

E2SHB 1570 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED 02/28/2018

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

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that all of
4 the people of the state should have the opportunity to live in a
5 safe, healthy, and affordable home. The legislature further
6 recognizes that homelessness in Washington is unacceptable and that
7 action needs to be taken to protect vulnerable households including
8 families with children, youth and young adults, veterans, seniors,
9 and people at high risk of homelessness, including survivors of
10 domestic violence and people living with mental illness and other
11 disabilities.

12 The legislature recognizes that homelessness has immediate and
13 often times long-term consequences on the educational achievement of
14 public school children and disproportionately impacts students of
15 color. Additionally, the legislature recognizes that the health and
16 safety of people experiencing homelessness is immediately and
17 oftentimes significantly compromised, and that homelessness
18 exacerbates physical and behavioral health disabilities. The
19 legislature further recognizes that homelessness is
20 disproportionately experienced by people of color and LGBTQ youth and
21 young adults. The legislature recognizes that homelessness is also
22 disproportionately experienced by people living with mental illness
23 and that homelessness is an impediment to treatment. The legislature
24 further recognizes that homelessness is disproportionately
25 experienced by Native Americans.

26 In 2005, the Washington state legislature passed the homeless
27 housing and assistance act that outlined several bold policies to
28 address homelessness. That act also required a strategic plan by the
29 department of commerce, which was first submitted in 2006 and
30 subsequently updated. Since the first statewide plan, the state has
31 succeeded in housing over five hundred fifty-six thousand people
32 experiencing homelessness. These people were previously living in

1 places not meant for human habitation, living in emergency shelters,
2 or at imminent risk of becoming homeless. Although the overall
3 prevalence of homelessness is down more than seventeen percent, the
4 recent increase in homelessness, due in large part to surging housing
5 costs, remains a crisis and more must be done.

6 Therefore, the legislature intends to improve resources available
7 to aid with increasing access and removing barriers to housing for
8 individuals and families in Washington.

9 **Sec. 2.** RCW 36.22.179 and 2017 3rd sp.s. c 16 s 5 are each
10 amended to read as follows:

11 (1) In addition to the surcharge authorized in RCW 36.22.178, and
12 except as provided in subsection ~~((2))~~ (3) of this section, an
13 additional surcharge of ~~((ten))~~ sixty-two dollars shall be charged by
14 the county auditor for each document recorded, which will be in
15 addition to any other charge allowed by law. ~~((From September 1,~~
16 ~~2012, through June 30, 2023, the surcharge shall be forty dollars.))~~
17 Except as provided in subsection (4) of this section, the funds
18 collected pursuant to this section are to be distributed and used as
19 follows:

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

1 (b) The auditor shall remit the remaining funds to the state
2 treasurer for deposit in the home security fund account(~~(-)~~) to be
3 used as follows:

4 (i) The department may use twelve and one-half percent of this
5 amount for administration of the program established in RCW
6 43.185C.020, including the costs of creating the statewide homeless
7 housing strategic plan, measuring performance, providing technical
8 assistance to local governments, and managing the homeless housing
9 grant program. (~~(0f)~~)

10 (ii) The remaining eighty-seven and one-half percent(~~(7)~~) of this
11 amount must be used as follows:

12 (A) At least forty-five percent must be set aside for the use of
13 private rental housing payments(~~(7)~~); and (~~the remainder is~~)

14 (B) All remaining funds are to be used by the department to:

15 (~~(+i)~~) (I) Provide housing and shelter for homeless people
16 including, but not limited to: Grants to operate, repair, and staff
17 shelters; grants to operate transitional housing; partial payments
18 for rental assistance; consolidated emergency assistance; overnight
19 youth shelters; grants and vouchers designated for victims of human
20 trafficking and their families; and emergency shelter assistance; and

21 (~~(+ii)~~) (II) Fund the homeless housing grant program.

22 (2) A county issuing general obligation bonds pursuant to RCW
23 36.67.010, to carry out the purposes of subsection (1)(a) of this
24 section, may provide that such bonds be made payable from any
25 surcharge provided for in subsection (1)(a) of this section and may
26 pledge such surcharges to the repayment of the bonds.

27 (3) The surcharge imposed in this section does not apply to (a)
28 assignments or substitutions of previously recorded deeds of trust,
29 (b) documents recording a birth, marriage, divorce, or death, (c) any
30 recorded documents otherwise exempted from a recording fee or
31 additional surcharges under state law, (d) marriage licenses issued
32 by the county auditor, or (e) documents recording a state, county, or
33 city lien or satisfaction of lien(~~(, or (f) documents recording a~~
34 ~~water sewer district lien or satisfaction of a lien for delinquent~~
35 ~~utility payments)~~).

36 (4) Ten dollars of the surcharge imposed under subsection (1) of
37 this section must be distributed to the counties to carry out the
38 purposes of subsection (1)(a) of this section.

1 (5) For purposes of this section, "private rental housing" means
2 housing owned by a private landlord and includes housing owned by a
3 nonprofit housing entity.

4 **Sec. 3.** RCW 43.185C.030 and 2013 c 200 s 25 are each amended to
5 read as follows:

6 (1) The department shall annually conduct a Washington homeless
7 census or count consistent with the requirements of RCW 43.185C.180.
8 The census shall make every effort to count all homeless individuals
9 living outdoors, in shelters, and in transitional housing,
10 coordinated, when reasonably feasible, with already existing homeless
11 census projects including those funded in part by the United States
12 department of housing and urban development under the McKinney-Vento
13 homeless assistance program. The department shall determine, in
14 consultation with local governments, the data to be collected. Data
15 on subpopulations and other characteristics of the homeless must, at
16 a minimum, be consistent with the United States department of housing
17 and urban development's point-in-time requirements.

18 (2) All personal information collected in the census is
19 confidential, and the department and each local government shall take
20 all necessary steps to protect the identity and confidentiality of
21 each person counted.

22 (3) The department and each local government are prohibited from
23 disclosing any personally identifying information about any homeless
24 individual when there is reason to believe or evidence indicating
25 that the homeless individual is an adult or minor victim of domestic
26 violence, dating violence, sexual assault, or stalking or is the
27 parent or guardian of a child victim of domestic violence, dating
28 violence, sexual assault, or stalking; or revealing other
29 confidential information regarding HIV/AIDS status, as found in RCW
30 70.02.220. The department and each local government shall not ask any
31 homeless housing provider to disclose personally identifying
32 information about any homeless individuals when the providers
33 implementing those programs have reason to believe or evidence
34 indicating that those clients are adult or minor victims of domestic
35 violence, dating violence, sexual assault, or stalking or are the
36 parents or guardians of child victims of domestic violence, dating
37 violence, sexual assault, or stalking. Summary data for the
38 provider's facility or program may be substituted.

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

6 (5) Based on the annual census and provider information from the
7 local government plans, the department shall, by the end of year
8 four, implement an online information and referral system to enable
9 local governments and providers to identify available housing for a
10 homeless person. The department shall work with local governments and
11 their providers to develop a capacity for continuous case management
12 to assist homeless persons.

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

15 **Sec. 4.** RCW 43.185C.040 and 2017 3rd sp.s. c 15 s 2 are each
16 amended to read as follows:

17 (1) ~~((Six months after the first Washington homeless census,))~~
18 The department shall, in consultation with the interagency council on
19 homelessness ((and)), the affordable housing advisory board, and the
20 state advisory council on homelessness, prepare and publish a ((ten))
21 five-year homeless housing strategic plan which ((shall)) must
22 outline statewide goals and performance measures ((and shall be
23 coordinated with the plan for homeless families with children
24 required under RCW 43.63A.650)). The state homeless housing strategic
25 plan must be submitted to the legislature by July 1, 2019, and every
26 five years thereafter. The plan must include:

27 (a) Performance measures and goals to reduce homelessness,
28 including long-term and short-term goals;

29 (b) An analysis of the services and programs being offered at the
30 state and county level and an identification of those representing
31 best practices and outcomes;

32 (c) Recognition of services and programs targeted to certain
33 homeless populations or geographic areas in recognition of the
34 diverse needs across the state;

35 (d) New or innovative funding, program, or service strategies to
36 pursue;

37 (e) An analysis of either current drivers of homelessness or
38 improvements to housing security, or both, such as increases and
39 reductions to employment opportunities, housing scarcity and

1 affordability, health and behavioral health services, chemical
2 dependency treatment, and incarceration rates; and

3 (f) An implementation strategy outlining the roles and
4 responsibilities at the state and local level and timelines to
5 achieve a reduction in homelessness at the statewide level during
6 periods of the five-year homeless housing strategic plan.

7 (2) The department must coordinate its efforts on the state
8 homeless housing strategic plan with the office of homeless youth
9 prevention and protection programs advisory committee under RCW
10 43.330.705. The state homeless housing strategic plan must not
11 conflict with the strategies, planning, data collection, and
12 performance and outcome measures developed under RCW 43.330.705 and
13 43.330.706 to reduce the state's homeless youth population.

14 (3) To guide local governments in preparation of ((their first))
15 local homeless housing plans due December ((31, 2005)) 1, 2019, the
16 department shall issue by ((October 15, 2005, temporary)) December 1,
17 2018, guidelines consistent with this chapter and including the best
18 available data on each community's homeless population. ((Local
19 governments' ten-year homeless housing plans shall not be
20 substantially inconsistent with the goals and program recommendations
21 of the temporary guidelines and, when amended after 2005, the state
22 strategic plan.

23 (2)) Program outcomes ((and)), performance measures, and goals
24 ((shall)) must be created by the department ((and reflected in the
25 department's homeless housing strategic plan as well as interim
26 goals)) in collaboration with local governments against which state
27 and local governments' performance ((may)) will be measured((,
28 including:

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

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

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

36 ((3)(a) The department shall work in consultation with the
37 interagency council on homelessness, the affordable housing advisory
38 board, and the state advisory council on homelessness to develop
39 performance measures that address the limitations of the annual
40 point-in-time count on measuring the effectiveness of the document

1 ~~recording fee surcharge funds in supporting homeless programs. The~~
2 ~~department must report its findings and recommendations regarding the~~
3 ~~new performance measures to the appropriate committees of the~~
4 ~~legislature by December 1, 2017.~~

5 ~~(b) The department must implement at least three performance~~
6 ~~metrics, in addition to the point-in-time measurement, that measure~~
7 ~~the impact of surcharge funding on reducing homelessness by July 1,~~
8 ~~2018.~~

9 ~~(c) The joint legislative audit and review committee must review~~
10 ~~how the surcharge fees are expended to address homelessness,~~
11 ~~including a review of the related program performance measures and~~
12 ~~targets. The joint legislative audit and review committee must report~~
13 ~~its review findings by December 1, 2022, and update the review every~~
14 ~~five years thereafter.))~~

15 (4) The department shall develop a consistent statewide data
16 gathering instrument to monitor the performance of cities and
17 counties receiving grants in order to determine compliance with the
18 terms and conditions set forth in the grant application or required
19 by the department.

20 The department shall, in consultation with the interagency
21 council on homelessness and the affordable housing advisory board,
22 report biennially to the governor and the appropriate committees of
23 the legislature an assessment of the state's performance in
24 furthering the goals of the state (~~ten-year~~) five-year homeless
25 housing strategic plan and the performance of each participating
26 local government in creating and executing a local homeless housing
27 plan which meets the requirements of this chapter. To increase the
28 effectiveness of the report, the department must develop a process to
29 ensure consistent presentation, analysis, and explanation in the
30 report, including year-to-year comparisons, highlights of program
31 successes and challenges, and information that supports recommended
32 strategy or operational changes. The (~~annual~~) report may include
33 performance measures such as:

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

36 (b) The reduction in the number of unaccompanied homeless youth.
37 "Unaccompanied homeless youth" has the same meaning as in RCW
38 43.330.702;

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

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

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

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

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

9 (h) The ability to successfully collect data and report
10 performance;

11 (i) The extent of collaboration and coordination among public
12 bodies, as well as community stakeholders, and the level of community
13 support and participation;

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

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

17 ~~((5) Based on the performance of local homeless housing programs
18 in meeting their interim goals, on general population changes and on
19 changes in the homeless population recorded in the annual census, the
20 department may revise the performance measures and goals of the state
21 homeless housing strategic plan, set goals for years following the
22 initial ten-year period, and recommend changes in local governments'
23 plans.))~~

24 **Sec. 5.** RCW 43.185C.050 and 2005 c 484 s 8 are each amended to
25 read as follows:

26 (1) Each local homeless housing task force shall prepare and
27 recommend to its local government legislative authority a ~~((ten))~~
28 five-year homeless housing plan for its jurisdictional area, which
29 shall be not inconsistent with the department's statewide
30 ~~((temporary))~~ guidelines ~~((, for the))~~ issued by December ~~((31, 2005,~~
31 ~~plan))~~ 1, 2018, and thereafter the department's ~~((ten))~~ five-year
32 homeless housing strategic plan, and which shall be aimed at
33 eliminating homelessness ~~((, with a minimum goal of reducing
34 homelessness by fifty percent by July 1, 2015))~~. The local government
35 may amend the proposed local plan and shall adopt a plan by December
36 ~~((31, 2005))~~ 1, 2019. Performance in meeting the goals of this local
37 plan shall be assessed annually in terms of the performance measures
38 published by the department. Local plans may include specific local
39 performance measures adopted by the local government legislative

1 authority, and may include recommendations for any state legislation
2 needed to meet the state or local plan goals.

3 (2) Eligible activities under the local plans include:

4 (a) Rental and furnishing of dwelling units for the use of
5 homeless persons;

6 (b) Costs of developing affordable housing for homeless persons,
7 and services for formerly homeless individuals and families residing
8 in transitional housing or permanent housing and still at risk of
9 homelessness;

10 (c) Operating subsidies for transitional housing or permanent
11 housing serving formerly homeless families or individuals;

12 (d) Services to prevent homelessness, such as emergency eviction
13 prevention programs including temporary rental subsidies to prevent
14 homelessness;

15 (e) Temporary services to assist persons leaving state
16 institutions and other state programs to prevent them from becoming
17 or remaining homeless;

18 (f) Outreach services for homeless individuals and families;

19 (g) Development and management of local homeless plans including
20 homeless census data collection; identification of goals, performance
21 measures, strategies, and costs and evaluation of progress towards
22 established goals;

23 (h) Rental vouchers payable to landlords for persons who are
24 homeless or below thirty percent of the median income or in immediate
25 danger of becoming homeless; and

26 (i) Other activities to reduce and prevent homelessness as
27 identified for funding in the local plan.

28 **Sec. 6.** RCW 43.185C.060 and 2014 c 200 s 2 are each amended to
29 read as follows:

30 (1) The home security fund account is created in the state
31 treasury, subject to appropriation. The state's portion of the
32 surcharge established in RCW 36.22.179 and 36.22.1791 must be
33 deposited in the account. Expenditures from the account may be used
34 only for homeless housing programs as described in this chapter. (~~If
35 an independent audit finds that the department has failed to set
36 aside at least forty five percent of funds received under RCW
37 36.22.179(1)(b) after June 12, 2014, for the use of private rental
38 housing payments, the department must submit a corrective action plan
39 to the office of financial management within thirty days of receipt~~

1 of the independent audit. The office of financial management must
2 monitor the department's corrective action plan and expenditures from
3 this account for the remainder of the fiscal year. If the department
4 is not in compliance with RCW 36.22.179(1)(b) in any month of the
5 fiscal year following submission of the corrective action plan, the
6 office of financial management must reduce the department's
7 allotments from this account and hold in reserve status a portion of
8 the department's appropriation equal to the expenditures made during
9 the month not in compliance with RCW 36.22.179(1)(b).))

10 (2) The department must distinguish allotments from the account
11 made to carry out the activities in RCW 43.330.167, 43.330.700
12 through 43.330.715, 43.330.911, 43.185C.010, 43.185C.250 through
13 43.185C.320, and 36.22.179(1)(b).

14 (3) The office of financial management must secure an independent
15 expenditure review of state funds received under RCW 36.22.179(1)(b)
16 on a biennial basis. The purpose of the review is to assess the
17 consistency in achieving policy priorities within the private market
18 rental housing segment for housing persons experiencing homelessness.
19 The independent reviewer must notify the department and the office of
20 financial management of its findings. The first biennial expenditure
21 review, for the 2017-2019 fiscal biennium, is due February 1, 2020.
22 Independent reviews conducted thereafter are due February 1st of each
23 even-numbered year.

24 **Sec. 7.** RCW 43.185C.160 and 2005 c 485 s 1 are each amended to
25 read as follows:

26 (1) Each county shall create a homeless housing task force to
27 develop a ((ten)) five-year homeless housing plan addressing short-
28 term and long-term housing for homeless persons.

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

38 In lieu of creating a new task force, a local government may
39 designate an existing governmental or nonprofit body which

1 substantially conforms to this section and which includes at least
2 one homeless or formerly homeless individual to serve as its homeless
3 representative. As an alternative to a separate plan, two or more
4 local governments may work in concert to develop and execute a joint
5 homeless housing plan, or to contract with another entity to do so
6 according to the requirements of this chapter. While a local
7 government has the authority to subcontract with other entities, the
8 local government continues to maintain the ultimate responsibility
9 for the homeless housing program within its borders.

10 A county may decline to participate in the program authorized in
11 this chapter by forwarding to the department a resolution adopted by
12 the county legislative authority stating the intention not to
13 participate. A copy of the resolution shall also be transmitted to
14 the county auditor and treasurer. If a county declines to
15 participate, the department shall create and execute a local homeless
16 housing plan for the county meeting the requirements of this chapter.

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

- 21 (a) Emergency shelters;
- 22 (b) Short-term housing needs;
- 23 (c) Temporary encampments;
- 24 (d) Supportive housing for chronically homeless persons; and
- 25 (e) Long-term housing.

26 Guidelines must include, when appropriate, standards for health
27 and safety and notifying the public of proposed facilities to house
28 the homeless.

29 (3) Each county, including counties exempted from creating a new
30 task force under subsection (1) of this section, shall report to the
31 department (~~of community, trade, and economic development~~) such
32 information as may be needed to ensure compliance with this chapter,
33 including the annual report required in section 9 of this act.

34 **Sec. 8.** RCW 43.185C.010 and 2017 c 277 s 2 are each amended to
35 read as follows:

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

38 (1) "Administrator" means the individual who has the daily
39 administrative responsibility of a crisis residential center.

1 (2) "Child in need of services petition" means a petition filed
2 in juvenile court by a parent, child, or the department of social and
3 health services seeking adjudication of placement of the child.

4 (3) "Community action agency" means a nonprofit private or public
5 organization established under the economic opportunity act of 1964.

6 (4) "Crisis residential center" means a secure or semi-secure
7 facility established pursuant to chapter 74.13 RCW.

8 (5) "Department" means the department of commerce.

9 (6) "Director" means the director of the department of commerce.

10 (7) "Home security fund account" means the state treasury account
11 receiving the state's portion of income from revenue from the sources
12 established by RCW 36.22.179(~~(, RCW)~~) and 36.22.1791, and all other
13 sources directed to the homeless housing and assistance program.

14 (8) "Homeless housing grant program" means the vehicle by which
15 competitive grants are awarded by the department, utilizing moneys
16 from the home security fund account, to local governments for
17 programs directly related to housing homeless individuals and
18 families, addressing the root causes of homelessness, preventing
19 homelessness, collecting data on homeless individuals, and other
20 efforts directly related to housing homeless persons.

21 (9) "Homeless housing plan" means the (~~ten~~) five-year plan
22 developed by the county or other local government to address housing
23 for homeless persons.

24 (10) "Homeless housing program" means the program authorized
25 under this chapter as administered by the department at the state
26 level and by the local government or its designated subcontractor at
27 the local level.

28 (11) "Homeless housing strategic plan" means the (~~ten~~) five-
29 year plan developed by the department, in consultation with the
30 interagency council on homelessness (~~and~~), the affordable housing
31 advisory board, and the state advisory council on homelessness.

32 (12) "Homeless person" means an individual living outside or in a
33 building not meant for human habitation or which they have no legal
34 right to occupy, in an emergency shelter, or in a temporary housing
35 program which may include a transitional and supportive housing
36 program if habitation time limits exist. This definition includes
37 substance abusers, people with mental illness, and sex offenders who
38 are homeless.

39 (13) "HOPE center" means an agency licensed by the secretary of
40 the department of social and health services to provide temporary

1 residential placement and other services to street youth. A street
2 youth may remain in a HOPE center for thirty days while services are
3 arranged and permanent placement is coordinated. No street youth may
4 stay longer than thirty days unless approved by the department and
5 any additional days approved by the department must be based on the
6 unavailability of a long-term placement option. A street youth whose
7 parent wants him or her returned to home may remain in a HOPE center
8 until his or her parent arranges return of the youth, not longer. All
9 other street youth must have court approval under chapter 13.34 or
10 13.32A RCW to remain in a HOPE center up to thirty days.

11 (14) "Housing authority" means any of the public corporations
12 created by chapter 35.82 RCW.

13 (15) "Housing continuum" means the progression of individuals
14 along a housing-focused continuum with homelessness at one end and
15 homeownership at the other.

16 (16) "Interagency council on homelessness" means a committee
17 appointed by the governor and consisting of, at least, policy level
18 representatives of the following entities: (a) The department of
19 commerce; (b) the department of corrections; (c) the department of
20 social and health services; (d) the department of veterans affairs;
21 and (e) the department of health.

22 (17) "Local government" means a county government in the state of
23 Washington or a city government, if the legislative authority of the
24 city affirmatively elects to accept the responsibility for housing
25 homeless persons within its borders.

26 (18) "Local homeless housing task force" means a voluntary local
27 committee created to advise a local government on the creation of a
28 local homeless housing plan and participate in a local homeless
29 housing program. It must include a representative of the county, a
30 representative of the largest city located within the county, at
31 least one homeless or formerly homeless person, such other members as
32 may be required to maintain eligibility for federal funding related
33 to housing programs and services and if feasible, a representative of
34 a private nonprofit organization with experience in low-income
35 housing.

36 (19) "Long-term private or public housing" means subsidized and
37 unsubsidized rental or owner-occupied housing in which there is no
38 established time limit for habitation of less than two years.

39 (20) "Performance measurement" means the process of comparing
40 specific measures of success against ultimate and interim goals.

1 (21) "Secure facility" means a crisis residential center, or
2 portion thereof, that has locking doors, locking windows, or a
3 secured perimeter, designed and operated to prevent a child from
4 leaving without permission of the facility staff.

5 (22) "Semi-secure facility" means any facility including, but not
6 limited to, crisis residential centers or specialized foster family
7 homes, operated in a manner to reasonably assure that youth placed
8 there will not run away. Pursuant to rules established by the
9 facility administrator, the facility administrator shall establish
10 reasonable hours for residents to come and go from the facility such
11 that no residents are free to come and go at all hours of the day and
12 night. To prevent residents from taking unreasonable actions, the
13 facility administrator, where appropriate, may condition a resident's
14 leaving the facility upon the resident being accompanied by the
15 administrator or the administrator's designee and the resident may be
16 required to notify the administrator or the administrator's designee
17 of any intent to leave, his or her intended destination, and the
18 probable time of his or her return to the center.

19 (23) "Staff secure facility" means a structured group care
20 facility licensed under rules adopted by the department of social and
21 health services with a ratio of at least one adult staff member to
22 every two children.

23 (24) "Washington homeless census" means an annual statewide
24 census conducted as a collaborative effort by towns, cities,
25 counties, community-based organizations, and state agencies, with the
26 technical support and coordination of the department, to count and
27 collect data on all homeless individuals in Washington.

28 (25) "Washington homeless client management information system"
29 means a database of information about homeless individuals in the
30 state used to coordinate resources to assist homeless clients to
31 obtain and retain housing and reach greater levels of self-
32 sufficiency or economic independence when appropriate, depending upon
33 their individual situations.

34 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.185C
35 RCW to read as follows:

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

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

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

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

9 (i) Emergency shelter;

10 (ii) Homelessness prevention and rapid rehousing;

11 (iii) Permanent housing;

12 (iv) Permanent supportive housing;

13 (v) Transitional housing;

14 (vi) Services only; and

15 (vii) Any other activity in which more than five hundred thousand
16 dollars of category funds were expended;

17 (d) A report on the expenditures, performance, and outcomes of
18 state funds distributed through the consolidated homeless grant
19 program, including the grant recipient, award amount expended, use of
20 the funds, counties served, and households served;

21 (e) A report on state and local homelessness document recording
22 fee expenditure by county, including the total amount of fee
23 spending, percentage of total spending from fees, number of people
24 served by major assistance type, and amount of expenditures for
25 private rental housing payments required in RCW 36.22.179;

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

29 (g) A report on the expenditures, performance, and outcomes of
30 the independent youth housing program meeting the requirements of RCW
31 43.63A.311.

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

35 (3) Any local government receiving state funds for homelessness
36 assistance or state or local homelessness document recording fees
37 under RCW 36.22.178, 36.22.179, or 36.22.1791 must provide an annual
38 report on the current condition of homelessness in its jurisdiction,
39 its performance in meeting the goals in its local homeless housing
40 plan, and any significant changes made to the plan. The annual report

1 must be posted on the department's web site. Along with each local
2 government annual report, the department must produce and post
3 information on the local government's homelessness spending from all
4 sources by project during the prior state fiscal year in a format
5 similar to the department's report under subsection (1)(c) of this
6 section. If a local government fails to report or provides an
7 inadequate or incomplete report, the department must take corrective
8 action, which may include withholding state funding for homelessness
9 assistance to the local government to enable the department to use
10 such funds to contract with other public or nonprofit entities to
11 provide homelessness assistance within the jurisdiction.

12 **Sec. 10.** RCW 43.185C.240 and 2015 c 69 s 26 are each amended to
13 read as follows:

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

16 (a) Any local government that has the authority to issue housing
17 vouchers, directly or through a contractor, using document recording
18 surcharge funds collected pursuant to RCW 36.22.178, 36.22.179, or
19 36.22.1791 must:

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

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

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

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

28 (E) Communicate and interact with landlord and tenant
29 associations located within its jurisdiction to facilitate
30 development, maintenance, and distribution of the list to private
31 rental housing landlords. The department must make reasonable efforts
32 to ensure that local providers conduct outreach to private rental
33 housing landlords each calendar quarter regarding opportunities to
34 provide rental housing to the homeless and the availability of funds;

35 (ii) Using cost-effective methods of communication, convene, on a
36 semiannual or more frequent basis, landlords represented on the
37 interested landlord list and agencies providing services to
38 individuals and households receiving housing vouchers to identify
39 successes, barriers, and process improvements. The local government

1 is not required to reimburse any participants for expenses related to
2 attendance;

3 (iii) Produce data, limited to document recording fee uses and
4 expenditures, on a (~~calendar~~) fiscal year basis in consultation
5 with landlords represented on the interested landlord list and
6 agencies providing services to individuals and households receiving
7 housing vouchers, that include the following: Total amount expended
8 from document recording fees; amount expended on, number of
9 households that received, and number of housing vouchers issued in
10 each of the private, public, and nonprofit markets; amount expended
11 on, number of households that received, and number of housing
12 placement payments provided in each of the private, public, and
13 nonprofit markets; amount expended on and number of eviction
14 prevention services provided in the private market; amount expended
15 on and number of other tenant-based rent assistance services provided
16 in the private market; and amount expended on and number of services
17 provided to unaccompanied homeless youth. If these data elements are
18 not readily available, the reporting government may request the
19 department to use the sampling methodology established pursuant to
20 (c)(iii) of this subsection to obtain the data; and

21 (iv) Annually submit the (~~calendar~~) fiscal year data to the
22 department (~~by October 1st, with preliminary data submitted by~~
23 ~~October 1, 2012, and full calendar year data submitted beginning~~
24 ~~October 1, 2013~~)).

25 (b) Any local government receiving more than three million five
26 hundred thousand dollars during the previous (~~calendar~~) fiscal year
27 from document recording surcharge funds collected pursuant to RCW
28 36.22.178, 36.22.179, and 36.22.1791, must apply to the Washington
29 state quality award program, or similar Baldrige assessment
30 organization, for an independent assessment of its quality
31 management, accountability, and performance system. The first
32 assessment may be a lite assessment. After submitting an application,
33 a local government is required to reapply at least every two years.

34 (c) The department must:

35 (i) Require contractors that provide housing vouchers to
36 distribute the interested landlord list created by the appropriate
37 local government to individuals and households receiving the housing
38 vouchers;

39 (ii) Convene a stakeholder group by March 1, 2017, consisting of
40 landlords, homeless housing advocates, real estate industry

1 representatives, cities, counties, and the department to meet to
2 discuss long-term funding strategies for homeless housing programs
3 that do not include a surcharge on document recording fees. The
4 stakeholder group must provide a report of its findings to the
5 legislature by December 1, 2017;

6 (iii) Develop a sampling methodology to obtain data required
7 under this section when a local government or contractor does not
8 have such information readily available. The process for developing
9 the sampling methodology must include providing notification to and
10 the opportunity for public comment by local governments issuing
11 housing vouchers, landlord association representatives, and agencies
12 providing services to individuals and households receiving housing
13 vouchers;

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

35 (v) Annually submit the (~~calendar~~) fiscal year report to the
36 legislature by December (~~15th, with a preliminary report submitted~~
37 ~~by December 15, 2012, and full calendar year reports submitted~~
38 ~~beginning December 15, 2013~~) 1st of each year; and

39 (vi) Work with the Washington state quality award program, local
40 governments, and any other organizations to ensure the appropriate

1 scheduling of assessments for all local governments meeting the
2 criteria described in subsection (1)(b) of this section.

3 (d) The office of financial management must secure an independent
4 audit of the department's data and expenditures of state funds
5 received under RCW 36.22.179(1)(b) on an annual basis. The
6 independent audit must review a random sample of local governments,
7 contractors, and housing providers that is geographically and
8 demographically diverse. The independent auditor must meet with the
9 department and a landlord representative to review the preliminary
10 audit and provide the department and the landlord representative with
11 the opportunity to include written comments regarding the findings
12 that must be included with the audit. The first audit of the
13 department's data and expenditures will be for calendar year 2014 and
14 is due July 1, 2015. Each audit thereafter will be due July 1st
15 following the department's submission of the report to the
16 legislature. If the independent audit finds that the department has
17 failed to set aside at least forty-five percent of the funds received
18 under RCW 36.22.179(1)(b) after June 12, 2014, for private rental
19 housing payments, the independent auditor must notify the department
20 and the office of financial management of its finding. In addition,
21 the independent auditor must make recommendations to the office of
22 financial management and the legislature on alternative means of
23 distributing the funds to meet the requirements of RCW
24 36.22.179(1)(b).

25 (e) The office of financial management must contract with an
26 independent auditor to conduct a performance audit of the programs
27 funded by document recording surcharge funds collected pursuant to
28 RCW 36.22.178, 36.22.179, and 36.22.1791. The audit must provide
29 findings to determine if the funds are being used effectively,
30 efficiently, and for their intended purpose. The audit must review
31 the department's performance in meeting all statutory requirements
32 related to document recording surcharge funds including, but not
33 limited to, the data the department collects, the timeliness and
34 quality of required reports, and whether the data and required
35 reports provide adequate information and accountability for the use
36 of the document recording surcharge funds. The audit must include
37 recommendations for policy and operational improvements to the use of
38 document recording surcharges by counties and the department. The
39 performance audit must be submitted to the legislature by December 1,
40 2016.

1 (2) For purposes of this section:

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

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

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

16 (d) "Private rental housing" means housing owned by a private
17 landlord and (~~does not~~) includes housing owned by a nonprofit
18 housing entity (~~or government entity~~).

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

20 NEW SECTION. **Sec. 11.** This act may be known and cited as the
21 Washington housing opportunities act."

E2SHB 1570 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED 02/28/2018

22 On page 1, line 2 of the title, after "assistance;" strike the
23 remainder of the title and insert "amending RCW 36.22.179,
24 43.185C.030, 43.185C.040, 43.185C.050, 43.185C.060, 43.185C.160,
25 43.185C.010, and 43.185C.240; adding a new section to chapter 43.185C
26 RCW; and creating new sections."

EFFECT: (1) Increases the temporary \$40 document recording
surcharge fee to \$62 and makes it permanent.

(2) Reserves ten dollars of the sixty-two dollar document
recording surcharge specifically for use by counties to implement
homeless housing and assistance programs and achieve local homeless
housing plan goals and to not be subject to the state's portion of
the surcharge.

(3) Removes provisions authorizing counties and certain cities to charge and collect an additional \$50 document recording surcharge fee.

(4) Authorizes counties issuing general obligation bonds for homeless housing and assistance purposes to pay off such bonds with document recording surcharge funds.

(5) Amends additional RCWs to achieve consistency with modifying the state and local homeless housing plans to be five-year plans instead of ten-year plans.

(6) Makes technical corrections to clarify that the home security fund account is retained as an appropriated account.

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