

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Community Development
(agency name)

Administrative Order No. 86-17

(1) I, Chuck Clarke deputy, director of the Department of Community Development

do promulgate and adopt at Ninth and Columbia Building, Olympia, Washington (place)

the annexed rules relating to:

The conditions and procedures under which state funds will be made available to assist local emergency shelter programs.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on. These rules shall take effect: [ ] thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2). [ ] at a later date, such date being.

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, Chuck Clarke deputy, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is:

Due to thirty day waiting period required for adoption of permanent rules, the current emergency rules will expire.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

[ ] (a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.

[ ] (b) This rule is promulgated pursuant to RCW which directs that the

(agency) has authority to implement the provisions of (name of act or RCW citation)

[X] (c) This rule is promulgated under the general rule-making authority of the Department of Community Development (agency)

as authorized in RCW 43.63.060 and 34.04 RCW

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this agency, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED, September 16, 19 86

STATE OF WASHINGTON FILED

By Chuck Clarke Deputy Director

SEP 22 1986

Title

CODE REVISER'S OFFICE WSR 86.20.013

STATEMENT OF PURPOSE

TITLE:

Chapter 365-120 WAC State Funding of Local Emergency Shelter Programs

STATUTORY AUTHORITY FOR ADOPTING THE RULE AND SPECIFIC STATUTE THE RULE IS INTENDED TO IMPLEMENT:

These rules are adopted under the authority of RCW 43.63A.060 and Chapter 34.04 RCW.

These rules are intended to implement Section 217, chapter 6, laws of 1985, 1st ex. sess.

SUMMARY OF RULE AND REASONS SUPPORTING PROPOSED ACTION:

This chapter sets forth amendments to the conditions and procedures under which state funding will be made available to assist local emergency shelter programs.

AGENCY PERSONNEL RESPONSIBLE FOR DRAFTING, IMPLEMENTATION, AND ENFORCEMENT OF THE RULE:

Katherine Friedt, Assistant Director  
Division for Community Services  
Department of Community Development  
Ninth and Columbia Building, GH-51  
Olympia, Washington 98504-4151  
(206) 753-4979

ORGANIZATION PROPOSING THE RULE:

Department of Community Development

AGENCY COMMENTS OR RECOMMENDATIONS:

None

IS THIS RULE NECESSARY AS THE RESULT OF FEDERAL LAW OR FEDERAL OR STATE COURT ACTION?

No

SMALL BUSINESS ECONOMIC IMPACT STATEMENT:

Not applicable

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

WAC 365-120-030 DEFINITIONS. (1) "Department" means the department of community development.

(2) "Director" means the director of the department of community development.

(3) "Emergency shelter assistance program" means the statewide administrative activities carried out within the department of community development to allocate, award, and monitor state funds appropriated to assist local emergency shelter programs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WAC 365-120-040 GRANTEE FUNDING ALLOCATION. Each county of the state is allocated a portion of the total grantee appropriation by the legislature according to the following formula:

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

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

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

The department may award the combined allocation of two or more counties to a single applicant (~~or divide a single county's allocation among two or more applicants~~).

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

The department will give priority in the awarding of allocations to applicants who serve families and children in need of shelter.

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

The department will pay for services provided under the state emergency shelter assistance program after the grantee submits a monthly report of expenditures incurred and a request for reimbursement.

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

WAC 365-120-050 APPLICANT ELIGIBILITY CRITERIA. (1) The applicant for funding as a participating agency must (~~be a current or continuous~~) have been a provider of emergency shelter ((or emergency services)) for one year prior to the beginning date of the contract year.

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

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

(4) The applicant must practice non-discrimination in providing services and employment.

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

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

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

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

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

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

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

WAC 365-120-060 FINANCIAL SUPPORT APPLICATION PROCESS. (1) Potential applicants will be notified by the department that in order to be considered for state emergency shelter financial assistance, an application must be submitted to the department.

(2) An applicant must make formal application using forms issued and procedures established by the department. Such application shall be for the period July 1 - June 30 (~~7-except-for-the-first-year, which will be for November 1, 1985--June 30, 1986~~). Failure of an applicant to make application in a timely manner, as specified by the department, will result in denial of the funding request.

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

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

(5) Administrative costs under this program are limited to five percent of the total contract award. The administrative costs of a grantee that provides direct emergency shelter services and also serves as a lead agency grantee are limited to five percent of the grantee award for providing direct services plus ((five)) eight percent of the multi-agency service provider contract total.

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