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**HOUSE BILL 2649**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Representatives Ryu, Doglio, Lekanoff, Ormsby, and Pollet; by request of Office of the Governor

AN ACT Relating to homeless shelter capacity; amending RCW 43.185C.050 and 43.185C.080; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature recognizes that leaving people living outside is unacceptable and constitutes an emergency, and that immediate action is necessary to bring more people inside before the next winter. The legislature recognizes that long-term reforms are needed to reduce homelessness by expanding the supply of affordable housing and ensuring adequate behavioral health treatment, but finds that current shelter capacity is inadequate to address the immediate need. Therefore, the legislature intends to incentivize local governments to increase shelter capacity by requiring them promptly to develop local sheltering plans, including specific recommendations to the legislature regarding policy and resource changes necessary to successfully implement the local sheltering plans.

**Sec.**  RCW 43.185C.050 and 2018 c 85 s 5 are each amended to read as follows:

(1) Each local homeless housing task force shall prepare and recommend to its local government legislative authority a five-year homeless housing plan for its jurisdictional area, which shall be not inconsistent with the department's statewide guidelines issued by December 1, 2018, and thereafter the department's five-year homeless housing strategic plan, and which shall be aimed at eliminating homelessness. The local government may amend the proposed local plan and shall adopt a plan by December 1, 2019. Performance in meeting the goals of this local plan shall be assessed annually in terms of the performance measures published by the department. Local plans may include specific local performance measures adopted by the local government legislative authority, and may include recommendations for any state legislation needed to meet the state or local plan goals.

(a) In counties with a population of more than forty thousand persons, the county and each city with a population of more than fifteen thousand shall amend current plans by December 1, 2020, to expand shelter or sanctioned camping capacity equivalent to at least fifty percent of the people in the jurisdiction who are living outside or other places unfit for human habitation. Determination of the number of individuals living outside or other places unfit for human habitation shall be based on information from the homeless management information system, the annual point in time count, or other generally accepted method of determining unmet housing needs within a community. All subsequent five-year plans shall include the shelter or sanctioned camping strategy.

(b) Plans shall be completed by December 2020, and shall include:

(i) An accounting of the law, policy, and resource changes that will be implemented by the local government to achieve the goal; and

(ii) Recommendations to the state regarding law, policy, and resource changes needed at the state level to achieve the local goal.

(2) Eligible activities under the local plans include:

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

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

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

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

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

(f) Outreach services for homeless individuals and families;

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

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

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

**Sec.**  RCW 43.185C.080 and 2005 c 484 s 12 are each amended to read as follows:

(1) Only a local government is eligible to receive a homeless housing grant from the ((~~homeless housing~~)) home security fund account. Any city may assert responsibility for homeless housing within its borders if it so chooses, by forwarding a resolution to the legislative authority of the county stating its intention and its commitment to operate a separate homeless housing program. The city shall then receive a percentage of the surcharge assessed under RCW 36.22.179 equal to the percentage of the city's local portion of the real estate excise tax collected by the county. A participating city may also then apply separately for homeless housing program grants. A city choosing to operate a separate homeless housing program shall be responsible for complying with all of the same requirements as counties and shall adopt a local homeless housing plan meeting the requirements of this chapter for county local plans. However, the city may by resolution of its legislative authority accept the county's homeless housing task force as its own and based on that task force's recommendations adopt a homeless housing plan specific to the city.

(2) Local governments applying for homeless housing funds may subcontract with any other local government, housing authority, community action agency or other nonprofit organization for the execution of programs contributing to the overall goal of ending homelessness within a defined service area. All subcontracts shall be consistent with the local homeless housing plan adopted by the legislative authority of the local government, time limited, and filed with the department and shall have specific performance terms. While a local government has the authority to subcontract with other entities, the local government continues to maintain the ultimate responsibility for the homeless housing program within its borders.

(3) A county may decline to participate in the program authorized in this chapter by forwarding to the department a resolution adopted by the county legislative authority stating the intention not to participate. A copy of the resolution shall also be transmitted to the county auditor and treasurer. If such a resolution is adopted, all of the funds otherwise due to the county under RCW 43.185C.060 shall be remitted monthly to the state treasurer for deposit in the ((~~homeless housing~~)) home security fund account, without any reduction by the county for collecting or administering the funds. Upon receipt of the resolution, the department shall promptly begin to identify and contract with one or more entities eligible under this section to create and execute a local homeless housing plan for the county meeting the requirements of this chapter. The department shall expend all of the funds received from the county under this subsection to carry out the purposes of chapter 484, Laws of 2005 in the county, provided that the department may retain six percent of these funds to offset the cost of managing the county's program.

(4) A resolution by the county declining to participate in the program shall have no effect on the ability of each city in the county to assert its right to manage its own program under this chapter, and the county shall monthly transmit to the city the funds due under this chapter.

(5) If a county or city does not adopt a complete local sheltering plan as required by RCW 43.185C.050, the department will notify the county auditor and treasurer, and all of the funds otherwise due to the county or city under RCW 43.185C.060 shall be remitted monthly to the state treasurer for deposit in the home security fund account, without any reduction by the county for collecting or administering the funds. After notifying the county auditor, the department shall promptly begin to identify and contract with one or more entities eligible under this section to create and execute a sheltering plan for the county or city meeting the requirements of RCW 43.185C.050, and may award shelter expansion funds as appropriated by the legislature directly to organizations able to provide shelter in the county or city that did not adopt a complete local sheltering plan. The department shall expend all of the funds received from the county or city under this subsection to carry out the purposes of chapter 484, Laws of 2005 in the county or city, provided that the department may retain six percent of these funds to offset the cost of managing the county or city program.

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