

# FINAL BILL REPORT

## SHB 1221

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Synopsis as Enacted

**Brief Description:** Standardizing homelessness definitions.

**Sponsors:** House Committee on Children, Youth & Families (originally sponsored by Representatives Rule, Bateman, Shewmake, Lekanoff, Senn, Santos, Thai, Ortiz-Self, Ormsby, Callan, Ramel, Riccelli and Macri).

**House Committee on Children, Youth & Families**  
**Senate Committee on Human Services, Reentry & Rehabilitation**

### **Background:**

#### McKinney-Vento Homeless Assistance Act.

The federal McKinney-Vento Homeless Assistance Act (McKinney-Vento Act) includes defines several definitions relating to homelessness. For example, "homeless children and youths" is defined 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; or
- living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.

The McKinney-Vento Act defines "homeless," "homeless individual," and "homeless person" in four main ways.

First as an individual who:

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- lacks a fixed, regular, and adequate nighttime residence;
- has 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, including a car, park, abandoned building, bus or train station, airport, or camping ground;
- is living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by federal, state, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing); or
- resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided.

Second as an individual or family who:

- will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by federal, state, or local government programs for low-income individuals or by charitable organizations, as evidenced by:
  - a court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days;
  - the individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days; or
  - credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause;
- has no subsequent residence identified; and
- lacks the resources or support networks needed to obtain other permanent housing.

Third as unaccompanied youth and homeless families with children and youth defined as homeless under other federal statutes who:

- have experienced a long term period without living independently in permanent housing;
- have experienced persistent instability as measured by frequent moves over such period; and
- may be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

Fourth as any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual's or family's current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the

resources or support networks to obtain other permanent housing.

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 old children. Children eligible for the ECEAP are prioritized according to various risk factors, including homelessness.

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.

**Summary:**

Early Childhood Education and Assistance Program.

"Homeless" means a child without a fixed, regular, and adequate nighttime residence as described in the McKinney-Vento Homeless Act.

Child Welfare.

For child welfare and dependency proceedings, "experiencing homelessness" is defined as 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 as described in the McKinney-Vento Homeless Act as it existed on January 1, 2021.

The term "homelessness" is replaced with the term "experiencing homelessness" in the child welfare statutes.

**Votes on Final Passage:**

House	61	36
Senate	30	19

**Effective:** July 25, 2021