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Washington court reverses ban on homeless camp

By **TIM KLASS**
The Associated Press
Thursday, July 16, 2009; 5:46 PM

SEATTLE -- A Seattle suburb violated the state's constitution by using a temporary ban on development to block a church's effort to set up a tent city for the homeless, the state Supreme Court ruled Thursday.

The high court's unanimous decision reversed lower court rulings that sided with the city of Woodinville's refusal to consider the Northshore United Church of Christ's land-use permit application for Tent City 4 in a largely residential area in 2006.

Woodinville officials violated a constitutional provision that guarantees "absolute freedom of conscience in all matters of religious sentiment, belief and worship," Justice James M. Johnson wrote.

Six other justices signed Johnson's ruling, which reversed findings by King County Superior Court Judge Charles W. Mertel and a state Court of Appeals panel. The majority faulted the church on some procedural grounds but nonetheless found the city mainly in the wrong.

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The other two justices would have gone farther. Justice Richard B. Sanders wrote, and Justice Tom Chambers agreed, that the majority held an "errant and dangerous assumption that the government may constitutionally be in the business of prior licensing or permitting religious exercise any more than it can license journalists."

Neither group of justices ruled on whether federal religious freedoms were violated in the case, which was closely watched by civil rights advocates and churches.

Lawyers disagreed over the impact of the decision.

Robert Aloysius Hyde, a lawyer for the church, said he was happy that, "essentially, the church was vindicated," but added that the ruling left unclear the question of whether churches must seek permits for homeless encampments.

"They may not if a substantial burden is placed on the religious practice," Hyde said.

"The municipalities have to act very carefully," he said. "There has to be a very careful

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examination of the permitting process for each church."

Woodinville City Attorney Greg Alan Rubstello said he was disappointed but believed the decision left room for "reasonable conditions on these types of permits."

"I'm not sure that it has really changed the rules that much," Rubstello said.

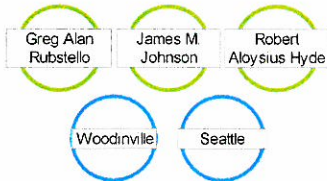
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