

SHB 2048 - H AMD 804

By Representative Kenney

ADOPTED AS AMENDED 05/25/2011

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 36.22.179 and 2011 c 110 s 2 are each amended to read
4 as follows:

5 (1) In addition to the surcharge authorized in RCW 36.22.178, and
6 except as provided in subsection (2) of this section, an additional
7 surcharge of ten dollars shall be charged by the county auditor for
8 each document recorded, which will be in addition to any other charge
9 allowed by law. (~~During the 2009-11 and 2011-13 biennia~~) From July
10 1, 2009, through August 31, 2011, and from July 1, 2015, through June
11 30, 2017, the surcharge shall be thirty dollars. From September 1,
12 2011, through June 30, 2015, the surcharge shall be forty dollars. The
13 funds collected pursuant to this section are to be distributed and used
14 as follows:

15 (a) The auditor shall retain two percent for collection of the fee,
16 and of the remainder shall remit sixty percent to the county to be
17 deposited into a fund that must be used by the county and its cities
18 and towns to accomplish the purposes of chapter 484, Laws of 2005, six
19 percent of which may be used by the county for administrative costs
20 related to its homeless housing plan, and the remainder for programs
21 which directly accomplish the goals of the county's local homeless
22 housing plan, except that for each city in the county which elects as
23 authorized in RCW 43.185C.080 to operate its own local homeless housing
24 program, a percentage of the surcharge assessed under this section
25 equal to the percentage of the city's local portion of the real estate
26 excise tax collected by the county shall be transmitted at least
27 quarterly to the city treasurer, without any deduction for county
28 administrative costs, for use by the city for program costs which
29 directly contribute to the goals of the city's local homeless housing

1 plan; of the funds received by the city, it may use six percent for
2 administrative costs for its homeless housing program.

3 (b) The auditor shall remit the remaining funds to the state
4 treasurer for deposit in the home security fund account. The
5 department may use twelve and one-half percent of this amount for
6 administration of the program established in RCW 43.185C.020, including
7 the costs of creating the statewide homeless housing strategic plan,
8 measuring performance, providing technical assistance to local
9 governments, and managing the homeless housing grant program. The
10 remaining eighty-seven and one-half percent is to be used by the
11 department to:

12 (i) Provide housing and shelter for homeless people including, but
13 not limited to: Grants to operate, repair, and staff shelters; grants
14 to operate transitional housing; partial payments for rental
15 assistance; consolidated emergency assistance; overnight youth
16 shelters; grants and vouchers designated for victims of human
17 trafficking and their families; and emergency shelter assistance; and

18 (ii) Fund the homeless housing grant program.

19 (2) The surcharge imposed in this section applies to documents
20 required to be recorded or filed under RCW 65.04.030(1) including, but
21 not limited to: Full reconveyance; deeds of trust; deeds; liens
22 related to real property; release of liens related to real property;
23 notice of trustee sales; judgments related to real property; and all
24 other documents pertaining to real property as determined by the county
25 auditor. However, the surcharge does not apply to (a) assignments or
26 substitutions of previously recorded deeds of trust, or (b) documents
27 recording a birth, marriage, divorce, or death or any documents
28 otherwise exempted from a recording fee under state law.

29 (3) By August 31, 2011, each county auditor shall produce and
30 submit to the department a list of documents that are subject to the
31 surcharge established in subsection (1) of this section.

32 (4) If section 2, chapter . . . , Laws of 2011 1st sp. sess.
33 (section 2 of this act) is not enacted into law by July 31, 2011,
34 section 1, chapter . . . , Laws of 2011 1st sp. sess. (section 1 of this
35 act) is null and void.

36 NEW SECTION. Sec. 2. A new section is added to chapter 43.185C
37 RCW to read as follows:

1 (1) As a means of efficiently and cost-effectively providing
2 housing assistance to very-low income and homeless households:

3 (a) Any local government that has the authority to issue housing
4 vouchers, directly or through a contractor, using document recording
5 surcharge funds collected pursuant to RCW 36.22.178, 36.22.179, or
6 36.22.1791 must:

7 (i)(A) Maintain an interested landlord list, which at a minimum,
8 includes information on rental properties in buildings with fewer than
9 fifty units;

10 (B) Update the list at least once per quarter;

11 (C) Distribute the list to agencies providing services to
12 individuals and households receiving housing vouchers;

13 (D) Ensure that a copy of the list or information for accessing the
14 list online is provided with voucher paperwork; and

15 (E) Use reasonable best efforts to communicate and interact with
16 landlord and tenant associations located within its jurisdiction to
17 facilitate development, maintenance, and distribution of the list;

18 (ii) Using cost-effective methods of communication, convene, on a
19 semiannual or more frequent basis, landlords represented on the
20 interested landlord list and agencies providing services to individuals
21 and households receiving housing vouchers to identify successes,
22 barriers, and process improvements. The local government is not
23 required to reimburse any participants for expenses related to
24 attendance;

25 (iii) Produce data, limited to document recording fee uses and
26 expenditures, on a calendar year basis in consultation with landlords
27 represented on the interested landlord list and agencies providing
28 services to individuals and households receiving housing vouchers, that
29 include the following: Total amount expended from document recording
30 fees; amount expended on, number of households that received, and
31 number of housing vouchers issued in each of the private, public, and
32 nonprofit markets; amount expended on, number of households that
33 received, and number of housing placement payments provided in each of
34 the private, public, and nonprofit markets; amount expended on and
35 number of eviction prevention services provided in the private market;
36 and amount expended on and number of other tenant-based rent assistance
37 services provided in the private market. If these data elements are

1 not readily available, the reporting government may request the
2 department to use the sampling methodology established pursuant to
3 (b)(iii) of this subsection to obtain the data; and

4 (iv) Annually submit the calendar year data to the department by
5 October 1st, with preliminary data submitted by October 1, 2012, and
6 full calendar year data submitted beginning October 1, 2013.

7 (b) The department must:

8 (i) Require contractors that provide housing vouchers to distribute
9 the interested landlord list created by the appropriate local
10 government to individuals and households receiving the housing
11 vouchers;

12 (ii) Using cost-effective methods of communication, annually
13 convene local governments issuing housing vouchers, landlord
14 association representatives, and agencies providing services to
15 individuals and households receiving housing vouchers to identify
16 successes, barriers, and process improvements. The department is not
17 required to reimburse any participants for expenses related to
18 attendance;

19 (iii) Develop a sampling methodology to obtain data required under
20 this section when a local government or contractor does not have such
21 information readily available. The process for developing the sampling
22 methodology must include providing notification to and the opportunity
23 for public comment by local governments issuing housing vouchers,
24 landlord association representatives, and agencies providing services
25 to individuals and households receiving housing vouchers;

26 (iv) Develop a report, limited to document recording fee uses and
27 expenditures, on a calendar year basis in consultation with local
28 governments, landlord association representatives, and agencies
29 providing services to individuals and households receiving housing
30 vouchers, that includes the following: Total amount expended from
31 document recording fees; amount expended on, number of households that
32 received, and number of housing vouchers issued in each of the private,
33 public, and nonprofit markets; amount expended on, number of households
34 that received, and number of housing placement payments provided in
35 each of the private, public, and nonprofit markets; amount expended on
36 and number of eviction prevention services provided in the private
37 market; and amount expended on and number of other tenant-based rent
38 assistance services provided in the private market. The information in

1 the report must include data submitted by local governments and data on
2 all additional document recording fee activities for which the
3 department contracted that were not otherwise reported; and

4 (v) Annually submit the calendar year report to the legislature by
5 December 15th, with a preliminary report submitted by December 15,
6 2012, and full calendar year reports submitted beginning December 15,
7 2013.

8 (2) For purposes of this section:

9 (a) "Housing placement payments" means one-time payments, such as
10 first and last month's rent and move-in costs, funded by document
11 recording surcharges collected pursuant to RCW 36.22.178, 36.22.179, or
12 36.22.1791 that are made to secure a unit on behalf of a tenant.

13 (b) "Housing vouchers" means payments funded by document recording
14 surcharges collected pursuant to RCW 36.22.178, 36.22.179, or
15 36.22.1791 that are made by a local government or contractor to secure:
16 (i) A rental unit on behalf of an individual tenant; or (ii) a block of
17 units on behalf of multiple tenants.

18 (c) "Interested landlord list" means a list of landlords who have
19 indicated to a local government or contractor interest in renting to
20 individuals or households receiving a housing voucher funded by
21 document recording surcharges.

22 (3) This section expires June 30, 2017.

23 (4) If section 1, chapter . . ., Laws of 2011 1st sp. sess.
24 (section 1 of this act) is not enacted into law by July 31, 2011, this
25 section is null and void."

26 Correct the title.

EFFECT: Updates the underlying statutory text for RCW 36.22.179
(section 1 of the bill) to reflect the changes made by Chapter 110,
Laws of 2011 (SB 5482, housing for victims of human trafficking). This
is a technical correction and does not alter the amendatory changes
made in section 1 of the bill. Additional technical corrections are
made to update session law references. Delays the date of the
surcharge increase by one month. Limits the surcharge to real
property-related documents that are required to be recorded or filed.
Requires county auditors to submit a list of documents subject to the
surcharge to the Department of Commerce.

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