

SENATE BILL REPORT

ESB 5105

As Amended by House, April 16, 2013

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: Human Services & Corrections: 1/31/13, 2/20/13 [DPS-WM].

Ways & Means: 2/28/13, 3/01/13 [DP2S, DNP].

Passed Senate: 3/07/13, 49-0.

Passed House: 4/16/13, 96-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5105 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove, Harper and Padden.

Staff: Shani Bauer (786-7468)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5105 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Honeyford, Capital Budget Chair; Hargrove, Ranking Member; Nelson, Assistant Ranking Member; Bailey, Becker, Braun, Conway, Dammeier, Hatfield, Hewitt, Keiser, Padden, Parlette, Ranker, Rivers, Schoesler and Tom.

Minority Report: Do not pass.

Signed by Senator Hasegawa.

Staff: Carma Matti-Jackson (786-7454)

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.

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 DOC upon release.

Before an offender may be released early from confinement to community custody, DOC must approve the offender's release plan. The release plan includes the specific residence and living arrangements of the offender. DOC can deny the offender's release plan and release 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.

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.

Summary of Engrossed Bill: DOC must maintain a list of housing providers that meets specifically outlined criteria. A rental voucher may only be paid to a housing provider on the list. DOC must give preference to small, family-oriented living environments. For providers with between four and eight beds, or a greater number if permitted by local code, DOC must provide transition support that verifies an offender is participating in programming or services. 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 sex offenders in a single neighborhood or area.

Anytime a new housing provider or location is added to the list of housing providers, DOC must give notice to local government where the housing is located. The notice must include a community impact statement that is developed in collaboration with the county and city local governments. The impact statement must include the number and location of other special-needs housing in the neighborhood and a review of services and supports in the area to assist offenders in their transition. If the provider does not have a certificate of inspection as required by law and local regulation, the local government has ten days to inspect the housing. If local government determines that the housing is in a neighborhood with an existing concentration of special-needs housing, local government may request that the housing provider be removed from the list within ten days of receiving notice of the new provider.

Local government may request that a housing provider be removed from the list at any time if it finds the housing does not comply with state and local codes or zoning regulations. After receiving a request for removal, DOC must immediately notify the housing provider. If the provider cannot demonstrate compliance with the reasons for the request for removal, DOC must remove the provider from the list.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Proposed Substitute as Heard in Committee (Human Services & Corrections): PRO: This bill is not about keeping level III sex offenders from coming back into society; it's about keeping the voucher system from being abused by landlords who want to make a profit off of offenders. When offenders are placed in facilities without the proper oversight, then it decreases the ability of the offender to be successful. The entire Puyallup city council is concerned about someone wanting to make money by locating a transition house in a residential neighborhood near daycares and schools. With no support and no supervision, this population will be very vulnerable - these places should not be located where women are home alone or where children will play. This issue matters to a lot of people in the state. Because the vouchers are only good for three months, many offenders will cycle through the house over time. This bill is not about moving sex offenders out of the community, but rather it is about dispersing them throughout the community. Neighborhoods are being destroyed because landlords are renting to multiple offenders in the same house. There is no regulation controlling where these houses can be located and how many offenders can be residing there at one time. When these are located in residential areas, it causes the property values in the neighborhood to drop. The eight bed limit is a good idea - it is cost effective. The bill is a good start but it still needs some work. There is concern about who can own these transitional living places - offenders should not be allowed to own them. The voucher program is working - DOC issues about 1500 vouchers per year. Currently there are 200 offenders being held past their release date. The program saves a lot of money. Research shows crime will rise in neighborhoods which house offenders. There is a need to understand the cultural competency of the offenders. Generally, the expansion to all offenders and not just sex offenders is liked.

CON: This bill would undermine the benefits of the current voucher system. Offenders need to be housed, waiving the Landlord Tenant Act will allow landlords to throw the offender out without due process and they will be without housing. This is not in the community's best interests. Community safety is assured through stable housing. This bill would impact stable housing - stable housing for offenders allows them a greater chance to fully reintegrate into society. Having sex offenders live together helps because they each keep an eye on the other. The original bill covered only sex offenders, this bill covers all offenders. The exception to the Landlord Tenant Act will leave the most vulnerable population without protection. There is no need to have this exemption because DOC has operated the program for several years and has not had issues in this regard. CCOs can also help in dealing with issues in a transition facility without having to remove an offender from stable housing.

Persons Testifying (Human Services & Corrections): PRO: Senator Dammeier, prime sponsor; Rick Hansen, Mayor of Puyallup; Julie Door, Bob Jimmerson, Steve Vermillion, City of Puyallup; Jon Nehring, Mayor of Marysville; Michelle Mork, City of Marysville; Candice Bock, Assn. of WA Cities; Simone Teal, Jim Tharpe, Unity House; Anmarie Aylward, DOC; Dan Liebman, David Stewart, Donovan Rivers, Earl Brock, citizens.

CON: Nick Federici, WA Low Income Housing Alliance; Greg Provenzano, Columbia Legal Services; Amy Muth, WA Assn. of Criminal Defense Lawyers, WA Defender's Assn.

Staff Summary of Public Testimony as Heard in Committee (Ways & Means): PRO: Some offender housing has caused issues in our neighborhoods to the extent of businesses leaving the area. Having more oversight on offender housing actually creates an overall savings by preventing issues. Coordination on offender housing between DOC, housing providers, and local government is important to the safety of the community and the success of the offender in transitioning back into society. This helps local police know what is going on with the offenders in their community. Using taxpayer dollars to help pay for offender housing is a sensitive topic so having it be a successful program is very important. As a housing provider, when I have a difficult person in my rental, this legislation will provide a clear pathway to remedy the situation.

CON: DOC has a cost-effective housing program that reduces recidivism. This will create additional barriers for sex offenders who have served their time and are being released. It is better to have a sex offender released to a known address than released into homelessness. Having appropriate housing available for offenders who have served their sentence and are transitioning into the community saves the taxpayers' money. When an offender has to be released into homelessness because no housing is available, it is a risk to public safety and it costs the state money. This is about zoning laws rather than housing vouchers. It guts landlord tenant protections. The dollar amount of a housing voucher should not be set in statute, but rather it should be at the discretion of DOC.

Persons Testifying (Ways & Means): PRO: Tom Swanson, Puyallup City Council Member; Jim Tharpe, Unity House; Mayor John Nehring, City of Marysville.

CON: Greg Provenzano, Columbia Legal Services; Bob Cooper, WA Assn. of Criminal Defense Lawyers, WA Defender Assn.; Nick Federici, WA Low Income Housing Alliance; Anna Aylward, DOC.

House Amendment(s):

- Limits the bill's provisions to those housing situations in which more than two voucher recipients reside within a dwelling unit.
- Moves the responsibility of creating a community impact statement from DOC to the county or city local government, and makes the statement discretionary rather than mandatory.
- Removes an obsolete liability waiver section.
- Removes language requiring DOC to give preference to housing providers that provide a small, family-oriented living environment.