

# HOUSE BILL REPORT

## E2SSB 5662

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**As Reported by House Committee On:**  
Housing, Human Services & Veterans

**Title:** An act relating to intergovernmental coordination to address transitioning persons encamped on state public rights-of-way to permanent housing solutions.

**Brief Description:** Concerning intergovernmental coordination to address transitioning persons encamped on state public rights-of-way to permanent housing solutions.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Kuderer, Trudeau, Hasegawa, Lovelett, Nguyen, Saldaña, Stanford and Wilson, C.; by request of Office of the Governor).

**Brief History:**

**Committee Activity:**

Housing, Human Services & Veterans: 2/22/22, 2/24/22 [DPA].

**Brief Summary of Engrossed Second Substitute Bill**  
**(As Amended By Committee)**

- Establishes the Office of Intergovernmental Coordination on Public Right-of-Way Homeless Encampments (office) within the Department of Social and Health Services to coordinate efforts related to identifying permanent housing and services for persons encamped on public rights-of-way.

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### HOUSE COMMITTEE ON HOUSING, HUMAN SERVICES & VETERANS

**Majority Report:** Do pass as amended. Signed by 5 members: Representatives Peterson, Chair; Taylor, Vice Chair; Bateman, Chopp and Donaghy.

**Minority Report:** Do not pass. Signed by 1 member: Representative Gilday, Ranking Minority Member.

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

**Minority Report:** Without recommendation. Signed by 3 members: Representatives Barkis, Assistant Ranking Minority Member; Jacobsen and Leavitt.

**Staff:** Serena Dolly (786-7150).

**Background:**

Homeless Encampments on Public Rights-of-Way.

The 2021-23 Transportation Budget provided funding to the Department of Transportation (DOT) to address public health and safety risks associated with homeless encampments on DOT-owned rights-of-way. The DOT was directed to work with local governments and social service organizations to help prevent future encampments from forming on highway rights-of-way and was authorized to reimburse organizations providing outreach and assistance to transition people into treatment or housing. Specific funding was also provided for the DOT to work with the cities of Tacoma and Seattle on safety improvements, public health problems, and debris clean up related to encampments on DOT rights-of-way. The DOT also was directed to provide a semiannual status report on these efforts to the Governor and the Legislature beginning October 1, 2021.

*Martin v. City of Boise.*

In 2018, the United States Ninth Circuit Court of Appeals issued an opinion in *Martin v. City of Boise*, regarding a Boise, Idaho, ordinance banning people from sleeping outdoors on public property. In its decision, the court held that enforcement of ordinances that prohibit camping or sleeping outdoors on public property when no alternative shelter is available violates the Eighth Amendment of the United States Constitution's prohibition against cruel and unusual punishment. The ruling applies to nine Western states, including Washington and was denied review by the United States Supreme Court in December 2019.

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**Summary of Amended Bill:**

The Office of Intergovernmental Coordination on Public Right-of-Way Homeless Encampments (office) is created within the Department of Social and Health Services. The office must lead efforts to coordinate funding, policy, and practice efforts related to persons encamped on the right-of-way to identify more permanent housing solutions and appropriate services, in a manner than treats people with respect, compassion, and dignity, through coordinated state, local, and community partnerships.

The office is subject to review and termination under the Sunset Act, which includes performance measure requirements and a program and fiscal review by the Joint Legislative Audit and Review Committee, as of July 1, 2027.

**Amended Bill Compared to Engrossed Second Substitute Bill:**

The amended bill modifies the intent section and eliminates most of the office's specific duties contained in the underlying bill. It removes language related to reducing the number of persons encamped on public rights-of-way, closing encampments, and allowing engagement with encamped persons while housing plans are being completed under certain circumstances. The amended bill also eliminates all provisions requiring the office to establish coordination teams, outreach teams, and a data analysis team. The amended bill instead requires the office to lead efforts to coordinate efforts to identify permanent housing solutions and appropriate services in a manner that treats encamped persons with respect, compassion, and dignity, through coordinated state, local, and community partnerships.

The amended bill also removes all provisions directing the Department of Commerce to work with the new office and administer grants to local governments or nonprofit organizations to meet the needs of persons encamped on state public rights-of-way and facilitate their transition to permanent housing.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The state has made substantial investments in shelters and affordable housing stock, but it is only a fraction of what is needed to address the housing shortage affecting every community in this state. The Governor is proposing additional funding for shelters and affordable housing solutions, including \$40 million in grant funding for local governments and nonprofits to help meet the individual needs of encamped persons. The bill creates a collaborative process to transition people encamped on public rights-of-way to permanent housing, and the goal is to coordinate efforts with local housing plans in a way that prioritizes new units of affordable and supportive housing. Engaging with encamped person is predicated on having a plan to provide housing and services.

(Opposed) The bill needs to be amended to guarantee that homelessness is not criminalized or otherwise penalized. It also needs to ensure that people living unsheltered are treated with dignity, respect, and compassion by codifying how the new office will operate and meet its goals. Removing persons from where they are encamped must be limited to situations where people are living in imminent danger.

(Other) Unsheltered persons face fear, stress, and chaos just trying to find a safe place to rest. Sweeps create additional fear and trauma. The bill would create further harm, and the content of the bill needs to match the intent section. The state should not prioritize people

for housing based on where they are camped. Affordable and supportive housing is the solution to homelessness, but there are long waits for subsidized housing. The state does not have enough housing for its population growth. The bill omits the need for upzoning in cities.

**Persons Testifying:** (In support) Jim Baumgart, Office of the Governor.

(Opposed) Sara Robbins, Seattle and King County Coalition on Homelessness.

(Other) Mindy Woods, Resident Action Project; Michele Thomas, Washington Low Income Housing Alliance; and Joe A Kunzler.

**Persons Signed In To Testify But Not Testifying:** None.