
Housing, Human Services & Veterans Committee

E2SSB 5662

Brief Description: Concerning intergovernmental coordination to address transitioning persons encamped on state public rights-of-way to permanent housing solutions.

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

Brief Summary of Engrossed Second Substitute Bill

- Establishes the Office of Intergovernmental Coordination on Public Right-of-Way Homeless Encampments (office) within the Department of Social and Health Services to reduce the number of encampments on public rights-of-way by transitioning encamped people to permanent housing.
- Directs the Department of Commerce to collaborate with the office and provide grants to local governments and nonprofit organizations to help transition encamped persons to permanent housing.

Hearing Date: 2/22/22

Staff: Serena Dolly (786-7150).

Background:

Homeless Encampments on Public Rights-of-Way.

The 2021-23 Transportation Budget provided funding to the Department of Transportation (DOT) to address public health and safety risks associated with homeless encampments on DOT-

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owned rights-of-way. The DOT was directed to work with local governments and social service organizations to help prevent future encampments from forming on highway rights-of-way and was authorized to reimburse organizations providing outreach and assistance to transition people into treatment or housing. Specific funding was also provided for the DOT to work with the cities of Tacoma and Seattle on safety improvements, public health problems, and debris clean up related to encampments on DOT rights-of way. The DOT also was directed to provide a semiannual status report on these efforts to the Governor and the Legislature beginning October 1, 2021.

Martin v. City of Boise.

In 2018, the United States Ninth Circuit Court of Appeals issued an opinion in *Martin v. City of Boise*, regarding a Boise, Idaho, ordinance banning people from sleeping outdoors on public property. In its decision, the court held that enforcement of ordinances that prohibit camping or sleeping outdoors on public property when no alternative shelter is available violates the Eighth Amendment of the United States Constitution's prohibition against cruel and unusual punishment. The ruling applies to nine Western states, including Washington and was denied review by the United States Supreme Court in December 2019.

Summary of Bill:

The Office of Intergovernmental Coordination on Public Right-of-Way Homeless Encampments (office) is created within the Department of Social and Health Services (DSHS). The office must lead efforts to coordinate funding, policy, and practice to reduce the number of people in unsanctioned encampments on public rights-of-way.

The office is tasked with:

- coordinating with state agencies, local governments, and persons in unsanctioned encampments on public rights-of-way with a goal of transitioning encamped persons to permanent housing and closing encampments;
- identifying and prioritizing resources across all levels of government and within the philanthropic community;
- recognizing and accommodating partners, families, and pets as a critical component of shelter and housing solutions; and
- completing shelter or housing plans before engaging with persons in unsanctioned encampments unless public health and safety, workers' access and safety, or public access requires a simultaneous approach.

The office must establish:

- regional coordination teams to coordinate and collaborate with DOT regional offices, other state agencies, tribal authorities, counties, cities, persons with lived experience of homelessness, nonprofit organizations, and other strategic partners to identify and prioritize resources to bring persons encamped on public rights-of-way into permanent housing;
- regional outreach teams to support and engage with persons encamped on public rights-of-

way to transition encamped persons to permanent housing and services, consistent with an intergovernmental plan and local homeless and plan efforts; and

- a data analysis team to create a performance monitoring infrastructure, establish a baseline, track outcomes for individuals, and estimate public program cost savings. The data analysis team must submit an annual report to the Governor and the Legislature beginning January 1, 2023.

The Department of Commerce (Commerce) must collaborate with the office on developing and implementing a statewide effort to reduce the number of persons encamped on the state public rights-of-way by transitioning encamped persons to permanent housing. Commerce must use any funds appropriated for this purpose to provide grants to local governments or nonprofit organizations to meet the individual needs of encamped persons and facilitate their transition to permanent housing.

The office is subject to review and termination under the Sunset Act, which includes performance measure requirements and a program and fiscal review by the Joint Legislative Audit and Review Committee, as of July 1, 2027.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.