

---

**SENATE BILL 5722**

---

**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senator Fortunato

1 AN ACT Relating to the provision of homeless housing and  
2 assistance services to homeless persons; amending RCW 43.185C.010,  
3 43.185C.090, 43.185C.150, 43.185C.210, and 43.185C.220; and adding a  
4 new section to chapter 43.185C RCW.

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

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

8 Any county, city, town, or other municipal corporation that  
9 provides services to homeless persons pursuant to this chapter must  
10 give priority to those homeless persons who establish proof of  
11 residency in the county, city, town, or other municipal corporation  
12 in which they are seeking services. A city, county, town, or other  
13 municipal corporation may provide any homeless person who seeks  
14 services but does not receive services due to a lack of both proof of  
15 residency and available services with free transportation to the  
16 appropriate municipal corporation in which the homeless person is  
17 eligible for the receipt of services provided under this chapter.

18 **Sec. 2.** RCW 43.185C.010 and 2018 c 85 s 8 are each amended to  
19 read as follows:

1 The definitions in this section apply throughout this chapter  
2 unless the context clearly requires otherwise.

3 (1) "Administrator" means the individual who has the daily  
4 administrative responsibility of a crisis residential center.

5 (2) "Child in need of services petition" means a petition filed  
6 in juvenile court by a parent, child, or the department of social and  
7 health services seeking adjudication of placement of the child.

8 (3) "Community action agency" means a nonprofit private or public  
9 organization established under the economic opportunity act of 1964.

10 (4) "Crisis residential center" means a secure or semi-secure  
11 facility established pursuant to chapter 74.13 RCW.

12 (5) "Department" means the department of commerce.

13 (6) "Director" means the director of the department of commerce.

14 (7) "Home security fund account" means the state treasury account  
15 receiving the state's portion of income from revenue from the sources  
16 established by RCW 36.22.179 and 36.22.1791, and all other sources  
17 directed to the homeless housing and assistance program.

18 (8) "Homeless housing grant program" means the vehicle by which  
19 competitive grants are awarded by the department, utilizing moneys  
20 from the home security fund account, to local governments for  
21 programs directly related to housing homeless individuals and  
22 families, addressing the root causes of homelessness, preventing  
23 homelessness, collecting data on homeless individuals, and other  
24 efforts directly related to housing homeless persons.

25 (9) "Homeless housing plan" means the five-year plan developed by  
26 the county or other local government to address housing for homeless  
27 persons.

28 (10) "Homeless housing program" means the program authorized  
29 under this chapter as administered by the department at the state  
30 level and by the local government or its designated subcontractor at  
31 the local level.

32 (11) "Homeless housing strategic plan" means the five-year plan  
33 developed by the department, in consultation with the interagency  
34 council on homelessness, the affordable housing advisory board, and  
35 the state advisory council on homelessness.

36 (12) "Homeless person" means an individual living outside or in a  
37 building not meant for human habitation or which they have no legal  
38 right to occupy, in an emergency shelter, or in a temporary housing  
39 program which may include a transitional and supportive housing  
40 program if habitation time limits exist. This definition includes

1 substance abusers, people with mental illness, and sex offenders who  
2 are homeless.

3 (13) "HOPE center" means an agency licensed by the secretary of  
4 the department of social and health services to provide temporary  
5 residential placement and other services to street youth. A street  
6 youth may remain in a HOPE center for thirty days while services are  
7 arranged and permanent placement is coordinated. No street youth may  
8 stay longer than thirty days unless approved by the department and  
9 any additional days approved by the department must be based on the  
10 unavailability of a long-term placement option. A street youth whose  
11 parent wants him or her returned to home may remain in a HOPE center  
12 until his or her parent arranges return of the youth, not longer. All  
13 other street youth must have court approval under chapter 13.34 or  
14 13.32A RCW to remain in a HOPE center up to thirty days.

15 (14) "Housing authority" means any of the public corporations  
16 created by chapter 35.82 RCW.

17 (15) "Housing continuum" means the progression of individuals  
18 along a housing-focused continuum with homelessness at one end and  
19 homeownership at the other.

20 (16) "Interagency council on homelessness" means a committee  
21 appointed by the governor and consisting of, at least, policy level  
22 representatives of the following entities: (a) The department of  
23 commerce; (b) the department of corrections; (c) the department of  
24 social and health services; (d) the department of veterans affairs;  
25 and (e) the department of health.

26 (17) "Local government" means a county government in the state of  
27 Washington or a city government, if the legislative authority of the  
28 city affirmatively elects to accept the responsibility for housing  
29 homeless persons within its borders.

30 (18) "Local homeless housing task force" means a voluntary local  
31 committee created to advise a local government on the creation of a  
32 local homeless housing plan and participate in a local homeless  
33 housing program. It must include a representative of the county, a  
34 representative of the largest city located within the county, at  
35 least one homeless or formerly homeless person, such other members as  
36 may be required to maintain eligibility for federal funding related  
37 to housing programs and services and if feasible, a representative of  
38 a private nonprofit organization with experience in low-income  
39 housing.

1 (19) "Long-term private or public housing" means subsidized and  
2 unsubsidized rental or owner-occupied housing in which there is no  
3 established time limit for habitation of less than two years.

4 (20) "Performance measurement" means the process of comparing  
5 specific measures of success against ultimate and interim goals.

6 (21) "Proof of residency" means a homeless person who provides  
7 evidence that he or she is receiving locally administered public  
8 assistance only within the jurisdiction that he or she is seeking  
9 services or provides one of the following:

10 (a) Documents from the United States social security  
11 administration addressed to the person at a residential address in  
12 the jurisdiction;

13 (b) Evidence that the person is attending school in the  
14 jurisdiction;

15 (c) A valid, unexpired driver's instruction permit, driver's  
16 license, or identicard in the name of the person with a listed  
17 residential address within the jurisdiction;

18 (d) A utility bill for water, gas, electric, oil, cable, or a  
19 landline telephone issued within the sixty days before the date of  
20 application for the receipt of services that contains the name and a  
21 residential address of the person in the jurisdiction;

22 (e) A personal income tax document issued within the last year  
23 that contains the name of the person and indicates a residential  
24 address in the jurisdiction;

25 (f) A pay stub issued within sixty days before the date of  
26 application for the receipt of services to the person and indicates a  
27 residential address in the jurisdiction;

28 (g) A valid voter registration card, military identification, or  
29 other identification issued by the federal government that contains  
30 the name of the person and indicates a residential address in the  
31 jurisdiction;

32 (h) An unemployment document or stub issued to the person that  
33 indicates a residential address in the jurisdiction;

34 (i) A current motor vehicle registration in the name of the  
35 person that indicates a residential address in the jurisdiction;

36 (j) An eviction notice from a residential property in the  
37 jurisdiction issued to the person within sixty days before the date  
38 of application for the receipt of services; or

39 (k) Any other document the department identifies as acceptable  
40 proof of residency.

1        (22) "Secure facility" means a crisis residential center, or  
2 portion thereof, that has locking doors, locking windows, or a  
3 secured perimeter, designed and operated to prevent a child from  
4 leaving without permission of the facility staff.

5        ~~((22))~~ (23) "Semi-secure facility" means any facility  
6 including, but not limited to, crisis residential centers or  
7 specialized foster family homes, operated in a manner to reasonably  
8 assure that youth placed there will not run away. Pursuant to rules  
9 established by the facility administrator, the facility administrator  
10 shall establish reasonable hours for residents to come and go from  
11 the facility such that no residents are free to come and go at all  
12 hours of the day and night. To prevent residents from taking  
13 unreasonable actions, the facility administrator, where appropriate,  
14 may condition a resident's leaving the facility upon the resident  
15 being accompanied by the administrator or the administrator's  
16 designee and the resident may be required to notify the administrator  
17 or the administrator's designee of any intent to leave, his or her  
18 intended destination, and the probable time of his or her return to  
19 the center.

20        ~~((23))~~ (24) "Staff secure facility" means a structured group  
21 care facility licensed under rules adopted by the department of  
22 social and health services with a ratio of at least one adult staff  
23 member to every two children.

24        ~~((24))~~ (25) "Washington homeless census" means an annual  
25 statewide census conducted as a collaborative effort by towns,  
26 cities, counties, community-based organizations, and state agencies,  
27 with the technical support and coordination of the department, to  
28 count and collect data on all homeless individuals in Washington.

29        ~~((25))~~ (26) "Washington homeless client management information  
30 system" means a database of information about homeless individuals in  
31 the state used to coordinate resources to assist homeless clients to  
32 obtain and retain housing and reach greater levels of self-  
33 sufficiency or economic independence when appropriate, depending upon  
34 their individual situations.

35        **Sec. 3.** RCW 43.185C.090 and 2005 c 484 s 13 are each amended to  
36 read as follows:

37        (1) The department shall allocate grant moneys from the  
38 ~~((homeless housing))~~ home security fund account to finance in whole  
39 or in part programs and projects in approved local homeless housing

1 plans to assist homeless individuals and families gain access to  
2 adequate housing, prevent at-risk individuals from becoming homeless,  
3 address the root causes of homelessness, track and report on  
4 homeless-related data, and facilitate the movement of homeless or  
5 formerly homeless individuals along the housing continuum toward more  
6 stable and independent housing.

7 (2) Any county, city, town, or other municipal corporation that  
8 provides services to homeless persons using grant moneys under this  
9 section must give priority to those homeless persons who establish  
10 proof of residency in the county, city, town, or other municipal  
11 corporation in which they are seeking services.

12 (3) The department may issue criteria or guidelines to guide  
13 local governments in the application process.

14 **Sec. 4.** RCW 43.185C.150 and 2005 c 484 s 21 are each amended to  
15 read as follows:

16 This chapter does not require either the department or any local  
17 government to expend any funds to accomplish the goals of this  
18 chapter other than the revenues authorized in chapter 484, Laws of  
19 2005. However, neither the department nor any local government may  
20 use any funds authorized in chapter 484, Laws of 2005 to supplant or  
21 reduce any existing expenditures of public money for the reduction or  
22 prevention of homelessness or services for homeless persons. Any  
23 local government that provides services to homeless persons using  
24 funds authorized under this chapter must give priority to those  
25 homeless persons who establish proof of residency in the jurisdiction  
26 of that local government.

27 **Sec. 5.** RCW 43.185C.210 and 2011 c 353 s 6 are each amended to  
28 read as follows:

29 (1) The transitional housing operating and rent program is  
30 created in the department to assist individuals and families who are  
31 homeless or who are at risk of becoming homeless to secure and retain  
32 safe, decent, and affordable housing. The department shall provide  
33 grants to eligible organizations, as described in RCW 43.185.060, to  
34 provide assistance to program participants with priority given to  
35 those participants who establish proof of residency in the county in  
36 which the eligible organization provides assistance under the  
37 program. The eligible organizations must use grant moneys for:

1 (a) Rental assistance, which includes security or utility  
2 deposits, first and last month's rent assistance, and eligible moving  
3 expenses to be determined by the department;

4 (b) Case management services designed to assist program  
5 participants to secure and retain immediate housing and to transition  
6 into permanent housing and greater levels of self-sufficiency;

7 (c) Operating expenses of transitional housing facilities that  
8 serve homeless families with children; and

9 (d) Administrative costs of the eligible organization, which must  
10 not exceed limits prescribed by the department.

11 (2) Eligible to receive assistance through the transitional  
12 housing operating and rent program are:

13 (a) Families with children who are homeless or who are at risk of  
14 becoming homeless and who have household incomes at or below fifty  
15 percent of the median household income for their county;

16 (b) Families with children who are homeless or who are at risk of  
17 becoming homeless and who are receiving services under chapter 13.34  
18 RCW;

19 (c) Individuals or families without children who are homeless or  
20 at risk of becoming homeless and who have household incomes at or  
21 below thirty percent of the median household income for their county;

22 (d) Individuals or families who are homeless or who are at risk  
23 of becoming homeless and who have a household with an adult member  
24 who has a mental health or chemical dependency disorder; and

25 (e) Individuals or families who are homeless or who are at risk  
26 of becoming homeless and who have a household with an adult member  
27 who is an offender released from confinement within the past eighteen  
28 months.

29 (3) All program participants must be willing to create and  
30 actively participate in a housing stability plan for achieving  
31 permanent housing and greater levels of self-sufficiency.

32 (4) Data on all program participants must be entered into and  
33 tracked through the Washington homeless client management information  
34 system as described in RCW 43.185C.180. For eligible organizations  
35 serving victims of domestic violence or sexual assault, compliance  
36 with this subsection must be accomplished in accordance with 42  
37 U.S.C. Sec. 11383(a) (8).

38 (5) (a) Except as provided in (b) of this subsection, beginning in  
39 2011, each eligible organization receiving over five hundred thousand  
40 dollars during the previous calendar year from the transitional

1 housing operating and rent program and from sources including: (i)  
2 State housing-related funding sources; (ii) the affordable housing  
3 for all surcharge in RCW 36.22.178; (iii) the home security fund  
4 surcharges in RCW 36.22.179 and 36.22.1791; and (iv) any other  
5 surcharge imposed under chapter 36.22 RCW or (~~43.185C-RCW~~) this  
6 chapter to fund homelessness programs or other housing programs,  
7 shall apply to the Washington state quality award program for an  
8 independent assessment of its quality management, accountability, and  
9 performance system, once every three years.

10 (b) Cities and counties are exempt from the provisions of (a) of  
11 this subsection until 2018.

12 (6) The department may develop rules, requirements, procedures,  
13 and guidelines as necessary to implement and operate the transitional  
14 housing operating and rent program.

15 (7) The department shall produce an annual transitional housing  
16 operating and rent program report that must be included in the  
17 department's homeless housing strategic plan as described in RCW  
18 43.185C.040. The report must include performance measures to be  
19 determined by the department that address, at a minimum, the  
20 following issue areas:

21 (a) The success of the program in helping program participants  
22 transition into permanent affordable housing and achieve self-  
23 sufficiency or increase their levels of self-sufficiency, which shall  
24 be defined by the department based upon the costs of living,  
25 including housing costs, needed to support: (i) One adult individual;  
26 and (ii) two adult individuals and one preschool-aged child and one  
27 school-aged child;

28 (b) The financial performance of the program related to efficient  
29 program administration by the department and program operation by  
30 selected eligible organizations, including an analysis of the costs  
31 per program participant served;

32 (c) The quality, completeness, and timeliness of the information  
33 on program participants provided to the Washington homeless client  
34 management information system database; and

35 (d) The satisfaction of program participants in the assistance  
36 provided through the program.

37 **Sec. 6.** RCW 43.185C.220 and 2015 c 128 s 5 are each amended to  
38 read as follows:



1 (1) The department shall distribute funds for the essential needs  
2 and housing support program established under this section in a  
3 manner consistent with the requirements of this section and the  
4 biennial operating budget. The first distribution of funds must be  
5 completed by September 1, 2011. Essential needs or housing support is  
6 only for persons found eligible for such services under RCW 74.04.805  
7 and is not considered an entitlement.

8 (2) The department shall distribute funds appropriated for the  
9 essential needs and housing support program in the form of grants to  
10 designated essential needs support and housing support entities  
11 within each county. The department shall not distribute any funds  
12 until it approves the expenditure plan submitted by the designated  
13 essential needs support and housing support entities. The amount of  
14 funds to be distributed pursuant to this section shall be designated  
15 in the biennial operating budget. For the sole purpose of meeting the  
16 initial distribution of funds date, the department may distribute  
17 partial funds upon the department's approval of a preliminary  
18 expenditure plan. The department shall not distribute the remaining  
19 funds until it has approved a final expenditure plan.

20 (3) (a) During the 2011-2013 biennium, in awarding housing support  
21 that is not funded through the contingency fund in this subsection,  
22 the designated housing support entity shall provide housing support  
23 to clients who are homeless persons as defined in RCW 43.185C.010. As  
24 provided in the biennial operating budget for the 2011-2013 biennium,  
25 a contingency fund shall be used solely for those clients who are at  
26 substantial risk of losing stable housing or at substantial risk of  
27 losing one of the other services defined in RCW 74.62.010(6). For  
28 purposes of this chapter, "substantial risk" means the client has  
29 provided documentation that he or she will lose his or her housing  
30 within the next thirty days or that the services will be discontinued  
31 within the next thirty days.

32 (b) After July 1, 2013, the designated housing support entity  
33 shall give first priority to clients who are homeless persons as  
34 defined in RCW 43.185C.010 and second priority to clients who would  
35 be at substantial risk of losing stable housing without housing  
36 support. Designated essential needs and housing support entities must  
37 also give priority to those homeless persons who establish proof of  
38 residency within the county in which the entity operates and provides  
39 services.

1 (4) For each county, the department shall designate an essential  
2 needs support entity and a housing support entity that will begin  
3 providing these supports to medical care services program recipients  
4 on November 1, 2011. Essential needs and housing support entities are  
5 not required to provide assistance to every person referred to the  
6 local entity or who meets the priority standards in subsection (3) of  
7 this section.

8 (a) Each designated entity must be a local government or  
9 community-based organization, and may administer the funding for  
10 essential needs support, housing support, or both. Designated  
11 entities have the authority to subcontract with qualified entities.  
12 Upon request, and the approval of the department, two or more  
13 counties may combine resources to more effectively deliver services.

14 (b) The department's designation process must include a review of  
15 proficiency in managing housing or human services programs when  
16 designating housing support entities.

17 (c) Within a county, if the department directly awards separate  
18 grants to the designated housing support entity and the designated  
19 essential needs support entity, the department shall determine the  
20 amount allocated for essential needs support as directed in the  
21 biennial operating budget.

22 (5)(a) Essential needs and housing support entities must use  
23 funds distributed under this section as flexibly as is practicable to  
24 provide essential needs items and housing support to recipients of  
25 the essential needs and housing support program, subject to the  
26 requirements of this section.

27 (b) Benefits provided under the essential needs and housing  
28 support program shall not be provided to recipients in the form of  
29 cash assistance.

30 (c) The department may move funds between entities or between  
31 counties to reflect actual caseload changes. In doing so, the  
32 department must: (i) Develop a process for reviewing the caseload of  
33 designated essential needs and housing support entities, and for  
34 redistributing grant funds from those entities experiencing reduced  
35 actual caseloads to those with increased actual caseloads; and (ii)  
36 inform all designated entities of the redistribution process. Savings  
37 resulting from program caseload attrition from the essential needs  
38 and housing support program shall not result in increased per-client  
39 expenditures.

1 (d) Essential needs and housing support entities must partner  
2 with other public and private organizations to maximize the  
3 beneficial impact of funds distributed under this section, and should  
4 attempt to leverage other sources of public and private funds to  
5 serve essential needs and housing support recipients. Funds  
6 appropriated in the operating budget for essential needs and housing  
7 support must be used only to serve persons eligible to receive  
8 services under that program.

9 (6) The department shall use no more than five percent of the  
10 funds for administration of the essential needs and housing support  
11 program. Each essential needs and housing support entity shall use no  
12 more than seven percent of the funds for administrative expenses.

13 (7) The department shall:

14 (a) Require housing support entities to enter data into the  
15 homeless client management information system;

16 (b) Require essential needs support entities to report on  
17 services provided under this section;

18 (c) In collaboration with the department of social and health  
19 services, submit a report annually to the relevant policy and fiscal  
20 committees of the legislature. A preliminary report shall be  
21 submitted by December 31, 2011, and must include (c)(i), (iii), and  
22 (v) of this subsection. Annual reports must be submitted beginning  
23 December 1, 2012, and must include:

24 (i) A description of the actions the department has taken to  
25 achieve the objectives of chapter 36, Laws of 2011 1st sp. sess.;

26 (ii) The amount of funds used by the department to administer the  
27 program;

28 (iii) Information on the housing status of essential needs and  
29 housing support recipients served by housing support entities, and  
30 individuals who have requested housing support but did not receive  
31 housing support;

32 (iv) Grantee expenditure data related to administration and  
33 services provided under this section; and

34 (v) Efforts made to partner with other entities and leverage  
35 sources of public and private funds;

36 (d) Review the data submitted by the designated entities, and  
37 make recommendations for program improvements and administrative  
38 efficiencies. The department has the authority to designate  
39 alternative entities as necessary due to performance or other  
40 significant issues. Such change must only be made after consultation

1 with the department of social and health services and the impacted  
2 entity.

3 (8) The department, counties, and essential needs and housing  
4 support entities are not civilly or criminally liable and may not  
5 have any penalty or cause of action of any nature arise against them  
6 related to decisions regarding: (a) The provision or lack of  
7 provision of housing or essential needs support; or (b) the type of  
8 housing arrangement supported with funds allocated under this  
9 section, when the decision was made in good faith and in the  
10 performance of the powers and duties under this section. However,  
11 this section does not prohibit legal actions against the department,  
12 county, or essential needs or housing support entity to enforce  
13 contractual duties or obligations.

--- END ---