
SENATE BILL 5932

State of Washington

64th Legislature

2015 Regular Session

By Senator Miloscia

Read first time 02/11/15. Referred to Committee on Human Services,
Mental Health & Housing.

1 AN ACT Relating to creating the office of homeless youth
2 prevention programs in the department of social and health services;
3 amending RCW 13.32A.030, 74.13.032, 43.330.167, 26.44.020,
4 43.185C.040, 43.185C.060, and 43.185C.240; adding new sections to
5 chapter 13.32A RCW; recodifying RCW 43.330.167; and creating a new
6 section.

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

8 NEW SECTION. **Sec. 1.** Legislative findings. (1) The legislature
9 finds that every night thousands of homeless youth in Washington go
10 to sleep without the safety, stability, and support of a family or a
11 home. These youth are exposed to an increased level of violence,
12 human trafficking, and exploitation resulting in a higher incidence
13 of substance abuse, illness, and death. Prevention of youth
14 homelessness and protection of youth who are homeless is of key
15 concern to the state.

16 (2) Successfully addressing youth homelessness ensures that
17 homeless youth in our state have the support they need to thrive and
18 avoid justice system involvement, trafficking, long-term, avoidable
19 use of public benefits, and extended adult homelessness.

20 (3) Providing appropriate, relevant, and readily accessible
21 services is critical for addressing one-time, episodic, or longer-

1 term homelessness among youth, and keeping youth safe, housed, and
2 connected to family.

3 (4) To successfully reduce and prevent youth homelessness, it is
4 the goal of the legislature to provide a safe and healthy place for
5 homeless youth to sleep each night while family reconciliation
6 occurs. Furthermore, every family in crisis should have appropriate
7 support as they work to keep their children housed and safe. It is
8 the goal of the legislature that every homeless youth discharged from
9 a public system of care in our state must not be discharged into
10 homelessness.

11 (5) It is the goal of the legislature that the office of homeless
12 youth prevention programs house all homeless youth in Washington
13 state within one year.

14 (6) In order to immediately provide a safe environment for
15 homeless youth or to reunify homeless youth with their families, or
16 start the dependency process, the legislature intends that it be the
17 responsibility of mandatory reporters to report homeless youth to law
18 enforcement or the department of social and health services.

19 (7) Furthermore, it is the goal of the legislature that all the
20 citizens of the state work together with law enforcement, public
21 employees, and youth service providers to eliminate youth
22 homelessness and increase family reunification by immediately picking
23 up all homeless or runaway youth.

24 NEW SECTION. **Sec. 2.** Creation of office of homeless youth
25 prevention programs. (1) There is created the office of homeless
26 youth prevention programs within the department.

27 (2) Activities of the office of homeless youth prevention
28 programs must be carried out by a director of the office of homeless
29 youth prevention programs, supervised by the secretary of the
30 department or his or her designee.

31 (3) The measurable goals of the office of homeless youth
32 prevention programs are to each year: (a) Reduce the number of new
33 homeless and runaway youth to zero in ten years by identifying
34 programs that reduce the initial causes of homelessness, (b) decrease
35 the number of existing homeless youth, (c) measurably increase
36 reconciliation rates with the homeless youth's parents or guardians
37 by decreasing the length and repeat reoccurrences of youth
38 homelessness and family or guardian separation, and (d) decrease
39 youth homelessness to zero.

1 (4) The office of homeless youth prevention programs is
2 responsible for leading planning and other state and local government
3 efforts under this subchapter to coordinate a spectrum of ongoing and
4 future funding, policy, and practice efforts related to the goals of
5 the office, while also ensuring the safety, health, and welfare of
6 homeless youth in this state.

7 (5) The office of homeless youth prevention programs shall (a)
8 gather data and outcome measures, including developing a
9 comprehensive plan for eliminating unaccompanied homeless youth,
10 similar to the plan required for homeless families under RCW
11 43.63A.650, (b) initiate data sharing agreements, (c) develop
12 specific recommendations and timelines to address funding, policy,
13 and practice gaps within the state system for addressing stable
14 transitional housing for homeless youth and preventing runaway youth
15 homelessness, (d) make reports, (e) increase system integration and
16 coordinate efforts to prevent state systems from discharging youth
17 into homelessness, (f) develop measures to include by county and
18 statewide the number of status of homeless youth, dependency status,
19 housing, program, runaway status, and family reunification, and (g)
20 develop a public plan to encourage homeless youth identification and
21 promote family stability.

22 (6) The office of homeless youth prevention programs shall
23 regularly consult with an advisory committee composed of legislators,
24 parent advocates, service providers, and other stakeholders
25 knowledgeable in the provision of services to homeless youth,
26 including those knowledgeable in the prevention of youth
27 homelessness, foster care, and family reunification. The advisory
28 committee shall provide guidance and recommendations to the office of
29 homeless youth prevention programs regarding funding, policy, and
30 practice gaps within and among state programs.

31 (a) The advisory committee must be staffed by the department.

32 (b) The advisory committee must have its initial meeting no later
33 than March 1, 2016.

34 (7) The office of homeless youth prevention programs must be
35 operational no later than January 1, 2016. Homeless youth services
36 and programs identified in section 4(2) of this act may occur before
37 this date.

38 NEW SECTION. **Sec. 3.** Reporting and data gathering. (1) The
39 office of homeless youth prevention programs shall identify data and

1 outcome measures from which to evaluate future public investment in
2 services needed to reduce the number of new homeless youth and to
3 increase family reconciliation or transition to dependent status.

4 (2) Beginning March 1, 2016, and quarterly thereafter, the office
5 of homeless youth prevention programs shall report to the legislature
6 on the status of the goals of reducing new youth homelessness,
7 decreasing youth homelessness, and increasing family reconciliation
8 rates.

9 (3) By December 1, 2016, the office of homeless youth prevention
10 programs must submit a report to the governor and legislature to
11 provide recommendations for funding, policy, and practice gaps in the
12 state system and identify best practices in preventing homelessness
13 among youth and reconciling homeless youth with their families. If
14 the homeless youth rate is not zero, the report is to include
15 recommendations for policies and funding that will help the state
16 reach the goal of eliminating youth homelessness.

17 NEW SECTION. **Sec. 4.** Authorization for administration of
18 services and funding through the office of homeless youth prevention
19 programs. (1)(a) The office of homeless youth prevention programs
20 shall report to the secretary or the secretary's designee.

21 (b)(i) The office of homeless youth prevention programs may
22 distribute grants to providers who house homeless youth in
23 transitional shelters throughout the state.

24 (ii) The grants must fund services that prevent new runaways from
25 parents and guardians and new youth homelessness and improve family
26 reconciliation.

27 (iii) The grants must be expended on a statewide basis and may be
28 used to support direct services, as well as technical assistance,
29 evaluation, and capacity building.

30 (2) The office of homeless youth prevention programs shall
31 provide management and oversight guidance and direction to the
32 following programs:

33 (a) HOPE centers as described in RCW 74.15.220;

34 (b) Crisis residential centers as described in RCW 74.13.032;

35 (c) Street youth services addressing homeless youth.

36 NEW SECTION. **Sec. 5.** The joint legislative audit and review
37 committee shall conduct a review of state-funded programs that serve
38 unaccompanied homeless youth to determine what performance measures

1 exist, what statutory reporting requirements exist, and whether there
2 is reliable data on ages of youth served, length of stay, and
3 effectiveness of program exit and reentry. Where statutory reporting
4 requirements do exist, the joint legislative audit and review
5 committee shall review the programs' compliance with relevant
6 statutory reporting requirements. The programs reviewed may include,
7 but are not limited to, HOPE centers as described in RCW 74.15.220
8 and crisis residential centers as described in RCW 74.13.032.

9 NEW SECTION. **Sec. 6.** A Washington state homeless youth alert
10 database must be established identifying all homeless or runaway
11 youth in order to assist the public in identifying homeless youth and
12 notifying law enforcement and child protective services to provide
13 emergency shelter to the homeless youth and to contact the youth's
14 parents or legal guardian.

15 **Sec. 7.** RCW 13.32A.030 and 2013 c 4 s 1 are each amended to read
16 as follows:

17 As used in this chapter the following terms have the meanings
18 indicated unless the context clearly requires otherwise:

19 (1) "Abuse or neglect" means the injury, sexual abuse, sexual
20 exploitation, negligent treatment, or maltreatment of a child by any
21 person under circumstances that indicate the child's health, welfare,
22 and safety is harmed, excluding conduct permitted under RCW
23 9A.16.100. An abused child is a child who has been subjected to child
24 abuse or neglect as defined in this section.

25 (2) "Administrator" means the individual who has the daily
26 administrative responsibility of a crisis residential center, or his
27 or her designee.

28 (3) "At-risk youth" means a juvenile:

29 (a) Who is absent from home for at least seventy-two consecutive
30 hours without consent of his or her parent;

31 (b) Who is beyond the control of his or her parent such that the
32 child's behavior endangers the health, safety, or welfare of the
33 child or any other person; or

34 (c) Who has a substance abuse problem for which there are no
35 pending criminal charges related to the substance abuse.

36 (4) "Child," "juvenile," "youth," and "minor" mean any
37 unemancipated individual who is under the chronological age of
38 eighteen years.

1 (5) "Child in need of services" means a juvenile:
2 (a) Who is beyond the control of his or her parent such that the
3 child's behavior endangers the health, safety, or welfare of the
4 child or any other person;
5 (b) Who has been reported to law enforcement as absent without
6 consent for at least twenty-four consecutive hours on two or more
7 separate occasions from the home of either parent, a crisis
8 residential center, an out-of-home placement, or a court-ordered
9 placement; and
10 (i) Has exhibited a serious substance abuse problem; or
11 (ii) Has exhibited behaviors that create a serious risk of harm
12 to the health, safety, or welfare of the child or any other person;
13 (c)(i) Who is in need of: (A) Necessary services, including food,
14 shelter, health care, clothing, or education; or (B) services
15 designed to maintain or reunite the family;
16 (ii) Who lacks access to, or has declined to use, these services;
17 and
18 (iii) Whose parents have evidenced continuing but unsuccessful
19 efforts to maintain the family structure or are unable or unwilling
20 to continue efforts to maintain the family structure; or
21 (d) Who is a "sexually exploited child."
22 (6) "Child in need of services petition" means a petition filed
23 in juvenile court by a parent, child, or the department seeking
24 adjudication of placement of the child.
25 (7) "Crisis residential center" means a secure or semi-secure
26 facility established pursuant to chapter 74.13 RCW.
27 (8) "Custodian" means the person or entity that has the legal
28 right to custody of the child.
29 (9) "Department" means the department of social and health
30 services.
31 (10) "Extended family member" means an adult who is a
32 grandparent, brother, sister, stepbrother, stepsister, uncle, aunt,
33 or first cousin with whom the child has a relationship and is
34 comfortable, and who is willing and available to care for the child.
35 (11) "Guardian" means the person or agency that (a) has been
36 appointed as the guardian of a child in a legal proceeding other than
37 a proceeding under chapter 13.34 RCW, and (b) has the legal right to
38 custody of the child pursuant to such appointment. The term
39 "guardian" does not include a "dependency guardian" appointed
40 pursuant to a proceeding under chapter 13.34 RCW.

1 (12) "Multidisciplinary team" means a group formed to provide
2 assistance and support to a child who is an at-risk youth or a child
3 in need of services and his or her parent. The team must include the
4 parent, a department caseworker, a local government representative
5 when authorized by the local government, and when appropriate,
6 members from the mental health and substance abuse disciplines. The
7 team may also include, but is not limited to, the following persons:
8 Educators, law enforcement personnel, probation officers, employers,
9 church persons, tribal members, therapists, medical personnel, social
10 service providers, placement providers, and extended family members.
11 The team members must be volunteers who do not receive compensation
12 while acting in a capacity as a team member, unless the member's
13 employer chooses to provide compensation or the member is a state
14 employee.

15 (13) "Out-of-home placement" means a placement in a foster family
16 home or group care facility licensed pursuant to chapter 74.15 RCW or
17 placement in a home, other than that of the child's parent, guardian,
18 or legal custodian, not required to be licensed pursuant to chapter
19 74.15 RCW.

20 (14) "Parent" means the parent or parents who have the legal
21 right to custody of the child. "Parent" includes custodian or
22 guardian.

23 (15) "Secure facility" means a crisis residential center, or
24 portion thereof, that has locking doors, locking windows, or a
25 secured perimeter, designed and operated to prevent a child from
26 leaving without permission of the facility staff.

27 (16) "Semi-secure facility" means any facility, including but not
28 limited to crisis residential centers or specialized foster family
29 homes, operated in a manner to reasonably assure that youth placed
30 there will not run away. Pursuant to rules established by the
31 department, the facility administrator shall establish reasonable
32 hours for residents to come and go from the facility such that no
33 residents are free to come and go at all hours of the day and night.
34 To prevent residents from taking unreasonable actions, the facility
35 administrator, where appropriate, may condition a resident's leaving
36 the facility upon the resident being accompanied by the administrator
37 or the administrator's designee and the resident may be required to
38 notify the administrator or the administrator's designee of any
39 intent to leave, his or her intended destination, and the probable
40 time of his or her return to the center.

1 (17) "Sexually exploited child" means any person under the age of
2 eighteen who is a victim of the crime of commercial sex abuse of a
3 minor under RCW 9.68A.100, promoting commercial sexual abuse of a
4 minor under RCW 9.68A.101, or promoting travel for commercial sexual
5 abuse of a minor under RCW 9.68A.102.

6 (18) "Staff secure facility" means a structured group care
7 facility licensed under rules adopted by the department with a ratio
8 of at least one adult staff member to every two children.

9 (19) "Temporary out-of-home placement" means an out-of-home
10 placement of not more than fourteen days ordered by the court at a
11 fact-finding hearing on a child in need of services petition.

12 (20) "Homeless" means without a fixed, regular, and adequate
13 nighttime residence as set forth in the federal McKinney-Vento
14 homeless assistance act, P.L. 100-77, July 22, 1987, 101 Stat. 482,
15 and runaway and homeless youth act, P.L. 93-415, Title III, September
16 7, 1974, 88 Stat. 1129.

17 (21) "Homeless youth" means both youth actively experiencing
18 homelessness as well as those youth at risk of homelessness.

19 (22) "Runaway" means an unmarried and unemancipated minor who is
20 absent from the home of a parent or guardian or other lawful
21 placement without the consent of the parent, guardian, or lawful
22 custodian.

23 (23) "Transitional housing" and "short-term transitional housing"
24 means temporary housing that is limited to thirty days unless
25 otherwise approved by the court.

26 **Sec. 8.** RCW 74.13.032 and 2011 c 240 s 1 are each amended to
27 read as follows:

28 (1) The department shall establish, through performance-based
29 contracts with private or public vendors, regional crisis residential
30 centers with semi-secure facilities. These facilities shall be
31 structured group care facilities licensed under rules adopted by the
32 department and shall have an average of at least four adult staff
33 members and in no event less than three adult staff members to every
34 eight children.

35 (2) Crisis residential centers must record client information
36 into a homeless management information system specified by the
37 department.

38 (3) Within available funds appropriated for this purpose, the
39 department shall establish, through performance-based contracts with

1 private or public vendors, regional crisis residential centers with
2 secure facilities. These facilities shall be facilities licensed
3 under rules adopted by the department. These centers may also include
4 semi-secure facilities and to such extent shall be subject to
5 subsection (1) of this section.

6 ~~((+3))~~ (4) The department shall, in addition to the facilities
7 established under subsections (1) and ~~((+2))~~ (3) of this section,
8 establish additional crisis residential centers pursuant to
9 performance-based contracts with licensed private group care
10 facilities.

11 ~~((+4))~~ (5) The department is authorized to allow contracting
12 entities to include a combination of secure or semi-secure crisis
13 residential centers as defined in RCW 13.32A.030 and/or HOPE centers
14 pursuant to RCW 74.15.220 in the same building or structure. The
15 department shall permit the colocation of these centers only if the
16 entity operating the facility agrees to designate a particular number
17 of beds to each type of center that is located within the building or
18 structure.

19 ~~((+5))~~ (6) The staff at the facilities established under this
20 section shall be trained so that they may effectively counsel
21 juveniles admitted to the centers, provide treatment, supervision,
22 and structure to the juveniles that recognize the need for support
23 and the varying circumstances that cause children to leave their
24 families, and carry out the responsibilities stated in RCW
25 13.32A.090. The responsibilities stated in RCW 13.32A.090 may, in any
26 of the centers, be carried out by the department.

27 ~~((+6))~~ (7) The secure facilities located within crisis
28 residential centers shall be operated to conform with the definition
29 in RCW 13.32A.030. The facilities shall have an average of no less
30 than one adult staff member to every ten children. The staffing ratio
31 shall continue to ensure the safety of the children.

32 ~~((+7))~~ (8) If a secure crisis residential center is located in
33 or adjacent to a secure juvenile detention facility, the center shall
34 be operated in a manner that prevents in-person contact between the
35 residents of the center and the persons held in such facility.

36 **Sec. 9.** RCW 43.330.167 and 2009 c 565 s 9 are each amended to
37 read as follows:

38 (1)(a) There is created in the custody of the state treasurer an
39 account to be known as the ~~((homeless))~~ Washington youth and families

1 ((~~services~~)) fund. Revenues to the fund consist of ((~~a one-time~~))
2 appropriations by the legislature, private contributions, and all
3 other sources deposited in the fund.

4 (b) Expenditures from the fund may only be used for the purposes
5 of the program established in this section, including administrative
6 expenses. Only the ((~~director~~)) secretary of the department ((~~of~~
7 ~~commerce~~)), or the ((~~director's~~)) secretary's designee, may authorize
8 expenditures.

9 (c) Expenditures from the fund are exempt from appropriations and
10 the allotment provisions of chapter 43.88 RCW. However, money used
11 for program administration by the department is subject to the
12 allotment and budgetary controls of chapter 43.88 RCW, and an
13 appropriation is required for these expenditures.

14 (2) The department may expend moneys from the fund to provide
15 state matching funds for housing-based supportive services for
16 homeless youth and families over a period of ((~~at least~~)) up to ten
17 years.

18 (3) Activities eligible for funding through the fund include, but
19 are not limited to, the following:

- 20 (a) Case management;
- 21 (b) Counseling;
- 22 (c) Referrals to employment support and job training services and
23 direct employment support and job training services;
- 24 (d) Domestic violence services and programs;
- 25 (e) Mental health treatment, services, and programs;
- 26 (f) Substance abuse treatment, services, and programs;
- 27 (g) Parenting skills education and training;
- 28 (h) Transportation assistance;
- 29 (i) Child care; and
- 30 (j) Other supportive services identified by the department to be
31 an important link for housing stability.

32 (4) Organizations that may receive funds from the fund include
33 local housing authorities, nonprofit community or neighborhood-based
34 organizations, public development authorities, federally recognized
35 Indian tribes in the state, and regional or statewide nonprofit
36 housing assistance organizations.

37 **Sec. 10.** RCW 26.44.020 and 2012 c 259 s 1 are each amended to
38 read as follows:

1 The definitions in this section apply throughout this chapter
2 unless the context clearly requires otherwise.

3 (1) "Abuse or neglect" means sexual abuse, sexual exploitation,
4 or injury of a child by any person under circumstances which cause
5 harm to the child's health, welfare, or safety, excluding conduct
6 permitted under RCW 9A.16.100; or the negligent treatment or
7 maltreatment of a child by a person responsible for or providing care
8 to the child. A neglected child includes an unaccompanied homeless
9 youth because of the harm to the youth's health, welfare, and safety.

10 An abused child is a child who has been subjected to child abuse or
11 neglect as defined in this section.

12 (2) "Child" or "children" means any person under the age of
13 eighteen years of age.

14 (3) "Child protective services" means those services provided by
15 the department designed to protect children from child abuse and
16 neglect and safeguard such children from future abuse and neglect,
17 and conduct investigations of child abuse and neglect reports.
18 Investigations may be conducted regardless of the location of the
19 alleged abuse or neglect. Child protective services includes referral
20 to services to ameliorate conditions that endanger the welfare of
21 children, the coordination of necessary programs and services
22 relevant to the prevention, intervention, and treatment of child
23 abuse and neglect, and services to children to ensure that each child
24 has a permanent home. In determining whether protective services
25 should be provided, the department shall not decline to provide such
26 services solely because of the child's unwillingness or developmental
27 inability to describe the nature and severity of the abuse or
28 neglect.

29 (4) "Child protective services section" means the child
30 protective services section of the department.

31 (5) "Children's advocacy center" means a child-focused facility
32 in good standing with the state chapter for children's advocacy
33 centers and that coordinates a multidisciplinary process for the
34 investigation, prosecution, and treatment of sexual and other types
35 of child abuse. Children's advocacy centers provide a location for
36 forensic interviews and coordinate access to services such as, but
37 not limited to, medical evaluations, advocacy, therapy, and case
38 review by multidisciplinary teams within the context of county
39 protocols as defined in RCW 26.44.180 and 26.44.185.

1 (6) "Clergy" means any regularly licensed or ordained minister,
2 priest, or rabbi of any church or religious denomination, whether
3 acting in an individual capacity or as an employee or agent of any
4 public or private organization or institution.

5 (7) "Court" means the superior court of the state of Washington,
6 juvenile department.

7 (8) "Department" means the state department of social and health
8 services.

9 (9) "Family assessment" means a comprehensive assessment of child
10 safety, risk of subsequent child abuse or neglect, and family
11 strengths and needs that is applied to a child abuse or neglect
12 report. Family assessment does not include a determination as to
13 whether child abuse or neglect occurred, but does determine the need
14 for services to address the safety of the child and the risk of
15 subsequent maltreatment.

16 (10) "Family assessment response" means a way of responding to
17 certain reports of child abuse or neglect made under this chapter
18 using a differential response approach to child protective services.
19 The family assessment response shall focus on the safety of the
20 child, the integrity and preservation of the family, and shall assess
21 the status of the child and the family in terms of risk of abuse and
22 neglect including the parent's or guardian's or other caretaker's
23 capacity and willingness to protect the child and, if necessary, plan
24 and arrange the provision of services to reduce the risk and
25 otherwise support the family. No one is named as a perpetrator, and
26 no investigative finding is entered in the record as a result of a
27 family assessment.

28 (11) "Founded" means the determination following an investigation
29 by the department that, based on available information, it is more
30 likely than not that child abuse or neglect did occur.

31 (12) "Inconclusive" means the determination following an
32 investigation by the department, prior to October 1, 2008, that based
33 on available information a decision cannot be made that more likely
34 than not, child abuse or neglect did or did not occur.

35 (13) "Institution" means a private or public hospital or any
36 other facility providing medical diagnosis, treatment, or care.

37 (14) "Law enforcement agency" means the police department, the
38 prosecuting attorney, the state patrol, the director of public
39 safety, or the office of the sheriff.

1 (15) "Malice" or "maliciously" means an intent, wish, or design
2 to intimidate, annoy, or injure another person. Such malice may be
3 inferred from an act done in willful disregard of the rights of
4 another, or an act wrongfully done without just cause or excuse, or
5 an act or omission of duty betraying a willful disregard of social
6 duty.

7 (16) "Negligent treatment or maltreatment" means an act or a
8 failure to act, or the cumulative effects of a pattern of conduct,
9 behavior, or inaction, that evidences a serious disregard of
10 consequences of such magnitude as to constitute a clear and present
11 danger to a child's health, welfare, or safety, including but not
12 limited to conduct prohibited under RCW 9A.42.100. When considering
13 whether a clear and present danger exists, evidence of a parent's
14 substance abuse as a contributing factor to negligent treatment or
15 maltreatment shall be given great weight. The fact that siblings
16 share a bedroom is not, in and of itself, negligent treatment or
17 maltreatment. Poverty, homelessness, or exposure to domestic violence
18 as defined in RCW 26.50.010 that is perpetrated against someone other
19 than the child does not constitute negligent treatment or
20 maltreatment in and of itself.

21 (17) "Pharmacist" means any registered pharmacist under chapter
22 18.64 RCW, whether acting in an individual capacity or as an employee
23 or agent of any public or private organization or institution.

24 (18) "Practitioner of the healing arts" or "practitioner" means a
25 person licensed by this state to practice podiatric medicine and
26 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
27 medicine and surgery, or medicine and surgery or to provide other
28 health services. The term "practitioner" includes a duly accredited
29 Christian Science practitioner. A person who is being furnished
30 Christian Science treatment by a duly accredited Christian Science
31 practitioner will not be considered, for that reason alone, a
32 neglected person for the purposes of this chapter.

33 (19) "Professional school personnel" include, but are not limited
34 to, teachers, counselors, administrators, child care facility
35 personnel, and school nurses.

36 (20) "Psychologist" means any person licensed to practice
37 psychology under chapter 18.83 RCW, whether acting in an individual
38 capacity or as an employee or agent of any public or private
39 organization or institution.

1 (21) "Screened-out report" means a report of alleged child abuse
2 or neglect that the department has determined does not rise to the
3 level of a credible report of abuse or neglect and is not referred
4 for investigation.

5 (22) "Sexual exploitation" includes: (a) Allowing, permitting, or
6 encouraging a child to engage in prostitution by any person; or (b)
7 allowing, permitting, encouraging, or engaging in the obscene or
8 pornographic photographing, filming, or depicting of a child by any
9 person.

10 (23) "Sexually aggressive youth" means a child who is defined in
11 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

12 (24) "Social service counselor" means anyone engaged in a
13 professional capacity during the regular course of employment in
14 encouraging or promoting the health, welfare, support, or education
15 of children, or providing social services to adults or families,
16 including mental health, drug and alcohol treatment, and domestic
17 violence programs, whether in an individual capacity, or as an
18 employee or agent of any public or private organization or
19 institution.

20 (25) "Supervising agency" means an agency licensed by the state
21 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has
22 entered into a performance-based contract with the department to
23 provide child welfare services.

24 (26) "Unfounded" means the determination following an
25 investigation by the department that available information indicates
26 that, more likely than not, child abuse or neglect did not occur, or
27 that there is insufficient evidence for the department to determine
28 whether the alleged child abuse did or did not occur.

29 (27) "Unaccompanied" means a youth, under the age of eighteen,
30 experiencing homelessness while not in the physical custody of a
31 parent or guardian.

32 (28) "Homeless" means without a fixed, regular, and adequate
33 nighttime residence as set forth in the federal McKinney-Vento
34 homeless assistance act, P.L. 100-77, July 22, 1987, 101 Stat. 482,
35 and runaway and homeless youth act, P.L. 93-415, Title III, September
36 7, 1974, 88 Stat. 1129.

37 (29) "Homeless youth" means both youth actively experiencing
38 homelessness as well as those youth at risk of homelessness.

1 **Sec. 11.** RCW 43.185C.040 and 2009 c 518 s 17 are each amended to
2 read as follows:

3 (1) Six months after the first Washington homeless census, the
4 department shall, in consultation with the interagency council on
5 homelessness and the affordable housing advisory board, prepare and
6 publish a ten-year homeless housing strategic plan which shall
7 outline statewide goals and performance measures and shall be
8 coordinated with the plan for homeless families with children
9 required under RCW 43.63A.650. To guide local governments in
10 preparation of their first local homeless housing plans due December
11 31, 2005, the department shall issue by October 15, 2005, temporary
12 guidelines consistent with this chapter and including the best
13 available data on each community's homeless population. Local
14 governments' ten-year homeless housing plans shall not be
15 substantially inconsistent with the goals and program recommendations
16 of the temporary guidelines and, when amended after 2005, the state
17 strategic plan.

18 (2) Program outcomes and performance measures and goals shall be
19 created by the department and reflected in the department's homeless
20 housing strategic plan as well as interim goals against which state
21 and local governments' performance may be measured, including:

22 (a) By the end of year one, completion of the first census as
23 described in RCW 43.185C.030;

24 (b) By the end of each subsequent year, goals common to all local
25 programs which are measurable and the achievement of which would move
26 that community toward housing its homeless population; and

27 (c) By July 1, 2015, reduction of the homeless population
28 statewide and in each county by fifty percent.

29 (3) The department shall develop a consistent statewide data
30 gathering instrument to monitor the performance of cities and
31 counties receiving grants in order to determine compliance with the
32 terms and conditions set forth in the grant application or required
33 by the department.

34 The department shall, in consultation with the interagency
35 council on homelessness and the affordable housing advisory board,
36 report biennially to the governor and the appropriate committees of
37 the legislature an assessment of the state's performance in
38 furthering the goals of the state ten-year homeless housing strategic
39 plan and the performance of each participating local government in
40 creating and executing a local homeless housing plan which meets the

1 requirements of this chapter. The annual report may include
2 performance measures such as:

3 (a) The reduction in the number of homeless individuals and
4 families from the initial count of homeless persons;

5 (b) The reduction in the number of unaccompanied homeless youth.
6 "Unaccompanied homeless youth" has the same meaning as homeless youth
7 in RCW 13.32A.030;

8 (c) The number of new units available and affordable for homeless
9 families by housing type;

10 ((+e)) (d) The number of homeless individuals identified who are
11 not offered suitable housing within thirty days of their request or
12 identification as homeless;

13 ((+d)) (e) The number of households at risk of losing housing
14 who maintain it due to a preventive intervention;

15 ((+e)) (f) The transition time from homelessness to permanent
16 housing;

17 ((+f)) (g) The cost per person housed at each level of the
18 housing continuum;

19 ((+g)) (h) The ability to successfully collect data and report
20 performance;

21 ((+h)) (i) The extent of collaboration and coordination among
22 public bodies, as well as community stakeholders, and the level of
23 community support and participation;

24 ((+i)) (j) The quality and safety of housing provided; and

25 ((+j)) (k) The effectiveness of outreach to homeless persons,
26 and their satisfaction with the program.

27 (4) Based on the performance of local homeless housing programs
28 in meeting their interim goals, on general population changes and on
29 changes in the homeless population recorded in the annual census, the
30 department may revise the performance measures and goals of the state
31 homeless housing strategic plan, set goals for years following the
32 initial ten-year period, and recommend changes in local governments'
33 plans.

34 **Sec. 12.** RCW 43.185C.060 and 2014 c 200 s 2 are each amended to
35 read as follows:

36 (1) The home security fund account is created in the state
37 treasury, subject to appropriation. The state's portion of the
38 surcharge established in RCW 36.22.179 and 36.22.1791 must be
39 deposited in the account. Expenditures from the account may be used

1 only for homeless housing programs as described in this chapter and
2 for the office of homeless youth prevention programs created in
3 section 2 of this act. If an independent audit finds that the
4 department has failed to set aside at least forty-five percent of
5 funds received under RCW 36.22.179(1)(b) after June 12, 2014, for the
6 use of private rental housing payments, the department must submit a
7 corrective action plan to the office of financial management within
8 thirty days of receipt of the independent audit. The office of
9 financial management must monitor the department's corrective action
10 plan and expenditures from this account for the remainder of the
11 fiscal year. If the department is not in compliance with RCW
12 36.22.179(1)(b) in any month of the fiscal year following submission
13 of the corrective action plan, the office of financial management
14 must reduce the department's allotments from this account and hold in
15 reserve status a portion of the department's appropriation equal to
16 the expenditures made during the month not in compliance with RCW
17 36.22.179(1)(b).

18 (2) Home security fund account funds appropriated to carry out
19 activities of the office of homeless youth prevention programs
20 created in section 2 of this act are not subject to the set aside
21 provisions under RCW 36.22.179(1)(b).

22 **Sec. 13.** RCW 43.185C.240 and 2014 c 200 s 3 are each amended to
23 read as follows:

24 (1) As a means of efficiently and cost-effectively providing
25 housing assistance to very-low income and homeless households:

26 (a) Any local government that has the authority to issue housing
27 vouchers, directly or through a contractor, using document recording
28 surcharge funds collected pursuant to RCW 36.22.178, 36.22.179, or
29 36.22.1791 must:

30 (i)(A) Maintain an interested landlord list, which at a minimum,
31 includes information on rental properties in buildings with fewer
32 than fifty units;

33 (B) Update the list at least once per quarter;

34 (C) Distribute the list to agencies providing services to
35 individuals and households receiving housing vouchers;

36 (D) Ensure that a copy of the list or information for accessing
37 the list online is provided with voucher paperwork; and

38 (E) Communicate and interact with landlord and tenant
39 associations located within its jurisdiction to facilitate

1 development, maintenance, and distribution of the list to private
2 rental housing landlords. The department must make reasonable efforts
3 to ensure that local providers conduct outreach to private rental
4 housing landlords each calendar quarter regarding opportunities to
5 provide rental housing to the homeless and the availability of funds;

6 (ii) Using cost-effective methods of communication, convene, on a
7 semiannual or more frequent basis, landlords represented on the
8 interested landlord list and agencies providing services to
9 individuals and households receiving housing vouchers to identify
10 successes, barriers, and process improvements. The local government
11 is not required to reimburse any participants for expenses related to
12 attendance;

13 (iii) Produce data, limited to document recording fee uses and
14 expenditures, on a calendar year basis in consultation with landlords
15 represented on the interested landlord list and agencies providing
16 services to individuals and households receiving housing vouchers,
17 that include the following: Total amount expended from document
18 recording fees; amount expended on, number of households that
19 received, and number of housing vouchers issued in each of the
20 private, public, and nonprofit markets; amount expended on, number of
21 households that received, and number of housing placement payments
22 provided in each of the private, public, and nonprofit markets;
23 amount expended on and number of eviction prevention services
24 provided in the private market; ~~((and))~~ amount expended on and number
25 of other tenant-based rent assistance services provided in the
26 private market; and amount expended on and number of services
27 provided to unaccompanied homeless youth. If these data elements are
28 not readily available, the reporting government may request the
29 department to use the sampling methodology established pursuant to
30 (c)(iii) of this subsection to obtain the data; and

31 (iv) Annually submit the calendar year data to the department by
32 October 1st, with preliminary data submitted by October 1, 2012, and
33 full calendar year data submitted beginning October 1, 2013.

34 (b) Any local government receiving more than three million five
35 hundred thousand dollars during the previous calendar year from
36 document recording surcharge funds collected pursuant to RCW
37 36.22.178, 36.22.179, and 36.22.1791, must apply to the Washington
38 state quality award program, or similar Baldrige assessment
39 organization, for an independent assessment of its quality
40 management, accountability, and performance system. The first

1 assessment may be a lite assessment. After submitting an application,
2 a local government is required to reapply at least every two years.

3 (c) The department must:

4 (i) Require contractors that provide housing vouchers to
5 distribute the interested landlord list created by the appropriate
6 local government to individuals and households receiving the housing
7 vouchers;

8 (ii) Convene a stakeholder group by March 1, 2017, consisting of
9 landlords, homeless housing advocates, real estate industry
10 representatives, cities, counties, and the department to meet to
11 discuss long-term funding strategies for homeless housing programs
12 that do not include a surcharge on document recording fees. The
13 stakeholder group must provide a report of its findings to the
14 legislature by December 1, 2017;

15 (iii) Develop a sampling methodology to obtain data required
16 under this section when a local government or contractor does not
17 have such information readily available. The process for developing
18 the sampling methodology must include providing notification to and
19 the opportunity for public comment by local governments issuing
20 housing vouchers, landlord association representatives, and agencies
21 providing services to individuals and households receiving housing
22 vouchers;

23 (iv) Develop a report, limited to document recording fee uses and
24 expenditures, on a calendar year basis that may include consultation
25 with local governments, landlord association representatives, and
26 agencies providing services to individuals and households receiving
27 housing vouchers, that includes the following: Total amount expended
28 from document recording fees; amount expended on, number of
29 households that received, and number of housing vouchers issued in
30 each of the private, public, and nonprofit markets; amount expended
31 on, number of households that received, and number of housing
32 placement payments provided in each of the private, public, and
33 nonprofit markets; amount expended on and number of eviction
34 prevention services provided in the private market; the total amount
35 of funds set aside for private rental housing payments as required in
36 RCW 36.22.179(1)(b); and amount expended on and number of other
37 tenant-based rent assistance services provided in the private market.
38 The information in the report must include data submitted by local
39 governments and data on all additional document recording fee
40 activities for which the department contracted that were not

1 otherwise reported. The data, samples, and sampling methodology used
2 to develop the report must be made available upon request and for the
3 audits required in this section;

4 (v) Annually submit the calendar year report to the legislature
5 by December 15th, with a preliminary report submitted by December 15,
6 2012, and full calendar year reports submitted beginning December 15,
7 2013; and

8 (vi) Work with the Washington state quality award program, local
9 governments, and any other organizations to ensure the appropriate
10 scheduling of assessments for all local governments meeting the
11 criteria described in subsection (1)(b) of this section.

12 (d) The office of financial management must secure an independent
13 audit of the department's data and expenditures of state funds
14 received under RCW 36.22.179(1)(b) on an annual basis. The
15 independent audit must review a random sample of local governments,
16 contractors, and housing providers that is geographically and
17 demographically diverse. The independent auditor must meet with the
18 department and a landlord representative to review the preliminary
19 audit and provide the department and the landlord representative with
20 the opportunity to include written comments regarding the findings
21 that must be included with the audit. The first audit of the
22 department's data and expenditures will be for calendar year 2014 and
23 is due July 1, 2015. Each audit thereafter will be due July 1st
24 following the department's submission of the report to the
25 legislature. If the independent audit finds that the department has
26 failed to set aside at least forty-five percent of the funds received
27 under RCW 36.22.179(1)(b) after June 12, 2014, for private rental
28 housing payments, the independent auditor must notify the department
29 and the office of financial management of its finding. In addition,
30 the independent auditor must make recommendations to the office of
31 financial management and the legislature on alternative means of
32 distributing the funds to meet the requirements of RCW
33 36.22.179(1)(b).

34 (e) The office of financial management must contract with an
35 independent auditor to conduct a performance audit of the programs
36 funded by document recording surcharge funds collected pursuant to
37 RCW 36.22.178, 36.22.179, and 36.22.1791. The audit must provide
38 findings to determine if the funds are being used effectively,
39 efficiently, and for their intended purpose. The audit must review
40 the department's performance in meeting all statutory requirements

1 related to document recording surcharge funds including, but not
2 limited to, the data the department collects, the timeliness and
3 quality of required reports, and whether the data and required
4 reports provide adequate information and accountability for the use
5 of the document recording surcharge funds. The audit must include
6 recommendations for policy and operational improvements to the use of
7 document recording surcharges by counties and the department. The
8 performance audit must be submitted to the legislature by December 1,
9 2016.

10 (2) For purposes of this section:

11 (a) "Housing placement payments" means one-time payments, such as
12 first and last month's rent and move-in costs, funded by document
13 recording surcharges collected pursuant to RCW 36.22.178, 36.22.179,
14 or 36.22.1791 that are made to secure a unit on behalf of a tenant.

15 (b) "Housing vouchers" means payments, including private rental
16 housing payments, funded by document recording surcharges collected
17 pursuant to RCW 36.22.178, 36.22.179, or 36.22.1791 that are made by
18 a local government or contractor to secure: (i) A rental unit on
19 behalf of an individual tenant; or (ii) a block of units on behalf of
20 multiple tenants.

21 (c) "Interested landlord list" means a list of landlords who have
22 indicated to a local government or contractor interest in renting to
23 individuals or households receiving a housing voucher funded by
24 document recording surcharges.

25 (d) "Private rental housing" means housing owned by a private
26 landlord and does not include housing owned by a nonprofit housing
27 entity or government entity.

28 (3) This section expires June 30, 2019.

29 NEW SECTION. **Sec. 14.** RCW 43.330.167 is recodified as a section
30 in chapter 13.32A RCW.

31 NEW SECTION. **Sec. 15.** Creation of subchapter. Sections 1
32 through 6 and 9 of this act are each added to chapter 13.32A RCW and
33 codified with the subchapter heading "homeless youth prevention act."

34 NEW SECTION. **Sec. 16.** Short title. This act may be known and
35 cited as the "homeless youth prevention act."

1 NEW SECTION. **Sec. 17.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

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