
SUBSTITUTE SENATE BILL 5662

State of Washington

67th Legislature

2022 Regular Session

By Senate Housing & Local Government (originally sponsored by Senators Kuderer, Trudeau, Hasegawa, Lovelett, Nguyen, Saldaña, Stanford, and C. Wilson; by request of Office of the Governor)

READ FIRST TIME 02/03/22.

1 AN ACT Relating to intergovernmental coordination to address
2 transitioning persons encamped on state public rights-of-way to
3 permanent housing solutions; adding a new section to chapter 43.20A
4 RCW; adding a new section to chapter 43.185C RCW; and creating a new
5 section.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that many
8 individuals experience homelessness as a result of a lack of
9 available and affordable housing, increasing rents, insufficient
10 income, complex and long-term behavioral health conditions, or
11 disabilities, or as a result of domestic violence. Every night
12 thousands of Washingtonians go to sleep in places not meant for human
13 habitation, such as cars, parks, sidewalks, abandoned buildings, and
14 spaces along the public rights-of-way. More than 1,750 unsanctioned
15 encampments exist on public rights-of-way managed by state agencies.
16 Being homeless in any public right-of-way presents health and safety
17 risks. Public right-of-way encampments present increasing concerns
18 for the health and safety of those encamped in this space, the
19 public, and those workers who are responsible to maintain and improve
20 public lands.

1 (2) (a) The legislature intends that persons experiencing
2 homelessness be treated with dignity, care, and compassion. The
3 legislature recognizes that the primary drivers of homelessness stem
4 from a lack of investment in affordable housing, behavioral health,
5 and other supports that provide economic stability.

6 (b) Furthermore, the legislature intends that local jurisdictions
7 and providers engage persons experiencing homelessness with teams of
8 multidisciplinary experts focused on trauma-informed care and
9 provision of services with the goal of transitioning persons
10 experiencing homelessness into permanent housing solutions. The
11 legislature recognizes the ninth circuit court of appeals has
12 determined in *Martin v. City of Boise*, 902 F.3d 1031 (2018), that the
13 eighth amendment of the United States Constitution prohibits the
14 imposition of criminal penalties for sitting, sleeping, or lying
15 outside on public property for homeless individuals who are unable to
16 obtain shelter. Consistent with the decision in *Martin v. City of*
17 *Boise* and with the values of all Washingtonians, the legislature
18 further intends that every effort must be made to avoid furthering
19 existing trauma to persons experiencing homelessness by causing
20 displacement that does not result in a transition to permanent
21 housing. To that end, the legislature intends that a
22 multidisciplinary team within state government be established to
23 coordinate across state agencies, and collaborate with local
24 governments, nonprofit organizations, and persons encamped on public
25 rights-of-way to find housing solutions. The legislature also intends
26 with this effort to support and enhance existing memoranda of
27 agreement where they exist between state agencies and local
28 government.

29 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.20A
30 RCW to read as follows:

31 (1) The office of intergovernmental coordination on public right-
32 of-way homeless encampments is created within the department. For
33 purposes of this section, "public rights-of-way" means any right-of-
34 way under the authority and control of the state department of
35 transportation.

36 (2) Activities of the office must be carried out by a director
37 and supervised by the secretary of the department or his or her
38 designee.

1 (3) The office must lead efforts under this section to coordinate
2 the spectrum of ongoing and future funding, policy, and practice
3 efforts related to reducing the number of persons in unsanctioned
4 encampments on public rights-of-way. This includes coordination
5 across state agencies, through local governments, and with persons in
6 unsanctioned encampments on public rights-of-way with the goal of
7 reducing the number of encamped persons through transition to a
8 permanent housing solution so that the encampment is closed with the
9 site either restored to original conditions or preserved for future
10 use. Efforts in reducing the number of persons encamped on public
11 rights-of-way must begin with identifying and prioritizing resources
12 across all levels of government and within the philanthropic
13 community, and before engaging persons encamped on the public rights-
14 of-way. However, incidents arising from concerns over public health
15 and safety, workers' access and safety, or public access may require
16 a simultaneous approach.

17 (4) The office shall establish:

18 (a) Regional coordination teams that, while coordinating with and
19 working through state department of transportation regional offices
20 and staff, must collaborate with strategic partners to identify and
21 prioritize resources to bring persons encamped on public rights-of-
22 way into permanent housing, including traditional and nontraditional
23 housing options, and to determine when shelter or housing resources
24 will become available and suitable to transition persons encamped on
25 public rights-of-way. Collaboration partners will provide regional
26 knowledge and support to address specific and unique regional needs,
27 and may include the health care authority, the health benefit
28 exchange, the department of health, the department of transportation,
29 the department of ecology, the department of commerce, the department
30 of veterans affairs, tribal authorities, counties and cities, persons
31 with lived experience of homelessness, and private not-for-profit
32 agencies;

33 (b) Through engagement and collaboration with state department of
34 transportation regional offices and staff, regional outreach teams
35 that must support and engage with persons encamped on public rights-
36 of-way. Such engagement must be consistent with and support local
37 homeless and housing plan efforts that result in transitioning
38 persons encamped on public rights-of-way to permanent housing
39 solutions. Except for emergencies concerning public health and
40 safety, worker safety and access, and public access, outreach team

1 engagement with persons encamped on public rights-of-way must be
2 predicated on the development of an intergovernmental plan for
3 providing shelter or housing with wraparound services as available to
4 provide the best opportunity for transition to permanent housing
5 solutions. Each regional outreach team must make every effort to
6 connect persons encamped on public rights-of-way with health and
7 social services through existing local or regional integrated client
8 systems if available; and

9 (c) A data analysis team that must create a performance
10 monitoring infrastructure, establish a baseline, and then track
11 outcomes for individuals experiencing homelessness in locales around
12 encampments on public rights-of-way, in coordination with homeless
13 data systems, such as the homeless client management information
14 system. The team must also estimate the impact on client outcomes and
15 services as well as estimate public program cost savings, where
16 applicable. The data analysis team must provide a report to the
17 governor and appropriate legislative committees by December 1, 2023,
18 and annually thereafter.

19 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.185C
20 RCW to read as follows:

21 The department shall collaborate with the office of
22 intergovernmental coordination on public right-of-way homeless
23 encampments created in section 2 of this act on developing and
24 implementing a statewide effort to reduce the number of persons
25 encamped on the state public rights-of-way by transitioning to
26 permanent housing solutions. The department shall use any funds
27 appropriated by the legislature for this purpose to provide grants to
28 local governments or nonprofit organizations to meet the individual
29 needs of persons encamped on state public rights-of-way and
30 facilitate their transition to permanent housing.

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