



Northwest Justice Project

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César E. Torres
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Via email and personal delivery

Tom Utterback, AICP
Development Services Director
City of Puyallup
333 South Meridian Street
Puyallup, WA 98371

Re: *Preliminary* Significant Impact Business License (“SIBL”) Mitigation Conditions for New Hope Resource Center dated September 16, 2016

Dear Mr. Utterback:

I. Introduction.

Northwest Justice Project (“NJP”) is Washington’s largest provider of free civil legal aid to persons who are poor, elderly or disabled. NJP also represents community organizations which serve such clients, including Homeward Bound in Puyallup (“HBP”), a non-profit organization operating the New Hope Resource Center (“New Hope”). The following comments are submitted on behalf of HBP and New Hope regarding the City’s *Preliminary* SIBL Mitigation Conditions for New Hope dated and issued September 16, 2016. (italics original; hereafter “Preliminary Conditions”)

II. Reservation of Rights.

HBP has participated in the City’s ad-hoc SIBL administrative process in good faith but by doing so does not waive any disputes arising from that process or the City’s actions, including but not limited to disputes regarding the City’s authority under WA. Const. Art. 11, § 11 or other laws to adopt or enforce the various ordinances comprising chapter 5.90 of the Puyallup Municipal Code (“PMC”), and the City’s decisions to use an ad-hoc SIBL process “generally modelled [sic] on the City’s SEPA (Environmental Review) Checklist.”¹

III. The City’s Identification of “Impacts” is Fundamentally Flawed.

Neither “impact” nor “significant impact” is defined in the City’s business licensing code, Title 5 PMC. The State’s Environmental Policy Act (SEPA) directs agencies taking action to also consider “adverse environmental impacts which are significant.”² SEPA regulations define “impacts” as “the effects or consequences of actions.”³ SEPA does not apply to the City’s actions to issue or renew New Hope’s business license or provide the City with any

¹ Preliminary Conditions, p. 2.

² RCW 43.21C.031(1).

³ WAC 197-11-752.

authority to condition that license, because business licensing is categorically exempt from both the City's own environmental review requirements and the SEPA process.⁴ The result is a situation in which persons of common intelligence who read the SIBL portions of PMC cannot discern with reasonable certainty what is and is not the sort of "impact" they may be required to mitigate under the SIBL code,⁵ as distinguished from the sort of "impacts" they are categorically excused from being required to address under SEPA.

It is entirely unclear from the SIBL ordinance or the Preliminary Conditions document what the City considers to be either an "impact" of New Hope's operations or a "significant impact" requiring mitigation. For example, the Preliminary Conditions describe impacts under the heading of "public safety" as follows:

Impact: Comments have been received noting New Hope Center's location in the immediate vicinity of commercial business and within a larger area of residential and school uses. Given this location, concerns have been registered regarding members of the public (particularly pedestrians) on nearby rights-of-way and properties being exposed to periodic unlawful and/or offensive conduct by New Hope clients/visitors on the new Hope site. Comments were also provided regarding reports of New Hope clients possessing a variety of illegal/restricted items and substances while on-site, including weapons, fireworks, drugs, etc.⁶

Impact: Related comments have been received that New Hope Resource Center clients/visitors have been involved in inappropriate and/or offensive conduct in the greater vicinity of New Hope Resource Center, thus impacting a larger neighborhood...⁷

If the perceived impact is New Hope's "location in the immediate vicinity...and within a larger area" of other use types, this is the direct consequence of the City's zoning code, rather than New Hope's operations permitted outright on that site.⁸ If the impact identified is the public "being exposed to periodic unlawful and/or offensive conduct at the site" or "in the greater vicinity" then the only legitimate inquiry is regarding conduct caused by New Hope's operations, the adverse effects and significance of that conduct, and what conditions may reasonably mitigate the same.

Taken together, the Preliminary Conditions' broad and non-specific discussion of "impacts" and the mitigation conditions imposed to address them appear to reflect a view that the very presence of people who are homeless, and the kinds of things people believe the homeless generally do, are the real "impact" the City is identifying for mitigation, rather than specific

⁴ PMC 21.04.240, adopting by reference WAC 197-11-800, including exemptions under § 13(d) ("All licenses to operate or engage in charitable or retail sales and service...") and § 13(j) ("The renewal or reissuance of a license regulating any present activity or structure so long as no material changes are involved.")

⁵ An ordinance which forbids an act in terms so vague that persons of common intelligence must guess at its meaning and differ as to its application denies due process and is void. *Eg., Grant County v. Bohne*, 89 Wn.2d 953, 577 P.2d 138 (1978); *Anderson v. City of Issaquah*, 70 Wn.App. 64, 851 P.2d 744 (1993).

⁶ Preliminary Conditions, p. 4.

⁷ *Id.*

⁸ City planning staff determined in September 2014 that New Hope's use at the site is permitted outright under the City's zoning code. <http://www.cityofpuyallup.org/Faq.aspx?QID+264>

conduct or consequences caused by New Hope’s ministry to such people. This fundamental flaw in the City’s analysis is also apparent in the conclusions it draws from data it considered when formulating the Preliminary Conditions.

IV. **The City’s Public Safety Findings Are Not Supported by Facts of Record.** The Preliminary Conditions contain two findings immediately following the descriptions of alleged public safety impacts quoted above:”

*CITY FINDING: Police Department records do verify that a proportionally large level of Calls for Service (e.g. 314 total Police calls 2014-present) are **attributed to** the New Hope property relative to similarly sized professional/commercial or social service establishments. This pattern of heavy Calls for Service does materially impact Police resources. Police records also confirm that multiple Calls for Services to the property have involved drugs and/or weapon offenses....*

* * * * *

*CITY FINDING: Police Department records do confirm that a proportionally-large number of Calls for Service in the greater vicinity of the Resource Center are **related to New Hope clients....** (italics original; bold added)⁹*

In an effort to understand the purported basis for these findings, and in particular the “attribution” of impacts on police resources to New Hope, we have reviewed records provided by the City in response to a request to review all information listed in the Preliminary Conditions.¹⁰ The “Police Department records” provided to and reviewed by us fall into four categories:

1. “Homeless contact” information, including graphs,¹¹ presentations with spreadsheets¹² and other communications¹³ provided by the Chief of Police to city staff and/or the public *before* issuance of the Preliminary Conditions;
2. Calls for Service data reports dated *after* issuance of the Preliminary Conditions;¹⁴
3. Computer Aided Dispatch (CAD) records for the period January 2014 to present; and
4. Miscellaneous correspondence involving the Police Department.¹⁵

In addition to these records provided by the City we independently obtained and reviewed police reports mentioning New Hope during the period January 2015 through mid-April 2016. A summary of our review of this data follows, with illustrative document references. Our reading of the records the City says it reviewed as the basis for these two key findings reveals the following:

⁹ Preliminary Conditions., p. 4.

¹⁰ *Id.*, p. 2, under “Notes.”

¹¹ Memo, June 27, 2016, from Chief Bryan Jeter to Deputy Mayor Palmer, with homeless contacts trend graph.

¹² Excel spreadsheets provided by Chief Jeter reflecting “Homeless Contacts” for 2014-2016.

¹³ Email, September 13, 2016 from Chief Bryan Jeter to Kevin Yamamoto and others, containing summary of police contacts with the homeless population August 9 – September 12, 2016.

¹⁴ Memo, September 19, 2016 from Heidi Crawford to Chief Bryan Jeter, re: Calls for Service Comparisons – New Hope, with attached CAD data for selected locations (two versions; 5 and 6 pages, respectively).

¹⁵ *Eg*, Email, September 13, 2016, from Kevin Yamamoto to Bryan Jeter, requesting Calls for Service data comparisons “to support findings on the determination of mitigation conditions.”

1. The City and Police Department appear to have generated call data to support these findings which “attributed to the New Hope property” or “related to New Hope clients” all calls or contacts involving homeless persons anywhere in the City, even when a call from New Hope reported a suspected crime occurring at a different location, when the person was questioned or arrested at New Hope for conduct occurring at another location, or for outstanding warrants enforced at New Hope but for conduct entirely unrelated to that location.
2. The Police Department often “associates” homeless persons with New Hope by using the New Hope address for persons who otherwise lack an address, even when no connection to New Hope is apparent or alleged.
3. The Police Department relies on security checks at New Hope and encourages reports from New Hope staff to aid them in identifying persons with outstanding warrants and other issues of concern unrelated to New Hope.

These practices appear to reflect that New Hope is a convenient and cooperative location at which police can make contact with persons who lack a fixed address. Testimony at the public meeting held September 26, 2016 also reflected that police often bring persons thought to be homeless to New Hope rather than take them to jail, the hospital or another location. These situations are not themselves significant adverse impacts which New Hope may lawfully be required to “mitigate.” Evidence that a significant increase in demand for police response caused by New Hope’s operations, rather than by evolving police practices, is not present in the documents we reviewed.

A. CAD Log Data Does Not Support the City’s Findings.

To the extent the City compared calls “attributed” to New Hope to other commercial establishments,¹⁶ it appears to only have done so for the period from mid-October 2015 to mid-September 2016, not back through 2014.¹⁷ According to a Police Department memorandum, 165 calls for service were “attributed” to New Hope during this time period. A review of the CAD logs related to calls from mid-October 2015 to mid-September 2016 shows significant problems with the City’s method of attributing calls to New Hope. For example, the City has “attributed” to New Hope:

- numerous incidents that clearly occurred off of New Hope Property;¹⁸
- a large number of CAD logs that, though listing 414 Spring Street as the location, do not appear to clearly reflect where any incident occurred;¹⁹

¹⁶ By commenting on this comparison data, New Hope does not concede that the City has chosen appropriate “comparable” locations to address the question of relative police utilization.

¹⁷ Memo, September 19, 2016 from Heidi Crawford to Chief Bryan Jeter.

¹⁸ For illustrative examples, see CAD Log numbers X1535200831, X1534800877, X1606800904, X1607401187, and X1610501146. For reasons not apparent at this time, these and other CAD logs list 414 Spring Street as the “location information.”

¹⁹ In particular, it is unclear whether these incidents occurred at New Hope, in the vicinity of New Hope, or entirely off of New Hope premises. For illustrative examples, see CAD log numbers X1535201011, X1601600914, X1601800392, and X1623000247.

- a significant amount of police-initiated activity, including service of warrants, as well as the stopping of “subjects” and “suspicious persons or vehicles;”²⁰
- calls related to incidents that appear to have occurred outside of New Hope’s hours of operation;²¹
- welfare checks regarding individuals who are not at New Hope’s premises;²²
- at least a handful of incidents that appear to be related to individuals who the police transported to New Hope; ²³ and
- not infrequently, the CAD call did not result in police presence on scene.²⁴

In addition, the Police Department’s 165 calls appears to include at least six “follow-up” calls that Ms. Crawford’s memorandum indicated should be excluded from those attributed to New Hope. This list does not purport to be an exhaustive recitation of the problems related to the City’s attribution of calls to New Hope. It does, however, illustrate that the City’s citation of 165 and 314 calls at New Hope is substantially inflated.

Beyond pure numbers, however, this data points to several other significant problems with both the City’s finding that New Hope has caused significant impacts and with its proposed mitigation measures. For example:

- To the extent that the CAD logs reflect alleged criminal conduct either occurring at or reported from New Hope, nearly all (if not all) of the alleged victims were themselves homeless. If New Hope is having any impact at all on the issue of homeless on homeless crime (a point it does not concede), it appears to be furthering the reporting of these alleged incidents. Surely, the increased reporting of things like domestic violence and assault against homeless citizens is not a negative impact that the City can or should be requiring New Hope to mitigate.
- The CAD logs clearly reflect that a small number of individual subjects require a disproportionate level of police response, whether due to alleged criminal activity or (more often than not) what appear to be mental health issues. A review of public records indicates that many of these individuals have consumed police time and resources throughout the City of Puyallup and prior to the existence of the New Hope Center. The City of Puyallup cannot demonstrate that New Hope’s interactions with these individuals have caused an increased demand for police services.
- Vocal opponents of New Hope appear have made a large number of calls and complaints to the Police Department. Many of these complaints fail to differentiate

²⁰ It is problematic that the City chooses to attribute to New Hope warrants that are served on or near its premises when the Police Department regularly asks for and New Hope routinely provides cooperation in locating individuals to be served. In addition, nearly all of the CAD logs related to these calls do not indicate whether the warrant was served or stop made on New Hope’s premises or merely in the vicinity.

²¹ For example, see CAD log numbers X1612800684, X1620301584, and X1609101844.

²² For example, see CAD log numbers X1602600543, X1605801304, and X1608101431.

²³ For example, see CAD log numbers X1608800667 and X1601601016.

²⁴ For example, see CAD log numbers X1601800429 and X1602000406.

between behavior of New Hope itself versus homeless individuals in general,²⁵ and few (if any) appeared to relate to criminal activity.²⁶ The lack of seeming merit to many of these complaints is especially troubling in light of the City's perspective that Significant Impact Business license process is "complaint driven." See City Council Meeting Minutes, April 5, 2016 (comments by City Manager Kevin Yamamoto), p. 6.

- Because the City has swept such a wide, variable breadth and range of calls into those it has attributed to New Hope, it is difficult to discern: (a) specifically what "impacts" the City is hoping to mitigate; and (b) how, if at all, the proposed mitigation conditions would accomplish the desired outcomes.

In addition to relying on Police Department data in an effort to establish that New Hope in some way overutilizes police resources, the City also cites to this data to "confirm that a proportionally large number of calls for Service in the greater vicinity of the Resource Center are related to New Hope clients." Based on the materials reviewed, this conclusion appears to be without support. First and foremost, it is entirely unclear how, for purposes of developing its proposed mitigation measures, the City has defined a "New Hope client." Does this term include only individuals that are currently being served at New Hope? Those individuals that were served within the last day? The last week? Any time ever? Regardless of the definition the City intends to utilize, however, it does not appear that police CAD data can be used to support any such conclusion since: (a) the CAD logs do not track what subjects are and are not New Hope clients; and (b) even if the Police Department in some way attempts to discern a subject's affiliation with New Hope, it is not clear that the Police Department and City are utilizing the same definition of "New Hope clients."

B. Police Reports Reflect Widespread Erroneous Attribution of Calls to New Hope.

We also reviewed 41 police incident reports with the location address of 414 Spring Street produced in April 2016 by the City in response to a public records request, covering the 17 month time period from 11/30/2014 through 3/29/2016. Over that seventeen month period, forty-one reports were generated, for an average of 2.4 reports per month. The following illustrative report summaries are typical of many more "incidents" identifying New Hope as the location of police activity but not reflecting activity caused by or even tangentially related to New Hope's operations:

Incident #15000123.1 on 1/7/2015: Officer spotted a man suspected of smoking controlled substances, followed him to the New Hope Center's parking lot, determined he had an outstanding warrant from Sumner for theft, and arrested him pursuant to the warrant. No arrest or charges noted for the suspected drug activity.

Incident #15001178.1 on 2/20/2015: officer saw two people in the bushes outside the Meeker Mansion; one had a warrant for their arrest from Auburn for theft, and was arrested pursuant to that warrant.

²⁵ For example, see CAD log number X1604501070 and X1531700890.

²⁶ For example, see CAD log number X1609700486 and X1614500637.

Incident #15004413 on 6/19/2015: officer on bicycle patrol riding by New Hope Center spotted a person there known to have a warrant, and arrested the person pursuant to that warrant.

Incident #16000312.1 on 1/12/2016: officers observed a suspicious vehicle leaving the Powerhouse Restaurant, stopped it in the 400 block of Spring Street, found drugs inside, and made an arrest in front of New Hope.

Incident #160001384 and 16001696.1 on 3/3/2016: police present at New Hope for a security check identify a man known to have outstanding warrants, arrest him and also serve him with a domestic violence protection order protecting a homeless woman whose address was listed at New Hope.

Of the forty-one police reports listing New Hope's 414 Spring Street address, only twenty (less than half) reflect calls related to activity appearing to have occurred at New Hope itself. Of those twenty incidents, six were generated by the PPD when they either stopped by New Hope looking to serve a warrant on someone known to use the Center, or were invited by the New Hope Staff to a meeting on homelessness. This leaves a remaining fourteen incidents over the same seventeen month period occurring at New Hope, less than one report every forty-seven days. Not one of the reports reviewed reflects alleged criminal activity where the victim was someone other than other homeless persons or New Hope guests or volunteers. There is no indication in any of the reports that New Hope's methods of operation caused any of these incidents.

C. "Homeless Contact" Data Reflects a Significant Decline in New Hope Calls.

It is clear from the opening paragraph of the Chief's June 27, 2016 memo to Kevin Yamamoto (Subject: Homeless Contacts Trend Graph) and a cursory glance at the attached graph that the data combines "police contacts with the homeless" and "calls at the New Hope Center" into a single number, rather than distinguishing between general homeless contacts and those specific to New Hope. The Chief's other notes reflect that only since the implementation of the new CAD system in mid-October 2015 has the system included a specific field to note whether the person contacted was homeless, and that as a result "the numbers have increased."

The "homeless contact" excel spreadsheets provided by Chief Jeter for the period January 2014 through August 2016 do distinguish between general homeless calls and calls/contacts "at New Hope Center." Accepting solely for the sake of this discussion the Chief's attribution of calls to New Hope, and focusing on the period after the City implemented the new CAD system (November 2014-August 2016), ten months of data reflect that the city had a total of 531 calls/contacts with homeless during this period, of which 163 calls/contacts were identified as being at New Hope Center. As expected, both the overall call volume and New Hope calls dropped significantly during summer months. However, close examination of the data also shows that there has been a much larger reduction in calls at New Hope than regarding the general homeless population:

138 calls "at" New Hope in the first five months of data (Nov. 2015 to Mar. 2016).
25 calls "at" New Hope in the subsequent five months (Apr. 2016 to Aug. 2016).

296 general homeless calls in the first five months (Nov. 2015 to Mar. 2016)
235 general homeless calls in the subsequent five months (Apr. 2016 to Aug. 2016)

This data reflects a reduction of 113 calls at New Hope (an **82% decline**) compared to only a reduction of 61 general homeless calls (a **21% decline**) over the same five month period. While all years' data shows a reduction in calls during summer months, this very significant decline in calls at New Hope far outstrips any normal seasonal variation. Testimony and statements submitted at the public meeting held September 26, 2016 described changes in New Hope's practices and procedures following its reopening after closure for building code violations which are reflected in its checklist and correlate to this significant change.

V. New Hope is Not Responsible for All Conduct of Guests or Invitees.

There is nothing in the City's business licensing code which purports to define or describe the scope of a business's responsibility or liability for the conduct of their guests or invitees, for persons who may have been dismissed from New Hope's programs or services, or even those formally trespassed from their premises. This further complicates any effort to understand what "impacts" are intended to be addressed and should properly be mitigated in a SIBL analysis. While a full discussion of premises liability law is beyond the scope of these comments, the City's SIBL analysis and conditions must be consistent with such basic principles.

For example, Washington's Supreme Court has squarely held that imposing a duty "to provide security personnel to prevent criminal behavior on the business premises... would unfairly shift the responsibility for policing, and the attendant costs, from government to the private sector." *Nivens v. 7-11 Hoagy's Corner*, 133 Wn.2d 192, 205-06, 943 P.2d 286 (1997). Similarly, "a possessor of land has no generalized duty to provide security measures on the premises so as to protect those off the premises, including passersby, from third party criminal activity on the premises." *Hutchins v. 1001 Fourth Ave. Associates*, 116 Wn.2d 217, 233, 802 P.2d 1360 (1991). Most recently, the Supreme Court concluded that even a landowner's knowledge of "unruly loiterers and gang members and ... guns kept in cars" in a parking lot adjacent to a nightclub did not create the sort of inherently dangerous "special temptation to criminal activity" that might be a basis for a duty to provide security, cameras or lighting to protect third parties. *Sourrrrakli v. Kyriakos, Ince.*, 144 Wn.App. 501, 514, 182 P.3d 985 (2008).

These general principles of Washington law are consistent with the few reported cases from other states finding no liability of homeless shelters or similar facilities for injuries to third parties principally because they lack the requisite control over guests to warrant the imposition of a duty of care to others.²⁷ New Hope similarly has no such right or ability, and no corresponding duty of care toward third persons.

VI. New Hope's Work with the Homeless is Protected Religious Activity and the City's Preliminary Conditions Substantially Burden that Activity.

²⁷ *Eg., Henry v. Bi-District Bd. of Urban Ministry, Inc.*, 54 S.W. 3d 287 (Ct.App. Tenn. 2001); *Metropolitan Dade Co. v. Dubon*, 780 So.2d 328 (Dist. Ct. App. Fla. 1996).

HBP board members and New Hope employees, volunteers, guests and supporters who spoke or submitted written statements for the record at the City's September 26, 2016 public meeting²⁸ spoke powerfully about the firmly-held religious beliefs or tenets that were the basis for their decision to open and operate the Center, their ongoing dedication of time, energy and financial resources to its work, or their participation in its programs and services. New Hope's ministry is more fully described on their webpage, <http://www.tnhrc.org/>

The Preliminary Conditions substantially burden this ministry by imposing an overwhelming cost burden, making its continuation entirely unaffordable, and by subjecting that ministry to crippling uncertainty. As reflected in attached budget and supporting documents, the \$96,000 annual cost of a security guard as proposed in the Preliminary Conditions would by itself cripple New Hope financially, causing a (\$126,500) operating year deficit which precludes operating the program at all in 2017.²⁹

VII. The Preliminary Conditions are Not Narrowly Tailored.

The evidence fails to show a causal relationship between New Hope operations and any significant increased police response that would not occur in response to the general population of homeless persons in Puyallup. City licensing conditions requiring the expenditure of nearly \$100,000 per year on a licensed security guard and 24 hour complaint hotline at New Hope is not a reasonable or proportionate response to new Hope's impacts on police resources. Because New Hope's work is protected religious activity, any regulatory measures which may be imposed must be more than just facially reasonable, they must be the least restrictive alternative affecting religious practice and must also be narrowly tailored to the specific compelling governmental interests at stake. *Eg., City of Woodinville v. Northshore United Church of Christ*, 166 Wn.2d 642, 211 P.3d 406 (2009); 42 USC §2000cc. Imposing conditions not supported by principled analysis of the data and which will shut down this ministry cannot meet this standard.

VIII. The SIBL Ordinance is Being Applied Solely to Religious Activity.

The scope of the SIBL ordinance, PMC 5.90.060(5), is very broad, encompassing any business "that provides social services or housing to persons that are or were homeless...including, but not limited to, drop-in centers." In addition to such specifically designated businesses, the ordinance also applies to any business "that has significant impact" to any of a wide list of elements apparently borrowed from SEPA, including public services or utilities. PMC 5.90.020(1). On its face, this captures every landlord with a formerly homeless tenant, every mental health professional who counsels the homeless or formerly homeless, and every retail location with a high demand for police response.³⁰ Yet, none of these or any other secular business has, to the best of our knowledge, ever been required to go through the SIBL process. Imposing burdensome land use or other regulatory requirements on the exercise of religious practice that are not also imposed on secular

²⁸ Ray Fjetland, Phyllis Smith, Kerry Vermay, Paula Anderson, Bob Stafford, Christine Wilson, Cheryl Borden, Ted Brackman, Jay Palmer.

²⁹ Attachment A, HBP (including NHRC) budget and bids for private security guard services.

³⁰ The 7-11 at 4th and Stewart appears to present the highest demand for police response of any location in the City other than the Puyallup Mall.

business violates both constitutional and statutory protections against discrimination based on religious belief or practice.³¹

IX. Modifications to the Proposed Conditions.

Without waiving objections to the SIBL ordinance, process or the Preliminary Conditions, either as presented in these comments or otherwise, HBP and New Hope remain interested in working cooperatively with the City, neighbors and police. Attached is a document reflecting many of the operational procedures New Hope already has put in place, and those which it believes may possibly be added consistent with its ministry's values and available resources. The Attachment reflects these things in "track changes" format for ease in comparing them to the City's Preliminary Conditions.

X. Conclusion.

Like other jurisdictions, the City of Puyallup faces challenges in responding to the increasing number and correspondingly increasing needs of persons who are homeless. Unlike many other counties and cities, Puyallup has no comprehensive plan to address homelessness, and it operates no shelters or other services for them, instead relying on non-profit and religious organizations to do this work. It has lumped those who do this work in with hazardous waste processing and explosives manufacturing businesses for purposes of business licensing, and has recently extended a moratorium prohibiting any further such activity within the City. The Preliminary Conditions proposed to be imposed on New Hope as part of its Substantial Impact Business License are based on fundamentally flawed premise: that new Hope is somehow responsible for and must therefore mitigate the problems that follow homeless people wherever they go. Puyallup had difficulties managing the needs and activities of people who are homeless long before New Hope opened (following a City study which recommended opening such a day resource center). The City's Preliminary Conditions must be either entirely withdrawn or significantly modified to avoid unlawfully burdening this ministry to a degree that will force its closure.

Sincerely,

John Purbaugh & Jennifer Bell
Attorneys

³¹ "No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or organization." 42 USC §2000cc(b)(1).