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SENATE BILL 5952

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State of Washington                      62nd Legislature                      2011 Regular Session

By Senators Kohl-Welles, Hobbs, White, Nelson, Kline, and Harper

Read first time 04/20/11. Referred to Committee on Ways & Means.

1            AN ACT Relating to low-income and homeless housing assistance  
2 surcharges; amending RCW 36.22.179; adding a new section to chapter  
3 43.185C RCW; and providing an expiration date.

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

5            **Sec. 1.** RCW 36.22.179 and 2009 c 462 s 1 are each amended to read  
6 as follows:

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

17            (a) The auditor shall retain two percent for collection of the fee,  
18 and of the remainder shall remit sixty percent to the county to be  
19 deposited into a fund that must be used by the county and its cities

1 and towns to accomplish the purposes of chapter 484, Laws of 2005, six  
2 percent of which may be used by the county for administrative costs  
3 related to its homeless housing plan, and the remainder for programs  
4 which directly accomplish the goals of the county's local homeless  
5 housing plan, except that for each city in the county which elects as  
6 authorized in RCW 43.185C.080 to operate its own local homeless housing  
7 program, a percentage of the surcharge assessed under this section  
8 equal to the percentage of the city's local portion of the real estate  
9 excise tax collected by the county shall be transmitted at least  
10 quarterly to the city treasurer, without any deduction for county  
11 administrative costs, for use by the city for program costs which  
12 directly contribute to the goals of the city's local homeless housing  
13 plan; of the funds received by the city, it may use six percent for  
14 administrative costs for its homeless housing program.

15 (b) The auditor shall remit the remaining funds to the state  
16 treasurer for deposit in the home security fund account. The  
17 department may use twelve and one-half percent of this amount for  
18 administration of the program established in RCW 43.185C.020, including  
19 the costs of creating the statewide homeless housing strategic plan,  
20 measuring performance, providing technical assistance to local  
21 governments, and managing the homeless housing grant program. The  
22 remaining eighty-seven and one-half percent is to be used by the  
23 department to:

24 (i) Provide housing and shelter for homeless people including, but  
25 not limited to: Grants to operate, repair, and staff shelters; grants  
26 to operate transitional housing; partial payments for rental  
27 assistance; consolidated emergency assistance; overnight youth  
28 shelters; and emergency shelter assistance; and

29 (ii) Fund the homeless housing grant program.

30 (2) The surcharge imposed in this section does not apply to (a)  
31 assignments or substitutions of previously recorded deeds of trust, or  
32 (b) documents recording a birth, marriage, divorce, or death or any  
33 documents otherwise exempted from a recording fee under state law.

34 (3) If section 2, chapter . . ., Laws of 2011 (section 2 of this  
35 act) is not enacted into law by July 31, 2011, section 1, chapter . .  
36 . ., Laws of 2011 (section 1 of this act) is null and void.

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

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

5           (a) Any local government that has the authority to issue housing  
6 vouchers, directly or through a contractor, using document recording  
7 surcharge funds collected pursuant to RCW 36.22.178, 36.22.179, or  
8 36.22.1791 must:

9           (i) Establish and implement a process for promoting the  
10 availability of rental properties in buildings with fewer than fifty  
11 units. The process must include providing interested landlords with  
12 the opportunity to include relevant information on an interested  
13 landlord list and distributing the list to individuals and households  
14 receiving a housing voucher and agencies providing services to those  
15 individuals and households. The local government must use reasonable  
16 best efforts to communicate and interact with landlord and tenant  
17 associations located within its jurisdiction to facilitate  
18 implementation of this process;

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

26           (iii) Produce data, limited to document recording fee uses and  
27 expenditures, on a calendar year basis in consultation with landlords  
28 represented on the interested landlord list and agencies providing  
29 services to individuals and households receiving housing vouchers, that  
30 include the following: Total amount expended from document recording  
31 fees; amount expended on, number of households that received, and  
32 number of housing vouchers issued in each of the private, public, and  
33 nonprofit markets; amount expended on, number of households that  
34 received, and number of housing placement payments provided in each of  
35 the private, public, and nonprofit markets; amount expended on and  
36 number of eviction prevention services provided in the private market;  
37 and amount expended on and number of other tenant-based rent assistance  
38 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 (section 1 of this  
24 act) is not enacted into law by July 31, 2011, this section is null and  
25 void.

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