
SENATE BILL 5656

State of Washington

65th Legislature

2017 Regular Session

By Senators Miloscia and Rivers

Read first time 02/01/17. Referred to Committee on Human Services,
Mental Health & Housing.

1 AN ACT Relating to ending homelessness; amending RCW 26.44.020,
2 26.44.030, 74.15.030, 43.330.700, 43.330.702, 43.330.705, 43.330.706,
3 43.330.710, 43.185C.180, 43.185C.030, 43.185C.040, 43.185C.070,
4 43.185C.160, 43.185C.170, 36.22.178, 36.22.179, 36.22.1791, and
5 43.185C.240; reenacting and amending RCW 71.05.020 and 71.05.020;
6 adding a new section to chapter 13.32A RCW; adding new sections to
7 chapter 43.185C RCW; adding a new chapter to Title 9A RCW; creating
8 new sections; prescribing penalties; making appropriations; providing
9 an effective date; and providing an expiration date.

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

11 **PART I**

12 NEW SECTION. **Sec. 101.** The legislature finds and declares that
13 homelessness is a crisis in Washington state. Of particular concern
14 is the alarming number of runaway and unaccompanied homeless
15 children. To address the concern, the legislature finds and declares
16 that there must be no runaway and unaccompanied homeless children in
17 our state by July 1, 2018. To achieve this goal and address this
18 crisis, a runaway and unaccompanied homeless child is to be
19 considered neglected and every effort must be made to reunify the
20 child with his or her family or guardian. If family reunification is

1 not possible, the child must be screened in for services by the
2 department of social and health services. Additionally, to ensure
3 that all children are accounted for, parents, guardians, and
4 caregivers are required to report missing children.

5 **Sec. 102.** RCW 26.44.020 and 2012 c 259 s 1 are each amended to
6 read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Abuse or neglect" means sexual abuse, sexual exploitation,
10 or injury of a child by any person under circumstances which cause
11 harm to the child's health, welfare, or safety, excluding conduct
12 permitted under RCW 9A.16.100; or the negligent treatment or
13 maltreatment of a child by a person responsible for or providing care
14 to the child. "Neglect" includes a runaway or unaccompanied homeless
15 child, as defined in RCW 43.330.702, as the child's lack of
16 supervision may cause harm to the child's health, welfare, or safety.
17 An abused child is a child who has been subjected to child abuse or
18 neglect as defined in this section.

19 (2) "Child" or "children" means any person under the age of
20 eighteen years of age.

21 (3) "Child protective services" means those services provided by
22 the department designed to protect children from child abuse and
23 neglect and safeguard such children from future abuse and neglect,
24 and conduct investigations of child abuse and neglect reports.
25 Investigations may be conducted regardless of the location of the
26 alleged abuse or neglect. Child protective services includes referral
27 to services to ameliorate conditions that endanger the welfare of
28 children, the coordination of necessary programs and services
29 relevant to the prevention, intervention, and treatment of child
30 abuse and neglect, and services to children to ensure that each child
31 has a permanent home. In determining whether protective services
32 should be provided, the department shall not decline to provide such
33 services solely because of the child's unwillingness or developmental
34 inability to describe the nature and severity of the abuse or
35 neglect.

36 (4) "Child protective services section" means the child
37 protective services section of the department.

38 (5) "Children's advocacy center" means a child-focused facility
39 in good standing with the state chapter for children's advocacy

1 centers and that coordinates a multidisciplinary process for the
2 investigation, prosecution, and treatment of sexual and other types
3 of child abuse. Children's advocacy centers provide a location for
4 forensic interviews and coordinate access to services such as, but
5 not limited to, medical evaluations, advocacy, therapy, and case
6 review by multidisciplinary teams within the context of county
7 protocols as defined in RCW 26.44.180 and 26.44.185.

8 (6) "Clergy" means any regularly licensed or ordained minister,
9 priest, or rabbi of any church or religious denomination, whether
10 acting in an individual capacity or as an employee or agent of any
11 public or private organization or institution.

12 (7) "Court" means the superior court of the state of Washington,
13 juvenile department.

14 (8) "Department" means the state department of social and health
15 services.

16 (9) "Family assessment" means a comprehensive assessment of child
17 safety, risk of subsequent child abuse or neglect, and family
18 strengths and needs that is applied to a child abuse or neglect
19 report. Family assessment does not include a determination as to
20 whether child abuse or neglect occurred, but does determine the need
21 for services to address the safety of the child and the risk of
22 subsequent maltreatment.

23 (10) "Family assessment response" means a way of responding to
24 certain reports of child abuse or neglect made under this chapter
25 using a differential response approach to child protective services.
26 The family assessment response shall focus on the safety of the
27 child, the integrity and preservation of the family, and shall assess
28 the status of the child and the family in terms of risk of abuse and
29 neglect including the parent's or guardian's or other caretaker's
30 capacity and willingness to protect the child and, if necessary, plan
31 and arrange the provision of services to reduce the risk and
32 otherwise support the family. No one is named as a perpetrator, and
33 no investigative finding is entered in the record as a result of a
34 family assessment.

35 (11) "Founded" means the determination following an investigation
36 by the department that, based on available information, it is more
37 likely than not that child abuse or neglect did occur.

38 (12) "Inconclusive" means the determination following an
39 investigation by the department, prior to October 1, 2008, that based

1 on available information a decision cannot be made that more likely
2 than not, child abuse or neglect did or did not occur.

3 (13) "Institution" means a private or public hospital or any
4 other facility providing medical diagnosis, treatment, or care.

5 (14) "Law enforcement agency" means the police department, the
6 prosecuting attorney, the state patrol, the director of public
7 safety, or the office of the sheriff.

8 (15) "Malice" or "maliciously" means an intent, wish, or design
9 to intimidate, annoy, or injure another person. Such malice may be
10 inferred from an act done in willful disregard of the rights of
11 another, or an act wrongfully done without just cause or excuse, or
12 an act or omission of duty betraying a willful disregard of social
13 duty.

14 (16) "Negligent treatment or maltreatment" means an act or a
15 failure to act, or the cumulative effects of a pattern of conduct,
16 behavior, or inaction, that evidences a serious disregard of
17 consequences of such magnitude as to constitute a clear and present
18 danger to a child's health, welfare, or safety, including but not
19 limited to conduct prohibited under RCW 9A.42.100. When considering
20 whether a clear and present danger exists, evidence of a parent's
21 substance abuse as a contributing factor to negligent treatment or
22 maltreatment shall be given great weight. The fact that siblings
23 share a bedroom is not, in and of itself, negligent treatment or
24 maltreatment. Poverty, homelessness, or exposure to domestic violence
25 as defined in RCW 26.50.010 that is perpetrated against someone other
26 than the child does not constitute negligent treatment or
27 maltreatment in and of itself.

28 (17) "Pharmacist" means any registered pharmacist under chapter
29 18.64 RCW, whether acting in an individual capacity or as an employee
30 or agent of any public or private organization or institution.

31 (18) "Practitioner of the healing arts" or "practitioner" means a
32 person licensed by this state to practice podiatric medicine and
33 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
34 medicine and surgery, or medicine and surgery or to provide other
35 health services. The term "practitioner" includes a duly accredited
36 Christian Science practitioner. A person who is being furnished
37 Christian Science treatment by a duly accredited Christian Science
38 practitioner will not be considered, for that reason alone, a
39 neglected person for the purposes of this chapter.

1 (19) "Professional school personnel" include, but are not limited
2 to, teachers, counselors, administrators, child care facility
3 personnel, and school nurses.

4 (20) "Psychologist" means any person licensed to practice
5 psychology under chapter 18.83 RCW, whether acting in an individual
6 capacity or as an employee or agent of any public or private
7 organization or institution.

8 (21) "Screened-out report" means a report of alleged child abuse
9 or neglect that the department has determined does not rise to the
10 level of a credible report of abuse or neglect and is not referred
11 for investigation.

12 (22) "Sexual exploitation" includes: (a) Allowing, permitting, or
13 encouraging a child to engage in prostitution by any person; or (b)
14 allowing, permitting, encouraging, or engaging in the obscene or
15 pornographic photographing, filming, or depicting of a child by any
16 person.

17 (23) "Sexually aggressive youth" means a child who is defined in
18 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

19 (24) "Social service counselor" means anyone engaged in a
20 professional capacity during the regular course of employment in
21 encouraging or promoting the health, welfare, support, or education
22 of children, or providing social services to adults or families,
23 including mental health, drug and alcohol treatment, and domestic
24 violence programs, whether in an individual capacity, or as an
25 employee or agent of any public or private organization or
26 institution.

27 (25) "Supervising agency" means an agency licensed by the state
28 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has
29 entered into a performance-based contract with the department to
30 provide child welfare services.

31 (26) "Unfounded" means the determination following an
32 investigation by the department that available information indicates
33 that, more likely than not, child abuse or neglect did not occur, or
34 that there is insufficient evidence for the department to determine
35 whether the alleged child abuse did or did not occur.

36 **Sec. 103.** RCW 26.44.030 and 2016 c 166 s 4 are each amended to
37 read as follows:

38 (1)(a) When a person who works with children including, but not
39 limited to, any practitioner, county coroner or medical examiner, law

1 enforcement officer, professional school personnel, registered or
2 licensed nurse, social service counselor, psychologist, pharmacist,
3 employee of the department of early learning, licensed or certified
4 child care providers or their employees, employee of the department,
5 juvenile probation officer, placement and liaison specialist,
6 responsible living skills program staff, HOPE center staff, street
7 youth services staff, state family and children's ombuds or any
8 volunteer in the ombuds's office, or host home program has reasonable
9 cause to believe that a child has suffered abuse or neglect, he or
10 she shall report such incident, or cause a report to be made, to the
11 proper law enforcement agency or to the department as provided in RCW
12 26.44.040.

13 (b) When any person, in his or her official supervisory capacity
14 with a nonprofit or for-profit organization, has reasonable cause to
15 believe that a child has suffered abuse or neglect caused by a person
16 over whom he or she regularly exercises supervisory authority, he or
17 she shall report such incident, or cause a report to be made, to the
18 proper law enforcement agency, provided that the person alleged to
19 have caused the abuse or neglect is employed by, contracted by, or
20 volunteers with the organization and coaches, trains, educates, or
21 counsels a child or children or regularly has unsupervised access to
22 a child or children as part of the employment, contract, or voluntary
23 service. No one shall be required to report under this section when
24 he or she obtains the information solely as a result of a privileged
25 communication as provided in RCW 5.60.060.

26 Nothing in this subsection (1)(b) shall limit a person's duty to
27 report under (a) of this subsection.

28 For the purposes of this subsection, the following definitions
29 apply:

30 (i) "Official supervisory capacity" means a position, status, or
31 role created, recognized, or designated by any nonprofit or for-
32 profit organization, either for financial gain or without financial
33 gain, whose scope includes, but is not limited to, overseeing,
34 directing, or managing another person who is employed by, contracted
35 by, or volunteers with the nonprofit or for-profit organization.

36 (ii) "Organization" includes a sole proprietor, partnership,
37 corporation, limited liability company, trust, association, financial
38 institution, governmental entity, other than the federal government,
39 and any other individual or group engaged in a trade, occupation,
40 enterprise, governmental function, charitable function, or similar

1 activity in this state whether or not the entity is operated as a
2 nonprofit or for-profit entity.

3 (iii) "Reasonable cause" means a person witnesses or receives a
4 credible written or oral report alleging abuse, including sexual
5 contact, or neglect of a child.

6 (iv) "Regularly exercises supervisory authority" means to act in
7 his or her official supervisory capacity on an ongoing or continuing
8 basis with regards to a particular person.

9 (v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

10 (c) The reporting requirement also applies to department of
11 corrections personnel who, in the course of their employment, observe
12 offenders or the children with whom the offenders are in contact. If,
13 as a result of observations or information received in the course of
14 his or her employment, any department of corrections personnel has
15 reasonable cause to believe that a child has suffered abuse or
16 neglect, he or she shall report the incident, or cause a report to be
17 made, to the proper law enforcement agency or to the department as
18 provided in RCW 26.44.040.

19 (d) The reporting requirement shall also apply to any adult who
20 has reasonable cause to believe that a child who resides with them,
21 has suffered severe abuse, and is able or capable of making a report.
22 For the purposes of this subsection, "severe abuse" means any of the
23 following: Any single act of abuse that causes physical trauma of
24 sufficient severity that, if left untreated, could cause death; any
25 single act of sexual abuse that causes significant bleeding, deep
26 bruising, or significant external or internal swelling; or more than
27 one act of physical abuse, each of which causes bleeding, deep
28 bruising, significant external or internal swelling, bone fracture,
29 or unconsciousness.

30 (e) The reporting requirement also applies to guardians ad litem,
31 including court-appointed special advocates, appointed under Titles
32 11 and 13 RCW and this title, who in the course of their
33 representation of children in these actions have reasonable cause to
34 believe a child has been abused or neglected.

35 (f) The reporting requirement in (a) of this subsection also
36 applies to administrative and academic or athletic department
37 employees, including student employees, of institutions of higher
38 education, as defined in RCW 28B.10.016, and of private institutions
39 of higher education.

1 (g) The report must be made at the first opportunity, but in no
2 case longer than forty-eight hours after there is reasonable cause to
3 believe that the child has suffered abuse or neglect. The report must
4 include the identity of the accused if known.

5 (2) The reporting requirement of subsection (1) of this section
6 does not apply to the discovery of abuse or neglect that occurred
7 during childhood if it is discovered after the child has become an
8 adult. However, if there is reasonable cause to believe other
9 children are or may be at risk of abuse or neglect by the accused,
10 the reporting requirement of subsection (1) of this section does
11 apply.

12 (3) Any other person who has reasonable cause to believe that a
13 child has suffered abuse or neglect may report such incident to the
14 proper law enforcement agency or to the department of social and
15 health services as provided in RCW 26.44.040.

16 (4) The department, upon receiving a report of an incident of
17 alleged abuse or neglect pursuant to this chapter, involving a child
18 who has died or has had physical injury or injuries inflicted upon
19 him or her other than by accidental means or who has been subjected
20 to alleged sexual abuse, shall report such incident to the proper law
21 enforcement agency, including military law enforcement, if
22 appropriate. In emergency cases, where the child's welfare is
23 endangered, the department shall notify the proper law enforcement
24 agency within twenty-four hours after a report is received by the
25 department. In all other cases, the department shall notify the law
26 enforcement agency within seventy-two hours after a report is
27 received by the department. If the department makes an oral report, a
28 written report must also be made to the proper law enforcement agency
29 within five days thereafter.

30 (5) Any law enforcement agency receiving a report of an incident
31 of alleged abuse or neglect pursuant to this chapter, involving a
32 child who has died or has had physical injury or injuries inflicted
33 upon him or her other than by accidental means, or who has been
34 subjected to alleged sexual abuse, shall report such incident in
35 writing as provided in RCW 26.44.040 to the proper county prosecutor
36 or city attorney for appropriate action whenever the law enforcement
37 agency's investigation reveals that a crime may have been committed.
38 The law enforcement agency shall also notify the department of all
39 reports received and the law enforcement agency's disposition of
40 them. In emergency cases, where the child's welfare is endangered,

1 the law enforcement agency shall notify the department within twenty-
2 four hours. In all other cases, the law enforcement agency shall
3 notify the department within seventy-two hours after a report is
4 received by the law enforcement agency.

5 (6) Any county prosecutor or city attorney receiving a report
6 under subsection (5) of this section shall notify the victim, any
7 persons the victim requests, and the local office of the department,
8 of the decision to charge or decline to charge a crime, within five
9 days of making the decision.

10 (7) The department may conduct ongoing case planning and
11 consultation with those persons or agencies required to report under
12 this section, with consultants designated by the department, and with
13 designated representatives of Washington Indian tribes if the client
14 information exchanged is pertinent to cases currently receiving child
15 protective services. Upon request, the department shall conduct such
16 planning and consultation with those persons required to report under
17 this section if the department determines it is in the best interests
18 of the child. Information considered privileged by statute and not
19 directly related to reports required by this section must not be
20 divulged without a valid written waiver of the privilege.

21 (8) Any case referred to the department by a physician licensed
22 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
23 opinion that child abuse, neglect, or sexual assault has occurred and
24 that the child's safety will be seriously endangered if returned
25 home, the department shall file a dependency petition unless a second
26 licensed physician of the parents' choice believes that such expert
27 medical opinion is incorrect. If the parents fail to designate a
28 second physician, the department may make the selection. If a
29 physician finds that a child has suffered abuse or neglect but that
30 such abuse or neglect does not constitute imminent danger to the
31 child's health or safety, and the department agrees with the
32 physician's assessment, the child may be left in the parents' home
33 while the department proceeds with reasonable efforts to remedy
34 parenting deficiencies.

35 (9) Persons or agencies exchanging information under subsection
36 (7) of this section shall not further disseminate or release the
37 information except as authorized by state or federal statute.
38 Violation of this subsection is a misdemeanor.

39 (10) Upon receiving a report of alleged abuse or neglect, the
40 department shall make reasonable efforts to learn the name, address,

1 and telephone number of each person making a report of abuse or
2 neglect under this section. The department shall provide assurances
3 of appropriate confidentiality of the identification of persons
4 reporting under this section. If the department is unable to learn
5 the information required under this subsection, the department shall
6 only investigate cases in which:

7 (a) The department believes there is a serious threat of
8 substantial harm to the child;

9 (b) The report indicates conduct involving a criminal offense
10 that has, or is about to occur, in which the child is the victim; or

11 (c) The department has a prior founded report of abuse or neglect
12 with regard to a member of the household that is within three years
13 of receipt of the referral.

14 (11)(a) Upon receiving a report of alleged abuse or neglect,
15 including a report of a runaway or unaccompanied homeless child, the
16 department shall use one of the following discrete responses to
17 reports of child abuse or neglect that are screened in and accepted
18 for departmental response:

19 (i) Investigation; or

20 (ii) Family assessment.

21 (b) In making the response in (a) of this subsection the
22 department shall:

23 (i) Use a method by which to assign cases to investigation or
24 family assessment which are based on an array of factors that may
25 include the presence of: Imminent danger, level of risk, number of
26 previous child abuse or neglect reports, or other presenting case
27 characteristics, such as the type of alleged maltreatment and the age
28 of the alleged victim. Age of the alleged victim shall not be used as
29 the sole criterion for determining case assignment;

30 (ii) Allow for a change in response assignment based on new
31 information that alters risk or safety level;

32 (iii) Allow families assigned to family assessment to choose to
33 receive an investigation rather than a family assessment;

34 (iv) Provide a full investigation if a family refuses the initial
35 family assessment;

36 (v) Provide voluntary services to families based on the results
37 of the initial family assessment. If a family refuses voluntary
38 services, and the department cannot identify specific facts related
39 to risk or safety that warrant assignment to investigation under this
40 chapter, and there is not a history of reports of child abuse or

1 neglect related to the family, then the department must close the
2 family assessment response case. However, if at any time the
3 department identifies risk or safety factors that warrant an
4 investigation under this chapter, then the family assessment response
5 case must be reassigned to investigation;

6 (vi) Conduct an investigation, and not a family assessment, in
7 response to an allegation that, the department determines based on
8 the intake assessment:

9 (A) Poses a risk of "imminent harm" consistent with the
10 definition provided in RCW 13.34.050, which includes, but is not
11 limited to, sexual abuse and sexual exploitation as defined in this
12 chapter;

13 (B) Poses a serious threat of substantial harm to a child;

14 (C) Constitutes conduct involving a criminal offense that has, or
15 is about to occur, in which the child is the victim;

16 (D) The child is an abandoned child as defined in RCW 13.34.030;

17 (E) The child is an adjudicated dependent child as defined in RCW
18 13.34.030, or the child is in a facility that is licensed, operated,
19 or certified for care of children by the department under chapter
20 74.15 RCW, or by the department of early learning.

21 (c) The department may not be held civilly liable for the
22 decision to respond to an allegation of child abuse or neglect by
23 using the family assessment response under this section unless the
24 state or its officers, agents, or employees acted with reckless
25 disregard.

26 (12)(a) For reports of alleged abuse or neglect that are accepted
27 for investigation by the department, the investigation shall be
28 conducted within time frames established by the department in rule.
29 In no case shall the investigation extend longer than ninety days
30 from the date the report is received, unless the investigation is
31 being conducted under a written protocol pursuant to RCW 26.44.180
32 and a law enforcement agency or prosecuting attorney has determined
33 that a longer investigation period is necessary. At the completion of
34 the investigation, the department shall make a finding that the
35 report of child abuse or neglect is founded or unfounded.

36 (b) If a court in a civil or criminal proceeding, considering the
37 same facts or circumstances as are contained in the report being
38 investigated by the department, makes a judicial finding by a
39 preponderance of the evidence or higher that the subject of the

1 pending investigation has abused or neglected the child, the
2 department shall adopt the finding in its investigation.

3 (13) For reports of alleged abuse or neglect that are responded
4 to through family assessment response, the department shall:

5 (a) Provide the family with a written explanation of the
6 procedure for assessment of the child and the family and its
7 purposes;

8 (b) Collaborate with the family to identify family strengths,
9 resources, and service needs, and develop a service plan with the
10 goal of reducing risk of harm to the child and improving or restoring
11 family well-being;

12 (c) Complete the family assessment response within forty-five
13 days of receiving the report; however, upon parental agreement, the
14 family assessment response period may be extended up to ninety days;

15 (d) Offer services to the family in a manner that makes it clear
16 that acceptance of the services is voluntary;

17 (e) Implement the family assessment response in a consistent and
18 cooperative manner;

19 (f) Have the parent or guardian sign an agreement to participate
20 in services before services are initiated that informs the parents of
21 their rights under family assessment response, all of their options,
22 and the options the department has if the parents do not sign the
23 consent form.

24 (14)(a) In conducting an investigation or family assessment of
25 alleged abuse or neglect, the department or law enforcement agency:

26 (i) May interview children. If the department determines that the
27 response to the allegation will be family assessment response, the
28 preferred practice is to request a parent's, guardian's, or
29 custodian's permission to interview the child before conducting the
30 child interview unless doing so would compromise the safety of the
31 child or the integrity of the assessment. The interviews may be
32 conducted on school premises, at day-care facilities, at the child's
33 home, or at other suitable locations outside of the presence of
34 parents. If the allegation is investigated, parental notification of
35 the interview must occur at the earliest possible point in the
36 investigation that will not jeopardize the safety or protection of
37 the child or the course of the investigation. Prior to commencing the
38 interview the department or law enforcement agency shall determine
39 whether the child wishes a third party to be present for the
40 interview and, if so, shall make reasonable efforts to accommodate

1 the child's wishes. Unless the child objects, the department or law
2 enforcement agency shall make reasonable efforts to include a third
3 party in any interview so long as the presence of the third party
4 will not jeopardize the course of the investigation; and

5 (ii) Shall have access to all relevant records of the child in
6 the possession of mandated reporters and their employees.

7 (b) The Washington state school directors' association shall
8 adopt a model policy addressing protocols when an interview, as
9 authorized by this subsection, is conducted on school premises. In
10 formulating its policy, the association shall consult with the
11 department and the Washington association of sheriffs and police
12 chiefs.

13 (15) If a report of alleged abuse or neglect is founded and
14 constitutes the third founded report received by the department
15 within the last twelve months involving the same child or family, the
16 department shall promptly notify the office of the family and
17 children's ombuds of the contents of the report. The department shall
18 also notify the ombuds of the disposition of the report.

19 (16) In investigating and responding to allegations of child
20 abuse and neglect, the department may conduct background checks as
21 authorized by state and federal law.

22 (17)(a) The department shall maintain investigation records and
23 conduct timely and periodic reviews of all founded cases of abuse and
24 neglect. The department shall maintain a log of screened-out
25 nonabusive cases.

26 (b) In the family assessment response, the department shall not
27 make a finding as to whether child abuse or neglect occurred. No one
28 shall be named as a perpetrator and no investigative finding shall be
29 entered in the department's child abuse or neglect database.

30 (18) The department shall use a risk assessment process when
31 investigating alleged child abuse and neglect referrals. The
32 department shall present the risk factors at all hearings in which
33 the placement of a dependent child is an issue. Substance abuse must
34 be a risk factor.

35 (19) Upon receipt of a report of alleged abuse or neglect the law
36 enforcement agency may arrange to interview the person making the
37 report and any collateral sources to determine if any malice is
38 involved in the reporting.

39 (20) Upon receiving a report of alleged abuse or neglect
40 involving a child under the court's jurisdiction under chapter 13.34

1 RCW, the department shall promptly notify the child's guardian ad
2 litem of the report's contents. The department shall also notify the
3 guardian ad litem of the disposition of the report. For purposes of
4 this subsection, "guardian ad litem" has the meaning provided in RCW
5 13.34.030.

6 (21) The department shall make efforts as soon as practicable to
7 determine the military status of parents whose children are subject
8 to abuse or neglect allegations. If the department determines that a
9 parent or guardian is in the military, the department shall notify a
10 department of defense family advocacy program that there is an
11 allegation of abuse and neglect that is screened in and open for
12 investigation that relates to that military parent or guardian.

13 **Sec. 104.** RCW 74.15.030 and 2014 c 104 s 2 are each amended to
14 read as follows:

15 The secretary shall have the power and it shall be the
16 secretary's duty:

17 (1) In consultation with the children's services advisory
18 committee, and with the advice and assistance of persons
19 representative of the various type agencies to be licensed, to
20 designate categories of facilities for which separate or different
21 requirements shall be developed as may be appropriate whether because
22 of variations in the ages, sex and other characteristics of persons
23 served, variations in the purposes and services offered or size or
24 structure of the agencies to be licensed hereunder, or because of any
25 other factor relevant thereto;

26 (2) In consultation with the children's services advisory
27 committee, and with the advice and assistance of persons
28 representative of the various type agencies to be licensed, to adopt
29 and publish minimum requirements for licensing applicable to each of
30 the various categories of agencies to be licensed.

31 The minimum requirements shall be limited to:

32 (a) The size and suitability of a facility and the plan of
33 operation for carrying out the purpose for which an applicant seeks a
34 license;

35 (b) Obtaining background information and any out-of-state
36 equivalent, to determine whether the applicant or service provider is
37 disqualified and to determine the character, competence, and
38 suitability of an agency, the agency's employees, volunteers, and
39 other persons associated with an agency;

1 (c) Conducting background checks for those who will or may have
2 unsupervised access to children, expectant mothers, or individuals
3 with a developmental disability; however, a background check is not
4 required if a caregiver approves an activity pursuant to the prudent
5 parent standard contained in RCW 74.13.710;

6 (d) Obtaining child protective services information or records
7 maintained in the department case management information system. No
8 unfounded allegation of child abuse or neglect as defined in RCW
9 26.44.020 may be disclosed to a child-placing agency, private
10 adoption agency, or any other provider licensed under this chapter;

11 (e) Submitting a fingerprint-based background check through the
12 Washington state patrol under chapter 10.97 RCW and through the
13 federal bureau of investigation for:

14 (i) Agencies and their staff, volunteers, students, and interns
15 when the agency is seeking license or relicense;

16 (ii) Foster care and adoption placements; and

17 (iii) Any adult living in a home where a child may be placed;

18 (f) If any adult living in the home has not resided in the state
19 of Washington for the preceding five years, the department shall
20 review any child abuse and neglect registries maintained by any state
21 where the adult has resided over the preceding five years;

22 (g) The cost of fingerprint background check fees will be paid as
23 required in RCW 43.43.837;

24 (h) National and state background information must be used solely
25 for the purpose of determining eligibility for a license and for
26 determining the character, suitability, and competence of those
27 persons or agencies, excluding parents, not required to be licensed
28 who are authorized to care for children or expectant mothers;

29 (i) The number of qualified persons required to render the type
30 of care and treatment for which an agency seeks a license;

31 (j) The safety, cleanliness, and general adequacy of the premises
32 to provide for the comfort, care and well-being of children,
33 expectant mothers or developmentally disabled persons;

34 (k) The provision of necessary care, including food, clothing,
35 supervision and discipline; physical, mental and social well-being;
36 and educational, recreational and spiritual opportunities for those
37 served;

38 (l) The financial ability of an agency to comply with minimum
39 requirements established pursuant to this chapter ((74.15—RCW)) and
40 RCW 74.13.031; and

1 (m) The maintenance of records pertaining to the admission,
2 progress, health and discharge of persons served;

3 (3) To investigate any person, including relatives by blood or
4 marriage except for parents, for character, suitability, and
5 competence in the care and treatment of children, expectant mothers,
6 and developmentally disabled persons prior to authorizing that person
7 to care for children, expectant mothers, and developmentally disabled
8 persons. However, if a child is placed with a relative under RCW
9 13.34.065 or 13.34.130, and if such relative appears otherwise
10 suitable and competent to provide care and treatment the criminal
11 history background check required by this section need not be
12 completed before placement, but shall be completed as soon as
13 possible after placement;

14 (4) On reports of alleged child abuse and neglect, to investigate
15 agencies in accordance with chapter 26.44 RCW, including child day-
16 care centers and family day-care homes, to determine whether the
17 alleged abuse or neglect has occurred, and whether child protective
18 services or referral to a law enforcement agency is appropriate;

19 (5) To issue, revoke, or deny licenses to agencies pursuant to
20 this chapter ((~~74.15~~ RCW)) and RCW 74.13.031. Licenses shall specify
21 the category of care which an agency is authorized to render and the
22 ages, sex and number of persons to be served;

23 (6) To prescribe the procedures and the form and contents of
24 reports necessary for the administration of this chapter ((~~74.15~~
25 RCW)) and RCW 74.13.031 and to require regular reports from each
26 licensee;

27 (7) To inspect agencies periodically to determine whether or not
28 there is compliance with this chapter ((~~74.15~~ RCW)) and RCW 74.13.031
29 and the requirements adopted hereunder, including annual inspections
30 of facilities licensed under this chapter that provide shelter to
31 unaccompanied homeless youth as defined in RCW 43.330.702, with the
32 results of the annual inspections provided to the office of homeless
33 youth prevention and protection programs and the legislature;

34 (8) To review requirements adopted hereunder at least every two
35 years and to adopt appropriate changes after consultation with
36 affected groups for child day-care requirements and with the
37 children's services advisory committee for requirements for other
38 agencies; and

1 (9) To consult with public and private agencies in order to help
2 them improve their methods and facilities for the care of children,
3 expectant mothers and developmentally disabled persons.

4 NEW SECTION. **Sec. 105.** A new section is added to chapter 13.32A
5 RCW to read as follows:

6 The department must develop a process to locate unaccompanied
7 homeless children, as defined in RCW 43.330.702, with the primary
8 goal of returning the child to his or her parent(s) or legal
9 guardian(s). This process must include locating dependent children,
10 as defined in RCW 13.34.030, missing from care. The department must,
11 at a minimum:

12 (1) Develop a process to track reports of unaccompanied homeless
13 children on a daily basis;

14 (2) Develop a process for tracking the daily living situation of
15 homeless children. "Living situation" includes, but is not limited
16 to: Living with a parent(s), guardian(s), other relative(s), or next
17 of kin. The tracking process must include whether the department has
18 screened in and accepted the child for services and whether the child
19 is a dependent;

20 (3) Track the length of time it takes from identifying an
21 unaccompanied homeless youth to the time that the child is returned
22 home or placed in safe long-term care through the dependency process;

23 (4) Include information from the child as to why the child ran
24 away from home;

25 (5) Include information from the child's parent(s) or legal
26 guardian(s) as to why he or she believes the child ran away from
27 home;

28 (6) Track whether a parent or legal guardian refuses to maintain
29 custody of the child;

30 (7) Ensure that data collected is sortable by city and county;

31 (8) Make a determination as to why a child ran away from home or
32 how a child became an unaccompanied homeless youth; and

33 (9) Make such data available to the legislature on a monthly
34 basis.

35 NEW SECTION. **Sec. 106.** Any parent, legal guardian, or caregiver
36 who knowingly fails to notify law enforcement within forty-eight
37 hours of learning that a child in his or her care is missing is
38 guilty of a misdemeanor.

1 ~~(5))~~ To successfully reduce and prevent youth ~~((and—young~~
2 ~~adult))~~ homelessness, it is the goal of the legislature to have the
3 following key components available and accessible:

4 (a) Stable housing: It is the goal of the legislature to provide
5 a safe and healthy place for homeless youth to sleep each night until
6 permanency can be reached. ~~((Every homeless young adult in our state~~
7 ~~deserves access to housing that gives them a safe, healthy, and~~
8 ~~supported launching pad to adulthood.))~~ Every family in crisis should
9 have appropriate support as they work to keep their children housed
10 and safe. It is the goal of the legislature that by July 1, 2018,
11 every homeless youth discharged from a public system of care in our
12 state ~~((will))~~ must not be discharged into homelessness.

13 (b) Family reconciliation: All homeless youth should have access
14 to services that support reunification with immediate family. When
15 reunification is not possible for homeless youth, youth should be
16 placed in the custody of the department of social and health
17 services.

18 ~~(c) ((Permanent connections: Every homeless young adult should~~
19 ~~have opportunities to establish positive, healthy relationships with~~
20 ~~adults, including family members, employers, landlords, teachers, and~~
21 ~~community members, with whom they can maintain connections and from~~
22 ~~whom they can receive ongoing, long-term support to help them develop~~
23 ~~the skills and experiences necessary to achieve a successful~~
24 ~~transition to adulthood.~~

25 ~~(d) Education and employment: Every homeless young adult in our~~
26 ~~state deserves the opportunity and support they need to complete~~
27 ~~their high school education and pursue additional education and~~
28 ~~training. It is the goal of the legislature that every homeless young~~
29 ~~adult in our state will have the opportunity to engage in employment~~
30 ~~training and be able to access employment. With both education and~~
31 ~~employment support and opportunities, young adults will have the~~
32 ~~skills they need to become self-sufficient, self-reliant, and~~
33 ~~independent.~~

34 ~~(e))~~ Social and emotional well-being: Every homeless youth ~~((and~~
35 ~~young adult))~~ in our state should have access to both behavioral
36 health care and physical health care. Every state-funded program for
37 homeless youth ~~((and—young—adults))~~ must endeavor to identify,
38 encourage, and nurture each youth's strengths and abilities and
39 demonstrate a commitment to youth-centered programming.

1 **Sec. 202.** RCW 43.330.702 and 2015 c 69 s 3 are each amended to
2 read as follows:

3 The definitions in this section apply throughout this subchapter
4 unless the context clearly requires otherwise.

5 (1) "Child," "juvenile," "youth," and "minor" means any
6 unemancipated individual who is under the chronological age of
7 eighteen years.

8 (2) "Homeless" means without a fixed, regular, and adequate
9 nighttime residence as set forth in the federal McKinney-Vento
10 homeless assistance act, P.L. 100-77, July 22, 1987, 101 Stat. 482,
11 and runaway and homeless youth act, P.L. 93-415, Title III, September
12 7, 1974, 88 Stat. 1129.

13 (3) "Runaway" means an unmarried and unemancipated minor who is
14 absent from the home of a parent or guardian or other lawful
15 placement without the consent of the parent, guardian, or lawful
16 custodian.

17 (4) "Street youth" means a person under the age of eighteen who
18 lives outdoors or in another unsafe location not intended for
19 occupancy by the minor and who is not residing with his or her parent
20 or at his or her legally authorized residence.

21 (5) "Unaccompanied" means a youth (~~(or young adult)~~) experiencing
22 homelessness while not in the physical custody of a parent or
23 guardian.

24 (~~(6) "Young adult" means a person between eighteen and twenty-~~
25 ~~four years of age.)~~)

26 **Sec. 203.** RCW 43.330.705 and 2015 c 69 s 5 are each amended to
27 read as follows:

28 (1) There is created the office of homeless youth prevention and
29 protection programs within the department.

30 (2) Activities of the office of homeless youth prevention and
31 protection programs must be carried out by a director of the office
32 of homeless youth prevention and protection programs, supervised by
33 the director of the department or his or her designee.

34 (3) The office of homeless youth prevention and protection
35 programs is responsible for leading efforts under this subchapter to
36 coordinate a spectrum of ongoing and future funding, policy, and
37 practice efforts related to homeless youth and improving the safety,
38 health, and welfare of homeless youth in this state.

1 (4) The measurable goals of the office of homeless youth
2 prevention and protection programs are to: (a) Measurably decrease
3 the number of homeless youth (~~((and young adults))~~) by identifying
4 programs that address the initial causes of homelessness, and (b)
5 measurably increase permanency rates among homeless youth by
6 decreasing the length and occurrences of youth homelessness caused by
7 a youth's separation from family or a legal guardian. By December 1,
8 2017, and monthly thereafter, the office of homeless youth prevention
9 and protection programs shall report to the legislature the status of
10 these goals.

11 (5) The office of homeless youth prevention and protection
12 programs shall (a) gather data and outcome measures, (b) initiate
13 data-sharing agreements, (c) develop specific recommendations and
14 timelines to address funding, policy, and practice gaps within the
15 state system for addressing the (~~((five priority service areas))~~) three
16 key components identified in RCW 43.330.700, (d) make reports, (e)
17 increase system integration and coordinate efforts to prevent state
18 systems from discharging youth (~~((and young adults))~~) into
19 homelessness, (f) develop measures to include by county and statewide
20 the number of homeless youth, dependency status, family reunification
21 status, housing status, program participation, and runaway status,
22 and (g) develop a comprehensive plan to encourage identification of
23 youth experiencing homelessness, promote family stability, and
24 eliminate youth (~~((and young adult))~~) homelessness.

25 (6)(a) The office of homeless youth prevention and protection
26 programs shall regularly consult with an advisory committee,
27 comprised of (~~((advocates, at least two legislators, at least two~~
28 ~~parent advocates, at least one representative from law enforcement,~~
29 ~~service providers, and other stakeholders knowledgeable in the~~
30 ~~provision of services to homeless youth and young adults, including~~
31 ~~the prevention of youth and young adult homelessness, the dependency~~
32 ~~system, and family reunification))~~) four legislators and eight
33 additional members as appointed by the legislature, for a total of
34 twelve members. The advisory committee shall provide guidance and
35 recommendations to the office of homeless youth prevention and
36 protection programs and to the legislature regarding funding, policy,
37 and practice gaps within and among state programs.

38 (b) The advisory committee must be staffed by the department.

39 (c) The members of the advisory committee must be appointed by
40 the (~~((governor, except for the legislators who must be appointed by))~~)

1 legislature. The speaker of the house of representatives and the
2 president of the senate must each appoint one legislator from each
3 caucus to the advisory committee. Each caucus of each chamber of the
4 legislature must appoint two additional advisory committee members.

5 (d) The advisory committee must have its initial meeting no later
6 than March 1, 2016.

7 (7) The office of homeless youth prevention and protection
8 programs must be operational no later than January 1, 2016. Transfer
9 of powers, duties, and functions of the department of social and
10 health services to the department of commerce pertaining to youth
11 homeless services and programs identified in RCW 43.330.710(2) may
12 occur before this date.

13 **Sec. 204.** RCW 43.330.706 and 2015 c 69 s 6 are each amended to
14 read as follows:

15 (1) The office of homeless youth prevention and protection
16 programs shall identify data and outcomes measures from which to
17 evaluate future public investment in homeless youth services.

18 (2) By December 1, 2016, and annually thereafter, and in
19 compliance with RCW 43.01.036, the office of homeless youth
20 prevention and protection programs must submit a report to the
21 governor and the legislature to inform recommendations for funding,
22 policy, and best practices in the ~~((five priority service areas))~~
23 three key components identified in RCW 43.330.700 and present
24 recommendations to address funding, policy, and practice gaps in the
25 state system.

26 (3) Recommendations must include, but are not limited to:
27 Strategies to enhance coordination between providers of youth
28 homelessness programs and the child welfare system, and strategies
29 for communities to identify homeless youth and ensure their
30 protection and referral to appropriate services, including family
31 reconciliation and transition to dependent status for minors.

32 **Sec. 205.** RCW 43.330.710 and 2015 c 69 s 7 are each amended to
33 read as follows:

34 (1)(a) The office of homeless youth prevention and protection
35 programs shall report to the director or the director's designee.

36 (b)(i) The office of homeless youth prevention and protection
37 programs may distribute grants to providers who serve homeless youth
38 ~~((and young adults))~~ throughout the state.

1 (ii) The grants must fund (~~services in the five priority service~~
2 ~~areas identified in RCW 43.330.700~~) housing or family
3 reconciliation. Funds may not be used for street youth services.
4 Effective August 1, 2017, all grant recipients must demonstrate that
5 the services provided either reduces unaccompanied youth homelessness
6 or increases family reunification, or both. Effective August 1, 2017,
7 all grants made by the office must require outcome measures that
8 demonstrate that the services provided either reduces unaccompanied
9 youth homelessness or increases family reunification, or both. After
10 August 1, 2017, a grant recipient that is unable to demonstrate that
11 the services provided either reduces unaccompanied youth homelessness
12 or increases family reunification, or both, is not eligible to
13 receive a grant through the office.

14 (iii) The grants must be expended on a statewide basis and may be
15 used to support direct services as provided for in (b)(ii) of this
16 subsection, as well as technical assistance, evaluation, and capacity
17 building.

18 (2) The office of homeless youth prevention and protection
19 programs shall provide management (~~and~~) oversight guidance, and
20 direction, including recommendations for increasing capacity,
21 funding, and expanding locations across the state by county, to the
22 following programs:

- 23 (a) HOPE centers as described in RCW 43.185C.315; and
24 (b) Crisis residential centers as described in RCW 43.185C.295(~~+~~
25 ~~(c) Street youth services;~~
26 ~~(d) Independent youth housing programs as described in RCW~~
27 ~~43.63A.305~~)).

28 **Sec. 206.** RCW 43.185C.180 and 2011 c 239 s 1 are each amended to
29 read as follows:

30 (1) In order to improve services for the homeless, the
31 department, within amounts appropriated by the legislature for this
32 specific purpose, shall implement the Washington homeless client
33 management information system for the ongoing collection and updates
34 of information about all homeless individuals in the state.

35 (2) Information about homeless individuals for the Washington
36 homeless client management information system shall come from the
37 Washington homeless census and from state agencies and community
38 organizations providing services to homeless individuals and
39 families.

1 (a) (~~Personally identifying information about homeless~~
2 ~~individuals for the Washington homeless client management information~~
3 ~~system may only be collected after having obtained informed,~~
4 ~~reasonably time limited (i) written consent from the homeless~~
5 ~~individual to whom the information relates, or (ii) telephonic~~
6 ~~consent from the homeless individual, provided that written consent~~
7 ~~is obtained at the first time the individual is physically present at~~
8 ~~an organization with access to the Washington homeless client~~
9 ~~management information system. Safeguards consistent with federal~~
10 ~~requirements on data collection must be in place to protect homeless~~
11 ~~individuals' rights regarding their personally identifying~~
12 ~~information.~~

13 (b) ~~Data collection under this subsection shall be done in a~~
14 ~~manner consistent with federally informed consent guidelines~~
15 ~~regarding human research which, at a minimum, require that~~
16 ~~individuals receive:~~

17 (i) ~~Information about the expected duration of their~~
18 ~~participation in the Washington homeless client management~~
19 ~~information system;~~

20 (ii) ~~An explanation of whom to contact for answers to pertinent~~
21 ~~questions about the data collection and their rights regarding their~~
22 ~~personal identifying information;~~

23 (iii) ~~An explanation regarding whom to contact in the event of~~
24 ~~injury to the individual related to the Washington homeless client~~
25 ~~management information system;~~

26 (iv) ~~A description of any reasonably foreseeable risks to the~~
27 ~~homeless individual; and~~

28 (v) ~~A statement describing the extent to which confidentiality of~~
29 ~~records identifying the individual will be maintained.~~

30 (e)) Any person, including a minor, seeking services from a
31 service provider that utilizes the Washington homeless client
32 management information system must provide his or her personally
33 identifying information to the service provider. For a service
34 provider that receives public funds including, but not limited to,
35 federal, state, and local funding, a person seeking services must
36 provide his or her personally identifying information to receive any
37 services from the service provider. The department must develop a
38 system to share such information with the department of social and
39 health services and local law enforcement.

1 **Sec. 301.** RCW 71.05.020 and 2016 c 155 s 1 are each reenacted
2 and amended to read as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

5 (1) "Admission" or "admit" means a decision by a physician,
6 physician assistant, or psychiatric advanced registered nurse
7 practitioner that a person should be examined or treated as a patient
8 in a hospital;

9 (2) "Antipsychotic medications" means that class of drugs
10 primarily used to treat serious manifestations of mental illness
11 associated with thought disorders, which includes, but is not limited
12 to atypical antipsychotic medications;

13 (3) "Attending staff" means any person on the staff of a public
14 or private agency having responsibility for the care and treatment of
15 a patient;

16 (4) "Commitment" means the determination by a court that a person
17 should be detained for a period of either evaluation or treatment, or
18 both, in an inpatient or a less restrictive setting;

19 (5) "Conditional release" means a revocable modification of a
20 commitment, which may be revoked upon violation of any of its terms;

21 (6) "Crisis stabilization unit" means a short-term facility or a
22 portion of a facility licensed by the department of health and
23 certified by the department of social and health services under RCW
24 71.24.035, such as an evaluation and treatment facility or a
25 hospital, which has been designed to assess, diagnose, and treat
26 individuals experiencing an acute crisis without the use of long-term
27 hospitalization;

28 (7) "Custody" means involuntary detention under the provisions of
29 this chapter or chapter 10.77 RCW, uninterrupted by any period of
30 unconditional release from commitment from a facility providing
31 involuntary care and treatment;

32 (8) "Department" means the department of social and health
33 services;

34 (9) "Designated chemical dependency specialist" means a person
35 designated by the county alcoholism and other drug addiction program
36 coordinator designated under RCW 70.96A.310 to perform the commitment
37 duties described in chapters 70.96A and 70.96B RCW;

38 (10) "Designated crisis responder" means a mental health
39 professional appointed by the county or the behavioral health
40 organization to perform the duties specified in this chapter;

1 (11) "Designated mental health professional" means a mental
2 health professional designated by the county or other authority
3 authorized in rule to perform the duties specified in this chapter;

4 (12) "Detention" or "detain" means the lawful confinement of a
5 person, under the provisions of this chapter;

6 (13) "Developmental disabilities professional" means a person who
7 has specialized training and three years of experience in directly
8 treating or working with persons with developmental disabilities and
9 is a psychiatrist, physician assistant working with a supervising
10 psychiatrist, psychologist, psychiatric advanced registered nurse
11 practitioner, or social worker, and such other developmental
12 disabilities professionals as may be defined by rules adopted by the
13 secretary;

14 (14) "Developmental disability" means that condition defined in
15 RCW 71A.10.020(5);

16 (15) "Discharge" means the termination of hospital medical
17 authority. The commitment may remain in place, be terminated, or be
18 amended by court order;

19 (16) "Evaluation and treatment facility" means any facility which
20 can provide directly, or by direct arrangement with other public or
21 private agencies, emergency evaluation and treatment, outpatient
22 care, and timely and appropriate inpatient care to persons suffering
23 from a mental disorder, and which is certified as such by the
24 department. The department may certify single beds as temporary
25 evaluation and treatment beds under RCW 71.05.745. A physically
26 separate and separately operated portion of a state hospital may be
27 designated as an evaluation and treatment facility. A facility which
28 is part of, or operated by, the department or any federal agency will
29 not require certification. No correctional institution or facility,
30 or jail, shall be an evaluation and treatment facility within the
31 meaning of this chapter;

32 (17) "Gravely disabled" means a condition in which a person, as a
33 result of a mental disorder or a substance use disorder: (a) Is in
34 danger of serious physical harm resulting from a failure to provide
35 for his or her essential human needs of health or safety; or (b)
36 manifests severe deterioration in routine functioning evidenced by
37 repeated and escalating loss of cognitive or volitional control over
38 his or her actions and is not receiving such care as is essential for
39 his or her health or safety. A person is presumed to be gravely
40 disabled as a result of a substance use disorder if the person has an

1 opioid use disorder characterized by active heroin use and has been a
2 homeless person as defined under RCW 43.185C.010 for at least one
3 year;

4 (18) "Habilitative services" means those services provided by
5 program personnel to assist persons in acquiring and maintaining life
6 skills and in raising their levels of physical, mental, social, and
7 vocational functioning. Habilitative services include education,
8 training for employment, and therapy. The habilitative process shall
9 be undertaken with recognition of the risk to the public safety
10 presented by the person being assisted as manifested by prior charged
11 criminal conduct;

12 (19) "History of one or more violent acts" refers to the period
13 of time ten years prior to the filing of a petition under this
14 chapter, excluding any time spent, but not any violent acts
15 committed, in a mental health facility or in confinement as a result
16 of a criminal conviction;

17 (20) "Imminent" means the state or condition of being likely to
18 occur at any moment or near at hand, rather than distant or remote;

19 (21) "In need of assisted outpatient mental health treatment"
20 means that a person, as a result of a mental disorder: (a) Has been
21 committed by a court to detention for involuntary mental health
22 treatment at least twice during the preceding thirty-six months, or,
23 if the person is currently committed for involuntary mental health
24 treatment, the person has been committed to detention for involuntary
25 mental health treatment at least once during the thirty-six months
26 preceding the date of initial detention of the current commitment
27 cycle; (b) is unlikely to voluntarily participate in outpatient
28 treatment without an order for less restrictive alternative
29 treatment, in view of the person's treatment history or current
30 behavior; (c) is unlikely to survive safely in the community without
31 supervision; (d) is likely to benefit from less restrictive
32 alternative treatment; and (e) requires less restrictive alternative
33 treatment to prevent a relapse, decompensation, or deterioration that
34 is likely to result in the person presenting a likelihood of serious
35 harm or the person becoming gravely disabled within a reasonably
36 short period of time. For purposes of (a) of this subsection, time
37 spent in a mental health facility or in confinement as a result of a
38 criminal conviction is excluded from the thirty-six month
39 calculation;

1 (22) "Individualized service plan" means a plan prepared by a
2 developmental disabilities professional with other professionals as a
3 team, for a person with developmental disabilities, which shall
4 state:

5 (a) The nature of the person's specific problems, prior charged
6 criminal behavior, and habilitation needs;

7 (b) The conditions and strategies necessary to achieve the
8 purposes of habilitation;

9 (c) The intermediate and long-range goals of the habilitation
10 program, with a projected timetable for the attainment;

11 (d) The rationale for using this plan of habilitation to achieve
12 those intermediate and long-range goals;

13 (e) The staff responsible for carrying out the plan;

14 (f) Where relevant in light of past criminal behavior and due
15 consideration for public safety, the criteria for proposed movement
16 to less-restrictive settings, criteria for proposed eventual
17 discharge or release, and a projected possible date for discharge or
18 release; and

19 (g) The type of residence immediately anticipated for the person
20 and possible future types of residences;

21 (23) "Information related to mental health services" means all
22 information and records compiled, obtained, or maintained in the
23 course of providing services to either voluntary or involuntary
24 recipients of services by a mental health service provider. This may
25 include documents of legal proceedings under this chapter or chapter
26 71.34 or 10.77 RCW, or somatic health care information;

27 (24) "Judicial commitment" means a commitment by a court pursuant
28 to the provisions of this chapter;

29 (25) "Legal counsel" means attorneys and staff employed by county
30 prosecutor offices or the state attorney general acting in their
31 capacity as legal representatives of public mental health service
32 providers under RCW 71.05.130;

33 (26) "Less restrictive alternative treatment" means a program of
34 individualized treatment in a less restrictive setting than inpatient
35 treatment that includes the services described in RCW 71.05.585;

36 (27) "Likelihood of serious harm" means:

37 (a) A substantial risk that: (i) Physical harm will be inflicted
38 by a person upon his or her own person, as evidenced by threats or
39 attempts to commit suicide or inflict physical harm on oneself; (ii)
40 physical harm will be inflicted by a person upon another, as

1 evidenced by behavior which has caused such harm or which places
2 another person or persons in reasonable fear of sustaining such harm;
3 or (iii) physical harm will be inflicted by a person upon the
4 property of others, as evidenced by behavior which has caused
5 substantial loss or damage to the property of others; or

6 (b) The person has threatened the physical safety of another and
7 has a history of one or more violent acts;

8 (28) "Medical clearance" means a physician or other health care
9 provider has determined that a person is medically stable and ready
10 for referral to the designated mental health professional;

11 (29) "Mental disorder" means any organic, mental, or emotional
12 impairment which has substantial adverse effects on a person's
13 cognitive or volitional functions;

14 (30) "Mental health professional" means a psychiatrist,
15 psychologist, physician assistant working with a supervising
16 psychiatrist, psychiatric advanced registered nurse practitioner,
17 psychiatric nurse, or social worker, and such other mental health
18 professionals as may be defined by rules adopted by the secretary
19 pursuant to the provisions of this chapter;

20 (31) "Mental health service provider" means a public or private
21 agency that provides mental health services to persons with mental
22 disorders as defined under this section and receives funding from
23 public sources. This includes, but is not limited to, hospitals
24 licensed under chapter 70.41 RCW, evaluation and treatment facilities
25 as defined in this section, community mental health service delivery
26 systems or community mental health programs as defined in RCW
27 71.24.025, facilities conducting competency evaluations and
28 restoration under chapter 10.77 RCW, and correctional facilities
29 operated by state and local governments;

30 (32) "Peace officer" means a law enforcement official of a public
31 agency or governmental unit, and includes persons specifically given
32 peace officer powers by any state law, local ordinance, or judicial
33 order of appointment;

34 (33) "Physician assistant" means a person licensed as a physician
35 assistant under chapter 18.57A or 18.71A RCW;

36 (34) "Private agency" means any person, partnership, corporation,
37 or association that is not a public agency, whether or not financed
38 in whole or in part by public funds, which constitutes an evaluation
39 and treatment facility or private institution, or hospital, which is

1 conducted for, or includes a department or ward conducted for, the
2 care and treatment of persons who are mentally ill;

3 (35) "Professional person" means a mental health professional and
4 shall also mean a physician, physician assistant, psychiatric
5 advanced registered nurse practitioner, registered nurse, and such
6 others as may be defined by rules adopted by the secretary pursuant
7 to the provisions of this chapter;

8 (36) "Psychiatric advanced registered nurse practitioner" means a
9 person who is licensed as an advanced registered nurse practitioner
10 pursuant to chapter 18.79 RCW; and who is board certified in advanced
11 practice psychiatric and mental health nursing;

12 (37) "Psychiatrist" means a person having a license as a
13 physician and surgeon in this state who has in addition completed
14 three years of graduate training in psychiatry in a program approved
15 by the American medical association or the American osteopathic
16 association and is certified or eligible to be certified by the
17 American board of psychiatry and neurology;

18 (38) "Psychologist" means a person who has been licensed as a
19 psychologist pursuant to chapter 18.83 RCW;

20 (39) "Public agency" means any evaluation and treatment facility
21 or institution, or hospital which is conducted for, or includes a
22 department or ward conducted for, the care and treatment of persons
23 with mental illness, if the agency is operated directly by, federal,
24 state, county, or municipal government, or a combination of such
25 governments;

26 (40) "Registration records" include all the records of the
27 department, behavioral health organizations, treatment facilities,
28 and other persons providing services to the department, county
29 departments, or facilities which identify persons who are receiving
30 or who at any time have received services for mental illness;

31 (41) "Release" means legal termination of the commitment under
32 the provisions of this chapter;

33 (42) "Resource management services" has the meaning given in
34 chapter 71.24 RCW;

35 (43) "Secretary" means the secretary of the department of social
36 and health services, or his or her designee;

37 (44) "Serious violent offense" has the same meaning as provided
38 in RCW 9.94A.030;

1 (45) "Social worker" means a person with a master's or further
2 advanced degree from a social work educational program accredited and
3 approved as provided in RCW 18.320.010;

4 (46) "Therapeutic court personnel" means the staff of a mental
5 health court or other therapeutic court which has jurisdiction over
6 defendants who are dually diagnosed with mental disorders, including
7 court personnel, probation officers, a court monitor, prosecuting
8 attorney, or defense counsel acting within the scope of therapeutic
9 court duties;

10 (47) "Treatment records" include registration and all other
11 records concerning persons who are receiving or who at any time have
12 received services for mental illness, which are maintained by the
13 department, by behavioral health organizations and their staffs, and
14 by treatment facilities. Treatment records include mental health
15 information contained in a medical bill including but not limited to
16 mental health drugs, a mental health diagnosis, provider name, and
17 dates of service stemming from a medical service. Treatment records
18 do not include notes or records maintained for personal use by a
19 person providing treatment services for the department, behavioral
20 health organizations, or a treatment facility if the notes or records
21 are not available to others;

22 (48) "Triage facility" means a short-term facility or a portion
23 of a facility licensed by the department of health and certified by
24 the department of social and health services under RCW 71.24.035,
25 which is designed as a facility to assess and stabilize an individual
26 or determine the need for involuntary commitment of an individual,
27 and must meet department of health residential treatment facility
28 standards. A triage facility may be structured as a voluntary or
29 involuntary placement facility;

30 (49) "Violent act" means behavior that resulted in homicide,
31 attempted suicide, nonfatal injuries, or substantial damage to
32 property.

33 **Sec. 302.** RCW 71.05.020 and 2016 sp.s. c 29 s 204 and 2016 c 155
34 s 1 are each reenacted and amended to read as follows:

35 The definitions in this section apply throughout this chapter
36 unless the context clearly requires otherwise.

37 (1) "Admission" or "admit" means a decision by a physician,
38 physician assistant, or psychiatric advanced registered nurse

1 practitioner that a person should be examined or treated as a patient
2 in a hospital;

3 (2) "Alcoholism" means a disease, characterized by a dependency
4 on alcoholic beverages, loss of control over the amount and
5 circumstances of use, symptoms of tolerance, physiological or
6 psychological withdrawal, or both, if use is reduced or discontinued,
7 and impairment of health or disruption of social or economic
8 functioning;

9 (3) "Antipsychotic medications" means that class of drugs
10 primarily used to treat serious manifestations of mental illness
11 associated with thought disorders, which includes, but is not limited
12 to atypical antipsychotic medications;

13 (4) "Approved substance use disorder treatment program" means a
14 program for persons with a substance use disorder provided by a
15 treatment program certified by the department as meeting standards
16 adopted under chapter 71.24 RCW;

17 (5) "Attending staff" means any person on the staff of a public
18 or private agency having responsibility for the care and treatment of
19 a patient;

20 (6) "Chemical dependency" means:

21 (a) Alcoholism;

22 (b) Drug addiction; or

23 (c) Dependence on alcohol and one or more psychoactive chemicals,
24 as the context requires;

25 (7) "Chemical dependency professional" means a person certified
26 as a chemical dependency professional by the department of health
27 under chapter 18.205 RCW;

28 (8) "Commitment" means the determination by a court that a person
29 should be detained for a period of either evaluation or treatment, or
30 both, in an inpatient or a less restrictive setting;

31 (9) "Conditional release" means a revocable modification of a
32 commitment, which may be revoked upon violation of any of its terms;

33 (10) "Crisis stabilization unit" means a short-term facility or a
34 portion of a facility licensed by the department of health and
35 certified by the department of social and health services under RCW
36 71.24.035, such as an evaluation and treatment facility or a
37 hospital, which has been designed to assess, diagnose, and treat
38 individuals experiencing an acute crisis without the use of long-term
39 hospitalization;

1 (11) "Custody" means involuntary detention under the provisions
2 of this chapter or chapter 10.77 RCW, uninterrupted by any period of
3 unconditional release from commitment from a facility providing
4 involuntary care and treatment;

5 (12) "Department" means the department of social and health
6 services;

7 (13) "Designated crisis responder" means a mental health
8 professional appointed by the behavioral health organization to
9 perform the duties specified in this chapter;

10 (14) "Detention" or "detain" means the lawful confinement of a
11 person, under the provisions of this chapter;

12 (15) "Developmental disabilities professional" means a person who
13 has specialized training and three years of experience in directly
14 treating or working with persons with developmental disabilities and
15 is a psychiatrist, physician assistant working with a supervising
16 psychiatrist, psychologist, psychiatric advanced registered nurse
17 practitioner, or social worker, and such other developmental
18 disabilities professionals as may be defined by rules adopted by the
19 secretary;

20 (16) "Developmental disability" means that condition defined in
21 RCW 71A.10.020(5);

22 (17) "Discharge" means the termination of hospital medical
23 authority. The commitment may remain in place, be terminated, or be
24 amended by court order;

25 (18) "Drug addiction" means a disease, characterized by a
26 dependency on psychoactive chemicals, loss of control over the amount
27 and circumstances of use, symptoms of tolerance, physiological or
28 psychological withdrawal, or both, if use is reduced or discontinued,
29 and impairment of health or disruption of social or economic
30 functioning;

31 (19) "Evaluation and treatment facility" means any facility which
32 can provide directly, or by direct arrangement with other public or
33 private agencies, emergency evaluation and treatment, outpatient
34 care, and timely and appropriate inpatient care to persons suffering
35 from a mental disorder, and which is certified as such by the
36 department. The department may certify single beds as temporary
37 evaluation and treatment beds under RCW 71.05.745. A physically
38 separate and separately operated portion of a state hospital may be
39 designated as an evaluation and treatment facility. A facility which
40 is part of, or operated by, the department or any federal agency will

1 not require certification. No correctional institution or facility,
2 or jail, shall be an evaluation and treatment facility within the
3 meaning of this chapter;

4 (20) "Gravely disabled" means a condition in which a person, as a
5 result of a mental disorder(~~(, or as a result of the use of alcohol~~
6 ~~or other psychoactive chemicals))~~ or a substance use disorder: (a) Is
7 in danger of serious physical harm resulting from a failure to
8 provide for his or her essential human needs of health or safety; or
9 (b) manifests severe deterioration in routine functioning evidenced
10 by repeated and escalating loss of cognitive or volitional control
11 over his or her actions and is not receiving such care as is
12 essential for his or her health or safety. A person is presumed to be
13 gravely disabled as a result of a substance use disorder if the
14 person has an opioid use disorder characterized by active heroin use
15 and has been a homeless person as defined under RCW 43.185C.010 for
16 at least one year;

17 (21) "Habilitative services" means those services provided by
18 program personnel to assist persons in acquiring and maintaining life
19 skills and in raising their levels of physical, mental, social, and
20 vocational functioning. Habilitative services include education,
21 training for employment, and therapy. The habilitative process shall
22 be undertaken with recognition of the risk to the public safety
23 presented by the person being assisted as manifested by prior charged
24 criminal conduct;

25 (22) "History of one or more violent acts" refers to the period
26 of time ten years prior to the filing of a petition under this
27 chapter, excluding any time spent, but not any violent acts
28 committed, in a mental health facility, a long-term alcoholism or
29 drug treatment facility, or in confinement as a result of a criminal
30 conviction;

31 (23) "Imminent" means the state or condition of being likely to
32 occur at any moment or near at hand, rather than distant or remote;

33 (24) "Individualized service plan" means a plan prepared by a
34 developmental disabilities professional with other professionals as a
35 team, for a person with developmental disabilities, which shall
36 state:

37 (a) The nature of the person's specific problems, prior charged
38 criminal behavior, and habilitation needs;

39 (b) The conditions and strategies necessary to achieve the
40 purposes of habilitation;

1 (c) The intermediate and long-range goals of the habilitation
2 program, with a projected timetable for the attainment;

3 (d) The rationale for using this plan of habilitation to achieve
4 those intermediate and long-range goals;

5 (e) The staff responsible for carrying out the plan;

6 (f) Where relevant in light of past criminal behavior and due
7 consideration for public safety, the criteria for proposed movement
8 to less-restrictive settings, criteria for proposed eventual
9 discharge or release, and a projected possible date for discharge or
10 release; and

11 (g) The type of residence immediately anticipated for the person
12 and possible future types of residences;

13 (25) "Information related to mental health services" means all
14 information and records compiled, obtained, or maintained in the
15 course of providing services to either voluntary or involuntary
16 recipients of services by a mental health service provider. This may
17 include documents of legal proceedings under this chapter or chapter
18 71.34 or 10.77 RCW, or somatic health care information;

19 (26) "Intoxicated person" means a person whose mental or physical
20 functioning is substantially impaired as a result of the use of
21 alcohol or other psychoactive chemicals;

22 (27) "In need of assisted outpatient mental health treatment"
23 means that a person, as a result of a mental disorder: (a) Has been
24 committed by a court to detention for involuntary mental health
25 treatment at least twice during the preceding thirty-six months, or,
26 if the person is currently committed for involuntary mental health
27 treatment, the person has been committed to detention for involuntary
28 mental health treatment at least once during the thirty-six months
29 preceding the date of initial detention of the current commitment
30 cycle; (b) is unlikely to voluntarily participate in outpatient
31 treatment without an order for less restrictive alternative
32 treatment, in view of the person's treatment history or current
33 behavior; (c) is unlikely to survive safely in the community without
34 supervision; (d) is likely to benefit from less restrictive
35 alternative treatment; and (e) requires less restrictive alternative
36 treatment to prevent a relapse, decompensation, or deterioration that
37 is likely to result in the person presenting a likelihood of serious
38 harm or the person becoming gravely disabled within a reasonably
39 short period of time. For purposes of (a) of this subsection, time
40 spent in a mental health facility or in confinement as a result of a

1 criminal conviction is excluded from the thirty-six month
2 calculation;

3 (28) "Judicial commitment" means a commitment by a court pursuant
4 to the provisions of this chapter;

5 (29) "Legal counsel" means attorneys and staff employed by county
6 prosecutor offices or the state attorney general acting in their
7 capacity as legal representatives of public mental health and
8 substance use disorder service providers under RCW 71.05.130;

9 (30) "Less restrictive alternative treatment" means a program of
10 individualized treatment in a less restrictive setting than inpatient
11 treatment that includes the services described in RCW 71.05.585;

12 (31) "Licensed physician" means a person licensed to practice
13 medicine or osteopathic medicine and surgery in the state of
14 Washington;

15 (32) "Likelihood of serious harm" means:

16 (a) A substantial risk that: (i) Physical harm will be inflicted
17 by a person upon his or her own person, as evidenced by threats or
18 attempts to commit suicide or inflict physical harm on oneself; (ii)
19 physical harm will be inflicted by a person upon another, as
20 evidenced by behavior which has caused such harm or which places
21 another person or persons in reasonable fear of sustaining such harm;
22 or (iii) physical harm will be inflicted by a person upon the
23 property of others, as evidenced by behavior which has caused
24 substantial loss or damage to the property of others; or

25 (b) The person has threatened the physical safety of another and
26 has a history of one or more violent acts;

27 (33) "Medical clearance" means a physician or other health care
28 provider has determined that a person is medically stable and ready
29 for referral to the designated crisis responder;

30 (34) "Mental disorder" means any organic, mental, or emotional
31 impairment which has substantial adverse effects on a person's
32 cognitive or volitional functions;

33 (35) "Mental health professional" means a psychiatrist,
34 psychologist, physician assistant working with a supervising
35 psychiatrist, psychiatric advanced registered nurse practitioner,
36 psychiatric nurse, or social worker, and such other mental health
37 professionals as may be defined by rules adopted by the secretary
38 pursuant to the provisions of this chapter;

39 (36) "Mental health service provider" means a public or private
40 agency that provides mental health services to persons with mental

1 disorders or substance use disorders as defined under this section
2 and receives funding from public sources. This includes, but is not
3 limited to, hospitals licensed under chapter 70.41 RCW, evaluation
4 and treatment facilities as defined in this section, community mental
5 health service delivery systems or behavioral health programs as
6 defined in RCW 71.24.025, facilities conducting competency
7 evaluations and restoration under chapter 10.77 RCW, approved
8 substance use disorder treatment programs as defined in this section,
9 secure detoxification facilities as defined in this section, and
10 correctional facilities operated by state and local governments;

11 (37) "Peace officer" means a law enforcement official of a public
12 agency or governmental unit, and includes persons specifically given
13 peace officer powers by any state law, local ordinance, or judicial
14 order of appointment;

15 (38) "Physician assistant" means a person licensed as a physician
16 assistant under chapter 18.57A or 18.71A RCW;

17 (39) "Private agency" means any person, partnership, corporation,
18 or association that is not a public agency, whether or not financed
19 in whole or in part by public funds, which constitutes an evaluation
20 and treatment facility or private institution, or hospital, or
21 approved substance use disorder treatment program, which is conducted
22 for, or includes a department or ward conducted for, the care and
23 treatment of persons with mental illness, substance use disorders, or
24 both mental illness and substance use disorders;

25 (40) "Professional person" means a mental health professional or
26 designated crisis responder and shall also mean a physician,
27 physician assistant, psychiatric advanced registered nurse
28 practitioner, registered nurse, and such others as may be defined by
29 rules adopted by the secretary pursuant to the provisions of this
30 chapter;

31 (41) "Psychiatric advanced registered nurse practitioner" means a
32 person who is licensed as an advanced registered nurse practitioner
33 pursuant to chapter 18.79 RCW; and who is board certified in advanced
34 practice psychiatric and mental health nursing;

35 (42) "Psychiatrist" means a person having a license as a
36 physician and surgeon in this state who has in addition completed
37 three years of graduate training in psychiatry in a program approved
38 by the American medical association or the American osteopathic
39 association and is certified or eligible to be certified by the
40 American board of psychiatry and neurology;

1 (43) "Psychologist" means a person who has been licensed as a
2 psychologist pursuant to chapter 18.83 RCW;

3 (44) "Public agency" means any evaluation and treatment facility
4 or institution, secure detoxification facility, approved substance
5 use disorder treatment program, or hospital which is conducted for,
6 or includes a department or ward conducted for, the care and
7 treatment of persons with mental illness, substance use disorders, or
8 both mental illness and substance use disorders, if the agency is
9 operated directly by federal, state, county, or municipal government,
10 or a combination of such governments;

11 (45) "Registration records" include all the records of the
12 department, behavioral health organizations, treatment facilities,
13 and other persons providing services to the department, county
14 departments, or facilities which identify persons who are receiving
15 or who at any time have received services for mental illness or
16 substance use disorders;

17 (46) "Release" means legal termination of the commitment under
18 the provisions of this chapter;

19 (47) "Resource management services" has the meaning given in
20 chapter 71.24 RCW;

21 (48) "Secretary" means the secretary of the department of social
22 and health services, or his or her designee;

23 (49) "Secure detoxification facility" means a facility operated
24 by either a public or private agency or by the program of an agency
25 that:

26 (a) Provides for intoxicated persons:

27 (i) Evaluation and assessment, provided by certified chemical
28 dependency professionals;

29 (ii) Acute or subacute detoxification services; and

30 (iii) Discharge assistance provided by certified chemical
31 dependency professionals, including facilitating transitions to
32 appropriate voluntary or involuntary inpatient services or to less
33 restrictive alternatives as appropriate for the individual;

34 (b) Includes security measures sufficient to protect the
35 patients, staff, and community; and

36 (c) Is certified as such by the department;

37 (50) "Serious violent offense" has the same meaning as provided
38 in RCW 9.94A.030;

1 (51) "Social worker" means a person with a master's or further
2 advanced degree from a social work educational program accredited and
3 approved as provided in RCW 18.320.010;

4 (52) "Substance use disorder" means a cluster of cognitive,
5 behavioral, and physiological symptoms indicating that an individual
6 continues using the substance despite significant substance-related
7 problems. The diagnosis of a substance use disorder is based on a
8 pathological pattern of behaviors related to the use of the
9 substances;

10 (53) "Therapeutic court personnel" means the staff of a mental
11 health court or other therapeutic court which has jurisdiction over
12 defendants who are dually diagnosed with mental disorders, including
13 court personnel, probation officers, a court monitor, prosecuting
14 attorney, or defense counsel acting within the scope of therapeutic
15 court duties;

16 (54) "Treatment records" include registration and all other
17 records concerning persons who are receiving or who at any time have
18 received services for mental illness, which are maintained by the
19 department, by behavioral health organizations and their staffs, and
20 by treatment facilities. Treatment records include mental health
21 information contained in a medical bill including but not limited to
22 mental health drugs, a mental health diagnosis, provider name, and
23 dates of service stemming from a medical service. Treatment records
24 do not include notes or records maintained for personal use by a
25 person providing treatment services for the department, behavioral
26 health organizations, or a treatment facility if the notes or records
27 are not available to others;

28 (55) "Triage facility" means a short-term facility or a portion
29 of a facility licensed by the department of health and certified by
30 the department of social and health services under RCW 71.24.035,
31 which is designed as a facility to assess and stabilize an individual
32 or determine the need for involuntary commitment of an individual,
33 and must meet department of health residential treatment facility
34 standards. A triage facility may be structured as a voluntary or
35 involuntary placement facility;

36 (56) "Violent act" means behavior that resulted in homicide,
37 attempted suicide, nonfatal injuries, or substantial damage to
38 property.

1 NEW SECTION. **Sec. 401.** The legislature finds that:
2 Homelessness, among both youth and adults, is a pervasive problem;
3 homeless shelter space must be made available for homeless
4 individuals; and information must be gathered regarding the number of
5 homeless shelter spaces available on any given night. The legislature
6 also finds that law enforcement officials must direct individuals
7 found in violation of section 402 of this act to the appropriate
8 resources provided for in section 402 of this act. It is the intent
9 of the legislature that homeless individuals subject to enforcement
10 under section 402 of this act be directed to emergency shelters,
11 community resources, drug or mental health court, or other
12 interventional services when possible.

13 NEW SECTION. **Sec. 402.** A new section is added to chapter
14 43.185C RCW to read as follows:

15 (1) It is unlawful for any person to camp upon any private
16 property without the express written consent of the property owner or
17 the owner's agent, and only in such locations where camping may be
18 conducted in accordance with any other applicable state law.

19 (2) It is unlawful for any person to camp upon any public
20 property except in any location where camping has been expressly
21 allowed by the officer or agency having the control, management, and
22 supervision of the public property in question.

23 (3) The prohibition in subsections (1) and (2) of this section
24 does not apply to any person:

25 (a) Sitting or lying down due to a medical emergency or due to a
26 sensory, mental, or physical disability;

27 (b) Who, as the result of a sensory, mental, or physical
28 disability, utilizes a wheelchair, walker, or similar device to move
29 about a public sidewalk;

30 (c) Operating or patronizing a business with permission to occupy
31 the sidewalk;

32 (d) Participating in or attending a parade, festival,
33 performance, rally, demonstration, meeting, or similar event
34 conducted on the public sidewalk pursuant to a special event or other
35 applicable permit;

36 (e) Sitting on a chair or bench supplied by a public agency or by
37 the abutting private property owner pursuant to the appropriate
38 permit or license;

1 (f) Sitting within a bus stop zone while waiting for public or
2 private transportation;

3 (g) Sitting on a privately owned sidewalk fixture with the
4 permission of the owner;

5 (h) Engaging in constitutionally protected expressive activities
6 that would otherwise be restricted by the limitations in subsections
7 (1) and (2) of this section; or

8 (i) Who is homeless during a time frame when local homeless
9 shelter space or homeless encampment space is unavailable.

10 (4) A law enforcement officer may not issue a citation, make an
11 arrest, or otherwise enforce this section against any person unless:

12 (a) The officer orally requests or orders the person to refrain
13 from the alleged violation of this section and, if the person fails
14 to comply after receiving the oral request or order, the officer
15 tenders a written request or order to the person warning that if the
16 person fails to comply the person may be cited or arrested for a
17 violation of this section; and

18 (b) The officer attempts to ascertain whether the person is in
19 need of medical or human services assistance including, but not
20 limited to, mental health treatment, drug or alcohol rehabilitation,
21 or homeless services assistance. If the officer determines that the
22 person may be in need of medical or human services assistance, the
23 officer must make reasonable efforts to contact and obtain the
24 assistance of a designated human service outreach worker, who in turn
25 must assess the needs of the person and, if warranted, direct the
26 person to an appropriate provider of medical or human services
27 assistance in lieu of the person being cited or arrested for a
28 violation of this section. If (i) the officer is unable to obtain the
29 assistance of a human services outreach worker, (ii) the human
30 services outreach worker determines that the person is not in need of
31 medical or human services assistance, or (iii) the person refuses to
32 cooperate with the direction of the human services outreach worker,
33 the officer may proceed to cite or arrest the person for a violation
34 of this section so long as the warnings required under (a) of this
35 subsection have been previously given.

36 (5) For purposes of this section:

37 (a) "Camp" means to reside or dwell temporarily in a place for
38 the purpose of seeking shelter. "Shelter" includes, without
39 limitation, any recreational vehicle, tent, tarpaulin, lean-to,
40 sleeping bag, bedroll, blankets, or any form of cover or protection

1 from the elements other than clothing. "Reside or dwell" includes,
2 without limitation, conducting such activities as eating, sleeping,
3 or the storage of personal possessions.

4 (b) "Designated human service outreach worker" means any person
5 designated by the department to assist law enforcement officers as
6 provided in subsection (4) of this section.

7 (c) "Public property" means any street, alley, sidewalk, parking
8 space, pedestrian or transit mall, bike path, greenway, or any other
9 structure or area encompassed within the public right-of-way; any
10 park, parkway, mountain park, or other recreation facility; or any
11 other grounds, buildings, fixtures, or other facilities owned or
12 leased by the state or by any other public owner, regardless of
13 whether such public property is vacant or occupied and actively used
14 for any public purpose.

15 (6) A violation of this section is a misdemeanor.

16 NEW SECTION. **Sec. 403.** A new section is added to chapter
17 43.185C RCW to read as follows:

18 Any public and privately owned homeless shelter housing homeless
19 individuals must provide a daily report on the number of beds
20 available that must be inputted into a central information system to
21 be created by the department and that must be used by law enforcement
22 officials and local governments searching for homeless shelter space
23 or homeless encampments while enforcing section 402 of this act. The
24 department must maintain the central information system and provide
25 annual reports beginning December 1, 2017, and annually thereafter,
26 to the legislature providing recommendations for improvement to the
27 central information system.

28 NEW SECTION. **Sec. 404.** A new section is added to chapter
29 43.185C RCW to read as follows:

30 (1) The state of Washington hereby fully occupies and preempts
31 the entire field of homeless encampment guidelines and regulations,
32 within the boundaries of the state, from setting guidelines for
33 homeless encampments below new state standards of health and safety
34 set by the department for authorized homeless encampments. Any city,
35 town, county, park district, or other local jurisdiction may enact
36 only those laws and ordinances relating to homeless encampments that
37 are specifically authorized by state law and are consistent with this
38 section. Such local ordinances must have the same penalty as provided

1 for by state law. Local laws and ordinances that are inconsistent
2 with, more restrictive than, or exceed the requirements of state law
3 must not be enacted and are preempted and repealed, regardless of the
4 nature of the code, charter, or home rule status of such city, town,
5 county, park district, or local jurisdiction.

6 (2) An encampment of any kind, not specially authorized by the
7 department, is prohibited. Before authorizing an encampment, the
8 department must provide neighborhood notification and local public
9 hearings must be completed in conjunction with at least one
10 representative from a local neighborhood group, the local city
11 council, and the local county council. Encampments in public parks
12 and other critical areas may be allowed only after a countywide
13 public vote.

14 (3) A local government that duly enacts laws and ordinances
15 permitting homeless encampments must authorize as many spaces as
16 necessary to house all of that local government's homeless population
17 by July 1, 2018. All available encampment spaces must be listed on
18 that local government's web site and be reported daily to the
19 department. A local government that fails to provide adequate
20 homeless encampment spaces must not receive any state funding for
21 homeless programs.

22 (4) The state auditor must provide an annual certification to the
23 state legislature and state board of health that the department is
24 compliant with the requirements set forth in this section.

25 **PART V**

26 NEW SECTION. **Sec. 501.** In 2005, the state created the goal of
27 reducing homelessness in Washington state by fifty percent within ten
28 years. The legislature also recognized that the provision of housing
29 and housing-related services to the homeless should be administered
30 at the local level to meet the diverse needs across the state. The
31 state's responsibility was to coordinate, support, finance, and
32 monitor efforts to address homelessness issues.

33 During the past decade, the state has experienced an overall
34 decline in homelessness with some counties meeting or exceeding its
35 reduction goal. However, some counties have not only failed to
36 achieve reductions, but have experienced an increase in the number of
37 homeless families and individuals. Additionally, the number of
38 unsheltered and chronic homeless has increased in areas of the state

1 despite significant federal, state, and local financial resources
2 that have been invested in homelessness assistance. The dichotomy
3 between the resources expended and the results achieved warrants a
4 more frequent review of state and local homelessness strategies and
5 more transparent reporting of expenditures, performance, and outcomes
6 at the local level. Therefore, the legislature intends to review
7 state and local homelessness prevention, assistance, and housing
8 efforts on a more frequent basis to improve the development of cost-
9 effective programs and identification of best practices to expand
10 housing security across the state.

11 **Sec. 502.** RCW 43.185C.030 and 2013 c 200 s 25 are each amended
12 to read as follows:

13 (1) The department shall annually conduct a Washington homeless
14 census or count consistent with the requirements of RCW 43.185C.180.
15 The census shall make every effort to count all homeless individuals
16 living outdoors, in shelters, and in transitional housing,
17 coordinated, when reasonably feasible, with already existing homeless
18 census projects including those funded in part by the United States
19 department of housing and urban development under the McKinney-Vento
20 homeless assistance program. The department shall determine, in
21 consultation with local governments, the data to be collected. Data
22 on subpopulations and other characteristics of the homeless must, at
23 a minimum, be consistent with United States department of housing and
24 urban development requirements and include the following:

- 25 (a) Chronically homeless individuals;
- 26 (b) Chronically homeless families;
- 27 (c) Unaccompanied homeless youth;
- 28 (d) Male veterans;
- 29 (e) Female veterans;
- 30 (f) Adults with severe mental illness;
- 31 (g) Adults with chronic substance abuse issues;
- 32 (h) Adults with HIV/AIDS;
- 33 (i) Senior citizens;
- 34 (j) Victims of domestic violence; and
- 35 (k) An estimate of the number of homeless individuals that are
36 not included in the census.

37 (2) All personal information collected in the census is
38 confidential, and the department and each local government shall take

1 all necessary steps to protect the identity and confidentiality of
2 each person counted.

3 (3) The department and each local government are prohibited from
4 disclosing any personally identifying information about any homeless
5 individual when there is reason to believe or evidence indicating
6 that the homeless individual is an adult or minor victim of domestic
7 violence, dating violence, sexual assault, or stalking or is the
8 parent or guardian of a child victim of domestic violence, dating
9 violence, sexual assault, or stalking; or revealing other
10 confidential information regarding HIV/AIDS status, as found in RCW
11 70.02.220. The department and each local government shall not ask any
12 homeless housing provider to disclose personally identifying
13 information about any homeless individuals when the providers
14 implementing those programs have reason to believe or evidence
15 indicating that those clients are adult or minor victims of domestic
16 violence, dating violence, sexual assault, or stalking or are the
17 parents or guardians of child victims of domestic violence, dating
18 violence, sexual assault, or stalking. Summary data for the
19 provider's facility or program may be substituted.

20 (4) The Washington homeless census shall be conducted annually on
21 a schedule created by the department. The department shall make
22 summary data by county available to the public each year. This data,
23 and its analysis, shall be included in the department's annual
24 updated homeless housing program strategic plan.

25 (5) Based on the annual census and provider information from the
26 local government plans, the department shall, by the end of year
27 four, implement an online information and referral system to enable
28 local governments and providers to identify available housing for a
29 homeless person. The department shall work with local governments and
30 their providers to develop a capacity for continuous case management
31 to assist homeless persons.

32 (6) By the end of year four, the department shall implement an
33 organizational quality management system.

34 **Sec. 503.** RCW 43.185C.040 and 2015 c 69 s 25 are each amended to
35 read as follows:

36 ~~(1) ((Six months after the first Washington homeless census,))~~
37 The department shall, in consultation with the interagency council on
38 homelessness and the affordable housing advisory board, prepare and
39 publish a ~~((ten-year))~~ five-year homeless housing strategic plan

1 which (~~shall~~) must outline statewide goals and performance measures
2 and (~~shall~~) must be coordinated with the plan for homeless families
3 with children required under RCW 43.63A.650. The state homeless
4 housing strategic plan must be submitted to the legislature by July
5 1, 2018, and updated every five years thereafter. The plan must
6 include at least the following information:

7 (a) Performance measures and goals to reduce homelessness,
8 including long-term and short-term goals;

9 (b) An analysis of the services and programs being offered at the
10 state and county level and an identification of those representing
11 best practices and outcomes;

12 (c) Recognition of services and programs targeted to certain
13 homeless populations or geographic areas in recognition of the
14 diverse needs across the state;

15 (d) New or innovative funding, program, or service strategies to
16 pursue;

17 (e) An analysis of current drivers of homelessness and/or
18 improvements to housing security such as increases and reductions to
19 employment opportunities, housing scarcity and affordability, health
20 and behavior health services, chemical dependency treatment, and
21 incarceration rates; and

22 (f) An implementation strategy outlining the roles and
23 responsibilities at the state and local level and timelines to
24 achieve a reduction in homelessness at the statewide level during
25 periods of the five-year homeless housing strategic plan.

26 (2) The department must coordinate its efforts on the state
27 homeless housing strategic plan with the office of homeless youth
28 prevention and protection programs advisory committee under RCW
29 43.330.705. The state homeless housing strategic plan must not
30 conflict with the strategies, planning, data collection, and
31 performance and outcome measures developed under RCW 43.330.705 and
32 43.330.706 to reduce the state's homeless youth population.

33 (3) To guide local governments in preparation of (~~their first~~)
34 local homeless housing plans due December (~~31, 2005~~) 1, 2018, and
35 updated every five years thereafter, the department shall issue by
36 (~~October 15, 2005~~) December 1, 2017, (~~temporary~~) guidelines
37 consistent with this chapter and including the best available data on
38 each community's homeless population. (~~Local governments' ten-year~~
39 homeless housing plans shall not be substantially inconsistent with

1 ~~the goals and program recommendations of the temporary guidelines~~
2 ~~and, when amended after 2005, the state strategic plan.~~

3 ~~(2)) Program outcomes ((and)), performance measures, and goals~~
4 ~~((shall)) must be created by the department ((and reflected in the~~
5 ~~department's homeless housing strategic plan as well as interim~~
6 ~~goals)) in collaboration with local governments against which ((state~~
7 ~~and)) local governments' performance ((may)) will be measured((,~~
8 ~~including:~~

9 ~~(a) By the end of year one, completion of the first census as~~
10 ~~described in RCW 43.185C.030;~~

11 ~~(b) By the end of each subsequent year, goals common to all local~~
12 ~~programs which are measurable and the achievement of which would move~~
13 ~~that community toward housing its homeless population; and~~

14 ~~(c) By July 1, 2015, reduction of the homeless population~~
15 ~~statewide and in each county by fifty percent)).~~

16 ~~((3)) (4) The department shall develop a consistent statewide~~
17 ~~data gathering instrument to monitor the performance of cities and~~
18 ~~counties receiving grants in order to determine compliance with the~~
19 ~~terms and conditions set forth in the grant application or required~~
20 ~~by the department.~~

21 ~~((The department shall, in consultation with the interagency~~
22 ~~council on homelessness and the affordable housing advisory board,~~
23 ~~report biennially to the governor and the appropriate committees of~~
24 ~~the legislature an assessment of the state's performance in~~
25 ~~furthering the goals of the state ten-year homeless housing strategic~~
26 ~~plan and the performance of each participating local government in~~
27 ~~creating and executing a local homeless housing plan which meets the~~
28 ~~requirements of this chapter. The annual report may include~~
29 ~~performance measures such as:~~

30 ~~(a) The reduction in the number of homeless individuals and~~
31 ~~families from the initial count of homeless persons;~~

32 ~~(b) The reduction in the number of unaccompanied homeless youth.~~
33 ~~"Unaccompanied homeless youth" has the same meaning as in RCW~~
34 ~~43.330.702;~~

35 ~~(c) The number of new units available and affordable for homeless~~
36 ~~families by housing type;~~

37 ~~(d) The number of homeless individuals identified who are not~~
38 ~~offered suitable housing within thirty days of their request or~~
39 ~~identification as homeless;~~

1 ~~(e) The number of households at risk of losing housing who~~
2 ~~maintain it due to a preventive intervention;~~

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

4 ~~(g) The cost per person housed at each level of the housing~~
5 ~~continuum;~~

6 ~~(h) The ability to successfully collect data and report~~
7 ~~performance;~~

8 ~~(i) The extent of collaboration and coordination among public~~
9 ~~bodies, as well as community stakeholders, and the level of community~~
10 ~~support and participation;~~

11 ~~(j) The quality and safety of housing provided; and~~

12 ~~(k) The effectiveness of outreach to homeless persons, and their~~
13 ~~satisfaction with the program.~~

14 ~~(4))~~ (5) Based on the performance of local homeless housing
15 programs in meeting their ~~((interim))~~ goals, on general population
16 changes and on changes in the homeless population recorded in the
17 annual census, the department may ~~((revise the performance measures~~
18 ~~and goals of the state homeless housing strategic plan, set goals for~~
19 ~~years following the initial ten year period, and recommend))~~ require
20 changes in local governments' plans to be eligible for state funding
21 appropriated to the department for homeless programs.

22 **Sec. 504.** RCW 43.185C.070 and 2005 c 484 s 11 are each amended
23 to read as follows:

24 (1) During each calendar year in which moneys from the ~~((homeless~~
25 ~~housing))~~ home security fund account are available for use by the
26 department for the homeless housing grant program, the department
27 shall announce to all Washington counties, participating cities, and
28 through major media throughout the state, a grant application period
29 of at least ninety days' duration. Grants may only be awarded for
30 programs directly related to addressing the root causes of
31 homelessness, preventing homelessness, and collecting data and
32 information on homeless individuals. This announcement will be made
33 as often as the director deems appropriate for proper utilization of
34 resources. The department shall then promptly grant as many
35 applications as will utilize available funds, less appropriate
36 administrative costs of the department as described in RCW 36.22.179.

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

1 (3) The department may approve applications only if they are
2 consistent with the local and state homeless housing program
3 strategic plans. The department may give preference to applications
4 based on some or all of the following criteria:

5 (a) The total homeless population in the applicant local
6 government service area, as reported by the most recent annual
7 Washington homeless census;

8 (b) Current local expenditures to provide housing for the
9 homeless and to address the underlying causes of homelessness as
10 described in RCW 43.185C.005;

11 (c) Local government and private contributions pledged to the
12 program in the form of matching funds, property, infrastructure
13 improvements, and other contributions; and the degree of leveraging
14 of other funds from local government or private sources for the
15 program for which funds are being requested, to include recipient
16 contributions to total project costs, including allied contributions
17 from other sources such as professional, craft and trade services,
18 and lender interest rate subsidies;

19 (d) Construction projects or rehabilitation that will serve
20 homeless individuals or families for a period of at least twenty-five
21 years;

22 (e) Projects which demonstrate serving homeless populations with
23 the greatest needs, including projects that serve special needs
24 populations;

25 (f) The degree to which the applicant project represents a
26 collaboration between local governments, nonprofit community-based
27 organizations, local and state agencies, and the private sector,
28 especially through its integration with the coordinated and
29 comprehensive plan for homeless families with children required under
30 RCW 43.63A.650;

31 (g) The cooperation of the local government in the annual
32 Washington homeless census project;

33 (h) The commitment of the local government and any subcontracting
34 local governments, nonprofit organizations, and for-profit entities
35 to employ a diverse workforce;

36 (i) The extent, if any, that the local homeless population is
37 disproportionate to the revenues collected under this chapter and RCW
38 36.22.178 and 36.22.179; and

39 (j) Other elements shown by the applicant to be directly related
40 to the goal and the department's state strategic plan.

1 **Sec. 505.** RCW 43.185C.160 and 2005 c 485 s 1 are each amended to
2 read as follows:

3 (1) Each county shall create a homeless housing task force to
4 develop a ~~((ten-year))~~ five-year homeless housing plan addressing
5 short-term and long-term housing for homeless persons. The plan is
6 due to the department on December 1, 2018, and must be updated every
7 five years thereafter. The plan must include a local homelessness
8 reduction goal for the county and an implementation plan to achieve
9 the goal over the five-year plan period. The plan must also have a
10 specific and more aggressive goal and implementation plan to reduce
11 youth homelessness in the county that is consistent with state
12 reduction strategies developed by the office of homeless youth
13 prevention and protection programs.

14 Membership on the task force may include representatives of the
15 counties, cities, towns, housing authorities, civic and faith
16 organizations, schools, community networks, human services providers,
17 law enforcement personnel, criminal justice personnel, including
18 prosecutors, probation officers, and jail administrators, substance
19 abuse treatment providers, mental health care providers, emergency
20 health care providers, businesses, at large representatives of the
21 community, and a homeless or formerly homeless individual.

22 In lieu of creating a new task force, a local government may
23 designate an existing governmental or nonprofit body which
24 substantially conforms to this section and which includes at least
25 one homeless or formerly homeless individual to serve as its homeless
26 representative. As an alternative to a separate plan, two or more
27 local governments may work in concert to develop and execute a joint
28 homeless housing plan, or to contract with another entity to do so
29 according to the requirements of this chapter. While a local
30 government has the authority to subcontract with other entities, the
31 local government continues to maintain the ultimate responsibility
32 for the homeless housing program within its borders.

33 A county may decline to participate in the program authorized in
34 this chapter by forwarding to the department a resolution adopted by
35 the county legislative authority stating the intention not to
36 participate. A copy of the resolution shall also be transmitted to
37 the county auditor and treasurer. If a county declines to
38 participate, the department shall create and execute a local homeless
39 housing plan for the county meeting the requirements of this chapter.

1 (2) In addition to developing a (~~ten-year~~) five-year homeless
2 housing plan, each task force shall establish guidelines consistent
3 with the statewide homeless housing strategic plan, as needed, for
4 the following:

- 5 (a) Emergency shelters;
- 6 (b) Short-term housing needs;
- 7 (c) Temporary encampments;
- 8 (d) Supportive housing for chronically homeless persons; and
- 9 (e) Long-term housing.

10 Guidelines must include, when appropriate, standards for health
11 and safety and notifying the public of proposed facilities to house
12 the homeless.

13 (3) Each county, including counties exempted from creating a new
14 task force under subsection (1) of this section, shall report to the
15 department (~~of community, trade, and economic development~~) such
16 information as may be needed to ensure compliance with this chapter,
17 including the annual report required in section 507 of this act.

18 **Sec. 506.** RCW 43.185C.170 and 2006 c 349 s 7 are each amended to
19 read as follows:

20 (1) The interagency council on homelessness, as defined in RCW
21 43.185C.010, shall be convened not later than August 31, 2006, and
22 shall meet at least two times each year and report to the appropriate
23 committees of the legislature annually by December 31st on its
24 activities.

25 (2) The interagency council on homelessness shall work to create
26 greater levels of interagency coordination and to coordinate state
27 agency efforts with the efforts of state and local entities
28 addressing homelessness.

29 (3) The interagency council on homelessness must respond to all
30 state and local legislative and policy recommendations included in
31 the state and local ending homeless plans. The interagency council
32 must annually present its strategy for addressing the issue raised to
33 the appropriate committees of the legislature and must also include a
34 report on the actions taken to date that address these issues.

35 (4) The interagency council shall seek to:

- 36 (a) Align homeless-related housing and supportive service
37 policies among state agencies;
- 38 (b) Identify ways in which providing housing with appropriate
39 services can contribute to cost savings for state agencies;

1 (c) Identify policies and actions that may contribute to
2 homelessness or interfere with its reduction;

3 (d) Review and improve strategies for discharge from state
4 institutions that contribute to homelessness;

5 (e) Recommend policies to either improve practices or align
6 resources, or both, including those policies requested by the
7 affordable housing advisory board or through state and local housing
8 plans; and

9 (f) Ensure that the housing status of people served by state
10 programs is collected in consistent formats available for analysis.

11 NEW SECTION. **Sec. 507.** A new section is added to chapter
12 43.185C RCW to read as follows:

13 (1) By February 1st of each year, the department must provide an
14 update on the state's homeless housing strategic plan and its
15 activities for the prior fiscal year. The report must include, but
16 not be limited to, the following information:

17 (a) An assessment of the current condition of homelessness in
18 Washington state and the state's performance in meeting the goals in
19 the state homeless housing strategic plan;

20 (b) A report on the results of the annual homeless point-in-time
21 census conducted statewide under RCW 43.185C.030;

22 (c) The amount of federal, state, local, and private funds spent
23 on homelessness assistance, categorized by funding source and the
24 following major assistance types:

25 (i) Emergency shelter;

26 (ii) Homelessness prevention and rapid rehousing;

27 (iii) Permanent housing;

28 (iv) Permanent supportive housing;

29 (v) Transitional housing;

30 (vi) Services only; and

31 (vii) Any other activity in which more than five hundred thousand
32 dollars of category funds were expended;

33 (d) A report on the expenditures, performance, and outcomes of
34 state funds distributed through the consolidated homeless grant
35 program, including the grant recipient, award amount expended, use of
36 the funds, counties served, and households served;

37 (e) A report on state and local homelessness document recording
38 fee expenditure by county, including the total amount of fee
39 spending, percentage of total spending from fees, number of people

1 served by major assistance type, and amount of expenditures for
2 private rental payments required in RCW 36.22.179;

3 (f) A report on the expenditures, performance, and outcomes of
4 the essential needs and housing support program meeting the
5 requirements of RCW 43.185C.220; and

6 (g) A report on the expenditures, performance, and outcomes of
7 the independent youth housing program meeting the requirements of RCW
8 43.63A.311.

9 (2) The report required in subsection (1) of this section must be
10 posted to the department's web site and may include links to updated
11 or revised information contained in the report.

12 (3) By February 1st of each year, any local government receiving
13 state funds for homelessness assistance or state or local
14 homelessness document recording fees under RCW 36.22.178, 36.22.179,
15 or 36.22.1791 must provide an annual report on the current condition
16 of homelessness in its jurisdiction, its performance in meeting the
17 goals in its local homeless housing plan, and any significant changes
18 made to the plan. The annual report must be posted on the
19 department's web site. Along with each local government annual
20 report, the department must produce and post information on the local
21 government's homelessness spending from all sources by project during
22 the prior state fiscal year in a format similar to the department's
23 report under subsection (1)(c) of this section. If a local government
24 fails to report or provides an inadequate or incomplete report, the
25 department must take corrective action, which may include withholding
26 state funding for homelessness assistance to the local government to
27 enable the department to use such funds to contract with other public
28 or nonprofit entities to provide homelessness assistance within the
29 jurisdiction.

30 **Sec. 508.** RCW 36.22.178 and 2011 c 110 s 1 are each amended to
31 read as follows:

32 The surcharge provided for in this section shall be named the
33 affordable housing for all surcharge.

34 (1) Except as provided in subsection (3) of this section, a
35 surcharge of ten dollars per instrument shall be charged by the
36 county auditor for each document recorded, which will be in addition
37 to any other charge authorized by law. (~~The county may retain up to~~
38 ~~five percent of these funds collected solely for the collection,~~
39 ~~administration, and local distribution of these funds. Of the~~

1 ~~remaining funds,~~) Forty percent of the revenue generated through
2 this surcharge will be transmitted monthly to the state treasurer who
3 will deposit the funds into the affordable housing for all account
4 created in RCW 43.185C.190. The department of commerce must use these
5 funds to provide housing and shelter for extremely low-income
6 households, including but not limited to housing for victims of human
7 trafficking and their families and grants for building operation and
8 maintenance costs of housing projects or units within housing
9 projects that are affordable to extremely low-income households with
10 incomes at or below thirty percent of the area median income, and
11 that require a supplement to rent income to cover ongoing operating
12 expenses.

13 (2) All of the remaining funds generated by this surcharge will
14 be retained by the county and be deposited into a fund that must be
15 used by the county and its cities and towns for eligible housing
16 activities as described in this subsection that serve very low-income
17 households with incomes at or below fifty percent of the area median
18 income. Up to six percent of the funds may be used by the county for
19 the collection and local distribution of these funds and
20 administrative costs related to its homeless housing plan. The
21 portion of the surcharge retained by a county shall be allocated to
22 eligible housing activities that serve extremely low and very low-
23 income households in the county and the cities within a county
24 according to an interlocal agreement between the county and the
25 cities within the county consistent with countywide and local housing
26 needs and policies. A priority must be given to eligible housing
27 activities that serve extremely low-income households with incomes at
28 or below thirty percent of the area median income. Eligible housing
29 activities to be funded by these county funds are limited to:

30 (a) Acquisition, construction, or rehabilitation of housing
31 projects or units within housing projects that are affordable to very
32 low-income households with incomes at or below fifty percent of the
33 area median income, including units for homeownership, rental units,
34 seasonal and permanent farmworker housing units, units reserved for
35 victims of human trafficking and their families, and single room
36 occupancy units;

37 (b) Supporting building operation and maintenance costs of
38 housing projects or units within housing projects eligible to receive
39 housing trust funds, that are affordable to very low-income
40 households with incomes at or below fifty percent of the area median

1 income, and that require a supplement to rent income to cover ongoing
2 operating expenses;

3 (c) Rental assistance vouchers for housing units that are
4 affordable to very low-income households with incomes at or below
5 fifty percent of the area median income, including rental housing
6 vouchers for victims of human trafficking and their families, to be
7 administered by a local public housing authority or other local
8 organization that has an existing rental assistance voucher program,
9 consistent with or similar to the United States department of housing
10 and urban development's section 8 rental assistance voucher program
11 standards; and

12 (d) Operating costs for emergency shelters and licensed overnight
13 youth shelters.

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

16 **Sec. 509.** RCW 36.22.179 and 2014 c 200 s 1 are each amended to
17 read as follows:

18 (1) In addition to the surcharge authorized in RCW 36.22.178, and
19 except as provided in subsection (2) of this section, an additional
20 surcharge of ten dollars shall be charged by the county auditor for
21 each document recorded, which will be in addition to any other charge
22 allowed by law. From September 1, 2012, through June 30, ((2019))
23 2022, the surcharge shall be forty dollars. The funds collected
24 pursuant to this section are to be distributed and used as follows:

25 (a) The auditor shall (~~retain two percent for collection of the~~
26 ~~fee, and of the remainder shall~~) remit sixty percent to the county
27 to be deposited into a fund that must be used by the county and its
28 cities and towns to accomplish the purposes of chapter 484, Laws of
29 2005, six percent of which may be used by the county for the
30 collection and local distribution of these funds and administrative
31 costs related to its homeless housing plan, and the remainder for
32 programs which directly accomplish the goals of the county's local
33 homeless housing plan, except that for each city in the county which
34 elects as authorized in RCW 43.185C.080 to operate its own local
35 homeless housing program, a percentage of the surcharge assessed
36 under this section equal to the percentage of the city's local
37 portion of the real estate excise tax collected by the county shall
38 be transmitted at least quarterly to the city treasurer, without any
39 deduction for county administrative costs, for use by the city for

1 program costs which directly contribute to the goals of the city's
2 local homeless housing plan; of the funds received by the city, it
3 may use six percent for administrative costs for its homeless housing
4 program.

5 (b) The auditor shall remit the remaining funds to the state
6 treasurer for deposit in the home security fund account. The
7 department may use twelve and one-half percent of this amount for
8 administration of the program established in RCW 43.185C.020,
9 including the costs of creating the statewide homeless housing
10 strategic plan, measuring performance, providing technical assistance
11 to local governments, and managing the homeless housing grant
12 program. Of the remaining eighty-seven and one-half percent, at least
13 forty-five percent must be set aside for the use of private rental
14 housing payments, and the remainder is to be used by the department
15 to:

16 (i) Provide housing and shelter for homeless people including,
17 but not limited to: Grants to operate, repair, and staff shelters;
18 grants to operate transitional housing; partial payments for rental
19 assistance; consolidated emergency assistance; overnight youth
20 shelters; grants and vouchers designated for victims of human
21 trafficking and their families; and emergency shelter assistance; and

22 (ii) Fund the homeless housing grant program.

23 (2) The surcharge imposed in this section does not apply to (a)
24 assignments or substitutions of previously recorded deeds of trust,
25 (b) documents recording a birth, marriage, divorce, or death, (c) any
26 recorded documents otherwise exempted from a recording fee or
27 additional surcharges under state law, (d) marriage licenses issued
28 by the county auditor, or (e) documents recording a state, county, or
29 city lien or satisfaction of lien.

30 **Sec. 510.** RCW 36.22.1791 and 2011 c 110 s 3 are each amended to
31 read as follows:

32 (1) In addition to the surcharges authorized in RCW 36.22.178 and
33 36.22.179, and except as provided in subsection (2) of this section,
34 the county auditor shall charge an additional surcharge of eight
35 dollars for each document recorded, which is in addition to any other
36 charge allowed by law. The funds collected under this section are to
37 be distributed and used as follows:

38 (a) The auditor shall remit ninety percent to the county to be
39 deposited into a fund six percent of which may be used by the county

1 for the collection and local distribution of these funds and
2 administrative costs related to its homeless housing plan, and the
3 remainder for programs that directly accomplish the goals of the
4 county's local homeless housing plan, except that for each city in
5 the county that elects, as authorized in RCW 43.185C.080, to operate
6 its own local homeless housing program, a percentage of the surcharge
7 assessed under this section equal to the percentage of the city's
8 local portion of the real estate excise tax collected by the county
9 must be transmitted at least quarterly to the city treasurer for use
10 by the city for program costs that directly contribute to the goals
11 of the city's local homeless housing plan.

12 (b) The auditor shall remit the remaining funds to the state
13 treasurer for deposit in the home security fund account. The
14 department may use the funds for administering the program
15 established in RCW 43.185C.020, including the costs of creating and
16 updating the statewide homeless housing strategic plan, measuring
17 performance, providing technical assistance to local governments, and
18 managing the homeless housing grant program. Remaining funds may also
19 be used to:

20 (i) Provide housing and shelter for homeless people including,
21 but not limited to: Grants to operate, repair, and staff shelters;
22 grants to operate transitional housing; partial payments for rental
23 assistance; consolidated emergency assistance; overnight youth
24 shelters; grants and vouchers designated for victims of human
25 trafficking and their families; and emergency shelter assistance; and

26 (ii) Fund the homeless housing grant program.

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

29 **Sec. 511.** RCW 43.185C.240 and 2015 c 69 s 26 are each amended to
30 read as follows:

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

33 (a) Any local government that has the authority to issue housing
34 vouchers, directly or through a contractor, using document recording
35 surcharge funds collected pursuant to RCW 36.22.178, 36.22.179, or
36 36.22.1791 must:

37 (i)(A) Maintain an interested landlord list, which at a minimum,
38 includes information on rental properties in buildings with fewer
39 than fifty units;

1 (B) Update the list at least once per quarter;

2 (C) Distribute the list to agencies providing services to
3 individuals and households receiving housing vouchers;

4 (D) Ensure that a copy of the list or information for accessing
5 the list online is provided with voucher paperwork; and

6 (E) Communicate and interact with landlord and tenant
7 associations located within its jurisdiction to facilitate
8 development, maintenance, and distribution of the list to private
9 rental housing landlords. The department must make reasonable efforts
10 to ensure that local providers conduct outreach to private rental
11 housing landlords each calendar quarter regarding opportunities to
12 provide rental housing to the homeless and the availability of funds;

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

20 (iii) Produce data, limited to document recording fee uses and
21 expenditures, on a (~~calendar~~) fiscal year basis in consultation
22 with landlords represented on the interested landlord list and
23 agencies providing services to individuals and households receiving
24 housing vouchers, that include the following: Total amount expended
25 from document recording fees; amount expended on, number of
26 households that received, and number of housing vouchers issued in
27 each of the private, public, and nonprofit markets; amount expended
28 on, number of households that received, and number of housing
29 placement payments provided in each of the private, public, and
30 nonprofit markets; amount expended on and number of eviction
31 prevention services provided in the private market; amount expended
32 on and number of other tenant-based rent assistance services provided
33 in the private market; and amount expended on and number of services
34 provided to unaccompanied homeless youth. If these data elements are
35 not readily available, the reporting government may request the
36 department to use the sampling methodology established pursuant to
37 (c)(iii) of this subsection to obtain the data; and

38 (iv) Annually submit the (~~calendar~~) fiscal year data to the
39 department (~~by October 1st, with preliminary data submitted by~~

1 ~~October 1, 2012, and full calendar year data submitted beginning~~
2 ~~October 1, 2013~~)).

3 (b) Any local government receiving more than ~~((three million))~~
4 five hundred thousand dollars during the previous ~~((calendar))~~ fiscal
5 year from document recording surcharge funds collected pursuant to
6 RCW 36.22.178, 36.22.179, and 36.22.1791, must apply to the
7 Washington state quality award program, or similar Baldrige
8 assessment organization, for an independent assessment of its quality
9 management, accountability, and performance system. The first
10 assessment may be a lite assessment. After submitting an application,
11 a local government is required to reapply at least every two years.

12 (c) The department must:

13 (i) Require contractors that provide housing vouchers to
14 distribute the interested landlord list created by the appropriate
15 local government to individuals and households receiving the housing
16 vouchers;

17 (ii) Convene a stakeholder group by March 1, 2017, consisting of
18 landlords, homeless housing advocates, real estate industry
19 representatives, cities, counties, and the department to meet to
20 discuss long-term funding strategies for homeless housing programs
21 that do not include a surcharge on document recording fees. The
22 stakeholder group must provide a report of its findings to the
23 legislature by December 1, 2017;

24 (iii) Develop a sampling methodology to obtain data required
25 under this section when a local government or contractor does not
26 have such information readily available. The process for developing
27 the sampling methodology must include providing notification to and
28 the opportunity for public comment by local governments issuing
29 housing vouchers, landlord association representatives, and agencies
30 providing services to individuals and households receiving housing
31 vouchers;

32 (iv) Develop a report, limited to document recording fee uses and
33 expenditures, on a ~~((calendar))~~ fiscal year basis that may include
34 consultation with local governments, landlord association
35 representatives, and agencies providing services to individuals and
36 households receiving housing vouchers, that includes the following:
37 Total amount expended from document recording fees; amount expended
38 on, number of households that received, and number of housing
39 vouchers issued in each of the private, public, and nonprofit
40 markets; amount expended on, number of households that received, and

1 number of housing placement payments provided in each of the private,
2 public, and nonprofit markets; amount expended on and number of
3 eviction prevention services provided in the private market; the
4 total amount of funds set aside for private rental housing payments
5 as required in RCW 36.22.179(1)(b); and amount expended on and number
6 of other tenant-based rent assistance services provided in the
7 private market. The information in the report must include data
8 submitted by local governments and data on all additional document
9 recording fee activities for which the department contracted that
10 were not otherwise reported. The data, samples, and sampling
11 methodology used to develop the report must be made available upon
12 request and for the audits required in this section;

13 (v) Annually submit the (~~calendar~~) fiscal year report to the
14 legislature by (~~December 15th, with a preliminary report submitted~~
15 ~~by December 15, 2012, and full calendar year reports submitted~~
16 ~~beginning December 15, 2013~~) February 1st of each year; and

17 (vi) Work with the Washington state quality award program, local
18 governments, and any other organizations to ensure the appropriate
19 scheduling of assessments for all local governments meeting the
20 criteria described in subsection (1)(b) of this section.

21 (d) The office of financial management must secure an independent
22 audit of the department's data and expenditures of state funds
23 received under RCW 36.22.179(1)(b) on an annual basis. The
24 independent audit must review a random sample of local governments,
25 contractors, and housing providers that is geographically and
26 demographically diverse. The independent auditor must meet with the
27 department and a landlord representative to review the preliminary
28 audit and provide the department and the landlord representative with
29 the opportunity to include written comments regarding the findings
30 that must be included with the audit. The first audit of the
31 department's data and expenditures will be for calendar year 2014 and
32 is due July 1, 2015. Each audit thereafter will be due July 1st
33 following the department's submission of the report to the
34 legislature. If the independent audit finds that the department has
35 failed to set aside at least forty-five percent of the funds received
36 under RCW 36.22.179(1)(b) after June 12, 2014, for private rental
37 housing payments, the independent auditor must notify the department
38 and the office of financial management of its finding. In addition,
39 the independent auditor must make recommendations to the office of
40 financial management and the legislature on alternative means of

1 distributing the funds to meet the requirements of RCW
2 36.22.179(1)(b).

3 (e) The office of financial management must contract with an
4 independent auditor to conduct a performance audit of the programs
5 funded by document recording surcharge funds collected pursuant to
6 RCW 36.22.178, 36.22.179, and 36.22.1791. The audit must provide
7 findings to determine if the funds are being used effectively,
8 efficiently, and for their intended purpose. The audit must review
9 the department's performance in meeting all statutory requirements
10 related to document recording surcharge funds including, but not
11 limited to, the data the department collects, the timeliness and
12 quality of required reports, and whether the data and required
13 reports provide adequate information and accountability for the use
14 of the document recording surcharge funds. The audit must include
15 recommendations for policy and operational improvements to the use of
16 document recording surcharges by counties and the department. The
17 performance audit must be submitted to the legislature by December 1,
18 2016.

19 (2) For purposes of this section:

20 (a) "Housing placement payments" means one-time payments, such as
21 first and last month's rent and move-in costs, funded by document
22 recording surcharges collected pursuant to RCW 36.22.178, 36.22.179,
23 or 36.22.1791 that are made to secure a unit on behalf of a tenant.

24 (b) "Housing vouchers" means payments, including private rental
25 housing payments, funded by document recording surcharges collected
26 pursuant to RCW 36.22.178, 36.22.179, or 36.22.1791 that are made by
27 a local government or contractor to secure: (i) A rental unit on
28 behalf of an individual tenant; or (ii) a block of units on behalf of
29 multiple tenants.

30 (c) "Interested landlord list" means a list of landlords who have
31 indicated to a local government or contractor interest in renting to
32 individuals or households receiving a housing voucher funded by
33 document recording surcharges.

34 (d) "Private rental housing" means housing owned by a private
35 landlord and does not include housing owned by a nonprofit housing
36 entity or government entity.

37 (3) This section expires June 30, 2019.

38

PART VI

1 NEW SECTION. **Sec. 601.** The sum of fifty thousand dollars, or as
2 much thereof as may be necessary, is appropriated for the fiscal year
3 ending June 30, 2018, from the general fund to the department of
4 commerce to be distributed to five housing authorities, using a
5 selection method and distribution formula to be determined by the
6 department, to implement a quality management system and prepare and
7 submit an application to the Washington quality awards program by
8 December 31, 2019.

9 NEW SECTION. **Sec. 602.** The sum of fifty thousand dollars, or as
10 much thereof as may be necessary, is appropriated for the fiscal year
11 ending June 30, 2018, from the general fund to the department of
12 commerce to be distributed to five community action agencies, using a
13 selection method and distribution formula to be determined by the
14 department, to implement a quality management system and prepare and
15 submit an application to the Washington quality awards program by
16 December 31, 2019.

17 NEW SECTION. **Sec. 603.** The sum of two hundred thousand dollars,
18 or as much thereof may be necessary, is appropriated for the fiscal
19 biennium ending June 30, 2019, and every two years thereafter, from
20 the general fund to the state auditor's office for the purpose of an
21 audit to determine the effectiveness and efficiency of state homeless
22 programs.

23 NEW SECTION. **Sec. 604.** Section 301 of this act expires April 1,
24 2018.

25 NEW SECTION. **Sec. 605.** Section 302 of this act takes effect
26 April 1, 2018.

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