
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5662

State of Washington

67th Legislature

2022 Regular Session

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

READ FIRST TIME 02/07/22.

1 AN ACT Relating to intergovernmental coordination to address
2 transitioning persons encamped on state public rights-of-way to
3 permanent housing solutions; adding a new section to chapter 43.20A
4 RCW; adding a new section to chapter 43.185C RCW; adding new sections
5 to chapter 43.131 RCW; and creating a new section.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that many
8 individuals experience homelessness as a result of a lack of
9 available and affordable housing, increasing rents, insufficient
10 income, complex and long-term behavioral health conditions, drug
11 addiction, or disabilities, or as a result of domestic violence.
12 Every night thousands of Washingtonians go to sleep in places not
13 meant for human habitation, such as cars, parks, sidewalks, abandoned
14 buildings, and spaces along the public rights-of-way. More than 1,750
15 unsanctioned encampments exist on public rights-of-way managed by
16 state agencies. Being homeless in any public right-of-way presents
17 health and safety risks. Public right-of-way encampments present
18 increasing concerns for the health and safety of those encamped in
19 this space, the public, and those workers who are responsible to
20 maintain and improve public lands.

1 (2) (a) The legislature intends that persons experiencing
2 homelessness be treated with dignity, care, and compassion. The
3 legislature recognizes that the primary drivers of homelessness stem
4 from a lack of investment in affordable housing, behavioral health,
5 and other supports that provide economic stability. The legislature
6 recognizes the need to ensure taxpayer dollars are used for maximum
7 effect and, therefore, intends to closely monitor actions taken to
8 engage with persons experiencing homelessness to remediate primary
9 drivers of homelessness.

10 (b) Furthermore, the legislature intends that local jurisdictions
11 and providers engage persons experiencing homelessness with teams of
12 multidisciplinary experts focused on trauma-informed care and
13 provision of services with the goal of transitioning persons
14 experiencing homelessness into permanent housing solutions. The
15 legislature recognizes the ninth circuit court of appeals has
16 determined in *Martin v. City of Boise*, 902 F.3d 1031 (2018), that the
17 eighth amendment of the United States Constitution prohibits the
18 imposition of criminal penalties for sitting, sleeping, or lying
19 outside on public property for homeless individuals who are unable to
20 obtain shelter. Consistent with the decision in *Martin v. City of*
21 *Boise* and with the values of all Washingtonians, the legislature
22 further intends that every effort must be made to avoid furthering
23 existing trauma to persons experiencing homelessness by causing
24 displacement that does not result in a transition to permanent
25 housing. To that end, the legislature intends that a
26 multidisciplinary team within state government be established to
27 coordinate across state agencies, and collaborate with local
28 governments, nonprofit organizations, and persons encamped on public
29 rights-of-way to find housing solutions. The legislature also intends
30 with this effort to support and enhance existing memoranda of
31 agreement where they exist between state agencies and local
32 government.

33 (c) The legislature recognizes the lack of shelter capacity and
34 affordable housing throughout the state and has invested operating
35 and capital funds to increase stock and provide supportive services.
36 To this end, the legislature intends that a portion of newly acquired
37 or built shelter and housing capacity be prioritized toward reducing
38 the number of persons encamped in the public rights-of-way by
39 transitioning them into these units.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.20A

2 RCW to read as follows:

3 (1) The office of intergovernmental coordination on public right-
4 of-way homeless encampments is created within the department. For
5 purposes of this section, "public rights-of-way" means any right-of-
6 way under the authority and control of the state department of
7 transportation.

8 (2) Activities of the office must be carried out by a director
9 and supervised by the secretary of the department or his or her
10 designee.

11 (3) The office must lead efforts under this section to coordinate
12 the spectrum of ongoing and future funding, policy, and practice
13 efforts related to reducing the number of persons in unsanctioned
14 encampments on public rights-of-way. This includes coordination
15 across state agencies, through local governments, and with persons in
16 unsanctioned encampments on public rights-of-way with the goal of
17 reducing the number of encamped persons through transition to a
18 permanent housing solution so that the encampment is closed with the
19 site either restored to original conditions or preserved for future
20 use. Efforts in reducing the number of persons encamped on public
21 rights-of-way must begin with identifying and prioritizing resources
22 across all levels of government and within the philanthropic
23 community. Recognizing and accommodating partners, families, and pets
24 is a critical component of shelter and housing solutions. Shelter or
25 housing plans should be complete before engaging persons encamped on
26 the public rights-of-way. However, incidents arising from concerns
27 over public health and safety, workers' access and safety, or public
28 access may require a simultaneous approach.

29 (4) The office shall establish:

30 (a) Regional coordination teams that, while coordinating with and
31 working through state department of transportation regional offices
32 and staff, must collaborate with strategic partners to identify and
33 prioritize resources to bring persons encamped on public rights-of-
34 way into permanent housing, including traditional and nontraditional
35 housing options, and to determine when shelter or housing resources
36 will become available and suitable to transition persons encamped on
37 public rights-of-way. Prioritization for engaging encampments should
38 be based on those that present the greatest health and safety risk to
39 the encamped population, the public, or workers on the rights-of-way.
40 Collaboration partners will provide regional knowledge and support to

1 address specific and unique regional needs, and may include the
2 health care authority, the health benefit exchange, the department of
3 health, the department of transportation, the department of ecology,
4 the department of commerce, the department of veterans affairs,
5 tribal authorities, counties and cities, persons with lived
6 experience of homelessness, and private not-for-profit agencies;

7 (b) Through engagement and collaboration with state department of
8 transportation regional offices and staff, regional outreach teams
9 that must support and engage with persons encamped on public rights-
10 of-way. Such engagement must be consistent with and support local
11 homeless and housing plan efforts that result in transitioning
12 persons encamped on public rights-of-way to permanent housing
13 solutions. Except for emergencies concerning public health and
14 safety, worker safety and access, and public access, outreach team
15 engagement with persons encamped on public rights-of-way must be
16 predicated on the development of an intergovernmental plan for
17 providing shelter or housing with wraparound services as available to
18 provide the best opportunity for transition to permanent housing
19 solutions. These plans should maintain cohesion among partners,
20 families, and pets. Each regional outreach team must make every
21 effort to connect persons encamped on public rights-of-way with
22 health and social services through existing local or regional
23 integrated client systems if available; and

24 (c) A data analysis team that must create a performance
25 monitoring infrastructure, establish a baseline, and then track
26 outcomes for individuals experiencing homelessness in locales around
27 encampments on public rights-of-way, in coordination with homeless
28 data systems, such as the homeless client management information
29 system. The team must create and maintain a report for each
30 encampment engaged. The report must include, at a minimum, the date
31 and time of the engagement, the location of the encampment, and a
32 summary of the engagement, including the number of encamped persons
33 at that location, the number of encamped persons contacted, any
34 services offered to such encamped persons, and any other data deemed
35 relevant by the office. The report must not reveal the personally
36 identifiable information of encamped persons. The team must also
37 estimate the impact on client outcomes and services as well as
38 estimate public program cost savings, where applicable. The data
39 analysis team must provide a report to the governor and appropriate
40 legislative committees by December 1, 2023, and annually thereafter.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.185C
2 RCW to read as follows:

3 The department shall collaborate with the office of
4 intergovernmental coordination on public right-of-way homeless
5 encampments created in section 2 of this act on developing and
6 implementing a statewide effort to reduce the number of persons
7 encamped on the state public rights-of-way by transitioning to
8 permanent housing solutions. The department shall use any funds
9 appropriated by the legislature for this purpose to provide grants to
10 local governments or nonprofit organizations to meet the individual
11 needs of persons encamped on state public rights-of-way and
12 facilitate their transition to permanent housing.

13 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.131
14 RCW to read as follows:

15 The office of intergovernmental coordination on public right-of-
16 way homeless encampments is terminated July 1, 2027, as provided in
17 section 5 of this act.

18 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.131
19 RCW to read as follows:

20 The following acts or parts of acts, as now existing or hereafter
21 amended, are each repealed, effective July 1, 2028:

- 22 (1) Section 1 of this act;
- 23 (2) Section 2 of this act; and
- 24 (3) Section 3 of this act.

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