
SENATE BILL 5954

State of Washington

67th Legislature

2022 Regular Session

By Senators Gildon, Braun, Dozier, Fortunato, Honeyford, King, Muzzall, Schoesler, Wagoner, Warnick, J. Wilson, and L. Wilson

Read first time 01/27/22. Referred to Committee on Housing & Local Government.

1 AN ACT Relating to reducing the impacts and incidences of chronic
2 and unsheltered homelessness; amending RCW 43.185C.030, 69.50.4011,
3 69.50.4013, 10.31.115, and 74.04.660; reenacting and amending RCW
4 43.185C.060 and 43.185C.190; adding a new section to chapter 43.21A
5 RCW; adding a new section to chapter 82.04 RCW; adding a new section
6 to chapter 82.16 RCW; creating new sections; repealing 2021 c 311 ss
7 15 and 16; repealing 2021 c 311 s 29 (uncodified); prescribing
8 penalties; making appropriations; and providing expiration dates.

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

10 NEW SECTION. **Sec. 1.** The legislature finds that chronic and
11 unsheltered homelessness is a growing problem in our state. While the
12 rest of the country as a whole has experienced a decline in each of
13 these categories over the last 10 years, Washington state has seen
14 the number of chronic and unsheltered homeless in the state continue
15 to grow, experiencing the second largest increase in the country.

16 The legislature also finds that policies enacted to date have not
17 worked, despite Washingtonians putting in billions of dollars to
18 alleviate and address the problem. Individuals experiencing chronic
19 and unsheltered homelessness, along with the residents of the state,
20 deserve better. It is in the interest of the state to enact policies
21 that create a path to entering into society and living functional,

1 productive lives. This goal requires addressing public safety,
2 recovery from addiction, and housing security.

3 Therefore, it is the intent of the legislature with this act to
4 enact policies that will reduce both the incidences and impacts of
5 chronic and unsheltered homelessness in our state.

6 STATE HOMELESS CENSUS

7 **Sec. 2.** RCW 43.185C.030 and 2018 c 85 s 3 are each amended to
8 read as follows:

9 (1) The department shall annually conduct a Washington homeless
10 census or count consistent with the requirements of RCW 43.185C.180.
11 The census shall make every effort to count all homeless individuals
12 living outdoors, in shelters, and in transitional housing,
13 coordinated, when reasonably feasible, with already existing homeless
14 census projects including those funded in part by the United States
15 department of housing and urban development under the McKinney-Vento
16 homeless assistance program. In addition, the census shall make every
17 effort to count individuals who are currently admitted into hospitals
18 or incarcerated in city or county jails who had no permanent address
19 at the time of admission. The department shall determine, in
20 consultation with local governments, the data to be collected. Data
21 on subpopulations and other characteristics of the homeless must, at
22 a minimum, be consistent with the United States department of housing
23 and urban development's point-in-time requirements. Data and
24 information collected about individuals who are currently admitted
25 into hospitals or incarcerated in city or county jails and had no
26 permanent address at the time of admission are not required to be
27 submitted to the United States department of urban housing and
28 development to ensure uniformity of information across states.

29 (2) All personal information collected in the census is
30 confidential, and the department and each local government shall take
31 all necessary steps to protect the identity and confidentiality of
32 each person counted.

33 (3) The department and each local government are prohibited from
34 disclosing any personally identifying information about any homeless
35 individual when there is reason to believe or evidence indicating
36 that the homeless individual is an adult or minor victim of domestic
37 violence, dating violence, sexual assault, or stalking or is the
38 parent or guardian of a child victim of domestic violence, dating

1 violence, sexual assault, or stalking; or revealing other
2 confidential information regarding HIV/AIDS status, as found in RCW
3 70.02.220. The department and each local government shall not ask any
4 homeless housing provider to disclose personally identifying
5 information about any homeless individuals when the providers
6 implementing those programs have reason to believe or evidence
7 indicating that those clients are adult or minor victims of domestic
8 violence, dating violence, sexual assault, or stalking or are the
9 parents or guardians of child victims of domestic violence, dating
10 violence, sexual assault, or stalking. Summary data for the
11 provider's facility or program may be substituted.

12 (4) The Washington homeless census shall be conducted annually on
13 a schedule created by the department. The department shall make
14 summary data by county available to the public each year. This data,
15 and its analysis, shall be included in the department's annual
16 updated homeless housing program strategic plan.

17 (5) Based on the annual census and provider information from the
18 local government plans, the department shall, by the end of year
19 four, implement an online information and referral system to enable
20 local governments and providers to identify available housing for a
21 homeless person. The department shall work with local governments and
22 their providers to develop a capacity for continuous case management
23 to assist homeless persons.

24 (6) By the end of year four, the department shall implement an
25 organizational quality management system.

26 **HOMELESS ENCAMPMENT RESPONSE**

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.21A
28 RCW to read as follows:

29 Subject to the availability of amounts appropriated for this
30 specific purpose, the department must provide grants to local
31 governments to clean up solid, hazardous, and infectious waste
32 generated by homeless encampments.

33 NEW SECTION. **Sec. 4.** The sum of \$25,000,000 is appropriated for
34 the fiscal year ending June 30, 2023, from the general fund to the
35 department of ecology for the purposes of section 2 of this act.

36 **INCENTIVES TO HIRE HARD-TO-PLACE WORKERS**

1 NEW SECTION. **Sec. 5.** (1) This section is the tax preference
2 performance statement for the tax preferences contained in sections 6
3 and 7, chapter . . ., Laws of 2022 (sections 6 and 7 of this act).
4 This performance statement is only intended to be used for subsequent
5 evaluation of the tax preference. It is not intended to create a
6 private right of action by any party or be used to determine
7 eligibility for preferential tax treatment.

8 (2) The legislature categorizes these tax preferences as ones
9 intended to induce certain designated behavior by taxpayers and
10 create or retain jobs, as indicated in RCW 82.32.808(2) (a) and (c).

11 (3) It is the legislature's specific public policy objective to
12 encourage the employment of certain unemployed persons, such as
13 persons convicted of a felony and homeless persons. It is the
14 legislature's intent to provide employers a credit against the
15 business and occupation tax or public utility tax for hiring certain
16 unemployed persons which would reduce an employer's tax burden
17 thereby inducing employers to hire and create jobs for such persons.
18 Pursuant to chapter 43.136 RCW, the joint legislative audit and
19 review committee must review the business and occupation tax and
20 public utility tax credit established under sections 6 and 7,
21 chapter . . ., Laws of 2022 (sections 6 and 7 of this act) by
22 December 31, 2031.

23 (4) If a review finds that the number of unemployed persons who
24 meet the criteria in section 6(7)(c)(i) or 7(7)(c)(i) of this act
25 decreased by 30 percent, then the legislature intends for the
26 legislative auditor to recommend extending the expiration date of the
27 tax preference.

28 (5) In order to obtain the data necessary to perform the review
29 in subsection (4) of this section, the joint legislative audit and
30 review committee should refer to unemployment rates available from
31 the employment security department and the bureau of labor
32 statistics.

33 NEW SECTION. **Sec. 6.** A new section is added to chapter 82.04
34 RCW to read as follows:

35 (1) A person is allowed a credit against the tax due under this
36 chapter as provided in this section. The credit equals the lesser of
37 10 percent or \$500 of wages and benefits paid to or on behalf of a
38 qualifying employee, with a maximum of a \$500 credit for each
39 qualifying employee hired on or after October 1, 2022.

1 (2) No credit may be claimed under this section until a
2 qualifying employee has been employed for at least three consecutive
3 full calendar quarters.

4 (3) Unused credit may be carried over and used in subsequent tax
5 reporting periods, except as provided in subsection (8) of this
6 section. No refunds may be granted for credits under this section.

7 (4) If an employer discharges a qualifying employee for whom the
8 employer has claimed a credit under this section, the employer may
9 not claim a new credit under this section for a period of one year
10 from the date the qualifying employee was discharged. However, this
11 subsection (4) does not apply if the qualifying employee was
12 discharged for misconduct, as defined in RCW 50.04.294, connected
13 with his or her work or discharged due to a felony or gross
14 misdemeanor conviction, and the employer contemporaneously documents
15 the reason for discharge.

16 (5) Credits earned under this section may be claimed only on
17 returns filed electronically with the department using the
18 department's online tax filing service or other method of electronic
19 reporting as the department may authorize. No application is required
20 to claim the credit, but the taxpayer must keep records necessary for
21 the department to determine eligibility under this section including
22 records establishing the person's status as a qualifying employee
23 under subsection (7)(c)(i) and (ii) of this section when hired by the
24 taxpayer.

25 (6) No person may claim a credit against taxes due under both
26 this chapter and chapter 82.16 RCW for the same qualifying employee.

27 (7) The definitions in this subsection apply throughout this
28 section unless the context clearly requires otherwise.

29 (a) "Homeless person" has the same meaning as provided in RCW
30 43.185C.010.

31 (b) "Person convicted of a felony" means a person, including a
32 juvenile as defined in RCW 13.40.020, convicted of a felony under
33 state or federal statute who is hired within one calendar year after
34 the last date that the person was convicted or released from a
35 juvenile rehabilitation facility or prison.

36 (c) "Qualifying employee" means a person who meets all of the
37 following requirements:

38 (i) Is a homeless person or a person convicted of a felony;

1 (ii) Was unemployed as defined in RCW 50.04.310 for at least 30
2 days immediately preceding the date that the person was hired by the
3 person claiming the credit under this section; and

4 (iii) Is employed in a permanent full-time position for at least
5 three consecutive full calendar quarters by the person claiming the
6 credit under this section. For seasonal employers, "qualifying
7 employee" also includes the equivalent of a full-time employee in
8 work hours for two consecutive full calendar quarters. For purposes
9 of this subsection (7)(c)(iii), "full-time" means a normal workweek
10 of at least 35 hours.

11 (8) Credits allowed under this section can be earned for tax
12 reporting periods through June 30, 2031. No credits can be claimed
13 after June 30, 2032.

14 (9) This section expires July 1, 2032.

15 NEW SECTION. **Sec. 7.** A new section is added to chapter 82.16
16 RCW to read as follows:

17 (1) A person is allowed a credit against the tax due under this
18 chapter as provided in this section. The credit equals the lesser of
19 10 percent or \$500 of wages and benefits paid to or on behalf of a
20 qualifying employee, with a maximum of a \$500 credit for each
21 qualifying employee hired on or after October 1, 2022.

22 (2) No credit may be claimed under this section until a
23 qualifying employee has been employed for at least three consecutive
24 full calendar quarters.

25 (3) Unused credit may be carried over and used in subsequent tax
26 reporting periods, except as provided in subsection (8) of this
27 section. No refunds may be granted for credits under this section.

28 (4) If an employer discharges a qualifying employee for whom the
29 employer has claimed a credit under this section, the employer may
30 not claim a new credit under this section for a period of one year
31 from the date the qualifying employee was discharged. However, this
32 subsection (4) does not apply if the qualifying employee was
33 discharged for misconduct, as defined in RCW 50.04.294, connected
34 with his or her work or discharged due to a felony or gross
35 misdemeanor conviction, and the employer contemporaneously documents
36 the reason for discharge.

37 (5) Credits earned under this section may be claimed only on
38 returns filed electronically with the department using the
39 department's online tax filing service or other method of electronic

1 reporting as the department may authorize. No application is required
2 to claim the credit, but the taxpayer must keep records necessary for
3 the department to determine eligibility under this section including
4 records establishing the person's status as a qualifying employee
5 under subsection (7)(c)(i) and (ii) of this section when hired by the
6 taxpayer.

7 (6) No person may claim a credit against taxes due under both
8 chapter 82.04 RCW and this chapter for the same qualifying employee.

9 (7) The definitions in this subsection apply throughout this
10 section unless the context clearly requires otherwise.

11 (a) "Homeless person" has the same meaning as provided in RCW
12 43.185C.010.

13 (b) "Person convicted of a felony" means a person, including a
14 juvenile as defined in RCW 13.40.020, convicted of a felony under
15 state or federal statute who is hired within one calendar year after
16 the last date that the person was convicted or released from a
17 juvenile rehabilitation facility or prison.

18 (c) "Qualifying employee" means a person who meets all of the
19 following requirements:

20 (i) Is a homeless person or a person convicted of a felony;

21 (ii) Was unemployed as defined in RCW 50.04.310 for at least 30
22 days immediately preceding the date that the person was hired by the
23 person claiming the credit under this section; and

24 (iii) Is employed in a permanent full-time position for at least
25 three consecutive full calendar quarters by the person claiming the
26 credit under this section. For seasonal employers, "qualifying
27 employee" also includes the equivalent of a full-time employee in
28 work hours for two consecutive full calendar quarters. For purposes
29 of this subsection (7)(c)(iii), "full-time " means a normal workweek
30 of at least 35 hours.

31 (8) Credits allowed under this section can be earned for tax
32 reporting periods through June 30, 2031. No credits can be claimed
33 after June 30, 2032.

34 (9) This section expires July 1, 2032.

35 **POSSESSION OF CONTROLLED SUBSTANCES**

36 **Sec. 8.** RCW 69.50.4011 and 2021 c 311 s 8 are each amended to
37 read as follows:

38 (1) Except as authorized by this chapter, it is unlawful for:

1 (a) Any person to create or deliver a counterfeit substance; or

2 (b) Any person to knowingly possess a counterfeit substance.

3 (2) Any person who violates subsection (1)(a) of this section
4 with respect to:

5 (a) A counterfeit substance classified in Schedule I or II which
6 is a narcotic drug, or flunitrazepam classified in Schedule IV, is
7 guilty of a class B felony and upon conviction may be imprisoned for
8 not more than ten years, fined not more than twenty-five thousand
9 dollars, or both;

10 (b) A counterfeit substance which is methamphetamine, is guilty
11 of a class B felony and upon conviction may be imprisoned for not
12 more than ten years, fined not more than twenty-five thousand
13 dollars, or both;

14 (c) Any other counterfeit substance classified in Schedule I, II,
15 or III, is guilty of a class C felony punishable according to chapter
16 9A.20 RCW;

17 (d) A counterfeit substance classified in Schedule IV, except
18 flunitrazepam, is guilty of a class C felony punishable according to
19 chapter 9A.20 RCW;

20 (e) A counterfeit substance classified in Schedule V, is guilty
21 of a class C felony punishable according to chapter 9A.20 RCW.

22 (3) A violation of subsection (1)(b) of this section is a
23 (~~misdemeanor~~) class C felony. The prosecutor is encouraged to
24 divert such cases for assessment, treatment, or other services for a
25 person's first two violations under this subsection.

26 **Sec. 9.** RCW 69.50.4013 and 2021 c 311 s 9 are each amended to
27 read as follows:

28 (1) It is unlawful for any person to knowingly possess a
29 controlled substance unless the substance was obtained directly from,
30 or pursuant to, a valid prescription or order of a practitioner while
31 acting in the course of his or her professional practice, or except
32 as otherwise authorized by this chapter.

33 (2) Except as provided in RCW 69.50.4014, any person who violates
34 this section is guilty of a (~~misdemeanor~~) class C felony punishable
35 under chapter 9A.20 RCW.

36 (3) The prosecutor is encouraged to divert cases under this
37 section for assessment, treatment, or other services for a person's
38 first two violations.

1 (4) (a) The possession, by a person twenty-one years of age or
2 older, of useable marijuana, marijuana concentrates, or marijuana-
3 infused products in amounts that do not exceed those set forth in RCW
4 69.50.360(3) is not a violation of this section, this chapter, or any
5 other provision of Washington state law.

6 (b) The possession of marijuana, useable marijuana, marijuana
7 concentrates, and marijuana-infused products being physically
8 transported or delivered within the state, in amounts not exceeding
9 those that may be established under RCW 69.50.385(3), by a licensed
10 employee of a common carrier when performing the duties authorized in
11 accordance with RCW 69.50.382 and 69.50.385, is not a violation of
12 this section, this chapter, or any other provision of Washington
13 state law.

14 (5) (a) The delivery by a person twenty-one years of age or older
15 to one or more persons twenty-one years of age or older, during a
16 single twenty-four hour period, for noncommercial purposes and not
17 conditioned upon or done in connection with the provision or receipt
18 of financial consideration, of any of the following marijuana
19 products, is not a violation of this section, this chapter, or any
20 other provisions of Washington state law:

- 21 (i) One-half ounce of useable marijuana;
- 22 (ii) Eight ounces of marijuana-infused product in solid form;
- 23 (iii) Thirty-six ounces of marijuana-infused product in liquid
24 form; or
- 25 (iv) Three and one-half grams of marijuana concentrates.

26 (b) The act of delivering marijuana or a marijuana product as
27 authorized under this subsection (5) must meet one of the following
28 requirements:

- 29 (i) The delivery must be done in a location outside of the view
30 of general public and in a nonpublic place; or
- 31 (ii) The marijuana or marijuana product must be in the original
32 packaging as purchased from the marijuana retailer.

33 (6) No person under twenty-one years of age may possess,
34 manufacture, sell, or distribute marijuana, marijuana-infused
35 products, or marijuana concentrates, regardless of THC concentration.
36 This does not include qualifying patients with a valid authorization.

37 (7) The possession by a qualifying patient or designated provider
38 of marijuana concentrates, useable marijuana, marijuana-infused
39 products, or plants in accordance with chapter 69.51A RCW is not a

1 violation of this section, this chapter, or any other provision of
2 Washington state law.

3 **Sec. 10.** RCW 10.31.115 and 2021 c 311 s 13 are each amended to
4 read as follows:

5 (1) For all individuals who otherwise would be subject to arrest
6 for possession of a counterfeit substance under RCW 69.50.4011,
7 possession of a controlled substance under RCW 69.50.4013, possession
8 of 40 grams or less of marijuana under RCW 69.50.4014, or possession
9 of a legend drug under RCW 69.41.030(2)(b), in lieu of jail booking
10 and referral to the prosecutor, law enforcement (~~shall~~) may offer a
11 referral to assessment and services available pursuant to RCW
12 10.31.110 or other program or entity responsible for receiving
13 referrals in lieu of legal system involvement, which may include the
14 recovery navigator program established under RCW 71.24.115.

15 (2) If law enforcement agency records reflect that an individual
16 has been diverted to referral for assessment and services twice or
17 more previously, officers may, but are not required to, make
18 additional diversion efforts.

19 (3) Nothing in this section precludes prosecutors from diverting
20 or declining to file any charges for possession offenses that are
21 referred under RCW 69.50.4011, 69.50.4013, 69.50.4014, or
22 69.41.030(2)(b) in the exercise of their discretion.

23 NEW SECTION. **Sec. 11.** The following acts or parts of acts are
24 each repealed:

- 25 (1) 2021 c 311 s 15;
26 (2) 2021 c 311 s 16; and
27 (3) 2021 c 311 s 29 (uncodified).

28 **INCREASED FUNDING FOR DRUG COURT SERVICES**

29 NEW SECTION. **Sec. 12.** (1) The legislature finds that drug
30 courts are an effective tool to improve outcomes for individuals with
31 substance use disorders who are involved in the criminal justice
32 system. In addition, the legislature finds increasing the
33 availability of treatment and treatment support for individuals
34 experiencing homelessness who are in drug court programs to be an
35 important factor in reducing unsheltered homelessness. It is the
36 intent of the legislature to increase funding for drug court services

1 through the criminal justice treatment account to reduce the
2 occurrence of unsheltered homelessness and improve recovery outcomes
3 for offenders involved in drug court programs.

4 (2) The sum of \$10,000,000 is appropriated for the fiscal year
5 ending June 30, 2023, from the general fund for expenditure into the
6 criminal justice treatment account created in RCW 71.24.580.

7 (3) The sum of \$10,000,000, or as much thereof as may be
8 necessary, is appropriated for the fiscal biennium ending June 30,
9 2023, from the criminal justice treatment account to the state health
10 care authority for the purpose of increasing criminal justice
11 treatment account distributions in accordance with RCW 71.24.580.

12 **ELIMINATE UNSHELTERED HOMELESSNESS FOR YOUTH/YOUNG ADULTS AND**
13 **FAMILIES**

14 NEW SECTION. **Sec. 13.** (1) The legislature finds the following:

15 (a) There were 10,814 unsheltered individuals in Washington state
16 that were counted in the 2020 homeless point in time count, of which
17 1,080 were under the age of 25. The census also recorded 794
18 unsheltered households with children.

19 (b) Unsheltered homelessness includes encampments in greenbelts,
20 under bridges, and on our streets and are a visible reminder that the
21 current system is not working and that youth and young adults are
22 living in conditions not meant for human habitation.

23 (c) The purpose of this section is to eliminate unsheltered
24 homelessness for youth and young adults and families with children
25 through investment in permanent housing solutions.

26 (2) The sum of \$51,610,000 is appropriated for the fiscal year
27 ending June 30, 2023, from the general fund into the Washington
28 housing trust fund created in RCW 43.185.030 for the sole purpose of
29 providing permanent housing solutions to unsheltered youth and young
30 adults and unsheltered families with children. The department of
31 commerce may expend these moneys for housing acquisition,
32 construction, or other housing production costs necessary to achieve
33 the goal of eliminating unsheltered youth and young adult
34 homelessness.

35 **EXPANDING EMERGENCY ASSISTANCE PROGRAM ELIGIBILITY AND FUNDING**

1 **Sec. 14.** RCW 74.04.660 and 2021 c 9 s 1 are each amended to read
2 as follows:

3 The department shall establish a consolidated emergency
4 assistance program for individuals and families with or without
5 children. Assistance may be provided in accordance with this section.

6 (1) Benefits provided under this program shall be limited to one
7 period of time, as determined by the department, within any
8 consecutive twelve-month period.

9 (2) Benefits under this program shall be provided to alleviate
10 emergent conditions resulting from insufficient income and resources
11 to provide for: Food, shelter, clothing, medical care, or other
12 necessary items, as defined by the department. Benefits may also be
13 provided for family reconciliation services, family preservation
14 services, home-based services, short-term substitute care in a
15 licensed agency as defined in RCW 74.15.020, crisis nurseries,
16 therapeutic child care, or other necessary services as defined by the
17 department. Benefits shall be provided only in an amount sufficient
18 to cover the cost of the specific need, subject to the limitations
19 established in this section.

20 (3)(a) The department shall, by rule, establish assistance
21 standards and eligibility criteria for this program in accordance
22 with this section.

23 (b) Eligibility for benefits or services under this section does
24 not automatically entitle a recipient to medical assistance.

25 (4) The department shall seek federal emergency assistance funds
26 to supplement the state funds appropriated for the operation of this
27 program as long as other departmental programs are not adversely
28 affected by the receipt of federal funds.

29 (5) If state funds appropriated for the consolidated emergency
30 assistance program are exhausted, the department may discontinue the
31 program.

32 (6) During a state of emergency and pursuant to an order from the
33 governor under this subsection, benefits under this program may be
34 (~~extended to individuals and families without children and may be~~)
35 provided for more than one period of time within any consecutive 12-
36 month period, as established in an order from the governor.
37 Adjustments to the program under this subsection remain in effect
38 until either the state of emergency ceases, the order expires, or the
39 governor issues an order terminating these adjustments, whichever
40 occurs first.

1 (b)(i) Beginning July 1, 2023, and by July 1st every two years
2 thereafter, the department must award funds for project-based
3 vouchers for nonprofit housing providers and related services, rapid
4 rehousing, and housing acquisition under RCW 36.22.176 to eligible
5 grantees in a manner that 15 percent of funding is distributed as a
6 performance-based allocation based on performance metrics created
7 under (a) of this subsection, in addition to any base allocation of
8 funding for the county.

9 (ii) Any county that demonstrates that it has met or exceeded the
10 majority of the target actions to prevent and reduce homelessness
11 over the previous two years must receive the remaining 15 percent
12 performance-based allocation. Any county that fails to meet or exceed
13 the majority of target actions to prevent and reduce homelessness
14 must enter into a corrective action plan with the department. To
15 receive its performance-based allocation, a county must agree to
16 undertake the corrective actions outlined in the corrective action
17 plan and any reporting and monitoring deemed necessary by the
18 department. Any county that fails to meet or exceed the majority of
19 targets for two consecutive years after entering into a corrective
20 action plan may be subject to a reduction in the performance-based
21 portion of the funds received in (b)(i) of this subsection, at the
22 discretion of the department in consultation with stakeholder groups
23 specified in RCW 43.185C.185(2)(c). Performance-based allocations
24 unspent due to lack of compliance with a corrective action plan
25 created under this subsection (2)(b) may be distributed to other
26 counties that have met or exceeded their target actions.

27 (3) The department must distinguish allotments from the account
28 made to carry out the activities in RCW 43.330.167, 43.330.700
29 through 43.330.715, 43.330.911, 43.185C.010, 43.185C.250 through
30 43.185C.320, and 36.22.179(1)(b).

31 (4) The office of financial management must secure an independent
32 expenditure review of state funds received under RCW 36.22.179(1)(b)
33 on a biennial basis. The purpose of the review is to assess the
34 consistency in achieving policy priorities within the private market
35 rental housing segment for housing persons experiencing homelessness.
36 The independent reviewer must notify the department and the office of
37 financial management of its findings. The first biennial expenditure
38 review, for the 2017-2019 fiscal biennium, is due February 1, 2020.
39 Independent reviews conducted thereafter are due February 1st of each
40 even-numbered year.

1 (5) During the 2019-2021 and 2021-2023 fiscal biennia,
2 expenditures from the account may also be used for shelter capacity
3 grants.

4 **Sec. 17.** RCW 43.185C.190 and 2021 c 334 s 981 and 2021 c 214 s 5
5 are each reenacted and amended to read as follows:

6 (1) The affordable housing for all account is created in the
7 state treasury, subject to appropriation. The state's portion of the
8 surcharges established in RCW 36.22.178 and 36.22.176 shall be
9 deposited in the account. Expenditures from the account may only be
10 used for affordable housing programs, including operations,
11 maintenance, and services as described in RCW 36.22.176(1)(a).

12 (2) No funds deposited in the account from the surcharges
13 established in RCW 36.22.176, 36.22.179, and 36.22.1791 may be
14 granted to a county until the county adopts an ordinance:

15 (a) Prohibiting supervised injection sites within its
16 jurisdiction; and

17 (b) Making it unlawful for any person to camp on public property,
18 without prior authorization from the county, within 500 feet of (i)
19 public or private elementary or secondary schools; (ii) public parks
20 as defined in RCW 69.50.435; and (iii) municipal courthouses.

21 (3) During the 2021-2023 fiscal biennium, expenditures from the
22 account may be used for operations, maintenance, and services for
23 permanent supportive housing as defined in RCW 36.70A.030. It is the
24 intent of the legislature to continue this policy in future biennia.

--- END ---