



**COMMUNITY
HEALTH NETWORK**
of Washington™



Local Housing Policy Overview

A Resource for Community Health Centers and Stakeholders

**Zoning Laws, Tenant Protections and Criminalization
of Homelessness**

The Community Health Network of Washington (CHNW) represents 21 of the 28 community health clinics in Washington; our clinics are trusted local partners in towns and cities throughout the state. Our policy and lobbying efforts are deeply entwined with the needs of the communities and people we represent, meaning we advocate for policy solutions that we are certain will have a positive impact on patients, clinics, and communities.

With housing insecurity and homelessness as one of the most significant social drivers of health (SDOH) affecting people across the state, we recognize the need to support upstream policy changes to promote the availability of affordable housing across the state and support keeping Washington residents housed. Housing has been a key priority for Community Health Plan of Washington's (CHPW's) state legislative advocacy, and we recognize that much of housing policy is grounded in local communities around Washington. To promote and support this work, we have created a series of policy papers to educate, share resources, and promote housing policy advocacy at the local level:

1. Introduction
2. Definitions, legislative tracking tools, and additional resources
3. Special populations
4. **Zoning laws, tenant protections, and criminalization of homelessness**
5. Affordable housing sales taxes, document recording fees, and levies
6. Community engagement, comprehensive plans, and local CHC advice/best practices

The Impact of Zoning Laws on Housing

"Zoning describes the use of municipal authority to decide what land can be used for, and it defines allowable uses for residential, commercial, and industrial areas."¹ Zoning plays a significant role in community development and can determine the amount of affordable housing that can be created. Zoning can be a tool wielded by policymakers and wealthy communities to boost property values, decrease tax burdens, and consequently, foster the conditions that ensure housing stock fails to meet the demand, thereby exacerbating the housing affordability crisis. Similarly, zoning regulations that restrict properties to a minimum lot size directly reduce the density of housing in a community and the number of available homes.



Guiding Questions to Consider

1. How have zoning laws in your community impacted the housing landscape? Have they caused any barriers to developing low-, or middle-income housing?
2. Are there any historical inequities that have impacted your community's zoning?
3. Take a deep dive into the University of Richmond's *Mapping Inequality* to explore the modern-day impacts of redlining in your health center's service area.

¹ <https://millmanland.com/company-news/can-zoning-improve-the-housing-affordability/#:~:text=Many%20zoning%20codes%20establish%20parking,increase%20the%20affordability%20of%20housing.>



We cannot discuss zoning without also providing the historical context of redlining. Redlining was a government practice where areas and neighborhoods were rated A through D in terms of "risk" for government mortgages through government-backed insurance programs. D areas – those with the most “risk” assigned – were predominantly in Black neighborhoods². You can view maps of local communities using this resource³ and can see the present-day impacts of redlining and how the practice corresponds to current zoning measures. Up until the 1917 Supreme Court case, *Buchanan v. Warley*, and the eventual Fair Housing Act of 1968, cities were able to discriminate zoning ordinances by race (a core component of redlining). Explicit race-based discrimination became illegal, but class-based discrimination has not and is often referred to as economic or exclusionary zoning. Current zoning ordinances still allow for discrimination by race or class through economic tactics, such as establishing minimum lot size or minimum square footage requirements, building codes, and single resident per lot requirements.

Currently in Seattle, 75% of the of the land designated for residential development is zoned for single-family homes⁴. This has caused a significant barrier to build more affordable housing in the city and has reinforced race and class segregation. There is simply not enough space with these exclusionary zones to develop a sufficient quantity of housing for Seattle’s population. Single family homes are, of course, more expensive than apartments or middle housing units (for example, townhomes, duplexes, triplexes, and cottage or courtyard apartments), which puts them out of reach for many individuals and families in the city and contributes directly to housing inequities and a lack of sufficient and available affordable homes. This issue is present in cities across Washington, but changes to city zoning laws face strong opposition, mostly from parties against multi-family housing.

Ways to Address Exclusionary Zoning

As discussed in the Introduction, in 2023, HB 1110 passed in the state Legislature and incentivized the construction of middle housing units within walking distance of major transit stops, regardless of whether or not the radius of the major transit stop has previously been zoned for single-family homes, thus connecting low-income individuals and households to the larger city and enabling better access to services, work, schools, grocery stores, and other resources. It is estimated this new law could create an additional 75,000 to 150,000 units of affordable housing⁵.



² <https://www.nytimes.com/2021/08/17/realestate/what-is-redlining.html>

³ <https://dsl.richmond.edu/panorama/redlining/#loc=4/37.8/-97.9>

⁴ <https://crosscut.com/2018/12/rectifying-seattles-racist-past-requires-denser-future-says-report>

⁵ <https://www.psrc.org/about-us/media-hub/resources-state-legislative-housing-supply-proposals-hb-1110-and-sb-5466>

Also in 2023, HB 1474, the Covenant Homeownership Act⁶, passed, aiming to correct these historical injustices in our housing laws and restore ownership to populations that had previously been excluded. This act directs the state to conduct a research study around housing discrimination in Washington and provides a new funding source for homebuying education and closing cost and down payment assistance for historically disenfranchised populations. For more information, we recommend reading the [Covenant Homeownership Program report](#), written by the Washington State Housing Finance Commission and other partners.

One way to address inequities in land ownership on the local level are through community land trusts, which are nonprofit corporations that serve as the long-term steward of land, held on behalf of a community, for affordable housing, community gardens, and other community assets. Some cities have community land trusts that seek specifically to restore land- and homeownership to Black and Indigenous communities who have been historically displaced and/or otherwise prevented from owning land and homes.



AfricaTown Community Land Trust

The mission of AfricaTown is “to acquire, develop, and steward land in Greater Seattle to empower and preserve the Black Diaspora community”. The land trust currently owns the Liberty Bank building in the historic Central District of Seattle and works toward community ownership to support “cultural and economic thriving of people who are part of the African diaspora in the Greater Seattle region.”

Tenant Protections

Renters in Washington State have been experiencing both a shortage of available rental homes and increases in rent that have led to severe cost burdens, particularly for extremely low-income residents (and those with additional needs, such as residents with disabilities, the elderly, and youth)⁷. It can be particularly challenging for middle-, low-, and extremely low-income individuals and families to find adequate and affordable housing in their communities; the delta between demand for and supply of affordable housing means that more households are forced to move out of their community and live farther away from their workplace, school, healthcare, and other social services.



Peninsula Community Health Services’ Workforce Housing Solution

PCHS, located in Kitsap County, is funding the development of an apartment building with housing units specifically dedicated to the clinic’s workforce, meaning that for an individual’s tenure at the clinic, they will have affordable and secure housing available to them.

At the statewide level, there have been numerous attempts to pass tenant protection measures without success. While there is strong grassroots support for renters’ rights legislation, there are also vigorous

⁶ <https://www.wshfc.org/covenant/index.htm>

⁷ <https://nlihc.org/housing-needs-by-state/washington>

debates in opposition. In 2023, several tenant protection bills were introduced: HB 1388 that would prevent abusive and extreme rent increases; HB 1389 that would cap annual rent increases so landlords can only charge tenants a fair amount for increases due to costs and building improvements; and HB 1124 that would require landlords give tenants a six-month of significant rent increases and allow tenants to quit their fixed term leases due to the increase. None of these bills made it through the 2023 session, and in 2024, advocates continued to push for renter protections, primarily through Engrossed Substitute HB 2114. This bill consolidated many of the proposals in the bills from 2023 into one, proposing various rent stabilization measures, limiting monthly, security deposits, and late fees, and publishing landlord resources and provisions. ESHB 2114 passed the House but died in the Senate Ways and Means (fiscal) committee. Currently we are in the midst of 2025 legislative session and advocates including the Washington Low Income Housing Alliance are continuing to lead on the topics of rent as it continues to be a need expressed by community members across the state.

At the local level, some cities have had more success in passing their own initiatives. One example is Tacoma's recent Initiative 1, which enacts rental requirements for landlords and establishes rental rights for tenants. This measure requires "landlords to comply with health and safety laws before raising rent or evicting a tenant; sets limits on certain rental fees; requires landlords provide two notices to increase rent and offer relocation assistance when the increase is 5% or more; creates a defense against certain student or school year evictions, evictions between November 1 and April 1, and evictions against service members, seniors, families, and others with protected status under the measure; and provides penalties and enforcement mechanisms."⁸ This initiative passed by an extraordinarily tight margin, 50.43% to 49.57%, and ultimately highlights the power of organizing and advocacy at the local level.



Guiding Questions to Consider

1. Has there been any organizing in your community either for or against tenant protections?
2. What organizations are typically involved in these calls for action? Is there a role for your health center to play in advocacy, storytelling, or otherwise in these efforts?



⁸ <https://www.tacoma4all.org/initiative01>



Criminalizing Homelessness

The criminalization of homelessness by local cities has become more prominent as visible homelessness has grown, and concerns about people experiencing homelessness have triggered NIMBY “not in my backyard” responses.

The 2018 Supreme Court case, *Martin v. Boise*, stated that “homeless persons cannot be punished for sleeping outside on public property in the absence of adequate alternatives.”

Despite this decision, many cities continued to directly and indirectly criminalize homelessness by a variety of measures, including banning tent camping and sleeping or lying on public property or sidewalks.

In April 2024, the Supreme Court started hearings for *Johnson v. Grants Pass* to determine if cities are allowed to punish people, with fines or jail, for sleeping outside with a blanket. This case was decided in late June, with the Court siding with Grants Pass, effectively overturning *Martin v. Boise*. It is now much easier for cities to pursue criminalization⁹, and it is expected more cities will pursue these methods of punishment or expand already existing bans.

A large city in Washington has had a camping ban in place since 2018 on public property, but in 2022, the city council voted on and unanimously passed a new, expanded ordinance that bans camping along a nearby river, railroad viaducts, and within three blocks of homeless shelters – whether shelter beds are available or not¹⁰.



Experience Matters

The Community Health Association of Spokane spoke of a new coalition, Experience Matters, that came together in the city of Spokane to advocate for homelessness solutions, in tandem with the regional housing alliance, to ensure that community and lived experience voices are heard. They believe that change is possible through a unified approach, “but only when solutions are designed by and with those with the most experience, supported collaboratively by local government, and include all stakeholders at the table together.”



⁹ <https://johnsonvgrantspass.com/>

¹⁰ <https://www.spokesman.com/stories/2022/sep/19/spokane-city-council-votes-to-ban-camping-along-ri/>



Another mid-size city approved a camping ban in 2022 that “gives police the power to arrest someone for illegally occupying public property only when two conditions are met: when available overnight shelter exists and when that available shelter has been offered and refused.”¹¹ Violating the ordinance is a misdemeanor that can result in either a \$1,000 fine (extreme and unrealistic for many people experiencing homelessness), ninety days in jail, or for community members unable to pay, community service requirements.

Unhoused residents in a third city are suing the city for enforcing an ordinance that prevents “any person from dwelling in public spaces...the only exceptions are...from 7pm to 6am at designated areas that are set aside, posted, or not explicitly prohibited by the city.”¹² The plaintiffs claim the Ordinance 8 is unconstitutional and violates the due process rights and equal protections of homeless individuals living in Burien as there are not clear guidelines about which areas are “designated” for unhoused populations. The city has insufficient infrastructure to provide shelter for people experiencing homelessness; the two shelters available in the city are exclusive to women and children.

Outside of outright bans, homelessness criminalization can be more subtle. An example is hostile architecture, a strategy for urban design that uses elements of the built environment to purposefully deter unwanted behavior in public spaces. Examples include city benches with bars or spikes to prevent someone from lying down, fences or other barriers to prevent people from access areas to camp, or overhangs installed on commercial buildings with gaps between the overhang and building wall to allow precipitation to come through and prevent someone to be protected from the elements.

Adverse Health Impacts of Criminalization

Healthcare providers have a unique voice to offer in the conversation around criminalization as they can speak to the adverse health impacts of sweeps, encampment bans, and other forms of criminalization. A Journal of American Medicine (JAMA) study from 2023¹³ shows that these bans and forced relocation result in increases in overdose deaths, hospitalizations, infections, and increased barriers to opioid use disorder treatment and medications. Forced displacements also make it more challenge for case managers, street outreach and providers to maintain relationships with their clients, making it more difficult to coordinate care for patients. More information on the health impacts of criminalization can be found from National Healthcare for the Homeless including this 2022 brief on the Impact of Encampment Sweeps on People Experiencing Homelessness¹⁴.

¹¹ <https://myedmondsnews.com/2022/05/edmonds-city-council-approves-ban-on-public-camping/>

¹² <https://www.realchangenews.org/news/2024/02/14/unhoused-burienites-sue-over-discriminatory-camping-ban>

¹³ [https://jamanetwork.com/journals/jama/fullarticle/2803839?guestAccessKey=f321ceca-78d6-4d55-bcc5-e7a775ce1152&utm_source=For The Media&utm_medium=referral&utm_campaign=ftm_links&utm_content=tf&utm_term=041023](https://jamanetwork.com/journals/jama/fullarticle/2803839?guestAccessKey=f321ceca-78d6-4d55-bcc5-e7a775ce1152&utm_source=For%20The%20Media&utm_medium=referral&utm_campaign=ftm_links&utm_content=tf&utm_term=041023)

¹⁴ <https://nhchc.org/wp-content/uploads/2022/12/NHCHC-encampment-sweeps-issue-brief-12-22.pdf>

How to Support Community and Fight Against Criminalization

Many criminalization efforts come from a place of fear and concern but end up creating further harm instead of addressing the root causes of homelessness. It is important to remember that when engaging in community conversations to acknowledge concerns and address myths on homelessness, especially through elevating the needs and perspective of those most directly impacted. Other strategies include proposing alternative solutions (such as more permanent supportive housing) and highlighting how those solutions will directly and positively impact community. The Washington Low Income Housing Alliance has toolkits^{15,16} detailing ways homelessness has been criminalized in Washington State, how to educate decision makers, and ways to change the narrative around homelessness in local communities. There are also many helpful tools from national organizations, like the American Civil Liberties Union (ACLU)¹⁷, that provide resources and updates on Washington State court cases challenging sweeps and other criminalization measures. The National Alliance to End Homelessness has also developed some myth busting messaging to support in the post Grants Pass environment¹⁸. If your community is interested in ways to advocate for Permanent Supportive Housing as a solution – the Department of Commerce recently released some tools and guidance that could be useful in local conversations¹⁹. Ultimately, it is important to share positive messaging and examples from your specific community to work towards the shared goal of reducing homelessness.



Guiding Questions to Consider

1. Are there currently any homelessness criminalization efforts in your community? If so, what have the impacts been to your community, particularly for the homeless patients you serve?
2. What has been the messaging in your community (from political leadership, law enforcement, homeless services providers, etc.) around homelessness, encampments, and solutions to address?

Resources linked in this white paper may support in messaging on how to bring positive solutions to your community.

¹⁵ [https://www.wliha.org/sites/default/files/2021-01/WLIHA%20Toolkit 2020 online%20version%20w%20handouts v3.pdf](https://www.wliha.org/sites/default/files/2021-01/WLIHA%20Toolkit%202020%20online%20version%20w%20handouts%20v3.pdf)

¹⁶ <https://www.wliha.org/sites/default/files/myths.pdf>

¹⁷ <https://www.aclu-wa.org/homelessness>

¹⁸ https://endhomelessness.org/wp-content/uploads/2024/06/NAEH_Emerging-Strategies-to-Combat-State-Level-Punitive-Bills.pdf

¹⁹ <https://www.commerce.wa.gov/building-infrastructure/housing/ahah-psh/permanent-supportive-housing-toolkit/>

