

Revises the underlying bill as follows:

- Retains the statement of rights in public space that persons experiencing homelessness have, and provides that such a person may not be prosecuted criminally under any state or local law for exercising these rights when the person has no reasonable alternative but to survive in public space and existing local shelters are inadequate in number or capacity or are functionally inaccessible.
  - Provides that the exercise of these rights must not impede or limit the authority and responsibility of state and local governments to: manage public space with respect to identified public health threats or public safety concerns; provide workplaces free of unreasonable workplace hazards; or adequately and appropriately operate, manage, and maintain public facilities.
- Retains the definition section as it was in the underlying bill, except that the definitions of "discrimination based on housing status" and "harassment" are stricken.
- Strikes provisions that created a civil cause of action and included such causes of action as matters for which money appropriated for civil legal aid could be used.
- Requires, no later than October 31, 2019, that the state, counties, and cities:
  - Examine and evaluate laws, regulations, and policies to determine whether any infringe upon any of the rights of persons experiencing homelessness that were recognized in *Martin v. Boise* or in this act;
  - Consider and undertake appropriate revisions that are within their jurisdiction to make;
  - Make recommendations regarding revisions that require action by the Legislature; and
  - Report to the appropriate committees of the Legislature.
- Requires, no later than October 31, 2019, that the Office of Homeless Youth Prevention and Protection Programs make recommendations to the Legislature regarding rights that all unaccompanied homeless youth and young adults should have regarding appropriate care and treatment in licensed and unlicensed residential runaway and homeless youth programs.
- Strikes the intent section.

1 AN ACT Relating to the rights of persons experiencing  
2 homelessness; adding a new chapter to Title 43 RCW; and creating new  
3 sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The definitions in this section apply  
6 throughout this chapter unless the context clearly requires  
7 otherwise.

8 (1) "Homeless" means lacking a fixed, regular, and adequate  
9 nighttime residence, and includes persons:

10 (a) Sharing the housing of other persons due to loss of housing,  
11 economic hardship, or a similar reason; living in motels, hotels,  
12 trailer parks, or camping grounds due to the lack of alternative  
13 adequate accommodations; living in emergency or transitional  
14 shelters; abandoned in hospitals; or awaiting foster care placement;

15 (b) Having a primary nighttime residence that is a public or  
16 private place not designed for or ordinarily used as a regular  
17 sleeping accommodation for human beings, within the meaning of 42  
18 U.S.C. Sec. 11302(a)(2);

19 (c) Living in cars, parks, public spaces, abandoned buildings,  
20 substandard housing, bus or train stations, or similar settings; or

1 (d) Who meet the definition of "homeless" under 42 U.S.C. Sec.  
2 11434a(2), as it existed on October 1, 2014, as well as persons who  
3 would qualify as "homeless" under 42 U.S.C. Sec. 11434a(2), as it  
4 existed on October 1, 2014, but for not being a child or youth.

5 (2) "Motor vehicle" has the meaning defined in RCW 46.04.320.

6 (3) "Nonobstructive manner" means in a manner that does not  
7 render passageways impassable or hazardous.

8 (4) "Public space" means any property that is owned or leased, in  
9 whole or in part, by any state or local government entity or any  
10 property upon which there is an easement for public use and that is  
11 held open to the public, including, but not limited to:

12 (a) Plazas;

13 (b) Courtyards;

14 (c) Parking lots;

15 (d) Sidewalks;

16 (e) Public transportation facilities and services;

17 (f) Rooms or areas within public buildings, but only to the  
18 extent that the rooms or areas are generally held open to the public,  
19 and only during normal hours of operation;

20 (g) Shopping centers, but only those which serve as the  
21 functional equivalent of downtown areas under the Washington  
22 Constitution, and only during normal hours of operation;

23 (h) Parks, but only those parks and areas within parks which are  
24 open to the public without fee or charge; and

25 (i) Natural and wildlife areas, but only those areas which are  
26 open to the public without fee or charge and subject to reasonable  
27 rules and regulations necessary to protect fish and wildlife  
28 resources and their habitat.

29 (5) "Recreational vehicle" has the meaning defined in RCW  
30 43.22.335.

31 (6) "Survive" means the conduct of necessary, life-sustaining  
32 activities in a nonobstructive manner that includes, but is not  
33 limited to, sitting, standing, leaning, kneeling, squatting,  
34 sleeping, lying down, eating, and sheltering oneself.

35 NEW SECTION. **Sec. 2.** (1) People experiencing homelessness enjoy  
36 constitutional and civil rights, including the right to survive,  
37 regardless of their housing status.

1 (2) Every person experiencing homelessness and who has no  
2 reasonable alternative but to survive in public space has the  
3 following rights in public space:

4 (a) The right to survive in a nonobstructive manner;

5 (b) The right to shelter oneself from the elements in a  
6 nonobstructive manner;

7 (c) The right to eat, share, accept, or give food in any public  
8 space where food is not prohibited;

9 (d) The right to occupy a motor vehicle or recreational vehicle,  
10 provided that the vehicle or recreational vehicle is legally parked  
11 on public property or parked on private property with the permission  
12 of the property owner; and

13 (e) The right to a reasonable expectation of privacy in one's  
14 personal property.

15 (3) A person experiencing homelessness may not be prosecuted  
16 criminally under any state or local law for exercising the rights in  
17 subsection (2) of this section when that person has no reasonable  
18 alternative but to survive in public space and existing local  
19 shelters are inadequate in number or capacity or are functionally  
20 inaccessible.

21 (4) The exercise of the rights set forth in subsection (2) of  
22 this section must not impede or limit the authority and  
23 responsibility of the state and local governments to:

24 (a) Manage public space with respect to identified public health  
25 threats or identified public safety concerns;

26 (b) Provide workplaces free of unreasonable workplace hazards; or

27 (c) Adequately and appropriately operate, manage, and maintain  
28 public facilities.

29 NEW SECTION. **Sec. 3.** (1) No later than October 31, 2019, the  
30 department of enterprise services, in cooperation with other state  
31 agencies, and counties and cities, acting singly or in cooperation  
32 with other counties and cities, shall:

33 (a) Examine and evaluate laws, regulations, and policies within  
34 their respective jurisdictions to determine whether any of the laws,  
35 regulations, or policies infringe upon any of the rights of persons  
36 experiencing homelessness that were recognized by the ninth circuit  
37 court of appeals in *Martin v. City of Boise*, 902 F.3d 1031 (9th Cir.  
38 2018) or that are recognized in this act;

1 (b) Consider and undertake appropriate revisions that are within  
2 their jurisdiction to make;

3 (c) Make recommendations regarding revisions that require action  
4 by the legislature; and

5 (d) Report to the appropriate committees of the legislature with  
6 respect to the examination and evaluation, efforts undertaken to make  
7 revisions, and any recommendations for further legislative action.

8 (2) In this undertaking, agencies and counties and cities shall  
9 involve advocates, people experiencing homelessness, law enforcement,  
10 and state and local officials.

11 NEW SECTION. **Sec. 4.** No later than October 31, 2019, the office  
12 of homeless youth prevention and protection programs shall make  
13 recommendations to the appropriate committees of the legislature  
14 regarding rights that all unaccompanied homeless youth and young  
15 adults should have regarding appropriate care and treatment in  
16 licensed and unlicensed residential runaway and homeless youth  
17 programs.

18 NEW SECTION. **Sec. 5.** Sections 1 and 2 of this act constitute a  
19 new chapter in Title 43 RCW.

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