

2SHB 2163 - H AMD 362

By Representative Miloscia

WITHDRAWN 03/15/2005

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

3 "NEW SECTION. **Sec. 1.** Despite laudable efforts by all levels of  
4 government, private individuals, nonprofit organizations, and  
5 charitable foundations to end homelessness, the number of homeless  
6 persons in Washington is unacceptably high. The state's homeless  
7 population, furthermore, includes a large number of families with  
8 children, youth, and employed persons. The legislature finds that the  
9 fiscal and societal costs of homelessness are high for both the public  
10 and private sectors, and that ending homelessness is both morally and  
11 economically imperative.

12 The legislature finds that there are many causes of homelessness,  
13 including a shortage of affordable housing; a shortage of family-wage  
14 jobs which undermines housing affordability; a lack of an accessible  
15 and affordable health care system available to all who suffer from  
16 physical and mental illnesses and chemical and alcohol dependency;  
17 domestic violence; and a lack of education and job skills necessary to  
18 acquire adequate wage jobs in the economy of the twenty-first century.

19 The support and commitment of all sectors of the statewide  
20 community in addressing the root causes of homelessness is critical to  
21 the chances of success in ending homelessness in Washington. While the  
22 provision of housing and housing-related services to the homeless  
23 should be administered at the local level to best address specific  
24 community needs, the legislature also recognizes the need for the state  
25 to play a primary coordinating, supporting, and monitoring role. In  
26 order to truly end homelessness, there must be a clear assignment of  
27 responsibilities and a clear statement of achievable, mandatory, and  
28 quantifiable goals. Systematic statewide data collection on  
29 homelessness in Washington must be a critical component of such a

1 program enabling the state to work with local governments to count,  
2 track, and report upon the number and geographic location of all  
3 homeless persons.

4 The systematic collection and rigorous evaluation of homeless data,  
5 a search for and implementation through adequate resource allocation of  
6 best practices, and the systematic measurement of progress toward  
7 interim goals and the ultimate goal of ending homelessness are all  
8 necessary components of a statewide effort to end homelessness in  
9 Washington by July 1, 2015.

10 NEW SECTION. **Sec. 2.** This chapter may be known and cited as the  
11 ending homelessness act.

12 NEW SECTION. **Sec. 3.** The definitions in this section apply  
13 throughout this chapter unless the context clearly requires otherwise.

14 (1) "Department" means the department of community, trade, and  
15 economic development.

16 (2) "Director" means the director of the department of community,  
17 trade, and economic development.

18 (3) "Homeless person" means an individual living without permanent  
19 shelter, including an individual living outside, in an emergency  
20 shelter, and in a temporary housing program which may include a  
21 transitional and supportive housing program if habitation time limits  
22 exist.

23 (4) "Washington homeless census" means an annual statewide census  
24 conducted as a collaborative effort by towns, cities, counties,  
25 community-based organizations, and state agencies, with the technical  
26 support and coordination of the department, to count and collect data  
27 on all homeless individuals in Washington. After the first census, the  
28 department shall implement increasingly frequent counts to work towards  
29 reaching the goal of continuously available current information on  
30 homeless statistics.

31 (5) "Ending homelessness housing account" means the state treasury  
32 account receiving the state's portion of income from revenue from the  
33 sources established by section 12 of this act.

34 (6) "Ending homelessness housing grant program" means the vehicle  
35 by which competitive grants are awarded by the department, utilizing  
36 moneys from the ending homelessness housing account, to local

1 governments for programs directly related to housing homeless  
2 individuals and families, addressing the root causes of homelessness,  
3 preventing homelessness, collecting data on homeless individuals, and  
4 other efforts directly related to ending homelessness in Washington.  
5 State funds accessible through the ending homelessness housing grant  
6 program are to supplement the local government's share of the revenue  
7 from the sources established by section 12 of this act to support  
8 programs to end homelessness within their boundaries.

9 (7) "Local government" means a county government in the state of  
10 Washington. If a city government affirmatively elects to join this  
11 effort by accepting the responsibility for ending homelessness within  
12 its borders through the operation of an ending homelessness housing  
13 program separate from that of the county, it is included in the  
14 definition of "local government." All local government efforts must be  
15 incorporated into the state strategic plan.

16 (8) "Housing continuum" means the progression of individuals along  
17 a housing-focused continuum with homelessness at one end and  
18 homeownership at the other. Such a continuum could, for example, range  
19 from homeless on the street, to homeless in a temporary shelter, to  
20 participation in a transitional housing program, to residency in a  
21 supportive housing environment, to acquisition and maintenance of a  
22 subsidized apartment, to acquisition and maintenance of a nonsubsidized  
23 apartment, and, for many, to homeownership.

24 (9) "Local ending homelessness housing advisory council" means a  
25 voluntary local committee created to advise a local government on the  
26 creation of a local homeless housing strategic plan, participate in a  
27 program evaluation within the service area, and report to the  
28 department on the local area's progress toward meeting the goal of  
29 ending homelessness.

30 (10) "Long-term private or public housing" and "permanent shelter"  
31 mean subsidized and unsubsidized rental or owner-occupied housing in  
32 which there is no established time limit for habitation of less than  
33 two years.

34 (11) "Housing wage" is the amount a person working full time has to  
35 earn to afford the fair market rent on a two bedroom unit while paying  
36 no more than thirty percent of their income in rent.

37 (12) "Interagency committee on homelessness" means a committee  
38 appointed by the governor and consisting of, at least, the director of

1 the department; the secretary of the department of corrections; the  
2 secretary of the department of social and health services; the director  
3 of the department of veterans affairs; and the secretary of the  
4 department of health.

5 (13) "Homeless population" means, at the time of the first  
6 statewide homeless census, the number of persons living without housing  
7 or in temporary shelters, and after that time it will mean the number  
8 living without housing, including those who have refused a bona fide  
9 offer of housing under the local homeless housing plan, or in temporary  
10 shelter as of that later date plus the number who have successfully  
11 secured and remain in transitional or permanent housing under the local  
12 plan since the date of the first homeless census, or having secured  
13 such housing, have moved out of the local area.

14 (14) "Performance measurement" means the process of comparing  
15 specific measures of success against ultimate and interim goals.

16 (15) "Ending homelessness housing program" means the program  
17 authorized under this chapter as administered by the department at the  
18 state level and by the local government or its designated subcontractor  
19 at the local level.

20 NEW SECTION. **Sec. 4.** There is created within the department the  
21 ending homelessness housing program to develop and coordinate a  
22 statewide strategic plan, and to create resources targeted to reduce  
23 the root causes of homelessness and provide all homeless individuals  
24 and families with decent permanent housing. The department and all  
25 Washington county governments share the responsibility for ending  
26 homelessness in the state of Washington within ten years. The program  
27 will be developed and administered by the department with advice and  
28 input from the affordable housing advisory board established in RCW  
29 43.185B.020 and the state homeless advisory council. Once in each two-  
30 year period, the program shall be evaluated by the joint legislative  
31 audit and review committee.

32 NEW SECTION. **Sec. 5.** The department shall annually conduct a  
33 Washington homeless census or count. The census will count all  
34 homeless individuals living outdoors, in shelters, and in transitional  
35 housing. The department will collaborate with existing local homeless

1 census projects where they exist. The department will work with local  
2 governments and community organizations to implement census projects in  
3 areas of the state not currently conducting an annual census count.

4 All homeless census projects must make every effort to collect  
5 basic demographic information on each homeless individual, to include:

- 6 (1) Name;
- 7 (2) Gender;
- 8 (3) Birth date;
- 9 (4) Family status and next of kin notification information;
- 10 (5) Health and disability status;
- 11 (6) Veteran status;
- 12 (7) Current housing situation;
- 13 (8) Current location and contact information;
- 14 (9) Government subsidies currently being accessed;
- 15 (10) Substance abuse issues;
- 16 (11) Employment status;
- 17 (12) Annual income;
- 18 (13) Last address;
- 19 (14) Self-declared reason for homelessness;
- 20 (15) Education and training status;
- 21 (16) Race;
- 22 (17) Additional information as determined by the department by  
23 rule; and
- 24 (18) Additional information of interest to the local community.

25 All personal information collected in the census is confidential,  
26 and the department and each local government shall take all necessary  
27 steps to protect the identity of each person counted. The department  
28 and each local government are prohibited from disclosing any personally  
29 identifying information about any homeless individual when there is  
30 reason to believe or evidence indicating that the homeless individual  
31 is an adult or minor victim of domestic violence, dating violence,  
32 sexual assault, or stalking or is the parent or guardian of a child  
33 victim of domestic violence, dating violence, sexual assault, or  
34 stalking; or revealing other confidential information regarding  
35 HIV/AIDS status, as found in RCW 70.24.105.

36 The Washington homeless census must be conducted initially annually  
37 on a schedule created by the department. The census will be  
38 coordinated, when reasonably feasible, with already existing homeless

1 census projects including those funded in part by the United States  
2 department of housing and urban development, under the McKinney-Vento  
3 homeless assistance program.

4 After four years, the count must be conducted by appropriate  
5 methodology every six months. After six years, the count must be  
6 conducted every three months. After eight years, the count must be  
7 conducted once each month. After ten years the count must be conducted  
8 on a weekly basis.

9 The department shall create a uniform method, as part of its  
10 homeless management information system, created under RCW 43.63A.655,  
11 by which individual local government homeless census projects will  
12 submit their data for statewide tabulation, analysis, and reporting,  
13 and shall develop a methodology for determining the counts between full  
14 census counts from available data. The department shall make the  
15 annual statewide Washington homeless census data available to the  
16 public each year. This data, and its analysis, will be included in the  
17 department's annual updated ending homelessness housing program  
18 strategic plan. Local governments will utilize the data to update  
19 their local strategic plans.

20 The department shall assist local governments in improving data  
21 collection methods for their homeless census projects to progress  
22 towards the ultimate goal of achieving the availability of continuous  
23 information on the number, location, and characteristics of homeless  
24 persons and the resources available to address their homelessness.

25 By the end of year four, the department shall implement an online  
26 real-time information and referral system to enable a local government  
27 to identify available housing for a homeless person. Data collected  
28 through this system shall also provide the department with regular  
29 counts of the number of homeless persons acquiring housing and the  
30 number of persons turned away without successful housing placement. A  
31 quarterly summary including such data shall be produced and shall  
32 include a summary of the type and quality of the housing provided to  
33 homeless individuals. This report shall be produced by the department  
34 and shall be available to the public for review.

35 By the end of year four, the department shall implement an  
36 organizational quality management system equivalent to the Malcolm  
37 Baldrige national quality program.

1 By the end of year five, the department shall apply to the  
2 Washington state quality award program, and shall apply every five  
3 years thereafter.

4 NEW SECTION. **Sec. 6.** Six months after the first Washington ending  
5 homelessness census, the department shall prepare and present a ten-  
6 year ending homelessness housing program strategic plan which will  
7 outline statewide goals and performance measures. This plan shall be  
8 prepared with consultation from the interagency committee on  
9 homelessness and with local governments and homeless housing providers.  
10 The plan will be updated annually and will be annually reviewed and  
11 approved by the governor. The department's updated plans will  
12 subsequently be released each June. Local governments will base their  
13 local ten-year ending homelessness housing strategic plans upon the  
14 goals and program recommendations of the state plan.

15 Mandatory ending homelessness housing program performance measures  
16 are defined within this section. Additional performance measures may  
17 be created by the department. Mandatory performance measures must be  
18 reflected in the department's ending homelessness housing strategic  
19 plan as well as in local strategic plans.

20 The department shall issue mandatory ending homelessness housing  
21 program performance measures that apply to both the department for  
22 statewide outcomes and local governments for local outcomes. The  
23 performance measures must consist of, but are not limited to, the  
24 following:

25 (1) By the end of year ten, and in each subsequent year, ninety  
26 percent of the local homeless population will be housed in long-term  
27 private or public housing;

28 (2) A measure of the satisfaction of persons assisted with the  
29 services they have received; and

30 (3) The adoption by the local government of plans to prevent  
31 homelessness by addressing the root causes of homelessness, including  
32 domestic violence, drug and alcohol abuse, the lack of affordable  
33 housing, the lack of adequate living wage jobs, developmental  
34 disabilities, mental illness, and the lack of effective support  
35 services for vulnerable persons.

36 The department, after consultation with the affordable housing  
37 advisory board and the interagency council on homelessness, shall

1 report annually to the governor and the appropriate committees of the  
2 legislature an assessment of its performance in addressing the  
3 statewide homeless problem, and the performance of each participating  
4 local government in creating and executing a local ending homelessness  
5 housing plan which meets the requirements of this chapter.

6 NEW SECTION. **Sec. 7.** Each local government must create a local  
7 ending homelessness housing advisory council consisting of  
8 representatives from multiple stakeholder groups. Advisory council  
9 members could include representatives from other governmental entities  
10 within the defined area, nonprofit community or neighborhood-based  
11 organizations, federally recognized Indian tribes in the state of  
12 Washington, local housing authorities, representatives from the  
13 business community, work force training entities, health care  
14 organizations, and regional or statewide nonprofit housing assistance  
15 organizations. Councils must also include a homeless or formerly  
16 homeless individual.

17 In lieu of creating a new local ending homelessness housing  
18 advisory council, a local government may designate an existing body  
19 which substantially conforms to this section and which includes at  
20 least one homeless or formerly homeless individual to serve as its  
21 homeless representative.

22 NEW SECTION. **Sec. 8.** Each local government shall prepare and  
23 approve a ten-year ending homelessness housing plan for its  
24 jurisdictional area which will be based upon the department's statewide  
25 ten-year plan. This local plan shall be updated annually and submitted  
26 to the department for approval. Local plans will be submitted to the  
27 department for review and will be available to the public each year on  
28 dates to be determined by the department. All local plans shall  
29 include the mandatory ending homelessness housing program performance  
30 measures as provided in section 6 of this act and additional  
31 performance measures created by the department. Plans may include  
32 specific local performance measures determined by the local ending  
33 homelessness housing advisory councils, and shall include  
34 recommendations for any state legislation needed to improve performance  
35 and meet program goals. To be accepted by the department, a local plan

1 must include measures and plans reasonably calculated to achieve the  
2 housing goals in section 6 of this act, including the ultimate goal of  
3 housing for all persons in the local homeless population.

4 **Sec. 9.** RCW 36.22.178 and 2002 c 294 s 2 are each amended to read  
5 as follows:

6 (1) Except as provided in subsection (2) of this section, a  
7 surcharge of ten dollars per instrument shall be charged by the county  
8 auditor for each document recorded, which will be in addition to any  
9 other charge authorized by law. The (~~auditor~~) county may retain up  
10 to five percent of these funds collected (~~to administer the~~  
11 ~~collection~~) solely for the collection, administration, and local  
12 distribution of these funds. Of the remaining funds, forty percent of  
13 the revenue generated through this surcharge will be transmitted  
14 monthly to the state treasurer who will deposit the funds into the  
15 Washington housing trust account. The office of community development  
16 of the department of community, trade, and economic development will  
17 develop guidelines for the use of these funds to support building  
18 operation and maintenance costs of housing projects or units within  
19 housing projects that are affordable to extremely low-income persons  
20 with incomes at or below thirty percent of the area median income, and  
21 that require a supplement to rent income to cover ongoing operating  
22 expenses. (~~Sixty percent of the revenue~~) All of the remaining funds  
23 generated by this surcharge will be retained by the county and be  
24 deposited into a fund that must be used by the county and its cities  
25 and towns for housing projects or units within housing projects that  
26 are affordable to very low-income persons with incomes at or below  
27 fifty percent of the area median income. The portion of the surcharge  
28 retained by a county shall be allocated to very low-income housing  
29 projects or units within such housing projects in the county and the  
30 cities within a county according to an interlocal agreement between the  
31 county and the cities within the county, consistent with countywide and  
32 local housing needs and policies. The funds generated with this  
33 surcharge shall not be used for construction of new housing if at any  
34 time the vacancy rate for available low-income housing within the  
35 county rises above ten percent. The vacancy rate for each county shall  
36 be developed using the state low-income vacancy rate standard developed

1 under subsection (3) of this section. Permissible uses of these local  
2 funds are limited to:

3 (a) Acquisition, construction, or rehabilitation of housing  
4 projects or units within housing projects that are affordable to very  
5 low-income persons with incomes at or below fifty percent of the area  
6 median income;

7 (b) Supporting building operation and maintenance costs of housing  
8 projects or units within housing projects (~~(built with)~~) eligible to  
9 receive housing trust funds, that are affordable to very low-income  
10 persons with incomes at or below fifty percent of the area median  
11 income, and that require a supplement to rent income to cover ongoing  
12 operating expenses;

13 (c) Rental assistance vouchers for housing projects or units within  
14 housing projects that are affordable to very low-income persons with  
15 incomes at or below fifty percent of the area median income, to be  
16 administered by a local public housing authority or other local  
17 organization that has an existing rental assistance voucher program,  
18 consistent with the United States department of housing and urban  
19 development's section 8 rental assistance voucher program standards;  
20 and

21 (d) Operating costs for emergency shelters and licensed overnight  
22 youth shelters.

23 (2) The surcharge imposed in this section does not apply to  
24 assignments or substitutions of previously recorded deeds of trust.

25 (3) The real estate research center at Washington State University  
26 shall develop a vacancy rate standard for low-income housing in the  
27 state as described in RCW 18.85.540(1)(i).

28 NEW SECTION. Sec. 10. A new section is added to chapter 36.22 RCW  
29 to read as follows:

30 (1) In addition to the surcharge authorized in RCW 36.22.178, and  
31 except as provided in subsection (2) of this section, an additional  
32 surcharge of twenty dollars shall be charged by the county auditor for  
33 each document recorded, which will be in addition to any other charge  
34 allowed by law. The funds collected pursuant to this section are to be  
35 distributed and used as follows:

36 (a) The auditor shall remit sixty percent to the county, of which  
37 up to six percent may be used for administrative costs. The remainder

1 may be used by the county for programs which directly accomplish the  
2 goals of the local government's strategic plan to end homelessness,  
3 except that for each city in the county which elects as authorized in  
4 section 14 of this act to operate its own ending homelessness housing  
5 program, the surcharge assessed under this section and paid in  
6 connection with transactions in that city shall be transmitted  
7 quarterly to the city treasurer for administrative and program costs  
8 which directly accomplish the goals of the city's strategic plan to end  
9 homelessness.

10 (b) The auditor shall remit forty percent to the department of  
11 community, trade, and economic development, one-eighth of which may be  
12 used by the department for administration of the program established in  
13 section 4 of this act. The remaining seven-eighths is to be  
14 distributed by the department of community, trade, and economic  
15 development through the ending homelessness housing grant program.

16 (2) The surcharge imposed in this section does not apply to  
17 assignments or substitutions of previously recorded deeds of trust.

18 NEW SECTION. **Sec. 11.** A new section is added to chapter 36.22 RCW  
19 to read as follows:

20 (1) In addition to the surcharges authorized in RCW 36.22.178 and  
21 section 10 of this act, and except as provided in subsection (2) of  
22 this section, an additional surcharge of ten dollars may be authorized  
23 by the legislative authority of the county and charged by the county  
24 auditor for each document recorded, which will be in addition to any  
25 other charge allowed by law. The funds collected pursuant to this  
26 section are to be retained by the county, except that the funds  
27 collected in connection with a transaction in a city which operates its  
28 own ending homelessness housing program under chapter 43.-- RCW  
29 (sections 1 through 8, 12, and 27 through 31 of this act) shall be  
30 transmitted quarterly to that city, and the county or city shall use  
31 these funds solely for the purposes authorized in section 10 of this  
32 act, provided that of the whole amount of the revenues collected under  
33 this section not less than twenty percent shall be devoted to rental  
34 assistance vouchers, and further provided that of the amount devoted to  
35 rental assistance vouchers not less than seventy percent shall be used  
36 for vouchers for tenants of privately owned dwellings.

1 (2) The surcharge imposed in this section does not apply to  
2 assignments or substitutions of previously recorded deeds of trust.

3 NEW SECTION. **Sec. 12.** The ending homelessness housing account is  
4 created in the custody of the state treasurer. The state's portion of  
5 the surcharge established in section 10 of this act must be deposited  
6 in the account. Expenditures from the account may be used only for the  
7 ending homelessness housing program as described in section 10(1)(b) of  
8 this act. Only the director or the director's designee may authorize  
9 expenditures from the account. The account is subject to allotment  
10 procedures under chapter 43.88 RCW, but an appropriation is not  
11 required for expenditures.

12 NEW SECTION. **Sec. 13.** (1) During each calendar year in which  
13 moneys from the ending homelessness housing account are available for  
14 use by the department for the ending homelessness housing grant  
15 program, the department shall announce to all Washington counties,  
16 participating cities, and through major media throughout the state, a  
17 grant application period of at least ninety days' duration. This  
18 announcement will be made as often as the director deems appropriate  
19 for proper utilization of resources. The department shall then  
20 promptly grant as many applications as will utilize available funds,  
21 less appropriate administrative costs of the department as described in  
22 section 10 of this act. In awarding funds under this chapter, the  
23 department shall strive for a geographic distribution of the funds.

24 (2) The department will develop, with advice and input from the  
25 affordable housing advisory board established in RCW 43.185B.020,  
26 criteria to evaluate grant applications.

27 (3) The department may approve applications only if they are  
28 consistent with the local and state ending homelessness housing program  
29 strategic plans and have been reviewed by the local ending homelessness  
30 housing advisory council. The department may give preference to  
31 applications based on some or all of the following criteria:

32 (a) The total homeless population in the applicant local government  
33 service area, as reported by the most recent annual Washington ending  
34 homelessness census;

35 (b) Current local expenditures to provide housing for the homeless

1 and to address the underlying causes of homelessness as described in  
2 section 1 of this act;

3 (c) Local government and private contributions pledged to the  
4 program in the form of matching funds, property, infrastructure  
5 improvements, and other contributions; and the degree of leveraging of  
6 other funds from local government or private sources for the program  
7 for which funds are being requested, to include recipient contributions  
8 to total project costs, including allied contributions from other  
9 sources such as professional, craft and trade services, and lender  
10 interest rate subsidies;

11 (d) Construction projects that demonstrate a strong probability of  
12 serving homeless individuals or families for a period of at least  
13 twenty-five years;

14 (e) Projects which demonstrate serving homeless populations with  
15 the greatest needs, including projects that serve special needs  
16 populations;

17 (f) The degree to which the applicant project represents a  
18 collaboration between local governments, nonprofit community-based  
19 organizations, local and state agencies, and the private sector;

20 (g) The operational capacity of the local government and its  
21 subcontracting entity, if any, including fiscal capacity, staff  
22 experience, and management structure;

23 (h) The existence of performance measures within the program's  
24 evaluation plan to consist of the ending homelessness housing program's  
25 mandatory performance measures as defined in section 6 of this act,  
26 additional mandatory homeless housing performance measures which may be  
27 defined by the department, and specific local performance measures, if  
28 applicable;

29 (i) The ability to track and report on outcomes related to the  
30 mandatory ending homelessness housing program performance measures and  
31 other defined local performance measures;

32 (j) The cooperation of the local government in the annual  
33 Washington ending homelessness census project;

34 (k) The commitment of the local government and any subcontracting  
35 local governments, nonprofit organizations, and for-profit entities to  
36 employ a diverse work force and pay the Washington housing wage;

37 (l) The extent, if any, that the local homeless population is

1 disproportionate to the revenues collected under this chapter, RCW  
2 36.22.178, and sections 10 and 11 of this act;

3 (m) Other elements shown by the applicant to be directly related to  
4 the goal and the department's state strategic plan; and

5 (n) After year three, an organization's performance as reported by  
6 the affordable housing advisory board performance scorecard.

7 NEW SECTION. **Sec. 14.** (1) Only a local government is eligible to  
8 receive a homeless housing grant from the ending homelessness housing  
9 account. The legislature specifically assigns responsibility to  
10 individual counties to end homelessness within their borders. All  
11 counties receive revenue directly from sources established by RCW  
12 36.22.178 and sections 10 and 11 of this act to accomplish this goal.  
13 Counties are also eligible to apply for the state's portion of funding  
14 from sources established by this chapter through the ending  
15 homelessness housing grant program. Any city may specifically assert  
16 responsibility for ending homelessness within its borders if it so  
17 chooses, by forwarding a resolution to the board of county  
18 commissioners stating its intention and its commitment to operate a  
19 separate ending homelessness housing program. A city shall make the  
20 determination regarding whether or not there is a need for the city to  
21 assert control and assume responsibility for ending homelessness within  
22 its boundaries on its own volition or upon the successful completion of  
23 a petition by fifty citizens of the city. The city will then receive  
24 the portion of the county funds attributable to document recordings  
25 involving transactions within the city, which shall be transmitted  
26 monthly by the county. A participating city may also then apply  
27 separately and individually for ending homelessness housing program  
28 grants. A city choosing to operate a separate ending homelessness  
29 housing program is thereby accepting the responsibility for ending  
30 homelessness within the city's boundaries and is responsible for  
31 complying with all of the same reporting requirements as counties.

32 (2) Local governments applying for ending homelessness housing  
33 funds may subcontract with any other local government, nonprofit  
34 community-based organization, or private entity for the execution of  
35 programs contributing to the overall goal of ending homelessness within  
36 a defined service area. All subcontracts shall be consistent with the  
37 local ending homelessness housing plan adopted by the legislative

1 authority of the local government and filed with the department and  
2 shall have specific performance terms. Two or more local governments  
3 may also work in concert to develop and execute a joint ending  
4 homelessness housing strategic plan, or to contract with another entity  
5 to do so. While a local government has the authority to subcontract  
6 with other entities, the local government continues to maintain the  
7 ultimate responsibility for ending homelessness within its borders.

8 (3) A county may decline to participate in the program authorized  
9 in this chapter by forwarding to the department a resolution adopted by  
10 the county legislative authority stating the intention not to  
11 participate. A copy of the resolution shall also be transmitted to the  
12 county auditor and treasurer. If such a resolution is adopted, all of  
13 the funds otherwise due to the county under section 10 of this act  
14 shall be remitted monthly to the department, without any reduction for  
15 collecting or administering the funds. Upon receipt of the resolution,  
16 the department shall promptly begin to identify and contract with one  
17 or more entities eligible under section 13(2) of this act to create and  
18 execute a local plan for ending homelessness in the county. The  
19 department shall expend all of the funds received from the county under  
20 this subsection to carry out the purposes of this chapter in the  
21 county, provided that the department may retain six percent of these  
22 funds to offset the cost of managing the county's program. At any  
23 time, any fifty citizens of the county may submit a petition to the  
24 legislative authority of the county asking them to reconsider their  
25 decision not to participate. The legislative authority shall discuss  
26 the petition and vote to accept or reject it in a public meeting.

27 (4) A resolution by the county declining to participate in the  
28 program shall have no effect on the ability of each city in the county  
29 to assert its right to manage its own program under this chapter. All  
30 funds otherwise due to the city under section 13(1) of this act shall  
31 be transmitted to the city monthly by the county.

32 NEW SECTION. **Sec. 15.** (1) The department will allocate grant  
33 moneys from the ending homelessness housing account to finance in whole  
34 or in part programs and projects to assist homeless individuals and  
35 families gain access to adequate housing, prevent at-risk individuals  
36 from becoming homeless, address the root causes of homelessness, track

1 and report on homeless-related data, and facilitate the movement of  
2 homeless or formerly homeless individuals along the housing continuum  
3 toward more stable and independent housing.

4 (2) Activities eligible for assistance from the ending homelessness  
5 housing account include, but are not limited to:

6 (a) Shelters, transitional and related services for the homeless,  
7 including emergency shelters, overnight youth shelters, transitional  
8 housing, and supportive housing;

9 (b) Participation in a rental assistance subsidy or voucher program  
10 created by a county or participating city or housing authority under  
11 guidelines issued by the department;

12 (c) Emergency eviction prevention programs, including temporary  
13 rental and mortgage payment subsidies to prevent homelessness;

14 (d) New construction, expansion, rehabilitation, or acquisition of  
15 housing units specifically to be used to house homeless individuals and  
16 families;

17 (e) Homeless supportive services directly related to assisting  
18 families to acquire and retain stable housing;

19 (f) Rental deposit and security deposit assistance for individuals  
20 and families moving into rental units;

21 (g) Outreach to homeless individuals and families;

22 (h) Homeless census data collection;

23 (i) Creation and ongoing management of voluntary local ending  
24 homelessness housing advisory councils;

25 (j) Administrative costs when such a grant will substantially  
26 increase the recipient's access to housing funds other than those  
27 available under this chapter; and

28 (k) Technical assistance, design, and finance services and  
29 consultation.

30 NEW SECTION. **Sec. 16.** The department will develop a consistent  
31 statewide data gathering instrument to monitor the performance of grant  
32 recipients in order to determine compliance with the terms and  
33 conditions set forth in the grant application or required by the  
34 department. The data gathering instrument shall allow the governor,  
35 legislature, and other citizens to monitor the progress of the state  
36 and local governments in accomplishing the goals of this chapter. The  
37 department shall encourage and assist local governments to collaborate

1 with other local entities and to use relevant information from other  
2 agencies and entities, and to assess the performance of other state  
3 agencies whose programs impact homelessness. The department shall  
4 evaluate the information gathered and disseminate its findings in  
5 periodic reports. The affordable housing advisory board shall annually  
6 publish a scorecard and summary evaluation of the performance of the  
7 department and each local government toward meeting its goals under the  
8 local and statewide plans, including an assessment of the following  
9 performance measures:

10 (1) The reduction in homelessness from the initial count;

11 (2) The reduction in persons turned away without a housing  
12 placement;

13 (3) The transition time from homelessness to permanent housing;

14 (4) The reduction in the death rate amongst the homeless  
15 population;

16 (5) The cost per person housed at each level of the housing  
17 continuum;

18 (6) The quality management system in place, provided that the local  
19 government shall implement a quality management system similar to the  
20 Baldrige criteria both for its own program and for all vendors and  
21 grantees who receive more than twenty thousand dollars from the local  
22 program and apply to the Washington state quality award program by the  
23 end of year five and every five years thereafter;

24 (7) The ability to successfully collect data and report  
25 performance;

26 (8) The extent of collaboration and coordination between public  
27 bodies, as well as community stakeholders;

28 (9) The level of community support and participation in the  
29 program;

30 (10) The quality and safety of housing provided;

31 (11) The effectiveness of outreach to homeless persons;

32 (12) The satisfaction of local voters and homeless persons with the  
33 program; and

34 (13) The success of measures undertaken to prevent homelessness.

35 NEW SECTION. **Sec. 17.** The department will provide technical  
36 assistance to any participating local government that requests such  
37 assistance. Technical assistance activities may include:

1 (1) Assisting local governments to identify appropriate parties to  
2 participate on local ending homelessness housing advisory councils;

3 (2) Assisting local governments to identify appropriate service  
4 providers with which the local governments may subcontract for service  
5 provision and development activities, when necessary;

6 (3) Assisting local governments to implement or expand homeless  
7 census programs to meet ending homelessness housing program  
8 requirements;

9 (4) Assisting in the identification of "best practices" from other  
10 areas;

11 (5) Assisting in identifying additional funding sources for  
12 specific projects; and

13 (6) Training local government and subcontractor staff.

14 NEW SECTION. **Sec. 18.** The department shall establish a uniform  
15 process for participating local governments to report progress  
16 periodically toward meeting goals relative to the mandatory performance  
17 outcomes. At a minimum, progress towards goals and goals achieved will  
18 be reported by each local government in its annual updated ending  
19 homelessness housing strategic plan.

20 NEW SECTION. **Sec. 19.** The department shall advise local  
21 governments and their subcontracting agents on the interpretation and  
22 appropriate reporting of mandatory performance measures detailed in  
23 this chapter, including rules regarding how a homeless person's refusal  
24 to accept an offer of housing is to be recorded and reported.

25 NEW SECTION. **Sec. 20.** The department may issue rules regarding  
26 the grant process and the substance of eligible programs and projects  
27 consistent with this chapter. The department shall consider the  
28 recommendations of the affordable housing advisory board, the state  
29 homeless advisory council, local governments, and local ending  
30 homelessness housing advisory councils regarding how funds are used in  
31 their geographic areas.

32 NEW SECTION. **Sec. 21.** The affordable housing advisory board  
33 established in RCW 43.185B.020, the state homeless advisory council,  
34 and the interagency committee on homelessness shall advise the director

1 on homeless housing needs in this state, operational aspects of the  
2 grant program and revenue collection program established by this  
3 chapter, and implementation of the policy and goals of this chapter.  
4 The department shall develop quantifiable measures of the major state  
5 program and institutional causes of homelessness.

6 NEW SECTION. **Sec. 22.** The department shall ensure that the  
7 state's interest is protected upon the development, use, sale, or  
8 change of use of projects constructed, acquired, or financed in whole  
9 or in part through the ending homelessness housing grant program.  
10 These policies may include, but are not limited to: (1) Requiring a  
11 share of the appreciation in the project in proportion to the state's  
12 contribution to the project, or (2) requiring a lump sum repayment of  
13 the grant upon the sale or change of use of the project.

14 **Sec. 23.** RCW 36.18.010 and 2002 c 294 s 3 are each amended to read  
15 as follows:

16 County auditors or recording officers shall collect the following  
17 fees for their official services:

18 For recording instruments, for the first page eight and one-half by  
19 fourteen inches or less, five dollars; for each additional page eight  
20 and one-half by fourteen inches or less, one dollar. The fee for  
21 recording multiple transactions contained in one instrument will be  
22 calculated for each transaction requiring separate indexing as required  
23 under RCW 65.04.050 as follows: The fee for each title or transaction  
24 is the same fee as the first page of any additional recorded document;  
25 the fee for additional pages is the same fee as for any additional  
26 pages for any recorded document; the fee for the additional pages may  
27 be collected only once and may not be collected for each title or  
28 transaction;

29 For preparing and certifying copies, for the first page eight and  
30 one-half by fourteen inches or less, three dollars; for each additional  
31 page eight and one-half by fourteen inches or less, one dollar;

32 For preparing noncertified copies, for each page eight and one-half  
33 by fourteen inches or less, one dollar;

34 For administering an oath or taking an affidavit, with or without  
35 seal, two dollars;

1 For issuing a marriage license, eight dollars, (this fee includes  
2 taking necessary affidavits, filing returns, indexing, and transmittal  
3 of a record of the marriage to the state registrar of vital statistics)  
4 plus an additional five-dollar fee for use and support of the  
5 prevention of child abuse and neglect activities to be transmitted  
6 monthly to the state treasurer and deposited in the state general fund  
7 plus an additional ten-dollar fee to be transmitted monthly to the  
8 state treasurer and deposited in the state general fund. The  
9 legislature intends to appropriate an amount at least equal to the  
10 revenue generated by this fee for the purposes of the displaced  
11 homemaker act, chapter 28B.04 RCW;

12 For searching records per hour, eight dollars;

13 For recording plats, fifty cents for each lot except cemetery plats  
14 for which the charge shall be twenty-five cents per lot; also one  
15 dollar for each acknowledgment, dedication, and description: PROVIDED,  
16 That there shall be a minimum fee of twenty-five dollars per plat;

17 For recording of miscellaneous records not listed above, for the  
18 first page eight and one-half by fourteen inches or less, five dollars;  
19 for each additional page eight and one-half by fourteen inches or less,  
20 one dollar;

21 For modernization and improvement of the recording and indexing  
22 system, a surcharge as provided in RCW 36.22.170((-))i

23 For recording an emergency nonstandard document as provided in RCW  
24 65.04.047, fifty dollars, in addition to all other applicable recording  
25 fees((-))i

26 For recording instruments, a surcharge as provided in RCW  
27 36.22.178i

28 For recording instruments, a surcharge as provided in section 10 of  
29 this act; and

30 For recording instruments, a surcharge as provided in section 11 of  
31 this act.

32 **Sec. 24.** RCW 43.185B.005 and 1993 c 478 s 1 are each amended to  
33 read as follows:

34 (1) The legislature finds that:

35 (a) Housing is of vital statewide importance to the health, safety,  
36 and welfare of the residents of the state;

1           (b) Eliminating homelessness and moving individuals and families up  
2 the housing continuum is the state's most important housing goal;  
3           (c) Safe, affordable housing is an essential factor in stabilizing  
4 communities;  
5           ~~((+e))~~ (d) Residents must have a choice of housing opportunities  
6 within the community where they choose to live;  
7           ~~((+d))~~ (e) Housing markets are linked to a healthy economy and can  
8 contribute to the state's economy;  
9           ~~((+e))~~ (f) Land supply is a major contributor to the cost of  
10 housing;  
11           ~~((+f))~~ (g) Housing must be an integral component of any  
12 comprehensive community and economic development strategy;  
13           ~~((+g))~~ (h) State and local government must continue working  
14 cooperatively toward the enhancement of increased housing units by  
15 reviewing, updating, and removing conflicting regulatory language;  
16           ~~((+h))~~ (i) State and local government should work together in  
17 developing creative ways to reduce the shortage of housing;  
18           ~~((+i))~~ (j) The lack of a coordinated state housing policy inhibits  
19 the effective delivery of housing for some of the state's most  
20 vulnerable citizens and those with limited incomes; and  
21           ~~((+j))~~ (k) It is in the public interest to adopt a statement of  
22 housing policy objectives.  
23           (2) The legislature declares that the purposes of the Washington  
24 housing policy act are to:  
25           (a) Provide policy direction to the public and private sectors in  
26 their attempt to meet the shelter needs of Washington residents;  
27           (b) Reevaluate housing and housing-related programs and policies in  
28 order to ensure proper coordination of those programs and policies to  
29 meet the housing needs of Washington residents;  
30           (c) Improve the delivery of state services and assistance to very  
31 low-income and low-income households and special needs populations;  
32           (d) Strengthen partnerships among all levels of government, and the  
33 public and private sectors, including for-profit and nonprofit  
34 organizations, in the production and operation of housing to targeted  
35 populations including low-income and moderate-income households;  
36           (e) Increase the supply of housing for persons with special needs;  
37           (f) Encourage collaborative planning with social service providers;

- 1 (g) Encourage financial institutions to increase residential  
2 mortgage lending; and  
3 (h) Coordinate housing into comprehensive community and economic  
4 development strategies at the state and local level.

5 **Sec. 25.** RCW 43.185B.009 and 1993 c 478 s 3 are each amended to  
6 read as follows:

7 The objectives of the Washington housing policy act shall be to  
8 attain the state's goal of a decent home in a healthy, safe environment  
9 for every resident of the state by strengthening public and private  
10 institutions that are able to:

11 (1) Develop an adequate and affordable supply of housing for all  
12 economic segments of the population, including the destitute;

13 (2) Identify and reduce the causal factors preventing the state  
14 from reaching its goal;

15 (3) Assist very low-income and special needs households who cannot  
16 obtain affordable, safe, and adequate housing in the private market;

17 ~~((3))~~ (4) Encourage and maintain home ownership opportunities;

18 ~~((4))~~ (5) Reduce life-cycle housing costs while preserving public  
19 health and safety;

20 ~~((5))~~ (6) Preserve the supply of existing affordable housing;

21 ~~((6))~~ (7) Provide housing for special needs populations;

22 ~~((7))~~ (8) Ensure fair and equal access to the housing market;

23 ~~((8))~~ (9) Increase the availability of mortgage credit at low  
24 interest rates; and

25 ~~((9))~~ (10) Coordinate and be consistent with the goals,  
26 objectives, and required housing element of the comprehensive plan in  
27 the state's growth management act in RCW 36.70A.070.

28 **Sec. 26.** RCW 43.185B.040 and 1993 c 478 s 12 are each amended to  
29 read as follows:

30 (1) The department shall, in consultation with the affordable  
31 housing advisory board created in RCW 43.185B.020, prepare and from  
32 time to time amend a five-year housing advisory plan. The purpose of  
33 the plan is to document the need for affordable housing in the state  
34 and the extent to which that need is being met through public and  
35 private sector programs, to facilitate planning to meet the affordable

1 housing needs of the state, and to enable the development of sound  
2 strategies and programs for affordable housing. The information in the  
3 five-year housing advisory plan must include:

4 (a) An assessment of the state's housing market trends;

5 (b) An assessment of the housing needs for all economic segments of  
6 the state and special needs populations, including specific performance  
7 measures on the quantity, cost, and quality of housing by county;

8 (c) An accurate inventory of the supply and geographic distribution  
9 of affordable housing units made available through public and private  
10 sector programs, updated at least yearly;

11 (d) A status report on the degree of progress made by the public  
12 and private sector toward meeting the housing needs of the state, the  
13 specific performance measures necessary to assess this program, and the  
14 adequacy and appropriateness of current performance measures and goals;

15 (e) An identification of specific state and local regulatory  
16 barriers to affordable housing and proposed regulatory and  
17 administrative techniques designed to remove barriers to the  
18 development and placement of affordable housing; ((and))

19 (f) Specific recommendations, policies, or proposals for meeting  
20 the affordable housing needs of the state within twenty years,  
21 including specific performance measures and goals needed to assess and  
22 to track the performance of the state's housing programs; and

23 (g) A specific assessment and graded evaluation of the quality of  
24 reports provided by the department.

25 (2)(a) The five-year housing advisory plan required under  
26 subsection (1) of this section must be submitted to the legislature on  
27 or before February 1, 1994, and subsequent plans must be submitted  
28 every five years thereafter.

29 (b) Each February 1st, beginning February 1, 1995, the department  
30 shall submit an annual progress report, to the legislature, detailing  
31 the extent to which the state's affordable housing needs were met  
32 during the preceding year and recommendations for meeting those needs.

33 NEW SECTION. Sec. 27. The department of social and health  
34 services shall exempt payments to individuals provided under this  
35 chapter when determining eligibility for public assistance.

1        NEW SECTION.    **Sec. 28.** Neither the department nor any local  
2 government may use any funds authorized in this act to supplant or  
3 reduce any existing expenditures of public money for the reduction or  
4 prevention of homelessness or services for homeless persons.

5        NEW SECTION.    **Sec. 29.** If any provision of this act or its  
6 application to any person or circumstance is held invalid, the  
7 remainder of the act or the application of the provision to other  
8 persons or circumstances is not affected.

9        NEW SECTION.    **Sec. 30.** If any part of this act is found to be in  
10 conflict with federal requirements that are a prescribed condition to  
11 the allocation of federal funds to the state, the conflicting part of  
12 this act is inoperative solely to the extent of the conflict and with  
13 respect to the agencies directly affected, and this finding does not  
14 affect the operation of the remainder of this act in its application to  
15 the agencies concerned. Rules adopted under this act must meet federal  
16 requirements that are a necessary condition to the receipt of federal  
17 funds by the state.

18        NEW SECTION.    **Sec. 31.** This act takes effect August 1, 2005.

19        NEW SECTION.    **Sec. 32.** Sections 1 through 8, 12 through 22, and 27  
20 through 31 of this act constitute a new chapter in Title 43 RCW."

21        Correct the title.

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