Bond Case Briefs

Municipal Finance Law Since 1971

BALLOT INITIATIVE - WASHINGTON

Jewels Helping Hands v. Hansen

Court of Appeals of Washington, Division 3 - December 7, 2023 - P.3d - 2023 WL 8462609

Advocates for unhoused persons brought action against local voter, city, and county seeking declaratory and injunctive relief against local initiative placed on general election ballot that sought to expand city ordinance list of locations in city where camping was banned regardless of whether shelter space was available, on grounds that initiative exceeded scope of local initiative power.

The Superior Court dismissed the complaint. Advocates appealed and asked for an emergency injunction prohibiting the initiative from appearing on the ballot. After Court of Appeals commissioner granted the motion, the emergency injunction was lifted and appeal was set for accelerated review.

The Court of Appeals held that:

- Initiative did not improperly seek to exercise power reserved solely to city council;
- Initiative did not conflict with controlling state law; and
- Initiative was legislative, not administrative in character.

Scope of local initiative that sought to expand city ordinance list of locations in city where camping was banned regardless of whether shelter space was available applied only to public property, for purposes of determining whether initiative sought to exercise powers delegated exclusively to city council or was an appropriate subject for electorate's involvement in subject matter challenge brought by advocates for unhoused persons; purpose of municipal code to which initiative would add was to regulate control and obstruction of public rights-of-way in the city, and initiative limited application to city-owned property.

Local initiative that sought to expand city ordinance list of locations in city where camping was banned regardless of whether shelter space was available sought to regulate those who used city property regularly, and not the property owner or holder, and therefore, was not a zoning ordinance, for purposes of determining whether initiative sought to exercise powers delegated exclusively to city council or was an appropriate subject for electorate's involvement in subject matter challenge brought by advocates for unhoused persons; initiative did not impose any penalties on any owner or holder of property who ran afoul of its provisions, but rather, the only people who could suffer penalties were those whom the law would characterize as guests or trespassers.

Local initiative that sought to expand city ordinance list of locations in city where camping was banned regardless of whether shelter space was available fell within city's general police powers, and as such, did not improperly seek to exercise power reserved solely to city council, for purposes of subject matter challenge brought by advocates for unhoused persons, because initiative addressed public safety concerns regarding camping and storage of personal property in public areas.

Local initiative that sought to expand city ordinance list of locations in city where camping was

banned regardless of whether shelter space was available did not conflict with controlling state law on homeless response planning, as the state law did not say anything about what cities may or may not do about individuals who were currently unhoused and even if initiative overlapped with section of the state law that required each county's homeless housing task force to develop a five-year homelessness housing plan, the law did not require cities or their legislative authority to implement the county task force guidelines.

Local initiative that sought to expand city ordinance list of locations in city where camping was banned regardless of whether shelter space was available qualified as legislative, as opposed to an administrative matter falling outside scope of local initiative power, because it was permanent, not temporary, and applied generally throughout the city, not just to specific parcels of land.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com