

Effect:

- Narrows the scope of the bill and strategies of the new office of intergovernmental coordination on public right-of-way homeless encampments (office) to DOT-controlled public rights-of-way.
- Requires the office to identify and prioritize resources across all levels of government before engaging persons encamped on public rights-of-way, but authorizes a simultaneous approach of both resource identification and engagement concerning incidents impacting public and worker access and safety.
- Requires the regional coordination teams to collaborate with strategic partners to identify resources to bring encamped persons into permanent housing and to determine when shelter or housing resources are available and suitable, while coordinating with and working through state DOT offices and staff.
- Adds persons with lived experience of homelessness as a potential collaboration partner for regional coordination teams.
- Clarifies that regional outreach teams must support and engage with encamped persons through engagement and collaboration with state DOT offices and staff.
- Requires regional outreach team engagement with encamped persons to be consistent with local homeless and housing plan efforts and, except for emergencies concerning public and worker access and safety, be predicated on development of an intergovernmental plan for providing shelter/housing with wraparound services when available.
- Requires regional outreach teams to also connect encamped persons with social and health services through existing local or regional integrated client systems if available.
- Requires the data analysis team to coordinate with current homeless data systems, such as HMIS, while performing its duties.
- Modifies intent language to recognize the holding in *Martin v. City of Boise* and the existence of memoranda of agreement between state agencies and local government.

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

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

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

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

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

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

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

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

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

17 (4) The office shall establish:

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

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

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

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

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

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

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