



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Department of Community, Trade and Economic Development	<input checked="" type="checkbox"/> Permanent Rule <input type="checkbox"/> Emergency Rule
(1) Date of adoption: February 8, 2000	<input type="checkbox"/> Expedited Adoption <input type="checkbox"/> Expedited Repeal

(2) Purpose: To provide grants to local communities to provide rental assistance and operating assistance for existing transitional housing for homeless families with children.

(3) Citation of existing rules affected by this order: New section to WAC 365-120.
 Repealed:
 Amended:
 Suspended:

(4) Statutory authority for adoption: RCW 43.63 A, RCW 63A.650, and E2SHBa 1493 (Chapter 267, Laws of 1999).
 Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)
 Adopted under notice filed as WSR 99-22-028 on 10-26-99. *12-1-99*
 Describe any changes other than editing from proposed to adopted version: NONE
99-24-116

EMERGENCY RULE ONLY
 Under RCW 34.05.350 the agency for good cause finds:
 (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

 Reasons for this finding:

EXPEDITED REPEAL ONLY
 Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date)

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:
 Yes No If Yes, explain:

(6) Effective date of rule:

Permanent Rules or Expedited Repeal	Emergency Rules
<input checked="" type="checkbox"/> 31 days after filing	<input type="checkbox"/> Immediately
<input type="checkbox"/> Other (specify) _____*	<input type="checkbox"/> Later (specify) _____

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print) Jean Ameluxen
Signature <i>Jean Ameluxen</i>
Title Director of Intergovernmental Relations
Date <i>2/8/00</i>

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

FEB 8 2000

11:25

CO-05-020

AM
PM

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	Amended	Repealed
Federal rules or standards:	New	Amended	Repealed
Recently enacted state statutes:	New <u>1</u>	Amended	Repealed

The number of sections adopted at the request of nongovernmental entity:

New	Amended	Repealed
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The number of sections adopted in the agency's own initiative:

New	Amended	Repealed
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	Amended	Repealed
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The number of sections adopted using:

Negotiated rule making:	New	Amended	Repealed
Pilot rule making:	New	Amended	Repealed
Other alternative rule making:	New	Amended	Repealed

Chapter 365-120 WAC

STATE FUNDING OF LOCAL EMERGENCY SHELTER AND TRANSITIONAL HOUSING, OPERATING AND RENT PROGRAMS

AMENDATORY SECTION (Amending Order 87-12, filed 9/18/87)

WAC 365-120-010 Authority. These rules are adopted under the authority of RCW 43.63A.060 which provides that the director shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of chapter 43.63A RCW. RCW 43.63A.065(2) provides that among its functions and responsibilities the department shall administer state and federal grants and programs which are assigned to the department by the governor or the legislature. RCW 43.63A.650 provides that the department shall be the principal state department responsible for providing shelter and housing services to homeless families with children.

AMENDATORY SECTION (Amending Order 85-19, filed 1/6/86)

WAC 365-120-020 Purpose. The purpose of this chapter is to set forth the conditions and procedures under which state funding will be made available to assist local emergency shelter assistance or transitional housing, operating and rent programs.

AMENDATORY SECTION (Amending Order 87-12, filed 9/18/87)

WAC 365-120-030 Definitions. (~~(1) "Department" means the department of community development.~~
~~(2) "Director" means the director of the department of community development.~~
~~(3) "Emergency shelter assistance program" means the statewide administrative activities carried out within the department of community development to allocate, award, and monitor state funds~~

appropriated to assist local emergency shelter programs.

(4) "Emergency shelter program" means a program within a local agency or organization that provides emergency shelter services.

(5) "Applicant" means a public or private nonprofit organization including local government entities, or a combination thereof, which applies for state emergency shelter funds.

(6) "Contractor" means an applicant which has been awarded state funds under the emergency shelter assistance program and which has entered into a contract with the department of community development to provide emergency shelter services.

(7) "Lead agency contractor" means an applicant which has been awarded state funds under the emergency shelter assistance program and which has entered into a contract with the department of community development to administer subcontracts with one or more local agency providers of emergency shelter services.

(8) "Homeless" means persons, including families, who, on one particular day or night, do not have a decent and safe shelter nor sufficient funds to purchase a place to stay.

(9) "Voucher system" means a method of purchasing emergency shelter services by the night using a notification coupon.

(10) "Religious service" means any sectarian or nondenominational service, rite, or meeting that involves worship of a higher being.

(11) "Short-term" means one to thirty-one days.

(12) "Families" means one or more adults with dependent children under 18.

(13) "Congregate care facility" means a licensed boarding home or a licensed private establishment which has entered into a congregate care contract with the department of social and health services (WAC 388-15-560).

(14) "Group care facility" means an agency maintained and operated for the care of a group of children on a 24-hour basis (WAC 388-73-014(1)).

(15) "Crisis residential center" means an agency operated under contract with the department of social and health services to provide temporary protective care to children in a semi-secure residential facility in the performance of duties specified and in a manner provided in RCW 13.32A.010 through 13.32A.200 and 74.13.032 through 74.13.036 (WAC 388-73-014(6)).

(16) "Detoxification center" means a public or private agency or program of an agency which is operated for the purpose of providing residential detoxification services for those suffering from acute alcoholism.

(17) "Current or continuous provider" means an agency or organization that currently provides or has provided emergency shelter services for some period during the most recent fiscal year.

(18) "Participating agency" means a local public or private nonprofit organization which enters into a subcontract with a lead agency contractor to provide emergency shelter services.

(19) "Safe home" means a private home where short term emergency shelter is provided primarily to victims of domestic violence.)) (1) "Applicant" means a public or private nonprofit.

organization or agency, including local government entities, or a combination thereof, which applies for state emergency shelter or transitional housing program funds.

(2) "Congregate care facility" means a licensed boarding home or a licensed private establishment which has entered into a congregate care contract with the department of social and health services.

(3) "Contractor" means an applicant who has been awarded state funds under the emergency shelter or transitional housing, operating and rent program and which has entered into a contract with the department to provide emergency shelter or transitional housing services.

(4) "Crisis residential center" means an agency operated under contract with the department of social and health services to provide temporary protective care to children in a semi-secure residential facility in the performance of duties specified and in a manner provided in RCW 13.32A.010 through 13.32A.200 and 74.13.032 through 74.13.036.

(5) "Current or continuous provider" means an agency or organization that currently provides or has provided emergency shelter assistance for some period during the most recent fiscal year.

(6) "Department" means the department of community, trade, and economic development.

(7) "Detoxification center" means a public or private agency or program of an agency that is operated for the purpose of providing residential detoxification services for those suffering from acute alcoholism.

(8) "Director" means the director of the department of community, trade, and economic development.

(9) "Emergency shelter assistance program" means the state-wide administrative activities carried out within the department of community, trade, and economic development to allocate, award, and monitor state funds appropriated to assist local emergency shelter and homelessness prevention programs.

(10) "Emergency shelter program" means a program within a local agency or organization that provides emergency shelter assistance.

(11) "Families" means pregnant women or one or more adults with dependent children under eighteen, including pregnant and parenting teens.

(12) "Group care facility" means an agency maintained and operated for the care of a group of children on a twenty-four-hour basis.

(13) "Homeless" means persons, including families, who, on one particular day or night, do not have a decent and safe shelter or sufficient funds to purchase a place to stay.

(14) "Homelessness prevention" means the following activities or programs designed to prevent the incidence of homelessness:

(a) Subsidies to help defray rent or mortgage arrearages for individuals or families faced with eviction or foreclosure.

(b) Security and damage deposits to enable a homeless individual or family to move into their own housing.

(c) Initial rent costs to enable a homeless individual or family to move into his or her own housing.

(d) Case management to assist individuals and families to remain in their housing or to look for permanent housing.

(e) Landlord-tenant mediation, conciliation or other forms of dispute resolution or negotiation which will keep people in housing or help people with housing barriers to obtain a lease.

(15) "Housing stability plan" means a set of goals and course of action set by the assisted family and housing support staff, to aid the family in transitioning to stable housing and the highest attainable level of self-sufficiency.

(16) "Participating agency" means a local public or private nonprofit organization, which enters into a subcontract with a lead agency contractor to provide emergency shelter assistance.

(17) "Religious service" means any sectarian or nondenominational service, rite, or meeting that involves worship of a higher being.

(18) "Rental assistance" means no less than ninety-one days and no more than twenty-four months of assistance to help homeless families with children pay the cost of rent and utilities for amounts that are consistent with local practices.

(19) "Safe home" means a private home where short-term emergency shelter is provided primarily to victims of domestic violence.

(20) "Short-term" means one to ninety days.

(21) "Transitional housing" means housing provided for no less than ninety-one days and no more than twenty-four months.

(22) "Transitional housing, operating and rent program" or "transitional housing program" means the state-wide administrative activities carried out within the department to allocate, award and monitor state funds appropriated to local communities to provide operating assistance for transitional housing units and partial rental assistance to homeless families with children.

(23) "Voucher system" means a method of purchasing emergency shelter assistance by the night using a notification coupon.

AMENDATORY SECTION (Amending Order 87-12, filed 9/18/87)

WAC 365-120-040 Contractor funding allocation and distribution. ((Each county of the state is allocated a portion of the total contractor appropriation by the legislature according to the following formula:

(1) Five thousand dollars minimum allocation to every county to offset the limited resources and higher costs of providing services in rural areas;

(2) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the state's population with an income of one hundred percent of poverty using

federal guidelines, and

~~(3) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the unemployed population during the last state fiscal year.~~

~~(4) Any increases in appropriations to this program by the legislature will be allocated according to each county's percent of the total state appropriation which was determined in subsections (1), (2), and (3) of this section.~~

~~The department may award the combined allocation of two or more counties to a single applicant.~~

~~The department may award a contract to one lead agency contractor in each county with the exception of Pierce County, where there may be two lead agency contractors, and King County, where there may be five lead agency contractors to administer subcontracts with one or more local agency providers of emergency shelter services.)~~

Funds will be distributed state-wide to successful applicants according to department formulas. The department will give priority in the awarding of allocations under the emergency shelter assistance program to applicants who serve families and children in need of shelter.

~~((In the event that funds are not claimed by an eligible organization in a county, or that a portion of the funds allocated to a county remain unspent, two thirds of those funds will be awarded to shelters serving the homeless mentally ill in King County and one third of the funds will be awarded to shelters serving the homeless mentally ill in Pierce County.))~~

The department will pay for services provided under the state emergency shelter ((assistance)) and transitional housing programs after the contractor submits a monthly report of expenditures incurred and a request for reimbursement, and any other reports or information required by department guidelines. Reports and requests for reimbursement may be submitted on a less frequent basis if approved by the department.

AMENDATORY SECTION (Amending Order 87-12, filed 9/18/87)

WAC 365-120-050 ((Applicant eligibility criteria.)) Funding application process. ~~((1) The applicant for funding as a participating agency must have been a provider of emergency shelter for one year prior to the beginning date of the contract year.~~

~~(2) The applicant must not require participation in a religious service as a condition of receiving emergency shelter.~~

~~(3) The applicant must not require residency in the designated service area as a requirement for a homeless person to receive services.~~

~~(4) The applicant must practice nondiscrimination in providing services and employment.~~

~~(5) The applicant must not deny shelter to a homeless person because of his or her inability to pay.~~

~~(6) The applicant for funding as a participating agency must provide short-term emergency shelter services either directly through a shelter facility, through a voucher system, or through a safe home.~~

~~(7) The applicant for lead agency contractor must be authorized by the applicant participating agencies within each county for which funds are applied.~~

~~(8) The applicant for lead agency contractor may or may not actually provide emergency shelter program services.~~

~~(9) The applicant must be a public or private nonprofit organization, or a local government entity.~~

~~(10) Group care facilities, crisis residential centers, congregate care facilities, and detoxification centers are not eligible to receive emergency shelter assistance funding.)~~ (1) The department will notify potential applicants that in order to be considered for state emergency shelter assistance and transitional housing, operating and rent grants, applications must be submitted to the department.

(2) Department funds may not be substituted for other existing funding sources.

(3) The department shall notify successful applicants and shall provide to each of them a contract for signature. This contract must be signed by an official with authority to bind the applicant and must be returned to the department prior to the award of any funds under this program.

AMENDATORY SECTION (Amending Order 87-12, filed 9/18/87)

WAC 365-120-060 ~~((Financial support application process.))~~
Eligibility for all applicants. ~~((1) Potential applicants will be notified by the department that in order to be considered for state emergency shelter financial assistance, an application must be submitted to the department.~~

~~(2) An applicant must make formal application using forms issued and procedures established by the department. Such application shall be for the period July 1 - June 30. Failure of an applicant to make application in a timely manner, as specified by the department, will result in denial of the funding request.~~

~~(3) Department funds may not be substituted for other existing funding sources.~~

~~(4) The total amount of funds provided to a contractor under this program may not exceed the total funding received from other sources for emergency shelter services during the fiscal year.~~

~~(5) Administrative costs under this program are limited to ten percent of the total award for providing direct services. The administrative costs of a contractor that provides direct emergency~~

~~shelter services and also serves as a lead agency contractor are limited to ten percent of the contractor award for providing direct services plus ten percent of the multi-agency service provider contract total. However, total administrative costs for a lead agency contractor may not exceed fifteen percent of a county's total allocation.~~

~~(6) The department shall notify successful applicants and shall provide to each of them a contract for signature. This contract must be signed by an official with authority to bind the applicant and must be returned to the department prior to the award of any funds under this program.)~~ (1) The applicant must not require participation in a religious service as a condition of receiving emergency shelter.

(2) The applicant must practice nondiscrimination in providing services and employment.

NEW SECTION

WAC 365-120-070 Eligibility for emergency shelter assistance.

(1) The applicant must have been a provider of emergency shelter for one year prior to the beginning date of the contract year or serve an area or population of demonstrated unmet need determined by a consortium of service providers in a county.

(2) The applicant must not require residency in the designated service area as a requirement for a homeless person to receive services.

(3) The applicant must not deny shelter to a homeless person or family because of inability to pay.

(4) The applicant must provide homelessness prevention assistance or short-term emergency shelter assistance directly through a shelter facility, a voucher system, or a safe home.

(5) The applicant for lead agency contractor must be authorized by the participating agencies within each county for which funds are applied.

(6) The applicant for lead agency contractor may or may not actually provide emergency shelter or homelessness prevention assistance.

(7) Group care facilities, crisis residential centers, congregate care facilities, and detoxification centers are not eligible to receive emergency shelter assistance funding.

NEW SECTION

WAC 365-120-080 Eligibility for operating assistance for transitional housing. (1) Projects must provide transitional housing in a structure designed for the targeted population of homeless families with children whose incomes are at or below thirty percent of the area median income.

(2) Operating subsidies shall not exceed thirty percent of the project's core operating budget for the year.

(3) Rents shall not exceed thirty percent of the income of the targeted population.

NEW SECTION

WAC 365-120-090 Eligibility for rental assistance. (1) Programs must provide rental assistance to homeless families with children whose incomes are at or below fifty percent of the area median.

(2) Assistance must be provided for no less than ninety-one days and no more than twenty-four months to help pay the cost of rent and utilities.

(3) Households must sign a written agreement to participate in a housing stability plan.

(4) Rent subsidies must be appropriate to individual family incomes.

(5) Local program administrators must have written program policies and procedures describing tenant selection, assistance denial or termination, housing safety standards, and a minimum tenant rent payment.