



**TO:** Elizabeth Pauli, City Manager  
**FROM:** Peter Huffman, Director, Planning & Development Services  
Sue Coffman, Building Official, Planning and Development Services  
**COPY:** City Council and City Clerk  
**SUBJECT:** Ordinance adopt a new TMC Title 2.21 – Housing Code Requirements for Temporary Shelters – Requested City Council date: April 24, 2018  
**DATE:** April 6, 2018

**SUMMARY:**

Adopting to the Tacoma Municipal Code (TMC) a new Title 2.21 – Housing Code Requirements for Temporary Shelters, pertaining to creating new building code requirements related to temporary shelters authorized under Washington Administrative Code (WAC) 51-16-030. This WAC allows local jurisdictions to adopt 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. The provisions of this proposed code will establish restrictions and life-safety provisions, as well as permitting and operational requirements permitting requirements for this proposed use of existing buildings.

**STRATEGIC POLICY PRIORITY:**

Adopting building codes to provide more flexibility in allowing temporary uses of buildings for providing shelters for homeless supports the City Council's Strategic Policy Priority to ensuring that all Tacoma residents are valued and have access to resources to meet their needs.

**BACKGROUND:**

The City of Tacoma adopted the most current state building codes on July 1, 2016. These code requirements establish minimum requirements for the construction, installation, alteration, and change of use/occupancy for any building or structure. Permitting in compliance to these adopted codes is performed by Planning and Development Services.

In 1991, Washington State Legislature adopted WAC 51-16-030 that allows cities and counties the option of adopting exemptions from the state building code requirements to provide housing for temporary indigent housing. Cities and counties must adopt these exemptions by either ordinance or resolution, and these exemptions will not be considered a local government residential amendment requiring approval by the state building code council.

The WAC provisions also state that these exemptions are allowed provided that:

1. The Building Official has reviewed and approved the proposed exemption; and
2. The proposed housing for indigent persons is less hazardous than the existing use; and,
3. Any code deficiencies exempted pose no threat to human life, health, or safety; and,
4. The building or buildings exempted are owned or administered by a public agency or nonprofit corporation; and
5. The exemption is authorized for no more than five years, subject to renewal of the exemption by the Building Official.

This code was also reviewed and recommended for approval by the Board of Building Appeals on March 15, 2018.

**ISSUE:**

The need to house individuals experiencing homelessness is an urgent issue the City has been addressing. The Washington State Legislature has also recognized this is a critical issue for all jurisdictions in the state, and has provided a means for cities and counties to use existing buildings to address these housing needs on a temporary basis. The proposed code restricts the exemption to only City of Tacoma owned or operated facilities or facilities owned or operated by a City of Tacoma approved nonprofit agency. Increasing flexibility in building codes will greatly increase opportunities for the City and/or approved nonprofit agencies to increase housing resources for those experiencing homelessness.

The proposed code incorporates requirements to comply with the provisions of the WAC code, including requirements for applying for permits and inspection of the proposed building, requirements for shelter capacity and staffing, and life and health and safety provisions such as separation from hazards, smoke and fire protection, heating, ventilation, and sanitation, and other requirements. In addition, this code incorporates an annual inspection to verify continued compliance with the code requirements.

**ALTERNATIVES:**

The option to create an ordinance in compliance with WAC 51-16-030 is voluntary - there is no mandate by the state to adopt it. However, unless the City adopts these provisions, the exemptions from the state building code for housing individuals experiencing homelessness is not available for any existing buildings in their jurisdiction, and the more restrictive state building code requirements must be adhered to for change of use to housing.

**RECOMMENDATION:**

PDS recommends adopting a new TMC Title 2.21 - Housing Code Requirements for Temporary Shelters. The provisions of this proposed code will allow exemptions from state building code requirements for changes of use or occupancy to provide temporary housing for those experiencing homelessness. The code will also establish restrictions and life-safety provisions, as well as permitting and operational requirements to comply with the provisions of the WAC code for this exemption.

**FISCAL IMPACT:**

There is no fiscal impact.