

**ESHB 2048** - S COMM AMD  
By Committee on Ways & Means

ADOPTED 02/29/2012

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

3 "Sec. 1. RCW 36.22.179 and 2011 c 110 s 2 are each amended to read  
4 as follows:

5 (1) In addition to the surcharge authorized in RCW 36.22.178, and  
6 except as provided in subsection (2) of this section, an additional  
7 surcharge of ten dollars shall be charged by the county auditor for  
8 each document recorded, which will be in addition to any other charge  
9 allowed by law. (~~During the 2009-11 and 2011-13 biennia~~) From July  
10 1, 2009, through August 31, 2012, and from July 1, 2015, through June  
11 30, 2017, the surcharge shall be thirty dollars. From September 1,  
12 2012, through June 30, 2015, the surcharge shall be forty dollars. The  
13 funds collected pursuant to this section are to be distributed and used  
14 as follows:

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

1 plan; of the funds received by the city, it may use six percent for  
2 administrative costs for its homeless housing program.

3 (b) The auditor shall remit the remaining funds to the state  
4 treasurer for deposit in the home security fund account. The  
5 department may use twelve and one-half percent of this amount for  
6 administration of the program established in RCW 43.185C.020, including  
7 the costs of creating the statewide homeless housing strategic plan,  
8 measuring performance, providing technical assistance to local  
9 governments, and managing the homeless housing grant program. The  
10 remaining eighty-seven and one-half percent is to be used by the  
11 department to:

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

18 (ii) Fund the homeless housing grant program.

19 (2) The surcharge imposed in this section applies to documents  
20 required to be recorded or filed under RCW 65.04.030(1) including, but  
21 not limited to: Full reconveyance; deeds of trust; deeds; liens  
22 related to real property; release of liens related to real property;  
23 notice of trustee sales; judgments related to real property; and all  
24 other documents pertaining to real property as determined by the  
25 department. However, the surcharge does not apply to (a) assignments  
26 or substitutions of previously recorded deeds of trust, or (b)  
27 documents recording a birth, marriage, divorce, or death or any  
28 documents otherwise exempted from a recording fee under state law.

29 (3) By August 31, 2012, the department shall submit to each county  
30 auditor a list of documents that are subject to the surcharge  
31 established in subsection (1) of this section.

32 (4) If section 2, chapter . . ., Laws of 2012 (section 2 of this  
33 act) is not enacted into law by July 31, 2012, section 1, chapter  
34 . . ., Laws of 2012 (section 1 of this act) is null and void.

35 NEW SECTION. Sec. 2. A new section is added to chapter 43.185C  
36 RCW to read as follows:

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

3 (a) Any local government that has the authority to issue housing  
4 vouchers, directly or through a contractor, using document recording  
5 surcharge funds collected pursuant to RCW 36.22.178, 36.22.179, or  
6 36.22.1791 must:

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

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

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

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

15 (E) Use reasonable best efforts to communicate and interact with  
16 landlord and tenant associations located within its jurisdiction to  
17 facilitate development, maintenance, and distribution of the list;

18 (ii) Using cost-effective methods of communication, convene, on a  
19 semiannual or more frequent basis, landlords represented on the  
20 interested landlord list and agencies providing services to individuals  
21 and households receiving housing vouchers to identify successes,  
22 barriers, and process improvements. The local government is not  
23 required to reimburse any participants for expenses related to  
24 attendance;

25 (iii) Produce data, limited to document recording fee uses and  
26 expenditures, on a calendar year basis in consultation with landlords  
27 represented on the interested landlord list and agencies providing  
28 services to individuals and households receiving housing vouchers, that  
29 include the following: Total amount expended from document recording  
30 fees; amount expended on, number of households that received, and  
31 number of housing vouchers issued in each of the private, public, and  
32 nonprofit markets; amount expended on, number of households that  
33 received, and number of housing placement payments provided in each of  
34 the private, public, and nonprofit markets; amount expended on and  
35 number of eviction prevention services provided in the private market;  
36 and amount expended on and number of other tenant-based rent assistance  
37 services provided in the private market. If these data elements are

1 not readily available, the reporting government may request the  
2 department to use the sampling methodology established pursuant to  
3 (c)(iii) of this subsection to obtain the data; and

4 (iv) Annually submit the calendar year data to the department by  
5 October 1st, with preliminary data submitted by October 1, 2012, and  
6 full calendar year data submitted beginning October 1, 2013.

7 (b) Any local government receiving more than three million five  
8 hundred thousand dollars during the previous calendar year from  
9 document recording surcharge funds collected pursuant to RCW 36.22.178,  
10 36.22.179, and 36.22.1791, must apply to the Washington state quality  
11 award program, or similar Baldrige assessment organization, for an  
12 independent assessment of its quality management, accountability, and  
13 performance system. The first assessment may be a lite assessment.  
14 After submitting an application, a local government is required to  
15 reapply at least every two years.

16 (c) The department must:

17 (i) Require contractors that provide housing vouchers to distribute  
18 the interested landlord list created by the appropriate local  
19 government to individuals and households receiving the housing  
20 vouchers;

21 (ii) Using cost-effective methods of communication, annually  
22 convene local governments issuing housing vouchers, landlord  
23 association representatives, and agencies providing services to  
24 individuals and households receiving housing vouchers to identify  
25 successes, barriers, and process improvements. The department is not  
26 required to reimburse any participants for expenses related to  
27 attendance;

28 (iii) Develop a sampling methodology to obtain data required under  
29 this section when a local government or contractor does not have such  
30 information readily available. The process for developing the sampling  
31 methodology must include providing notification to and the opportunity  
32 for public comment by local governments issuing housing vouchers,  
33 landlord association representatives, and agencies providing services  
34 to individuals and households receiving housing vouchers;

35 (iv) Develop a report, limited to document recording fee uses and  
36 expenditures, on a calendar year basis in consultation with local  
37 governments, landlord association representatives, and agencies  
38 providing services to individuals and households receiving housing

1 vouchers, that includes the following: Total amount expended from  
2 document recording fees; amount expended on, number of households that  
3 received, and number of housing vouchers issued in each of the private,  
4 public, and nonprofit markets; amount expended on, number of households  
5 that received, and number of housing placement payments provided in  
6 each of the private, public, and nonprofit markets; amount expended on  
7 and number of eviction prevention services provided in the private  
8 market; and amount expended on and number of other tenant-based rent  
9 assistance services provided in the private market. The information in  
10 the report must include data submitted by local governments and data on  
11 all additional document recording fee activities for which the  
12 department contracted that were not otherwise reported;

13 (v) Annually submit the calendar year report to the legislature by  
14 December 15th, with a preliminary report submitted by December 15,  
15 2012, and full calendar year reports submitted beginning December 15,  
16 2013; and

17 (vi) Work with the Washington state quality award program, local  
18 governments, and any other organizations to ensure the appropriate  
19 scheduling of assessments for all local governments meeting the  
20 criteria described in subsection (1)(b) of this section.

21 (2) For purposes of this section:

22 (a) "Housing placement payments" means one-time payments, such as  
23 first and last month's rent and move-in costs, funded by document  
24 recording surcharges collected pursuant to RCW 36.22.178, 36.22.179, or  
25 36.22.1791 that are made to secure a unit on behalf of a tenant.

26 (b) "Housing vouchers" means payments funded by document recording  
27 surcharges collected pursuant to RCW 36.22.178, 36.22.179, or  
28 36.22.1791 that are made by a local government or contractor to secure:  
29 (i) A rental unit on behalf of an individual tenant; or (ii) a block of  
30 units on behalf of multiple tenants.

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

35 (3) This section expires June 30, 2017.

36 (4) If section 1, chapter . . ., Laws of 2012 (section 1 of this  
37 act) is not enacted into law by July 31, 2012, this section is null and  
38 void."

**ADOPTED 02/29/2012**

1           On page 1, line 2 of the title, after "surcharges;" strike the  
2 remainder of the title and insert "amending RCW 36.22.179; adding a new  
3 section to chapter 43.185C RCW; and providing an expiration date."

**--- END ---**