



Northwest Justice Project



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## ***FOR IMMEDIATE RELEASE***

### **Seattle/King County Coalition on Homelessness sues Burien Over Unconstitutional Ordinance**

SEATTLE, WA – January 3, 2024 – The Seattle/King County Coalition on Homelessness (Coalition on Homelessness), along with three unhoused individuals residing in Burien, Washington, filed a lawsuit today challenging Burien’s Ordinance 827 as unconstitutional.

Represented by the Northwest Justice Project (NJP), the lawsuit charges the City of Burien with violating the Washington Constitution by adopting a vague and almost incomprehensible ordinance that criminalizes the status of being homeless, inflicts cruel and unusual punishment, and deprives individuals of due process.

Burien's Ordinance 827, revising Ordinance 818 initially passed on September 25, 2023, effectively bans homeless individuals from living on any public property at any time. The only exceptions are certain designated, marked areas between the hours of 7 p.m. to 6 a.m. However, no such designated areas exist as the City has yet to establish any.

The ordinance purports to allow individuals to live on public land when no shelter beds are available. This provision, however, fails to acknowledge the almost complete lack of shelter in Burien and King County as a whole. Shelters located in Burien are routinely full and serve only families with minor children and women without children. Burien lacks sufficient shelter space to house all of its unhoused residents.

Individuals who violate the Ordinance are guilty of a misdemeanor.

“It shouldn’t be a crime to be human and homeless,” said Alison Eisinger, Executive Director of the Coalition on Homelessness. “Burien is better than this. We want to repeal this unjust law that effectively bans homeless individuals from living in Burien. This law is the opposite of helpful.”

"Burien’s ordinance makes it impossible for an unhoused resident of Burien to protect themselves from the elements, prepare food, or exist outside," said Scott Crain, Statewide Advocacy Counsel at Northwest Justice Project. "Criminalizing the very act of being homeless without any viable refuge is cruel punishment."

The lawsuit also alleges that the Ordinance infringes on due process rights by granting law enforcement excessive discretion without clear guidelines or a defined permitting process. The city's actions disrupt the lives of homeless individuals and deny them their right to privacy and freedom of movement.

This was seen on December 1, 2023, when King County Sheriff's deputies, who serve as Burien's contracted police force, informed residents living at a site on Ambaum Blvd SW that they could no longer live there and risked arrest if they stayed. All residents dispersed and the city removed and disposed of their remaining property.

Elizabeth Hale, a plaintiff in the suit alongside two other unhoused residents—Alex Hale, and Carlo Paz—criticized the city's approach, stating, "I just want to be treated like everyone else. We want to be treated as people who have a right to live in this town."

The lawsuit seeks an injunction to stop enforcement of the Ordinance; a declaration that it is unconstitutional; and other relief deemed necessary by the court.

Burien's Ordinance comes amid a serious regional and national crisis of insufficient affordable housing and increasing numbers of people who experience homelessness. More than 53,000 King County residents were homeless at some point during 2022.<sup>1</sup> The U.S. Department of Housing and Urban Development recently reported a 12% increase in people experiencing homelessness over 2022.<sup>2</sup> Harvard's Joint Center for Housing Studies recently released an analysis showing that housing assistance for America's poorest residents is the lowest it has been in 25 years, despite years of steeply rising rents.<sup>3</sup> King County needs an estimated 18,200 additional units of temporary housing and shelter to respond to the unmet housing needs.<sup>4</sup>

#### **About Seattle/King County Coalition on Homelessness (SKCCH):**

The Coalition on Homelessness is a non-profit organization founded in 1979 and dedicated to education and advocacy on behalf of unhoused individuals residing in King County. The mission of the Coalition is to mobilize its community to challenge systemic causes of homelessness and advocate for housing justice. The Coalition works to change policies, remove barriers, and promote lasting, regional solutions to help ensure everyone has a home.

#### **About Northwest Justice Project (NJP):**

NJP is a non-profit law firm that provides free civil legal assistance and representation to low-income people across Washington State. NJP's mission is to combat injustice, strengthen communities, and protect human dignity. Its work on behalf of low-income families, individuals, and communities addresses fundamental human needs when confronting issues such as domestic violence, threats to housing, income security, education, health care and employment.

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<sup>1</sup> <https://kcrha.org/wp-content/uploads/2023/06/FINAL-KCRHA-Five-Year-Plan-6.1.23.pdf#page=8>

<sup>2</sup> <https://www.seattletimes.com/seattle-news/homeless/hud-reports-record-high-homeless-count-in-2023-for-u-s-wa/>

<sup>3</sup> <https://www.nytimes.com/2023/12/19/us/politics/housing-aid-rent-costs.html>

<sup>4</sup> <https://kcrha.org/news-an-update-on-our-5-year-plan/#:~:text=Our%20community%20must%20create%2018%2C200,That's%20our%20job>