To the Sammamish City Council and Planning Commission—

Good day. We are writing as leaders of one of the two churches closest to City Hall. Over the twelve years we’ve served Sammamish Hills we have hosted City gatherings, allowed others to use our parking lot for City functions, and in many other ways tried to serve as partners in the growth of this new municipality. At no time have we sought to infringe or deter the City from its mission. This letter is written out of confusion as to why, after these many years, the City now seems eager to impede the mission of this and other churches and religious centers, of a variety of faith traditions, from accomplishing a part of our mission. Alleviating homelessness is a commonly held value across faith communities. Indeed, the call to offer shelter to the “...sojourner and stranger within your midst...” is common to three of the major faith traditions of this world (Christianity-Judaism-Islam).

It is our belief that the City’s ordinances, as currently drafted, will not only impede us from carrying out this portion of our mission, but, they also are in violation of State and Federal statues. To wit, under the Federal Religious Land Use and Institutionalized Persons Act, the use of religious land for purposes of ministry is protected:

(1) GENERAL RULE- No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution—

(A) is in furtherance of a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling governmental interest.

Further, under Washington state law passed in 2010, a new section is added to chapter 36.01 RCW to read as follows:

(1) A religious organization may host temporary encampments for the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.

(2) A county may not enact an ordinance or regulation or take any other action that:
(a) Imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter for homeless persons on property owned by the religious organization;
(b) Requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability; or
(c) Imposes permit fees in excess of the actual costs associated with the review and approval of the required permit applications.

As it currently reads, the ordinance that is proposed would either be redundant or in direct violation of State and Federal statutes in the following manner:

C. General Conditions. Homeless Encampments are allowed only pursuant to a Homeless Encampment Use Permit, which shall be a Type I permit issued by the Director in accordance with the following conditions:

1. A Homeless Encampment may only be hosted by a Religious Organization, and must be located on real property owned or controlled by the Religious Organization.

This is a redundancy. This is already allowed by State statute. To what purpose is the City adding, “and must be located…”

5. No Homeless Encampment shall operate within the City of Sammamish for more than ninety (90) consecutive days, except that the Director may allow up to five (5) additional days to accommodate moving onto or off a site.

This limitation is in violation of the State statute. For what purpose is this limitation?

6. The City shall not grant a Homeless Encampment Use Permit that is proposed to commence on a lot or lots within one-half mile of any lot(s) that contained a Homeless Encampment within the last twelve (12) months. For the purposes of this subsection, the 12 months shall be calculated from the last day the prior Homeless Encampment was located within a one-half-mile radius of a proposed new Homeless Encampment.

For what purpose is this limitation included, other than to keep a homeless encampment away from City Hall (there are four religious centers within a half mile of City Hall)?

7. No more than one Homeless Encampment may be located in the City at any time.

Again, there is no such limitation in the State statute. For what purpose is this limitation in the legislation?

a. Homeless Encampment structures and facilities shall be located a minimum of 20 feet from any property line, unless otherwise approved by the Director.

And again, there is no such limitation in the State statute. For what purpose is this limitation in the legislation?

b. A six-foot-high sight-obscuring fence, vegetative screen or other visual buffering shall be provided between a Homeless Encampment and any abutting residential property. The Director shall consider existing vegetation, fencing, topographic variations and other site conditions in determining compliance with this requirement and may modify the fence requirement when the objective is achieved by other means.

Yet again, there is no such limitation in the State statute. For what purpose is this limitation in the legislation?

In reading through the proposed code changes, we are saddened. With homeless encampments we
have the opportunity to show the world the compassionate heart of our community at its best. Instead, it appears we will approach those whom Jesus called, “the least of these,” with fear and loathing. Surely such legislation is beneath our better natures, individually and as a community. If we want our children to grow up with compassion and empathy for others, the best way to inculcate those virtues is through showing them to others ourselves. Here is our opportunity. Don’t let this opportunity to let our better nature shine through be blown away by fear.

Sincerely,

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