

# HOUSE BILL REPORT

## ESB 5105

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### As Reported by House Committee On:

Public Safety

Appropriations Subcommittee on General Government

**Title:** An act relating to conditions under which the department of corrections provides rental vouchers to an offender.

**Brief Description:** Asserting conditions under which the department of corrections provides rental vouchers to an offender.

**Sponsors:** Senators Dammeier, Harper and Pearson.

### Brief History:

#### Committee Activity:

Public Safety: 3/20/13, 4/3/13 [DPA];

Appropriations Subcommittee on General Government: 4/4/13 [DPA(PS)].

#### Brief Summary of Engrossed Bill (As Amended by Committee)

- Requires the Department of Corrections (DOC) to create a list of approved housing providers.
- Limits payment of vouchers for offenders to the providers on the list, if more than two voucher recipients will be residing per dwelling unit.
- Requires that the DOC limit the concentration of approved housing providers in a single neighborhood and consider a locally created community impact statement before approving a provider.
- Creates a process for local governments to request removal of a housing provider from the list.
- Requires the DOC to provide transition support to verify that offenders who are using the vouchers in a home with four or more individuals are participating in programs or services.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Majority Report:** Do pass as amended. Signed by 11 members: Representatives Goodman, Chair; Roberts, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Holy, Hope, Moscoso, Pettigrew, Ross and Takko.

**Staff:** Sarah Koster (786-7303).

**Background:**

Offenders committed to a correctional facility operated by the Department of Corrections (DOC) earn early release time for good behavior and good performance. The percentage of the sentence which can be earned varies depending on the circumstances of the offender's underlying offense and date of conviction. Offenders subject to community custody are under the supervision of the DOC upon release.

Before an offender may be released early from confinement to community custody, the DOC must approve the offender's release plan. The release plan includes the specific residence and living arrangements of the offender. The DOC can deny the offender's release plan if it determines that the plan places the community or specific victims at risk, if it violates the terms of supervision, or if it places the offender at risk to reoffend or violate the conditions of supervision.

The DOC can provide rental vouchers to the offender for a period of up to three months if the rental voucher will result in an approved release plan. The voucher must be provided in conjunction with additional transition support programming or services including, but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, education programming, or employment programming.

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**Summary of Amended Bill:**

The DOC must maintain a list of approved housing providers. A rental voucher may only be paid to a housing provider on the list if more than two voucher recipients will be residing per dwelling unit.

For providers with between four to eight beds, or a greater number if permitted by local code, the DOC must provide transition support that verifies an offender is participating in programming or services. The DOC must consider the compatibility of the housing with the surrounding neighborhood and underlying zoning and must limit the concentration of housing providers who provide housing to offenders in a single neighborhood or area.

Any time a new housing provider requests to be added to the list of housing providers, the DOC must give notice to the city and county where the housing would be located. If the county or city local government has created a community impact statement and provided it to the DOC within 10 business days of the notice, the DOC must consider the statement in determining whether to add the provider to the list. If the provider does not have a certificate of inspection as required by law and local regulation, the local government has 10 business days to inspect the housing.

If, within 10 days of receipt of notice that a new location or housing provider is added to the list, the local government determines that the housing is in a neighborhood with an existing concentration of special-needs housing, the local government may request that the housing provider be removed from the list. Alternately, the local government may, at any time, request that a housing provider be removed from the list if it finds the housing does not comply with state and local codes or zoning regulations or the provider is not complying with requirements. After receiving a request for removal, the DOC must immediately notify the housing provider. If the provider cannot demonstrate compliance with the reasons for the request for removal, the DOC must remove the provider from the list.

**Amended Bill Compared to Engrossed Bill:**

The amended bill: (1) limits the bill's provisions to those housing situations in which more than two voucher recipients reside within a dwelling unit; (2) moves the responsibility of creating a community impact statement from the DOC to the county or city local government and makes the statement discretionary, rather than mandatory; (3) removes an obsolete liability waiver section; (4) removes language requiring the DOC to give preference to housing providers that provide a small, family-oriented living environment; and (5) inserts clarifying language.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) This bill is a way to strengthen the voucher program to get better outcomes for offenders and for communities. The bill has gone through a great deal of work and further refinements are being developed to make it perfect. This is about engaging the communities constructively and earlier so offender housing can be sited well, where there is access to services, jobs, and transportation, and bringing the community on board early. If, in the hopefully infrequent event that a housing provider is not living up to the agreement, there is an out. There was a 49 to zero vote in the Senate. This bill is broader than the House of Representatives' companion, which was about sex offenders, because the principles being applied are successful for all offenders. One of the factors in the community impact statement is concentration. If the first provider in a community is doing a very good job of transitioning offenders, the community will be much more accepting of a second one. In Marysville, these places are popping up without proper supervision.

This issue has generated a lot of community concern. The current form of the bill is a good step towards dealing with these situations. In particular, good provisions are the limit of concentration of housing providers in a certain neighborhood and providing cities with an

avenue to request removal of a provider from the lists, although it is not a guarantee of removal. Also, the provision that requires services be provided to help successful re-entry is a good one. This bill is really borne from the grassroots to solve a community problem with businesses closing and property values dropping; it is not about keeping offenders out, just the conglomeration of offenders. State preemption prevents local zoning laws relating to sex offender housing. This is not an attempt to undo the preemption. This is a modest bill that only applies to offenders seeking state funds through the voucher program and provides conditions which will help offenders in the community in which they will be released. Measures are needed to prevent unintended harm to neighborhood livability and security. Communication and coordination between the DOC and local government is crucial and has a lot of benefits.

(With concerns) Our communities are more safe when there is safe housing for offenders coming out of custody. There is concern with the preference for family-based environments, which is not evidence-based. The key is connecting the housing with wraparound services, not the size of the provider. The primary reason is community concerns about bad actors and those providers were limited in size, so it is unclear why this section is included in the bill if the bad actors are in that environment. The housing voucher program is efficient, cost-saving, and reduces recidivism; the preference would limit the housing options available.

(Information only) The DOC has worked with stakeholders across the state on this issue. There is new work for the DOC in this bill. The voucher program was created to reduce prison beds, save capacity, and money and it has been effective. One thousand and one hundred vouchers are issued a year. The costs are one staff person and some average daily increases. The broadening of the bill to all offenders increases the DOC's workload. There is a question of the ability of a city to prohibit a certain type of offender from releasing to that location. This is a concern about the ability to house offenders.

(Opposed) This bill discriminates against poor people because it only affects one-eighth of the offenders released in one year: those who are not sufficiently well off to afford an apartment on their way out the prison door. This is a zoning problem; preemption does not preclude zoning for congregate facilities which would include adult family homes. The state needs to be careful not to reduce the number of providers able to provide housing to offenders eligible to get out; doing that will cost the taxpayers money. There is a risk of increased harm to public safety by increased recidivism through less stable housing. There are not very many services required in the bill. Vague and overbroad language in section 2 allows for possible zoning out of sex offenders, especially the language describing the compatibility of the housing with the underlying neighborhood. It does not refer to best practices or evidence-based practices. Given legislation that requires that an offender be released in his or her home county, this bill adds to the problem of finding eligible housing for an offender.

**Persons Testifying:** (In support) Senator Dammeier, prime sponsor; Jon Nehring and Gloria Hiroshima, City of Marysville; Steve Kirkelie, City of Puyallup; Candice Bock, Association of Washington Cities; Charles Spaeth and Bill Hinkle, Rental Housing Association of Washington; and Jim Thorpe, Unity House.

(With concerns) Alex Hur, Pioneer Human Services.

(Information only) Anna Aylward, Department of Corrections.

(Opposed) Bob Cooper, Washington Defender Association and Washington Association of Criminal Defense Lawyers; Greg Provenzano, Columbia Legal Services; and Shankar Narayan, American Civil Liberties Union of Washington.

**Persons Signed In To Testify But Not Testifying:** None.

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**HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT**

**Majority Report:** Do pass as amended by Committee on Public Safety. Signed by 9 members: Representatives Hudgins, Chair; Parker, Ranking Minority Member; Buys, Chandler, Dunshee, Hunt, Pedersen, Springer and Taylor.

**Staff:** Alex MacBain (786-7288).

**Summary of Recommendation of Committee On Appropriations Subcommittee on General Government Compared to Recommendation of Committee On Public Safety:**

No new changes were recommended.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) This bill makes small changes to the Department of Correction's (DOC) housing voucher program that started in 2009. The bill was introduced due to concerns that the housing voucher program was not being used correctly and was negatively impacting some communities. This provides a tool for the DOC and local communities to make sure the voucher program works as it was intended: to assist the transition of offenders back into the community. This bill allows local jurisdictions to develop community impact statements. There has been a lot of work with the DOC and stakeholders to try to limit any fiscal impacts of the bill. This bill is funded in the Senate's budget proposal. The bill provides a legal definition for what a re-entry housing provider does. The offenders using these vouchers are difficult to house, and there are not enough responsible housing providers. This bill will hopefully help increase the number of responsible housing providers. Currently there are no statistics being kept on the housing voucher program and its impacts on recidivism. This bill will provide such data and will provide housing providers with information on best practices.

(Opposed) None.

**Persons Testifying:** Jim Tharpe and Charles Spacett, Rental Housing Association; Doug Levy, City of Puyallup; Joanie Deutsch, City of Marysville; and Candice Bock, Association of Washington Cities.

**Persons Signed In To Testify But Not Testifying:** None.