



ORDINANCE NO. 28507

1 AN ORDINANCE relating to temporary shelters; amending Title 2 of the Tacoma
2 Municipal Code, "Buildings," by adding thereto a new Chapter 2.21, entitled
3 "Housing Code Requirements for Temporary Shelters," to establish
4 restrictions, life-safety provisions, and permitting and operational
requirements for temporary shelters.

5 WHEREAS the City adopted the most current state building codes on July 1,
6 2016, which establish minimum requirements for the construction, installation,
7 alteration, and change of use/occupancy for any building or structure, and
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9 WHEREAS permitting in compliance to these adopted codes is performed
10 by the Planning and Development Services Department ("PDS"), and

11 WHEREAS, in 1991, Washington State Legislature adopted Washington
12 Administrative Code ("WAC") 51-16-030, which allows cities and counties the
13 option of adopting exemptions from the state building code requirements to provide
14 housing for temporary indigent housing, and

15 WHEREAS cities and counties must adopt these exemptions by either
16 ordinance or resolution, and the exemptions will not be considered a local
17 government residential amendment requiring approval by the state Building Code
18 Council, and
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20 WHEREAS the WAC provisions also state that these exemptions are
21 allowed, provided that (1) the Building Official has reviewed and approved the
22 proposed exemption; (2) the proposed housing for indigent persons is less
23 hazardous than the existing use; (3) any code deficiencies exempted pose no
24 threat to human life, health, or safety; (4) the building(s) exempted are owned or
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1 administered by a public agency or nonprofit corporation; and (5) the exemption is
2 authorized for no more than five years, subject to renewal of the exemption by the
3 Building Official, and

4 WHEREAS the need to house individuals experiencing homelessness is an
5 urgent issue that is being addressed by the City; the Washington State Legislature
6 has also recognized this is a critical issue for all jurisdictions in the state, and has
7 provided a means for cities and counties to use existing buildings to address these
8 housing needs on a temporary basis, and

9 WHEREAS PDS staff is recommending the addition of a new Chapter 2.21
10 to the Tacoma Municipal Code, entitled "Housing Code Requirements for
11 Temporary Shelters," to establish new building code requirements related to
12 temporary shelters authorized under WAC 51-16-030, and

13 WHEREAS the proposed amendments incorporate requirements to comply
14 with the provisions of the WAC, including the following: (1) applying for permits
15 and inspection of the proposed building; (2) shelter capacity and staffing; (3) life
16 and health and safety provisions such as separation from hazards, smoke and fire
17 protection, heating, ventilation, and sanitation, and other requirements; and
18 (4) annual inspections to verify continued compliance with these requirements, and

19 WHEREAS the exemption is restricted to City of Tacoma owned or operated
20 facilities, or facilities owned or operated by a City of Tacoma-approved nonprofit
21 agency, and

22 WHEREAS the proposed amendments were reviewed and recommended
23 for approval by the Board of Building Appeals on March 15, 2018; Now, Therefore,
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BE IT ORDAINED BY THE CITY OF TACOMA:

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That Title 2 of the Tacoma Municipal Code, "Buildings," is hereby amended by the addition thereto of a new Chapter 2.21, entitled "Housing Code Requirements for Temporary Shelters," to establish restrictions, life-safety provisions, and permitting and operational requirements, and allow exemptions from the state building code requirements for temporary shelters, as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT “A”

Chapter 2.21

HOUSING CODE REQUIREMENTS FOR TEMPORARY SHELTERS

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Sections:

- 2.21.100 Purpose.
- 2.21.200 General.
- 2.21.300 Definitions.
- 2.21.400 Permits and inspections.
- 2.21.410 Permits.
- 2.21.420 Permit application.
- 2.21.430 Permit expiration or revocation.
- 2.21.500 Shelter capacity and staffing.
- 2.21.510 Maximum shelter capacity.
- 2.21.520 Temporary shelter staff.
- 2.21.600 Life-safety requirements.
- 2.21.610 Egress requirements.
- 2.21.620 Hazard evaluation and separation from hazards.
- 2.21.630 Smoke and fire protection.
- 2.21.640 Electrical requirements.
- 2.21.700 Emergency Evacuation Plan.
- 2.21.800 Lighting, heat, ventilation, and sanitation.

2.21.100 Purpose.

This chapter is adopted pursuant to Washington Administrative Code (“WAC”) 51-16-030 that allows the adoption of exemptions from the state building code requirements for temporary changes of use or occupancy to existing buildings in order to provide housing for individuals and families who are homeless. Those buildings or structures shall be required to comply with the provisions of this chapter while being used as temporary shelters for housing in addition to all existing provisions required by the approved certificate of occupancy for the existing use and occupancy unless it conflicts with the provisions of this chapter. Where code requirements conflict with the provisions of this chapter, the most restrictive provisions of this chapter shall apply as determined by the Building Official and/or Fire Code Official, or their designees.

2.21.200 General.

Temporary shelters for individuals and families who are homeless may be located in existing buildings owned and/or operated by either a non-profit or public agency without undergoing a change of use or occupancy, subject to the provisions in this chapter. Other code provisions not included in this chapter shall be in accordance with Tacoma Municipal Code (“TMC”) Chapters 2.02, Building Code; 2.06, Plumbing Code; 2.07, Mechanical Code; 2.10, Energy Code; and 2.13, Waterfront Structures and Marinas, as applicable. Temporary shelters shall also comply with applicable requirements in TMC Title 13, Land Use Regulatory Code. (Emergency provisions for sheltering individuals and temporary shelters allowed pursuant to TMC 13.06.635 are not addressed in this chapter.)

2.21.300 Definitions.

For the purposes of this code, the following definitions shall be used as stated in this chapter:

Approved Non-Profit Temporary Shelter Operator. A nonprofit organization certified as tax-exempt by the Internal Revenue Service and approved as a temporary shelter operator by the City of Tacoma Neighborhood and Community Services Department.

Homeless. A condition for an individual or family who do not have fixed, regular, adequate, or safe shelter nor sufficient funds to pay for such shelter.



Supportive services. Writing, training, vocational, and psychological counseling, or other similar programs designed to assist those who are homeless into independent living.

1 Temporary Shelter (Permitted). A facility whose primary purpose is to provide temporary or transitional shelter and/or supportive services to individuals or families who are homeless.

2 Temporary Shelter (Exempt). Structures being used to provide shelter to an individual person that are exempt from building permits such as single occupant tents (fabric, plastic, or wood), or other similar temporary structures less than 120 square feet erected on an emergency or temporary basis that provide shelter from the elements.

3 **2.21.400 Permits and inspections.**

4 The 400 section contains requirements for permitting and inspections, including the following:

5 2.21.410 Permits.

6 2.21.420 Permit Application.

7 2.21.430 Permit expiration or revocation.

8 **2.21.410 Permits.**

9 A Temporary Shelter Permit shall be required for occupancy of any existing building or structure to be used as a temporary shelter which does not comply with the requirements of the proposed occupancy for residential use in accordance with TMC 2.02. An application and fees in accordance with TMC 2.09 shall be submitted to the Building Official prior to occupancy of the building or structure. Inspections are also required with the Temporary Shelter Permit application pursuant to the requirements of this chapter;

10 **2.21.420 Permit application.**

11 The following shall be required for the issuance of a Temporary Shelter Permit:

12 A. Permit application. The applicant shall submit a complete application for a Temporary Shelter Permit in accordance with this chapter. The application shall include a minimum of the following:

13 1. Site address, building owner, and operator name;

14 2. Site plan showing external facility layout and fire department access route, including location/distances to nearest fire hydrant(s);

15 3. Internal facility layout showing sleeping rooms and other spaces including restrooms and bathing facilities, kitchens, and other common spaces, and other portions of the building not being used;

16 4. Locations of doors, a schedule of door hardware, and exit signage;

17 5. Location of smoke/carbon monoxide alarms, and other fire/life safety equipment including fire alarms and sprinklers, fire alarm control panels, knock boxes, emergency communication devices, and other associated life safety systems;

18 6. Other permits being applied for related to this proposed use including land use/critical area, electrical, health department, site development, or others;

19 7. Operations and security plan;

20 8. Emergency evacuation plan; and

21 9. Staff training plan.

22 **B. Feasibility inspection.**

23 A minimum of 30 days prior to submitting an application for a temporary shelter, the shelter operator shall schedule a pre-inspection of the facility with the Building Official, the Fire Code Official, and the TPU Chief Electrical Inspector, or their designees. The inspection shall determine if the building and/or area are suitable for the temporary shelter and identify work to be completed prior to occupancy.

24 Exception: Shelters to be operated for a period less than 30 days may schedule the pre-inspection a minimum of seven days prior to submitting their application.

25 C. Pre-occupancy inspection. After work is completed and the permit application is approved, the Building Official and Fire Code Official, or their designees, shall conduct an inspection to verify life safety systems are in place and operational, and all requirements of the Temporary Shelter Permit have been met. Additional

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permits may be required for any proposed modification, whether permanent or temporary, to mechanical, electrical, plumbing, building, or fire elements or systems, or any onsite or offsite infrastructure or signage.

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D. Permit renewal/annual inspection. If the temporary shelter is in operation for more than one year, the Temporary Shelter Permit applicant shall submit an application for an annual permit renewal. As part of the annual permit renewal, an annual inspection shall be conducted by the Building Official and Fire Code Official, or their designees, to verify continued compliance with the requirements of the permit and any additional provisions which may need to be provided. Any deficiencies identified in this inspection shall be corrected prior issuance of the renewed permit.

City inspectors may perform other inspections during periods of shelter operation and shall be allowed full access to the shelter area and adjacent vicinities. When possible, inspections will be scheduled to minimize disruptions to shelter activities and shelter residents.

2.21.430 Permit expiration or revocation.

A. Permit expiration. Temporary shelter permits are authorized for no longer than one year. Provided no significant changes are made in the operation of the shelter, the permit may be renewed annually for up to four additional consecutive years, provided the following are met:

- 1. The building has not fallen into a state of disrepair;
 - 2. Fire-life safety systems and mechanical and electrical systems are maintained; and
 - 3. The shelter is not under an enforcement action under TMC 2.01, Minimum Buildings and Structures Code.
- After five years of consecutive operation, a new application for a temporary shelter may be submitted subject to the approval of the Fire Code Official and Building Official.

B. Permit Revocation. The Building Official and/or Fire Code Official are authorized to suspend or revoke a permit issued under the provisions of this chapter wherever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation of this or any other city, state or federal codes.

2.21.500 Shelter capacity and staffing.

The 500 section contains requirements for shelter capacity and staffing, including the following:

2.21.510 Maximum shelter capacity.

2.21.520 Temporary shelter staff.

2.21.510 Maximum shelter capacity.

The maximum number of allowable temporary shelter residents shall be calculated using a factor of one individual for every 35 square feet of room area. Increases to shelter capacity may be permitted as approved by the Building Official and Fire Code Official, or their designees.

Temporary shelters shall be limited to a maximum capacity of 99 residents, and shall be required to be located on a level(s) of exit discharge.

Exceptions:

- 1. Buildings that are equipped with a fire sprinkler system and where the shelter spaces are located within one story of a level of exit discharge.
- 2. Where shelter spaces are located within buildings constructed of unreinforced masonry, a structural evaluation of the building shall be required where shelter capacity will exceed 99 persons. The structural evaluation of the building shall evaluate whether the building meets the lateral and vertical force requirements set forth in TMC 2.01, Minimum Building and Structures Code. If the building does not meet the required force requirements, retrofits will be required to the extent that it is in compliance with TMC 2.01 requirements. In addition, all parapets and exterior walls along public ways shall be braced for seismic loads.

2.21.520 Temporary shelter staff.

Whenever the temporary shelter is occupied with residents, trained staff with assigned responsibilities shall be present and awake at a ratio of staff-to-resident of not less than 1:50 for buildings not equipped with an approved automatic fire sprinkler system, and 1:100 for buildings equipped with an automatic fire sprinkler system. Where the shelter sleeping areas are separated from each other, a higher staff-to-resident ratio may be required by the Building Official and Fire Code Official.



The temporary shelter operator shall provide in the Operations Plan a Point of Contact staff person to be onsite and available at all times during shelter operation. A revised Operations Plan shall be provided to the Building Official and Fire Code Official prior to any changes of Point of Contact(s). The Point of Contact staff person(s) shall be an adult, be present and awake at all times, be equipped with a flashlight, and have immediate access to a phone. This duty can be shared by more than one adult; however, this must be clearly defined in the shelter’s Operations Plan.

2.21.600 Life-safety requirements.

The 600 section contains life-safety requirements, including the following:

2.21.610 Egress requirements.

2.21.620 Hazard evaluation and separation from hazards.

2.21.630 Smoke and fire protection.

2.21.640 Electrical requirements.

2.21.610 Egress requirements.

A. Exit location and exit access. The shelter shall be located on a level of exit discharge and must be clearly defined in the shelter facility plan submitted with the Temporary Shelter Permit application.

Exception: The shelter may be located no more than one level above or below a level of exit discharge if the building is equipped throughout with an automatic fire sprinkler system. Exit access travel distance shall not exceed 250 feet for a building equipped throughout with an automatic fire sprinkler system and 200 feet without a sprinkler system. Common path of egress travel shall not exceed 75 feet unless approved by the Building Official and Fire Code Official.

B. Number of Exits. Exits within the temporary shelter shall comply with the following requirements:

1. All stories within a temporary shelter area shall have a minimum of two means of egress (exits) from each story.

2. Shelter sleeping rooms on a level of exit discharge with less than 10 residents shall have at least one exit and, where the sleeping rooms are provided as separate rooms, from the rest of the story, shall have at least one window qualifying as an emergency escape and rescue window.

Exception: Buildings equipped with a fire sprinkler system are not required to have an emergency escape and rescue window.

3. Shelter sleeping rooms that are located on stories above or below the level of exit discharge shall have two exits from any room. The exits serving the room shall be separated by a distance equal to at least one-third of the longest diagonal distance of the room.

C. Emergency Lighting.

1. Exits and exit access doors shall be marked with an exit sign readily visible from any direction of egress travel. In addition, the path of travel to exits and within exits shall be marked by readily visible exit signs to clearly indicate the direction of egress travel where the direction of egress travel is not immediately visible to the occupant.

2. Exit signs shall be illuminated at all times by either electrically powered self-luminous, or photo luminescent signs listed and labeled in accordance with UL 924. Backup power in the form of batteries, unit equipment, or an onsite generator is required for exit signs that are electrically powered.

3. Every exit sign and directional exit sign shall have lettering and illumination in conformance with the most recently adopted City of Tacoma Building Code requirements.

4. Exit paths shall be unobstructed and exit doors shall be maintained to be readily openable at all times without the use of a key or special knowledge or effort.

5. Sleeping rooms that exit only to a hallway shall be provided with at least one working flashlight when occupied.

6. The path of exit travel shall be illuminated at a minimum of one-foot candle.

2.21.620 Hazard evaluation and separation from hazards.

A. Hazard evaluation. The Building Official and Fire Code Official, or their designees, shall evaluate the hazards associated with the proposed temporary shelter use in the building and compare it to the hazards



1 associated with the existing use. Any increased hazard shall be addressed as either identified in this chapter or
2 as additional mitigation that may be required by the Building Official during the application and inspection
3 process. Criteria to be evaluated in the comparison of hazards may include, but is not limited to, the
4 following:

5 1. Location on the property and location of nearest fire hydrants;

6 2. Adjacent or interior building uses;

7 3. Systems for egress and exiting;

8 4. Fire resistive properties of building walls and ceilings;

9 5. Fire protection systems and equipment;

10 6. Hazards associated with building structures and/or plumbing and mechanical systems;

11 7. Presence of combustible materials in the shelter area; and

12 8. Presence of any other hazardous materials in or near the shelter area.

13 B. Separation from hazards. The shelter must be adequately separated from any hazards to the residents per
14 the requirements as follows:

15 1. The shelter cannot be located in a building that includes any H occupancies.

16 2. The shelter may be located in a building that is also being occupied by S and/or F occupancies provided the
17 building is equipped with an automatic fire sprinkler system.

18 3. The shelter may be located in a building that is also being occupied by A, B, E, I, M, and R occupancies,
19 provided the shelter is meets all other requirements of this chapter.

20 4. Combustible materials, including refuse containers, shall be kept to a minimum and evaluated for any
21 potential hazard by the Building Official and Fire Code Official, or their designees.

22 5. Any quantities of combustible materials in the areas used for sleeping and egress, and areas that are
23 atmospherically connected, shall be subject to inspection and approval onsite by the Building Official and
24 Fire Code Official, or their designees.

25 6. Except for warming of pre-cooked food, no cooking is allowed within the shelter unless performed in a
26 kitchen equipped with an approved hood and duct. Outdoor cooking equipment shall be kept a reasonable
27 distance away from the shelter.

28 7. There shall be no open flames, smoking, incense, or candles within the shelter. Designated smoking areas
29 are permitted as regulated by Washington State law.

30 Exceptions (where under the control or supervision of shelter staff):

31 a. Listed central heating equipment or cooking appliances.

32 b. Small open flame devices used for the warming of food in serving trays or chafing dishes.

33 c. Open flame candles used for religious purposes when in conformance with the provisions of the City of
34 Tacoma Fire Code.

35 **2.21.630 Smoke and fire protection.**

36 The Shelter Operations Plan shall address the response plan to smoke and carbon monoxide alarms or other
37 life safety equipment, and the maintenance of such equipment. Specific requirements for this equipment are
38 provided in this section.

39 A. Smoke and carbon monoxide alarms. All shelter sleeping areas shall be provided with either
40 interconnected smoke alarms or a complete smoke detection system. Smoke alarms may be battery operated,
41 and can be interconnected wirelessly. Each room used for sleeping and any hallways or other spaces between
42 the sleeping room and the shelter egress shall be provided with an approved smoke alarm and carbon
43 monoxide alarm. Other shelter spaces shall be provided with smoke alarms that are also interconnected with
44 sleeping area smoke alarms. Smoke alarms shall be spaced using NFPA 72 spacing requirements for smoke
45 detectors.

46 Exception: Where sleeping areas are not separated and are located in one room, smoke alarms and carbon
47 monoxide alarms are not required to be interconnected. Spacing of alarms shall be provided per NFPA 72
48 spacing requirements for smoke detectors, with a maximum of 30 foot by 30 foot per smoke alarm.



1 B. Fire Watch. Buildings that are not equipped throughout with an automatic sprinkler system and monitored
 2 fire alarm system with occupant notification shall be required to have a Fire Watch. The Fire Watch position
 3 must be served by a trained staff person who has a high degree of familiarity with the building layout and
 4 emergency egress routes in the event of an emergency, and has the authority to conduct an emergency
 5 evacuation of the building in the event of an emergency. The Fire Watch must be maintained at all times
 6 when the facility is housing residents, and shall maintain a daily log indicating that staff has inspected the
 7 premises for fire on 30 minute intervals. If approved by the Building Official and Fire Code Official, or their
 8 designees, the Fire Watch may also serve a dual role as the Point of Contact person for shelter staffing.

9 C. Fire Extinguishers. A 2A10BC fire extinguisher shall be located within five feet of each required exit,
 10 within five feet of any appliances used to warm food, and within 75 feet of all other areas within the shelter.
 11 Additional extinguishers may be required for specific hazards as outlined in the International Fire
 12 Code Section 906.

13 **2.21.640 Electrical requirements.**

14 New or modified electrical equipment within the existing building or structure shall be in conformity with the
 15 provisions of TMC 12.06A, Electrical Code; and the Tacoma Power Customer Service Policies. Existing
 16 electrical equipment must also meet these code requirements for the purpose served within the temporary
 17 shelter. Verification of conformity to these code requirements may be required by the Building or Fire Code
 18 Official, or their designees, with the application for the shelter or at the annual inspection for permit renewal.
 19 The layout and use of extension cords and other outlet modifications must be approved by the Building
 20 Official and Fire Code Official, or their designees.

21 **2.21.700 Emergency Evacuation Plan.**

22 All temporary shelters shall create and maintain an emergency evacuation plan addressing the evacuation of
 23 all residents, staff, and visitors to the shelter in the event of an emergency. The shelter evacuation plan must
 24 be posted at each exit, and all new shelter residents shall be given orientation training, which includes
 25 familiarization with the emergency evacuation plan. The shelter operator shall provide a copy of the
 26 evacuation plan to each shelter resident. A daily registration and total count of all shelter residents shall also
 27 be available for Fire Department rescue purposes.

28 At a minimum, the emergency evacuation plan shall contain the following:

29 A. Shelter Floor Plans. Floor plans for each floor being used as temporary shelter with the sleeping rooms and
 30 all other adjacent spaces clearly identified.

31 B. Room Size. The square footage of the rooms used as sleeping rooms and the use of adjacent rooms.

32 C. Egress Path. A plan to show egress from the proposed sleeping spaces to the exterior of the building; along
 33 with egress for all assembly areas and other spaces used as part of the shelter.

34 D. Life-Safety Systems. A floor plan showing the location of fire extinguishers, fire alarm pull stations, or
 35 emergency communication devices.

36 **2.21.800 Lighting, heat, ventilation, water, and sanitation.**

37 The Shelter Operations Plan shall address the how lighting, heat, ventilation, water, and sanitation will be
 38 provided and maintained for the shelter residents. Adequate lighting, heat, ventilation, potable water, and
 39 sanitation in compliance with applicable requirements of WAC 246-360 shall be provided. In addition, the
 40 Shelter Operations Plan shall also address management, collection, and disposal of other waste and debris
 41 generated by the shelter and shelter residents.

42 Exceptions:

43 1. Bottled water may be provided in lieu of a municipal water system for potable water.

44 2. For existing buildings and structures that are unheated or semi-heated spaces, approved portable or other
 45 temporary heating and cooling devices may be used to heat or cool the space; however, the minimum heating
 46 temperature set forth in WAC 246-360 may be modified in extreme temperatures where technically infeasible
 47 as approved by the Building Official. Measures to heat the building during periods of extreme temperatures
 48 shall also be addressed in the Operations Plan.

49 A. Specific Requirements for Restrooms and Bathing Facilities. Restrooms and bathing facilities shall be
 50 provided for the shelter residents. The shelter residents shall be provided a minimum of one toilet, one



lavatory for each 25 residents, or fraction thereof, and one shower or tub for each 50 residents, or fraction thereof.

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Exceptions:

1. Portable toilets, handwashing stations, and showers can be provided in lieu of a municipal sewage system for existing buildings and structures not equipped with such facilities.

2. Where the shelter will be operational for fewer than 30 consecutive days, bathing facilities are not required.

3. Where bathing facilities are available within 500 feet of the shelter, or transportation is provided to bathing facilities for shelter residents, bathing facilities are not required.