Commission,

I am requesting that you revisit the distance requirements for encampments proximity to preschools, the lack of insurance requirements, as well as security requirements contained, or not, in the proposed City of Sammamish Ordinance.

A City can impose conditions on the permitting of an encampment to protect public health and safety. Courts, ruling that municipalities have a compelling state interest in protecting our children, have upheld very restrictive statutes in the name of child safety. Although no Washington state court has addressed a homeless camp's distance restriction to a school, at least two Washington cities have placed a distance restriction in their encampment ordinances. For example, Spokane restricts encampments from being within 750 of a “library, park, daycare center, or school”, Spokane Municipal Code 10.08C.120. Lacey restricts an encampment from “within 300 feet of a “licensed daycare facility or any public or private school”, Lacey Municipal Code 16.64.030(A)(11). The language proposed by the City is less restrictive and allows for the possibility of no distance restriction from a daycare or school.

A city can also require the hosting church to maintain an insurance liability policy to cover potential damages and loss. Currently the Sammamish ordinance is silent with regard to insurance. The City is immune from liability and the hosting church is generally protected by a hold harmless agreement from the homeless encampment, so any injured party would have recourse only against the assets of the uninsured tent city.

Currently tent city self regulates its rules of conduct and requires warrant checks when a new resident seeks entry. The public record shows that despite self-regulation, several arrests were made and the police responded to over 100 calls during tent city’s 90 day stay in Sammamish. Further the police when responding to these calls discovered two members with outstanding warrants for their arrest. The proposed Sammamish ordinance provides for warrant checks upon move in of the encampment and when a new resident seeks entry. As was experienced this system allows for newly issued warrants to be missed. The City can impose random or periodic warrant checks to be made. Additionally, the City can impose a condition that an independent security force be used to ensure enforcement of the encampments rules of conduct. The proposed Sammamish ordinance is silent on this issue as well.

We applaud the efforts of our community to provide services to the less fortunate. We simply want it done in a way that places the health and safety of your children as the top priority.
Sincerely,

Mary O'Brien

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