H-0042.4				

State of Washington

HOUSE BILL 1115

2007 Regular Session

60th Legislature

Representatives Miloscia, Pettigrew, Morrell, Ormsby, Green, Darneille, Haigh, Moeller, Wallace, Santos and Simpson

Read first time 01/10/2007. Referred to Committee on Housing.

- AN ACT Relating to programs to end homelessness; amending RCW 1 2 43.185C.005, 43.185C.010, 43.185C.020, 43.185C.040, 43.185C.050, 3 43.185C.060, 43.185C.070, 43.185C.080, 43.185C.090, 43.185C.100, 43.185C.900, 36.22.179, 43.185C.170, 4 43.185C.130, 43.185C.160, 5 43.185C.180, 43.185B.030, 43.20A.790, and 43.63A.650; adding new 6 sections to chapter 43.185C RCW; recodifying RCW 36.22.179, 43.20A.790, 7 and 43.63A.650; and making appropriations.
- BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON: 8
- 9 Sec. 1. RCW 43.185C.005 and 2005 c 484 s 1 are each amended to 10 read as follows:
- Despite laudable efforts by all levels of government, private 11 12 individuals, nonprofit organizations, and charitable foundations to end homelessness, the number of homeless persons in Washington 13 14 unacceptably high. The state's homeless population, furthermore, 15 includes a large number of families with children, youth, and employed The legislature finds that the fiscal and societal costs of 16 persons. homelessness are high for both the public and private sectors, and that 17 ending homelessness ((should)) must be a goal for state and local 18 19 government.

The legislature finds that there are many causes of homelessness, including a shortage of affordable housing; a shortage of family-wage jobs which undermines housing affordability; a lack of an accessible and affordable health care system available to all who suffer from physical and mental illnesses and chemical and alcohol dependency; domestic violence; ((and)) a lack of education and job skills necessary to acquire adequate wage jobs in the economy of the twenty-first century; inadequate availability of services for citizens with mental illness and developmental disabilities living in the community; and the difficulties faced by formerly institutionalized persons in reintegrating to society and finding stable employment and housing.

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The support and commitment of all sectors of the statewide community is critical to the chances of success in ending homelessness While the provision of housing and housing-related in Washington. services to the homeless should be administered at the local level to best address specific community needs, the legislature also recognizes the need for the state to play a primary coordinating, supporting, ((and)) monitoring, and evaluating role. There must be a clear assignment of responsibilities and a clear statement of achievable and Systematic statewide data collection quantifiable goals. ((homelessness)) homeless individuals in Washington must be a critical component of such a program enabling the state to work with local governments not only to count all homeless people in the state, but to record and manage information about homeless persons ((and)) in order to assist them in finding housing and other supportive services that can help them, when possible, achieve the highest degree of selfsufficiency and economic independence that is appropriate given their specific abilities and situations.

The systematic collection and rigorous evaluation of homeless data, a <u>nationwide</u> search for and implementation through adequate resource allocation of best practices, and the systematic measurement of progress toward interim goals and the ultimate goal of ending homelessness are all necessary components of a statewide effort to end homelessness in Washington by July 1, 2015.

Sec. 2. RCW 43.185C.010 and 2006 c 349 s 6 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Department" means the department of community, trade, and economic development.
- (2) "Director" means the director of the department of community, trade, and economic development.
- (3) "Homeless person" means an individual ((living outside or in a building not meant for human habitation or which they have no legal right to occupy, in an emergency shelter, or in a temporary housing program which may include a transitional and supportive housing program if habitation time limits exist)) living outside, in a building not meant for human habitation or which he or she has no legal right to occupy, in an emergency shelter, or in a temporary housing program that may include a transitional and supportive housing program if habitation time limits exist. This definition includes substance abusers, ((mentally ill people)) individuals with mental illness, and sex offenders who are homeless.
- (4) "Washington homeless census" or "census" means ((an annual)) a statewide census conducted twice every year as a collaborative effort by towns, cities, counties, community-based organizations, and state agencies, with the technical support and coordination of the department, to count and collect ((data on)) information about all homeless individuals in Washington.
- (5) "((Homeless housing)) Ending homelessness account" means the state treasury account receiving the state's portion of income from revenue from the sources established by RCW 36.22.179 (as recodified by this act) and section 15 of this act.
- (6) "((Homeless housing)) Ending homelessness grant program" means the ((vehicle by)) program established in RCW 43.185C.070, 43.185C.080, and 43.185C.090 under which competitive grants are awarded by the department, utilizing moneys from the ((homeless housing)) ending homelessness account, to local governments for programs directly related to housing homeless individuals and families, addressing the root causes of homelessness, preventing homelessness, collecting data and information on homeless individuals, and other efforts directly related to housing homeless persons.
 - (7) "Local government" means a county government in the state of

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Washington or a city government, if the legislative authority of the city affirmatively elects to accept the responsibility for housing homeless persons within its ((borders)) jurisdiction.

- (8) "Housing continuum" means the progression of individuals along a housing-focused continuum with homelessness at one end and homeownership at the other.
- (9) "Local ((homeless housing)) ending homelessness task force" means a voluntary local committee created under RCW 43.185C.160 to ((advise a local government on the creation of)) develop a local ((homeless housing)) ending homelessness plan and participate in a local ((homeless housing)) ending homelessness program. ((It must include a representative of the county, a representative of the largest city located within the county, at least one homeless or formerly homeless person, such other members as may be required to maintain eligibility for federal funding related to housing programs and services and if feasible, a representative of a private nonprofit organization with experience in low income housing.))
- (10) "Long-term private or public housing" means subsidized and unsubsidized rental or owner-occupied housing in which there is no established time limit for habitation of less than two years.
- (11) "Interagency council on homelessness" means a committee appointed by the governor and consisting of, at least, policy level representatives of the following entities: (a) The department of community, trade, and economic development; (b) the department of corrections; (c) the department of social and health services; (d) the department of veterans affairs; ((and)) (e) the department of health; and (f) the office of the superintendent of public instruction.
- (12) "Performance measurement" means the process of comparing specific measures of success against ultimate and interim goals.
- (13) "Performance evaluation" means the process of evaluating performance by established criteria according to the achievement of outlined goals, measures, targets, standards, or other outcomes, using a ranked scorecard from highest to lowest performance that employs a scale of one to one hundred, one hundred being the optimal score.
- (14) "Quality management program" means a nationally recognized program using criteria similar or equivalent to the Baldridge criteria.

 All local governments receiving over five hundred thousand dollars from (a) state funding sources, including the housing trust fund, (b)

- housing finance commission programs, (c) the ending homelessness program surcharge in RCW 36.22.179 (as recodified by this act) and the surcharges in RCW 36.22.178, and (d) sections 15 and 16 of this act shall implement a quality management program, perform a quality self-assessment each year, and apply to the Washington state quality award program once every three years beginning by January 1, 2010. The department and the Washington state housing finance commission must apply to the Washington quality awards program by December 31, 2009, and at least once every three years thereafter.
- 10 <u>(15)</u> "Community action agency" means a nonprofit private or public organization established under the economic opportunity act of 1964.
- $((\frac{14}{14}))$ (16) "Housing authority" means any of the public corporations created by chapter 35.82 RCW.

- (((15) "Homeless housing)) <u>(17) "Ending homelessness</u> program" means the program authorized under this chapter as administered by the department at the state level and by the local government or its designated subcontractor at the local level.
- (((16) "Homeless housing)) (18) "Local ending homelessness plan"
 means the ((ten year)) plan developed by the ((county or other)) local
 government to address ((housing for homeless persons)) ending
 homelessness.
 - (((17) "Homeless housing)) (19) "State ending homelessness strategic plan" means the ((ten year)) plan developed by the department, in consultation with the interagency council on homelessness and the affordable housing advisory board, to address ending homelessness.
 - $((\frac{18}{18}))$ (20) "Washington homeless client management information system" means a database of information about homeless individuals in the state used to coordinate resources to assist homeless clients to obtain and retain housing and reach greater levels of self-sufficiency or economic independence when appropriate, depending upon their individual situations.
- **Sec. 3.** RCW 43.185C.020 and 2005 c 484 s 5 are each amended to read as follows:
- There is created within the department the ((homeless housing))

 ending homelessness program to develop and ((coordinate)) implement a

 statewide ending homelessness strategic plan ((aimed at housing))

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homeless persons)), coordinate and monitor local government ending 1 2 homelessness plans and programs, and implement and manage an ending homelessness grant program. The ending homelessness program has an 3 established short-term goal of reducing the homeless population 4 statewide and in each county by fifty percent by July 1, 2015, and an 5 ultimate goal of ending homelessness. The ending homelessness program 6 ((shall be)) is developed and administered by the department with 7 8 advice and input from the affordable housing advisory board established in RCW 43.185B.020. 9

Sec. 4. RCW 43.185C.040 and 2005 c 484 s 7 are each amended to read as follows:

(1) ((Six months after the first Washington homeless census,)) The department shall, in consultation with the interagency council on homelessness and the affordable housing advisory board, prepare and ((publish a ten-year homeless housing)) annually update a state ending <u>homelessness</u> strategic plan which ((shall)) <u>must</u> outline statewide goals and performance measures ((and shall be coordinated with the plan for homeless families with children required under RCW 43.63A.650. To guide local governments in preparation of their first local homeless housing plans due December 31, 2005, the department shall issue by October 15, 2005, temporary guidelines consistent with this chapter and including the best available data on each community's homeless population)). Local governments' ((ten-year homeless housing)) local ending homelessness plans ((shall not)) must include all of the performance measures included in the state ending homelessness strategic plan and must be substantially ((inconsistent)) consistent with the goals and program recommendations of ((the temporary quidelines and, when amended after 2005,)) the state ending homelessness strategic plan.

(2)(a) Program outcomes and performance measures and goals ((shall)) must be created by the department ((and reflected)) in consultation with the interagency council on homelessness and a task force established by the department consisting of the committee chairs of the appropriate committees of the legislature, representatives appointed by the director from a minimum of five local ending homelessness task forces representing both urban and rural areas and communities east and west of the Cascade mountains, and a

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- 1 representative from a statewide membership organization that advocates
- 2 for ending homelessness. Performance measures and yearly targets must
- 3 <u>be established by December 31, 2007, and must be reviewed annually by</u>
- 4 the department and the interagency council on homelessness after
- 5 <u>soliciting feedback from all local ending homelessness task forces.</u>
- 6 <u>Performance measures must be included</u> in the department's ((homeless
- 7 <u>housing</u>)) <u>state ending homelessness</u> strategic plan ((as well as)) <u>and</u>
- 8 <u>all local ending homelessness plans.</u>
- 9 <u>(b) The department may determine a timeline for implementation and</u>
- 10 measurement of each performance measure for the state and local ending
- 11 <u>homelessness plans, except that the state and all local governments</u>
- must implement and respond to all performance measures by December 31,
- 13 <u>2009</u>, unless the department finds that a performance measure is not
- 14 applicable to a specific local area according to parameters and
- thresholds established by the department.
- 16 (c) Performance measures must be created, at a minimum, to gauge
- 17 the success of the state and each local government in the following
- 18 <u>areas:</u>
- 19 (i) The societal cost of homelessness;
- 20 <u>(ii) The cost of ending homelessness in comparison with available</u>
- 21 <u>and committed resources;</u>
- 22 (iii) The self-sufficiency of persons in Washington;
- 23 (iv) The achievement of an appropriate level of self-sufficiency
- 24 <u>for homeless individuals;</u>
- 25 (v) The quality and completeness of the Washington homeless client
- 26 <u>management information system database;</u>
- 27 <u>(vi) The quality of the performance management systems of state</u>
- 28 agencies, local governments, and local government subcontractors
- 29 executing programs, as authorized by RCW 43.185C.080(1), that
- 30 contribute to the overall goal of ending homelessness; and
- 31 (vii) The quality of local ending homelessness plans.
- Performance measurements are reported upon by city and county
- 33 geography, including demographics with yearly or more frequent targets.
- 34 (3) Interim goals against which state and local governments'
- 35 performance may be measured <u>must also be described and reported upon in</u>
- 36 the state ending homelessness strategic plan, including:
- 37 (a) ((By the end of year one, completion of the first census as
- 38 described in RCW 43.185C.030;

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(b)) By the end of each subsequent year, goals common to all state and local programs which are measurable and the achievement of which would move that community toward housing its homeless population; and

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(((c))) By July 1, 2015, reduction of the homeless population statewide and in each county by fifty percent.

- $((\frac{3}{2}))$ (4) The department shall develop a consistent statewide data gathering instrument to monitor the performance of cities and counties receiving <u>ending homelessness</u> grants in order to determine compliance with the terms and conditions set forth in the <u>ending homelessness</u> grant application or required by the department.
- (5) The department shall, in consultation with the interagency 11 12 council on homelessness and the affordable housing advisory board, 13 report annually to the governor and the appropriate committees of the 14 legislature ((an assessment of)) the fiscal and societal costs of the homeless crisis, including identifying, to the extent practical, 15 savings in state and local program costs that could be obtained through 16 17 the achievement of stable housing for the clients served by those programs. The department shall also deliver a summary annual report, 18 <u>including information about</u> the state's performance in furthering the 19 20 goals of the state ((ten year homeless housing)) ending homelessness 21 strategic plan and the performance of each participating local 22 government in creating and executing a local ((homeless housing)) 23 ending homelessness plan ((which)) that meets the requirements of this 24 chapter. ((The annual report may include performance measures such as:
 - (a) The reduction in the number of homeless individuals and families from the initial count of homeless persons:
 - (b) The number of new units available and affordable for homeless families by housing type \dot{r}
 - (c) The number of homeless individuals identified who are not offered suitable housing within thirty days of their request or identification as homeless;
 - (d) The number of households at risk of losing housing who maintain it due to a preventive intervention;
 - (e) The transition time from homelessness to permanent housing;
- 35 (f) The cost per person housed at each level of the housing 36 continuum;
- 37 (g) The ability to successfully collect data and report 38 performance;

- (h) The extent of collaboration and coordination among public bodies, as well as community stakeholders, and the level of community support and participation;
 - (i) The quality and safety of housing provided; and

- (j) The effectiveness of outreach to homeless persons, and their satisfaction with the program.
 - (4))) (6) The state plan must also include a response to each recommendation included in the local plans for policy changes to assist in ending homelessness.
- (7) Based on the performance of local ((homeless housing)) ending homelessness programs in meeting their interim goals, on general population changes and on changes in the homeless population recorded in the ((annual)) census, the department may revise the performance measures and goals of the state ((homeless housing strategic plan)) ending homelessness plans, set goals for years following the initial ten-year period, and recommend changes in local governments' ending homelessness plans.
- **Sec. 5.** RCW 43.185C.050 and 2005 c 484 s 8 are each amended to 19 read as follows:
 - (1)(a)(i) Each local ((homeless housing)) ending homelessness task force shall prepare and recommend to its local government legislative authority a ((ten-year homeless housing)) local ending homelessness plan for its jurisdictional area ((which shall be not inconsistent)) that is consistent with the department's ((statewide temporary guidelines, for the December 31, 2005, plan, and thereafter the department's ten year homeless housing)) state ending homelessness strategic plan and ((which shall be)) is aimed at eliminating homelessness, with a minimum goal of reducing homelessness by fifty percent by July 1, 2015. ((The local government may amend the proposed local plan and shall adopt a plan by December 31, 2005. Performance in meeting the goals of this local plan shall be assessed annually in terms of the performance measures published by the department.)) Local governments must update their local ending homelessness plan annually on a schedule to be determined by the department.
 - (ii) Local plans must include specific strategic objectives, consistent with the state plan, and must include corresponding action plans. Local plans must address identified strategies to meet the

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- 1 needs of all homeless populations, including chronic homeless, short-
- 2 term homeless, families, individuals, and youth, including youth who
- 3 <u>have been involved in the foster care system. Each local plan must</u>
- 4 <u>include the total estimated cost of accomplishing the goals of the plan</u>
- 5 to reduce homelessness by fifty percent by July 1, 2015, and must
- 6 <u>include an accounting of total committed funds for this purpose.</u>
- 7 (b)(i) The department must conduct an annual performance evaluation
- 8 of each local plan by December 31st of each year beginning in 2007.
- 9 The department must also conduct an annual performance evaluation of
- 10 each local government's performance related to its local plan by
- 11 December 31st of each year beginning in 2007. A local government's
- 12 performance must be evaluated using, at a minimum, the performance
- measures outlined in RCW 43.185C.040(2).
- 14 (ii) In addition to the performance measures mandated in RCW
- 15 <u>43.185C.040(2)</u>, <u>l</u>ocal plans may include specific local performance
- 16 measures adopted by the local government legislative authority(()) and
- 17 ((may)) must include recommendations for ((any)) state legislation
- 18 needed to meet the state or local plan goals. The recommendations must
- 19 <u>be specific and must, if funding is required, include an estimated</u>
- 20 <u>amount of funding required and suggestions for an appropriate funding</u>
- 21 source.

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- 22 (2) Eligible activities under the local plans include:
- 23 (a) Rental and furnishing of dwelling units for the use of homeless 24 persons;
- 25 (b) Costs of developing affordable housing for homeless persons, 26 and services for formerly homeless individuals and families residing in 27 transitional housing or permanent housing and still at risk of 28 homelessness;
 - (c) Operating subsidies for transitional housing or permanent housing serving formerly homeless families or individuals;
- 31 (d) Services to prevent homelessness, such as emergency eviction 32 prevention programs, including temporary rental subsidies to prevent 33 homelessness;
- (e) Temporary services to assist persons leaving state institutions and other state programs, including youth who have been involved in the foster care system or who have otherwise been dependents of the state under chapter 13.34 RCW, to prevent them from becoming or remaining homeless;

(f) Outreach services for homeless individuals and families;

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- 2 (g) Development and management of local ((homeless)) ending homelessness plans, including homeless census data collection($(\dot{\tau})$) and 3 information, identification of goals, performance measures, strategies, 4 5 and costs, and evaluation of progress towards established goals;
- (h) Rental vouchers payable to landlords for persons who are 7 homeless or below thirty percent of the median income or in immediate 8 danger of becoming homeless;
- (i) Rental vouchers payable to landlords for youth who have been 9 involved in the foster care system or who have otherwise been 10 dependents of the state under chapter 13.34 RCW and are homeless or in 11 12 danger of becoming homeless;
 - (j) Implementing a quality management program; and
- 14 (((i))) (k) Other activities to reduce and prevent homelessness as identified for funding in the local plan. 15
- Sec. 6. RCW 43.185C.060 and 2005 c 484 s 10 are each amended to 16 17 read as follows:
- The ((homeless housing)) ending homelessness account is created in 18 19 the custody of the state treasurer. The state's portion of the 20 surcharge established in RCW 36.22.179 (as recodified by this act) and 21 section 15 of this act must be deposited in the account. Expenditures 22 from the account may be used only for the ((homeless housing)) ending 23 homelessness program as described in this chapter. Only the director 24 or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, 25
- **Sec. 7.** RCW 43.185C.070 and 2005 c 484 s 11 are each amended to 27 28 read as follows:

but an appropriation is not required for expenditures.

(1) During each calendar year in which moneys from the ((homeless housing)) ending homelessness account are available for use by the department for the ((homeless housing)) ending homelessness grant program, the department shall announce to all Washington counties, participating cities, and through major media throughout the state, a grant application period of at least ninety days' duration. local government participating in the ending homelessness program is eligible to receive an ending homelessness grant. This announcement

will be made as often as the director deems appropriate for proper utilization of resources. The department shall then promptly grant as many applications as will utilize available funds, less appropriate administrative costs of the department as described in RCW 36.22.179 (as recodified by this act).

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- (2) The department ((will)) shall develop, ((with advice and input from the affordable housing advisory board established in RCW 43.185B.020)) in consultation with the interagency council on homelessness, criteria to evaluate grant applications.
- (3) The department may approve <u>only those</u> applications ((only if they)) that are consistent with the local and state ((homeless housing program strategic)) <u>ending homelessness</u> plans. The department may give preference to applications based on some or all of the following criteria:
- 15 (a) The total homeless population in the applicant local government 16 service area, as reported by the most recent ((annual)) Washington 17 homeless census;
- 18 (b) Current local expenditures to provide housing for the homeless 19 and to address the underlying causes of homelessness as described in 20 RCW 43.185C.005;
 - (c) Local government and private contributions pledged to the program in the form of matching funds, property, infrastructure improvements, and other contributions; and the degree of leveraging of other funds from local government or private sources for the program for which funds are being requested, to include recipient contributions to total project costs, including allied contributions from other sources such as professional, craft, and trade services, and lender interest rate subsidies;
- 29 (d) Construction projects or rehabilitation that will serve 30 homeless individuals or families for a period of at least twenty-five 31 years;
 - (e) Projects which demonstrate serving homeless populations with the greatest needs, including projects that serve special needs populations;
- 35 (f) The degree to which the applicant project represents a 36 collaboration between local governments, nonprofit community-based 37 organizations, local and state agencies, and the private sector((-

especially through its integration with the coordinated and comprehensive plan for homeless families with children required under RCW 43.63A.650);

- (g) The cooperation of the local government in the ((annual)) Washington homeless census ((project));
- (h) The commitment of the local government and any subcontracting local governments, nonprofit organizations, and for-profit entities to employ a diverse work force and pay wages at or above the self-sufficiency standard;
- 10 <u>(i) The existence of a quality management program at the local</u>
 11 <u>government level</u>;
- 12 (((i))) <u>(j) The extent that a local government's subcontractors</u>
 13 have developed or are developing a quality management program;
- 14 <u>(k)</u> The extent, if any, that the local homeless population is 15 disproportionate to the revenues collected under this chapter and RCW 16 36.22.178 and 36.22.179 <u>(as recodified by this act)</u>; and
- $((\frac{(j)}{(j)}))$ (1) Other elements shown by the applicant to be directly related to the goal and the department's state <u>ending homelessness</u> strategic plan.
- **Sec. 8.** RCW 43.185C.080 and 2005 c 484 s 12 are each amended to 21 read as follows:
 - (1) ((Only a local government is eligible to receive a homeless housing grant from the homeless housing account. Any city may assert responsibility for homeless housing within its borders if it so chooses, by forwarding a resolution to the legislative authority of the county stating its intention and its commitment to operate a separate homeless housing program. The city shall then receive a percentage of the surcharge assessed under RCW 36.22.179 equal to the percentage of the city's local portion of the real estate excise tax collected by the county. A participating city may also then apply separately for homeless housing program grants. A city choosing to operate a separate homeless housing program shall be responsible for complying with all of the same requirements as counties and shall adopt a local homeless housing plan meeting the requirements of this chapter for county local plans. However, the city may by resolution of its legislative authority accept the county's homeless housing task force as its own

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and based on that task force's recommendations adopt a homeless housing plan specific to the city.

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(2))) Local governments ((applying for homeless housing funds)) may subcontract with any other local government, housing authority, community action agency, or other nonprofit organization for the execution of programs contributing to the overall goal of ending homelessness within a defined service area. All subcontracts ((shall)) must be consistent with the local ((homeless housing)) ending homelessness plan adopted by the legislative authority of the local government, time limited, and filed with the department, and ((shall)) must have specific performance terms. Local governments must strongly encourage all subcontractors under the ending homelessness program to implement a quality management program and apply to the Washington state quality award program. While a local government has the authority to subcontract with other entities, the local government continues to maintain the ultimate responsibility for the ((homeless housing)) ending homelessness program within its ((borders)) jurisdiction.

(((3))) (2) A county may decline to participate in the program authorized in this chapter by forwarding to the department a resolution adopted by the county legislative authority stating the intention not to participate. A copy of the resolution ((shall)) must also be transmitted to the county auditor and treasurer. If ((such a)) the resolution is adopted, all of the funds otherwise due to the county under RCW ((43.185C.060 shall)) 36.22.179 (as recodified by this act) and sections 15 and 16 of this act, minus funds due to any city that has chosen to participate through the process established in subsection (3) of this section, must be remitted monthly to the state treasurer for deposit in the ((homeless housing)) ending homelessness account, without any reduction by the county for collecting or administering the funds. Upon receipt of the resolution, the department shall promptly begin to identify and contract with one or more entities eligible under this section to create and execute a local ((homeless housing)) ending homelessness plan for the county meeting the requirements of this chapter. The department shall expend all of the funds received from the county under this subsection to carry out the purposes of this chapter ((484, Laws of 2005)) in the county, ((provided that)) but the

department may retain six percent of these funds to offset the cost of managing the county's program.

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- (3) Any city may assert responsibility for homeless housing within its borders, by forwarding a resolution to the legislative authority of the county stating its intention and its commitment to operate a separate ending homelessness program. A city choosing to operate a separate ending homelessness program receives a percentage of the surcharge assessed under RCW 36.22.179 (as recodified by this act) and under sections 15 and 16 of this act equal to the percentage of the city's local portion of the real estate excise tax collected by the county. A participating city may also then apply separately for ending homelessness grants. A city choosing to operate a separate ending homelessness program must comply with all of the same requirements as counties and shall adopt a local ending homelessness plan meeting the requirements of this chapter for local ending homelessness plans. However, the city may by resolution of its legislative authority accept the county's ending homelessness task force as its own and based on that task force's recommendations adopt an ending homelessness plan specific to the city.
- (4) A resolution by the county declining to participate in the program ((shall have)) has no effect on the ((ability)) authority of each city in the county to assert its right to manage its own program under this chapter, and the county shall monthly transmit to the city the funds due under ((this chapter)) RCW 36.22.179 (as recodified by this act) and sections 15 and 16 of this act.
- 26 **Sec. 9.** RCW 43.185C.090 and 2005 c 484 s 13 are each amended to 27 read as follows:

The department shall allocate <u>ending homelessness</u> grant moneys from the ((homeless housing)) <u>ending homelessness</u> account to finance in whole or in part programs and projects in approved local ((homeless housing)) <u>ending homelessness</u> plans to assist homeless individuals and families gain access to adequate housing, prevent at-risk individuals from becoming homeless, address the root causes of homelessness, track and report on homeless-related data, and facilitate the movement of homeless or formerly homeless individuals along the housing continuum toward more stable and, when appropriate, independent housing <u>and</u>

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- 1 <u>economic independence</u>. The department may issue criteria or guidelines
- 2 to guide local governments in the application process.
- 3 **Sec. 10.** RCW 43.185C.100 and 2005 c 484 s 14 are each amended to 4 read as follows:
- 5 The department shall provide technical assistance to any 6 participating local government that requests such assistance. 7 Technical assistance activities may include:
- 8 (1) Assisting local governments to identify appropriate parties to 9 participate on local ((homeless housing)) ending homelessness task 10 forces;
- 11 (2) Assisting local governments to identify appropriate service 12 providers with which the local governments may subcontract for service 13 provision and development activities, when necessary;
- 14 (3) Assisting local governments to implement or expand homeless
 15 census programs to meet ((homeless housing)) ending homelessness
 16 program requirements;
- 17 (4) Assisting local governments in the local implementation and
 18 updating of the homeless client management information system as
 19 required in RCW 43.185C.180;
- 20 <u>(5) Assisting local governments to implement a quality management</u> 21 <u>program;</u>
- 22 (6) Assisting local governments to strongly encourage all 23 subcontractors to implement quality management programs and apply to 24 the Washington state quality award program;
- 25 (7) Assisting local governments to create quality ending 26 homelessness plans;
- 27 <u>(8)</u> Assisting in the identification of "best practices" from other 28 areas;
- 29 (((5))) (9) Assisting in identifying additional funding sources for 30 specific projects; and
- 31 (((6))) <u>(10)</u> Training local government and subcontractor staff, 32 <u>including quality management training</u>.
- 33 **Sec. 11.** RCW 43.185C.130 and 2005 c 484 s 17 are each amended to read as follows:
- The department shall ensure that the state's interest is protected upon the development, use, sale, or change of use of projects

constructed, acquired, or financed in whole or in part through the ((homeless housing)) ending homelessness grant program. These policies may include, but are not limited to: (1) Requiring a share of the appreciation in the project in proportion to the state's contribution to the project, or (2) requiring a lump sum repayment of the grant upon the sale or change of use of the project.

Sec. 12. RCW 43.185C.160 and 2005 c 485 s 1 are each amended to 8 read as follows:

(1) Each county shall create ((a homeless housing)) an ending homelessness task force to develop a ((ten-year homeless housing)) ending homelessness plan addressing short-term and long-term services and housing ((for homeless persons)) to prevent and reduce homelessness by fifty percent by 2015.

Membership on the task force may include representatives of the counties, cities, towns, housing authorities, civic and faith organizations, schools, community networks, human services providers, law enforcement personnel, criminal justice personnel, including prosecutors, probation officers, and jail administrators, substance abuse treatment providers, mental health care providers, emergency health care providers, businesses, at-large representatives of the community, and a homeless or formerly homeless individual.

In lieu of creating a new task force, a local government may designate an existing governmental or nonprofit body ((which)) that substantially conforms to this section and ((which)) includes at least one homeless or formerly homeless individual to serve as its homeless representative. As an alternative to a separate plan, two or more local governments may work in concert to develop and execute a joint ((homeless housing)) local ending homelessness plan, or to contract with another entity to do so according to the requirements of this chapter. While a local government has the authority to subcontract with other entities, the local government continues to maintain the ultimate responsibility for the ((homeless housing)) ending homelessness program within its borders.

((A county may decline to participate in the program authorized in this chapter by forwarding to the department a resolution adopted by the county legislative authority stating the intention not to participate. A copy of the resolution shall also be transmitted to the

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- county auditor and treasurer. If a county declines to participate, the
 department shall create and execute a local homeless housing plan for
 the county meeting the requirements of this chapter.))
 - (2) In addition to developing a ((ten-year homeless housing)) <u>local</u> ending homelessness plan, each task force shall establish guidelines consistent with the statewide ((homeless housing)) ending homelessness strategic plan, as needed, for the following:
- 8 (a) Emergency shelters;

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- (b) Short-term housing needs;
- 10 (c) Temporary encampments;
- 11 (d) <u>Rental voucher programs;</u>
- 12 (e) Supportive housing for chronically homeless persons; ((and
- (e))) (f) Long-term housing; and
- 14 (g) Prevention services.
- Guidelines must include, when appropriate, standards for health and safety and notifying the public of proposed facilities to house the homeless.
- 18 (3) Each county((, including counties exempted from creating a new 19 task force under subsection (1) of this section,)) shall report to the 20 department of community, trade, and economic development ((such)) any 21 information ((as may be)) needed to ensure compliance with this 22 chapter.
- 23 **Sec. 13.** RCW 43.185C.900 and 2005 c 484 s 2 are each amended to read as follows:
- This chapter may be known and cited as the <u>ending</u> homelessness ((housing and assistance)) act.
- 27 **Sec. 14.** RCW 36.22.179 and 2005 c 484 s 9 are each amended to read 28 as follows:
- 29 (1) In addition to the surcharge authorized in RCW 36.22.178, and 30 except as provided in subsection (2) of this section, an additional 31 surcharge of ten dollars shall be charged by the county auditor for 32 each document recorded, which will be in addition to any other charge 33 allowed by law. The funds collected pursuant to this section are to be 34 distributed and used as follows:
- 35 (a) The auditor shall retain two percent for collection of the fee, 36 and of the remainder shall remit sixty percent to the county to be

deposited into a fund that must be used by the county and its cities 1 2 and towns to accomplish the purposes of chapter ((484, Laws of 2005)) 43.185C RCW, six percent of which may be used by the county for 3 administrative costs related to its ((homeless housing)) local ending 4 5 homelessness plan, and the remainder for programs which directly accomplish the goals of the county's ((homeless housing)) local ending 6 7 homelessness plan, except that for each city in the county which elects as authorized in RCW 43.185C.080 to operate its own ((homeless 8 housing)) local ending homelessness program, a percentage of the 9 10 surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the 11 12 county shall be transmitted at least quarterly to the city treasurer, 13 without any deduction for county administrative costs, for use by the 14 city for program costs which directly contribute to the goals of the city's ((homeless housing)) local ending homelessness plan; of the 15 funds received by the city, it may use six percent for administrative 16 17 costs for its ((homeless housing)) ending homelessness program.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the ((homeless housing)) ending homelessness account. The department may use twelve and one-half percent of this amount for administration of the program established in RCW 43.185C.020, including the costs of creating the statewide ((homeless housing)) ending homelessness strategic plan, measuring performance, providing technical assistance to local governments, and managing the ((homeless housing)) ending homelessness grant program. The remaining eighty-seven and one-half percent is to be distributed by the department to local governments through the ((homeless housing)) ending homelessness grant program.

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- 29 (2) The surcharge imposed in this section does not apply to 30 assignments or substitutions of previously recorded deeds of trust.
- NEW SECTION. **Sec. 15.** A new section is added to chapter 43.185C RCW to read as follows:
- 33 (1) In addition to the surcharges authorized in RCW 36.22.178 and 36.22.179 (as recodified by this act), and except as provided in subsection (2) of this section, the county auditor shall charge an additional surcharge of ten dollars for each document recorded, which

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is in addition to any other charge allowed by law. The funds collected under this section are to be distributed and used as follows:

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- (a) The auditor shall remit ninety percent to the county to be deposited into a fund that must be used by the county and its cities and towns to accomplish the purposes of this chapter. Funds are to be used for programs that directly accomplish the goals of the county's local ending homelessness plan, except that for each city in the county that elects, as authorized in RCW 43.185C.080(3), to operate its own ending homelessness program, a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county must be transmitted at least quarterly to the city treasurer for use by the city for program costs that directly contribute to the goals of the city's ending homelessness plan.
- (b) The auditor shall remit the remaining funds to the state treasurer for deposit in the ending homelessness account. The department may use the funds for the ending homelessness grant program and for administration of the program established in RCW 43.185C.020, including the costs of creating and updating the statewide ending homelessness strategic plan, implementing and managing the Washington homeless client management information system established in RCW 43.185C.180, measuring performance, providing technical assistance to local governments, and managing the ending homelessness grant program.
- (2) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.
- NEW SECTION. Sec. 16. A new section is added to chapter 43.185C RCW to read as follows:
 - (1) In addition to the surcharges authorized in RCW 36.22.178 and 36.22.179 (as recodified by this act) and section 15 of this act, and except as provided in subsection (2) of this section, an additional surcharge of ten dollars may be authorized by the legislative authority of the county and charged by the county auditor for each document recorded, which is in addition to any other charge allowed by law. The funds collected under this section must be retained by the county for the purposes of the ending homelessness program, except that any city operating its own ending homelessness program under RCW 43.185C.080(3)

- must receive a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county.
 - (2) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

- **Sec. 17.** RCW 43.185C.170 and 2006 c 349 s 7 are each amended to 7 read as follows:
 - (1) The interagency council on homelessness, as defined in RCW 43.185C.010, shall ((be convened not later than)) convene by August 31, 2006, and shall meet at least two times each year and report to the appropriate committees of the legislature annually by December 31st on its activities.
 - (2) The interagency council on homelessness shall work to create greater levels of interagency coordination and to coordinate state agency efforts with the efforts of state and local entities addressing homelessness.
 - (3) The interagency council on homelessness must respond to all state and local legislative and policy recommendations included in the state and local ending homelessness plans. The interagency council must annually present its strategy for addressing the issues raised to the appropriate committees of the legislature and must also include a report on the actions taken to date that address these issues.
 - (4) The interagency council must also address the results of the department's evaluations of the operations and accomplishments of other state departments and agencies as they affect housing as required by RCW 43.63A.650 (as recodified by this act).
 - (5) All state agencies with representation on the interagency council on homelessness shall assist the department in determining the societal cost of homelessness to the state by supplying the department with appropriate data and cost information.
 - (6) The interagency council shall seek to:
- (a) Align homeless-related housing and supportive service policiesamong state agencies;
- 34 (b) Identify ways in which providing housing with appropriate services can contribute to cost savings for state agencies;
- 36 (c) Identify policies and actions that may contribute to 37 homelessness or interfere with its reduction;

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1 (d) Review and improve strategies for discharge from state 2 institutions that contribute to homelessness;

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- (e) Recommend policies to either improve practices or align resources, or both, including those policies requested by the affordable housing advisory board or through state and local housing plans; and
- 7 (f) Ensure that the housing status of people served by state 8 programs is collected in consistent formats available for analysis.
- 9 **Sec. 18.** RCW 43.185C.180 and 2006 c 349 s 8 are each amended to 10 read as follows:
 - (1) In order to improve services for the homeless, the department, within amounts appropriated by the legislature for this specific purpose, shall implement the Washington homeless client management information system for the ongoing collection and updates of information about all homeless individuals in the state.
 - (2) Information about homeless individuals for the Washington homeless client management information system, including information from reports regarding homeless school children, shall come from the Washington homeless census and from state agencies and community organizations providing services to homeless individuals ((and)), families, and children. Personally identifying information about homeless individuals for the Washington homeless client management system may only be collected after having obtained informed, reasonably time limited written consent from the homeless individual to whom the information relates. Data collection ((shall)) must be done in a manner consistent with federally informed consent guidelines regarding human research which, at a minimum, require that individuals be informed about the expected duration of their participation, explanation of whom to contact for answers to pertinent questions about data collection and their rights regarding their personal identifying information, an explanation regarding whom to contact in the event of injury to the individual related to the homeless client survey, a description of any reasonably foreseeable risks to the homeless individual, and a statement describing the extent to which confidentiality of records identifying the individual will be maintained.

- (3) The Washington homeless client management information system shall serve as an online information and referral system to enable local governments and providers to connect homeless persons in the database with available housing and other support services. Local governments shall develop a capacity for continuous case management, including independent living plans, when appropriate, to assist homeless persons.
- (4) The information in the Washington homeless client management information system will also provide the department with the information to consolidate and analyze data about the extent and nature of homelessness in Washington state, giving emphasis to information about the extent and nature of homelessness in Washington state among families with children.
- (5) The system may be merged with other data gathering and reporting systems and shall:
 - (a) Protect the right of privacy of individuals;

- (b) Provide for consultation and collaboration with all relevant state agencies, including the department of social and health services, experts, and community organizations involved in the delivery of services to homeless persons; and
- (c) Include related information held or gathered by other state agencies.
 - (6) Within amounts appropriated by the legislature, for this specific purpose, the department shall evaluate the information gathered and disseminate the analysis and the evaluation broadly, using appropriate computer networks as well as written reports.
 - (7) The Washington homeless client management information system ((shall)) <u>must</u> be implemented by December 31, 2009, and updated with new homeless client information at least ((annually)) <u>twice each year</u>.
- NEW SECTION. Sec. 19. A new section is added to chapter 43.185C RCW to read as follows:

The employment security department shall annually establish a self-sufficiency standard based upon the cost of living, including housing costs, which include mortgage or rent payments and utilities other than telephone, for each county and major city in the state. The first self-sufficiency standard must be presented to the legislature by December 31, 2008. The employment security department must spend no

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- more than one hundred thousand dollars in creating the initial self-1 2 sufficiency standard and no more than twenty-five thousand dollars annually to update the standard. The employment security department 3 4 shall deliver a report to the department of community, trade, and 5 economic development and the appropriate committees of the legislature that details the number and percentage of individuals and households 6 7 statewide and in each county who earn less than the self-sufficiency 8 standard.
- 9 **Sec. 20.** RCW 43.185B.030 and 1993 c 478 s 6 are each amended to read as follows:

The affordable housing advisory board shall:

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- (1) Analyze those solutions and programs that could begin to address the state's need for housing that is affordable for all economic segments of the state, and special needs populations, including but not limited to programs or proposals which provide for:
- (a) Financing for the acquisition, rehabilitation, preservation, or construction of housing;
- (b) Use of publicly owned land and buildings as sites for affordable housing;
 - (c) Coordination of state initiatives with federal initiatives and financing programs that are referenced in the Cranston-Gonzalez national affordable housing act (42 U.S.C. Sec. 12701 et seq.), as amended, and development of an approved housing strategy as required in the Cranston-Gonzalez national affordable housing act (42 U.S.C. Sec. 12701 et seq.), as amended;
 - (d) Identification and removal, where appropriate and not detrimental to the public health and safety, or environment, of state and local regulatory barriers to the development and placement of affordable housing;
- 30 (e) Stimulating public and private sector cooperation in the 31 development of affordable housing; and
 - (f) Development of solutions and programs affecting housing, including the equitable geographic distribution of housing for all economic segments, as the advisory board deems necessary;
- 35 (2) Consider both homeownership and rental housing as viable 36 options for the provision of housing. The advisory board shall give

consideration to various types of residential construction and innovative housing options, including but not limited to manufactured housing;

- (3) Review, evaluate, and make recommendations regarding existing and proposed housing programs and initiatives including but not limited to tax policies, land use policies, and financing programs. The advisory board shall provide recommendations to the director, along with the department's response in the annual housing report to the legislature required in RCW 43.185B.040; and
- (4) Prepare and submit to the director and to the legislature, by each December 1st, beginning December 1, 1993, a report ((detailing its)) that (a) details the board's findings and (b) discusses the measurable relationship between jobs paying less than the self-sufficiency standard, established under section 19 of this act, and housing affordability, and make specific program, legislative, and funding recommendations and any other recommendations it deems appropriate.
- NEW SECTION. **Sec. 21.** A new section is added to chapter 43.185C RCW to read as follows:
- The joint legislative audit and review committee shall conduct a performance audit of the ending homelessness program every four years. The first audit must be conducted by December 31, 2009. Each audit must take no longer than six months or fifty thousand dollars to complete.
- **Sec. 22.** RCW 43.20A.790 and 1999 c 267 s 2 are each amended to 26 read as follows:
 - (1) The department of social and health services shall collaborate with the department ((of community, trade, and economic development)) in the development of ((the)) a coordinated and comprehensive plan for homeless families with children ((required under RCW 43.63A.650, which designates the department of community, trade, and economic development as the state agency with primary responsibility for providing shelter and housing services to homeless families with children. In fulfilling its responsibilities to collaborate with the department of community, trade, and economic development pursuant to RCW 43.63A.650,)) that must be integrated into the state ending homelessness strategic plan created

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- 1 <u>in RCW 43.185C.040</u>. The department <u>of social and health services</u> shall
- develop, administer, supervise, and monitor its portion of the plan((-
- 3 The department's portion of the plan shall)), which must contain at
- 4 least the following elements:

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- 5 (a) Coordination or linkage of services with shelter and housing;
- 6 (b) Accommodation and addressing the needs of homeless families in 7 the design and administration of department programs;
 - (c) Participation of the department's local offices in the identification, assistance, and referral of homeless families; and
 - (d) Ongoing monitoring of the efficiency and effectiveness of the plan's design and implementation.
- 12 (2) The department shall include community organizations involved 13 in the delivery of services to homeless families with children, and 14 experts in the development and ongoing evaluation of the plan.
- 15 (((3) The duties under this section shall be implemented within 16 amounts appropriated for that specific purpose by the legislature in 17 the operating and capital budgets.))
- 18 **Sec. 23.** RCW 43.63A.650 and 1999 c 267 s 3 are each amended to 19 read as follows:
 - (1) The department shall be the principal state department responsible for coordinating federal and state resources and activities in housing, except for programs administered by the Washington state housing finance commission under chapter 43.180 RCW, and for evaluating the operations and accomplishments of other state departments and agencies as they affect housing. The department shall conduct annual performance evaluations of all state departments and agencies regarding their programs addressing homelessness as well as all other housing programs and activities. The department shall provide copies of the evaluation reports to the appropriate committees of the legislature and the interagency council on homelessness by December 31st of each year beginning in 2007.
 - (2) The department shall work with local governments, tribal organizations, local housing authorities, nonprofit community or neighborhood-based organizations, and regional or statewide nonprofit housing assistance organizations, for the purpose of coordinating federal and state resources with local resources for housing.

(3) The department shall be the principal state department responsible for providing shelter and housing services to homeless individuals and families ((with children)). The department shall have the principal responsibility to coordinate, plan, and oversee the state's activities for developing a coordinated and comprehensive state ending homelessness strategic plan to serve all homeless individuals and families ((with children)) in Washington as required under RCW ((The plan shall be developed collaboratively with the 43.185C.040. department of social and health services. The department shall include community organizations involved in the delivery of services to homeless families with children, and experts in the development and ongoing evaluation of the plan. The department shall follow professionally recognized standards and procedures. The plan shall be implemented within amounts appropriated by the legislature for that specific purpose in the operating and capital budgets. The department shall submit the plan to the appropriate committees of the senate and house of representatives no later than September 1, 1999, and shall update the plan and submit it to the appropriate committees of the legislature by January 1st of every odd-numbered year through 2007. The plan shall address at least the following: (a) The need for prevention assistance; (b) the need for emergency shelter; (c) the need for transitional assistance to aid families into permanent housing; (d) the need for linking services with shelter or housing; and (e) the need for ongoing monitoring of the efficiency and effectiveness of the plan's design and implementation.))

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NEW SECTION. Sec. 24. The sum of fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2008, from the general fund to the ending homelessness account to be distributed by the department of community, trade, and economic development to five housing authorities, using a selection method and distribution formula to be determined by the department, to implement a quality management program and prepare and submit an application to the Washington quality awards program by December 31, 2009.

<u>NEW SECTION.</u> **Sec. 25.** The sum of fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year

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- 1 ending June 30, 2008, from the general fund to the ending homelessness
- 2 account to be distributed by the department of community, trade, and
- 3 economic development to five community action agencies, using a
- 4 selection method and distribution formula to be determined by the
- 5 department, to implement a quality management program and prepare and
- 6 submit an application to the Washington quality awards program by
- 7 December 31, 2009.
- 8 <u>NEW SECTION.</u> **Sec. 26.** RCW 36.22.179, 43.20A.790, and 43.63A.650
- 9 are each recodified as sections in chapter 43.185C RCW.

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