

SENATE BILL REPORT

SB 6472

As of February 4, 2020

Title: An act relating to standardizing definitions of homelessness to improve access to services.

Brief Description: Standardizing definitions of homelessness to improve access to services.

Sponsors: Senators Lovelett, Darneille, Nguyen, Wilson, C., Stanford, Keiser, Kuderer and Saldaña.

Brief History:

Committee Activity: Human Services, Reentry & Rehabilitation: 1/28/20.

Brief Summary of Bill

- Defines homeless for the Essential Needs and Housing Program, Early Childhood Education and Assistance Program, Temporary Assistance for Needy Families, Working Connections Child Care, in child welfare, and for identicards.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

Staff: Alison Mendiola (786-7488)

Background: McKinney-Vento Homeless Assistance Act. The federal McKinney-Vento Homeless Assistance Act, Subchapter VI, Part B: Education for Homeless Children and Youths (McKinney-Vento) defines "homeless children and youths" to mean individuals who lack a fixed, regular, and adequate nighttime residence and includes children and youth:

- sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
- living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
- living in emergency or transitional shelters;
- abandoned in hospitals;
- with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; and
- living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Housing and Essential Needs. The Essential Needs and Housing Support program (HEN) provides rental assistance and other housing support, as well as essential needs items. Housing support is assistance provided to maintain existing housing when the recipient is at substantial risk of becoming homeless, to obtain housing, or to obtain utility services.

Eligible individuals must meet income requirements, be temporarily unable to work for at least 90 days due to physical or mental incapacity, and be ineligible for other cash assistance programs such as the Temporary Assistance for Needy Families (TANF) program.

First priority for HEN assistance is given to people living outside or in a building not meant for human habitation or which they have no legal right to occupy, in an emergency shelter, or in a temporary housing program which may include a transitional and supportive housing program if habitation time limits exist.

Early Childhood Education and Assistance Program. The Early Childhood Education and Assistance Program (ECEAP) is a state-funded preschool program for low-income or at-risk three and four year olds. Children eligible for ECEAP are prioritized according to various risk factors, including homelessness. ECEAP uses the federal McKinney-Vento definition of a homeless child.

Working Connections Child Care. The Working Connections Child Care (WCCC) program provides subsidized child care for low-income families who are participating in work activities or meet other program requirements. Homeless families receive a four-month grace period to meet work and other requirements. The WCCC program uses the McKinney-Vento definition of homelessness.

Temporary Assistance for Needy Families. The TANF program provides cash assistance, child care, and work programs to low-income families with children. Federal rules limit the length of time an adult can receive TANF benefits to a cumulative total of 60 months. States can extend TANF assistance beyond the 60-month limit on the basis of hardship, as defined in statute, or in instances of family violence. The state considers homelessness as a hardship qualifying for an extension. For this purpose, "homeless" is defined as an individual living outside or in a building not meant for human habitation or which they have no legal right to occupy, in an emergency shelter, or in a temporary housing program which may include a transitional and supportive housing program if habitation time limits exist.

Child Welfare. Child protective and child welfare services are provided to families to protect children from child abuse and neglect.

Anyone may file a petition in court alleging a child should be a dependent of the state due to abuse, neglect, or because there is no parent, guardian, or custodian capable of adequately caring for the child. Poverty, homelessness, or exposure to domestic violence perpetuated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

Child Welfare Housing Pilot Program. In 2019, the Legislature created the Child Welfare Housing Pilot Program (CHWPP) with the goal of shortening the time that children remain in

out-of-home care. To meet this goal, the CHWPP provides housing support and services to families with a dependent child whose primary remaining barrier to reunification is the lack of appropriate housing. The stakeholder group is to create a definition of homeless for the purpose of eligibility of the program.

Identicators. The Department of Licensing issues identicators to an applicant who does not have a valid Washington driver's license, can prove their identity, and pays the required fee. For most applicants, the fee is \$54. Identicator applicants with no permanent residence address pay a fee equal to the actual cost of production of the identicator.

Summary of Bill: Essential Needs and Housing Support Program. In the HEN program, a person experiencing homelessness means an individual:

- living outside or in a building not meant for human habitation or which they have no legal right to occupy, in an emergency shelter, or in a temporary housing program that may include a transitional or supportive housing program if habitation time limits exist; or
- lacking a fixed, regular, and adequate nighttime residence, including circumstances such as sharing the housing of other persons due to loss of housing, economic hardship, fleeing domestic violence, or a similar reason.

Persons experiencing homelessness include people with a behavioral health disorder, and sex offenders who are homeless. Substantial risk means the client has provided documentation that they will lose their housing within the next 30 days or that the services will be discontinued within the next 30 days.

Early Childhood Education and Assistance and Working Connections Child Care Programs. Under these programs, homeless means without a fixed, regular, and adequate nighttime residence as described in the McKinney-Vento Act.

Temporary Assistance for Needy Families. Under TANF, a recipient is exempt from the 60-month time limit by reason of hardship if the family includes a homeless child or youth without a fixed, regular, and adequate nighttime residence as described in the McKinney-Vento Act.

Child Welfare. For the purposes of child welfare, dependency proceedings, the child welfare housing assistance pilot program and for individuals who qualify for a reduced identicator fee, "experiencing homelessness" is defined as a person living outside or in a building not meant for human habitation or which they have no legal right to occupy, in an emergency shelter, a temporary housing program, or who lacks a fixed, regular, and adequate nighttime residence, including circumstances such as sharing the housing of other persons.

Appropriation: None.

Fiscal Note: Requested on January 25, 2020.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: There is an inconsistent definition of homelessness in our statutes which this bill addresses. It is hard when youth is doubled up and because under some definitions that does not count as homeless, certain services can not be provided. We are basically asking how homeless are you when we are determining where to refer a person. For example, consider two different moms, one staying in a cheap motel, the other in a car. What kind of assistance that families receives will depend on the definition of homeless and where they go for assistance. For some programs you have to literally be homeless—we could do better by helping people sooner. For example, the average shelter cost is \$95 per night as compared to rent of \$35 per night. If you prevent homelessness, you are saving money and providing better assistance to that family. There may be some technical amendments which are consistent with the goal of the bill.

Persons Testifying: PRO: Senator Liz Lovelett, Prime Sponsor; Alex Hur, Statewide Poverty Action Network; Peter Drury, Wellspring Family Services.

Persons Signed In To Testify But Not Testifying: No one.

Staff Summary of Public Testimony: PRO: There is an inconsistent definition of homelessness across the statutes. This bill provides a single definition that includes doubling up. It's hard when youth are doubled up & that doesn't count as homeless. We have to ask clients how homeless are you when determining what they might be eligible for or where they should be referred. You could have two different moms, one in a cheap motel, one living out of her car- the definition of homeless will depend on what services they have access to, as the family often has to be literally homeless first in order to qualify for services. The average shelter cost is \$95 per nights vs. rent at \$35 per night. It's cheaper and less traumatic to a family to prevent homelessness. There will be some technical amendments consistent with the goal of the bill.

Persons Testifying: PRO: Senator Liz Lovelett, Prime Sponsor; Alex Hur, Statewide Poverty Action Network; Peter Drury, Wellspring Family Services.

Persons Signed In To Testify But Not Testifying: No one.