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SENATE BILL 5458

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State of Washington

65th Legislature

2017 Regular Session

By Senator Takko

Read first time 01/25/17. Referred to Committee on Law & Justice.

1 AN ACT Relating to changing the date in which community impact  
2 statements are provided to the department of corrections; and  
3 amending RCW 72.09.285.

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

5 **Sec. 1.** RCW 72.09.285 and 2013 c 266 s 2 are each amended to  
6 read as follows:

7 (1) A housing provider may be placed on a list with the  
8 department to receive rental vouchers under RCW 9.94A.729 in  
9 accordance with the provisions of this section.

10 (2) For living environments with between four and eight beds, or  
11 a greater number of individuals if permitted by local code, the  
12 department shall provide transition support that verifies an offender  
13 is participating in programming or services including, but not  
14 limited to, substance abuse treatment, mental health treatment, sex  
15 offender treatment, educational programming, development of positive  
16 living skills, or employment programming. In addition, when selecting  
17 housing providers, the department shall consider the compatibility of  
18 the proposed offender housing with the surrounding neighborhood and  
19 underlying zoning. The department shall adopt procedures to limit the  
20 concentration of housing providers who provide housing to sex  
21 offenders in a single neighborhood or area.

1 (3)(a) The department shall provide the local law and justice  
2 council, county sheriff, or, if such housing is located within a  
3 city, a city's chief law enforcement officer with notice anytime a  
4 housing provider or new housing location requests to be or is added  
5 to the list within that county.

6 (b) The county or city local government may provide the  
7 department with a community impact statement, which includes the  
8 number and location of other special needs housing in the  
9 neighborhood and a review of services and supports in the area to  
10 assist offenders in their transition. If a community impact statement  
11 is provided to the department within (~~ten~~) thirty business days of  
12 the notice of a new housing provider or housing location request, the  
13 department shall consider the community impact statement in  
14 determining whether to add the provider to the list and, if the  
15 provider is added, shall include the community impact statement in  
16 the notice that a provider is added to the list within that county.

17 (4) If a certificate of inspection, as provided in RCW 59.18.125,  
18 is required by local regulation and the local government does not  
19 have a current certificate of inspection on file, the local  
20 government shall have ten business days from the later of (a) receipt  
21 of notice from the department as provided in subsection (3) of this  
22 section; or (b) (~~from~~) the date the local government is given  
23 access to the dwelling unit to conduct an inspection or reinspection  
24 to issue a certificate. This section is deemed satisfied if a local  
25 government does not issue a timely certificate of inspection.

26 (5)(a) If, within ten business days of receipt of a notice from  
27 the department of a new location or new housing provider, the county  
28 or city determines that the housing is in a neighborhood with an  
29 existing concentration of special needs housing, including but not  
30 limited to offender reentry housing, retirement homes, assisted  
31 living, emergency or transitional housing, or adult family homes, the  
32 county or city may request that the department program administrator  
33 remove the new location or new housing provider from the list.

34 (b) This subsection does not apply to housing providers approved  
35 by the department to receive rental vouchers on July 28, 2013.

36 (6) The county or city may at any time request a housing provider  
37 be removed from the list if it provides information to the department  
38 that:

39 (a) It has determined that the housing does not comply with state  
40 and local fire and building codes or applicable zoning and

1 development regulations in effect at the time the housing provider  
2 first began receiving housing vouchers; or

3 (b) The housing provider is not complying with the provisions of  
4 this section.

5 (7) After receiving a request to remove a housing provider from  
6 the county or city, the department shall immediately notify the  
7 provider of the concerns and request that the provider demonstrate  
8 that it is in compliance with the provisions of this section. If,  
9 after ten days' written notice, the housing provider cannot  
10 demonstrate to the department that it is in compliance with the  
11 reasons for the county's or city's request for removal, the  
12 department shall remove the housing provider from the list.

13 (8) A housing provider who provides housing pursuant to this  
14 section is not liable for civil damages arising from the criminal  
15 conduct of an offender to any greater extent than a regular tenant,  
16 and no special duties are created under this section.

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