

# SENATE BILL REPORT

## SB 5867

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As Reported by Senate Committee On:  
Housing & Local Government, February 3, 2022

**Title:** An act relating to compassionate and effective strategies to address the homelessness crisis.

**Brief Description:** Concerning compassionate and effective strategies to address the homelessness crisis.

**Sponsors:** Senators Fortunato and Kuderer.

**Brief History:**

**Committee Activity:** Housing & Local Government: 1/19/22, 2/03/22 [DPS-WM, DNP, w/oRec].

### Brief Summary of First Substitute Bill

- Requires counties and cities with a population of more than 50,000 to establish at least one emergency overnight shelter within its jurisdiction.
- Requires such counties and their eligible cities to coordinate to ensure there are a sufficient number of shelter beds available to accommodate at least the number of sheltered and unsheltered homeless according to the most recent point-in-time count.
- Requires each established shelter to provide a safe environment for shelter residents during operating hours.
- Requires any Housing Trust Fund application to acquire or build noncongregate shelters receive priority over applications for other types of shelter.

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## SENATE COMMITTEE ON HOUSING & LOCAL GOVERNMENT

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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.*

**Majority Report:** That Substitute Senate Bill No. 5867 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Kuderer, Chair; Fortunato, Ranking Member; Cleveland, Salomon, Trudeau and Warnick.

**Minority Report:** Do not pass.

Signed by Senators Sefzik and Wilson, J.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Das, Vice Chair; Gildon, Assistant Ranking Member; Lovelett.

**Staff:** Brandon Popovac (786-7465)

**Background:** Emergency Shelters and Point-In-Time Counts. Emergency shelters are typically operated by public or private, nonprofit entities or religious organizations and only allow occupancy during the day or overnight, but sometimes both. Some shelters are considered high-barrier, implementing certain requirements for residents, such as mandatory curfews, mandatory sobriety or prohibition of on-site use of illegal substances, or both, and mandatory treatment or program services participation. Some shelters are considered low-barrier, implementing no requirements as to sobriety or use of illegal substances or participation in program services.

Each year the United States Department of Housing and Urban Development (HUD) and Washington State require a statewide count, also known as a point-in-time (PIT) count, of all persons staying in temporary housing programs and in places not meant for human habitation, also known as a sheltered count and an unsheltered count. The Department of Commerce provides survey forms for counties and agencies to use for their counts. Counties can opt to use their own forms as long as the count complies with state guidelines.

Due to the COVID-19 pandemic, HUD and Washington State allowed communities to choose not to conduct an unsheltered count in 2021, but the regular sheltered count was still required. The 2022 annual PIT count is scheduled for the night of Thursday, January 27, 2022.

Housing Trust Fund. Established in 1986, the Washington Housing Trust Fund (HTF) program provides grants or loans to help communities develop and preserve affordable housing to meet the needs of low-income and special needs populations. Since 1986, the HTF has awarded over \$1 billion in funding and helped build or preserve over 50,000 units of affordable housing statewide.

One of the statutorily authorized activities eligible for assistance from the HTF and other legislative appropriations includes shelters and related services for the homeless, including emergency shelters and overnight youth shelters.

**Summary of Bill (First Substitute):** Every county and each city with a population over

50,000 must establish and operate at least one emergency overnight shelter site in its respective jurisdiction. Counties and eligible cities within the county's geographic boundary must coordinate to ensure there are enough cumulative shelter beds to accommodate, at a minimum, the sheltered and unsheltered portions of the county's most recent PIT homeless count.

Counties and each eligible city must make available employment, mental health, and drug counseling services at each shelter location, with funding made available from state or local budgets, and provide a safe environment for shelter residents during shelter operating hours.

Any county or city establishing an emergency overnight shelter may utilize financial assistance under the HTF to acquire or build shelter. Any HTF application to acquire or build noncongregate shelter must receive priority over applications for other types of shelter.

**EFFECT OF CHANGES MADE BY HOUSING & LOCAL GOVERNMENT COMMITTEE (First Substitute):**

- Requires, rather than authorizes, each county and city with a population over 50,000 to establish and operate at least one emergency overnight shelter in its respective jurisdiction.
- Clarifies that such counties and cities must make available employment, mental health, and drug counseling services at each established shelter with any funds appropriated from the state operating budget or local budgets instead of the Housing Trust Fund.
- Removes the authorization for each established shelter to prohibit the possession and use of alcohol and unprescribed drugs on its premises.
- Clarifies that each established shelter must provide a safe environment for shelter residents, instead of security, during operating hours.
- Clarifies that each applicable county and city may utilize HTF funding to acquire or build such shelters, and that any HTF applications to acquire or build non-congregate care shelters must receive priority over applications for other shelter types.

**Appropriation:** None.

**Fiscal Note:** Available.

**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 on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: This is a new version of a prior bill that is more permissive and flexible for counties and cities. Only if a city or county chooses

to establish a shelter is when services must be made available. New shelters would come with financial support from the housing trust fund. Local budgets are too strained to support shelters on their own. Hotels used as shelters are only sufficient to address some of the homeless population. The bill is not a solution to homelessness but does provide more stability as folks transition to more stable housing and other environments. The bill would allow greater access to parks and other amenities for the community, and help prevent the obstruction of businesses.

CON: The bill is upside down and would make it more difficult for shelters to be established. Front-line workers in shelters need more supports not mandates. There is a current budget proviso aimed to support such workers. The bill does not address real problems and should require that shelters be established. Expanded access to the HTF for service operations is problematic since the HTF provides capital funding but not financial support for operating services. The presence of security is not a necessary component for emergency shelters, with a security mandate assuming the homeless are dangerous. It would also add cost to provide security and perpetuate harmful stereotypes. The bill does not take into consideration harm reduction principles. Services should be made available at shelters only through voluntarily engagement. The building of shelters, generally, should not be limited by zoning laws in certain cities and counties.

**Persons Testifying:** PRO: Senator Phil Fortunato, Prime Sponsor.

CON: Sara Robbins, Seattle/King County Coalition on Homelessness; Michele Thomas, Washington Low Income Housing Alliance.

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