

# Shelter, Not Penalties Act

## HB 2489



Washington state is experiencing a fundamental failure of housing policy. Homelessness and evictions continue to rise to unprecedented levels. Tens of thousands of Washingtonians - families, workers, veterans, and young people - have been displaced or are at risk of displacement due to skyrocketing costs and an ongoing severe shortage of affordable housing. The U.S. Department of Housing and Urban Development estimates that at least 28,000 people in Washington experienced homelessness in 2023.

Yet instead of a coordinated, statewide response, cities have developed a confusing patchwork of local laws that criminalize homelessness and punish people for being poor. These laws displace people from community to community, wasting public dollars, and deepening human suffering. Criminalization is fundamentally harmful and unjust. Public safety does not require policing or displacement; housing and care create safety.

## What This Bill Does

HB 2489 establishes a clear and consistent statewide standard: Local governments may not adopt or enforce ordinances that criminalize, penalize, or otherwise prohibit people from engaging in life-sustaining activities on public property unless it can demonstrate that adequate alternative shelter space is available.

Life sustaining activities include sleeping, sitting, resting, seeking shelter from the elements, or protecting one's personal belongings. Basic acts of survival cannot be criminalized simply because a person is unhoused.

This bill ensures that no city or town in Washington can make it a crime to exist in public spaces without providing shelter.

## Why This Bill Matters

### *Ends Harmful and Unjust Local Criminalization*

Criminalization is not housing policy; it's displacement by another name. Local ordinances that ban camping, sleeping, or loitering in public spaces don't reduce homelessness; they just move people along, often to nowhere.

This bill restores fairness and dignity by preventing local governments from using punishment as a substitute for housing policy. By prohibiting punishment, it encourages local governments to focus their resources on social services, shelters, and other housing alternatives.

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### *Creates Statewide Clarity and Consistency*

Right now, there are hundreds of local ordinances regulating homelessness across Washington, each different, confusing, and inconsistently enforced. People can be punished for the same conduct in one jurisdiction but not another.

This bill replaces that confusion with a single, statewide standard: that further criminalization is conditioned on the existence of adequate shelter.

Clear standards reduce confusion, lower litigation risk, and help ensure equitable treatment across communities.

### *Uses Public Resources Wisely*

Criminalization is expensive and ineffective. Cities spend millions enforcing ordinances that do nothing to reduce homelessness, including arrests, jail stays, and encampment sweeps. Those same dollars could fund proven solutions like affordable housing, rental assistance, and voluntary outreach services.

This bill focuses on solutions that disrupt the cycle of displacement and punishment that keep people from accessing stable housing.

### *Centers Human Dignity and Public Safety*

Homelessness is not a crime; it's a visible symptom of a broken housing system. True public safety is created through housing, care, and stability, not displacement or punishment.

This bill affirms that every person deserves dignity, fairness, and the right to exist in public space without fear of criminalization, especially when adequate alternatives are not available.

Homelessness affects real people - our neighbors, friends, and community members. This approach balances the need to treat our neighbors with compassion while also reorienting us toward solutions that work and away from the punitive measures that we know don't. When we prioritize housing and support services, we create healthier, safer communities.

## **A Foundation for Real Solutions**

This bill is a strategic step toward a broader housing justice movement. By prohibiting local criminalization when shelter is not available, it clears the path for statewide, coordinated solutions - investments in affordable housing, tenant protections, and support services.

Washington can build a fair housing system by focusing on access to housing and support, not punishment.

This bill ensures that no one is treated as a criminal simply for being unhoused. We must meet this moment with urgency by stopping the statewide practice of punishing poverty.