

ORDINANCE NO C36692

An ordinance codifying best practices for siting and activation of inclement weather centers and emergency and transitional housing facilities; adopting new Section 02.04.045; amending Sections 02.04.020, 12.05.005, 12.05.062, 12.05.063; and repealing Sections 18.05.010 and 18.05.020 of the Spokane Municipal Code.

NOW, THEREFORE, the City of Spokane does hereby ordain as follows:

Section 1. That Section 02.04.020 of the Spokane Municipal Code is amended to read as follows:

Section 02.04.020 Definitions

When used in this chapter, the following words, terms and phrases, and their derivations, shall have the meanings ascribed to them in chapter 38.52 RCW and this section, except where the context clearly indicates a different meaning:

- A. "Civil emergency" means a riot, unlawful assembly, insurrection, enemy attack, sabotage, acts of terrorism or other hostile action; or a natural or human caused disaster, including, but not limited to, fire, flood, storm, explosion, earthquake, volcanic disturbance or other natural cause.
- B. "Executive head" means the person designated by the City in conformity with state law and this chapter as the head of the city government for emergency management and disaster preparedness purposes pursuant to chapter 38.52 RCW.
- C. "Heat Index" means the apparent temperature, which is an accurate measure of how hot it feels when the relative humidity is added to the actual air temperature and is a measure of this effect, as predicted by the National Weather Service, Forecast Office Spokane, Washington.
- D. "Wind chill" means the apparent temperature where the factor at which increased wind speeds accelerate heat loss from exposed skin and is a measure of this effect, as predicted by the National Weather Service, Forecast Office Spokane, Washington.
- E. "Inclement weather centers" means one or more temporary shelters operated and/or funded by the City that are activated when the weather conditions set forth in SMC 02.04.045 occur or are expected to occur, and identified in the city's inclement weather plan.

Section 2. That there is adopted a new Section 02.04.045 of the Spokane Municipal Code to read as follows:

Section 02.04.045 Inclement Weather Centers

- A. The City may establish inclement weather centers, regardless of the declaration of a civil emergency, when necessary to protect vulnerable individuals and families from extreme cold, extreme heat, poor air quality conditions, and severe weather events.
- B. Consistent with prior budget appropriations, the City shall establish inclement weather centers based on the following criteria:
 - 1. Any day during which the wind chill is predicted by the National Weather Service to be thirty-two (32) degrees Fahrenheit or lower during the hours that the wind chill is lower than thirty-two (32) degrees Fahrenheit.
 - 2. Any day when the heat index is predicted by the National Weather Service to be 95 (ninety-five) degrees Fahrenheit or higher for two (2) consecutive days or more during all hours when the temperature is 95 (ninety-five) degrees Fahrenheit or higher.
 - 3. Any day when the Spokane Regional Clean Air Agency forecasts the current air quality index to reach 201 or higher.
 - 4. Any day in which an extreme storm or weather condition exists or is predicted to occur and which, in the determination of the Mayor or the Mayor's designee, poses a severe threat to the health or safety of vulnerable and unsheltered individuals and families in the city of Spokane.
- C. The Community, Housing, and Human Services ("CHHS") Department, in coordination with the City of Spokane's Director of Emergency Management, shall issue either a request for proposals, notice of funding availability, or both, no later than August 1 of each biennium or annually to establish specific locations to be used as inclement weather centers.
- D. The Community, Housing, and Human Services ("CHHS") Department, in coordination with City of Spokane Director of Emergency Management, shall publish and disseminate an annual inclement weather plan no later than September 30, designating specific locations to be used as inclement weather centers.
- E. Nothing shall prohibit the City from extending the hours of operation, increasing the activation threshold for warming centers, or lowering the activation threshold for cooling centers and clean air centers.

- F. Absent declaration of a civil emergency pursuant to this Chapter, the award and execution of contracts to operate and/or fund inclement weather centers shall be pursuant to Title 7 of the Spokane Municipal Code and the timelines set forth in this section.

Section 3. That section 12.05.005 of the Spokane Municipal Code is amended to read as follows:

Section 12.05.005 Definitions

- A. "Agent" means any person acting within the scope of employment by or acting on behalf of the City of Spokane including City-facility property managers.
- B. "Baby changing facility" means a table or other device suitable for changing the diaper of a child.
- C. "Employee" means any person holding a regularly compensated position of employment with the City of Spokane including elected officers.
- D. "Basic City Facility" or "Basic City Facilities" means public safety facilities, including fire and police stations~~((;))~~; City-owned water reservoirs~~((;))~~ and other utility facilities~~((;))~~; city-owned ~~((homeless shelters))~~ and city-funded facilities providing emergency shelter or transitional housing; and community centers. ~~((Provided that,))~~ For purposes of this chapter, utility facilities shall not include privately constructed utility facilities, stormwater facilities and conveyance systems, or water and wastewater utility transmission and distribution systems and related appurtenances, to include without limitation, pipe replacements and relocations; well upgrades; pump stations; lift stations, etc.
- E. "City-funded" facility with respect to an individual facility means a facility receiving \$50,000 in the aggregate in any calendar year from the City, including but not limited to the general fund expenditures, special revenue or tax funds, and grants, and including any funds for which the city is a fiscal or pass-thru agent. This term does not include any facility that provides services to domestic violence victims, as defined in RCW 70.123.020.
- F. "Emergency shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide

overnight accommodations. This term does not include any facility that provides services to domestic violence victims, as defined in RCW 70.123.020.

((E)) G. "Federal civil immigration enforcement operations" means an operation than has one of its objectives the identification or apprehension of a person or persons in order to investigate them for a violation of the immigration law and subject them to one or more of the following:

1. Civil immigration detention;
2. Removal proceedings; and
3. Removal from the United States

H. "Good neighbor agreement" means a supplemental written agreement as part of a City contract with a provider or operator to foster communication and collaboration among parties associated with the emergency shelter or transitional housing facility, which contains the following framework:

1. Establishment of a good neighbor communication team shall consist of the following stakeholders, each of whom commits to the requirements of the agreement:
 - a. Representative(s) of the operator of the emergency shelter or transitional housing facility; and
 - b. Representative(s) from the City's Community, Housing, and Human Services (CHHS) Department; and
 - c. A representative from the City's Office of Neighborhood Services;
2. The good neighbor communication team may include any of the following, each of whom commits to the requirements of the good neighbor agreement and to the terms of the executed Good Neighbor Agreement as conditions to participation on the communications team:
 - a. A resident of the emergency shelter or transitional housing subject to the Good Neighbor Agreement;
 - b. The council chair or designee of the neighborhood council representing the geographic area where the facility is located;
 - c. Property owners, residents, and tenants residing or operating a

business immediately adjacent to the facility;

d. The Spokane Police Chief or his/her designee;

e. A member or staff employee of the City Council;

f. A representative from the City's Code Enforcement and Parking Division; and

g. A representative from the local school district if school-age children are expected to be served.

3. A requirement that the communication team establish and maintain regular points of contact for communications on a seven-day, 24-hour basis, including name(s), telephone number(s), electronic mail address(es) and other means of communication to address any public health and safety issues arising from the operation of the facility.

4. A designated point-of-contact ensuring a shelter availability website is updated in coordination with the Community, Housing, and Human Services (CHHS) Department.

5. A commitment of the good neighbor communication team to attend, upon reasonable advance notice and request, meetings of the neighborhood council representing the geographic area where the facility is located.

6. The executed agreement shall include specified remedies and methods of dispute resolution in the event there is a breach of the terms of the Good Neighbor Agreement.

((F)) I. "LEED" is a green building rating and certification system developed by the U.S. Green Building Council to evaluate environmental performance from a whole building perspective, including sites, water efficiency, energy & atmosphere, materials & resources, indoor environmental quality, locations & linkages, awareness & education, innovation in design, and regional priority.

((G)) J. "Nonpublic" means any area of a ((city)) City facility or property that is not generally open and accessible to the general public, but instead requires prior to entry express permission, such as a valid ticket for a bona fide passenger, or permission by a ((city)) City employee or an employee of a tenant in a ((city)) City facility on an individual basis. Areas posted as "Restricted" in City facilities shall be considered to be non-public areas.((H)) K. "United States Citizenship and Immigration Services" means the agency of the United States Department of

Homeland Security and any successor agency charged with overseeing United States immigration laws.

K. “Transitional housing” means a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living. The term does not include transitional housing with fewer than twenty residents.

((I)) L. “United States Customs and Border Protection” means the agency of the United States Department of Homeland Security and shall include any successor federal agency charged with border enforcement.

((K)) M. “United States Immigration and Customs Enforcement” means the agency of the United States Department of Homeland Security including Enforcement and Removal Operations and Homeland Security Investigations and shall include any successor federal agency charged with the enforcement of immigration laws.

((L)) N. “U.S. Green Building Council” is an organization serving as the nation’s foremost leaders from across the building industry working to promote buildings that are environmentally responsible, profitable, and healthy places to work and live.

Section 4. That section 12.05.062 of the Spokane Municipal Code is amended as follows:

Section 12.05.062 Siting of Basic City Facilities – Process

A. Prior to locating a Basic City Facility, or prior to locating a new city-owned or contracting for a city-funded emergency shelter or transitional housing, the ((I)) City shall ~~((undertake the following public process:–~~

~~1. Convene))~~ convene at least one public community meeting or open house and solicit written comment from members of the affected neighborhood council area(s) concerning the need(s) for the facility and the service(s) desired or required by the community, as well as identified service gap(s) to be addressed by the facility.

~~((2. Publish any alternative locations considered for the proposed new or relocated Basic City Facility, to enable the residents of the affected neighborhood(s) of the relative merits and compliance with SMC 12.05.063 of each proposed alternative location and solicit comment on the proposed alternative locations in at least one~~

~~open public meeting held in the affected neighborhood(s).))~~

~~((B. The Spokane City Council's Equity Subcommittee shall review all responsive proposals and make a recommendation to the City Council based on at least the following criteria, to be given equal weight:~~

- ~~1. effective demonstrably needed service to impacted neighborhood residents;~~
- ~~2. responsiveness of the location to the demonstrated needs of the residents of an impacted neighborhood; ((and))~~
- ~~3. financial sustainability of the location;))~~

B. Siting of any new or relocated city-funded Basic City Facility providing emergency shelter or transitional housing shall be consistent with the "special needs temporary housing" provisions of the City's approved comprehensive plan, as adopted pursuant to Title 17B of the Spokane Municipal Code, as such plan may be amended from time to time. In particular, siting shall place primary emphasis on satisfying the directive in the comprehensive plan to ensure that special needs housing facilities are evenly dispersed throughout all of the city's neighborhoods.

C. Other than city-funded facilities providing emergency shelter or transitional housing, ((City)) City services shall not be provided at ((the)) a Basic City Facility location unless the City Council has approved the location or relocation of a Basic City Facility.

D. The requirements of this section shall not apply to Basic City Facilities sited before the effective date of this section.

Section 5. That Section 12.05.063 of the Spokane Municipal Code is amended as follows:

Section 12.05.063 Basic City Facilities – Criteria

A. The following criteria shall be met before any decision to place a new or relocated Basic City Facility can be made:

1. For police precincts, the chosen location shall:
 - a. be visible to the public in a frequently-traveled location;
 - b. provide access for the public to onsite services and for officers responding to reports of crime;
 - c. be located within high visibility of patrol cars, foot and bicycle

community policing patrols; and

- d. provide adequate space and facilities for co-deployed services and reception provided through mutual agreement with Spokane C.O.P.S.

2. For utility facilities:

- a. the location must be designed to minimize conflicts with traffic to the extent consistent with efficient operations.
- b. the location must be designed and operated to minimize noise, odor, dust, or other negative impacts due to the operation of the facility to the extent consistent with efficient operations.

3. For city-owned (~~((homeless shelters))~~) and city-funded Basic City Facilities providing emergency shelter or transitional housing:

- a. the location shall not be located within (~~((three blocks))~~) 1000 feet of schools measured from the property line of the school to the property line of the Basic City Facility unless the facility is also serving school-age children;
- b. the location must be accessible by public transportation; and
- c. a good neighbor agreement must be executed and in place (~~((between the shelter provider and the surrounding businesses and the applicable neighborhood council)).~~

4. Nothing in sections 12.05.062 and 12.05.063 of this Chapter 12.05 shall be construed to restrict or regulate the siting or location of any emergency shelter or transitional housing in a manner inconsistent with state law, local development regulations, or a local or state emergency declaration.

5. The requirements of this section shall not apply to Basic City Facilities sited before the effective date of this section; provided, any current or new facility providing emergency shelter or transitional housing shall comply with subsection 3.c as a condition of award of a new City grant or contract.

Section 6. That Section 18.05.010 of the Spokane Municipal Code is repealed.

Section 7. That Section 18.05.020 of the Spokane Municipal Code is repealed.

Section 8. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or

word of this ordinance.

Section 9. Clerical Errors. Upon approval by the city attorney, the city clerk is authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

PASSED by the City Council on _____

Council President

Attest:

Approved as to form:

City Clerk

City Attorney

Mayor

Date

Effective Date