

Weekly Legislative Update: **Housing and Homelessness**

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This session capped several years of work with historic funding for housing and services. While policy changes were somewhat successful, funding was unexpectedly generous.

Beginning

Early in the session, League's goal was to follow the priorities of the Washington Low Income Housing Alliance (WLHA), which included these funding requests. Many policy bills were passed over the last three years, and new funding this year was badly needed. Particularly in light of what was anticipated to be a \$4 billion windfall in tax revenues, plus the availability of federal one-time funding, these appropriations were requested.

- **\$500 million for the Housing Trust Fund for affordable homes**
- **Increase in the Aged, Blind and Disabled (ABD) cash grant for people with disabilities from \$197 to \$417 per month.** Approximately 43% of people receiving ABD were experiencing homelessness. Financial cash assistance provides opportunities for individuals and families to meet their basic needs. This was included in the Governor's budget. The cost for the balance of this biennium is \$36.2 million.
- **\$78 million to fund Workforce capacity and sustainability for nonprofit homelessness service providers and permanent supportive housing providers**
Frontline workers face hazardous conditions and experience significant trauma while earning low wages. Many are just one paycheck away from homelessness themselves.
- **Fund the State Health Care Authority to continue the Foundational Community Supports (FCS) and the broader Medicaid Transformation Project for another 5 years.**
- **\$1.3 million to address a shortfall for tenants' Right to Counsel plus an additional \$2 million for pre-eviction legal aid**
The first-in-the-nation Right to Counsel approved last year is available to tenants in eviction court, but pre-eviction civil legal aid is the first line of defense against eviction. It prevents cases from entering the court process and empowers tenants to utilize their rights. Informed tenants can enter dispute resolution with a clear understanding of their rights and responsibilities. This results in better outcomes for tenants by improving housing stability. The legislature should include \$2 million in the operating budget for pre-eviction civil legal aid.
- **Appropriate \$4.5 million for foreclosure prevention** to ensure the state's highly effective Foreclosure Fairness Act safety net - housing counselors, foreclosure prevention hotline staff, legal aid attorneys, and the mediation program - can provide crucial wrap-around support for people navigating the daunting foreclosure process.

Homeowners need these advocates on their side to help them retain their homes and set them up for long-term success. This was included in the Governor's budget.

Additionally, these policy bills were requested. Unfortunately, three of the four did not pass.

- **Housing Justice Act: prevent landlords from denying housing solely based on a tenant or family member's previous arrest or incarceration ([HB 2017](#)/Davis, Simmons) Did not Pass**

Discrimination based on past convictions is one of many policies that continues to make it more difficult for Black and brown Washingtonians to find safe, healthy homes. The Housing Justice Act will prevent landlords from automatically excluding someone from rental housing because they have an arrest record or past conviction. This will make a real and meaningful impact in addressing housing disparities and ensuring everyone in our community has access to safe, stable housing.

- **Provide tenants more time to respond to rent increases ([HB 1904](#)/Peterson, Morgan) Did not Pass**

With high rents and limited vacancies, renters need more time to respond to significant rent increases. Six months' notice for significant rent increases would give tenants time to decide what's best for them, and if necessary, time to find a new place to live and save money for a deposit and other moving costs. It also gives tenants more flexibility to end their lease and move before the increase takes effect, and caps late fees.

- **Enforcement of tenant protections ([HB 2023](#)/Hackney, Macri) Did not Pass**

Landlord-tenant laws in Washington are considered "self-help" which means it is up to individual tenants to enforce their rights, on their own. HB 2023 would add enforcement mechanisms to the Residential Landlord-Tenant Act, through the Attorney General's enforcement of the Consumer Protection Act and with an expedited court process for tenants to enforce their rights. Other states have such mechanisms, and the results are better housing conditions and improved stability.

- **Provide a Real Estate Excise Tax (REET) exemption as an incentive to sell property to affordable housing developers ([SB 5642](#)/Mullet, [HB 1643](#)/Hackney) Passed**

This will incentivize sales to affordable housing providers and give them a leg up when competing for increasingly scarce land for multifamily housing. This policy was passed in 2020 (HB 2634/Walen) but vetoed by the Governor with many other bills due to the unknown impact of the pandemic on the state budget at that time.

During

As the session proceeded, many additional bills were introduced and added to the list of League-supported legislation. Here are the ones that passed:

- [HB 1593](#) **Expanding the landlord mitigation program to alleviate the financial burden on victims attempting to flee domestic violence, sexual assault, unlawful harassment, or stalking.**

- [HB 1724](#) **Ensuring oversight and coordination of permanent supportive housing resources** to maximize the creation of high-quality housing opportunities for people living with disabling conditions in communities across Washington, would establish an advisory committee on permanent supportive housing and adds representation from providers of permanent supportive housing to the state affordable housing advisory board.
- [HB 1866](#) **Assisting persons receiving community support services through medical assistance programs to receive supportive housing.**
- [SB 5566](#) **Expanding eligibility for the independent youth housing program would change eligibility for the program from 23 to 25.**
- [SB 5749](#) **Concerning rent payments made by residential tenants**, would require landlords to accept tenant rent payments in a variety of forms, making it easier for the tenants to pay.
- [SB 5868](#) **Expanding the use of the rural counties public facilities sales and use tax to include affordable workforce housing**, would add affordable workforce housing to the current uses of the rural counties public facilities sales and use tax.
- [SB 5883](#) **Concerning an unaccompanied homeless youth's ability to provide informed consent for that minor patient's own health care**, including non-emergency, outpatient, and primary care services, including physical examinations, vision examinations and eyeglasses, dental examinations, hearing examinations and hearing aids, immunizations, treatments for illnesses and conditions, and routine follow-up care customarily provided by a health care provider in an outpatient setting, excluding elective surgeries, would allow an unaccompanied homeless minor to execute his/her own informed consent under certain circumstances.
 - This is consistent with the LWVWA position that at risk children should have stable and adequate funding , with priority given to prevention, early identification and intervention services, community based treatment programs, day treatment programs and residential care. Homeless unaccompanied youth may have no other access to these services if required to receive consent from an adult.

A number of Growth Management Act amendments were also proposed, and League supported them; but none of them passed. These were focused primarily on creating more opportunities for affordable housing by increasing density and allowable housing types, such as ADUs. See the League’s Legislative Newsletter page on Growth Management Act for more information.

End

However, in the final few days of the session, when the budgets were adopted, the appropriations were unexpectedly generous. The Capital budget included these items in support of affordable housing and homelessness programs:

- The Housing Trust Fund - \$113 million for a combination of homeownership specifically and development of new affordable housing units generally
- Rapid Rehousing Capital - \$300 million, of which \$20 was earmarked solely for rural projects
- Other project earmarks for shelter, housing and other facilities - \$14.9 million
- Permanent supportive housing remediation - \$200,000
- The weatherization plus program - \$79.9 million
- A project list for communities of concern - \$2.5 million
- Affordable housing development utility connection grants - \$9 million
- Rapid response housing - \$ 9 million

The Operating budget included these items that are key in the affordable housing and homelessness services programs:

- \$130 million increase in the Housing and Essential Needs program
- Funding to implement bills passed last year:
 - SB 5160, Providing tenant protections and legal representation plus pilot program for dispute resolution for evictions - \$ 6 million for dispute resolution centers; \$ 9 million for court administration; and \$22.25 million for right to counsel support
 - HB 1277, providing grants to governments and other organizations to assist communities of color and marginalized populations with resources for households most likely to become homeless - \$280.3 million
 - SB 5287, providing affordable housing incentives; a new 20-year tax exemption is properties that sell or rent 25 percent of the units to non-profit organizations or local government partners that assure permanently affordable homeownership – A study of multi-family housing tax exemptions was funded for \$500,000
 - HB 1220, requiring expanded housing elements in comprehensive plans - \$733,000 for technical support to local jurisdictions
- Foundational Community Supports, described above - \$73.25 million
- Local shelter capacity grants - \$35 million
- Other shelter funding - \$6 million to reimburse local governments for eligible costs related to non-congregate shelters during the COVID pandemic
- A variety of behavioral health programs – approximately \$31 million in total
- Permanent supportive housing operations & maintenance support - \$37 million
- Foreclosure prevention - \$187 million
- Digital navigators - \$7.5 million
- Anchor communities' initiative - \$8 million
- Homeless student stability program - \$4.6 million
- Office of Homeless Youth grants - \$1 million
- TANF expansions - amount to be determined

These included federal funding for:

- Federal rental assistance - \$658 million
- Low Income Home Energy Assistance Program (LIHEAP) - \$80.4 million

Next Steps

League members should work with their local elected officials and/or housing authorities to establish local plans for addressing affordable housing and homelessness and for applying to use these funds.

How You Can Be Involved

- During the legislative session we will send Action Alerts in the Legislative Newsletter. Please respond to these, which will direct you to an application to facilitate communicating with your legislators on an important vote in committees or on the chamber floor.
- Local Leagues in Washington have action chairs who coordinate action teams. Some local Leagues have education teams to take action locally. Contact your local League action chair to find out and join.
- You may also express your opinion on legislation with the LWVWA issue chairs. We will take your perspectives under considerations as we determine our support for legislation and prepare testimony. Cynthia Stewart, Housing and Homelessness Issue Chair, cstewart@lwvwa.org