

---

**SENATE BILL 5544**

---

**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators MacEwen and Rolfes

Read first time 01/24/23. Referred to Committee on Human Services.

1 AN ACT Relating to ensuring adequate notice is provided to local  
2 communities when the department of social and health services  
3 contracts with a housing provider for individuals qualifying for a  
4 less restrictive alternative placement; and amending RCW 71.09.097.

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

6 **Sec. 1.** RCW 71.09.097 and 2021 c 236 s 11 are each amended to  
7 read as follows:

8 (1) (a) In accordance with RCW 71.09.090 and 71.09.096, the  
9 department shall have the primary responsibility for developing a  
10 less restrictive alternative placement. To ensure the department has  
11 sufficient less restrictive alternative placements to choose from  
12 that satisfy the requirements of RCW 71.09.092, subject to the  
13 availability of amounts appropriated for this specific purpose, the  
14 department shall use a request for proposal process to solicit and  
15 contract with housing and treatment providers from across the state  
16 and facilitate fair share principles among the counties. In order to  
17 increase the number of housing options for individuals qualifying for  
18 a less restrictive alternative, the department shall have oversight  
19 of the vendors and providers who contract with the state, including  
20 the authority to inspect and ensure compliance, negotiate the rates  
21 charged for services, ensure adequate living conditions of housing

1 locations, and terminate contracts. The department shall maintain a  
2 statewide accounting of the contracted community housing and  
3 treatment providers in each county and provide a biannual report to  
4 the legislature and governor by December 1st on the availability and  
5 adequacy of less restrictive alternative placements and the  
6 department's compliance with fair share principles.

7 (b) When the department uses a request for proposal process under  
8 this subsection to increase the availability of housing options for  
9 individuals qualifying for a less restrictive alternative, the  
10 department may only enter into a contract with a housing provider  
11 after public notification and opportunities for public comment.

12 (i) The department shall establish a process for early and  
13 continuous public participation including, at a minimum, public  
14 meetings in the local communities affected, as well as opportunities  
15 for written and oral comment. The department or the housing provider  
16 shall provide at least 14 days' advance notice of the meeting to all  
17 newspapers of general circulation in the community and all radio and  
18 television stations generally available in the community.

19 (ii) The department shall contact the local government planning  
20 agencies in the communities affected and coordinate with local  
21 government agencies to ensure opportunities are provided for  
22 effective citizen input and to reduce duplication of notice and  
23 meetings.

24 (2) To facilitate its duties required under this section, the  
25 department shall use the following housing matrix and considerations  
26 as a guide to planning and developing less restrictive alternative  
27 placements. The following considerations may not be used as a reason  
28 to deny a less restrictive alternative placement.

29 (a) Considerations for evaluating a proposed vendor's application  
30 for less restrictive alternative housing services shall include  
31 applicable state and local zoning and building codes, general housing  
32 requirements, availability of public services, and other  
33 considerations identified in accordance with RCW 71.09.315. The  
34 department shall require the housing provider to provide proof that  
35 the facility is in compliance with all local zoning and building  
36 codes.

37 (i) General housing requirements include running water,  
38 electricity, bedroom and living space of adequate size, and no mold  
39 or infestations.

1 (ii) Availability of public services include availability of  
2 chaperones and whether the placement is within a reasonable distance  
3 to a grocery store, bank, public transportation options, and offices  
4 for public services and benefits.

5 (iii) Other considerations include whether the placement is  
6 consistent with fair share principles across the counties, whether  
7 the placement is within reasonable distance to other current or  
8 planned components of the less restrictive alternative, whether the  
9 placement is within reasonable distance to employment opportunities,  
10 and the reliability of global positioning system technology.

11 (b) Factors for evaluating less restrictive alternative options  
12 for a specific individual include sex offender treatment  
13 considerations, criminogenic needs and risk factors, protective  
14 factors, and the specific needs of the client.

15 (i) Sex offender treatment considerations include whether the  
16 housing is within a reasonable distance from the treatment provider,  
17 whether the treatment provider is a good therapeutic match with the  
18 client, and whether the treatment provider has relevant experience  
19 and background to treat the client if the client has special needs.

20 (ii) Criminogenic needs and risk factors include consideration of  
21 the person's specific needs and risk factors in evaluating less  
22 restrictive alternative options.

23 (iii) Protective factors include whether housing is within a  
24 reasonable distance of family, friends, potential hobbies, potential  
25 employment, and educational opportunities.

26 (iv) Consideration of the client's specific needs includes  
27 assessing the availability of personal care assistance and in-home  
28 care assistance, and whether housing is within a reasonable distance  
29 of mental health, medical treatment options, and substance use  
30 disorder treatment options.

--- END ---