

**WSR 12-13-005**  
**EXPEDITED RULES**  
**DEPARTMENT OF COMMERCE**

[Filed June 6, 2012, 3:43 p.m.]

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tedd Kelleher, Department of Commerce, Olympia, (360) 725-2930.

June 6, 2012  
 Nick Demerice  
 Director of  
 Government Affairs

Title of Rule and Other Identifying Information: Chapter 365-120 WAC regarding emergency shelter, transitional housing, operating and rent programs.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Tedd Kelleher, Department of Commerce, 1011 Plum Street S.E., P.O. Box 42525, Olympia, WA 98504-2525, AND RECEIVED BY August 21, 2012.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Repeal of chapter 365-120 WAC regarding emergency shelter, transitional housing, operating and rent programs. The Homelessness Housing and Assistance Act (chapter 43.185C RCW) was enacted after the initial creation of these rules, making the rules redundant. Significant changes resulting from the rule repeal include:

Allowing for more flexible definitions of emergency shelter and transitional housing, which are now strictly split at ninety days of service. Total assistance will continue to be limited to two years under existing program guidelines.

Eliminating the outdated definition of the words "rent assistance" as only allowing ninety-one days to twenty-four months of assistance. "Rent assistance" without the rules could be from one day to twenty-four months.

Eliminating the WAC definition of "homeless" that does not match and is not as comprehensive as the definition in chapter 43.185C RCW.

Reasons Supporting Proposal: The Homelessness Housing and Assistance Act (chapter 43.185C RCW) was enacted after the initial creation of these rules. The act governs the activities covered by the rules, making the rules duplicative and in some cases inconsistent with the RCW. Commerce will operate the programs under the authority and guidance provided by the RCW, supplemented by the existing grant contract general terms, specific terms, and guidelines. Keeping the rules would continue unnecessary local and state administrative burdens, that do not currently have a practical impact on how funds are allocated between activity types.

Statutory Authority for Adoption: RCW 43.185C.120.

Statute Being Implemented: RCW 43.185C.120.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of commerce, governmental.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

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| WAC 365-120-010 | Authority.   |
| WAC 365-120-020 | Purpose.   |
| WAC 365-120-030 | Definitions.   |
| WAC 365-120-040 | Contractor funding allocation and distribution.                |
| WAC 365-120-050 | Funding application process.                                   |
| WAC 365-120-060 | Eligibility for all applicants.                                |
| WAC 365-120-070 | Eligibility for emergency shelter assistance.                  |
| WAC 365-120-080 | Eligibility for operating assistance for transitional housing. |
| WAC 365-120-090 | Eligibility for rental assistance.                             |