

**INTERAGENCY AGREEMENT
BETWEEN
WASHINGTON STATE UNIVERSITY
AND
THE STATE OF WASHINGTON DEPARTMENT OF COMMERCE**

THIS INTERAGENCY AGREEMENT (the “Agreement”) is by and between Washington State University, an institution of higher education and agency of the state of Washington (hereafter referred to as “WSU”), and the Washington State Department of Commerce, an agency of the state of Washington located in Olympia, Washington (hereafter referred to as “Commerce”).

IT IS THE PURPOSE OF THIS AGREEMENT to memorialize the terms and conditions under which WSU will provide services to Commerce.

NOW, THEREFORE, the parties agree as follows:

I. STATEMENT OF WORK

Each party shall do all things necessary for and incidental to the performance of the duties set forth below.

A. Duties of WSU:

Section 6 of E2SHB 1277 (an act of the Washington State Legislature passed during the 2020-21 session Providing for an additional revenue source for eviction prevention and housing stability services, attached as Exhibit A) requires Commerce to contract with the William D. Ruckelshaus Center (administered by WSU Extension, and hereafter referred to as “the Center”) to conduct a stakeholder-engaged situation assessment regarding trends affecting, and policies guiding, the housing and services provided to individuals and families who are or at risk of homelessness in Washington. The Center must also facilitate meetings and discussions to develop and implement a long-term strategy to improve services and outcomes for persons at risk or experiencing homelessness and develop pathways to permanent housing solutions.

A report outlining stakeholder concerns, barriers, opportunities, and desired principles for a long-term strategy to improve the outcomes and services for persons at risk or experiencing homelessness is due December 1, 2021. A separate report to identify root causes of housing instability and homelessness within Washington state is due December 1, 2022. A third report identifying options and recommendations for a long-term strategy to improve outcomes for those at risk or experiencing homelessness is due December 1, 2023.

In meeting the terms of this contract, the Center will collaborate with, at a minimum, the Division of Governmental Studies and Services, another center administered by WSU Extension, to collectively perform the tasks assigned to WSU/the Center under Section 6 of E2SHB 1277.

B. Duties of Commerce:

1. To complete all tasks and responsibilities assigned to Commerce under E2SHB 1277 except those explicitly assigned to WSU/the Center under Section 6 of E2SHB 1277, and to regularly communicate the status of those tasks to the Center, where they affect the Center's tasks and responsibilities.
2. To clearly communicate to the Center Commerce's needs and expectations as project lead agency, especially regarding how the work Commerce is doing on other aspects of E2SHB 1277 may affect the work the Center is doing under Section 6, and vice versa.
3. To establish and communicate, ideally at the outset and in partnership with the Center, clear protocols for how Commerce wants the Center to interact with the state legislative and executive branches, and other involved interest groups and individuals. This includes whether there are interest groups which the Center should work with through Commerce, rather than directly.

II. PERIOD OF PERFORMANCE

Subject to its other provisions, the period of performance of this Agreement shall be for three (3) years, and shall commence on July 1, 2021, and be completed on June 30, 2024 (the "Term"), unless terminated sooner as provided herein.

III. PAYMENT

Compensation for the work provided in accordance with this Agreement has been established under the terms of RCW 39.34.130, and based on a fiscal note provided by WSU to Commerce on April 15, 2021. The parties have estimated that the annual cost of accomplishing the work will total \$717,403 in fiscal year 2022, \$727,403 in fiscal year 2023, and \$381,838 in fiscal year 2024. Payment for satisfactory performance of the work shall not exceed this amount unless the parties mutually agree to a higher amount prior to the commencement of any work which will cause the maximum payment to be exceeded.

IV. BILLING PROCEDURES

WSU shall submit invoices to Commerce on a quarterly basis, on October 15, January 15, April 15, and July 15 through the duration of the period of performance. Commerce shall pay WSU for all approved and completed work by warrant or account transfer within thirty (30) days of invoicing. Penalties for late payments (defined as those paid beyond thirty (30) days after receipt of invoice) shall be assessed at one percent (1%) per month.

Invoices shall be submitted to:

Nick Mondau
1011 Plum Street SE
Olympia, WA 98504-2525
Nick.mondau@commerce.wa.gov

V. RECORDS MAINTENANCE

The parties to this Agreement shall each maintain books, records, documents and other evidence which sufficiently and properly reflect all direct and indirect costs expended by either party in the performance of the services described herein. These records shall be subject to inspection, review or audit by personnel of both parties, other personnel duly authorized by either party, the Office of the State Auditor, and federal officials so authorized by law. All books, records, documents, and other material relevant to this Agreement will be retained for six year after expiration and the Office of the State Auditor, federal auditors, and any persons duly authorized by the parties shall have full access and the right to examine any of these materials during this period.

Records and other documents, in any medium, furnished by one party to this Agreement to the other party, will remain the property of the furnishing party, unless otherwise agreed. The receiving party will not disclose or make available this material to any third parties without first giving notice to the furnishing party and giving it a reasonable opportunity to respond. Each party will utilize reasonable security procedures and protections to assure that records and documents provided by the other party are not erroneously disclosed to third parties.

VI. RIGHTS IN DATA

Unless otherwise provided, any data that originates from this Agreement shall be “works for hire” as defined by the U.S. Copyright Act of 1976 and shall be owned by WSU. Data shall include, but not be limited to, reports, documents, pamphlets, advertisements, books, magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions. Ownership includes the right to copyright, patent, register, and the ability to transfer these rights.

VII. INDEPENDENT CAPACITY

The employees or agents of each party who are engaged in the performance of this Agreement shall continue to be employees or agents of that party and shall not be considered for any purpose to be employees or agents of the other party.

VIII. MODIFICATION

This Agreement may be modified or amended by mutual agreement of the parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the parties.

IX. TERMINATION

Either party may terminate this Agreement upon 30 days prior written notification to the other party. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination. Under this section or the following section, if the parties choose to partially or completely terminate this Agreement, the parties shall either mutually agree how any property involved shall be disposed of. If they are unable to do so, they shall submit the dispute to the Dispute Panel provided for in Section XI.

X. TERMINATION FOR CAUSE

If for any cause, either party does not fulfill in a timely and proper manner its obligations under this Agreement, or if either party violates any of these terms and conditions, the aggrieved party will give the other party written notice of such failure or violation. The responsible party will be given the opportunity to correct the violation or failure within fifteen (15) working days. If failure or violation is not corrected, this Agreement may be terminated immediately by written notice of the aggrieved party to the other. See Section IX for the provisions for disposition of property upon the partial or complete termination of this Agreement.

XI. DISPUTES

In the event that a dispute arises under this Agreement that the parties can't resolve, they shall allow the dispute to be decided by a Dispute Panel in the following manner: Each party to this Agreement shall appoint one member to the Dispute Panel. The members so appointed shall jointly appoint an additional member to the Dispute Panel. The Dispute Panel shall review the facts, contract terms and applicable statutes and rules and make a determination of the dispute. The determination of the Dispute Panel shall be final and binding on the parties hereto. There shall be no charge to the parties for these services of the Dispute Panel.

As an alternative to this process, either of the parties may request intervention by the Governor, as provided by RCW 43.17.330, in which event the Governor's process will control.

XII. GOVERNANCE

This Agreement is entered into pursuant to and under the authority granted by the laws of the state of Washington and any applicable federal laws. The provisions of this agreement shall be construed to conform to those laws.

In the event of an inconsistency in the terms of this Agreement, or between its terms and any applicable statute or rule, the inconsistency shall be resolved by giving precedence in the following order.

- A. applicable state and federal statutes and rules;
- B. statement of work; and
- C. any other provisions of the Agreement, including materials incorporated by reference.

XIII. ASSIGNMENT

The work to be provided under this Agreement, and any claim arising under this Agreement is not assignable or delegable by either party in whole or in part, without the express prior written consent of the other party, which consent shall not be unreasonably withheld.

XIV. WAIVER

A failure by either party to exercise its rights under this Agreement shall not preclude that party from subsequent exercise of such rights and shall not constitute a waiver of any other rights under this Agreement unless stated to be such in a writing signed by an authorized representative of the party and attached to the original Agreement.

XV. SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this agreement, and to this end the provisions of this Agreement are declared to be severable.

XVI. ENTIRE AGREEMENT

This Agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this agreement shall be deemed to exist or to bind any of the parties hereto.

XVII. CONTRACT ADMINISTRATION

A designated contract administrator for each of the parties shall administer this Agreement and be responsible for and shall be the contact person for all communications and billings regarding the performance of this Agreement.

The Contract Administrator for WSU is:

Jennifer Stephenson
CAHNRS Business Center
P.O. Box 64624
Pullman, WA 99164-6424
contracts.bc@wsu.edu

The Contract Administrator for Commerce is:

Nick Mondau
1011 Plum Street SE
Olympia, WA 98504-2525
Nick.mondau@commerce.wa.gov

XVIII. SIGNATURES

The parties affirm they have designated the persons below to have signature authority for the parties. By their signatures on this Agreement, the parties agree to all of its terms and conditions.

WASHINGTON STATE UNIVERSITY
("WSU")

WASHINGTON STATE DEPARTMENT OF COMMERCE
("Commerce")

Approved by:

Approved by:
DocuSigned by:

By: 
Name: Stacy Pearson
Title: Vice President for Finance and Administration
Date: 06/24/2021

By: 
Name: Diane Klontz
Title: Assistant Director
Date: 7/8/2021 | 4:34 PM PDT

EXHIBIT A

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1277

Chapter 214, Laws of 2021

67th Legislature
2021 Regular Session

EVICTION PREVENTION—RECORDED DOCUMENT SURCHARGE

EFFECTIVE DATE: July 25, 2021

Passed by the House April 24, 2021
Yeas 57 Nays 39

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 24, 2021
Yeas 26 Nays 23

DENNY HECK

President of the Senate

Approved May 10, 2021 3:10 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1277** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 10, 2021

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1277

AS AMENDED BY THE SENATE

Passed Legislature - 2021 Regular Session

State of Washington 67th Legislature 2021 Regular Session

By House Appropriations (originally sponsored by Representatives Ormsby, Macri, Ramel, Bateman, Fitzgibbon, Ryu, Senn, Chopp, Berry, Peterson, Davis, Santos, Valdez, Hackney, Thai, Kloba, Sells, Frame, Gregerson, J. Johnson, Pollet, Harris-Talley, Stonier, Taylor, and Wicks)

READ FIRST TIME 03/22/21.

1 AN ACT Relating to an additional revenue source for eviction
2 prevention and housing stability services; amending RCW 43.185C.045,
3 43.185C.060, 43.185C.190, 36.22.178, 36.22.179, 36.22.1791, and
4 36.22.240; adding a new section to chapter 36.22 RCW; adding a new
5 section to chapter 43.185C RCW; and creating a new section.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.22
8 RCW to read as follows:

9 (1) Except as provided in subsection (2) of this section, a
10 surcharge of \$100 must be charged by the county auditor for each
11 document recorded, which is in addition to any other charge or
12 surcharge allowed by law. The auditor must remit the funds to the
13 state treasurer to be deposited and used as follows:

14 (a) Twenty percent of funds must be deposited in the affordable
15 housing for all account for operations, maintenance, and service
16 costs for permanent supportive housing as defined in RCW 36.70A.030;

17 (b) From July 1, 2021, through June 30, 2023, four percent of the
18 funds must be deposited into the landlord mitigation program account
19 created in RCW 43.31.615 for the purposes of RCW 43.31.605(1).
20 Thereafter, two percent of funds must be deposited into the landlord

1 mitigation program account created in RCW 43.31.615 for purposes of
2 RCW 43.31.605(1); and

3 (c) The remainder of funds must be distributed to the home
4 security fund account, with 60 percent of funds to be used for
5 project-based vouchers for nonprofit housing providers or public
6 housing authorities, housing services, rapid rehousing, emergency
7 housing, or acquisition. Priority for use must be given to project-
8 based vouchers and related services, housing acquisition, or
9 emergency housing, for persons who are chronically homeless,
10 including families with children. At least 50 percent of persons
11 receiving a project-based voucher, rapid rehousing, emergency
12 housing, or benefiting from housing acquisition must be living
13 unsheltered at the time of initial engagement. In addition, funds may
14 be used for eviction prevention rental assistance pursuant to section
15 2 of this act, foreclosure prevention services, dispute resolution
16 center eviction prevention services, rental assistance for people
17 experiencing homelessness, and tenant education and legal assistance.

18 (2) The surcharge imposed in this section does not apply to: (a)
19 Assignments or substitutions of previously recorded deeds of trust;
20 (b) documents recording a birth, marriage, divorce, or death; (c) any
21 recorded documents otherwise exempted from a recording fee or
22 additional surcharges under state law; (d) marriage licenses issued
23 by the county auditor; or (e) documents recording a federal, state,
24 county, city, or water-sewer district, or wage lien or satisfaction
25 of lien.

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.185C
27 RCW to read as follows:

28 (1) The eviction prevention rental assistance program is created
29 in the department to prevent evictions by providing resources to
30 households most likely to become homeless or suffer severe health
31 consequences, or both, after an eviction, while promoting equity by
32 prioritizing households, including communities of color,
33 disproportionately impacted by public health emergencies and by
34 homelessness and housing instability. The department must provide
35 grants to eligible organizations, as described in RCW 43.185.060, to
36 provide assistance to program participants. The eligible
37 organizations must use grant moneys for:

1 (a) Rental assistance, including rental arrears and future rent
2 if needed to stabilize the applicant's housing and prevent their
3 eviction;

4 (b) Utility assistance for households if needed to prevent an
5 eviction; and

6 (c) Administrative costs of the eligible organization, which must
7 not exceed limits prescribed by the department.

8 (2) Households eligible to receive assistance through the
9 eviction prevention rental assistance program are those:

10 (a) With incomes at or below 80 percent of the county area median
11 income;

12 (b) Who are families with children, living in doubled up
13 situations, young adults, senior citizens, and others at risk of
14 homelessness or significant physical or behavioral health
15 complications from homelessness; and

16 (c) That meet any other eligibility requirements as established
17 by the department after consultation with stakeholder groups,
18 including persons at risk of homelessness due to unpaid rent,
19 representatives of communities of color, homeless service providers,
20 landlord representatives, local governments that administer
21 homelessness assistance, a statewide association representing cities,
22 a statewide association representing counties, a representative of
23 homeless youth and young adults, and affordable housing advocates.

24 (3) A landlord may assist an eligible household in applying for
25 assistance through the eviction prevention rental assistance program
26 or may apply for assistance on an eligible household's behalf.

27 (4)(a) Eligible grantees must actively work with organizations
28 rooted in communities of color to assist and serve marginalized
29 populations within their communities.

30 (b) At least 10 percent of the grant total must be subgranted to
31 organizations that serve and are substantially governed by
32 marginalized populations to pay the costs associated with program
33 outreach, assistance completing applications for assistance, rent
34 assistance payments, activities that directly support the goal of
35 improving access to rent assistance for people of color, and related
36 costs. Upon request by an eligible grantee or the county or city in
37 which it exists, the department must provide a list of organizations
38 that serve and are substantially governed by marginalized
39 populations, if known.

1 (c) An eligible grantee may request an exemption from the
2 department from the requirements under (b) of this subsection. The
3 department must consult with the stakeholder group established under
4 subsection (2)(c) of this section before granting an exemption. An
5 eligible grantee may request an exemption only if the eligible
6 grantee:

7 (i) Is unable to subgrant with an organization that serves and is
8 substantially governed by marginalized populations; or

9 (ii) Provides the department with a plan to spend 10 percent of
10 the grant total in a manner that the department determines will
11 improve racial equity for historically underserved communities more
12 effectively than a subgrant.

13 (5) The department must ensure equity by developing performance
14 measures and benchmarks that promote both equitable program access
15 and equitable program outcomes. Performance measures and benchmarks
16 must be developed by the department in consultation with stakeholder
17 groups, including persons at risk of homelessness due to unpaid rent,
18 representatives of communities of color, homeless service providers,
19 landlord representatives, local governments that administer
20 homelessness assistance, a statewide association representing cities,
21 a statewide association representing counties, a representative of
22 homeless youth and young adults, and affordable housing advocates.
23 Performance measures and benchmarks must also ensure that the race
24 and ethnicity of households served under the program are proportional
25 to the numbers of people at risk of homelessness in each county for
26 each of the following groups:

- 27 (a) Black or African American;
- 28 (b) American Indian and Alaska Native;
- 29 (c) Native Hawaiian or other Pacific Islander;
- 30 (d) Hispanic or Latinx;
- 31 (e) Asian;
- 32 (f) Other multiracial.

33 (6) The department may develop additional rules, requirements,
34 procedures, and guidelines as necessary to implement and operate the
35 eviction prevention rental assistance program.

36 (7)(a) The department must award funds under this section to
37 eligible grantees in a manner that is proportional to the amount of
38 revenue collected under section 1 of this act from the county being
39 served by the grantee.

1 (b) The department must provide counties with the right of first
2 refusal to receive grant funds distributed under this subsection. If
3 a county refuses the funds or does not respond within a time frame
4 established by the department, the department must identify an
5 alternative grantee. The alternative grantee must distribute the
6 funds in a manner that is in compliance with this chapter.

7 **Sec. 3.** RCW 43.185C.045 and 2018 c 85 s 9 are each amended to
8 read as follows:

9 (1) By December 1st of each year, the department must provide an
10 update on the state's homeless housing strategic plan and its
11 activities for the prior fiscal year. The report must include, but
12 not be limited to, the following information:

13 (a) An assessment of the current condition of homelessness in
14 Washington state and the state's performance in meeting the goals in
15 the state homeless housing strategic plan;

16 (b) A report on the results of the annual homeless point-in-time
17 census conducted statewide under RCW 43.185C.030;

18 (c) The amount of federal, state, local, and private funds spent
19 on homelessness assistance, categorized by funding source and the
20 following major assistance types:

21 (i) Emergency shelter;

22 (ii) Homelessness prevention and rapid rehousing;

23 (iii) Permanent housing;

24 (iv) Permanent supportive housing;

25 (v) Transitional housing;

26 (vi) Services only; and

27 (vii) Any other activity in which more than five hundred thousand
28 dollars of category funds were expended;

29 (d) A report on the expenditures, performance, and outcomes of
30 state funds distributed through the consolidated homeless grant
31 program, including the grant recipient, award amount expended, use of
32 the funds, counties served, and households served;

33 (e) A report on state and local homelessness document recording
34 fee expenditure by county, including the total amount of fee
35 spending, percentage of total spending from fees, number of people
36 served by major assistance type, and amount of expenditures for
37 private rental housing payments required in RCW 36.22.179;

1 (f) A report on the expenditures, performance, and outcomes of
2 the essential needs and housing support program meeting the
3 requirements of RCW 43.185C.220; (~~and~~)

4 (g) A report on the expenditures, performance, and outcomes of
5 the independent youth housing program meeting the requirements of RCW
6 43.63A.311;

7 (h) A county-level report on the expenditures, performance, and
8 outcomes of the eviction prevention rental assistance program under
9 section 2 of this act. The report must include, but is not limited
10 to:

11 (i) The number of adults without minor children served in each
12 county;

13 (ii) The number of households with adults and minor children
14 served in each county; and

15 (iii) The number of unaccompanied youth and young adults who are
16 being served in each county; and

17 (i) A county-level report on the expenditures, performance, and
18 outcomes of the rapid rehousing, project-based vouchers, and housing
19 acquisition programs under section 1 of this act. The report must
20 include, but is not limited to:

21 (i) The number of persons who are unsheltered receiving shelter
22 through a project-based voucher in each county;

23 (ii) The number of units acquired or built via rapid rehousing
24 and housing acquisition in each county; and

25 (iii) The number of adults without minor children, households
26 with adults and minor children, unaccompanied youth, and young adults
27 who are being served by the programs under section 1 of this act in
28 each county.

29 (2) The report required in subsection (1) of this section must be
30 posted to the department's website and may include links to updated
31 or revised information contained in the report.

32 (3) Any local government receiving state funds for homelessness
33 assistance or state or local homelessness document recording fees
34 under RCW 36.22.178, 36.22.179, or 36.22.1791 must provide an annual
35 report on the current condition of homelessness in its jurisdiction,
36 its performance in meeting the goals in its local homeless housing
37 plan, and any significant changes made to the plan. The annual report
38 must be posted on the department's website. Along with each local
39 government annual report, the department must produce and post
40 information on the local government's homelessness spending from all

1 sources by project during the prior state fiscal year in a format
2 similar to the department's report under subsection (1)(c) of this
3 section. If a local government fails to report or provides an
4 inadequate or incomplete report, the department must take corrective
5 action, which may include withholding state funding for homelessness
6 assistance to the local government to enable the department to use
7 such funds to contract with other public or nonprofit entities to
8 provide homelessness assistance within the jurisdiction.

9 **Sec. 4.** RCW 43.185C.060 and 2020 c 357 s 915 are each amended to
10 read as follows:

11 (1) The home security fund account is created in the state
12 treasury, subject to appropriation. The state's portion of the
13 surcharge established in RCW 36.22.179 and 36.22.1791 and section 1
14 of this act must be deposited in the account. Expenditures from the
15 account may be used only for homeless housing programs as described
16 in this chapter, including the eviction prevention rental assistance
17 program established in section 2 of this act.

18 (2)(a) By December 15, 2021, the department, in consultation with
19 stakeholder groups specified in section 2(2)(c) of this act, must
20 create a set of performance metrics for each county receiving funding
21 under section 1 of this act. The metrics must target actions within a
22 county's control that will prevent and reduce homelessness, such as
23 increasing the number of permanent supportive housing units and
24 increasing or maintaining an adequate number of noncongregate shelter
25 beds.

26 (b)(i) Beginning July 1, 2023, and by July 1st every two years
27 thereafter, the department must award funds for project-based
28 vouchers for nonprofit housing providers and related services, rapid
29 rehousing, and housing acquisition under section 1 of this act to
30 eligible grantees in a manner that 15 percent of funding is
31 distributed as a performance-based allocation based on performance
32 metrics created under (a) of this subsection, in addition to any base
33 allocation of funding for the county.

34 (ii) Any county that demonstrates that it has met or exceeded the
35 majority of the target actions to prevent and reduce homelessness
36 over the previous two years must receive the remaining 15 percent
37 performance-based allocation. Any county that fails to meet or exceed
38 the majority of target actions to prevent and reduce homelessness
39 must enter into a corrective action plan with the department. To

1 receive its performance-based allocation, a county must agree to
2 undertake the corrective actions outlined in the corrective action
3 plan and any reporting and monitoring deemed necessary by the
4 department. Any county that fails to meet or exceed the majority of
5 targets for two consecutive years after entering into a corrective
6 action plan may be subject to a reduction in the performance-based
7 portion of the funds received in (b)(i) of this subsection, at the
8 discretion of the department in consultation with stakeholder groups
9 specified in section 2(2)(c) of this act. Performance-based
10 allocations unspent due to lack of compliance with a corrective
11 action plan created under this subsection (2)(b) may be distributed
12 to other counties that have met or exceeded their target actions.

13 (3) The department must distinguish allotments from the account
14 made to carry out the activities in RCW 43.330.167, 43.330.700
15 through 43.330.715, 43.330.911, 43.185C.010, 43.185C.250 through
16 43.185C.320, and 36.22.179(1)(b).

17 ~~((3))~~ (4) The office of financial management must secure an
18 independent expenditure review of state funds received under RCW
19 36.22.179(1)(b) on a biennial basis. The purpose of the review is to
20 assess the consistency in achieving policy priorities within the
21 private market rental housing segment for housing persons
22 experiencing homelessness. The independent reviewer must notify the
23 department and the office of financial management of its findings.
24 The first biennial expenditure review, for the 2017-2019 fiscal
25 biennium, is due February 1, 2020. Independent reviews conducted
26 thereafter are due February 1st of each even-numbered year.

27 ~~((4))~~ (5) During the 2019-2021 fiscal biennium, expenditures
28 from the account may also be used for shelter capacity grants.

29 **Sec. 5.** RCW 43.185C.190 and 2011 1st sp.s. c 50 s 955 are each
30 amended to read as follows:

31 The affordable housing for all account is created in the state
32 treasury, subject to appropriation. The state's portion of the
33 surcharges established in RCW 36.22.178 and section 1 of this act
34 shall be deposited in the account. Expenditures from the account may
35 only be used for affordable housing programs(~~(. During the 2011-2013~~
36 fiscal biennium, moneys in the account may be transferred to the home
37 security fund)), including operations, maintenance, and services as
38 described in section 1(1)(a) of this act.

1 NEW SECTION. **Sec. 6.** (1)(a) The legislature finds that
2 affordable housing, housing instability, and homelessness are
3 persistent and increasing problems throughout the state. Despite
4 significant increases in financial resources by the federal, state,
5 and local governments to address these problems, homelessness and the
6 risk of becoming homeless has worsened in Washington since the
7 legislature authorized the first homeless housing document recording
8 surcharge in 2005. The number of unsheltered homeless encampments in
9 greenbelts, under bridges, and on our streets is a visible reminder
10 that the current system is not working.

11 (b) The legislature finds that the COVID-19 pandemic has
12 exacerbated and shed new light on the state's homelessness problems
13 and forced communities and providers to reexamine the types and
14 delivery of housing and services to individuals and families who are
15 homeless or at risk of homelessness. As a result of the changing
16 conditions COVID-19 created, the federal government has provided an
17 infusion of funding for housing and services for homelessness
18 populations in its COVID-19 relief bills to pursue different
19 strategies to improve outcomes. Moreover, there are various proposals
20 to increase state funding to address housing insecurity and
21 homelessness, including this act to impose an additional document
22 recording fee to fund an eviction prevention rental assistance
23 program and other services to persons at risk or experiencing
24 homelessness.

25 (c) The legislature also finds that there are many causes of
26 homelessness and housing instability, including: (i) A shortage of
27 affordable housing; (ii) local land use planning and property
28 management policies that discourage the development of private sector
29 housing stock to serve low and extremely low-income households; (iii)
30 unemployment and lack of education and job skills to acquire an
31 adequate wage job; (iv) mental health, developmental, and physical
32 disabilities; (v) chemical and alcohol dependency; and (vi) family
33 instability and conflict. The legislature intends to provide for an
34 examination of the economic, social, and health causes of current and
35 expected patterns of housing instability and homelessness, and to
36 secure a common understanding of the contribution each has to the
37 current crisis. The legislature intends for this examination to
38 result in a widely accepted strategy for identifying how best to
39 address homelessness in ways that: (A) Address the root causes of the
40 problem; (B) clearly assign responsibilities of state and local

1 government to address those causes; (C) support local control and
2 provision of services at the local level to address specific
3 community needs, recognizing each community must play a part in the
4 solution; (D) respect property owner rights and encourage private
5 sector involvement in solutions and service; and (E) develop pathways
6 to permanent housing solutions and associated services to break the
7 cycle of housing insecurity and homelessness.

8 (2) (a) The department of commerce must contract with the William
9 D. Ruckelshaus center to conduct an examination of trends affecting,
10 and policies guiding, the housing and services provided to
11 individuals and families who are or at risk of homelessness in
12 Washington. The center must also facilitate meetings and discussions
13 to develop and implement a long-term strategy to improve services and
14 outcomes for persons at risk or experiencing homelessness and develop
15 pathways to permanent housing solutions.

16 (b) In fulfilling the requirements of this section, the center
17 must work and consult with (i) willing participants representing
18 tribal and local governments, local providers of housing and services
19 for homeless populations, advocates and stakeholders representing the
20 interests of homeless populations, mental health and substance abuse
21 professionals, representatives of the business community and other
22 organizations, and other representatives the center determines is a
23 necessary participant to examine these issues; (ii) a group of
24 legislators consisting of one member from each of the two largest
25 caucuses in the senate and in the house of representatives appointed
26 by the president of the senate and the speaker of the house of
27 representatives, respectively; and (iii) three representatives of the
28 executive branch appointed by the governor.

29 (c) (i) The center must conduct fact-finding and stakeholder
30 discussions with participants identified in (b) of this subsection.
31 These discussions must identify stakeholder concerns, barriers,
32 opportunities, and desired principles for a long-term strategy to
33 improve the outcomes and services for persons at risk or experiencing
34 homelessness and develop pathways to permanent housing solutions.

35 (ii) The center must conduct fact-finding and stakeholder
36 discussions with participants identified in (b) of this subsection to
37 identify root causes of housing instability and homelessness within
38 Washington state. This fact-finding should address root causes
39 demographically within subpopulations of persons at risk or
40 experiencing homelessness such as veterans and persons suffering from

1 mental health or substance abuse issues. The fact-finding should also
2 address root causes that may differ geographically or regionally. The
3 fact-finding must identify existing statutory and regulatory issues
4 that impede efforts to address root causes of housing instability and
5 homelessness within Washington state.

6 (iii) The center must issue two reports of its fact-finding
7 efforts and stakeholder discussions to the governor and the
8 appropriate committees of the house of representatives and the
9 senate. One report on the subjects covered in (c)(i) of this
10 subsection is due December 1, 2021, and one on the subjects covered
11 in (c)(ii) of this subsection is due December 1, 2022.

12 (d) The center must facilitate discussions between the
13 stakeholders identified in this subsection (2) for the purposes of
14 identifying options and recommendations to develop and implement a
15 long-term strategy to improve the outcomes and service for persons at
16 risk or experiencing homelessness and develop pathways to permanent
17 housing solutions, including the manner and amount in which the state
18 funds homelessness housing and services and performance measures that
19 must be achieved to receive state funding. A report on this effort is
20 due to the governor and the appropriate committees of the house of
21 representatives and the senate by December 1, 2023.

22 **Sec. 7.** RCW 36.22.178 and 2019 c 136 s 1 are each amended to
23 read as follows:

24 The surcharge provided for in this section shall be named the
25 affordable housing for all surcharge.

26 (1) Except as provided in subsection (3) of this section, a
27 surcharge of thirteen dollars per instrument shall be charged by the
28 county auditor for each document recorded, which will be in addition
29 to any other charge authorized by law. The county may retain up to
30 five percent of these funds collected solely for the collection,
31 administration, and local distribution of these funds. Of the
32 remaining funds, forty percent of the revenue generated through this
33 surcharge will be transmitted monthly to the state treasurer who will
34 deposit: (a) The portion of the funds attributable to ten dollars of
35 the surcharge into the affordable housing for all account created in
36 RCW 43.185C.190. The department of commerce must use these funds to
37 provide housing and shelter for extremely low-income households,
38 including but not limited to housing for victims of human trafficking
39 and their families and grants for building operation and maintenance

1 costs of housing projects or units within housing projects that are
2 affordable to extremely low-income households with incomes at or
3 below thirty percent of the area median income, and that require a
4 supplement to rent income to cover ongoing operating expenses; and
5 (b) the portion of the funds attributable to three dollars of the
6 surcharge into the landlord mitigation program account created in RCW
7 43.31.615.

8 (2) All of the remaining funds generated by this surcharge will
9 be retained by the county and be deposited into a fund that must be
10 used by the county and its cities and towns for eligible housing
11 activities as described in this subsection that serve very low-income
12 households with incomes at or below fifty percent of the area median
13 income. The portion of the surcharge retained by a county shall be
14 allocated to eligible housing activities that serve extremely low and
15 very low-income households in the county and the cities within a
16 county according to an interlocal agreement between the county and
17 the cities within the county consistent with countywide and local
18 housing needs and policies. A priority must be given to eligible
19 housing activities that serve extremely low-income households with
20 incomes at or below thirty percent of the area median income.
21 Eligible housing activities to be funded by these county funds are
22 limited to:

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

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

36 (c) Rental assistance vouchers for housing units that are
37 affordable to very low-income households with incomes at or below
38 fifty percent of the area median income, including rental housing
39 vouchers for victims of human trafficking and their families, to be
40 administered by a local public housing authority or other local

1 organization that has an existing rental assistance voucher program,
2 consistent with or similar to the United States department of housing
3 and urban development's section 8 rental assistance voucher program
4 standards; and

5 (d) Operating costs for emergency shelters and licensed overnight
6 youth shelters.

7 (3) The surcharge imposed in this section does not apply to
8 assignments or substitutions of previously recorded deeds of trust or
9 to documents recording a federal lien, or water-sewer district lien,
10 wage lien, or satisfaction of lien.

11 **Sec. 8.** RCW 36.22.179 and 2019 c 136 s 2 are each amended to
12 read as follows:

13 (1) In addition to the surcharge authorized in RCW 36.22.178, and
14 except as provided in subsection (3) of this section, an additional
15 surcharge of sixty-two dollars shall be charged by the county auditor
16 for each document recorded, which will be in addition to any other
17 charge allowed by law. Except as provided in subsection (4) of this
18 section, the funds collected pursuant to this section are to be
19 distributed and used as follows:

20 (a) The auditor shall retain two percent for collection of the
21 fee, and of the remainder shall remit sixty percent to the county to
22 be deposited into a fund that must be used by the county and its
23 cities and towns to accomplish the purposes of chapter 484, Laws of
24 2005, six percent of which may be used by the county for the
25 collection and local distribution of these funds and administrative
26 costs related to its homeless housing plan, and the remainder for
27 programs which directly accomplish the goals of the county's local
28 homeless housing plan, except that for each city in the county which
29 elects as authorized in RCW 43.185C.080 to operate its own local
30 homeless housing program, a percentage of the surcharge assessed
31 under this section equal to the percentage of the city's local
32 portion of the real estate excise tax collected by the county shall
33 be transmitted at least quarterly to the city treasurer, without any
34 deduction for county administrative costs, for use by the city for
35 program costs which directly contribute to the goals of the city's
36 local homeless housing plan; of the funds received by the city, it
37 may use six percent for administrative costs for its homeless housing
38 program.

1 (b) The auditor shall remit the remaining funds to the state
2 treasurer for deposit in the home security fund account to be used as
3 follows:

4 (i) The department may use twelve and one-half percent of this
5 amount for administration of the program established in RCW
6 43.185C.020, including the costs of creating the statewide homeless
7 housing strategic plan, measuring performance, providing technical
8 assistance to local governments, and managing the homeless housing
9 grant program.

10 (ii) The remaining eighty-seven and one-half percent of this
11 amount must be used as follows:

12 (A) At least forty-five percent must be set aside for the use of
13 private rental housing payments; and

14 (B) All remaining funds are to be used by the department to:

15 (I) Provide housing and shelter for homeless people including,
16 but not limited to: Grants to operate, repair, and staff shelters;
17 grants to operate transitional housing; partial payments for rental
18 assistance; consolidated emergency assistance; overnight youth
19 shelters; grants and vouchers designated for victims of human
20 trafficking and their families; and emergency shelter assistance; and

21 (II) Fund the homeless housing grant program.

22 (2) A county issuing general obligation bonds pursuant to RCW
23 36.67.010, to carry out the purposes of subsection (1)(a) of this
24 section, may provide that such bonds be made payable from any
25 surcharge provided for in subsection (1)(a) of this section and may
26 pledge such surcharges to the repayment of the bonds.

27 (3) The surcharge imposed in this section does not apply to (a)
28 assignments or substitutions of previously recorded deeds of trust,
29 (b) documents recording a birth, marriage, divorce, or death, (c) any
30 recorded documents otherwise exempted from a recording fee or
31 additional surcharges under state law, (d) marriage licenses issued
32 by the county auditor, or (e) documents recording a federal, state,
33 county, (~~or~~) city, or water-sewer district, or wage lien or
34 satisfaction of lien.

35 (4) Ten dollars of the surcharge imposed under subsection (1) of
36 this section must be distributed to the counties to carry out the
37 purposes of subsection (1)(a) of this section.

38 (5) For purposes of this section, "private rental housing" means
39 housing owned by a private landlord and includes housing owned by a
40 nonprofit housing entity.

1 **Sec. 9.** RCW 36.22.1791 and 2019 c 136 s 3 are each amended to
2 read as follows:

3 (1) In addition to the surcharges authorized in RCW 36.22.178 and
4 36.22.179, and except as provided in subsection (2) of this section,
5 the county auditor shall charge an additional surcharge of eight
6 dollars for each document recorded, which is in addition to any other
7 charge allowed by law. The funds collected under this section are to
8 be distributed and used as follows:

9 (a) The auditor shall remit ninety percent to the county to be
10 deposited into a fund six percent of which may be used by the county
11 for administrative costs related to its homeless housing plan, and
12 the remainder for programs that directly accomplish the goals of the
13 county's local homeless housing plan, except that for each city in
14 the county that elects, as authorized in RCW 43.185C.080, to operate
15 its own local homeless housing program, a percentage of the surcharge
16 assessed under this section equal to the percentage of the city's
17 local portion of the real estate excise tax collected by the county
18 must be transmitted at least quarterly to the city treasurer for use
19 by the city for program costs that directly contribute to the goals
20 of the city's local homeless housing plan.

21 (b) The auditor shall remit the remaining funds to the state
22 treasurer for deposit in the home security fund account. The
23 department may use the funds for administering the program
24 established in RCW 43.185C.020, including the costs of creating and
25 updating the statewide homeless housing strategic plan, measuring
26 performance, providing technical assistance to local governments, and
27 managing the homeless housing grant program. Remaining funds may also
28 be used to:

29 (i) Provide housing and shelter for homeless people including,
30 but not limited to: Grants to operate, repair, and staff shelters;
31 grants to operate transitional housing; partial payments for rental
32 assistance; consolidated emergency assistance; overnight youth
33 shelters; grants and vouchers designated for victims of human
34 trafficking and their families; and emergency shelter assistance; and
35 (ii) Fund the homeless housing grant program.

36 (2) The surcharge imposed in this section does not apply to
37 assignments or substitutions of previously recorded deeds of trust or
38 to documents recording a federal or water-sewer district or wage lien
39 or satisfaction of lien.

1 **Sec. 10.** RCW 36.22.240 and 2019 c 348 s 11 are each amended to
2 read as follows:

3 (1) Except as provided in subsection (2) of this section, a
4 surcharge of two dollars and fifty cents shall be charged by the
5 county auditor for each document recorded, which will be in addition
6 to any other charge or surcharge allowed by law. The auditor shall
7 remit the funds to the state treasurer to be deposited and used as
8 follows:

9 (a) Through June 30, 2024, funds must be deposited into the
10 growth management planning and environmental review fund created in
11 RCW 36.70A.490 to be used first for grants for costs associated with
12 RCW 36.70A.600 and for costs associated with RCW 36.70A.610, and
13 thereafter for any allowable use of the fund.

14 (b) Beginning July 1, 2024, sufficient funds must be deposited
15 into the growth management planning and environmental review fund
16 created in RCW 36.70A.490 for costs associated with RCW 36.70A.610,
17 and the remainder deposited into the home security fund account
18 created in RCW 43.185C.060 to be used for maintenance and operation
19 costs of: (i) Permanent supportive housing and (ii) affordable
20 housing for very low-income and extremely low-income households.
21 Funds may only be expended in cities that have taken action under RCW
22 36.70A.600.

23 (2) The surcharge imposed in this section does not apply to: (a)
24 Assignments or substitutions of previously recorded deeds of trust;
25 (b) documents recording a birth, marriage, divorce, or death; (c) any
26 recorded documents otherwise exempted from a recording fee or
27 additional surcharges under state law; (d) marriage licenses issued
28 by the county auditor; or (e) documents recording a federal, state,
29 county, ~~((or))~~ city, or water-sewer district, or wage lien or
30 satisfaction of lien.

31 (3) For purposes of this section, the terms "permanent supportive
32 housing," "affordable housing," "very low-income households," and
33 "extremely low-income households" have the same meaning as provided
34 in RCW 36.70A.030.

Passed by the House April 24, 2021.
Passed by the Senate April 24, 2021.
Approved by the Governor May 10, 2021.
Filed in Office of Secretary of State May 10, 2021.

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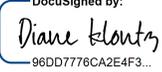
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