

# SENATE BILL REPORT

## SHB 1221

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As Reported by Senate Committee On:  
Human Services, Reentry & Rehabilitation, March 18, 2021

**Title:** An act relating to standardizing definitions of homelessness to improve access to services.

**Brief Description:** Standardizing homelessness definitions.

**Sponsors:** House Committee on Children, Youth & Families (originally sponsored by Representatives Rule, Bateman, Shewmake, Lekanoff, Senn, Santos, Thai, Ortiz-Self, Ormsby, Callan, Ramel, Riccelli and Macri).

**Brief History:** Passed House: 2/23/21, 61-36.

**Committee Activity:** Human Services, Reentry & Rehabilitation: 3/16/21, 3/18/21 [DP, w/oRec].

### Brief Summary of Bill

- Defines homeless for the Early Childhood Education and Assistance Program.
- Defines experiencing homelessness for purposes of child welfare.
- Replaces the term "homelessness" with the term "experiencing homelessness" in the child welfare statutes.

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### SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

**Majority Report:** Do pass.

Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Gildon, Ranking Member; Saldaña and Wilson, C.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Dozier and McCune.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Alison Mendiola (786-7488)

**Background:** McKinney-Vento Homeless Assistance Act. The federal McKinney-Vento Homeless Assistance Act (McKinney- Vento) requires states and public school districts to ensure that children and youth experiencing homelessness have equal access to public education. The McKinney-Vento defines a homeless in a number of ways.

Subchapter VI, Part B: Education for Homeless Children and Youths of the McKinney-Vento Act defines "homeless children and youths" to mean individuals who lack a fixed, regular, and adequate nighttime residence and includes children and youth:

- sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
- living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
- living in emergency or transitional shelters;
- abandoned in hospitals;
- with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; and
- living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings.

McKinney-Vento, Subchapter I, defines "homeless," "homeless individual," and "homeless person," first, as an individual who:

- lacks a fixed, regular, and adequate nighttime residence;
- has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
- is living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements, including hotels and motels paid for by federal, state, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing; or
- resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided.

McKinney-Vento, Subchapter I, defines "homeless," "homeless individual," and "homeless person," second, as an individual or family who:

- will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by federal, state, or local government programs for low-income individuals or by charitable organizations, as evidenced by:
  1. a court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days;
  2. the individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for

more than 14 days; or

3. credible evidence indicating the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an individual or family seeking homeless assistance found to be credible, shall be considered credible evidence for purposes of this clause;

- has no subsequent residence identified; and
- lacks the resources or support networks needed to obtain other permanent housing.

McKinney-Vento, Subchapter I, defines "homeless," "homeless individual," and "homeless person," third, as unaccompanied youth and homeless families with children and youth defined as homeless under other federal statutes who:

- have experienced a long term period without living independently in permanent housing;
- have experienced persistent instability as measured by frequent moves over such period; and
- can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

McKinney-Vento, Subchapter I, considers homeless any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual's or family's current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing.

Early Childhood Education and Assistance Program. The Early Childhood Education and Assistance Program (ECEAP) is a state-funded preschool program for low-income or at-risk three and four year olds. Children eligible for ECEAP are prioritized according to various risk factors, including homelessness.

There is no statutory definition of homeless for ECEAP.

Child Welfare. Child protective and child welfare services are provided to families to protect children from child abuse and neglect. Anyone may file a petition in court alleging a child should be a dependent of the state due to abuse, neglect, or because there is no parent, guardian, or custodian capable of adequately caring for the child. Poverty, homelessness, or exposure to domestic violence perpetuated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

**Summary of Bill:** Early Childhood Education and Assistance Program. "Homeless" means without a fixed, regular, and adequate nighttime residence as described in McKinney-Vento.

Child Welfare. For child welfare and dependency proceedings, "experiencing homelessness" is defined as lacking a fixed, regular, and adequate nighttime residence, including circumstances such as sharing the housing of other persons due to loss of housing, economic hardship, fleeing domestic violence, or a similar reason as described in the McKinney-Vento Homeless Assistance Act (Title 42 U.S.C., Chapter 119, Subchapter I) as it existed on January 1, 2021.

The term "homelessness" is replaced with the term "experiencing homelessness" in the child welfare statutes.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill will really help families with young children who are in circumstances where they should not also have to navigate what it means to be homeless or determine whether are they homeless enough to qualify for a program. This bill address little kids without a stable place to sleep at night. Someone could be fleeing domestic violence and couch surfing as a result but because some definitions of homeless do not consider this homeless, this person would not be eligible for services. Definitions of homelessness matter and determines whether you qualify for assistance at the city, county, state and federal level. Therefore, we should use the same definition of homelessness. It is like the fire department and the state defining a fire differently.

**Persons Testifying:** PRO: Representative Alicia Rule, Prime Sponsor; Peter Drury, Wellspring Family Services; Nawiishtunmi Nightgun, Wellspring Family Services; Jesse Creydt, TouchStone Health.

**Persons Signed In To Testify But Not Testifying:** No one.