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**SENATE BILL 6518**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Senators Miloscia, Jayapal, and Chase

AN ACT Relating to creating a department of housing; and adding a new chapter to Title 43 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature finds that the long-term economic health of the state and its citizens depends on the strength of its communities, including housing that meets the needs of all Washington's citizens from both rural and urban areas. The intent of this chapter is to create a department of housing that is committed to ensuring that every citizen has a place to call home. The mission of the department is to ensure affordable housing for all economic segments and to end homelessness for every citizen. To carry out its mission, the department is to grow and improve the availability and affordability of housing in Washington state.

NEW SECTION. **Sec.**  The purpose of this chapter is to establish the broad outline of the structure of the department of housing, leaving specific details of its internal organization and management to those charged with its administration. This chapter identifies the broad functions and responsibilities of the department and is intended to provide flexibility to the director to reorganize these functions to more closely reflect its customers, its mission, and its priorities, and to make recommendations for changes.

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of housing.

(2) "Director" means the director of the department of housing.

NEW SECTION. **Sec.**  A department of housing is created. The department is vested with all powers and duties established or transferred to it under this chapter and such other powers and duties as may be authorized by law. Unless otherwise specifically provided, the existing responsibilities and functions of the department's programs must continue to be administered in accordance with their implementing legislation.

NEW SECTION. **Sec.**  The executive head of the department is the director. The director must be appointed by the governor with the consent of the senate, and must serve at the pleasure of the governor. The director must be paid a salary to be fixed by the governor in accordance with RCW 43.03.040.

NEW SECTION. **Sec.**  (1) The director must supervise and administer the activities of the department and advise the governor and the legislature with respect to housing matters affecting the state.

(2) In addition to other powers and duties granted to the director, the director has the following powers and duties:

(a) Enter into contracts on behalf of the state to carry out the purposes of this chapter;

(b) Act for the state in the initiation of or participation in any multigovernmental program relative to the purposes of this chapter;

(c) Accept and expend gifts and grants, whether such grants be of federal or other funds;

(d) Appoint deputy directors, assistant directors, and up to seven special assistants as needed to administer the department. These employees are exempt from chapter 41.06 RCW;

(e) Prepare and submit budgets for the department for executive and legislative action;

(f) Submit recommendations for legislative actions as are deemed necessary to further the purposes of this chapter;

(g) Adopt rules in accordance with chapter 34.05 RCW and perform all other functions necessary and proper to carry out the purposes of this chapter;

(h) Delegate powers, duties, and functions as the director deems necessary for efficient administration, but the director is responsible for the official acts of the officers and employees of the department; and

(i) Perform other duties as are necessary and consistent with law.

(3) When federal or other funds are received by the department, they must be promptly transferred to the state treasurer and expended only upon the approval of the director.

(4) The director may request information and assistance from all other agencies, departments, and officials of the state, and may reimburse such agencies, departments, or officials if such a request imposes any additional expenses upon any such agency, department, or official.

(5) The director must, in carrying out the responsibilities of office, consult with governmental officials, private groups, and individuals and with officials of other states. Any state agency and its officials and the officials of any political subdivision of the state must cooperate with and give such assistance to the department, including the submission of requested information, to allow the department to carry out its purposes under this chapter.

(6) The director may establish additional advisory or coordinating groups with the legislature, within state government, with state and other governmental units, with the private sector and nonprofit entities, or in specialized subject areas as may be necessary to carry out the purposes of this chapter.

(7) The internal affairs of the department must be under the control of the director to allow the director to manage the department in a flexible and intelligent manner as dictated by changing contemporary circumstances. Unless specifically limited by law, the director has complete charge and supervisory powers over the department. The director may create such administrative structures as the director deems appropriate, except as otherwise specified by law, and the director may employ such personnel as may be necessary in accordance with chapter 41.06 RCW, except as otherwise provided by law.

NEW SECTION. **Sec.**  (1) All powers, duties, and functions of the department of commerce pertaining to housing, including homelessness, are transferred to the department of housing. All references to the director or department of commerce in the Revised Code of Washington are construed to mean the director or the department of housing when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of commerce pertaining to the powers, functions, and duties transferred must be delivered to the custody of the department of housing. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of commerce in carrying out the powers, functions, and duties transferred must be available to the department of housing. All funds, credits, other assets held in connection with the powers, functions, and duties transferred must be assigned to the department of housing.

(b) Any appropriations made to the department of commerce for carrying out the powers, functions, and duties transferred must, on the effective date of this section, be transferred and credited to the department of housing.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management must make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of commerce engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the department of housing. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of housing to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and pending business before the department of commerce pertaining to the powers, functions, and duties transferred must be continued and acted upon by the department of housing. All existing contracts and obligations remain in full force and must be performed by the department of housing.

(5) The transfer of the powers, duties, functions, and personnel of the department of commerce does not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed under this section, the director of financial management must certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these must make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) This section may not be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel resources board as provided by law.

NEW SECTION. **Sec.**  Sections 1 through 7 of this act constitute a new chapter in Title 43 RCW.

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