



TO: Elizabeth Pauli, City Manager
FROM: Bill Fosbre, City Attorney, City Attorney's Office
Peter Huffman, Director, Planning & Development Services
COPY: City Council and City Clerk
SUBJECT: Ordinance- Emergency Interim Regulations – Temporary Emergency Shelters
DATE: June 5, 2017

SUMMARY:

Adopting interim zoning and land use controls as an emergency measure to permit the City to site temporary emergency shelters in response to a declared public emergency; to be effective for a period of six months. These emergency interim regulations would support the establishment of temporary aid and shelter sites authorized pursuant the City Council declaration.

STRATEGIC POLICY PRIORITY:

The strategic policy priorities aligned with this action are:

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

BACKGROUND:

On May 9, 2017 the City Council adopted Ordinance No. 28430 declaring a public health emergency relating to the current homelessness crisis in the City. That Ordinance authorized the suspension of certain regulations to facilitate the emergency temporary aid and shelter program, and provided for approval of such emergency services contracts as are necessary to support this program.

The City Manager has proposed and presented to the Mayor and City Council a three-phase Emergency Temporary Aid and Shelter Program to respond to the homeless crisis and the emergent conditions endangering the public health, safety and welfare. The three-phase plan consists of mitigation of the conditions in homeless encampments in the first phase, providing emergency sheltering and transition services in the second phase, and providing long-term housing in the third phase.

The second phase of the emergency temporary aid and shelter program will include the establishment of temporary emergency shelter sites on public property, or private property made available by the owners to the City, to be managed and operated by the City. Such temporary emergency shelter sites provide needed community services in response to the declared public health emergency. The provisioning of basic emergency shelter, temporary transitional shelters and related supportive services for persons experiencing homeless is consistent with numerous policies of the *One Tacoma* Comprehensive Plan, including Policies H-4.7 and H-4.8 of the Housing Element and Policy PFS-6.9 of the Public Facilities and Services Element, and is consistent with the human and social needs community priorities identified in Tacoma 2025 to increase housing security so that everyone has shelter.

ISSUE:

The current zoning and land use controls governing emergency housing do not address the need for establishment and operation of temporary emergency shelters by the City under the circumstances of a public emergency, and require additional review and public hearings to develop suitable land use controls applicable during a declared state of emergency. While such amendments to the land use code are under consideration, and in response to the current state of emergency as declared by the City Council, it is



necessary to establish interim land use controls to permit the establishment and operation of temporary emergency shelter sites.

RCW 36.70A.390 and TMC 13.02.055 authorize the establishment of interim zoning controls when an emergency exists; provided that, a public hearing must be held within 60 days of passage of an ordinance adopting interim zoning controls.

ALTERNATIVES:

The City Council could choose not to exercise its authority to declare an emergency and adopt interim land use controls. In such event, the siting and establishment of temporary emergency shelters would be subject to the standard land use controls applicable in non-emergencies and any siting and establishment in the interim could be subject to challenge.

RECOMMENDATION:

Planning staff and City legal counsel recommended that the City Council declare an emergency and adopt the proposed interim land use regulations, refer the interim regulations to the Planning Commission for review, and set a public hearing for July 25th.

FISCAL IMPACT:

There is no fiscal impact.