



January 30, 2019

City of Bellingham Planning Commissioners,

Over the past year you, along with COB staff and the Bellingham City Council, have worked hard towards ensuring the protection of our vulnerable community members. We applaud your work with the Ordinance for Temporary Encampments that allowed a greater level of flexibility and standardization to provide excellent services throughout the city of Bellingham.

We hope that the draft Ordinance for Interim Housing could provide similar flexibility so that our community can readily adapt to the changing needs of our unhoused neighbors now and for years to come. Currently, we believe significant changes need to be made to get this draft ordinance to that point. The concerns we have with this ordinance fall into two categories: (1) the limiting of expansion of much needed vital services to vulnerable people in our community; and (2) a seemingly total disregard for best practices in the social service profession.

The following outlines the parts of the *Draft Ordinance for Interim Housing* that are unacceptable to us. We believe these portions are out of line with professional standards of social service work, would greatly hinder the work of agencies in our community, and are unhelpful to people looking to the COB and service providers for help. Some of these reference areas we have questions about and need more clarification on, or have suggestions for your consideration. Thank you for taking the time to consider our ideas. Please feel free to contact us for further clarification or discussion.

Problematic items from the *Draft Interim Housing Ordinance*:

**BMC 20.15A.020 (D) “Unless a larger interim housing facility is approved per 20.15A.020A(1), no more than 250 interim housing beds per square mile as defined by a 3,000 foot radius from the subject property (a 3,000 foot radius delineating a circle of approximately the same square footage as one square mile).”**

We do not support any number caps on agencies addressing the homeless crisis, let alone exclude them (in our case and others) from all of Old Town, Downtown, Lettered Streets, and Columbia neighborhoods. It would nullify the proximity efficiencies Lighthouse Mission currently experiences and place any additional capacity development fiscally out of reach. Fewer people would be served, as we can't afford additional 24hr staffs for smaller shelters, extra industrial kitchens, operations teams, etc. It would require we break up our program work flows and recovery continuity would be lost. Many of these other agencies couldn't have been built or wouldn't be able to expand services with these proximity restrictions: YWCA Transitional Housing, NW Youth Services 22 North, Dorothy Place, Sun Community Services, etc.

If this ordinance went into effect, the following churches would not be allowed to host an interim shelter due to proximity to Lighthouse Mission: Fountain Community Church, Lettered Streets Covenant Church, First Presbyterian Church, Mosaic, Garden Street Methodist,

Downtown CTK, The Bridge Downtown, First Baptist, Grace Church, Bellingham Chinese Church, Bellingham Unitarian Fellowship, St. Paul's Episcopal, Slavic Baptist, Immanuel Bible Church, First Congregational Church, St. John's Lutheran Church, Assumption Catholic Church, Church on the Street, St. Brendan's Anglican Church, Trinity Lutheran Church and Central Lutheran Church. Not only would this limit our communities ability to respond to extreme need, it would be burdensome to these twenty-one (21) faith communities who would be restricted from living out their faith in a significant way.

**BMC 20.15A.020 (Q) "All functions associated with the facility, including outdoor recreation areas, parking, and adequate outdoor waiting space, must take place within a building or on the site proposed to house the facility."**

We agree that there is a need for a plan to be in place to account for the needs of outdoor recreation, parking, smoking, etc. but the code here is too limiting. We believe there needs to be flexibility to meet these needs creatively in siting these facilities. The management plan pertaining to these items should be up to the director's approval.

**BMC 20.15A.020 (U) "A code of conduct must be provided that not only addresses the health, safety and welfare of guests, but also mitigates impacts to neighbors and the broader community. At a minimum, *the code must include a prohibition on illegal drug and alcohol use and threatening or unsafe behavior.* The sponsor and/or managing agency shall ensure that items deemed as weapons are stored in a safe location." (italics added)**

We think that the italicized portion would be best changed to state "...*the code must include a prohibition on illegal drug and alcohol use or sales on site...*" Managing agencies do not have authority off their property, so designating "on site" clarifies this part of the code. Including the word "sales" encompasses behavior that could easily come with drug and alcohol use and could be impactful to the community and public health.

**BMC 20.15A.020 (Y) "People who are required to register as a sex offender are prohibited from the facility. Should the sponsor and/or managing agency become aware of a current or prospective facility guest who is an unregistered sex offender, it shall immediately contact the Bellingham Police Department. The sponsor and/or managing agency shall provide notice to prospective guests that the sponsor and/or managing agency will report any current or prospective guest required to register as a sex offender to the Bellingham Police Department."**

We do not support the outright prohibition of services to any subpopulation of people. We agree there is a need to take into account the specific vulnerabilities of people both for their safety and for the safety of the broader community. It would be best if this code specified that the sponsor and/or managing agency have a written plan/policy in place that reflects best practices and collaboration with the local LEO's in regards to serving registered/unregistered sex offenders.<sup>1</sup>

**BMC 20.15A.020 (BB) "The sponsor and/or managing agency shall keep a log of names and dates of all people who stay overnight in the facility and this current log must be made available upon demand by any municipal or county law enforcement officer. Status checks of current guests may be routinely performed by the warrant officers of the Bellingham Police Department through the current log provided by the sponsor and/or managing agency. The sponsor and/or managing agency shall provide**

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<sup>1</sup> If you are interested in reviewing a current Sex Offender Policy please feel free to contact Bridget Reeves, Associate Executive Director at LMM.

**notice to prospective guests that all people staying overnight in the facility are subject to status checks by the warrant officers of the Bellingham Police Department.”**

No shelter that follows HIPAA Guidelines--or similar confidentiality practices--could be built with this requirement. One level of service that this code could be utilized at are emergency and crisis services and the clients at this level are highly vulnerable and therefore more prone to being exploited. Some clients may sign a form and agree to this out of survival or necessity as opposed to a place of informed decision making—particularly when the decision is between sleeping inside with agreement to these terms or sleeping outside. This part of the code takes advantage of people who are highly vulnerable and could be considered exploitative. From a clinical standpoint, this sets up a framework to exclude people, and identify/create barriers rather than intentionally intervening in a healthy, therapeutic way.

The following excerpt is taken from the American Red Cross Sheltering Handbook, section 8-9, titled Protecting Shelter Resident Privacy and Personal Information. These guidelines are reminiscent of both HIPAA and the Federal confidentiality laws in 42CFR Part II. We believe that professional, ethically responsible social service agencies should follow something along these lines on behalf of their clients.

**“Disclosure of shelter resident information:** Shelter staff may disclose personal information about shelter residents only under exceptional circumstances and then only to the extent necessary. Examples of exceptional circumstances that may warrant the disclosure of client information include the following:

- When the client has consented to the disclosure In the case of suspected abuse or neglect (information may be provided to an agency authorized by law to receive reports of abuse or neglect)
- To assist law enforcement with lifesaving search-and-rescue efforts
- At the discretion of the Red Cross or at the request of law enforcement, if the disclosure is necessary to prevent imminent harm to the health or safety of the client, another person or the community
- When the Red Cross has received a valid subpoena, court order or warrant for the client information
- When a public health authority requests information for the purpose of controlling disease, injury or disability
- To assist local law enforcement officials investigating a crime that occurred within the shelter or on Red Cross premises

Caution: Always follow the procedure below for disclosing client information without client permission.

**Disclosure of Shelter Resident Information without Consent:** Follow these guidelines when exceptional circumstances permit disclosure of client information. The only exception is if the situation is urgent. In that case, use your best judgment to decide whether disclosure is appropriate, disclose only the necessary information and contact the relief operation headquarters as soon as possible.

1. Require that requests for shelter client information be made in writing and that they include an explanation for the need for such information. The only exception is in the event of an imminent health or safety threat to another client, another person or the community.
2. Forward the request through the Sheltering Manager at relief operation headquarters to relief operation leadership.

3. If you are directed to disclose client information by relief operation leadership, only release information that is necessary. In most cases, the information shared can be limited to the client's name, home address and status in the shelter.
4. Create a written record of the disclosure, using the Shelter Disclosure Tracking Log found on the forms page on the Red Cross intranet. When filling out the Shelter Disclosure Tracking Log: Include the following: Date of disclosure, Name of the individual and entity that received the information, and their address, A brief description of the information disclosed, A brief statement of the purpose of the disclosure, and/or A copy of the written request for disclosure, and/or A copy of the written authorization provided by the individual who received the disclosure Record multiple disclosures to the same party for a single purpose in a summary entry. Store the Shelter Disclosure Tracking Log with the Shelter Manager Log in a secure location, and forward it to the Sheltering Manager for distribution to the chapter upon closing the shelter. It is not necessary to document disclosures of a client's information: To the client. Pursuant to the client's authorization."  
(<http://crcog.org/wp-content/uploads/2017/12/American-Red-Cross-Sheltering-Handbook.pdf>)

The following is an excerpt from the SAMHSA (Substance Abuse and Mental Health Services Administration) website's section on Substance Abuse Confidentiality Regulations. There is a narrow scope of allowable disclosure in relation to the threat of health or safety of an individual or the public.

**"Notifications to law enforcement:** Law enforcement agencies can be notified if an immediate threat to the health or safety of an individual exists due to a crime on program premises or against program personnel. A Part 2 program is permitted to report the crime or attempted crime to a law enforcement agency or to seek its assistance [42 CFR §2.12(c)(5)]. Part 2 permits a program to disclose information regarding the circumstances of such incident, including the suspect's name, address, last known whereabouts, and status as a patient in the program.

**Immediate threats to health or safety that do not involve medical emergencies or crimes on programs premises or against program personnel:** Part 2 programs and health care providers and HIOs who have received Part 2 patient information, can make reports to law enforcement about an immediate threat to the health or safety of an individual or the public *if patient-identifying information is not disclosed*. Immediate threats to health or safety that do not involve a medical emergency or crimes (e.g., a fire) are not addressed in the regulations. Programs should evaluate those circumstances individually."

In addition to all the above, if our community's philosophy is Housing First, this additional barrier to housing seems to directly contradict this philosophy. From our understanding, operating from within a Housing First framework would entail helping someone obtain housing before any treatment planning or addressing other life concerns—such as addiction, legal matters, criminal history, family reunification, healthcare, etc. This sort of code may not even allow someone access to the services that they need to heal in the first place.

In all of this, we in no way desire to aid and abet someone violating the law nor do we want to not cooperate with law enforcement. We want to prioritize housing and treatment planning for people who are homeless prior to addressing any legal matters or criminal history.

**BMC 20.15A.020 (HH)(d) “The following uses are exempt from compliance with this chapter:...Existing interim housing facilities. Any expansion of these existing interim housing facilities must comply with the requirements of this chapter.”**

We do not support restricting the expansion of needed homeless services within our community, especially during a crisis.

**BMC 20.15A.050 (B) “Because each interim housing facility has unique characteristics including, but not limited to, size, number of occupants and composition, the director shall have the authority to impose conditions on the approval of a Type I and Type II permit to ensure that the proposal meets the requirements of this chapter. Conditions, if imposed, must be intended to minimize nuisance-generating features such as noise, waste, air quality, unsightliness, traffic, physical hazards and other similar impacts that the facility may have on the area in which it is located. Conditions may also mitigate potentially adverse operational characteristics which may include, but are not limited to, the following:**

- a. Direct intake of guests is provided on site;**
- b. Guests are not expected to be enrolled in a program operated by the on-site agency;**
- c. Intensive case management of guests is not available on site; and**
- d. Daily check-in of the guest is required to secure a bed.”**

There are two pieces of this part of the code that we do not support. (1) We do not support the use of the word “unsightliness.” Though the intention may not have been to call people that may use the facility unsightly, it may easily be construed this way. Our society in general does not appreciate being faced with trauma, loss or tragedy. In this work, we hear from community members and neighbors that they do not even like to see “homeless people,” that they are so to speak “unsightly.” We suggest focusing on behavior that has community impact rather than “appearance” related items. (2) We are concerned that the items listed here seem to have direct relation to emergency night-by-night shelters (of which LMM operates the only one). These shelters that often serve some of the most vulnerable and difficult to serve in our community should not have more restrictions or hurdles placed on them. We must acknowledge the great need for shelter in our community. Although it would be nice for everyone to be able to be housed in a more permanent way it is not the current reality.

Thank you for reading and considering. We are open to any feedback, questions and/or discussion related to these matters.

Sincerely,

Bridget Reeves  
Associate Executive Director  
Lighthouse Mission Ministries  
P: 360-733-5120 ext. 110  
Bridgetr.lmm@gmail.com

**Aven, Heather M.**

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**From:** Jennifer Moon <jmoon3000@comcast.net>  
**Sent:** Thursday, January 31, 2019 3:24 PM  
**To:** Grp.PL.Planning And Development Commission  
**Subject:** Public Comment: Interim Housing

Dear Commission members,

I am writing in support of the Interim Housing draft ordinance currently under consideration. I encourage you to forward a recommendation of approval of the draft ordinance, as currently written, to the City Council.

Our community faces a humanitarian and public health crisis that demands innovative responses to homelessness. This draft ordinance represents a step in the right direction. I believe the draft ordinance has been crafted in a very thoughtful way. We have many qualified and experienced agencies that can effectively and safely manage interim housing facilities. The regulatory provisions of the draft ordinance are thorough.

As a homeowner in the Columbia neighborhood, I have full confidence in the ability of our local and social service providers to do this work. I support this draft ordinance moving forward to the City Council for consideration.

Thank you for the opportunity to comment.

Jennifer Moon

01/31/2019

Dear Planning Commission,

I appreciate the chance to lend my support for making interim housing beds more available for our neighbors throughout Bellingham. I have lived and worked in this community for 10 years. I own a home and raise a family here. I am invested in what happens to all of my Bellingham neighbors, especially if they don't have a home.

I support the idea of interim housing of all sizes included throughout our neighborhoods. I have no choice in who my neighbors are now. When a house is sold or rented on my street, I don't get to pick who moves in there, so why should I have a say in someone who has been without housing finally finding some stability? Interim housing comes with staff to support those living in that space and those staff work really hard with folks to try and make the situation successful.

In regards to limiting the number of beds within one square mile, this could pose significant challenges as many services providers are currently within one square mile of each other. For agencies and organizations to be able to create housing near their staffed facilities could be challenging if a cap of beds has already been reached. This could be a hindrance in creating safe space for our neighbors who are experiencing homelessness.

As a social worker I have some strong resistance to a log of names and dates being available on demand to municipal and county law enforcement. These are humans who have already been through a loss of dignity in many situations. To be placed on a list that is shared out when they have done nothing wrong, takes away from their privacy. If someone commits a crime or law enforcement needs to be called, then yes, information could be shared, but being homeless isn't a crime and this feels like it is crossing the line towards that.

I apologize for not being able to attend this evening, but I wanted to put a few thoughts down for you and hope that it helps in your discussion. Please work towards eliminating barriers for people to sleep in warm safe places and in doing so please also remember to keep the humanity of these folks in mind.

Thanks,

Ann Beck, MSW, LICSW

WHEREAS, a homelessness crisis exists necessitating adoption of regulations for interim 19 housing to preserve and protect public health and safety and prevent danger to public or private 20 property; and

WHEREAS, RCW 19.27.042 authorizes cities to exempt from state building code requirements 23 buildings whose character of use or occupancy has been changed in order to provide housing 24 for the homeless for up to five years, as long as the code deficiencies do not pose a threat to 25 human life, health or safety; and

Includes a sponsor or managing agency



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March 4, 2019

City of Bellingham  
Attn: Bellingham Planning Commission  
210 Lottie Street  
Bellingham, WA 98225

**RE: Interim Housing Ordinance**

To Whom It May Concern:

Northwest Youth Services would like to provide written feedback regarding the proposed Interim Housing Ordinance. We are thankful for a strong ongoing partnership with the City of Bellingham in our efforts to respond to and resolve Youth Homelessness in Whatcom County. We also appreciate the thoughtfulness that has gone into the creation of this document as well as the many opportunities to solicit input and feedback to ensure that this document serves to support and clarify the City's intention to expand services to those experiencing homelessness.

Specifically, Northwest Youth Services affirms the essential differentiation between sizes and functions of facilities, as these differences create vastly differing impact in the community. A house which supports and houses six individuals has completely different management and oversight needs than does a facility sheltering 200 plus individuals. Ensuring that policies and processes respond accordingly is critical.

The following are some brief comments on specific sections that we feel should be revised to ensure that Managing Agencies are able to support clients in accessing services in ways that are in line with current confidentiality policies and in serving clientele with dignity.

BMC Chapter 15.20A-Interim Housing

## 20.15A.020 Requirements

### Section A

*Line 20: Differing Facility Sizes and variance of zoning and permit type for different size facilities.*

Northwest Youth Services affirms and appreciates the clear distinction between small and medium size facilities and large scale facilities. This distinction is critical to ensure permitting procedures, zoning regulations and a community understanding is in line with the differing impact that facilities of each size have.

### Section D

*Lines 30-31: Maximum number of beds per square mile.*

Northwest Youth Services believes that this requirement may prove to be unfeasible. In the current housing market, managing agencies have extremely limited access to housing stock to begin with. Limiting this further by having to evaluate the number of beds currently available in the established radius will take up precious time and create an additional barrier to creating more of this much needed resource. In viewing the current dispersal at the Planning Commission Meeting on 1/31/19, it appears that, based on the limited housing availability, this dispersal will occur naturally.

### Section Q

*Lines 81-83: Outdoor waiting space, parking, and recreational activities.*

Northwest Youth Services would offer that this Section appears to be relevant primarily for large scale facilities. Often, small scale facilities are in current single family homes or duplexes with non-negotiable parking access, outdoor areas, etc. Managing Agencies do not have the ability to negotiate these spaces with a property manager. Therefore, additional requirements in this area create barriers to small and medium size facilities.

### Section R

*Line 85-103: Operations Plan/Management Plan*

Many of the items that have been drawn out separately in additional Sections could potentially be integrated into a Managing Agency's Operations Plan or Management Plan. While the listed contents are reasonable, Northwest Youth Services agrees with much of the feedback provided publicly at the 1/31/19 Planning Commission meeting that the Management Plan could suffice on many topics instead of creating more rigid requirements on the outset.

### Section S

*Lines 104-105: On-site supervision at all times.*

For Northwest Youth Services, part of designing and operating programs is establishing the level of support and supervision clients need to be successful in residing in the housing option safely and successfully. We take this part of the work very seriously and deeply value maintaining housing units well and supporting the safety of clients, staff, and neighbors. We believe that the request to have on-site supervision at all times may be unnecessary or impossible for many small scale facilities and appreciate that this is a

section that can be established based on population. We think that this is something that could potentially be integrated into the proposed Management Plan.

#### Section V

##### *Lines 120-125: Presence of Minors*

Northwest Youth Services agrees that minors may not be permitted access to these types of facilities. Service to minors requires adherence to Washington State Administrative Code and oversight by the Department of Children Youth and Families. While the Ordinance reads that Child Protective Services will be contacted, in practice Managing Agencies may find that avenue ineffective or unresponsive. Likely, individualized work will be required to identify additional information regarding that minor' housing needs and situations. Northwest Youth Services is happy to be a resource in these circumstances as well.

#### Section W

##### *Lines 127-131: Provide Bellingham Police Department with 24 hour contact.*

This staffing requirement may be untenable for many Managing Organizations. This communication need could be addressed in the Management plan, specifically identifying a primary agency contact for Law Enforcement. Having this staff available 24/7 if the program is determined to not need full time supervision may become a budgetary barrier to operations. Again, each Managing agency has a vested interest in the program and clients being successful and operating peacefully within a neighborhood. This is one of the sections that seems to have drastically different needs and impacts depending on the size of the facility and population served.

#### Section AA

##### *Lines 150-154: Ejected/rejected clients who are unregistered sex offenders or have active felony warrants must be reported to BPD.*

Overall, Northwest Youth Services would like to communicate the critical importance of continuing to provide services to clients that are in line with our confidentiality and safety protocols. Our agency and staff do not disclose identifying personal information of any of our clientele to the public or other agencies without an active Release of Information, a subpoena, or in the case of imminent threat of harm to self or others. In those situations, our staff and program teams are trained on how and when to breach confidentiality to ensure the safety of individual clients and others in the community. For these reasons, the blanket statements related to requirements to have open communication with and access by the Bellingham Police Department or neighbors is not feasible for us. Our services and providers consistently hold the safety of youth, our staff, and the larger community as a high priority and therefore are trained on when and how to request law enforcement presence and support.

#### Section 20.15A.040 Pre-Application and Application

A.

*Lines 226-230: Written notice to any licensed child care facility or elementary or middle school within 600 feet and respond to modifications requests prior to application.*

As mentioned previously, by providing notice to the surrounding neighbors, whether these are individuals, child care facilities, or schools, managing agencies violate confidentiality of future residents. Northwest Youth Services does due diligence to ensure limited impact on neighbors and ensures that any resident living in the specific location is placed there in line with any housing restrictions they may have due to criminal history. Northwest Youth Services recommends removing this item.

#### Section 20.15A.050 Decision

B.

*Lines 244-246 "nuisance, unsightliness, waste, etc"*

The presence of this language seems to reinforce stereotypes of populations of individuals who may be accessing housing services. Present in every lease that a Managing Agency may sign, if they are operating in a master leased facility, is language related to expectations for care of the property. Northwest Youth Services would recommend removing this language from the Ordinance.

In summary, Northwest Youth Services appreciates the work that the City of Bellingham is doing to support increased access to housing for vulnerable and unhoused people. We are invested in insuring that any ordinance or permitting process ultimately succeeds in its goal to increase availability, not limit Managing Organizations' abilities to operate successful and necessary programming.

Northwest Youth Services is also committed to ensuring that services continue to be provided in a way that honors the diverse experience of those who are without shelter. We aim to provide housing and care that welcomes and supports integration into the broader community.

Thank you again for the dialogue and opportunity to provide feedback to this critical issue.

Sincerely,



Harriet Markell,  
Interim Executive Director

*On behalf of the Board and Staff of Northwest Youth Services, and the local youth we serve.*