

Council Bill 2207-35 – Homeless Housing and Shelter Ordinance
List of Changes to August 30 Version

The following edits have been incorporated into a revised ordinance based on council, community, and staff feedback during and after the August 31 council meeting. Deleted text is highlighted in red, added text in green.

Ord. Page: p. 11 Ord. Section: 15 Code Section: EMC 19.08.200	Original:	<p>b. <u>The managing agency shall identify a point of contact for the Everett police department that is available at all times.</u></p> <p>c. <u>The managing agency shall take all reasonable and legal steps to obtain verifiable identification from prospective residents of the facility and use the identification to obtain sex offender and warrant checks from the appropriate agency. The managing agency will not be conducting the sex offender and warrant checks but will submit to the appropriate agency the verified identification information obtained through such steps. All of the Everett police department’s requirements with respect to identified sex offenders or prospective residents with warrants shall be met.</u></p> <p>d. <u>The managing agency shall immediately contact the Everett police department if someone is rejected or ejected from the facility where the reason for rejection or ejection is an active warrant or a match on a sex offender check, or if, in the opinion of the on-duty member or on-duty security staff, the rejected/ejected person is a potential threat to the community.</u></p>													
	Revised:	<p>b. <u>The managing agency shall identify a person or persons as a point of contact for the Everett police department that is available at all times.</u></p> <p>c. <u>The managing agency shall maintain an admission process that adequately provides for the safety and welfare of residents of the facility and the community, with particular attention to the safety of children and other vulnerable residents, and may include consideration of the applicant’s sex offender status; the number and nature of the applicant’s criminal convictions; the number and nature of the applicant’s pending criminal cases; or active warrants issued for the applicant’s arrest.</u></p> <p>d. <u>The managing agency shall immediately contact the Everett Police Department if, in the opinion of staff or security, a person is a potential threat to the safety of residents of the facility or the community.</u></p>													
	Why:	In response to councilmember question and in coordination with Police and Community Development, revised baseline requirements for admissions process to provide more flexibility while maintaining the intent of a safe facility.													
Ord. Page: Ex. 1, page 3 Ord. Section: 12 Code Section: EMC 19.05.080	Original:	USE	R-S	R-1	R-2	R-2(A)	UR3	UR4	NB	B	MU	LI1 LI2	HI	AG	
		Emergency shelter, outdoor ¹⁰	A ⁹	A ⁹	A ⁹	A ⁹	A ⁹	A	A	A			A ⁹	A ⁹	
	Revised:	USE	R-S	R-1	R-2	R-2(A)	UR3	UR4	NB	B	MU	LI1 LI2	HI	AG	
	Emergency shelter, outdoor ¹⁰	A ⁹	A ⁹	A ⁹	A ⁹	A ⁹	A	A	A	A	A	A ⁹	A ⁹		
Why:	Drafting error. The August 10 council memo, August 10 presentation slides, planning commission materials, and planning commission resolution all showed an administrative use permit for the Mixed Urban and Light Industrial zones. Those “A”s were inadvertently deleted from the draft ordinance.														



Ord. Page: 12 Ord. Section: 15 Code Section: EMC 19.08.200	Original:	
	Revised:	<u>9. Social services provided as part of an indoor emergency shelter, outdoor emergency shelter, or emergency housing facility are assumed to be provided only for residents of the facility. If social services will be provided on site to non-residents, the use must be reviewed and separately permitted under the appropriate approval process defined in Chapter 19.05 EMC.</u>
	Why:	In response to councilmember questions, staff developed language to clarify that co-locating emergency housing or shelter facilities with social services for non-residents requires separate review processes.



Council Bill 2207-35 – Homeless Housing and Shelter Ordinance
List of Changes to August 10 Version

The following edits were incorporated into the August 30 version of the ordinance.

Ord. Page: 3 Ord. Section: 1 Code Section: EMC 15.02.070	Original:	<u>e. Modification to specific standards for emergency housing, indoor emergency shelters, and outdoor emergency shelters (Sections 15.02.140(D) and 19.08.200).</u>
	Revised:	<u>e. Modification to specific standards for emergency housing, indoor emergency shelters, and outdoor emergency shelters (Section 19.08.200).</u>
	Why:	EMC 15.02.070(B)(2)(e) refers to regulations that may be modified administratively. EMC 15.02.140 addresses process not regulations and should not have been included as modifiable.
Ord. Page: 6 Ord. Section: 3 Code Section: EMC 15.02.140	Original:	After review of the application for a temporary outdoor encampment, safe parking areas or tiny home communities , outdoor emergency shelter, the planning director shall make a decision regarding the issuance of a temporary use permit <u>together with any modifications requested</u> . A notice of such decision regarding the issuance of a temporary use permit stating whether the permit is granted or denied, along with information regarding the procedure for appeal of the decision, shall be mailed as required for the notice of application within three business days after the decision.
	Revised:	After review of the application for temporary outdoor encampment, safe parking areas or tiny home communities an outdoor emergency shelter, the planning director shall make a decision regarding the issuance of a temporary use permit <u>together with any modifications requested</u> . A notice of such decision regarding the issuance of a temporary use permit stating whether the permit is <u>and any modifications are</u> granted or denied, along with information regarding the procedure for appeal of the decision, shall be mailed as required for the notice of application within three business days after the decision.
	Why:	Revised for clarity
Ord. Page: 10-11 Ord. Section: 15 Code Section: EMC 19.08.200	Original:	<u>4. Management Responsibility Plan. Prior to or upon filing a land use application, the managing agency and sponsor shall prepare an emergency shelter management responsibility plan, which shall be included with their permit application. If children under 18 are allowed in the facility, such as for family shelters, specific provisions must be identified in the management responsibility plan to ensure safety, security, and wellbeing of the minor.</u>
	Revised:	<u>4. Management Responsibility Plan. Prior to or upon filing a land use application, the managing agency and sponsor shall prepare an emergency shelter management responsibility plan, which shall be included with their permit application. <u>The management responsibility plan shall, at a minimum, address the details of the facility operations and responsibilities identified in EMC 19.08.200(B)(5) though (7).</u> If children under 18 are allowed in the facility, such as for family shelters, specific provisions must be identified in the management responsibility plan to ensure safety, security, and wellbeing of the minor.</u>
	Why:	Clarify issues to be addressed in the management plan.



Ord. Page: 11 Ord. Section: 15 Code Section: EMC 19.08.200	Original:	<u>b. The managing agency shall appoint a member to serve as a point of contact for the Everett police department. At least one member must be on duty at all times.</u>
	Revised:	<u>b. The managing agency shall identify a point of contact for the Everett police department that is available at all times.</u>
	Why:	Unclear what a “member” is and what “on duty” means (existing code language but only applicable to outdoor shelters now). If interpreted as requiring 24-hr on-site staffing, that would be excessive in some cases. Revised to a more general requirement that a point of contact be available at all times; further requirements would be addressed on case-by-case basis through the management plan review process and potential conditions associated with an administrative use permit.
Ord. Page: 11 Ord. Section: 15 Code Section: EMC 19.08.200	Original:	<u>b. The emergency shelter shall be located within one-half mile of transit service.</u>
	Revised:	<u>b. The facility shall be located within one-half mile of transit service.</u>
	Why:	Corrected applicability
Ord. Page: 11 Ord. Section: 15 Code Section: EMC 19.08.200	Original:	<u>3. Setbacks.</u> <u>a. Outdoor emergency shelters shall be located a minimum of forty feet from the property line of abutting properties containing residential uses.</u> <u>b. Outdoor emergency shelter units shall meet all setbacks required by the International Fire Code.</u> <u>c. Outdoor emergency shelters shall be located a minimum of forty feet (40) from the property line of abutting properties in commercial or industrial zones, unless the planning director determines that there is sufficient vegetation, topographic variation, or other site conditions that would justify a lesser setback.</u>
	Revised:	<u>3. Setbacks.</u> <u>a. Outdoor emergency shelters shall be located a minimum of forty feet from the property line of abutting properties. A lesser setback may be approved if the planning director determines there is sufficient vegetation, topographic variation, or other site conditions that obscures the site from abutting properties.</u> <u>b. Outdoor emergency shelter units shall meet all setbacks required by the International Fire Code.</u>
	Why:	Subsections (a) and (c) were redundant; combined into (a).
Ord. Page: 18 Ord. Section: 18 Code Section: EMC 19.13.190	Original:	Temporary extreme weather shelters are limited to temporary use for the duration of a dangerous weather or environmental event, such as extreme cold, heat, or smoke.
	Revised:	Temporary extreme weather shelters are limited to temporary use for the duration of a dangerous weather or environmental event, such as extreme cold, heat, or smoke. The shelter provider shall notify the city fire marshal forty-eight (48) hours prior to beginning operations.
	Why:	Staff reviewed this subsection after council comments and determined that requiring notice to the fire marshal would improve safety and awareness.



Ord. Page: 11 Ord. Section: 15 Code Section: EMC 19.05.090	Original:	6 Reserved <u>Social services permitted as an accessory use in permanent supportive housing facilities, transitional housing facilities, and shelters hosted by a religious organization pursuant to RCW 35.21.915. Services provided on-site shall be limited to residents of the shelter or housing.</u>
	Revised:	6 Reserved.
	Why:	During ordinance drafting, staff moved “Social Services” out of the commercial use table (EMC 19.05.090/Exhibit 2 of the ordinance) and into the public, institutional, quasi-public use table (EMC 19.05.110/Exhibit 3 of the ordinance) where it better fits. A copy of the special regulation was inadvertently left behind. Special regulation 8 in Exhibit 3, containing the same language, was properly added in the original ordinance and is not changed.

