

2SSB 5254 - S AMD 205

By Senator Fain

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 36.70A.115 and 2009 c 121 s 3 are each amended to
4 read as follows:

5 (1) Counties and cities that are required or choose to plan under
6 RCW 36.70A.040 shall ensure that, taken collectively, adoption of and
7 amendments to their comprehensive plans and/or development
8 regulations provide sufficient capacity of land suitable for
9 development within their jurisdictions to accommodate their allocated
10 housing and employment growth, including the accommodation of, as
11 appropriate, the medical, governmental, educational, institutional,
12 commercial, and industrial facilities related to such growth, as
13 adopted in the applicable countywide planning policies and consistent
14 with the twenty-year population forecast from the office of financial
15 management.

16 (2) This analysis shall include the reasonable measures findings
17 developed under RCW 36.70A.215, if applicable to such counties and
18 cities.

19 **Sec. 2.** RCW 36.70A.215 and 2011 c 353 s 3 are each amended to
20 read as follows:

21 (1) Subject to the limitations in subsection (~~(+7)~~) (5) of this
22 section, a county shall adopt, in consultation with its cities,
23 countywide planning policies to establish a review and evaluation
24 program. This program shall be in addition to the requirements of RCW
25 36.70A.110, 36.70A.130, and 36.70A.210. In developing and
26 implementing the review and evaluation program required by this
27 section, the county and its cities shall consider information from
28 other appropriate jurisdictions and sources. The purpose of the
29 review and evaluation program shall be to:

30 (a) Determine whether a county and its cities are achieving urban
31 densities within urban growth areas by comparing growth and
32 development assumptions, targets, and objectives contained in the

1 countywide planning policies and the county and city comprehensive
2 plans with actual growth and development that has occurred in the
3 county and its cities; and

4 (b) Identify reasonable measures, other than adjusting urban
5 growth areas, that will be taken to comply with the requirements of
6 this chapter. Reasonable measures are those actions necessary to
7 reduce the differences between growth and development assumptions and
8 targets contained in the countywide planning policies and the county
9 and city comprehensive plans with actual development patterns. The
10 reasonable measures process in subsection (3) of this section shall
11 be used as part of the next comprehensive plan update to reconcile
12 inconsistencies.

13 (2) The review and evaluation program shall:

14 (a) Encompass land uses and activities both within and outside of
15 urban growth areas and provide for annual collection of data on urban
16 and rural land uses, development, zoning and development standards,
17 environmental regulations including but not limited to critical
18 areas, stormwater, shoreline, and tree retention requirements; and
19 capital facilities ~~((to the extent necessary))~~ to determine the
20 quantity and type of land suitable for development, both for
21 residential and employment-based activities;

22 (b) Provide for evaluation of the data collected under (a) of
23 this subsection as provided in subsection (3) of this section. The
24 evaluation shall be completed no later than ~~((one))~~ three years prior
25 to the deadline for review and, if necessary, update of comprehensive
26 plans and development regulations as required by RCW 36.70A.130. For
27 comprehensive plans required to be updated before 2024, the
28 evaluation as provided in subsection (3) of this section shall be
29 completed no more than two years prior to the deadline for review
30 and, if necessary, update of comprehensive plans. The county and its
31 cities may establish in the countywide planning policies indicators,
32 benchmarks, and other similar criteria to use in conducting the
33 evaluation;

34 (c) Provide for methods to resolve disputes among jurisdictions
35 relating to the countywide planning policies required by this section
36 and procedures to resolve inconsistencies in collection and analysis
37 of data; and

38 ~~((Provide for the amendment of the countywide policies and~~
39 ~~county and city comprehensive plans as needed to remedy an~~
40 ~~inconsistency identified through the evaluation required by this~~

1 ~~section, or to bring these policies into compliance with the~~
2 ~~requirements of this chapter.)) Develop reasonable measures to use in
3 reducing the differences between growth and development assumptions
4 and targets contained in the countywide planning policies and county
5 and city comprehensive plans, with the actual development patterns.
6 The reasonable measures shall be adopted, if necessary, into the
7 countywide planning policies and the county or city comprehensive
8 plans and development regulations during the next scheduled update of
9 the plans.~~

10 (3) At a minimum, the evaluation component of the program
11 required by subsection (1) of this section shall:

12 (a) Determine whether there is sufficient suitable land to
13 accommodate the countywide population projection established for the
14 county pursuant to RCW 43.62.035 and the subsequent population
15 allocations within the county and between the county and its cities
16 and the requirements of RCW 36.70A.110((+

17 ~~(b))~~). The zoned capacity of land alone is not a sufficient
18 standard to deem land suitable for development or redevelopment
19 within the twenty-year planning period;

20 (b) An evaluation and identification of land suitable for
21 development or redevelopment shall include:

22 (i) A review and evaluation of the land use designation and
23 zoning/development regulations; environmental regulations (such as
24 tree retention, stormwater, or critical area regulations) impacting
25 development; and other regulations that could prevent assigned
26 densities from being achieved; infrastructure gaps (including but not
27 limited to transportation, water, sewer, and stormwater); and

28 (ii) Use of a reasonable land market supply factor when
29 evaluating land suitable to accommodate new development or
30 redevelopment of land for residential development and employment
31 activities. The reasonable market supply factor identifies reductions
32 in the amount of land suitable for development and redevelopment. The
33 methodology for conducting a reasonable land market factor shall be
34 determined through the guidance developed in section 3 of this act;

35 (c) Provide an analysis of county and/or city development
36 assumptions, targets, and objectives contained in the countywide
37 planning policies and the county and city comprehensive plans when
38 growth targets and assumptions are not being achieved. It is not
39 appropriate to make a finding that assumed growth contained in the
40 countywide planning policies and the county or city comprehensive

1 plan will occur at the end of the current comprehensive planning
2 twenty-year planning cycle without rationale;

3 (d) Determine the actual density of housing that has been
4 constructed and the actual amount of land developed for commercial
5 and industrial uses within the urban growth area since the adoption
6 of a comprehensive plan under this chapter or since the last periodic
7 evaluation as required by subsection (1) of this section; and

8 ~~((e))~~ (e) Based on the actual density of development as
9 determined under (b) of this subsection, review commercial,
10 industrial, and housing needs by type and density range to determine
11 the amount of land needed for commercial, industrial, and housing for
12 the remaining portion of the twenty-year planning period used in the
13 most recently adopted comprehensive plan.

14 ~~(4) ((If the evaluation required by subsection (3) of this~~
15 ~~section demonstrates an inconsistency between what has occurred since~~
16 ~~the adoption of the countywide planning policies and the county and~~
17 ~~city comprehensive plans and development regulations and what was~~
18 ~~envisioned in those policies and plans and the planning goals and the~~
19 ~~requirements of this chapter, as the inconsistency relates to the~~
20 ~~evaluation factors specified in subsection (3) of this section, the~~
21 ~~county and its cities shall adopt and implement measures that are~~
22 ~~reasonably likely to increase consistency during the subsequent five-~~
23 ~~year period. If necessary, a county, in consultation with its cities~~
24 ~~as required by RCW 36.70A.210, shall adopt amendments to countywide~~
25 ~~planning policies to increase consistency. The county and its cities~~
26 ~~shall annually monitor the measures adopted under this subsection to~~
27 ~~determine their effect and may revise or rescind them as appropriate.~~

28 ~~(5)(a) Not later than July 1, 1998, the department shall prepare~~
29 ~~a list of methods used by counties and cities in carrying out the~~
30 ~~types of activities required by this section. The department shall~~
31 ~~provide this information and appropriate technical assistance to~~
32 ~~counties and cities required to or choosing to comply with the~~
33 ~~provisions of this section.~~

34 ~~(b) By December 31, 2007, the department shall submit to the~~
35 ~~appropriate committees of the legislature a report analyzing the~~
36 ~~effectiveness of the activities described in this section in~~
37 ~~achieving the goals envisioned by the countywide planning policies~~
38 ~~and the comprehensive plans and development regulations of the~~
39 ~~counties and cities.~~

1 ~~(6)~~) From funds appropriated by the legislature for this
2 purpose, the department shall provide grants to counties, cities, and
3 regional planning organizations required under subsection ~~((7))~~ (5)
4 of this section to conduct the review and perform the evaluation
5 required by this section.

6 ~~((7))~~ (5) The provisions of this section shall apply to
7 counties, and the cities within those counties, that were greater
8 than one hundred fifty thousand in population in ~~((1995))~~ 1996 as
9 determined by office of financial management population estimates and
10 that are located west of the crest of the Cascade mountain range. Any
11 other county planning under RCW 36.70A.040 may carry out the review,
12 evaluation, and amendment programs and procedures as provided in this
13 section.

14 (6) The requirements of this section are subject to the
15 availability of funds appropriated for this specific purpose. If
16 funds are not appropriated consistent with the timelines in
17 subsection (2)(b) of this section, counties and cities shall be
18 subject to the review and evaluation program as it existed prior to
19 the effective date of this section.

20 NEW SECTION. Sec. 3. A new section is added to chapter 36.70A
21 RCW to read as follows:

22 (1) The department of commerce, through a contract with a land
23 use and economics entity, shall develop guidance for local
24 governments on the review and evaluation program in RCW 36.70A.215.
25 The contract shall be with an entity experienced in serving private
26 and public sector clients which can assist developers and policy
27 makers to understand near-term market realities and long-term
28 planning considerations, and with experience facilitating successful
29 conversations between multiple local governments and stakeholders on
30 complex land use issues. The department of commerce shall enable
31 appropriate public participation by affected stakeholders in the
32 development of the guidance for the appropriate market factor
33 analysis and review and update of the overall buildable lands
34 program. This guidance regarding the market factor methodology and
35 buildable lands program shall be completed by December 1, 2018. The
36 buildable lands guidance shall analyze and provide recommendations
37 on:

38 (a) The review and evaluation program in RCW 36.70A.215 and
39 changes to the required information to be analyzed within the program

1 to increase the accuracy of the report when updating countywide
2 planning policies and the county and city comprehensive plans;

3 (b) Whether a more effective schedule could be developed for
4 countywide planning policies and the county and city comprehensive
5 plan updates to better align with implementing reasonable measures
6 identified through the review and evaluation program, and population
7 projections and census data while maintaining appropriate and timely
8 consideration of planning needs best done through a comprehensive
9 planning process;

10 (c) A determination on how reasonable measures, based on the
11 review and evaluation program, should be implemented into updates for
12 countywide planning policies and the county and city comprehensive
13 plans;

14 (d) Infrastructure costs, including but not limited to
15 transportation, water, sewer, stormwater, and the cost to provide new
16 or upgraded infrastructure if required to serve development; cost of
17 development; timelines to permit and develop land; market
18 availability of land; the nexus between proposed densities, economic
19 conditions needed to achieve those densities, and the impact to
20 housing affordability for home ownership and rental housing; and,
21 market demand when evaluating if land is suitable for development or
22 redevelopment. These all have an impact on whether development occurs
23 or if planned for densities will differ from achieved densities;

24 (e) Identifying the measures to increase housing availability and
25 affordability for all economic segments of the community and the
26 factors contributing to the high cost of housing including zoning/
27 development/environmental regulations, permit processing timelines,
28 housing production trends by housing type and rents and prices,
29 national and regional economic and demographic trends affecting
30 housing affordability and production by rents and prices, housing
31 unit size by housing type, and how well growth targets align with
32 market conditions including the assumptions on where people desire to
33 live;

34 (f) Evaluating how existing zoning and land use regulations are
35 promoting or hindering attainment of the goal for affordable housing
36 in RCW 36.70A.020(4). Barriers to meeting this goal shall be
37 identified and considered as possible reasonable measures for each
38 county and city, and as part of the next countywide planning policies
39 and county and city comprehensive plan update;

1 (g) Identifying opportunities and strategies to encourage growth
2 within urban growth areas;

3 (h) Identifying strategies to increase local government capacity
4 to invest in the infrastructure necessary to accommodate growth and
5 provide opportunities for affordable housing across all economic
6 segments of the community and housing types; and

7 (i) Other topics identified by stakeholders and the department.

8 (2) The requirements of this section are subject to the
9 availability of funds appropriated for this specific purpose.

10 **Sec. 4.** RCW 36.70A.070 and 2015 c 241 s 2 are each amended to
11 read as follows:

12 The comprehensive plan of a county or city that is required or
13 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
14 and descriptive text covering objectives, principles, and standards
15 used to develop the comprehensive plan. The plan shall be an
16 internally consistent document and all elements shall be consistent
17 with the future land use map. A comprehensive plan shall be adopted
18 and amended with public participation as provided in RCW 36.70A.140.
19 Each comprehensive plan shall include a plan, scheme, or design for
20 each of the following:

21 (1) A land use element designating the proposed general
22 distribution and general location and extent of the uses of land,
23 where appropriate, for agriculture, timber production, housing,
24 commerce, industry, recreation, open spaces, general aviation
25 airports, public utilities, public facilities, and other land uses.
26 The land use element shall include population densities, building
27 intensities, and estimates of future population growth. The land use
28 element shall provide for protection of the quality and quantity of
29 groundwater used for public water supplies. Wherever possible, the
30 land use element should consider utilizing urban planning approaches
31 that promote physical activity. Where applicable, the land use
32 element shall review drainage, flooding, and storm water run-off in
33 the area and nearby jurisdictions and provide guidance for corrective
34 actions to mitigate or cleanse those discharges that pollute waters
35 of the state, including Puget Sound or waters entering Puget Sound.

36 (2) A housing element ensuring the vitality and character of
37 established residential neighborhoods that: (a) Includes an inventory
38 and analysis of existing and projected housing needs that identifies
39 the number of housing units necessary to manage projected growth; (b)

1 includes a statement of goals, policies, objectives, and mandatory
2 provisions for the preservation, improvement, and development of
3 housing, including single-family residences; (c) identifies
4 sufficient land for housing, including, but not limited to,
5 government-assisted housing, housing for low-income families,
6 manufactured housing, multifamily housing, and group homes and foster
7 care facilities; and (d) makes adequate provisions for existing and
8 projected needs of all economic segments of the community. In
9 counties and cities subject to the review and evaluation requirements
10 of RCW 36.70A.215, any revision to the housing element shall include
11 consideration of prior review and evaluation reports and any
12 reasonable measures identified.

13 (3) A capital facilities plan element consisting of: (a) An
14 inventory of existing capital facilities owned by public entities,
15 showing the locations and capacities of the capital facilities; (b) a
16 forecast of the future needs for such capital facilities; (c) the
17 proposed locations and capacities of expanded or new capital
18 facilities; (d) at least a six-year plan that will finance such
19 capital facilities within projected funding capacities and clearly
20 identifies sources of public money for such purposes; and (e) a
21 requirement to reassess the land use element if probable funding
22 falls short of meeting existing needs and to ensure that the land use
23 element, capital facilities plan element, and financing plan within
24 the capital facilities plan element are coordinated and consistent.
25 Park and recreation facilities shall be included in the capital
26 facilities plan element.

27 (4) A utilities element consisting of the general location,
28 proposed location, and capacity of all existing and proposed
29 utilities, including, but not limited to, electrical lines,
30 telecommunication lines, and natural gas lines.

31 (5) Rural element. Counties shall include a rural element
32 including lands that are not designated for urban growth,
33 agriculture, forest, or mineral resources. The following provisions
34 shall apply to the rural element:

35 (a) Growth management act goals and local circumstances. Because
36 circumstances vary from county to county, in establishing patterns of
37 rural densities and uses, a county may consider local circumstances,
38 but shall develop a written record explaining how the rural element
39 harmonizes the planning goals in RCW 36.70A.020 and meets the
40 requirements of this chapter.

1 (b) Rural development. The rural element shall permit rural
2 development, forestry, and agriculture in rural areas. The rural
3 element shall provide for a variety of rural densities, uses,
4 essential public facilities, and rural governmental services needed
5 to serve the permitted densities and uses. To achieve a variety of
6 rural densities and uses, counties may provide for clustering,
7 density transfer, design guidelines, conservation easements, and
8 other innovative techniques that will accommodate appropriate rural
9 densities and uses that are not characterized by urban growth and
10 that are consistent with rural character.

11 (c) Measures governing rural development. The rural element shall
12 include measures that apply to rural development and protect the
13 rural character of the area, as established by the county, by:

- 14 (i) Containing or otherwise controlling rural development;
- 15 (ii) Assuring visual compatibility of rural development with the
16 surrounding rural area;
- 17 (iii) Reducing the inappropriate conversion of undeveloped land
18 into sprawling, low-density development in the rural area;
- 19 (iv) Protecting critical areas, as provided in RCW 36.70A.060,
20 and surface water and groundwater resources; and
- 21 (v) Protecting against conflicts with the use of agricultural,
22 forest, and mineral resource lands designated under RCW 36.70A.170.

23 (d) Limited areas of more intensive rural development. Subject to
24 the requirements of this subsection and except as otherwise
25 specifically provided in this subsection (5)(d), the rural element
26 may allow for limited areas of more intensive rural development,
27 including necessary public facilities and public services to serve
28 the limited area as follows:

29 (i) Rural development consisting of the infill, development, or
30 redevelopment of existing commercial, industrial, residential, or
31 mixed-use areas, whether characterized as shoreline development,
32 villages, hamlets, rural activity centers, or crossroads
33 developments.

34 (A) A commercial, industrial, residential, shoreline, or mixed-
35 use area are subject to the requirements of (d)(iv) of this
36 subsection, but are not subject to the requirements of (c)(ii) and
37 (iii) of this subsection.

38 (B) Any development or redevelopment other than an industrial
39 area or an industrial use within a mixed-use area or an industrial

1 area under this subsection (5)(d)(i) must be principally designed to
2 serve the existing and projected rural population.

3 (C) Any development or redevelopment in terms of building size,
4 scale, use, or intensity shall be consistent with the character of
5 the existing areas. Development and redevelopment may include changes
6 in use from vacant land or a previously existing use so long as the
7 new use conforms to the requirements of this subsection (5);

8 (ii) The intensification of development on lots containing, or
9 new development of, small-scale recreational or tourist uses,
10 including commercial facilities to serve those recreational or
11 tourist uses, that rely on a rural location and setting, but that do
12 not include new residential development. A small-scale recreation or
13 tourist use is not required to be principally designed to serve the
14 existing and projected rural population. Public services and public
15 facilities shall be limited to those necessary to serve the
16 recreation or tourist use and shall be provided in a manner that does
17 not permit low-density sprawl;

18 (iii) The intensification of development on lots containing
19 isolated nonresidential uses or new development of isolated cottage
20 industries and isolated small-scale businesses that are not
21 principally designed to serve the existing and projected rural
22 population and nonresidential uses, but do provide job opportunities
23 for rural residents. Rural counties may allow the expansion of small-
24 scale businesses as long as those small-scale businesses conform with
25 the rural character of the area as defined by the local government
26 according to RCW 36.70A.030(15). Rural counties may also allow new
27 small-scale businesses to utilize a site previously occupied by an
28 existing business as long as the new small-scale business conforms to
29 the rural character of the area as defined by the local government
30 according to RCW 36.70A.030(15). Public services and public
31 facilities shall be limited to those necessary to serve the isolated
32 nonresidential use and shall be provided in a manner that does not
33 permit low-density sprawl;

34 (iv) A county shall adopt measures to minimize and contain the
35 existing areas or uses of more intensive rural development, as
36 appropriate, authorized under this subsection. Lands included in such
37 existing areas or uses shall not extend beyond the logical outer
38 boundary of the existing area or use, thereby allowing a new pattern
39 of low-density sprawl. Existing areas are those that are clearly
40 identifiable and contained and where there is a logical boundary

1 delineated predominately by the built environment, but that may also
2 include undeveloped lands if limited as provided in this subsection.
3 The county shall establish the logical outer boundary of an area of
4 more intensive rural development. In establishing the logical outer
5 boundary, the county shall address (A) the need to preserve the
6 character of existing natural neighborhoods and communities, (B)
7 physical boundaries, such as bodies of water, streets and highways,
8 and land forms and contours, (C) the prevention of abnormally
9 irregular boundaries, and (D) the ability to provide public
10 facilities and public services in a manner that does not permit low-
11 density sprawl;

12 (v) For purposes of (d) of this subsection, an existing area or
13 existing use is one that was in existence:

14 (A) On July 1, 1990, in a county that was initially required to
15 plan under all of the provisions of this chapter;

16 (B) On the date the county adopted a resolution under RCW
17 36.70A.040(2), in a county that is planning under all of the
18 provisions of this chapter under RCW 36.70A.040(2); or

19 (C) On the date the office of financial management certifies the
20 county's population as provided in RCW 36.70A.040(5), in a county
21 that is planning under all of the provisions of this chapter pursuant
22 to RCW 36.70A.040(5).

23 (e) Exception. This subsection shall not be interpreted to permit
24 in the rural area a major industrial development or a master planned
25 resort unless otherwise specifically permitted under RCW 36.70A.360
26 and 36.70A.365.

27 (6) A transportation element that implements, and is consistent
28 with, the land use element.

29 (a) The transportation element shall include the following
30 subelements:

31 (i) Land use assumptions used in estimating travel;

32 (ii) Estimated traffic impacts to state-owned transportation
33 facilities resulting from land use assumptions to assist the
34 department of transportation in monitoring the performance of state
35 facilities, to plan improvements for the facilities, and to assess
36 the impact of land-use decisions on state-owned transportation
37 facilities;

38 (iii) Facilities and services needs, including:

39 (A) An inventory of air, water, and ground transportation
40 facilities and services, including transit alignments and general

1 aviation airport facilities, to define existing capital facilities
2 and travel levels as a basis for future planning. This inventory must
3 include state-owned transportation facilities within the city or
4 county's jurisdictional boundaries;

5 (B) Level of service standards for all locally owned arterials
6 and transit routes to serve as a gauge to judge performance of the
7 system. These standards should be regionally coordinated;

8 (C) For state-owned transportation facilities, level of service
9 standards for highways, as prescribed in chapters 47.06 and 47.80
10 RCW, to gauge the performance of the system. The purposes of
11 reflecting level of service standards for state highways in the local
12 comprehensive plan are to monitor the performance of the system, to
13 evaluate improvement strategies, and to facilitate coordination
14 between the county's or city's six-year street, road, or transit
15 program and the office of financial management's ten-year investment
16 program. The concurrency requirements of (b) of this subsection do
17 not apply to transportation facilities and services of statewide
18 significance except for counties consisting of islands whose only
19 connection to the mainland are state highways or ferry routes. In
20 these island counties, state highways and ferry route capacity must
21 be a factor in meeting the concurrency requirements in (b) of this
22 subsection;

23 (D) Specific actions and requirements for bringing into
24 compliance locally owned transportation facilities or services that
25 are below an established level of service standard;

26 (E) Forecasts of traffic for at least ten years based on the
27 adopted land use plan to provide information on the location, timing,
28 and capacity needs of future growth;

29 (F) Identification of state and local system needs to meet
30 current and future demands. Identified needs on state-owned
31 transportation facilities must be consistent with the statewide
32 multimodal transportation plan required under chapter 47.06 RCW;

33 (iv) Finance, including:

34 (A) An analysis of funding capability to judge needs against
35 probable funding resources;

36 (B) A multiyear financing plan based on the needs identified in
37 the comprehensive plan, the appropriate parts of which shall serve as
38 the basis for the six-year street, road, or transit program required
39 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
40 35.58.2795 for public transportation systems. The multiyear financing

1 plan should be coordinated with the ten-year investment program
2 developed by the office of financial management as required by RCW
3 47.05.030;

4 (C) If probable funding falls short of meeting identified needs,
5 a discussion of how additional funding will be raised, or how land
6 use assumptions will be reassessed to ensure that level of service
7 standards will be met;

8 (v) Intergovernmental coordination efforts, including an
9 assessment of the impacts of the transportation plan and land use
10 assumptions on the transportation systems of adjacent jurisdictions;

11 (vi) Demand-management strategies;

12 (vii) Pedestrian and bicycle component to include collaborative
13 efforts to identify and designate planned improvements for pedestrian
14 and bicycle facilities and corridors that address and encourage
15 enhanced community access and promote healthy lifestyles.

16 (b) After adoption of the comprehensive plan by jurisdictions
17 required to plan or who choose to plan under RCW 36.70A.040, local
18 jurisdictions must adopt and enforce ordinances which prohibit
19 development approval if the development causes the level of service
20 on a locally owned transportation facility to decline below the
21 standards adopted in the transportation element of the comprehensive
22 plan, unless transportation improvements or strategies to accommodate
23 the impacts of development are made concurrent with the development.
24 These strategies may include increased public transportation service,
25 ride-sharing programs, demand management, and other transportation
26 systems management strategies. For the purposes of this subsection
27 (6), "concurrent with the development" means that improvements or
28 strategies are in place at the time of development, or that a
29 financial commitment is in place to complete the improvements or
30 strategies within six years. If the collection of impact fees is
31 delayed under RCW 82.02.050(3), the six-year period required by this
32 subsection (6)(b) must begin after full payment of all impact fees is
33 due to the county or city.

34 (c) The transportation element described in this subsection (6),
35 the six-year plans required by RCW 35.77.010 for cities, RCW
36 36.81.121 for counties, and RCW 35.58.2795 for public transportation
37 systems, and the ten-year investment program required by RCW
38 47.05.030 for the state, must be consistent.

39 (7) An economic development element establishing local goals,
40 policies, objectives, and provisions for economic growth and vitality

1 and a high quality of life. The element shall include: (a) A summary
2 of the local economy such as population, employment, payroll,
3 sectors, businesses, sales, and other information as appropriate; (b)
4 a summary of the strengths and weaknesses of the local economy
5 defined as the commercial and industrial sectors and supporting
6 factors such as land use, transportation, utilities, education,
7 workforce, housing, and natural/cultural resources; and (c) an
8 identification of policies, programs, and projects to foster economic
9 growth and development and to address future needs. A city that has
10 chosen to be a residential community is exempt from the economic
11 development element requirement of this subsection.

12 (8) A park and recreation element that implements, and is
13 consistent with, the capital facilities plan element as it relates to
14 park and recreation facilities. The element shall include: (a)
15 Estimates of park and recreation demand for at least a ten-year
16 period; (b) an evaluation of facilities and service needs; and (c) an
17 evaluation of intergovernmental coordination opportunities to provide
18 regional approaches for meeting park and recreational demand.

19 (9) It is the intent that new or amended elements required after
20 January 1, 2002, be adopted concurrent with the scheduled update
21 provided in RCW 36.70A.130. Requirements to incorporate any such new
22 or amended elements shall be null and void until funds sufficient to
23 cover applicable local government costs are appropriated and
24 distributed by the state at least two years before local government
25 must update comprehensive plans as required in RCW 36.70A.130.

26 **Sec. 5.** RCW 47.80.023 and 2009 c 515 s 15 are each amended to
27 read as follows:

28 Each regional transportation planning organization shall have the
29 following duties:

30 (1) Prepare and periodically update a transportation strategy for
31 the region. The strategy shall address alternative transportation
32 modes and transportation demand management measures in regional
33 corridors and shall recommend preferred transportation policies to
34 implement adopted growth strategies. The strategy shall serve as a
35 guide in preparation of the regional transportation plan. However, no
36 transportation or growth strategy may include or adopt a maximum
37 population, household, employment and/or job growth target applicable
38 to a regional transportation planning organization's member county,
39 city, or town comprehensive plan adopted pursuant to chapter 36.70A

1 RCW. Such a maximum target, whether adopted prior or subsequent to
2 the effective date of this section, is unenforceable.

3 (2) Prepare a regional transportation plan as set forth in RCW
4 47.80.030 that is consistent with countywide planning policies if
5 such have been adopted pursuant to chapter 36.70A RCW, with county,
6 city, and town comprehensive plans, and state transportation plans.

7 (3) Certify by December 31, 1996, that the transportation
8 elements of comprehensive plans adopted by counties, cities, and
9 towns within the region reflect the guidelines and principles
10 developed pursuant to RCW 47.80.026, are consistent with the adopted
11 regional transportation plan, and, where appropriate, conform with
12 the requirements of RCW 36.70A.070. In the exercise of its duties, a
13 regional transportation planning organization has no authority to
14 reject, disapprove, or condition or otherwise limit its approval of a
15 local government growth management comprehensive plan or element
16 thereof based on the local government's planning for population,
17 household, job and/or employment growth levels within a designated
18 urban growth area in excess of the population, household, job and/or
19 employment targets allocated to the local government pursuant to
20 chapter 36.70A RCW. Such a rejection, disapproval, or conditional
21 approval, whether adopted prior or subsequent to the effective date
22 of this section, is unenforceable.

23 (4) Where appropriate, certify that countywide planning policies
24 adopted under RCW 36.70A.210 and the adopted regional transportation
25 plan are consistent.

26 (5) Develop, in cooperation with the department of
27 transportation, operators of public transportation services and local
28 governments within the region, a six-year regional transportation
29 improvement program which proposes regionally significant
30 transportation projects and programs and transportation demand
31 management measures. The regional transportation improvement program
32 shall be based on the programs, projects, and transportation demand
33 management measures of regional significance as identified by transit
34 agencies, cities, and counties pursuant to RCW 35.58.2795, 35.77.010,
35 and 36.81.121, respectively, and any recommended programs or projects
36 identified by the agency council on coordinated transportation, as
37 provided in chapter 47.06B RCW, that advance special needs
38 coordinated transportation as defined in RCW 47.06B.012. The program
39 shall include a priority list of projects and programs, project
40 segments and programs, transportation demand management measures, and

1 a specific financial plan that demonstrates how the transportation
2 improvement program can be funded. The program shall be updated at
3 least every two years for the ensuing six-year period.

4 (6) Include specific opportunities and projects to advance
5 special needs coordinated transportation, as defined in RCW
6 47.06B.012, in the coordinated transit-human services transportation
7 plan, after providing opportunity for public comment.

8 (7) Designate a lead planning agency to coordinate preparation of
9 the regional transportation plan and carry out the other
10 responsibilities of the organization. The lead planning agency may be
11 a regional organization, a component county, city, or town agency, or
12 the appropriate Washington state department of transportation
13 district office.

14 (8) Review level of service methodologies used by cities and
15 counties planning under chapter 36.70A RCW to promote a consistent
16 regional evaluation of transportation facilities and corridors.

17 (9) Work with cities, counties, transit agencies, the department
18 of transportation, and others to develop level of service standards
19 or alternative transportation performance measures.

20 (10) Submit to the agency council on coordinated
21 transportation(~~(, as provided in chapter 47.06B RCW,)~~) beginning on
22 July 1, 2007, and every four years thereafter, an updated plan that
23 includes the elements identified by the council. Each regional
24 transportation planning organization must submit to the council every
25 two years a prioritized regional human service and transportation
26 project list.

27 (11) In the exercise of its duties and/or in the adoption of any
28 plan, guideline, principle, or strategy under the authority of this
29 chapter, a regional transportation planning organization has no
30 authority to adopt or determine maximum population, household,
31 employment and/or job growth targets applicable to the regional
32 transportation planning organization's member counties', cities', or
33 towns' comprehensive plans adopted pursuant to chapter 36.70A RCW.
34 Such a maximum target, whether adopted prior or subsequent to the
35 effective date of this section, is unenforceable.

36 **Sec. 6.** RCW 36.70A.210 and 2009 c 121 s 2 are each amended to
37 read as follows:

38 (1) The legislature recognizes that counties are regional
39 governments within their boundaries, and cities are primary providers

1 of urban governmental services within urban growth areas. For the
2 purposes of this section, a "countywide planning policy" is a written
3 policy statement or statements used solely for establishing a
4 countywide framework from which county and city comprehensive plans
5 are developed and adopted pursuant to this chapter. This framework
6 shall ensure that city and county comprehensive plans are consistent
7 as required in RCW 36.70A.100. Nothing in this section shall be
8 construed to alter the land-use powers of cities.

9 (2) The legislative authority of a county that plans under RCW
10 36.70A.040 shall adopt a countywide planning policy in cooperation
11 with the cities located in whole or in part within the county as
12 follows:

13 (a) No later than sixty calendar days from July 16, 1991, the
14 legislative authority of each county that as of June 1, 1991, was
15 required or chose to plan under RCW 36.70A.040 shall convene a
16 meeting with representatives of each city located within the county
17 for the purpose of establishing a collaborative process that will
18 provide a framework for the adoption of a countywide planning policy.
19 In other counties that are required or choose to plan under RCW
20 36.70A.040, this meeting shall be convened no later than sixty days
21 after the date the county adopts its resolution of intention or was
22 certified by the office of financial management.

23 (b) The process and framework for adoption of a countywide
24 planning policy specified in (a) of this subsection shall determine
25 the manner in which the county and the cities agree to all procedures
26 and provisions including but not limited to desired planning
27 policies, deadlines, ratification of final agreements and
28 demonstration thereof, and financing, if any, of all activities
29 associated therewith.

30 (c) If a county fails for any reason to convene a meeting with
31 representatives of cities as required in (a) of this subsection, the
32 governor may immediately impose any appropriate sanction or sanctions
33 on the county from those specified under RCW 36.70A.340.

34 (d) If there is no agreement by October 1, 1991, in a county that
35 was required or chose to plan under RCW 36.70A.040 as of June 1,
36 1991, or if there is no agreement within one hundred twenty days of
37 the date the county adopted its resolution of intention or was
38 certified by the office of financial management in any other county
39 that is required or chooses to plan under RCW 36.70A.040, the
40 governor shall first inquire of the jurisdictions as to the reason or

1 reasons for failure to reach an agreement. If the governor deems it
2 appropriate, the governor may immediately request the assistance of
3 the department of (~~community, trade, and economic development~~)
4 commerce to mediate any disputes that preclude agreement. If
5 mediation is unsuccessful in resolving all disputes that will lead to
6 agreement, the governor may impose appropriate sanctions from those
7 specified under RCW 36.70A.340 on the county, city, or cities for
8 failure to reach an agreement as provided in this section. The
9 governor shall specify the reason or reasons for the imposition of
10 any sanction.

11 (e) No later than July 1, 1992, the legislative authority of each
12 county that was required or chose to plan under RCW 36.70A.040 as of
13 June 1, 1991, or no later than fourteen months after the date the
14 county adopted its resolution of intention or was certified by the
15 office of financial management the county legislative authority of
16 any other county that is required or chooses to plan under RCW
17 36.70A.040, shall adopt a countywide planning policy according to the
18 process provided under this section and that is consistent with the
19 agreement pursuant to (b) of this subsection, and after holding a
20 public hearing or hearings on the proposed countywide planning
21 policy.

22 (3) A countywide planning policy shall at a minimum, address the
23 following:

24 (a) Policies to implement RCW 36.70A.110;

25 (b) Policies for promotion of contiguous and orderly development
26 and provision of urban services to such development;

27 (c) Policies for siting public capital facilities of a countywide
28 or statewide nature, including transportation facilities of statewide
29 significance as defined in RCW 47.06.140;

30 (d) Policies for countywide transportation facilities and
31 strategies;

32 (e) Policies that consider the need for affordable housing, such
33 as housing for all economic segments of the population and parameters
34 for its distribution;

35 (f) Policies for joint county and city planning within urban
36 growth areas;

37 (g) Policies for countywide economic development and employment,
38 which must include consideration of the future development of
39 commercial and industrial facilities; (~~and~~)

40 (h) An analysis of the fiscal impact; and

1 (i) A process and schedule providing for consideration no more
2 frequently than once every year of updates, amendments, or revisions
3 of the countywide planning policy proposed by the county or any city
4 or town within the county.

5 (4) Federal agencies and Indian tribes may participate in and
6 cooperate with the countywide planning policy adoption process.
7 Adopted countywide planning policies shall be adhered to by state
8 agencies.

9 (5) Failure to adopt a countywide planning policy that meets the
10 requirements of this section may result in the imposition of a
11 sanction or sanctions on a county or city within the county, as
12 specified in RCW 36.70A.340. In imposing a sanction or sanctions, the
13 governor shall specify the reasons for failure to adopt a countywide
14 planning policy in order that any imposed sanction or sanctions are
15 fairly and equitably related to the failure to adopt a countywide
16 planning policy.

17 (6) Cities and the governor may appeal an adopted countywide
18 planning policy to the growth management hearings board within sixty
19 days of the adoption of the countywide planning policy.

20 (7) Multicounty planning policies shall be adopted by two or more
21 counties, each with a population of four hundred fifty thousand or
22 more, with contiguous urban areas and may be adopted by other
23 counties, according to the process established under this section or
24 other processes agreed to among the counties and cities within the
25 affected counties throughout the multicounty region.

26 (8) No countywide or multicounty planning policy may adopt or
27 include maximum population, household, job, or employment targets
28 applicable to city or town growth management comprehensive plans, or
29 otherwise prevent cities or towns from planning for population,
30 household, job, and/or employment growth levels within a designated
31 urban growth area in excess of the growth targets allocated to the
32 local government pursuant to this chapter. Such a maximum target,
33 whether adopted prior or subsequent to the effective date of this
34 section, is unenforceable.

35 **Sec. 7.** RCW 43.62.035 and 1997 c 429 s 26 are each amended to
36 read as follows:

37 (1) The office of financial management shall determine the
38 population of each county of the state annually as of April 1st of
39 each year and on or before July 1st of each year shall file a

1 certificate with the secretary of state showing its determination of
2 the population for each county. The office of financial management
3 also shall determine the percentage increase in population for each
4 county over the preceding ten-year period, as of April 1st, and shall
5 file a certificate with the secretary of state by July 1st showing
6 its determination. At least once every five years or upon the
7 availability of decennial census data, whichever is later, the office
8 of financial management shall prepare twenty-year growth management
9 planning population projections required by RCW 36.70A.110 for each
10 county that adopts a comprehensive plan under RCW 36.70A.040 and
11 shall review these projections with such counties and the cities in
12 those counties before final adoption. The county and its cities may
13 provide to the office such information as they deem relevant to the
14 office's projection, and the office shall consider and comment on
15 such information before adoption.

16 (2) Each projection shall be expressed as a reasonable range
17 developed within the standard state high and low projection. The
18 middle range shall represent the office's estimate of the most likely
19 population projection for the county. If any city or county believes
20 that a projection will not accurately reflect actual population
21 growth in a county, it may petition the office to revise the
22 projection accordingly. The office shall complete the first set of
23 ranges for every county by December 31, 1995.

24 (3) A comprehensive plan adopted or amended before December 31,
25 1995, shall not be considered to be in noncompliance with the twenty-
26 year growth management planning population projection if the
27 projection used in the comprehensive plan is in compliance with the
28 range later adopted under this section.

29 (4) In its annual population trends report, the office of
30 financial management shall include information for each county
31 relating to: (a) The actual population growth within each county; (b)
32 a comparison of job growth and housing growth; (c) whether the
33 population growth is more or less than the population estimate used
34 by the county in its most recent comprehensive plan; (d) data on
35 housing supply, including new single-family and multifamily
36 construction, and permitted but not yet constructed housing units;
37 (e) the housing affordability index for that county; and (f) the
38 residential housing inventory for that county, expressed in months of
39 inventory. The office of financial management shall use information
40 from the Runstad center for real estate studies at the University of

1 Washington, or a comparable data source. Information on individual
2 cities need not be included, but may be included if such information
3 is readily available.

4 **Sec. 8.** RCW 36.22.179 and 2014 c 200 s 1 are each amended to
5 read as follows:

6 (1) In addition to the surcharge authorized in RCW 36.22.178, and
7 except as provided in subsection (2) of this section, an additional
8 surcharge of ten dollars shall be charged by the county auditor for
9 each document recorded, which will be in addition to any other charge
10 allowed by law. From September 1, 2012, through June 30, ((2019))
11 2029, the surcharge shall be forty dollars. The funds collected
12 pursuant to this section are to be distributed and used as follows:

13 (a) The auditor shall retain two percent for collection of the
14 fee, and of the remainder shall remit sixty percent to the county to
15 be deposited into a fund that must be used by the county and its
16 cities and towns to accomplish the purposes of chapter 484, Laws of
17 2005, six percent of which may be used by the county for the
18 collection and local distribution of these funds and administrative
19 costs related to its homeless housing plan, and the remainder for
20 programs which directly accomplish the goals of the county's local
21 homeless housing plan, except that for each city in the county which
22 elects as authorized in RCW 43.185C.080 to operate its own local
23 homeless housing program, a percentage of the surcharge assessed
24 under this section equal to the percentage of the city's local
25 portion of the real estate excise tax collected by the county shall
26 be transmitted at least quarterly to the city treasurer, without any
27 deduction for county administrative costs, for use by the city for
28 program costs which directly contribute to the goals of the city's
29 local homeless housing plan; of the funds received by the city, it
30 may use six percent for administrative costs for its homeless housing
31 program.

32 (b) The auditor shall remit the remaining funds to the state
33 treasurer for deposit in the home security fund account. The
34 department may use twelve and one-half percent of this amount for
35 administration of the program established in RCW 43.185C.020,
36 including the costs of creating the statewide homeless housing
37 strategic plan, measuring performance, providing technical assistance
38 to local governments, and managing the homeless housing grant
39 program. Of the remaining eighty-seven and one-half percent, at least

1 forty-five percent must be set aside for the use of private rental
2 housing payments, and the remainder is to be used by the department
3 to:

4 (i) Provide housing and shelter for homeless people including,
5 but not limited to: Grants to operate, repair, and staff shelters;
6 grants to operate transitional housing; partial payments for rental
7 assistance; consolidated emergency assistance; overnight youth
8 shelters; grants and vouchers designated for victims of human
9 trafficking and their families; and emergency shelter assistance; and

10 (ii) Fund the homeless housing grant program.

11 (2) The surcharge imposed in this section does not apply to (a)
12 assignments or substitutions of previously recorded deeds of trust,
13 (b) documents recording a birth, marriage, divorce, or death, (c) any
14 recorded documents otherwise exempted from a recording fee or
15 additional surcharges under state law, (d) marriage licenses issued
16 by the county auditor, ~~((e))~~ (e) documents recording a state,
17 county, or city lien or satisfaction of lien, or (f) documents
18 recording a water-sewer district lien or satisfaction of a lien for
19 delinquent utility payments.

20 **Sec. 9.** RCW 82.46.037 and 2016 c 138 s 4 are each amended to
21 read as follows:

22 (1) A city or county that meets the requirements of subsection
23 (2) of this section may use the greater of one hundred thousand
24 dollars or twenty-five percent of available funds, but not to exceed
25 one million dollars per year, from revenues collected under RCW
26 82.46.035 for:

27 (a) The maintenance of capital projects, as defined in RCW
28 82.46.035(5); ~~((b))~~

29 (b) From July 1, 2017, until June 30, 2019, the acquisition,
30 construction, improvement, or rehabilitation of facilities to provide
31 housing for the homeless; or

32 (c) The planning, acquisition, construction, reconstruction,
33 repair, replacement, rehabilitation, improvement, or maintenance of
34 capital projects as defined in RCW 82.46.010(6)(b) that are not also
35 included within the definition of capital projects in RCW
36 82.46.035(5).

37 (2) A city or county may use revenues pursuant to subsection (1)
38 of this section if:

1 (a) The city or county prepares a written report demonstrating
2 that it has or will have adequate funding from all sources of public
3 funding to pay for all capital projects, as defined in RCW
4 82.46.035(5), identified in its capital facilities plan for the
5 succeeding two-year period; and

6 (b)(i) The city or county has not enacted, after June 9, 2016,
7 any requirement on the listing or sale of real property; or any
8 requirement on landlords, at the time of executing a lease, to
9 perform or provide physical improvements or modifications to real
10 property or fixtures, except if necessary to address an immediate
11 threat to health or safety; ~~((~~or~~))~~

12 (ii) Any local requirement adopted by the city or county under
13 (b)(i) of this subsection is: Specifically authorized by RCW
14 35.80.030, 35A.11.020, chapter 7.48 RCW, or chapter 19.27 RCW;
15 specifically authorized by other state or federal law; or a seller or
16 landlord disclosure requirement pursuant to RCW 64.06.080; or

17 (iii) For a city or county using funds under subsection (1)(b) of
18 this section, the requirements of this subsection apply, except that
19 the date for such enactment under (b)(i) of this subsection is ninety
20 days after the effective date of this section.

21 (3) The report prepared under subsection (2)(a) of this section
22 must: (a) Include information necessary to determine compliance with
23 the requirements of subsection (2)(a) of this section; (b) identify
24 how revenues collected under RCW 82.46.035 were used by the city or
25 county during the prior two-year period; (c) identify how funds
26 authorized under subsection (1) of this section will be used during
27 the succeeding two-year period; and (d) identify what percentage of
28 funding for capital projects within the city or county is
29 attributable to revenues under RCW 82.46.035 compared to all other
30 sources of capital project funding. The city or county must prepare
31 and adopt the report as part of its regular, public budget process.

32 ~~(4) ((The authority to use funds as authorized in this section is~~
33 ~~in addition to the authority to use funds pursuant to RCW~~
34 ~~82.46.035(7), which remains in effect through December 31, 2016.~~

35 ~~(5))~~ For purposes of this section, "maintenance" means the use
36 of funds for labor and materials that will preserve, prevent the
37 decline of, or extend the useful life of a capital project.
38 "Maintenance" does not include labor or material costs for routine
39 operations of a capital project.

1 NEW SECTION. **Sec. 10.** In 2005, the state created the goal of
2 reducing homelessness in Washington state by fifty percent within ten
3 years. The legislature also recognized that the provision of housing
4 and housing-related services to the homeless should be administered
5 at the local level to meet the diverse needs across the state. The
6 state's responsibility was to coordinate, support, finance, and
7 monitor efforts to address homelessness issues.

8 During the past decade, the state has experienced an overall
9 decline in homelessness with some counties meeting or exceeding its
10 reduction goal. However, some counties have not only failed to
11 achieve reductions, but have experienced an increase in the number of
12 homeless families and individuals. Additionally, the number of
13 unsheltered and chronic homeless has increased in areas of the state
14 despite significant federal, state, and local financial resources
15 that have been invested in homelessness assistance. The dichotomy
16 between the resources expended and the results achieved warrants a
17 more frequent review of state and local homelessness strategies and
18 more transparent reporting of expenditures, performance, and outcomes
19 at the local level. Therefore, the legislature intends to review
20 state and local homelessness prevention, assistance, and housing
21 efforts on a more frequent basis to improve the development of cost-
22 effective programs and identification of best practices to expand
23 housing security across the state.

24 **Sec. 11.** RCW 43.185C.030 and 2013 c 200 s 25 are each amended to
25 read as follows:

26 (1) The department shall annually conduct a Washington homeless
27 census or count consistent with the requirements of RCW 43.185C.180.
28 The census shall make every effort to count all homeless individuals
29 living outdoors, in shelters, and in transitional housing,
30 coordinated, when reasonably feasible, with already existing homeless
31 census projects including those funded in part by the United States
32 department of housing and urban development under the McKinney-Vento
33 homeless assistance program. The department shall determine, in
34 consultation with local governments, the data to be collected. Data
35 on subpopulations and other characteristics of the homeless must, at
36 a minimum, be consistent with United States department of housing and
37 urban development requirements and include the following:

38 (a) Chronically homeless individuals;

39 (b) Chronically homeless families;

- 1 (c) Unaccompanied homeless youth;
- 2 (d) Male veterans;
- 3 (e) Female veterans;
- 4 (f) Adults with severe mental illness;
- 5 (g) Adults with chronic substance abuse issues;
- 6 (h) Adults with HIV/AIDS;
- 7 (i) Senior citizens; and
- 8 (j) Victims of domestic violence.

9 (2) All personal information collected in the census is
10 confidential, and the department and each local government shall take
11 all necessary steps to protect the identity and confidentiality of
12 each person counted.

13 (3) The department and each local government are prohibited from
14 disclosing any personally identifying information about any homeless
15 individual when there is reason to believe or evidence indicating
16 that the homeless individual is an adult or minor victim of domestic
17 violence, dating violence, sexual assault, or stalking or is the
18 parent or guardian of a child victim of domestic violence, dating
19 violence, sexual assault, or stalking; or revealing other
20 confidential information regarding HIV/AIDS status, as found in RCW
21 70.02.220. The department and each local government shall not ask any
22 homeless housing provider to disclose personally identifying
23 information about any homeless individuals when the providers
24 implementing those programs have reason to believe or evidence
25 indicating that those clients are adult or minor victims of domestic
26 violence, dating violence, sexual assault, or stalking or are the
27 parents or guardians of child victims of domestic violence, dating
28 violence, sexual assault, or stalking. Summary data for the
29 provider's facility or program may be substituted.

30 (4) The Washington homeless census shall be conducted annually on
31 a schedule created by the department. The department shall make
32 summary data by county available to the public each year. This data,
33 and its analysis, shall be included in the department's annual
34 updated homeless housing program strategic plan.

35 (5) Based on the annual census and provider information from the
36 local government plans, the department shall, by the end of year
37 four, implement an online information and referral system to enable
38 local governments and providers to identify available housing for a
39 homeless person. The department shall work with local governments and

1 their providers to develop a capacity for continuous case management
2 to assist homeless persons.

3 (6) By the end of year four, the department shall implement an
4 organizational quality management system.

5 (7) Subject to the availability of amounts appropriated for this
6 specific purpose, the department, in collaboration with the
7 Washington state institute for public policy, must conduct a
8 statewide homeless study every ten years to better understand the
9 causes and characteristics of the homeless in Washington state and
10 help decision makers promote efforts toward housing stability. The
11 purpose of the study is to: Supplement the current point-in-time
12 census and homeless client management information system by
13 conducting face-to-face interviews with people who are homeless or
14 have recently received homelessness assistance to gather an in-depth
15 assessment of why the individual is among the chronically homeless,
16 unaccompanied homeless youth, and unsheltered populations; review the
17 efficacy of current programs and services; and provide
18 recommendations on the type and timing of health and human service
19 interventions needed for these populations to gain housing stability.
20 The department and the Washington state institute for public policy
21 must develop a study proposal defining the study scope, methodology,
22 and costs for the legislature to review by January 1, 2019.

23 **Sec. 12.** RCW 43.185C.040 and 2015 c 69 s 25 are each amended to
24 read as follows:

25 (1) Six months after the first Washington homeless census, the
26 department shall, in consultation with the interagency council on
27 homelessness and the affordable housing advisory board, prepare and
28 publish a ten-year homeless housing strategic plan which shall
29 outline statewide goals and performance measures and shall be
30 coordinated with the plan for homeless families with children
31 required under RCW 43.63A.650. To guide local governments in
32 preparation of their first local homeless housing plans due December
33 31, 2005, the department shall issue by October 15, 2005, temporary
34 guidelines consistent with this chapter and including the best
35 available data on each community's homeless population. Local
36 governments' ten-year homeless housing plans shall not be
37 substantially inconsistent with the goals and program recommendations
38 of the temporary guidelines and, when amended after 2005, the state
39 strategic plan.

1 (2) Program outcomes and performance measures and goals shall be
2 created by the department and reflected in the department's homeless
3 housing strategic plan as well as interim goals against which state
4 and local governments' performance may be measured, including:

5 (a) By the end of year one, completion of the first census as
6 described in RCW 43.185C.030;

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

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

12 (3)(a) The department shall work in consultation with the
13 interagency council on homelessness, the affordable housing advisory
14 board, and the state advisory council on homelessness to develop
15 performance measures that address the limitations of the annual
16 point-in-time count on measuring the effectiveness of the document
17 recording fee surcharge funds in supporting homeless programs. The
18 department must report its findings and recommendations regarding the
19 new performance measures to the appropriate committees of the
20 legislature by December 1, 2017.

21 (b) The department must implement at least three performance
22 metrics, in addition to the point-in-time measurement, that measure
23 the impact of surcharge funding on reducing homelessness by July 1,
24 2018.

25 (c) The joint legislative audit and review committee must review
26 how the surcharge fees are expended to address homelessness,
27 including a review of the related program performance measures and
28 targets. The joint legislative audit and review committee must report
29 its review findings by December 1, 2022, and update the review every
30 five years thereafter.

31 (4) The department shall develop a consistent statewide data
32 gathering instrument to monitor the performance of cities and
33 counties receiving grants in order to determine compliance with the
34 terms and conditions set forth in the grant application or required
35 by the department.

36 The department shall, in consultation with the interagency
37 council on homelessness and the affordable housing advisory board,
38 report biennially to the governor and the appropriate committees of
39 the legislature an assessment of the state's performance in
40 furthering the goals of the state ten-year homeless housing strategic

1 plan and the performance of each participating local government in
2 creating and executing a local homeless housing plan which meets the
3 requirements of this chapter. To increase the effectiveness of the
4 report, the department must develop a process to ensure consistent
5 presentation, analysis, and explanation in the report, including
6 year-to-year comparisons, highlights of program successes and
7 challenges, and information that supports recommended strategy or
8 operational changes. The annual report may include performance
9 measures such as:

10 (a) The reduction in the number of homeless individuals and
11 families from the initial count of homeless persons;

12 (b) The reduction in the number of unaccompanied homeless youth.
13 "Unaccompanied homeless youth" has the same meaning as in RCW
14 43.330.702;

15 (c) The number of new units available and affordable for homeless
16 families by housing type;

17 (d) The number of homeless individuals identified who are not
18 offered suitable housing within thirty days of their request or
19 identification as homeless;

20 (e) The number of households at risk of losing housing who
21 maintain it due to a preventive intervention;

22 (f) The transition time from homelessness to permanent housing;

23 (g) The cost per person housed at each level of the housing
24 continuum;

25 (h) The ability to successfully collect data and report
26 performance;

27 (i) The extent of collaboration and coordination among public
28 bodies, as well as community stakeholders, and the level of community
29 support and participation;

30 (j) The quality and safety of housing provided; and

31 (k) The effectiveness of outreach to homeless persons, and their
32 satisfaction with the program.

33 ~~((4))~~ (5) Based on the performance of local homeless housing
34 programs in meeting their interim goals, on general population
35 changes and on changes in the homeless population recorded in the
36 annual census, the department may revise the performance measures and
37 goals of the state homeless housing strategic plan, set goals for
38 years following the initial ten-year period, and recommend changes in
39 local governments' plans.

1 **Sec. 13.** RCW 43.185C.160 and 2005 c 485 s 1 are each amended to
2 read as follows:

3 (1) Each county shall create a homeless housing task force to
4 develop a ~~((ten-year))~~ five-year homeless housing plan addressing
5 short-term and long-term housing for homeless persons. The plan is
6 due to the department on December 1, 2018, and must be updated every
7 five years thereafter. The plan must include a local homelessness
8 reduction goal for the county and an implementation plan to achieve
9 the goal over the five-year plan period. The plan must also have a
10 specific and more aggressive goal and implementation plan to reduce
11 youth homelessness in the county that is consistent with state
12 reduction strategies developed by the office of homeless youth
13 prevention and protection programs.

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

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

33 A county may decline to participate in the program authorized in
34 this chapter by forwarding to the department a resolution adopted by
35 the county legislative authority stating the intention not to
36 participate. A copy of the resolution shall also be transmitted to
37 the county auditor and treasurer. If a county declines to
38 participate, the department shall create and execute a local homeless
39 housing plan for the county meeting the requirements of this chapter.

1 (2) In addition to developing a (~~ten-year~~) five-year homeless
2 housing plan, each task force shall establish guidelines consistent
3 with the statewide homeless housing strategic plan, as needed, for
4 the following:

- 5 (a) Emergency shelters;
- 6 (b) Short-term housing needs;
- 7 (c) Temporary encampments;
- 8 (d) Supportive housing for chronically homeless persons; and
- 9 (e) Long-term housing.

10 Guidelines must include, when appropriate, standards for health
11 and safety and notifying the public of proposed facilities to house
12 the homeless.

13 (3) Each county, including counties exempted from creating a new
14 task force under subsection (1) of this section, shall report to the
15 department (~~of community, trade, and economic development~~) such
16 information as may be needed to ensure compliance with this chapter,
17 including the annual report required in section 14 of this act.

18 NEW SECTION. **Sec. 14.** A new section is added to chapter 43.185C
19 RCW to read as follows:

20 (1) By February 1st of each year, the department must provide an
21 update on the state's homeless housing strategic plan and its
22 activities for the prior fiscal year. The report must include, but
23 not be limited to, the following information:

24 (a) An assessment of the current condition of homelessness in
25 Washington state and the state's performance in meeting the goals in
26 the state homeless housing strategic plan;

27 (b) A report on the results of the annual homeless point-in-time
28 census conducted statewide under RCW 43.185C.030;

29 (c) The amount of federal, state, local, and private funds spent
30 on homelessness assistance, categorized by funding source and the
31 following major assistance types:

- 32 (i) Emergency shelter;
- 33 (ii) Homelessness prevention and rapid rehousing;
- 34 (iii) Permanent housing;
- 35 (iv) Permanent supportive housing;
- 36 (v) Transitional housing;
- 37 (vi) Services only; and
- 38 (vii) Any other activity in which more than five hundred thousand
39 dollars of category funds were expended;

1 (d) A report on the expenditures, performance, and outcomes of
2 state funds distributed through the consolidated homeless grant
3 program, including the grant recipient, award amount expended, use of
4 the funds, counties served, and households served;

5 (e) A report on state and local homelessness document recording
6 fee expenditure by county, including the total amount of fee
7 spending, percentage of total spending from fees, number of people
8 served by major assistance type, and amount of expenditures for
9 private rental payments required in RCW 36.22.179;

10 (f) A report on the expenditures, performance, and outcomes of
11 the essential needs and housing support program meeting the
12 requirements of RCW 43.185C.220; and

13 (g) A report on the expenditures, performance, and outcomes of
14 the independent youth housing program meeting the requirements of RCW
15 43.63A.311.

16 (2) The report required in subsection (1) of this section must be
17 posted to the department's web site and may include links to updated
18 or revised information contained in the report.

19 (3) By February 1st of each year, any local government receiving
20 state funds for homelessness assistance or state or local
21 homelessness document recording fees under RCW 36.22.178, 36.22.179,
22 or 36.22.1791 must provide an annual report on the current condition
23 of homelessness in its jurisdiction, its performance in meeting the
24 goals in its local homeless housing plan, and any significant changes
25 made to the plan. The annual report must be posted on the
26 department's web site. Along with each local government annual
27 report, the department must produce and post information on the local
28 government's homelessness spending from all sources by project during
29 the prior state fiscal year in a format similar to the department's
30 report under subsection (1)(c) of this section. If a local government
31 fails to report or provides an inadequate or incomplete report, the
32 department must take corrective action, which may include withholding
33 state funding for homelessness assistance to the local government to
34 enable the department to use such funds to contract with other public
35 or nonprofit entities to provide homelessness assistance within the
36 jurisdiction.

37 **Sec. 15.** RCW 36.22.1791 and 2011 c 110 s 3 are each amended to
38 read as follows:

1 (1) In addition to the surcharges authorized in RCW 36.22.178 and
2 36.22.179, and except as provided in subsection (2) of this section,
3 the county auditor shall charge an additional surcharge of eight
4 dollars for each document recorded, which is in addition to any other
5 charge allowed by law. The funds collected under this section are to
6 be distributed and used as follows:

7 (a) The auditor shall remit ninety percent to the county to be
8 deposited into a fund six percent of which may be used by the county
9 for the collection and local distribution of these funds and
10 administrative costs related to its homeless housing plan, and the
11 remainder for programs that directly accomplish the goals of the
12 county's local homeless housing plan, except that for each city in
13 the county that elects, as authorized in RCW 43.185C.080, to operate
14 its own local homeless housing program, a percentage of the surcharge
15 assessed under this section equal to the percentage of the city's
16 local portion of the real estate excise tax collected by the county
17 must be transmitted at least quarterly to the city treasurer for use
18 by the city for program costs that directly contribute to the goals
19 of the city's local homeless housing plan.

20 (b) The auditor shall remit the remaining funds to the state
21 treasurer for deposit in the home security fund account. The
22 department may use the funds for administering the program
23 established in RCW 43.185C.020, including the costs of creating and
24 updating the statewide homeless housing strategic plan, measuring
25 performance, providing technical assistance to local governments, and
26 managing the homeless housing grant program. Remaining funds may also
27 be used to:

28 (i) Provide housing and shelter for homeless people including,
29 but not limited to: Grants to operate, repair, and staff shelters;
30 grants to operate transitional housing; partial payments for rental
31 assistance; consolidated emergency assistance; overnight youth
32 shelters; grants and vouchers designated for victims of human
33 trafficking and their families; and emergency shelter assistance; and

34 (ii) Fund the homeless housing grant program.

35 (2) The surcharge imposed in this section does not apply to
36 assignments or substitutions of previously recorded deeds of trust.

37 **Sec. 16.** RCW 43.185C.240 and 2015 c 69 s 26 are each amended to
38 read as follows:

1 (1) As a means of efficiently and cost-effectively providing
2 housing assistance to very-low income and homeless households:

3 (a) Any local government that has the authority to issue housing
4 vouchers, directly or through a contractor, using document recording
5 surcharge funds collected pursuant to RCW 36.22.178, 36.22.179, or
6 36.22.1791 must:

7 (i)(A) Maintain an interested landlord list, which at a minimum,
8 includes information on rental properties in buildings with fewer
9 than fifty units;

10 (B) Update the list at least once per quarter;

11 (C) Distribute the list to agencies providing services to
12 individuals and households receiving housing vouchers;

13 (D) Ensure that a copy of the list or information for accessing
14 the list online is provided with voucher paperwork; and

15 (E) Communicate and interact with landlord and tenant
16 associations located within its jurisdiction to facilitate
17 development, maintenance, and distribution of the list to private
18 rental housing landlords. The department must make reasonable efforts
19 to ensure that local providers conduct outreach to private rental
20 housing landlords each calendar quarter regarding opportunities to
21 provide rental housing to the homeless and the availability of funds;

22 (ii) Using cost-effective methods of communication, convene, on a
23 semiannual or more frequent basis, landlords represented on the
24 interested landlord list and agencies providing services to
25 individuals and households receiving housing vouchers to identify
26 successes, barriers, and process improvements. The local government
27 is not required to reimburse any participants for expenses related to
28 attendance;

29 (iii) Produce data, limited to document recording fee uses and
30 expenditures, on a (~~calendar~~) fiscal year basis in consultation
31 with landlords represented on the interested landlord list and
32 agencies providing services to individuals and households receiving
33 housing vouchers, that include the following: Total amount expended
34 from document recording fees; amount expended on, number of
35 households that received, and number of housing vouchers issued in
36 each of the private, public, and nonprofit markets; amount expended
37 on, number of households that received, and number of housing
38 placement payments provided in each of the private, public, and
39 nonprofit markets; amount expended on and number of eviction
40 prevention services provided in the private market; amount expended

1 on and number of other tenant-based rent assistance services provided
2 in the private market; and amount expended on and number of services
3 provided to unaccompanied homeless youth. If these data elements are
4 not readily available, the reporting government may request the
5 department to use the sampling methodology established pursuant to
6 (c)(iii) of this subsection to obtain the data; and

7 (iv) Annually submit the (~~calendar~~) fiscal year data to the
8 department (~~by October 1st, with preliminary data submitted by~~
9 ~~October 1, 2012, and full calendar year data submitted beginning~~
10 ~~October 1, 2013~~)).

11 (b) Any local government receiving more than three million five
12 hundred thousand dollars during the previous (~~calendar~~) fiscal year
13 from document recording surcharge funds collected pursuant to RCW
14 36.22.178, 36.22.179, and 36.22.1791, must apply to the Washington
15 state quality award program, or similar Baldrige assessment
16 organization, for an independent assessment of its quality
17 management, accountability, and performance system. The first
18 assessment may be a lite assessment. After submitting an application,
19 a local government is required to reapply at least every two years.

20 (c) The department must:

21 (i) Require contractors that provide housing vouchers to
22 distribute the interested landlord list created by the appropriate
23 local government to individuals and households receiving the housing
24 vouchers;

25 (ii) Convene a stakeholder group by March 1, 2017, consisting of
26 landlords, homeless housing advocates, real estate industry
27 representatives, cities, counties, and the department to meet to
28 discuss long-term funding strategies for homeless housing programs
29 that do not include a surcharge on document recording fees. The
30 stakeholder group must provide a report of its findings to the
31 legislature by December 1, 2017;

32 (iii) Develop a sampling methodology to obtain data required
33 under this section when a local government or contractor does not
34 have such information readily available. The process for developing
35 the sampling methodology must include providing notification to and
36 the opportunity for public comment by local governments issuing
37 housing vouchers, landlord association representatives, and agencies
38 providing services to individuals and households receiving housing
39 vouchers;

1 (iv) Develop a report, limited to document recording fee uses and
2 expenditures, on a (~~calendar~~) fiscal year basis that may include
3 consultation with local governments, landlord association
4 representatives, and agencies providing services to individuals and
5 households receiving housing vouchers, that includes the following:
6 Total amount expended from document recording fees; amount expended
7 on, number of households that received, and number of housing
8 vouchers issued in each of the private, public, and nonprofit
9 markets; amount expended on, number of households that received, and
10 number of housing placement payments provided in each of the private,
11 public, and nonprofit markets; amount expended on and number of
12 eviction prevention services provided in the private market; the
13 total amount of funds set aside for private rental housing payments
14 as required in RCW 36.22.179(1)(b); and amount expended on and number
15 of other tenant-based rent assistance services provided in the
16 private market. The information in the report must include data
17 submitted by local governments and data on all additional document
18 recording fee activities for which the department contracted that
19 were not otherwise reported. The data, samples, and sampling
20 methodology used to develop the report must be made available upon
21 request and for the audits required in this section;

22 (v) Annually submit the (~~calendar~~) fiscal year report to the
23 legislature by (~~December 15th, with a preliminary report submitted~~
24 ~~by December 15, 2012, and full calendar year reports submitted~~
25 ~~beginning December 15, 2013~~) February 1st of each year; and

26 (vi) Work with the Washington state quality award program, local
27 governments, and any other organizations to ensure the appropriate
28 scheduling of assessments for all local governments meeting the
29 criteria described in (~~subsection (1)~~)(b) of this (~~section~~)
30 subsection.

31 (d) The office of financial management must secure an independent
32 audit of the department's data and expenditures of state funds
33 received under RCW 36.22.179(1)(b) on an annual basis. The
34 independent audit must review a random sample of local governments,
35 contractors, and housing providers that is geographically and
36 demographically diverse. The independent auditor must meet with the
37 department and a landlord representative to review the preliminary
38 audit and provide the department and the landlord representative with
39 the opportunity to include written comments regarding the findings
40 that must be included with the audit. The first audit of the

1 department's data and expenditures will be for calendar year 2014 and
2 is due July 1, 2015. Each audit thereafter will be due July 1st
3 following the department's submission of the report to the
4 legislature. If the independent audit finds that the department has
5 failed to set aside at least forty-five percent of the funds received
6 under RCW 36.22.179(1)(b) after June 12, 2014, for private rental
7 housing payments, the independent auditor must notify the department
8 and the office of financial management of its finding. In addition,
9 the independent auditor must make recommendations to the office of
10 financial management and the legislature on alternative means of
11 distributing the funds to meet the requirements of RCW
12 36.22.179(1)(b).

13 (e) The office of financial management must contract with an
14 independent auditor to conduct a performance audit of the programs
15 funded by document recording surcharge funds collected pursuant to
16 RCW 36.22.178, 36.22.179, and 36.22.1791. The audit must provide
17 findings to determine if the funds are being used effectively,
18 efficiently, and for their intended purpose. The audit must review
19 the department's performance in meeting all statutory requirements
20 related to document recording surcharge funds including, but not
21 limited to, the data the department collects, the timeliness and
22 quality of required reports, and whether the data and required
23 reports provide adequate information and accountability for the use
24 of the document recording surcharge funds. The audit must include
25 recommendations for policy and operational improvements to the use of
26 document recording surcharges by counties and the department. The
27 performance audit must be submitted to the legislature by December 1,
28 2016.

29 (2) For purposes of this section:

30 (a) "Housing placement payments" means one-time payments, such as
31 first and last month's rent and move-in costs, funded by document
32 recording surcharges collected pursuant to RCW 36.22.178, 36.22.179,
33 or 36.22.1791 that are made to secure a unit on behalf of a tenant.

34 (b) "Housing vouchers" means payments, including private rental
35 housing payments, funded by document recording surcharges collected
36 pursuant to RCW 36.22.178, 36.22.179, or 36.22.1791 that are made by
37 a local government or contractor to secure: (i) A rental unit on
38 behalf of an individual tenant; or (ii) a block of units on behalf of
39 multiple tenants.

1 (c) "Interested landlord list" means a list of landlords who have
2 indicated to a local government or contractor interest in renting to
3 individuals or households receiving a housing voucher funded by
4 document recording surcharges.

5 (d) "Private rental housing" means housing owned by a private
6 landlord and does not include housing owned by a nonprofit housing
7 entity or government entity.

8 (3) This section expires June 30, 2019.

9 NEW SECTION. **Sec. 17.** Section 2 of this act expires January 1,
10 2030."

2SSB 5254 - S AMD 205

By Senator Fain

11 On page 1, line 3 of the title, after "programs;" strike the
12 remainder of the title and insert "amending RCW 36.70A.115,
13 36.70A.215, 36.70A.070, 47.80.023, 36.70A.210, 43.62.035, 36.22.179,
14 82.46.037, 43.185C.030, 43.185C.040, 43.185C.160, 36.22.1791, and
15 43.185C.240; adding a new section to chapter 36.70A RCW; adding a new
16 section to chapter 43.185C RCW; creating a new section; and providing
17 an expiration date."

EFFECT: (1) Removes a new provision requiring an evaluation of
how existing zoning and land use regulations are promoting or
hindering affordable housing goals.

(2) Expires the amendments to the buildable lands program in the
bill in 2029.

(3) Adds that the buildable lands program guidance developed by
Commerce must evaluate how existing zoning and land use regulations
are promoting or hindering affordable housing goals.

(4) Removes a new provision allowing cities and the governor to
appeal the denial of a proposed update, revision, or amendment of a
countywide planning policy to the growth management hearings board.

(5) Removes sections creating a new property tax exemption
program to preserve affordable housing.

(6) Removes sections amending the state environmental policy act
with respect to infill development and environmental impact
statements.

(7) Removes an amendment to the affordable housing for all
surcharge that would have allowed up to six percent of funds to be
used by counties for local distribution to its homeless housing plan.

(8) Removes a section that would have allowed cities in King County to impose the housing and essential needs local option sales tax after two years if King County did not impose the tax.

--- END ---