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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

Read first time 01/22/16. Referred to Committee on Human Services,  
Mental Health & Housing.

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

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

4 NEW SECTION. **Sec. 1.** The legislature finds that the long-term  
5 economic health of the state and its citizens depends on the strength  
6 of its communities, including housing that meets the needs of all  
7 Washington's citizens from both rural and urban areas. The intent of  
8 this chapter is to create a department of housing that is committed  
9 to ensuring that every citizen has a place to call home. The mission  
10 of the department is to ensure affordable housing for all economic  
11 segments and to end homelessness for every citizen. To carry out its  
12 mission, the department is to grow and improve the availability and  
13 affordability of housing in Washington state.

14 NEW SECTION. **Sec. 2.** The purpose of this chapter is to  
15 establish the broad outline of the structure of the department of  
16 housing, leaving specific details of its internal organization and  
17 management to those charged with its administration. This chapter  
18 identifies the broad functions and responsibilities of the department  
19 and is intended to provide flexibility to the director to reorganize

1 these functions to more closely reflect its customers, its mission,  
2 and its priorities, and to make recommendations for changes.

3 NEW SECTION. **Sec. 3.** The definitions in this section apply  
4 throughout this chapter unless the context clearly requires  
5 otherwise.

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

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

8 NEW SECTION. **Sec. 4.** A department of housing is created. The  
9 department is vested with all powers and duties established or  
10 transferred to it under this chapter and such other powers and duties  
11 as may be authorized by law. Unless otherwise specifically provided,  
12 the existing responsibilities and functions of the department's  
13 programs must continue to be administered in accordance with their  
14 implementing legislation.

15 NEW SECTION. **Sec. 5.** The executive head of the department is  
16 the director. The director must be appointed by the governor with the  
17 consent of the senate, and must serve at the pleasure of the  
18 governor. The director must be paid a salary to be fixed by the  
19 governor in accordance with RCW 43.03.040.

20 NEW SECTION. **Sec. 6.** (1) The director must supervise and  
21 administer the activities of the department and advise the governor  
22 and the legislature with respect to housing matters affecting the  
23 state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (7) The internal affairs of the department must be under the  
35 control of the director to allow the director to manage the  
36 department in a flexible and intelligent manner as dictated by  
37 changing contemporary circumstances. Unless specifically limited by  
38 law, the director has complete charge and supervisory powers over the  
39 department. The director may create such administrative structures as  
40 the director deems appropriate, except as otherwise specified by law,

1 and the director may employ such personnel as may be necessary in  
2 accordance with chapter 41.06 RCW, except as otherwise provided by  
3 law.

4 NEW SECTION. **Sec. 7.** (1) All powers, duties, and functions of  
5 the department of commerce pertaining to housing, including  
6 homelessness, are transferred to the department of housing. All  
7 references to the director or department of commerce in the Revised  
8 Code of Washington are construed to mean the director or the  
9 department of housing when referring to the functions transferred in  
10 this section.

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

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

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

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

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

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

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

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

20 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act  
21 constitute a new chapter in Title 43 RCW.

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