
HOUSE BILL 1526

State of Washington

67th Legislature

2021 Regular Session

By Representatives Stokesbary and Eslick

Read first time 02/11/21. Referred to Committee on Finance.

1 AN ACT Relating to authorizing local option revenue for
2 homelessness services, subject to specified conditions, including
3 prohibiting supervised injection sites and requiring local
4 restrictions on camping on public property; adding new sections to
5 chapter 82.14 RCW; providing an effective date; and declaring an
6 emergency.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 82.14
9 RCW to read as follows:

10 (1) Beginning July 1, 2021, the legislative authority of a city
11 or county may authorize the imposition of a sales and use tax by the
12 majority vote of the legislative authority in accordance with this
13 chapter and subject to the restrictions in this section. Prior to the
14 authorizing vote, the legislative authority must hold a public
15 hearing on the proposed tax as well as solicit and receive comments
16 on the proposal from the public.

17 (a) The rate under this section must not exceed 0.125 percent of
18 the selling price in the case of the sales tax, or value of the
19 article used, in the case of a use tax. If the city or county imposes
20 the sales and use tax pursuant to RCW 82.14.540, the rate authorized

1 under this section must be reduced by the amount of credit the city
2 or county receives under RCW 82.14.540.

3 (b) The tax authorized under this section must be credited
4 against the state portion of the sales and use tax imposed under RCW
5 82.08.020(1) and the corresponding use tax imposed under RCW
6 82.12.020 and otherwise required to be collected or paid over to the
7 department. If the city or county imposes the sales and use tax
8 pursuant to RCW 82.14.540, the amount of the rate eligible to be
9 credited against the state portion under this section must be reduced
10 by one-half of the amount of credit the city or county receives under
11 RCW 82.14.540.

12 (2) Any tax authorized under this section may not be imposed
13 prior to January 1, 2022, and is subject to the timing restrictions
14 of RCW 82.14.055.

15 (3) If a county imposes a tax authorized under subsection (1) of
16 this section and a city located in that county has also imposed a tax
17 authorized under subsection (1) of this section, the county must
18 provide a credit against its tax for the amount imposed by a city,
19 not to exceed the full amount of tax imposed by the county.

20 (4) The taxes authorized in this section are in addition to any
21 other taxes authorized by law and must be collected from persons who
22 are taxable by the state under chapters 82.08 and 82.12 RCW upon the
23 occurrence of any taxable event within the county for a county's tax
24 and within a city for a city's tax.

25 (5) A county or city may not collect a tax pursuant to this
26 section unless:

27 (a) The county or city complies with the annual certification and
28 reporting requirements under this section;

29 (b) The city or county does not impose the sales and use taxes
30 authorized in RCW 82.14.530;

31 (c) The city or county does not impose the property tax
32 authorized in RCW 84.52.105; and

33 (d) The city or county adopts an emergency declaration related to
34 the homelessness crisis and submits a copy of the emergency
35 declaration to the department.

36 (6)(a) Prior to collecting a tax under this section, the city or
37 county must:

38 (i) Adopt an ordinance prohibiting supervised injection sites
39 within its jurisdiction; and

1 (ii) Adopt an ordinance making it unlawful for any person to camp
2 on public property, without prior authorization from the city or
3 county, within five hundred feet of (A) public or private elementary
4 or secondary schools; (B) public parks, as defined in RCW 69.50.435;
5 and (C) municipal courthouses.

6 (b) The eligibility requirements set forth in (a) of this
7 subsection are minimum requirements to impose the taxes authorized by
8 this section, and nothing in this section is intended to prohibit a
9 county or city legislative authority from adopting and enforcing an
10 ordinance making it unlawful for any person to camp in other public
11 places in addition to those required in (a)(ii) of this subsection,
12 such as on public property within a specified distance of places
13 intended primarily for the use, care, or supervision of minor
14 children or other vulnerable persons.

15 (c) The city or county must submit copies of the ordinances to
16 the department prior to collecting the tax along with any other
17 materials required by the department.

18 (7) In order to impose the tax for the upcoming calendar year,
19 the city or county must by October 1st of each year submit
20 certification, signed by the chief executive of the city or county
21 under the penalty of perjury to the department that the city or
22 county meets the following requirements:

23 (a) The city or county continues to have the ordinances adopted
24 pursuant to subsection (6) of this section and has taken reasonable
25 steps to enforce the ordinances as follows:

26 (i) Enforcement must be undertaken when the city or county has
27 reason to believe that a supervised injection site is operating
28 within its jurisdiction, including making reasonable efforts to
29 respond to complaints about unauthorized supervised injection sites
30 within five days of receipt of a complaint;

31 (ii) Enforcement must be undertaken on an ongoing and regular
32 basis, including visiting not less than weekly those areas where
33 camping is prohibited and making reasonable efforts to respond to
34 complaints about unlawful camping on such areas within five calendar
35 days of receipt of a complaint; and

36 (b) The city or county has complied with all the reporting
37 requirements under this section.

38 (8) A city or county imposing a tax under this section must meet
39 the following reporting requirements:

1 (a) The city or county must make the budget for the use of the
2 revenues generated as the result of imposing the tax authorized under
3 this section available publicly, including on its website. The budget
4 document must include a description of the services and goods
5 purchased and demonstrate that expenditures of these revenues
6 supplement, and do not supplant, the city's or county's previous
7 expenditures for these purposes.

8 (b) The city or county must report annually to the department of
9 commerce as required in section 2 of this act and publish the report
10 on the city or county website.

11 (c) The city or county must cooperate with and provide
12 information to the joint legislative audit and review committee as
13 needed to complete the reviews required in section 2 of this act.

14 (9) A city or county collecting a tax under this section may
15 spend the revenues collected under this section only for operating
16 and capital costs of addressing and preventing homelessness by
17 municipal law enforcement, criminal justice, and social services
18 agencies including, but not limited to, transitional services,
19 encampment cleanup, temporary or long-term housing, diversion
20 services, coresponse teams, and navigation teams. The city's or
21 county's expenditures for these purposes must supplement, and not
22 supplant, the city's previous expenditures for these purposes.

23 (10) Failure to fulfill the requirements of this act may result
24 in the inability to impose the tax authorized under this section.

25 (a) If the city or county fails to fulfill the certification
26 requirements in subsection (7) of this section, the department must
27 notify the city or county by December 1st that the city or county
28 must not impose the tax for the upcoming calendar year.

29 (b) (i) If the city or county fails to meet the reporting
30 requirements to the department of commerce, the department of
31 commerce must notify the city or county that if the city or county
32 fails to fulfill the requirements within thirty days, the department
33 of commerce will notify the department that the city or county has
34 failed to meet the reporting requirements of this act and will no
35 longer be able to impose the tax authorized in this section. The
36 department must suspend the imposition of the tax at the beginning of
37 the next eligible fiscal quarter.

38 (ii) A city or county that has had the ability to impose the tax
39 suspended under (b) (i) of this subsection may apply to the department
40 of commerce to have the tax reinstated by providing all reports

1 previously owed submitted along with a new certification required in
2 subsection (7) of this section to the department. If the department
3 of commerce determines all reporting requirements are currently up-
4 to-date, the department of commerce must notify the department that
5 the city or county is now eligible to impose the tax authorized under
6 this act at the beginning of the next eligible fiscal quarter.

7 (c) Any suspension and later reinstatement of the ability to
8 impose the tax authorized under this section does not alter the
9 expiration date of the tax authorization pursuant to subsection (1)
10 of this section.

11 (11) A county or city may enter into an interlocal agreement with
12 one or more counties, cities, or public housing authorities in
13 accordance with chapter 39.34 RCW.

14 (12) The definitions in this subsection apply throughout this
15 section and section 2 of this act unless the context clearly requires
16 otherwise.

17 (a) "Camp" or "camping" means to pitch, use, or occupy camp
18 facilities for the purposes of habitation, as evidenced by the use of
19 camp paraphernalia.

20 (b) "Camp facilities" include, but are not limited to, tents,
21 huts, temporary shelters, or vehicles if said vehicle is being used
22 as temporary living quarters.

23 (c) "Camp paraphernalia" includes, but is not limited to,
24 tarpaulins, cots, beds, sleeping bags, blankets, mattresses,
25 hammocks, or cooking facilities or equipment.

26 (d) "Eligible fiscal quarter" means the fiscal quarter that meets
27 the timing and other restrictions for local sales and use tax changes
28 under RCW 82.14.055.

29 (e) "Public property" means any street, alley, sidewalk, parking
30 space, pedestrian or transit mall, bike path, greenway, or any other
31 structure or area encompassed within the public right-of-way; any
32 park, parkway, mountain park, or other recreation facility; or any
33 other grounds, buildings, fixtures, or other facilities owned or
34 leased by the state or by any other public owner, regardless of
35 whether such public property is vacant or occupied and actively used
36 for any public purpose.

37 (f) "Reside" or "dwell" includes, but is not limited to,
38 conducting such activities as eating, sleeping, or the storage of
39 personal possessions.

1 (g) "Shelter" includes, but is not limited to, any recreational
2 vehicle, tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets,
3 or any form of cover or protection from the elements other than
4 clothing.

5 (h) "Supervised injection site" means any building, structure,
6 site, facility, vehicle, or program including, but not limited to,
7 supervised consumption or supervised injection programs, with a
8 function of providing a space or area for either use or consumption,
9 or both, of federally controlled substances.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 82.14
11 RCW to read as follows:

12 The legislature recognizes the importance of program evaluation
13 in order to ensure cost-effective use of public funds.

14 (1) By May 1st of each year, each city or county that has imposed
15 the tax authorized under section 1 of this act must report to the
16 department of commerce certain information for the prior calendar
17 year. In addition to the metrics developed by the department of
18 commerce in subsection (2) of this section, the city or county must
19 also report:

20 (a) The amount of revenue collected from the tax imposed under
21 section 1 of this act;

22 (b) The amount spent from that source;

23 (c) The amount of revenue retained for administrative costs;

24 (d) The total amount, from all sources, spent on homelessness for
25 that year, including a baseline spending of the city or county prior
26 to imposition of the tax authorized under section 1 of this act;

27 (e) A description of services or goods purchased; and

28 (f) Any information necessary to evaluate the enforcement of the
29 ordinances including, but not limited to, number and frequency of
30 visits to each type of protected public space, the number of unlawful
31 camping complaints filed, the number of supervised injection site
32 complaints filed, and the average response time for each type of
33 complaint.

34 (2)(a) The department of commerce must develop standard metrics
35 for each city or county receiving tax proceeds from the tax imposed
36 under section 1 of this act. In addition to the items listed in
37 subsection (1) of this section, the metrics developed by the
38 department of commerce must include measures of workload, program
39 effectiveness, and client outcomes.

1 (b) By July of each year, the department of commerce must
2 aggregate the information provided by cities and counties imposing
3 the tax under section 1 of this act. The department of commerce must
4 make this information, along with the information provided by each
5 individual jurisdiction, publicly available.

6 (3) By September 1, 2025, and every four years thereafter, the
7 joint legislative audit and review committee must review the
8 imposition of the sales and use tax under section 1 of this act and
9 the uses of the revenues generated by the cities and counties,
10 including:

11 (a) Information provided to the department of commerce for the
12 previous four calendar years related to the tax authorized under
13 section 1 of this act; and

14 (b) Compliance with the requirements of section 1(7) of this act,
15 including supervised injection site compliance and enforcement of the
16 unauthorized camping ordinance.

17 (4) For the purposes of this section, the definitions in section
18 1 of this act apply.

19 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
20 preservation of the public peace, health, or safety, or support of
21 the state government and its existing public institutions, and takes
22 effect July 1, 2021.

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