact the local fire department.

C. Facilities shall have a minimum of two accessible exits to host an indoor overnight shelter.

6.92.050 Public meeting required

A. Meeting required. Prior to the opening of an outdoor encampment, indoor overnight shelter, temporary small house on-site or vehicle resident safe parking program, a religious organization hosting the homeless on property owned or controlled by the religious organization shall host a meeting open to the public for the purpose of providing a forum for discussion of related neighborhood concerns, unless the use is in response to a declared emergency by the City.

B. Notification to City. The religious organization shall contact the City at least seven calendar days prior to the date and time of the meeting and provide the meeting details to the City.

C. Notice. The City must provide community notice of the meeting, based on the notification provided to the City in subsection (B) above, by taking at least two of the following actions at any time prior to the time of the meeting:

- 1 Delivering to each local newspaper of general circulation and local radio or television station that has on file with the governing body a written request to be notified of special meetings;
- 2 Posting notice on the City’s website;
- 3 Prominently displaying, on signage at least two feet in height and two feet in width, one or more meeting notices that can be placed on or adjacent to the main arterials in proximity to the location of the meeting; or
- 4 Prominently displaying the notice at the meeting site.

6.92.060 Vehicle resident safe parking program.

The following provisions apply to vehicle resident safe parking programs:

A. Where a religious organization has available spaces for a vehicle resident safe parking program as determined by section D below, the maximum ratio of parking spots allowed for a vehicle resident safe parking program is one space devoted to safe parking per ten on-site parking spaces at the site.

B. Restroom access shall be provided either within the buildings on the property or through use of portable facilities. Restrooms shall include handwashing stations or facilities in an adequate number as determined by the City. Restroom and handwashing station access shall be available at all hours of the day and night.

C. If recreational vehicles are hosted at the vehicle resident safe parking program site, provision must be made by the religious organization or managing agency for proper disposal of waste from the recreational vehicle.

D. Religious organizations providing safe parking spaces must continue to abide by the parking requirements in YMC 15.06 so that the provision of safe parking spaces does not reduce the total number of available parking spaces below the minimum number of spaces required by the City, unless the Memorandum of Understanding entered into reduces the minimum number of on-site parking spaces required. There is no obligation by the City to reduce the minimum number of on-site parking spaces required when entering into the Memorandum of Understanding required by this Chapter.

6.92.070 Temporary small houses.

The following provisions apply to temporary small houses:

A. Temporary small houses may be located on property owned or controlled by religious organizations for one year. Permits for temporary small houses may be renewed for one-year periods.

B. The units must be a minimum of 120 square feet, and a maximum of 240 square feet.

C. If more than one unit is on-site, each unit needs to be set a minimum of six feet apart from any other units. Units must be set a minimum of six feet apart from any other structures or facilities at the site and are required to comply with the setback requirements for the property.

D. Any utilities provided to the temporary small houses shall be inspected by the City, or the utility provider. If space heaters are provided, they must be approved by the City.

E. Doors and windows of the temporary small house must be included and be lockable. The religious organization and the managing agency shall also possess keys to each unit.

F. Every unit shall have its own fire extinguisher. Said fire extinguishers shall be inspected yearly.

G. The religious organization or managing agency shall provide adequate restrooms if the temporary small house is not connected to water and sewer. An adequate number of restrooms shall be determined based on the number of units. If families with children will be housed in a temporary small house, restrooms solely for families must also be provided. Adequate handwashing stations and potable running water, including accommodations for black water, shall also be made available if the temporary small house is not connected to water and sewer. Adequate facilities may be inside an existing structure on site, as long as those facilities are available at all times of day and night, or

may be portable facilities. For purposes of this section, the adequacy of the facilities shall be determined at the sole discretion of the City.

H. It is recommended that the religious organization or managing agency partner with local and regional agencies and service providers who work with persons experiencing homelessness to provide services, as well as develop pathways to permanent housing.

I. If more than one unit is located at a site, it is recommended that the religious organization consider placing at least one accessible unit at the site.

6.92.080 Memorandums of Understanding required.

A religious organization and its managing agency, if applicable, shall enter into a memorandum of understanding with the City before beginning construction and/or operation of the temporary emergency housing facility. Said memorandum of understanding will address issues that will protect the public health and safety of both the residents of the temporary emergency housing facility and the residents of the City.

At a minimum, the memorandum of understanding must include information regarding:

- A. The right of a resident of the facility to seek public health and safety assistance;
- B. How the residents will be able to access social services on-site;
- C. Ensure the residents have the ability to directly interact with the religious organization, including how residents can express concerns regarding the managing agency to the religious organization (if applicable);
- D. A written code of conduct agreed to by the managing agency (if applicable), the religious organization, and all volunteers working with the residents of the facility.
- E. If the managing agency is publicly funded, that the religious organization has the ability to interact with residents of the facility using a release of information.
- F. An agreement that the adult residents of the facility shall be subject to a sex offender check by local law enforcement, with an acknowledgement that the religious organization retains the authority to allow such an offender to remain on the property.
- G. If the facility is a vehicle resident safe parking program facility, a requirement that the host religious organization or its managing agency shall inform vehicle residents of how to comply with laws regarding the legal status of vehicles and drivers, and provide relevant requirements in the code of conduct consistent with area standards.
- H. A requirement to work with the local agencies administering the homeless client management information system if the religious organization works with a publicly funded managing agency, or, if the religious organization does not work with a publicly funded managing agency, an encouragement to work with the local agencies administering the homeless client management information system. This is not a requirement or recommendation for temporary overnight extreme weather shelters operated out of religious organization buildings.
- I. That the religious organization and managing agency (if applicable) will not refuse to host any resident or prospective resident because of age, sex, marital status, sexual

orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, as those terms are defined in RCW 49.60.040, if the religious organization and/or managing agency receive funding from any government agency.

J. A site plan of the temporary emergency housing facility, including, but not limited to, ingress and egress, emergency access, location of sanitary facilities and number of facilities, location of utilities, temporary fencing locations, and the layout of the locations of the individual housing units or parking spaces to be used, and any other temporary emergency housing facilities and services.

6.92.090 Permits required.

Any person or entity wishing to establish a temporary emergency housing facility shall obtain a permit from the City. It is unlawful to operate a temporary emergency housing facility without a permit.

6.92.100 Application Process

A. Permit applications shall be submitted on forms provided by the Department.

B. Applications shall be accompanied by a site plan, a signed agreement between the religious organization and the managing agency (if applicable), and a declaration that the religious organization held the public forum for discussion of related neighborhood concerns as required by Section 3(10) of ESHB 1754 and this Chapter.

6.92.110 Cost of permit.

There shall be no cost for permits under this Chapter.

6.92.120 Decision

The Director will review the materials and approve or deny the permit. Approvals are subject to the requirement that a memorandum of understanding be entered into between the applicant and the City before the temporary emergency housing facility may open.

6.92.130 Appeal.

The applicant may appeal a denial to the Hearing Examiner by filing a notice of appeal within fourteen (14) calendar days of the date of the Director's denial. The Hearing Examiner procedure shall be the same as outlined in YMC 16.08 and YMC 1.43.

6.92.140 Operation without a permit—penalty.

It is unlawful to operate a temporary emergency housing facility without a permit. Operating without a permit is punishable by a fine of \$250.00, and may be levied against the religious organization, managing agency, and/or any owner, president, legal representative, director, board member, or manager of the religious organization or

managing agency. Each day of unlawful operation constitutes a new and separate offense.

Section 2. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL, signed and approved this 4th day of August, 2020.

ATTEST:

Patricia Byers, Mayor

Sonya Claar Tee, City Clerk

Publication Date: _____

Effective Date: _____