




TO: T.C. Broadnax, City Manager
FROM: Lisa Wojtanowicz, Division Manager, Neighborhood & Community Services
Nadia Chandler Hardy, Director, Neighborhood & Community Services
COPY: City Council and City Clerk
SUBJECT: [Resolution/Ordinance – Ordinance Amending TMC 2.01 and TMC 11.05] – [March 1, 2016]
DATE: February 22, 2016

**SUMMARY:**

Neighborhood and Community Services is requesting to make changes to Tacoma Municipal Code 2.01 and 11.05. These changes are being recommended to reflect recent legal developments regarding enforcement of prohibitions against vehicles being used for human habitation, as well as as improving outreach efforts to homeless individuals.. Staff is requesting to eliminate sections of TMC 2.01 that refer to habitation of recreational vehicles and to adopt additional language in TMC 11.05 to greater clarify that conduct which is prohibited and to ensure consistent enforcement. Vehicle habitation may present a health and safety hazard both for the vehicle inhabitants and the surrounding residents and businesses, especially in light of concerns such as inadequate sanitation and littering.

STRATEGIC POLICY PRIORITY:

These changes to the Tacoma Municipal Code will support both the strategic policy priorities below:

- Strengthen and support a safe city with healthy residents.
- Ensure all Tacoma residents are valued and have access to resources to meet their needs.

The changes to the Municipal Code in conjunction with shifts in enforcement policy will allow for securing the health and safety of our citizens and neighborhoods, while protecting individuals who may have limited housing options available to them and expanding outreach efforts to connect them with available services.

BACKGROUND:

A recent opinion issued by the Ninth Circuit, Desertrain, et al v City of Los Angeles, ruled that a Los Angeles ordinance prohibiting living in a car, although motivated by legitimate health and safety concerns, was unconstitutionally vague as written and could lead to selective enforcement. Because of the ruling, staff worked with the City Attorney to review and revise the City's existing definitions relating to vehicle habitation. In June 2015 staff brought requested changes to Tacoma Municipal Code 2.01 before the Board of Building Appeals and received approval to move forward with those changes. Moreover, additional amendments are being proposed to allow for enhanced outreach efforts while still protecting neighborhood safety and livability.

ISSUE:

In order to better align the Municipal Code with current case law, City staff seeks to remove language from TMC 2.01 that counts "improper use of an RV" as a 50-point exterior building violation for the purposes of the Minimum Building and Structures Code. Further, TMC 11.05.231 currently prohibits the use of any vehicle for human habitation in the City of Tacoma for a period longer than 24 hours. Staff is recommending that this period be lengthened to seven days, and that language be added to more precisely define "habitation."

Staff proposes using the lengthened timeline to allow for increased outreach efforts to educate individuals about housing options and assist them in connecting to resources.

ALTERNATIVES:

Council could choose to accept all of the proposed changes, some of the proposed changes, or none. In the event that Council chooses not to proceed with the recommended changes, the Municipal Code will continue to be enforced in accordance with current practice. However, should the definition of human habitation not be amended, it likely would be subject to a legal challenge under Desertrain.

RECOMMENDATION:

Staff recommends that Council accept the proposed changes in order to more clearly reflect evolving case law, to enhance outreach efforts with individuals with limited housing options, and continue to provide a safe and healthy City for all of our residents.

FISCAL IMPACT:

There is no fiscal impact.