

CITY OF SEATTLE

ORDINANCE _____

..title

An ORDINANCE relating to homelessness and people living in vehicles; amending Sections 11.10.040, 11.23.440, 11.30.040, 11.35.010, 11.72.145, and 11.72.500; adding a new Section 11.14.713 to the Seattle Municipal Code; and adding a new Chapter 11.36, consisting of Sections 11.36.010, 11.36.020, 11.36.030, 11.36.040, 11.36.050, 11.36.060, and 11.36.070 to the Seattle Municipal Code.

...body

WHEREAS, the City of Seattle declared a civil State of Emergency on November 2, 2015, to address the homelessness crisis; and

WHEREAS, the City remains in a State of Emergency because of the homelessness crisis; and

WHEREAS, Seattle is included in the region’s Point in Time Count, which is a count of sheltered and unsheltered homeless persons on a single night in January that is required by the United States Department of Housing and Urban Development to receive federal funds under the McKinney-Vento Act; and

WHEREAS, the 2017 Point in Time Count documents 3,857 individuals experiencing homelessness without shelter in the City of Seattle; and

WHEREAS, the 2017 Point in Time Count estimates 1,550 individuals of the 3,857 unsheltered individuals experiencing homelessness without shelter reside inside of a vehicle; and

WHEREAS, the Mayor’s Bridging the Gap to Pathways Home addresses the immediate needs of people who are living unsheltered in our community; and

WHEREAS, the City acknowledges that a response is critically important in addressing the needs of all people experiencing homelessness including those residing inside vehicles; and

WHEREAS, Councilmember Mike O’Brien convened the Vehicular Living Workgroup in February 2017 to establish a set recommendations for solutions that meet the needs of

1 vulnerable populations living in vehicles due to inaccessible housing and address
2 neighborhood impacts of vehicular living; and

3 WHEREAS, the Vehicular Living Workgroup reiterated that parking enforcement actions such
4 as impoundment, immobilization and monetary penalties do not preserve the public
5 peace, health, safety and welfare nor reduce the issues of homelessness; NOW,
6 THEREFORE

7 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

8 Section 1. The purpose of the Vehicular Residences Program is to provide for and
9 promote the health, safety and welfare of the general public by diverting persons living in
10 vehicular residences to services and providing alternative paths to parking enforcement. The
11 Vehicular Residences Program shall be a social service program with adequate oversight,
12 training, and clinical supervision to conduct individualized outreach and supportive services to
13 people living inside vehicles, and shall be directly administered or contracted for by the City.
14 The service provider or providers shall have an established record of administering sustained,
15 equitable, person-centered care, with staff trained in working with people with behavioral health
16 issues, including substance use disorder, mental disorders, or both; trauma-informed care,
17 including for people who have experienced or are experiencing gender- and gender-identity-
18 based violence and violence based on sexuality; outreach, assessment, and engagement; harm
19 reduction practices; cultural competence; confidentiality and grievance procedures; and may
20 include peer coaches with adequate oversight and clinical supervision.

21 Section 2. Section 11.10.040 of the Seattle Municipal Code, last amended by Ordinance
22 108200, is amended as follows:

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1 **11.10.040 – Purpose and Policy**

2 This subtitle is enacted as an exercise of the police power of the City to protect and
3 preserve the public peace, health, safety and welfare, and its provisions shall be liberally
4 construed for the accomplishment of these purposes. It is expressly the purpose of this subtitle to
5 provide for and promote the health, safety and welfare of the general public, and not to create or
6 otherwise establish or designate any particular class or group of persons who will or should be
7 especially protected or benefited by the terms of this subtitle, except for users of vehicular
8 residences as defined in Section 11.14.713. Current parking enforcement penalties shall be
9 deprioritized for such users of vehicular residences, who shall be diverted to an alternative
10 enforcement action through their participation in the Vehicular Residences Program as described
11 in Chapter 11.36. It is the specific intent of this subtitle to place the obligation of complying with
12 its requirements upon the owner or operator of the vehicles or upon the pedestrian within its
13 scope, and no provision of nor term used in this subtitle is intended to impose any duty
14 whatsoever upon the City or any of its officers or employees, for whom the implementation or
15 enforcement of this subtitle shall be discretionary and not mandatory. Nothing contained in this
16 subtitle is intended to be nor shall be construed to create or form the basis for any liability on the
17 part of the City, or its officers, employees or agents, for any injury or damage resulting from the
18 failure of the owner or operator of a vehicle or a pedestrian to comply with the provisions of this
19 subtitle, or by reason or in consequence of any act or omission in connection with the
20 implementation or enforcement of this subtitle on the part of the City by its officers, employees
21 or agents.

22 Section 3. Section 11.23.440 of the Seattle Municipal Code, last amended by Ordinance
23 125186, is amended as follows:

1 **11.23.440 - Parking Privileges**

2 No person shall be granted a franchise, special privilege, or permit to the exclusion of any
3 other person for parking vehicles on any roadway, except for the following uses:

4 A. Zones may be granted for taxicabs, official career consul vehicles, moving or
5 loading, disabled persons, curb space parking including no parking zones, service parking,
6 carpool parking, car share parking, food vehicles, or similar uses, or for any restricted parking
7 zone program that may be developed. Establishment of a zone does not constitute a grant of
8 franchise.

9 B. The Director may issue a permit to authorize the use of curb space or other
10 parking spaces for amenities that facilitate useable open space, landscaping, public sanitation, or
11 active recreation, including but not limited to bike-share stations and other bike-share-related
12 facilities that are made available for general public use.

13 C. The Seattle Police Department and the Human Services Department shall have the
14 authority to develop and administer a program for parking vehicular residences on roadways as
15 limited in the provisions of Chapter 11.36.

16 Section 4. A new Section 11.14.713 is added to Chapter 11.14 of the Seattle Municipal
17 Code as follows:

18 **11.14.713 - Vehicular residence**

19 A. “Vehicular residence” means a passenger car (11.14.703), commercial vehicle
20 (11.14.115), commuter ride-sharing vehicle (11.14.125), private carrier bus (11.14.355), school
21 bus (11.14.535), shuttle bus (11.14.567), sightseeing or charter bus (11.14.575), motor vehicle
22 with camper (11.14.075), or motor home (11.14.350) that is a dwelling place.

1 B. “Dwelling place” means a vehicle identified in Section 11.14.713.A that a person or
2 persons uses as a shelter in lieu of emergency shelter, temporary housing or permanent housing.

3 Section 5. Section 11.30.040 of the Seattle Municipal Code, last amended by Ordinance
4 123632, is amended as follows:

5 **11.30.040 - When a vehicle may be impounded without prior notice**

6 A. A vehicle may be impounded with or without citation and without giving prior
7 notice to its owner as required in Section 11.30.060 hereof only under the following
8 circumstances:

9 * * *

10 7. When a vehicle is parked in a public right-of-way or on other publicly owned or
11 controlled property and there are four or more parking infractions issued against the vehicle for
12 each of which a person has failed to respond, failed to appear at a requested hearing, or failed to
13 pay a parking infraction for at least 45 days from the date of the filing of the notice of infraction.
14 A vehicle that has been identified as a vehicular residence is deprioritized for the impoundment
15 action under the circumstance described in this Subsection 11.30.040A7 if its user or users are
16 participants of the Vehicular Residences Program as described in Section 11.36.010; or

17 * * *

18 Section 6. Section 11.35.010 of the Seattle Municipal Code, last amended by Ordinance
19 124558, is amended as follows:

20 **11.35.010 - Scofflaw list**

21 * * *

22 B. The registered vehicle owner may request an administrative review at the Seattle
23 Municipal Court at any time that the vehicle is on the scofflaw list until the vehicle has been

1 immobilized or impounded. The review should only examine whether the vehicle is properly on
2 the scofflaw list and shall not review the underlying citations that caused the vehicle to be
3 included on the scofflaw list. The vehicle shall be removed from the list only upon a showing by
4 the registered owner that either:

5 1. fewer than four of the citations that caused the vehicle to be included on the
6 scofflaw list were committed while the current registered owner was the legal owner of the
7 vehicle; ~~((or))~~

8 2. all amounts due pertaining to the citations that met the criteria for scofflaw
9 under Section 11.35.010 A have been satisfied in full ~~((-))~~ ; or

10 3. the vehicle has been identified as a vehicular residence and its user or users are
11 participants of the Vehicular Residences Program as described in Section 11.36.010.

12 C. A vehicle shall remain on the scofflaw list until all outstanding parking infraction
13 penalties, court costs (including but not limited to collection agency remuneration authorized
14 under RCW 3.02.045), default penalties on parking traffic infractions imposed under Section
15 11.31.120, immobilization release fees imposed under subsection 11.35.020.H, costs of
16 impoundment (including removal, towing and storage fees) imposed under Section 11.30.120,
17 towing administrative fees imposed under Section 11.30.290 and immobilization administrative
18 fees under subsection 11.35.020.H, and interest, have been paid, ~~((or))~~ a time payment plan has
19 been arranged with the Seattle Municipal Court or their authorized agent , or the vehicle has been
20 identified as a vehicular residence and its user or users are participants of the Vehicular
21 Residences Program as described in Section 11.36.010.

22 D. When a time payment plan is created, the subject vehicle shall be temporarily
23 removed from the scofflaw list and the payment amounts shall be applied on a pro rata basis until

1 all penalties, fines or fees owed relating to all parking citations are satisfied. A vehicle that has
2 been temporarily removed from the scofflaw list shall be returned to the list if the owner defaults
3 on the time payment agreement, in accordance with guidelines adopted by the Seattle Municipal
4 Court.

5 E. A vehicle identified as a vehicular residence is diverted from being placed on the
6 scofflaw list if its user or users are participants of the Vehicular Residences Program as
7 described in Section 11.36.010.

8 Section 7. A new Chapter 11.36 is added to the Seattle Municipal Code as follows:

9 **CHAPTER 11.36 VEHICULAR RESIDENCES**

10 **11.36.010 - Established**

11 There is hereby established a Vehicular Residences Program to assist persons
12 experiencing homelessness who reside inside vehicles. The Seattle Police Department and the
13 Human Services Department shall have the authority to develop and administer the program.

14 **11.36.020 - General Purpose**

15 A. The purpose of the Vehicular Residences Program is to provide for and promote
16 the health, safety and welfare of the general public by deprioritizing enforcement penalties for
17 persons living in vehicular residences by diverting them to services and by providing alternative
18 paths to parking enforcement.

19 B. For the purposes of Title 11, diversion for users of vehicular residences means
20 deprioritization of enforcement penalties as described in Subsection 11.36.020A.

21 **11.36.030 - Identification**

22 A vehicle of a qualifying vehicle type defined in Section 11.14.713 shall be identified as a
23 vehicular residence by the City if:

1 A. The vehicle user or users indicate that the vehicle is being used as a dwelling
2 place consistent with 11.14.713 to the Police Department; and

3 B. The Police Department in conjunction with the Vehicular Residences Program
4 can reasonably determine that the vehicle appears to be lived-in by observing criteria such as and
5 not limited to the following:

- 6 1. The view through the vehicle's front to rear windows is blocked;
- 7 2. The vehicle's side windows, rear windows, or both are blocked by sheeting,
8 panels, curtains, or any combination thereof to restrict visibility;
- 9 3. Items associated with vehicular residency such as generators, bicycles, or storage
10 containers are externally secured to the vehicle;
- 11 4. There are unusually large volumes of possessions contained within or near the
12 vehicle.

13 C. Declassification. The Vehicular Residences Program shall determine when a
14 vehicle shall lose its designation as a vehicular residence.

15 D. The Director of the Human Services Department in consultation with the Chief of
16 Police shall promulgate by rule additional criteria for determining whether a vehicle is being
17 used as a dwelling place.

18 **11.36.040 - Diversions for parking enforcement**

19 A. Vehicular Residences Program. Only vehicular residences with users who are
20 participating in the Vehicular Residences Program as described in Chapter 11.36.010 shall
21 qualify for any and all diversions for parking enforcement penalties described in Section
22 11.36.040. Nothing in this ordinance shall prohibit the Seattle Police Department, Parking

1 Enforcement, or the Vehicular Residences Program from providing moving assistance to
2 vehicular residences as defined in Section 11.14.713 to comply with parking enforcement.

3 B. The Director of the Human Services Department in consultation with the Chief of
4 Police shall promulgate by rule making programmatic requirements for users of vehicular
5 residences to participate in the Vehicular Residences Program.

6 C. Impoundment.

7 1. A vehicle that has been identified as a vehicular residence is deprioritized for
8 impoundment action resulting from when it is parked in a public right-of-way or on other
9 publicly owned or controlled property and there are four or more parking infractions issued
10 against the vehicle for each of which a person has failed to respond, failed to appear at a
11 requested hearing, or failed to pay a parking infraction for at least 45 days from the date of the
12 filing of the notice of infraction, as described in Section 11.30.040 A7, if its user or users are
13 participants of the Vehicular Residences Program as described in Section 11.36.010; or

14 2. Nothing in this Section 11.36.040 shall be construed as preventing
15 impoundment of a parked vehicles that interferes with intended uses of rights-of-way or poses
16 an immediate danger to the public.

17 D. Immobilization.

18 1. A vehicular residence shall not be entered onto the scofflaw list described in
19 Section 11.35.010, if its user or users are participants of the Vehicular Residences Program as
20 described in Section 11.36.010.

1 2. A vehicular residence shall not be immobilized as a result of being on the
2 scofflaw list as described in Section 11.35.020, if its user or users are participants of the
3 Vehicular Residences Program as described in Section 11.36.010.

4 E. Nothing in this Section shall be interpreted as preventing or discouraging the
5 Seattle Police Department from enforcing impoundment laws to address criminal conduct or
6 otherwise maintain public safety. The Seattle Police Department, Fire Department and other first
7 responders shall respond appropriately to emergency situations, such as fires, crimes, or medical
8 crises and shall cooperate with other public safety agencies in accordance with operative mutual
9 aid agreements.

10 F. The Seattle Police Department in conjunction with the Human Services
11 Department shall promulgate by rule making additional protocols for implementation and to
12 respond to extraneous circumstances as they are related to extensive parking. Such protocols
13 created by rule making may limit the Seattle Police Department from compelling vehicular
14 residences to move from a parking space no more frequently than once in a seven day period.

15 **11.36.050 - Record of vehicular residences**

16 A. The Police Department shall keep a record for all vehicles determined to be vehicular
17 residences under the provisions of this chapter. The record shall include at least the following
18 information:

- 19 1. Manufacturer's trade name or make;
- 20 2. Vehicle license number and state of registration;
- 21 3. Vehicle identification number;

1 4. Location of vehicle at last known sighting;

2 5. Exception for traffic enforcement exercised, including reference to the
3 appropriate section or sections of this subtitle;

4 6. Record of referral to the Human Services Department or a human services
5 provider with which the Human Services Department contracts for the Vehicular Residences
6 Program; and

7 7. Date of vehicular residence status removal.

8 **11.36.060 - Amnesty**

9 The Director shall by December 31, 2017, declare a period of amnesty during which
10 parking enforcement penalties imposed under Title 11 on vehicles determined to be vehicular
11 residences that are used by persons participating in the Vehicular Residences Program shall be
12 waived unless the vehicular residence incurs a parking enforcement penalty when the vehicular
13 residence is a truck and or trailer or other conveyance which is over eighty inches wide parked in
14 a non-Industrial Zone as described in Section 11.72.070. The amnesty shall expire, unless
15 extended by Council, on December 31, 2018. The Director may promulgate rules and
16 procedures to implement the provisions of this section.

17 **11.36.070 - Interpretation**

18 Nothing in this Chapter 11.36 shall be construed to interfere with the City's ability to
19 ensure the use of public rights of way, enforce provisions against illegal dumping or otherwise
20 maintain sanitation and public health, or address public safety concerns.

1 Section 8. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the _____ day of _____, 2017,
5 and signed by me in open session in authentication of its passage this _____ day of
6 _____, 2017.

7 _____
8 President _____ of the City Council

9 Approved by me this _____ day of _____, 2017.

10 _____
11 Edward B. Murray, Mayor

12 Filed by me this _____ day of _____, 2017.

13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)
16