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**ENGROSSED SECOND SUBSTITUTE SENATE BILL 5662**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Kuderer, Trudeau, Hasegawa, Lovelett, Nguyen, Saldaña, Stanford, and C. Wilson; by request of Office of the Governor)

AN ACT Relating to intergovernmental coordination to address transitioning persons encamped on state public rights-of-way to permanent housing solutions; adding a new section to chapter 43.20A RCW; adding a new section to chapter 43.185C RCW; adding new sections to chapter 43.131 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  (1) The legislature finds that many individuals experience homelessness as a result of a lack of available and affordable housing, increasing rents, insufficient income, complex and long-term behavioral health conditions, drug addiction, or disabilities, or as a result of domestic violence. Every night thousands of Washingtonians go to sleep in places not meant for human habitation, such as cars, parks, sidewalks, abandoned buildings, and spaces along the public rights-of-way. More than 1,750 unsanctioned encampments exist on public rights-of-way managed by state agencies. Being homeless in any public right-of-way presents health and safety risks. Public right-of-way encampments present increasing concerns for the health and safety of those encamped in this space, the public, and those workers who are responsible to maintain and improve public lands.

(2)(a) The legislature intends that persons experiencing homelessness be treated with dignity, care, and compassion. The legislature recognizes that the primary drivers of homelessness stem from a lack of investment in affordable housing, behavioral health, and other supports that provide economic stability. The legislature recognizes the need to ensure taxpayer dollars are used for maximum effect and, therefore, intends to closely monitor actions taken to engage with persons experiencing homelessness to remediate primary drivers of homelessness.

(b) Furthermore, the legislature intends that local jurisdictions and providers engage persons experiencing homelessness with teams of multidisciplinary experts focused on trauma-informed care and provision of services with the goal of transitioning persons experiencing homelessness into permanent housing solutions. The legislature recognizes the ninth circuit court of appeals has determined in *Martin v. City of Boise*, 902 F.3d 1031 (2018), that the eighth amendment of the United States Constitution prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who are unable to obtain shelter. Consistent with the decision in *Martin v. City of Boise* and with the values of all Washingtonians, the legislature further intends that every effort must be made to avoid furthering existing trauma to persons experiencing homelessness by causing displacement that does not result in a transition to permanent housing. To that end, the legislature intends that a multidisciplinary team within state government be established to coordinate across state agencies, and collaborate with local governments, nonprofit organizations, and persons encamped on public rights-of-way to find housing solutions. The legislature also intends with this effort to support and enhance existing memoranda of agreement where they exist between state agencies and local government.

(c) The legislature recognizes the lack of shelter capacity and affordable housing throughout the state and has invested operating and capital funds to increase stock and provide supportive services. To this end, the legislature intends that a portion of newly acquired or built shelter and housing capacity be prioritized toward reducing the number of persons encamped in the public rights-of-way by transitioning them into these units.

NEW SECTION. **Sec.**  A new section is added to chapter 43.20A RCW to read as follows:

(1) The office of intergovernmental coordination on public right-of-way homeless encampments is created within the department. For purposes of this section, "public rights-of-way" means any right-of-way under the authority and control of the state department of transportation.

(2) Activities of the office must be carried out by a director and supervised by the secretary of the department or his or her designee.

(3) The office must lead efforts under this section to coordinate the spectrum of ongoing and future funding, policy, and practice efforts related to reducing the number of persons in unsanctioned encampments on public rights-of-way. This includes coordination across state agencies, through local governments, and with persons in unsanctioned encampments on public rights-of-way with the goal of reducing the number of encamped persons through transition to a permanent housing solution so that the encampment is closed with the site either restored to original conditions or preserved for future use. Efforts in reducing the number of persons encamped on public rights-of-way must begin with identifying and prioritizing resources across all levels of government and within the philanthropic community. Recognizing and accommodating partners, families, and pets is a critical component of shelter and housing solutions. Shelter or housing plans should be complete before engaging persons encamped on the public rights-of-way. However, incidents arising from concerns over public health and safety, workers' access and safety, or public access may require a simultaneous approach.

(4) The office shall establish:

(a) Regional coordination teams that, while coordinating with and working through state department of transportation regional offices and staff, must collaborate with strategic partners to identify and prioritize resources to bring persons encamped on public rights-of-way into permanent housing, including traditional and nontraditional housing options, and to determine when shelter or housing resources will become available and suitable to transition persons encamped on public rights-of-way. Prioritization for engaging encampments should be based on those that present the greatest health and safety risk to the encamped population, the public, or workers on the rights-of-way. Collaboration partners will provide regional knowledge and support to address specific and unique regional needs, and may include the health care authority, the health benefit exchange, the department of health, the department of transportation, the department of ecology, the department of commerce, the department of veterans affairs, tribal authorities, counties and cities, persons with lived experience of homelessness, and private not-for-profit agencies;

(b) Through engagement and collaboration with state department of transportation regional offices and staff, regional outreach teams that must support and engage with persons encamped on public rights-of-way. Such engagement must be consistent with and support local homeless and housing plan efforts that result in transitioning persons encamped on public rights-of-way to permanent housing solutions. Except for emergencies concerning public health and safety, worker safety and access, and public access, outreach team engagement with persons encamped on public rights-of-way must be predicated on the development of an intergovernmental plan for providing shelter or housing with wraparound services as available to provide the best opportunity for transition to permanent housing solutions. These plans should maintain cohesion among partners, families, and pets. Each regional outreach team must make every effort to connect persons encamped on public rights-of-way with health and social services through existing local or regional integrated client systems if available; and

(c) A data analysis team that must create a performance monitoring infrastructure, establish a baseline, and then track outcomes for individuals experiencing homelessness in locales around encampments on public rights-of-way, in coordination with homeless data systems, such as the homeless client management information system. The team must create and maintain a report for each encampment engaged. The report must include, at a minimum, the date and time of the engagement, the location of the encampment, and a summary of the engagement, including the number of encamped persons at that location, the number of encamped persons contacted, any services offered to such encamped persons, and any other data deemed relevant by the office. The report must not reveal the personally identifiable information of encamped persons. The team must also estimate the impact on client outcomes and services as well as estimate public program cost savings, where applicable. The data analysis team must provide a report to the governor and appropriate legislative committees by December 1, 2023, and annually thereafter.

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

The department shall collaborate with the office of intergovernmental coordination on public right-of-way homeless encampments created in section 2 of this act on developing and implementing a statewide effort to reduce the number of persons encamped on the state public rights-of-way by transitioning to permanent housing solutions. The department shall use any funds appropriated by the legislature for this purpose to provide grants to local governments or nonprofit organizations to meet the individual needs of persons encamped on state public rights-of-way and facilitate their transition to permanent housing.

NEW SECTION. **Sec.**  A new section is added to chapter 43.131 RCW to read as follows:

The office of intergovernmental coordination on public right-of-way homeless encampments is terminated July 1, 2027, as provided in section 5 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2028:

(1) Section 1 of this act;

(2) Section 2 of this act; and

(3) Section 3 of this act.

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