

**SENATE BILL REPORT**

**SSB 5332**

**AS PASSED SENATE, MARCH 11, 1991**

**Brief Description:** Providing residential care for disabled persons.

**SPONSORS:** Senate Committee on Health & Long-Term Care (originally sponsored by Senators Wojahn, West, Niemi, L. Smith, Madsen, Rasmussen, Snyder, Gaspard, Moore and Bauer).

**SENATE COMMITTEE ON HEALTH & LONG-TERM CARE**

**Majority Report:** That Substitute Senate Bill No. 5332 be substituted therefor, and the substitute bill do pass.

Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

**Staff:** Don Sloma (786-7414)

**Hearing Dates:** February 13, 1991; March 5, 1991

**HOUSE COMMITTEE ON CAPITAL FACILITIES & FINANCING**

**BACKGROUND:**

Over the past 30 years, Washington State has chosen, where possible, to emphasize community-based care over institutional care for disabled people. Currently, institutional land and buildings that become vacant due to this policy are rented by other users. Often, the only charges assessed to these tenants are the costs of the utilities that they use.

Lands devoted to the care of the mentally ill and disabled are defined as including lands where state-owned residential treatment facilities (institutions) are sited. The majority of this land (3,513 acres) is managed by the Department of Social and Health Services (DSHS). Lands at Northern State Hospital (1,075 acres) are managed by the Department of General Administration (DGA) and the Department of Natural Resources (DNR). Two nursing homes for veterans are run by the state Department of Veterans Affairs, and the Schools for the Deaf and for the Blind are operated by separate boards of trustees.

Other lands held in trust for the mentally ill and disabled include lands managed by DNR in the Charitable, Educational, Penal and Reformatory Institutions (CEP & RI) trust account. These lands were earmarked by the federal government at statehood for the support of these institutions. The CEP & RI trust currently contains 72,840 acres. DNR has traded land over the years, maintaining the value of the trust but not necessarily the acreage.

Washington courts have ruled that DNR must be compensated whenever grant lands are put to a use for which they were not originally intended. Historically, income from the CEP & RI trust has been used to maintain capital facilities at state institutions.

**SUMMARY:**

Every five years DSHS and other state agencies that operate institutions must conduct an inventory of all real property not needed for resident care. The department must report the results of the inventory to the House of Representatives Committee on Capital Facilities and Financing, the Senate Committee on Ways and Means, and the Legislative Budget Committee.

Real property identified as not needed for state-provided residential care, custody, or treatment must be transferred to the CEP & RI account. DNR, in consultation with DSHS, shall manage all property in the CEP & RI account.

The Low-Income Housing Assistance Advisory Committee is to advise the Director of the Department of Community Development on the housing needs of persons who are mentally ill or developmentally disabled or youth who are disabled. All advice from the committee must be consistent with policies and plans developed by the regional support networks and the developmental disabilities planning council. The director must include in the annual report on housing trust funds, housing needs for persons who are mentally ill or developmentally disabled or youth who are disabled.

If feasible, after consultation with the committee, not less than one-quarter of all income to the CEP & RI account must be appropriated for the purpose of providing housing, excluding repair and renovation of state institutions, for persons who are mentally ill, developmentally disabled, or youth who are disabled.

DNR must make every effort to lease CEP & RI land in urban or suburban areas that have a potential for commercial or residential development. Income from these leases must be deposited to the CEP & RI account with one-half of the income to be appropriated by the Legislature to provide community housing for persons who are mentally ill, developmentally disabled, or youth who are disabled.

The Department of Natural Resources (DNR) is authorized to trade urban and suburban land in the CEP & RI trust for other land of comparable value.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** available

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**TESTIMONY FOR:**

Some nine out of ten people with chronic disabilities are cared for in the community. Yet the land trust established for their care and the surplus institutional land acquired for their care provides funds primarily for maintaining the institutions where only about one in ten live. Adequate funding alternatives have not been provided for community housing. The bill would begin that process.

**TESTIMONY AGAINST:** None

**TESTIFIED:** PRO: Pat McElroy, DNR; Thom Goodfellow, Lisa Murphy, Ron Turner, Bill LaFleur, Allyn Richards, Alex Von Boxendell, Capital Clubhouse; Dick Dorsett, Pierce County; Eleanor Owen, WAMI; John Reynolds, DSHS

**HOUSE AMENDMENT(S):**

The requirement of the Director of the Department of Community Development to include information on the housing needs of the disabled in his annual report is eliminated.

Requirements for use of CEP & RI account funds are modified so that, if feasible, not less than one-half of all income to the account must be appropriated for housing disabled persons. This may include renovation and repair of state institutions.

Requirements for DNR to exchange urban and suburban land are tightened and a report to the Legislature of any such purchases, sales or exchanges is required.

The requirement that one-half the income from urban and suburban leases be appropriated for community housing for the disabled is deleted. Instead, the Legislature must give priority consideration to appropriating one-half of such income to community housing for the disabled.