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**SENATE BILL 5731**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senators Goehner, Fortunato, Holy, Boehnke, Christian, Cortes, and Dozier

AN ACT Relating to creating a tenant assistance program; amending RCW 36.22.250; adding new sections to chapter 43.31 RCW; and adding a new section to chapter 44.28 RCW; creating a new section; and providing expiration dates.

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

NEW SECTION. **Sec.**  (1) The legislature finds that a significant number of Washington residents are currently rent-burdened, spending a disproportionate amount of their income on housing expenses. High rents have become a substantial burden for too many Washingtonians, limiting their ability to access safe and affordable housing. This situation creates economic instability and negatively impacts the overall well-being of individuals and families across the state. This strain contributes to financial insecurity, making it challenging for individuals and families of all shapes and sizes to meet other essential needs, such as health care, education, and savings for the future. This phenomenon exacerbates existing inequalities and hinders economic mobility for a significant portion of the population.

(2) The legislature has taken significant steps to address the affordable housing crisis, including investing in housing development, expanding rental assistance programs, and enacting tenant protections. However, these efforts will take time to bear fruit, and many households continue to face immediate financial hardship due to high rental costs.

(3) Therefore, the legislature intends to address the issue of housing affordability by establishing a tenant assistance program. This program aims to reduce the number of people who are rent-burdened by providing financial assistance to eligible individuals and families. This program seeks to create a more equitable and accessible housing market, fostering stability and opportunity for Washington residents. By implementing this program, the legislature aims to alleviate the economic strain caused by high rents, promote housing security, and enhance the overall quality of life for residents of the state.

NEW SECTION. **Sec.**  A new section is added to chapter 43.31 RCW to read as follows:

(1) The tenant assistance program is created as a grant program administered by the department of commerce. The department may adopt any rules necessary to administer the program.

(2) As part of the tenant assistance program, the department of commerce shall provide grants to public housing authorities created under chapter 35.82 RCW for the purpose of providing tenant assistance payments for eligible renters as described in this section.

(3) To be eligible for tenant assistance payments, a renter must meet all of the following criteria:

(a) The renter must have a household income at or below 80 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development;

(b) The renter must spend more than 30 percent of the renter's monthly household income on monthly housing costs, including rent, fees, and utilities; and

(c) The renter would not have to spend more than 30 percent of their monthly household income on monthly housing costs, including rent, fees, and utilities, if the renter's monthly rent payment was reduced by $400 or less.

(4) A public housing authority must prioritize providing tenant assistance payments for eligible renters who meet any of the following criteria:

(a) The eligible renter has a household income at or below 60 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or

(b) The eligible renter receives supplemental security income.

(5) A tenant assistance payment may not exceed the lesser of $400 or the amount necessary to reduce an eligible renter's monthly housing costs, including rent, fees, and utilities, to no more than 30 percent of the eligible renter's monthly household income.

(6) Only one eligible renter per household may receive tenant assistance payments.

(7) An eligible renter may receive tenant assistance payments for up to 12 consecutive months.

(8)(a) A renter seeking a tenant assistance payment under this section must submit monthly documentation of the renter's income, rent, utilities, and any other records necessary to determine program eligibility to the appropriate public housing authority.

(b) A renter who provides false documentation under this subsection must repay any tenant assistance payments received and is no longer eligible for participation in the tenant assistance program.

(9) A landlord may not discriminate against renters receiving tenant assistance payments under this section.

(10) By July 30, 2026, and annually thereafter, and in compliance with RCW 43.01.036, the department of commerce shall submit a report to the appropriate committees of the legislature on the tenant assistance program that includes information on the total number of renter households served by the program, the total dollar amount of rental assistance distributed to renters as tenant assistance payments, the average number of months that a renter household receives tenant assistance payments, and any recommendations for changes to the program. The department of commerce must also post a copy of the report to the department's website.

(11) For the purposes of this section, "renter" means any person who rents a dwelling unit under a rental agreement subject to chapter 59.18 RCW or a manufactured/mobile home lot under a rental agreement subject to chapter 59.20 RCW.

(12) This section expires June 30, 2032.

**Sec.**  RCW 36.22.250 and 2023 c 277 s 1 are each amended to read as follows:

(1) A surcharge of $183 per instrument shall be charged by the county auditor for each document recorded, which will be in addition to any other charge authorized by law. The following are exempt from this surcharge:

(a) Assignments or substitutions of previously recorded deeds of trust;

(b) Documents recording a birth, marriage, divorce, or death;

(c) Any recorded documents otherwise exempted from a recording fee or additional surcharges under state law;

(d) Marriage licenses issued by the county auditor; and

(e) Documents recording a federal, state, county, city, or water-sewer district, or wage lien or satisfaction of lien.

(2) Funds collected pursuant to this section must be distributed and used as follows:

(a) One percent of the total funds collected shall be retained by the county auditor for its fee collection activities;

(b) 30 percent of the total funds collected shall be retained by the county and used by the county as provided in subsection (3) of this section;

(c) 54.1 percent of the total funds collected shall be transmitted to the state treasurer to be deposited in the home security fund account created in RCW 43.185C.060 and shall be used by the department of commerce as provided in subsection (4) of this section. From July 1, 2025, through June 30, 2032, the amount of total funds collected to be deposited in the home security fund account shall be reduced to 39.1 percent;

(d) From July 1, 2025, through June 30, 2032, 20 percent of the total funds collected shall be transmitted to the state treasurer to be deposited in the tenant assistance program account created in section 4 of this act;

((~~(d)~~)) (e) 13.1 percent of the total funds collected shall be transmitted to the state treasurer to be deposited in the affordable housing for all account created in RCW 43.185C.190 and shall be used by the department of commerce as provided in subsection (5) of this section. From July 1, 2025, through June 30, 2032, the amount of total funds collected to be deposited in the affordable housing for all account shall be reduced to 8.1 percent;

((~~(e)~~)) (f) 1.8 percent of the total funds collected shall be transmitted to the state treasurer to be deposited in the landlord mitigation program account created in RCW 43.31.615 and shall be used by the department of commerce as provided in subsection (6) of this section.

(3) The county shall use their portion of the collected funds as follows:

(a) Up to 10 percent for the county's administration and local distribution of the funds collected from the surcharge in this section, and administrative costs related to the county's homeless housing plan;

(b) At least 75 percent will be retained and used by the county to accomplish the purposes of its local homeless housing plan pursuant to chapter 484, Laws of 2005. For each city in the county that elects as authorized in RCW 43.185C.080 to operate its own local homeless housing program, a percentage of the surcharge assessed under this subsection equal to the percentage of the city's local portion of the real estate excise tax collected by the county shall be transmitted at least quarterly to the city treasurer, without any deduction for county administrative costs, for use by the city for program costs which directly contribute to the goals of the city's local homeless housing plan; of the funds received by the city, it may use up to 10 percent for administrative costs for its homeless housing program;

(c) At least 15 percent will be retained and used by the county for eligible housing activities, as described in this subsection, that serve extremely low and very low-income households in the county and the cities within a county according to an interlocal agreement between the county and the cities within the county consistent with countywide and local housing needs and policies. A priority must be given to eligible housing activities that serve extremely low-income households with incomes at or below 30 percent of the area median income. Eligible housing activities to be funded are limited to:

(i) Acquisition, construction, or rehabilitation of housing projects or units within housing projects that are affordable to very low-income households with incomes at or below 50 percent of the area median income, including units for homeownership, rental units, seasonal and permanent farmworker housing units, units reserved for victims of human trafficking and their families, and single room occupancy units;

(ii) Supporting building operation and maintenance costs of housing projects or units within housing projects eligible to receive housing trust funds, that are affordable to very low-income households with incomes at or below 50 percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses;

(iii) Rental assistance vouchers for housing units that are affordable to very low-income households with incomes at or below 50 percent of the area median income, including rental housing vouchers for victims of human trafficking and their families, to be administered by a local public housing authority or other local organization that has an existing rental assistance voucher program, consistent with or similar to the United States department of housing and urban development's section 8 rental assistance voucher program standards; and

(iv) Operating costs for emergency shelters and licensed overnight youth shelters.

(4) The department of commerce shall use the funds from the document recording fee or other fund sources deposited in the home security fund account as follows, except that the department of commerce shall provide counties with the right of first refusal to receive grant funds distributed under (b) of this subsection (4). If a county refuses the funds or does not respond within a time frame established by the department, the department shall make good faith efforts to identify one or more suitable alternative grantees operating within that county. The alternative grantee shall distribute the funds in a manner that is in compliance with this chapter. Funding provided through the office of homeless youth prevention and protection programs created in RCW 43.330.705 is exempt from the county first refusal requirement.

(a) Up to 10 percent for administration of the programs established in chapter 43.185C RCW and in conformance with this subsection (4), including the costs of creating and implementing strategic plans, collecting and evaluating data, measuring and reporting performance, providing technical assistance to local governments, providing training to entities delivering services, and developing and maintaining stakeholder relationships;

(b) At least 90 percent for homelessness assistance grant programs administered by the department, including but not limited to: Temporary rental assistance; eviction prevention rental assistance per RCW 43.185C.185; emergency shelter and transitional housing operations and maintenance; outreach; diversion; HOPE and crisis residential centers; young adult housing; homeless services and case management for adult, family, youth, and young adult homeless populations and those at risk of homelessness; project-based vouchers for nonprofit housing providers or public housing authorities; tenant-based rent assistance; housing services; rapid rehousing; emergency housing; acquisition; operations; maintenance; and service costs for permanent supportive housing as defined in RCW 36.70A.030 for individuals with disabilities. Grantees may also use these funds in partnership with permanent supportive housing programs administered by the office of apple health and homes created in RCW 43.330.181. Priority for use must be given to purposes intended to house persons who are chronically homeless or to maintain housing for individuals with disabilities and prior experiences of homelessness, including families with children.

(5) The department of commerce shall use the funds from the document recording fee or other fund sources deposited in the affordable housing for all account as follows:

(a) Up to 10 percent for program administration and technical assistance necessary for the delivery programs and activities under this subsection (5);

(b) At least 90 percent for the following:

(i) Grants for building operation and maintenance costs of housing projects, or units within housing projects, that are in the state's housing trust fund portfolio, are affordable to extremely low-income households with incomes at or below 30 percent of the area median income, and require a supplement to rent income to cover ongoing operating expenses;

(ii) Grants to support the building operations, maintenance, and supportive service costs for permanent supportive housing projects, or units within housing projects, that have received or will receive funding from the housing trust fund or other public capital funding programs. The supported projects or units must be dedicated as permanent supportive housing as defined in RCW 36.70A.030, be occupied by extremely low-income households with incomes at or below 30 percent of the area median income, and require a supplement to rent income to cover ongoing property operations, maintenance, and supportive services expenses.

(6) The department of commerce shall use the funds from the document recording fee or other fund sources deposited in the landlord mitigation program account to administer the landlord mitigation program as established in RCW 43.31.605. The department of commerce may use up to 10 percent of these funds for program administration and the development and maintenance of a database necessary to administer the program.

NEW SECTION. **Sec.**  A new section is added to chapter 43.31 RCW to read as follows:

(1) The tenant assistance program account is created in the state treasury. Moneys in the account may only be spent after appropriation. Expenditures from the account may only be used to provide grants to public housing authorities for the purpose of providing tenant assistance payments for eligible renters under section 2 of this act.

(2) This section expires December 31, 2032.

NEW SECTION. **Sec.**  A new section is added to chapter 44.28 RCW to read as follows:

The joint committee must review the efficacy of the tenant assistance program established by this act and its impacts on housing stability for those served by the program and report its findings to the appropriate committees of the legislature by December 1, 2031. The review must include a recommendation on whether this program should be continued without change or should be amended or repealed.

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