

Project Homeless  
**The Seattle Times**

# Unhoused people sue Burien over new homeless camping law

Jan. 3, 2024 at 1:30 pm | Updated Jan. 3, 2024 at 5:33 pm



Elizabeth Hale, left, husband Alex Hale and their dog were photographed in mid-December at Sunnydale Village, an encampment behind the Oasis Home Church in Burien. They are part of a lawsuit over Burien's handling of... (Karen Ducey / The Seattle Times) **More** ▾

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Three unhoused people and a regional advocacy organization are suing the city of Burien over [its homeless camping law](#), claiming the ordinance “banishes” homeless people and inflicts “cruel punishment” that violates Washington’s Constitution.

The Northwest Justice Project, a nonprofit law firm, filed the lawsuit Wednesday in King County Superior Court on behalf of the Seattle/King County Coalition on Homelessness and the three individual plaintiffs.

Much of the plaintiffs’ case rests on Burien’s lack of shelter and use of vague ordinance language.

The city of around 51,000 in South King County doesn’t have enough shelter resources for people currently living on its streets. It has one family shelter, which is consistently full, and one shelter for adult women. The city doesn’t have shelters for single adult men, the largest proportion of its unsheltered population, or for young adults.

“Burien’s ordinance makes it impossible for an unhoused resident of Burien to protect themselves from the elements, prepare food, or exist outside,” said Scott Crain, statewide advocacy counsel for Northwest Justice Project, which provides free representation to low-income people across Washington. “Criminalizing the very act of being homeless without any viable refuge is cruel punishment.”

City officials declined to comment on the complaint, which asks for the ordinance to be declared unconstitutional and unenforceable.

The complaint also claims city authorities didn't offer Elizabeth Hale, Alex Hale and Carlo Paz shelter in Burien when clearing their encampment in December. While not cited in the lawsuit, [Martin v. Boise](#), a 2018 decision in the 9th U.S. Circuit Court of Appeals, says homeless people can't be punished for sleeping outside on public property if there are no adequate alternatives to offer them.

Broad and vague language is at the center of several debates stemming from the 9th Circuit decision, as well as the lawsuit against Burien.

Much of the discussion focuses on how cities interpret the requirement to provide adequate alternatives to people living outside. Officials in nearby cities, like Edmonds, have interpreted that standard to mean they can send [homeless people to shelters up to 35 miles away](#)

Burien's law doesn't specify how far away city officials will look for available shelter beds.

Meanwhile, Seattle is among the municipalities in Washington and elsewhere litigating when and how authorities can ask homeless people to pick up and move. A King County Superior Court judge issued a partial ruling in the Seattle lawsuit last summer, saying the city has been too broad in its ordinance language for clearings without warning.

Seattle and other West Coast cities are also pushing back against the 9th Circuit decision, asking the conservative-majority U.S. Supreme Court to overturn the ruling.

In Burien, after months of infighting over what to do about a small but growing unsheltered homeless population, the City Council in September approved a new ordinance that created criminal penalties for people who camp on public property overnight.

The ordinance allows a person to be convicted of a misdemeanor for "unlawful public camping" if they are living or sleeping on public property between 7 p.m. and 6 a.m., replacing a previous city law that prohibited camping only in city parks.

The ordinance went into effect Nov. 1, and Burien began enforcing it a month later. Officials dispatched deputies from the King County Sheriff's Office, which is contracted to provide the city's police services, to clear at least one controversial encampment on a triangle-shaped median where Ambaum Boulevard Southwest splits into 12th Avenue Southwest in north Burien.

The three individuals suing the city were among those removed from the encampment.

“I just want to be treated like everyone else,” Elizabeth Hale said in a statement Wednesday. “We want to be treated as people who have a right to live in this town.”

Elizabeth and Alex Hale, who are married, lived in an apartment in Burien for years, according to the complaint. But after Alex Hale lost his job, the couple lost their housing, the complaint said.

In recent months, the pair have been surviving outside in some of the well-known Burien encampments that have garnered tremendous public scrutiny and media attention.

“We brought this lawsuit with three Burien residents who do not have homes because this law is wrong and unjust,” said Alison Eisinger, executive director of the Seattle/King County Coalition on Homelessness. “And we firmly believe that local jurisdictions, including Burien, would serve their residents far better if they dedicated their capacity to the housing, shelter and services their residents need instead of attempts to punish or banish people.”

Central to the lawsuit is Burien’s lack of shelter. Rather than using the *Martin v. Boise* ruling to support their argument, the plaintiffs use Washington’s Constitution.

They claim that by not providing adequate shelter within Burien city limits, the ordinance in effect “banishes” people from the city, forcing them to move or seek shelter elsewhere to avoid facing charges.

“As no spaces have been identified in the City of Burien to allow a homeless person to live, a homeless individual would need to leave the City of Burien every night in order to lawfully camp on public land or risk criminal sanctions,” the complaint states.

Furthermore, said Crain with Northwest Justice Project, it’s “cruel punishment” to subject somebody to arrest when they don’t have anywhere else to go.

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