

SENATE BILL REPORT

SB 5662

As of January 13, 2022

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: Senators Kuderer, Trudeau, Hasegawa, Lovelett, Nguyen, Saldaña, Stanford and Wilson, C.; by request of Office of the Governor.

Brief History:

Committee Activity: Housing & Local Government: 1/13/22.

Brief Summary of Bill

- Creates the Office of Intergovernmental Coordination on Public Right-of-Way Homeless Encampments (office) within the Department of Social and Health Services.
- Requires the Department of Commerce to collaborate with the office to develop and implement a statewide effort to reduce the number of persons encamped on public rights-of-way through transitions to permanent housing solutions.

SENATE COMMITTEE ON HOUSING & LOCAL GOVERNMENT

Staff: Brandon Popovac (786-7465)

Background: Department of Social and Health Services. The Department of Social and Health Services (DSHS) was established in 1970 and created by merging the former Department of Health, Department of Public Assistance, Department of Institutions, Veterans' Rehabilitation Council, and Division of Vocational Rehabilitation of the

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.

Coordinating Council on Occupational Education. DSHS was intended to "integrate and coordinate all those activities involving the provision of care for individuals who, as a result of their economic, social, or health condition, require financial assistance, institutional care, rehabilitation, or other social and health services." DSHS also provides certain services to individuals with a disability, such as employment services, family counseling and support, health services and equipment, legal services, residential services and support, and transportation services. DSHS's Economic Services Administration administers a number of public assistance programs, including housing and essential needs services, medical care, cash grants, and food assistance.

Department of Commerce. The Department of Commerce (Commerce) administers the Housing Assistance Program and the Affordable Housing Program. Both of these programs, commonly referred to as the Housing Trust Fund (HTF), provide loans and grants to eligible organizations to provide housing for low-income and special-needs populations.

Commerce with the support of the Interagency Council on Homelessness, the Affordable Housing Advisory Board, and the State Advisory Council on Homelessness, is responsible for preparing and publishing a five-year homeless housing strategic plan with statewide goals and performance measures, and providing biennial progress reports to the Governor and the Legislature. Local jurisdictions must also have five-year plans substantially consistent with the state plan.

Commerce also manages a range of other homeless assistance, prevention, and housing programs. The Essential Needs and Housing Support Program, for example, provides rent assistance and essential needs to persons with a temporary disability who are homeless or at imminent documented risk of becoming homeless.

Martin v. City of Boise (2018). In 2017, the 9th Circuit Court of Appeals heard arguments regarding a Boise, Idaho ordinance banning people from sleeping outdoors on public property. In 2019, the court held that any ordinance that imposes criminal sanctions against homeless individuals for sleeping outdoors on public property when no alternative shelter is available, and the enforcement of such ordinance, violates the 8th Amendment of the United States Constitution prohibiting cruel and unusual punishment. The ruling applies to nine Western states, including Washington State, and was denied review by the United States Supreme Court in December 2019. Some cities have taken steps in response to the court decision to address sleeping or camping on public property.

Homeless Encampments on Public Rights-of-Way. The 2021 omnibus transportation appropriations act directed the Department of Transportation (DOT) to address the risks to safety and public health associated with homeless encampments on DOT-owned rights-of-way, and to coordinate and work with local government officials and social service organizations that provide services and direct persons to housing alternatives not in the public rights-of-way. DOT was also directed to provide a semiannual report to the Legislature on the status of such efforts beginning October 2021. While the initial report

summarizes current collaborative efforts and agreements between DOT and the cities of Vancouver, Wenatchee, Lacey, Olympia, and Spokane, DOT observes it is not equipped to resolve the underlying causes of homelessness, but represents only one leg of the stool of services needed to successfully re-house persons within such homeless encampments. DOT initially recommends that local partners should have funding to help provide access to housing and security, as well as healthcare, substance abuse treatment, and mental health services.

Other 2021 Transportation Appropriations Act provisos directed DOT to implement safety improvements and debris clean up on department-owned rights-of-way within the city of Seattle at levels above those implemented as of January 1, 2019, and contract out or hire a crew dedicated solely to collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public, department employees, or people encamped upon department-owned rights-of-way. DOT was also directed to establish a partnership program with the city of Tacoma to address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits.

Summary of Bill: The Office of Intergovernmental Coordination on Public Right-of-Way Homeless Encampments (office) is created within DSHS to coordinate across state agencies, through local governments, and with persons in unsanctioned encampments on state public rights-of-way, with the goal of reducing the number of encamped persons through transition to a permanent housing solution so that the encampment is closed with the site and either restored to original conditions or preserved for future use. The office must also establish regional coordination teams, regional outreach teams, and a data analysis team.

The regional coordination teams must collaborate with state agencies, local governments, and nonprofit organizations to identify or create solutions to move persons encamped on public rights-of-way into permanent housing, including both traditional and nontraditional housing options. Collaboration partners will provide regional knowledge and support to address specific and unique regional needs. Such partners may include DOT, Commerce, the Health Care Authority, the Health Benefit Exchange, the Department of Health, the Department of Ecology, the Department of Veterans' Affairs, tribal authorities, counties and cities, and private, non-profit agencies.

The regional outreach teams must perform outreach with the homeless population, with each team including state, local, and private partners in addition to a core team from DSHS. Outreach teams are part of an intergovernmental team for initial assessment to identify and target individual needs, such as medical issues and treatment, mental health treatment, acquisition of medication, acquisition of identification such as birth certificates and social security cards, poly-substance abuse treatment, housing needs, need for immediate sheltering, need for social services and certain public benefits, and reengagement with family and relatives.

The data analysis team must create a performance monitoring infrastructure, establish a baseline, and track outcomes for individuals experiencing homelessness in locales around encampments on public rights-of-way. The team must also estimate the impact on client outcomes and services as well as estimate public program cost savings, where applicable. The data analysis team must provide an annual report to the Governor and appropriate legislative committees beginning December 1, 2023.

Commerce must collaborate with the office to develop and implement a statewide effort to reduce the number of persons encamped on the state public rights-of-way by transitioning them to permanent housing solutions. Commerce must use any funds appropriated for this purpose to provide grants to local governments or nonprofit organizations to meet the individual needs of persons encamped on state public rights-of-way to facilitate their transition to permanent housing.

Appropriation: None.

Fiscal Note: Requested on January 7, 2022.

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: The state has a serious homelessness crisis where one person outside is one too many. The state lacks a coordinated response for unsheltered Washingtonians and this bill begins a conversation on building a collaborative approach from all sectors to provide housing stability to those most vulnerable. More than 10,000 experience homelessness due to various causes with many ending up in parks and other rights-of-way. Serious injury or death can occur on these public rights-of-way. The new response program should complement capital investments in rapid housing acquisition. Fife is in support of an "it takes a village" response strategy as one-fifth of Fife is comprised of public rights-of-way with 500 persons currently camping in such rights-of-way. Olympia has had difficulty in coordinating with state in responding to homelessness on rights-of-way, but has recently entered into an interlocal agreement to address encampments for clean-up purposes. The bill will create the infrastructure desperately needed. Cities desire increased coordination and collaboration with and increased role from the state.

OTHER: The bill needs to focus on and ensure better outcomes, with collaboration efforts ensuring that unsheltered homeless are not moved, especially where there is no risk of harm. It is also important to ensure that DSHS has capacity to coordinate and engage with stakeholders when necessary. Recent reports claim a success rate with the unsheltered population is 20 percent, leaving 80 percent of those likely to remain unsheltered. There are remaining concerns around how regional teams will work on the ground and the need to add persons from the trans community and persons with lived experience to the response teams.

Encampment sweeps are not a solution to addressing homelessness as they are traumatic to the impacted homeless community. Pairing of funding with coordination of services and permanent housing solutions is appreciated. Ambiguities in the bill need to be addressed by a separate stakeholder process.

Persons Testifying: PRO: Senator Patty Kuderer, Prime Sponsor; Jim Baumgart, Office of the Governor; Dontae Payne, City of Olympia Councilmember; Carl Schroeder, Association of Washington Cities; Doug Levy, Fife City Councilmember.

OTHER: Sara Robbins, Seattle/King County Coalition on Homelessness; Maureen Howard, Tacoma Pierce County Coalition to End Homelessness; Nick Federici, Washington Low Income Housing Alliance.

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