



**TO:** Elizabeth Pauli, City Manager  
**FROM:** Peter Huffman, Director, Planning & Development Services  
**COPY:** Infrastructure, Planning and Sustainability Committee  
**SUBJECT:** Proposed ordinance to adopt a new TMC Title 2.21 – Housing Code Requirements for Temporary Shelters  
**DATE:** April 11, 2018

**PRESENTATION TYPE:**

Please select the type of presentation you will be making to the Council Committee.  
Request for Ordinance

**SUMMARY:**

Planning and Development Services is proposing an ordinance to adopt a new section in the Tacoma Municipal Code (TMC), Title 2.21 - Housing Code Requirements for Temporary Shelters. Washington Administrative Code (WAC) 51-16-030 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.

**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 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.

**FISCAL IMPACT:**

There is no fiscal impact from this proposed ordinance.

**RECOMMENDATION:**

We recommend 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 permitting requirements to comply with the provisions of the WAC code for this exemption.

## **Chapter 2.21**

### **Housing Code Requirements for Temporary Shelters**

#### **Sections:**

2.21.100 Purpose

2.21.200 General

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2.21.420 Permit Application

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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 per 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 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 Chapter 13, Land Use Regulatory Code. (Emergency provisions for sheltering individuals and temporary shelters allowed per Chapter 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 counselling, or other similar programs designed to assist those who are homeless into independent living.

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.

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.

## **2.21.400. Permits and Inspections**

### **2.21.410 Permits**

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 Chapter 2.02. An application and fees in accordance with Chapter 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 per the requirements of this chapter;

### **2.21.420 Permit Application**

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

1. 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:

- a. Site address, building owner, and operator name
- b. Site plan showing external facility layout and fire department access route, including location/distances to nearest fire hydrant(s)

- c. 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
- d. Locations of doors, a schedule of door hardware, and exit signage
- e. 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.
- f. Other permits being applied for related to this proposed use including land use/critical area, electrical, health department, site development, or others.
- g. Operations and security plan
- h. Emergency evacuation plan
- i. Staff training plan

## 2. Feasibility Inspection

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.

Exception: Shelters to be operated for a period less than 30 days may schedule the pre-inspection a minimum of 7 days prior to submitting their application.

## 3. 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 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.

## 4. 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**

### 1. Permit Expiration

Temporary shelter permits are authorized for no longer than 1 year. Provided no significant changes are made in the operation of the shelter, the permit may be renewed annually for up to 4 additional consecutive years provided the following are met:

- The building has not fallen into a state of disrepair;
- Fire-life safety systems and mechanical and electrical systems are maintained; and

- The shelter is not under an enforcement action under Chapter 2.01. Minimum Buildings and Structures Code

After 5 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.

## 2. 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**

#### **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 per Chapter 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 Chapter 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**

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

- Location on the property and location of nearest fire hydrants
- Adjacent or interior building uses
- Systems for egress and exiting
- Fire resistive properties of building walls and ceilings
- Fire protection systems and equipment, and
- Hazards associated with building structures and/or plumbing and mechanical systems.
- Presence of combustible materials in the shelter area
- Presence of any other hazardous materials in or near the shelter area

### **B. Separation from Hazards**

The shelter must be adequately separated from any hazards to the residents per the requirements as follows:

1. The shelter cannot be located in a building that includes any H occupancies.
2. The shelter may be located in a building that is also being occupied by S and/or F occupancies provided the building is equipped with an automatic fire sprinkler system. .
3. The shelter may be located in a building that is also being occupied by A, B, E, I, M, and R occupancies provided the shelter is meets all other requirements of this chapter.
4. Combustible materials, including refuse containers, shall be kept to a minimum and evaluated for any potential hazard by the Building Official and Fire Code Official or their designees.
5. Any quantities of combustible materials in the areas used for sleeping and egress, and areas that are atmospherically connected, shall be subject to inspection and approval on-site by Building Official and Fire Code Official or their designees.
6. Except for warming of pre-cooked food, no cooking is allowed within the shelter unless performed in a kitchen equipped with an approved hood and duct. Outdoor cooking equipment shall be kept a reasonable distance away from the shelter.
7. There shall be no open flames, smoking, incense, or candles within the shelter. Designated smoking areas are permitted as regulated by Washington State Law.

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

- a. Listed central heating equipment or cooking appliances.;
- b. Small open flame devices used for the warming of food in serving trays or chafing dishes.
- c. Open flame candles used for religious purposes when in conformance with the provisions of the City of Tacoma Fire Code.



### **2.21.630 Smoke and Fire Protection**

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

#### **A. Smoke and Carbon Monoxide Alarms**

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

Exception:

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

#### **B. Fire Watch**

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

#### **C. Fire Extinguishers**

A 2A10BC fire extinguisher shall be located within 5 feet of each required exit, within 5 feet of any appliances used to warm food, and within 75 feet of all other areas within the shelter. Additional extinguishers may be required for specific hazards as outlined in the International Fire Code Section 906.

### **2.21.640 Electrical Requirements**

New or modified electrical equipment within the existing building or structure shall be in conformity with the provisions of the Chapter 2.04 Electrical Code, Chapter 12.06A , and the Tacoma Power Customer Service Policies. Existing electrical equipment must also meet these code requirements for the purpose served within the temporary shelter. Verification of conformity to these code requirements may be required by the Building or Fire Code Official with the application for the shelter or at the annual inspection for permit renewal. The layout and use of extension cords and other outlet modifications must be approved by the Building Official and Fire Code Official or their designees.

### **2.21.700 Emergency Evacuation Plan**

All temporary shelters shall create and maintain an emergency evacuation plan addressing the evacuation of all residents, staff, and visitors to the shelter in the event of an emergency. The shelter evacuation plan must be posted

at each exit, and all new shelter residents shall be given orientation training, which includes familiarization with the emergency evacuation plan. The shelter operator shall provide a copy of the evacuation plan to each shelter resident. A daily registration and total count of all shelter residents shall also be available for Fire Department rescue purposes.

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

1. Shelter Floor Plans. Floor plans for each floor being used as temporary shelter with the sleeping rooms and all other adjacent spaces clearly identified;
2. Room Size. The square footage of the rooms used as sleeping rooms and the use of adjacent rooms;
3. Egress Path. A plan to show egress from the proposed sleeping spaces to the exterior of the building; along with egress for all assembly areas and other spaces used as part of the shelter; and
4. Life-Safety Systems. A floor plan showing the location of fire extinguishers, fire alarm pull stations, or emergency communication devices.

#### **2.21.800 Lighting, Heat, Ventilation, Water, and Sanitation**

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

Exceptions:

1. Bottled water may be provided in lieu of a municipal water system for potable water.
2. For existing buildings and structures that are unheated or semi-heated spaces, approved portable or other temporary heating and cooling devices may be used to heat or cool the space; however, the minimum heating temperature per WAC 246-360 may be modified in extreme temperatures where technically infeasible as approved by the Building Official. Measures to heat the building during periods of extreme temperatures shall also be addressed in the Operations Plan.

##### **A. Specific Requirements for Restrooms and Bathing Facilities**

Restrooms and bathing facilities shall be provided for the shelter residents. The shelter residents shall be provided a minimum of one toilet, one lavatory per each 25 residents, or fraction thereof, and one shower or tub per 50 residents, or fraction thereof.

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, the bathing facilities are not required.