

THE SAFE SPACES, STRONG COMMUNITIES ACT: ADDRESSING HOMELESSNESS AND PRESERVING THE RIGHT TO REASONABLY REGULATE USE OF PUBLIC PROPERTY

HB 1380

Like many other states in the country, Washington is facing a growing homelessness crisis - the U. S. Department of Housing and Urban Development estimates that at least 28,000 people in Washington experienced homelessness in 2023. Many communities in Washington lack adequate shelter and have both a serious shortage of housing and significant issues with housing affordability. Many families and individuals who need and want shelter are unable to access it in their communities. As a result, too many of our unhoused neighbors in cities, towns, and counties across Washington live outside in unacceptably inhospitable conditions, including in shared public spaces. The Safe Spaces, Strong Communities Act (HB 1380) provides guideposts for local jurisdictions to recognize and respond to the challenges, enabling local governments to maintain public spaces by enacting reasonable regulations to protect all residents, including our vulnerable neighbors who have no option but to try to survive outside in their communities.

INVESTING IN HOUSING AND SHELTERS SAVES RESOURCES

The current approach to addressing homelessness relies heavily on requiring people to move when they do not have anywhere else to go, demanding use of expensive approaches such as policing and incarceration, which are ineffective at housing people long-term. Stop-gap and reactive solutions will always cost more than upfront investments. Expanding shelter space, investing in much-needed services and resources, including access to mental health supports and substance use treatment, are cost-effective and helpful ways cities could utilize the money typically spent on incarceration in ways that will save the resources long-term and are proven to help our unhoused neighbors.

The solution to homelessness is safe, healthy, and affordable housing; equitable access to medical care; voluntary, community-based mental health care; and substance use treatment. Homelessness affects real people — our neighbors, friends, and community members. When we prioritize affordable housing and support services, we create healthier, safer communities.

ALLOWS IMPLEMENTATION TO VARY BY COMMUNITY

There is no one-size-fits-all approach to addressing the homelessness crisis, and what is considered objectively reasonable may vary from locality to locality. This bill preserves the ability to enact reasonable time, place, and manner regulations to manage public spaces effectively for the benefit of an entire community.

The Safe Spaces, Strong Communities Act allows cities, towns, and counties to enact laws and regulations that best serve all members of its community, preserving public peace, health, and safety. It also provides guidance for local governments, protects them from litigation if they are compliant, and has no private right of action for monetary damages for any person who may bring a claim forward.

PROTECTS OUR UNHOUSED NEIGHBORS

Too many Washingtonians have nowhere else to go; surviving and resting outside cannot be seen as voluntary. Arresting or fining people for sleeping in public spaces only worsens our ongoing homelessness crisis and diverts resources that are needed to address the root causes.

Local enforcement actions have led to the loss of medication, identification cards, medical records, family photos, sleeping bags, tarps, bedding, tents, and other vital personal property individuals need to live and survive. These laws represent, intentionally or not, a concerted effort by localities to make the lives of unhoused residents harder and set people back further while not providing solutions that resolve homelessness.

HB 1380 requires that any city, town, or county law regulating the acts of sitting, lying, sleeping, or keeping warm and dry outside must be “objectively reasonable” based on the circumstances.

This will provide cities, towns, and counties with the guidelines and framework they need in order to address the burgeoning homelessness crisis in a cost-effective way, while also protecting our unhoused neighbors.