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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

SHYANNE COLVIN, SHANELL DUNCAN, TERRY KILL, LEONDIS
BERRY, and THEODORE ROOSEVELT RHONE,

Petitioners,

v.

JAY INSLEE, Governor of the State of Washington, and
STEVEN SINCLAIR, Secretary of the Washington State Department of
Corrections,

Respondents.

BRIEF OF *AMICI CURIAE*
WASHINGTON STATE ASSOCIATION OF COUNTIES

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TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	IDENTITY OF <i>AMICI CURIAE</i>	1
III.	ISSUE	2
IV.	FACTS.....	3
A.	Current resources are inadequate to house and shelter over 11,000 inmates.....	3
B.	Releasing over 11,000 inmates into communities will worsen, not lessen, risks to health and safety.....	6
C.	Already strained financial resources will be overwhelmed by a mass release of inmates.....	7
V.	ARGUMENT	10
A.	The response to COVID-19 in prisons should be left to the discretion of the governor and health officers.....	10
B.	Counties do not have sufficient resources to provide housing or shelters to an influx of 11,000 inmates.....	12
C.	Already burdened community support systems cannot support a mass release of inmates.....	14
D.	A mass release of inmates will greatly increase the risk to health and lives of both inmates and communities.....	15
E.	A release of this magnitude will overwhelm county finances.....	17
VI.	CONCLUSION	20

TABLE OF AUTHORITIES

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Burrowes v. Killian, __ Wn.2d __, 459 P.3d 1082 (2020).....11

Cougar Bus. Owners Ass'n v. State, 97 Wn.2d 466, 647 P.2d 481 (1982)...11

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(2010).....11

STATUTES

Revised Code of Washington 43.70.130.....11

Revised Code of Washington 43.70.200.....11

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The estimated Washington State population is based on United States Census Bureau estimates as of July 1, 2019.
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As people remain home, counties will subsequently lose significant sales tax revenue. See Proclamation 20-25-1: Extending Stay Home – Stay Health to May 4, 2020, https://www.governor.wa.gov/sites/default/files/20-25.1%20-%20COVID-19%20-Stay%20Home%2C%20Stay%20Healthy%20Extension%20%28tmp%29.pdf?utm_medium=email&utm_source=govdelivery.....19

I. INTRODUCTION

As reflected in a decision issued by the Court less than ten days ago,¹ an exercise of judicial authority must take into consideration the impacts that a release of more than 11,000 inmates will most assuredly have on counties across the entire state. As evidenced by declarations filed with this brief, counties are on the frontlines of the local emergency response to COVID-19. The mass release of prisoners proposed by Petitioners will overwhelm those efforts and threaten the health and lives of communities and the inmates who are released. In addition, the exercise of judicial authority proposed by Petitioners is unnecessary. The executive branch has demonstrated that it is taking all reasonable, responsible, and necessary measures to address an outbreak of COVID-19 in Washington prisons. Prudence dictates that measures needed to address COVID-19 are best left to the discretion of the Governor and state and local health officers.

II. IDENTITY OF AMICI

Washington State Association of Counties (WSAC) is a voluntary, non-profit association of elected county commissioners, county councils, and county executives from all of Washington's 39 counties. Created in 1906, WSAC provides a forum for networking and sharing best practices, and

¹ *Rocha v. King County*, __ Wn. 2d. __, Case No. 96990-6, Part IV, pp. 20-21 (April 9, 2020).

importantly provides a single voice for and on behalf of counties.

WSAC serves as an umbrella organization for affiliate organizations representing local public health officials, county administrators, emergency managers, county human service administrators, and others. Given its membership, WSAC has a unique perspective on public services provided by counties,² and on the funding of county government, county budgets, and appropriations. Indeed, budget laws applicable to counties require the State Auditor to consult with WSAC on the standard classification of accounts used to report receipts and expenditures detailed in annual budgets. WSAC actively works with counties to ensure that actions undertaken by the legislature and the courts do not cause counties to run the risk of violating their constitutional and statutory duties. Washington counties, and their thousands of employees and volunteers, are the ground troops in the fight of COVID-19. The wellbeing of county residents and the ability of counties to adequately respond to COVID-10 motivates WSAC to file this brief.

III. ISSUE

Whether the impacts on Washington's counties that will undoubtedly

² In addition to funding and providing services such as public safety, elections, parks, transportation, and residential and commercial building services, Washington's counties provide a myriad of services needed to meet human needs, focusing on prevention, remediation of problems, and improving the overall quality of life of service populations, including public health, housing, food, mental health and addiction, adult and disability care, and vocational assistance to name a few.

result if Petitioners' request is granted warrant denial of Petitioners' request for a writ of mandamus, or in the alternative a writ of habeas corpus and/or personal restraint petition.

Short answer. Yes. The mass release of inmates proposed by Petitioners will overwhelm counties' efforts to contain and mitigate the impacts of COVID-19 and escalate threats to the health and lives of individuals in communities and to the inmates who are released. For the health and safety of individuals in communities and the inmates who are released, Petitioners' requests for relief must be denied.

IV. FACTS

A. Current Resources are Inadequate to House and Shelter Over 11,000 Inmates.

Even before the COVID-10 pandemic, Washington faced a homelessness crisis, explains Kirsten Jewell. She should know. She is chair of the Washington State Advisory Council on Homelessness (SACH), co-chair of the Association of County Human Services' Homelessness and Affordable Housing Committee, and Manager of the Housing and Homeless Division of Kitsap County's Department of Human Services. Before COVID-19, more than 1.9 million Washingtonians were experiencing poverty, over 21,000 persons were homeless, and more than 150,000 people

experienced housing instability and homelessness, such that about 1 in every 48 citizens was directly affected by the housing crisis.³

Statewide, the gap between income and the cost of housing is the primary factor causing housing instability and homelessness.⁴ Indeed, “[p]eople with a history of incarceration in Washington State are seven times more likely to experience homelessness.”⁵ Ms. Jewell learned while speaking to inmates that without stable support systems in place upon release from custody, many will have no alternative but to return to the living situation they were in prior to incarceration (often with family or friends who are themselves addicted), where they expected to fall back into habits that contributed to their incarceration.⁶

Before the COVID-19 pandemic, homeless housing programs, including emergency shelters, were unable to meet the current demand for beds and housing for people who are experiencing homelessness. General revenue funds, which counties use to supplement federal and state funding

³ Declaration of Kirsten Jewel, ¶ 3.

⁴ A shortage of supportive services for people with behavioral health needs, substance abuse disorders and mental illnesses that are difficult to manage without stable housing, are other factors that contribute to homelessness. These factors affect access to health care and to health outcomes. *Id.* at ¶ 4.

⁵ *Id.* at ¶ 4.

⁶ *Id.* at ¶ 6 (explaining that without adequate preparation for an inmate prior to release into the community, the State and counties will experience increases in interventions by law enforcement, domestic violence, impacts on public prosecution, public defense, the courts, and other public systems).

for human services programs, are declining dramatically. Funding is strained for behavioral health programs that work with many people who are struggling to manage their mental illnesses while living unsheltered.⁷

Add COVID-19 to the homelessness crises inmates who are released en masse will face.⁸ With their criminal histories, the likelihood is extremely low that inmates released during the current pandemic will successfully compete for the very limited affordable housing that is available and be able to secure a job to pay for housing, food, and other personal needs.⁹

Current local government resources will be unable to respond to a sudden need for housing and other social safety net programs for 11,000 inmates, given that these resources are already insufficient for the current demand, resulting in further strain on the already inadequate housing, food, behavioral and physical health care systems.¹⁰ Ms. Jewell, as a member of a county Emergency Operations Team responding to COVID-19, shared the millions of dollars in costs some counties are facing for sheltering persons.¹¹

⁷ Kirsten Jewell Declaration, ¶ 9 (explaining that other social safety net programs experience far more demand for their services than they can provide at current resource levels).

⁸ Id. at ¶ 7 (COVID-19 has resulted in high unemployment and a low demand for workers).

⁹ Id.

¹⁰ Id. at ¶ 10.

¹¹ Id. at ¶ 8 (“If over 11,000 inmates are released . . . then these costs incurred by counties for sheltering recently released inmates will undoubtedly increase,” referencing the estimate by David Luxton, PhD, M.S., DOC record Appendix C).

B. Releasing Over 11,000 Inmates into Communities will Worsen, Not Lessen, Risks to Health and Safety.

Bob Lutz, MD, MPH, MS, who has practiced medicine for more than 30 years, is the local health officer for Asotin and Spokane Counties, serves on the State Board of Health representing the State health officer and a member of the State and national associations of public health officials and the American Public Health Association.¹² Dr. Lutz has provided guidance to correctional facilities in Spokane County about staff screening guidance and protocols for inmates utilizing safety measures as directed by Governor Inslee's orders and recommendations of the CDC and Washington State Department of Health (DOH).¹³

Dr. Lutz has reviewed Petitioners' Petition, and in his opinion a premature release of many prisoners in Spokane County, Asotin County, and across the State will have severe public health consequences for both local counties and communities as well as the released inmates.¹⁴ The release of many prisoners at once, many of whom have underlying health conditions, will put at risk public health officials' response to COVID-19 as well as threaten the success of non-pharmaceutical measures in reducing the impact to healthcare systems. This has the potential to lead to excessive, otherwise

¹² Declaration of Bob Lutz, ¶¶ 1 through 4.

¹³ Id. at ¶ 8.

¹⁴ Id. at ¶ 7.

preventable deaths, should the healthcare system become overtaxed. In addition, the needs of released inmates with underlying health conditions will challenge healthcare providers and systems across the State, which are already stressed by the response to COVID-19. This will threaten their continued ability to provide the standard of care to current patients.¹⁵

C. Already Strained Financial Resources will be Overwhelmed by a Mass Release of Inmates.

The economic shock to counties from the coronavirus pandemic has been sudden and unprecedented. Within a span of just weeks public gathering spaces and most businesses were shut down statewide, and consumer spending on non-emergency items has plummeted. Counties will see significant reductions in many tax revenues. While the full effect of such impacts will not be known for some time, it is clear they will be significant.¹⁶

Lower sales taxes and increased spending to fund expenditures made necessary by the pandemic, including but not limited to supplies, sheltering, public health needs, and other emergency needs will assuredly impose severe

¹⁵ Declaration of Bob Lutz, ¶¶ 9 and 10. Dr. Lutz also warns that “[a] sudden influx of individuals with underlying health conditions into communities would put a further strain on access and availability of personal protective equipment (PPE) and testing supplies for COVID-19.” Id. at ¶ 11.

¹⁶ Declaration of Trisha Logue, ¶ 7-8 (explaining that a major source of income for counties is the retail sales and use tax, which will be significantly reduced by the closure of retail sales (e.g., retail trade, travel, tourism, restaurants/bars, movie theaters, etc.), resulting in less sales tax revenue to fund public services).

strains on county budgets.¹⁷ Another source of county funding is lodging taxes. A weekly report on U.S. consumer spending reports that lodging spending is down nationwide by over 70 percent.”¹⁸

Currently, economic data about the impacts of COVID-19 on counties is sparse. Gary Rowe, a consultant for WSAC, examined taxable sales data published by the Washington State Department of Revenue (DOR) before, during, and after the 2007 – 2009 economic recession.¹⁹ Using DOR’s taxable sales data, Mr. Rowe anticipates the decline in sales tax revenue to counties state-wide as a consequence of COVID-19, will be around \$70 million.²⁰ The decline in basic sales tax revenue will be in addition to impacts to other local option taxes including Criminal Justice, Public Safety, Emergency Communications, Corrections Facilities, and Rural Sales Tax. In addition to the impact on local sales tax revenues, county property tax revenue will grow at a slower rate with declines in newly constructed improvements being added to the tax rolls.²¹

Mr. Rowe also estimated both the short and long-term changes for sales tax revenues and general property taxes resulting from decreases in

¹⁷ Trisha Logue Declaration at ¶ 9 (“According to a recent publication from the Brookings Institution, “[l]arge scale “social distancing” will reduce consumer spending and workers’ wages and, in turn, cause sales and income tax revenues to plummet.”).

¹⁸ Id. ¶ 10 (citing <https://first.facteus.com/>, last accessed April 14, 2020)

¹⁹ Declaration of Gary Lowe, ¶ 6.

²⁰ Id. ¶ 7.

²¹ Id. at ¶¶ 8 and 9.

new construction. Short-term losses are based on the economy declining for the remainder of 2019 starting with the 12.8 percent decline during the 2007-2009 recession. A longer-term decline assumes there is a steeper decline at 20 percent which lasts through 2021. Collectively the impacts to taxable revenue for Washington counties total \$90 million for the short-term and \$180 million for a longer-term impact. These impacts do not include potential impacts to special purpose funds.²²

The full effect of the economic impacts on county revenue—which is used to fund public services such as law enforcement, crime response, coroner activities, parks, licensing, recording, tax collection, and numerous other services, will not be known for some time, but it is clear they will be significant. Many businesses will be vulnerable to closure, many employees may lose their jobs and sources of income, and state and local government revenue will dramatically decrease, resulting in a reduction in funding for the services they provide.²³

Counties should, at a minimum, have no less than two months of operating revenues or expenses in reserve for unanticipated contingencies. For example, Skagit County began the year with reserves in excess of this amount, but at the time the Skagit County Board of Commissioners adopted

²² Gary Rowe Declaration, ¶¶ 10 and 11.

²³ Trisha Logue Declaration, ¶ 11.

the 2020 budget, there was certainly no anticipation of a pandemic that will not only have a direct increase in expenditures, but also a significant reduction in revenues.^{24, 25} In its 2020 budget, Skagit County allocated over 70 percent of its general fund budget to provide law and justice services to its citizens. If sales tax revenue decreases like it did in the last recession, the loss in revenue is equivalent to over \$2.9 million, or over 40 percent of Skagit County's Sheriff patrol division.²⁶

V. ARGUMENT

A. **The Response to COVID-19 in Prisons Should be Left to the Discretion of the Governor and Health Officers.**

Mandamus must be justified as an extraordinary authority, and “may not be used to compel the performance of acts or duties which involve

²⁴ Trisha Logue Declaration, ¶¶ 12 and 13. (“During the last recession, Skagit County experienced a decrease in sales tax revenue of almost 24 percent. If that happens again, the loss of revenue to Skagit County will be in excess of \$7 million in a single year. This is a loss of funding to provide services such as law enforcement, senior services, public health as well as jail operations, economic development projects, 911 communication systems, low-income housing, mental health services, and tourism promotion”).

²⁵ Id. at ¶ 14. (Skagit County received some funding already from the Department of Commerce to fund its COVID-19 response, but the funding will not be nearly adequate to cover all expenses. The distribution of the award is limited to and allocated for specific purposes like isolation and quarantine facilities and sanitation).

²⁶ Id. at ¶ 15 (“In addition, because the [Skagit County] Jail is funded partially by sales tax revenues specific to that purpose, a reduction in sales tax revenue would mean the County General Fund would need to come up with an additional \$2 million, further impacting the ability to provide essential government services”).

discretion on the part of a public official.”²⁷ How to address COVID-19 surfacing in State prisons should be left to the discretion of the Governor and State and local public health officers.²⁸ Before courts intervene, “[s]omething in the nature of the action must make it apparent that the rights of the litigants will not be protected or full redress will not be afforded without the writ.”²⁹

COVID-19 is impacting all facets of life in the entire State. Petitioners have not submitted evidence to demonstrate that actions being taken to protect inmates are substantially less than the protections the Governor and state and local health officials are taking for the general public.³⁰

²⁷ *SEIU Healthcare 775NW v. Gregoire*, 168 Wn.2d 593, 599, 229 P.3d 774 (2010); *see also Cougar Bus. Owners Ass’n v. State*, 97 Wn.2d 466, 472, 647 P.2d 481 (1982) (discussing the governor’s emergency powers in connection with the eruption of Mt. St. Helens), *abrogated by Yim v. City of Seattle, appendix*, 194 Wn.2d 682, 451 P.3d 694 (2019) *as amended* (Jan. 9, 2020) (holding that *Cougar Bus. Owners Ass’n v. State* must no longer be interpreted as requiring heightened scrutiny in article I, section 3 substantive due process challenges to laws regulating the use of property).

²⁸ RCW 43.70.130 (power of secretary of health as to outbreaks and epidemic of disease); RCW 43.70.200 (enforcement of public health laws, rules, and RCW 70.05.070 (authority of local health officers to control and prevent the spread of disease); RCW 70.05.120 (describing criminal penalties for violations of rules, regulations, or orders of the local health officer or state board of health relating to contagious and infected diseases); RCW 70.26.010(5) (“An effective response to pandemic influenza in Washington must focus at the local level and will depend on preestablished partnerships and collaborative planning on a range of best case and worst case scenarios. It will require flexibility and real-time decision making, guided by accurate information. . .”).

²⁹ *Burrowes v. Killian*, ___ Wn.2d ___, 459 P.3d 1082 (2020), *quoting Riddle v. Elofson*, 193 Wn.2d 423, 434, 439 P.3d 647 (2019) (*citing State ex rel. O’Brien v. Police Court*, 14 Wn.2d 340, 347-48, 128 P.2d 332 (1942)).

³⁰ *See, e.g., Matter of Salary of Juvenile Dir.*, 87 Wn.2d 232, 243, 552 P.2d 163 (1976) (“The spirit of reciprocity and interdependence requires that if checks by one branch undermine the operation of another branch or undermine the rule of law which all branches are committed to maintain, those checks are improper and destructive exercises of the authority”).

B. Counties Do Not Have Sufficient Resources to Provide Housing or Shelters to an Influx of 11,000 Inmates.

Counties are already requesting emergency funds from FEMA in order to ensure that their homeless populations are being adequately protected from COVID-19.³¹ These requested funds are for the specific purpose of providing shelter and support to homeless individuals and to protect them from the risk of infection. These requests stem from the lack of budgetary luxury or flexibility to fully support the homeless populations already within their communities. Yet, even with additional funds to assist the current homeless population, counties are still seeing homeless individuals frequently testing positive for COVID-19.³²

The 2019 Point in Time (PIT) Count – the annual count of sheltered and unsheltered homeless persons required under the Homeless Housing and Assistance Act, revealed that 27 percent of inmates in Kitsap County expect to experience homelessness upon release from custody.³³ Assuming conservatively that 25 percent of the statewide incarcerated population will be

³¹ Two counties with DOC prisons located within their borders, Spokane County and Pierce County, have requested \$5,750,000 and \$5,821,750 respectively. King County has requested \$47,139,191 to protect its homeless population. Kirsten Jewell Declaration, ¶ 8.

³² See 27 people test positive for coronavirus in King County homeless shelters, public health officials say, <https://www.seattletimes.com/seattle-news/homeless/27-people-test-positive-for-coronavirus-in-king-county-homeless-shelters-public-health-officials-say/> (last visited April 10, 2020).

³³ Kirsten Jewell Declaration, ¶ ¶ 3 and 6

homeless upon release, a release of 11,000 inmates will result in approximately 2,928 people going homeless.³⁴ This will have a devastating impact on county budgets and the ability to support homeless populations.

Questions the Court will need to address in considering Petitioners' request is whether inmates will be required to have a housing plan before being released? Will the State provide a housing stipend for these inmates? Will it be possible for the State to find housing for over 11,000 inmates if released, despite the existence of significant housing shortages?³⁵

Even if all released inmates were given adequate housing, there will still be community safety concerns. In 2009-2010 DOC conducted a study to compare recently released offenders who received housing vouchers with those who did not.³⁶ Those on housing vouchers following release committed sex crimes and assault crimes at a higher rate than individuals not on vouchers.³⁷ Even if counties were able to provide adequate housing for released inmates, the communities to which they are released as a whole will be more at risk to violent crimes.

³⁴ WSAC is using Dr. David Luxton's analysis of the number of inmates who will be released to calculate the statewide total of homeless inmates upon release. *See* Declaration of Luxton, ¶ 7, DOC record Appendix C.

³⁵ Declaration of Kirsten Jewell, ¶ 7.

³⁶ During the 64-day period that individuals had housing vouchers, fifteen percent of them recipients were reincarcerated. This was a higher percentage than those who did not receive vouchers over the same 64-day period. <https://www.doc.wa.gov/docs/publications/reports/200-SR006.pdf>, Table 8 (last visited April 16, 2020).

³⁷ *Id.* at Table 7.

C. Already Burdened Community Support Systems Cannot Support a Mass Release of Inmates.

Along with the strain of Washington's current housing crisis comes burdens on other forms of community support systems such as health care and food banks. With the homelessness rates so high, and the potential lack of low-income housing for released inmates, it follows that the burden on community support systems will be overwhelming.³⁸ As explained in a recent article, even without the consideration that over 11,000 inmates may be released into communities, food banks in Washington could potentially be empty by mid-April, 2020. The current number of Washingtonians in need of food assistance is 1.6 million people, double last year's numbers.³⁹ The state Emergency Operations Center explained "[t]he burn rate and demand are rising sharply."⁴⁰ As Washingtonians struggle with recent unemployment and changes in so many people's job status, experts expect these numbers to rise.⁴¹

³⁸ Declaration of Kirsten Jewell, ¶¶ 7, 9 and 10.

³⁹ Washington State Dept. of Agriculture, About Food Assistance, 2019 <https://agr.wa.gov/services/food-access/about-food-assistance> (last accessed April 10, 2020)

⁴⁰ Pandemic could empty Washington food banks in two weeks, <https://crosscut.com/2020/04/pandemic-could-empty-washington-food-banks-two-weeks> (last visited April 10, 2020). Feeding America, the largest hunger relief organization in the U.S. explains that food banks nationally are seeing a 40 percent increase in clients coupled with a significant decrease in deliveries.

⁴¹ According to reports, more than 350,000 Washington residents filed for unemployment insurance during the last week in March 2020; an increase from the 180,000 people who submitted claims the week prior. <https://www.spokesman.com/stories/2020/apr/02/jobless-benefit-claims-in-washington-continue-to-s/>, April 2, 2020 (last accessed April 10, 2020).

Despite the huge increase in demand, the public health crisis has forced closure of 28 food banks across Washington, with 61 food banks either closing or shifting hours of operation.⁴² The availability of volunteers to support food banks dwindles as citizens observe “stay home, stay healthy” orders. The State recognizes the dire nature of this crisis in low-income food supply and has called upon the Washington National Guard for relief.⁴³ Without a plan in place for ensuring basic needs, a mass release of inmates will further burden the already inadequate community based services.^{44, 45}

D. A Mass Release of Inmates Will Greatly Increase the Risks to Health and Lives of Both Inmates and Communities.

Local jurisdictions provide a variety of public health services to individuals both proactively and in response to diseases arising in their communities – such as communicable disease prevention and control,

⁴² Coronavirus crisis leaves food banks strapped for volunteers and donations, facing increased demand, <https://www.seattletimes.com/seattle-news/homeless/coronavirus-crisis-leaves-food-banks-strapped-for-volunteers-and-donations-facing-increased-demand/>, March 27, 2020 (last accessed April 10, 2020)

⁴³ Washington National Guard to begin food bank assistance, <https://mil.wa.gov/news/washington-national-guard-to-begin-food-bank-assistance>, April 2, 2020 (last accessed April 10, 1010).

⁴⁴ Declaration of K. Jewell, ¶ 10. *See also* Inslee, leading nonprofits launch fund for state’s food banks as supply levels drop, <https://mil.wa.gov/news/washington-national-guard-to-begin-food-bank-assistance>, April 7, 2020 (last accessed April 10, 2020).

⁴⁵ *See also* Declaration of Bob Lutz, MD, MPH, MS, ¶¶ 14 and 15 (describing the impacts to social services and housing agencies as a result of unemployment, closed schools, and food banks running out of food).

including responses to COVID-19.⁴⁶ The recognition of asymptomatic spread of COVID-19 has increased as knowledge of the virus has been gained.⁴⁷

With this increased knowledge about COVID-19, Dr. Bob Lutz states that a “sudden introduction of a significant number of potentially asymptomatic individuals into communities will increase the duration of non-pharmaceutical interventions that need to be maintained.⁴⁸ And “[t]he sudden introduction of non-infected individuals whose social service needs cannot be met and who do not have the ability to socially distance will increase their potential for being infected by COVID-19.”⁴⁹

Dr. Lutz acknowledges that congregate care facilities, such as prisons, are at risk, but the Petition misrepresents CDC recommendations as to persons who are at higher risk.⁵⁰ While the risks claimed by Petitioners’ are exaggerated, the risks posed by a mass release of inmates to an already overburdened public health and social services system is not. If inmates with underlying health conditions are released, they will challenge healthcare providers and systems across the state, threaten health care workers’ ability to

⁴⁶ RCW 70.05.070.

⁴⁷ Declaration of Dr. Bob Lutz, ¶ 12.

⁴⁸ Id. (“The risk to healthcare workers, patients, and communities will increase significantly if a large number of inmates are suddenly released.”).

⁴⁹ Id. at ¶ 16.

⁵⁰ Id. at ¶ 17 (explaining that individuals over the age of 65, not 50, and hypertension and epilepsy are not risk factors under CDC guidelines).

provide the standard of care to their current patients, and further strain access to and the availability of personal protective equipment and COVID-19 testing supplies.⁵¹ Dr. Lutz warns:

If Petitioners' Writ of Mandamus is granted, there will be a very negative effect on healthcare. Communities will be unable to serve the discharged prisoners properly, and there will also be a detrimental effect on the ability to serve the needs of the overall community. If the inmates are released there is a strong possibility that the COVID-19 curve, which has begun to flatten, instead will begin to rise again with a significant uptick in new cases and deaths.⁵²

At the time this amicus brief is filed, 11 inmates and 10 staff in DOC prisons have tested positive for COVID-19.⁵³ In Washington, 10,782 persons have tested positive. The population of Washington State is slightly over 7.6 million,⁵⁴ and the population in DOC prisons is 18,000.⁵⁵ Thus, around 0.061 percent of the prison population compared to 1.42 percent of the population in Washington State has tested positive for COVID-19. This demonstrates that Dr. Lutz's warning that inmates are safer where they are, and decisions about how to address COVID-19 surfacing in State prisons should be left to the discretion of the Governor and state and local public health officers.

E. A Release of this Magnitude Will Overwhelm County Finances.

⁵¹ Declaration of Dr. Bob Lutz, ¶¶ 10 and 11.

⁵² Id. at ¶¶ 18 and 19.

⁵³ <https://www.doc.wa.gov/news/covid-19.htm#status> (last accessed April 16, 2020).

⁵⁴ Washington State population is based on United States Census Bureau estimates as of July 1, 2019. <https://www.census.gov/quickfacts/WA> (last visited April 16, 2020).

⁵⁵ Declaration of Julie Martin, DOC Record, Appendix D, ¶3.

This Court must be cognizant that a mass release of prisoners will require huge expenditures of county funds, when county finances are already overwhelmed by the costs of responding to COVID-19.⁵⁶ To respond to the pandemic, counties have likely taken action to authorize emergency expenditures and reached out to FEMA for emergency funds.⁵⁷ A release of 11,000 inmates at this time will result in counties needing to make additional, unappropriated expenditures to provide housing, nutrition, and social services for inmates. If counties cannot do so, because funds are overstretched and the delivery of services is overtaxed, the safety of inmates and the communities is further exacerbated. While a board of county commissioners may make expenditures not appropriated in the annual budget to fund emergencies, the board has no authority to levy taxes to fund emergency expenditures and must rely on other sources of funding. In addition, counties have balanced budget requirements, meaning that increases in expenditures or declines in revenues, if not offset by increases in state or federal funding directed to counties, must be met by spending cuts before the end of the year.⁵⁸

Add to this the likely decline in tax revenue all 39 counties will face as a result of COVID-19. The impact to individual counties will vary, but

⁵⁶ Declaration of Trisha Logue, ¶ 7.

⁵⁷ Id. at ¶ 4; Kirsten Jewell Declaration, ¶ 8.

⁵⁸ Declaration of Trisha Logue, ¶¶ 4 and 5.

Gary Lowe estimates the combined impact of lost sales tax and property tax revenue to Pierce County will be just under \$11.3 million in the short-term and around \$22.6 million long-term. Yakima County will lose around \$2.75 million short-term and \$5.5 million long-term, and Spokane County, will loses around \$7.2 million short-term and just under \$14.5 million long-term.⁵⁹

Additionally, Mr. Lowe's estimates are based on declines in tax revenue from 2007-2009 recession data. However, between 2007 and 2009, all restaurants, bars, stores, and other places of business remained open for in-person service.⁶⁰ So the impacts of the 2007-2009 recession will be multiplied by the closure of non-essential service-based businesses, and their economic losses will quickly trickle down to counties as a loss of tax revenue.⁶¹ This means that counties' already depleted budgets due to COVID-19 responses will be further impacted by the loss of tax revenue, likely through 2021.⁶² Counties are in dire financial straits and this will be exacerbated by an en

⁵⁹ Gary Rowe Declaration, ¶ 12.

⁶⁰ Presently, all in-person restaurant and bar service has been banned in Washington State since March 16, 2020. See Proclamation 20-13: Statewide Limits: Food and Beverage Services, Areas of Congregation, <https://www.governor.wa.gov/sites/default/files/proclamations/20-13%20Coronavirus%20Restaurants-Bars%20%28tmp%29.pdf>

⁶¹ As people remain home, counties will subsequently lose significant sales tax revenue. See Proclamation 20-25.1: Extending Stay Home – Stay Health to May 4, 2020, https://www.governor.wa.gov/sites/default/files/20-25.1%20-%20COVID-19%20-%20Stay%20Home%2C%20Stay%20Healthy%20Extension%20%28tmp%29.pdf?utm_medium=email&utm_source=govdelivery

⁶² Declaration of Gary Rowe, ¶ 11.

masse release of inmates who will need immediate social services from counties in order to have shelter, food, and other basic needs.

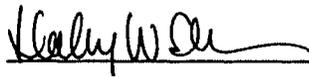
VI. CONCLUSION

If inmates are released as requested by Petitioners, the risks to health and safety in communities and to inmates themselves, and the overwhelming impacts on public resources, are real and unquestionable. Petitioners' requests for a writ of mandamus, or in the alternative a writ of habeas corpus and/or personal restraint petition, should be denied.

Respectfully submitted this 16th day of April, 2020.

RICH WEYRICH
Skagit County Prosecuting Attorney

CHAD M. ENRIGHT
Kitsap County Prosecuting Attorney



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FILED
SUPREME COURT
STATE OF WASHINGTON
4/16/2020 4:42 PM
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NO. 98317-8

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

SHYANNE COLVIN, SHANELL DUNCAN, TERRY KILL, LEONDIS
BERRY, and THEODORE ROOSEVELT RHONE,

Petitioners,

v.

JAY INSLEE, Governor of the State of Washington, and
STEVEN SINCLAIR, Secretary of the Washington State Department of
Corrections,

Respondents.

**ADDITIONAL EVIDENCE ON REVIEW TO SUPPORT *AMICUS
CURIAE* BRIEF OF WASHINGTON STATE ASSOCIATION OF
COUNTIES**

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DECLARATION OF
BOB LUTZ, MD, MPH

SUPREME COURT OF THE STATE OF WASHINGTON

SHAYNNE COLVIN, et al.,

Petitioners,

v.

JAY INSLEE, et al.,

Respondents.

DECLARATION OF
BOB LUTZ, MD, MPH

I, BOB LUTZ, declare under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I am the Health Officer for Spokane Regional Health District. In this capacity, it is my responsibility to enforce the public health laws of the State of Washington, including controlling and preventing the spread of any dangerous, contagious or infectious diseases within Spokane County.

2. I graduated from Villanova University with a BS in biology. I received my MD from Temple Medical School in 1988. I received my Master's Degree in Public Health from the University of Arizona. I have been a practicing physician for more than thirty (30) years and was appointed Health Officer for Spokane Regional Health District in 2017. I also serve as the Health Officer in Asotin County and appointed in 2018.

3. After receiving my medical degree in 1988, I joined the United States Navy. After my honorable discharge in 1992, I did a residency in family medicine and a fellowship in sports medicine at Bayfront Medical Center in St. Petersburg, Florida. I also completed a fellowship in integrative medicine at the University of Arizona, where I received my Master's in Public Health. I worked as an urgent care physician in Spokane from 2004-2009 and from 2015 through 2019. Between 2009 and 2015 I performed evaluation services for school districts with federal grants to improve their Physical Education programs. I was appointed as Health Officer for Spokane County in 2017 and Asotin County in 2018.

4. In addition to being the Health Officer for two counties in Eastern Washington, I also serve on the Washington State Board of Health, representing the state's health officer. I am a member of the Washington State Association of Local Public Health Officials (WSALPHO), the National Association of County and City Health Officials (NACCHO) and the American Public Health Association (APHA).

5. Established in 1889, the Washington State Board of Health provides leadership on public health issues and advances public health practices that protect and improve the public's health.

6. WSALPHO is a membership organization that represents and convenes local public health jurisdictions across Washington State. The

purpose of WSALPHO is to collaborate with other public health agencies to advance public health, educate and inform policymakers on local health issues, advocate for public health policy, and empower local health departments. The mission of the National Association of County and City Health Officials (NACCHO) is to improve the health of communities by strengthening and advocating for local health departments. APHA is the public health organization that provides guidance to the nation's public health practitioners.

7. I have reviewed the petition filed in this matter. It is my professional opinion that the premature release of many prisoners in Spokane County, Asotin County and across the state would have severe public health consequences for both local counties and communities as well as the released inmates.

8. Spokane County has already released those prisoners whose crimes did not render them a risk to the community. I have provided guidance to correctional facilities in Spokane County about staff screening guidance and protocols for incarcerated individuals utilizing safety measures as directed by Governor Inslee's orders, CDC recommendations, and Washington State Department of Health (DOH) recommendations.

9. The release of many prisoners at once, many of whom have underlying health conditions, would put at risk public health officials'

response to COVID-19 as well as threaten the success of nonpharmaceutical measures in reducing the impact to the healthcare systems. This has the potential to lead to excess, otherwise preventable deaths, should the healthcare system become overtaxed.

10. The needs of released inmates with underlying health conditions would challenge healthcare providers and systems across the state, which are already stressed due to the need to respond to COVID-19. This would threaten their continued ability to provide the standard of care to their current patients.

11. A sudden influx of individuals with underlying health conditions into communities would put a further strain on access and availability of personal protective equipment (PPE) and testing supplies for COVID-19. It has been well-documented there is currently a global shortage for both PPE and testing supplies, including a shortage in Washington State.

12. The recognition of asymptomatic spread of COVID-19 has increased as knowledge of this novel corona virus has been gained. The sudden introduction of a significant number of potentially asymptomatic individuals into communities will increase the duration of non-pharmaceutical interventions that need to be maintained.

13. The current lack of PPE and testing supplies has already put healthcare workers, patients, and communities at increased risk of contracting

COVID-19 during this already stressed time. The risk to healthcare workers, patients, and communities will increase significantly if a large number of inmates are suddenly released.

14. The needs of all released inmates will stress social services and housing agencies that are already challenged to provide services while following Governor Inslee's orders to protect workers and clients from COVID-19.

15. Services are already being taxed as a result of population needs due to unemployment, schools being closed, food banks nearly running out of food, and other needs that newly released individuals need to stay safe and healthy in our communities.

16. The sudden introduction of non-infected individuals whose social service needs cannot be met and who do not have the ability to socially distance will increase their potential for being infected by COVID-19.

17. While I acknowledge that congregate care facilities are at risk, the Petition misrepresents CDC recommendations. Specifically, individuals over the age of 65, not 50 as proposed by petitioners, are at higher risk. Petitioners also allege hypertension and epilepsy as risk factors, but those conditions are not determined risk factors according to the CDC guidelines. Further, the nature of the crime committed should be considered. Release of

violent offenders into the community creates a different kind of public health risk.

18. If Petitioners' Writ of Mandamus is granted, there will be a very negative effect on healthcare. Communities will be unable to serve the discharged prisoners properly, and there will also be a detrimental effect on the ability to serve the needs of the overall community.

19. If the inmates are released there is a strong possibility that the COVID-19 curve, which has begun to flatten, instead will begin to rise again with a significant uptick in new cases and deaths.

SIGNED on April ____, 2020 at Spokane, Washington.

BOB LUTZ, MD, MPH

DECLARATION OF
GARY ROWE

DECLARATION OF
KIRSTEN JEWELL

SUPREME COURT OF THE STATE OF WASHINGTON

SHAYNNE COLVIN, et al.,

Petitioners,

v.

JAY INSLEE, et al.,

Respondents.

DECLARATION OF
KIRSTEN JEWELL

I, KIRSTEN JEWELL, I declare under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I was appointed by Governor Inslee as the Chair of the Washington State Advisory Council on Homelessness (SACH). I am also the Co-Chair of the Association of County Human Services' Homelessness and Affordable Housing Committee, and Manager of the Housing and Homeless Division of the Kitsap County Department of Human Services. I have worked for the last 16 years of my career addressing homelessness issues in Kitsap County and across Washington State.

2. SACH is a governor appointed advisory council to advise on homelessness issues and includes representatives from various different sectors such as business, philanthropy, youth, housing authorities, county

government, city government, and people with lived experience of homelessness. It also includes members of the Inter-Agency Council on Homelessness, which includes leadership representatives from all of the state agencies that work with people experiencing homelessness, such as Department of Social and Health Services, Department of Corrections, Superintendent of Public Instruction, Employment Security, Veterans Affairs. SACH is directed to make policy recommendations to the Governor and to the Affordable Housing Advisory Board on ways to enhance the state's ability to address homelessness, including raising issues and awareness of homelessness. See, e.g.,

<https://deptofcommerce.app.box.com/s/flnzauj8v826nlgo5tdpsz0oip94gm>

3j

3. Washington state continues to face a homelessness crisis. More than 1.9 million Washingtonians are experiencing poverty. Across the state, more than 150,000 people experienced housing instability and homelessness last year, resulting in about 1 in every 48 citizens being directly affected by the housing crisis. The 2019 Point in Time (PIT) Count – the annual count of sheltered and unsheltered homeless persons required under the Homeless Housing and Assistance Act, found that over 21,000 persons were homeless (sheltered and unsheltered) on the day of

the 2019 PIT count. See <https://www.commerce.wa.gov/serving-communities/homelessness/annual-point-time-count/>

4. National and state research has demonstrated that the primary factor that affects housing instability and homelessness is the gap between income and the cost of housing. Statewide, a severe shortage of housing units has resulted in very low vacancy rates and rental rates that have increased more than 20 percent over the last decade, while the incomes of the poorest 25 percent of households have only increased about 3 percent. Other factors that contribute to homelessness are a shortage of supportive services for people with behavioral health needs and, in particular, substance abuse disorders and mental illnesses that are difficult to manage without stable housing. Lack of affordable and stable housing also significantly affects access to health care and health outcomes. These factors increase the likelihood that people exiting jails and prisons will experience homelessness.

5. In 2018, SACH issued recommendations to the Governor for reducing homelessness for people re-entering Washington state communities from incarceration. A copy of the recommendations is attached hereto as Exhibit A. As indicated in the recommendations, ex-offenders recently released from prison experience serious challenges to securing stable and permanent housing. People with a history of

incarceration in Washington State are seven times more likely to experience homelessness. See

<https://buildingchanges.org/images/documents/library/2013%20Factors%20Associated%20with%20Adult%20Homelessness%20in%20WA%20State.pdf>

6. In Kitsap County, for example, an annual survey of inmates in the Kitsap County jail (in conjunction with the Point in Time Count) revealed that about 27 percent of those surveyed anticipated being homeless upon their release. When I spoke with inmates during the survey process, many expressed their fear that if upon release they had no secure place to live and lacked a sufficient support system they would have no alternative but to return to the living situation they were in before incarceration (often with family or friends who are themselves addicted), where they would likely fall back into drug and alcohol abuse and other circumstances that contributed to their commitment of crimes. Thus, without adequate preparation and planning for an inmate prior to her or his release into the community, the State and counties will likely experience significant increases in interventions by law enforcement, domestic violence, impacts on public prosecution, public defense, the courts, and other public systems. In my role as Chair of SACH and Co-Chair of the Association of County Human Services' Homelessness and Affordable

Housing Committee, I know from communicating with colleagues across the state that what is happening in Kitsap County is happening state-wide.

7. I have reviewed the declaration of David D. Luxton, PhD, M.S., submitted with Respondent's Court Record at Appendix C. Under the current state of affairs with the COVID-19 pandemic, unemployment is high, and until the Governor's Stay Home-Stay Healthy proclamation is lifted, demand for workers is low. Given this, and the severe shortage of affordable housing in every county in the state, the likelihood that a recently released inmate with a criminal history will successfully compete for the very limited affordable housing that is available, and be able to secure a job to pay for housing, food, and other personal needs is low. So, will inmates that petitioners seek to have released be required to have a housing plan before being released? Will the State provide a housing stipend for these individuals? Will it be possible for the State to find housing for over 11,000 inmates if they are released, despite the significant housing shortage that exists in this State?

8. I am also a member of the Kitsap County's Emergency Operations Team responding to the COVID-19 pandemic and am assisting with issues surrounding non-congregate sheltering and reimbursement of costs associated with non-congregate housing from the Federal Emergency Management Agency (FEMA). As can be seen from the letters attached

collectively as Exhibit B, in response to the pandemic the costs for sheltering persons in counties is huge: 236 persons in Pierce County between March 27 and April 26, 2020, will cost over \$5 million, the costs for sheltering 1000 people in Spokane County between April 6 to May 6, 2020 will cost close to \$6 million, the costs for sheltering 1,115 persons in King County between March 6, through April 30, 2020 will cost over \$47 million, and the costs for sheltering 240 people in Kitsap County between March 28 to May 7, 2020 is about \$774,003.00. If over 11,000 inmates are released as estimated by Dr. David Luxton, then these costs incurred by counties for sheltering recently released inmates will undoubtedly increase.

9. Across the state, homeless housing programs, including emergency shelters, are unable to meet the current demand for beds and housing for people who are experiencing homelessness. Behavioral health programs work with many people who are struggling to manage their mental illnesses while living unsheltered. Medical health providers see patients cycling through the emergency department because they are unable to recover from their medical conditions without safe and stable housing. Other social safety net programs experience far more demand for their services than they can provide at current resource levels.

10. Current local government resources will be unable to respond to this sudden need for housing and other social safety net programs for the additional 11,000 individuals that are proposed to be released, particularly since these resources are already insufficient for the current demand. Without a plan in place for ensuring these housing and basic needs for inmates released from incarceration during the COVID-19 pandemic, a strong likelihood exists that many inmates released as proposed by petitioners will experience homelessness and will further burden the already inadequate housing, food, and behavioral and physical health care systems, creating significant financial and public impacts in counties across Washington.

SIGNED on April 9, 2020 at Port Orchard, Washington.

/s/ Kirsten Jewell

KIRSTEN JEWELL

EXHIBIT A

to

DECLARATION OF KIRSTEN JEWELL



STATE OF WASHINGTON

State Advisory Council on Homelessness (SACH)

October 23, 2018

The Honorable Jay Inslee
Governor
PO Box 40002
Olympia, Washington 98504-0002

Re: Recommendations for Reducing DOC Exits to Homelessness

Dear Governor Inslee:

On behalf of the State Advisory Council on Homelessness (SACH), I am pleased to enclose recommendations on reducing homelessness for people re-entering Washington state communities from incarceration. The SACH researched and developed these recommendations, in coordination with the Reentry Council, to assist you and your staff as you consider legislation and policies regarding people exiting the Department of Corrections facilities into homelessness.

The SACH is deeply concerned with the high barriers to housing experienced by those re-entering communities from incarceration. A 2013 report prepared for the Washington State Department of Commerce cites data from the Urban Institute indicating that "ex-offenders recently released from prison experience serious challenges to securing stable and permanent housing." Another recent study for the Gates Foundation found that people with a history of incarceration in Washington State are seven times more likely to experience homelessness.

In addition, there are ongoing prison reform efforts aimed at decreasing mass incarceration which could lead to even greater numbers of people re-entering communities around the state with a need for safe and stable housing.

The 2013 report cited above found that "homeless ex-offenders who received housing assistance and transitioned to permanent housing had lower rates of criminal recidivism, and higher rates of employment, Medicaid coverage, and substance abuse treatment, compared to other homeless ex-offenders."

Over the last decade, the Earned Release Date (ERD) Housing Voucher Program has been successful in assisting 11,916 people from incarceration to temporary housing – however, many of these people are unable to maintain their housing after the program. For greater success, they need a longer period of time to get back on their feet, rental assistance payments need to be indexed to the rental market, and participants in the ERD program need to be protected under landlord-tenant law. In addition, we need to build on the good work of the ERD Housing Voucher Program and expand the voucher program to increase the number of people successfully transitioning to stable housing rather than homelessness.

In an effort to increase community safety and reduce the costs of recidivism, the SACH is committed to identifying ways to decrease homelessness and housing instability among those with criminal histories re-entering our communities. People being released have served their sentences and deserve the opportunity to contribute to their communities – to do so requires a stable place to live and work.

Working to ensure that homelessness is rare, brief, and one-time throughout Washington.

Kirsten Jewell, Chair
Kitsap County Human
Services
County Government

Linda Olsen, Vice Chair
Washington State
Coalition Against
Domestic Violence
Non-Profit

Sheila Babb Anderson
Campion Advocacy Fund
Philanthropic

Donna Batch
HUD (retired)
Federal Government

Arthur Castleton
Universal Cells
Youth

Matt Davis
City of Spokane
City Government

Jesse Greene
Seattle Popcorn
Company
Homeless Experience

Lona Hammer
Kennewick Housing
Authority
Housing Authority

Tedd Kelleher
Department of
Commerce
*Inter-Agency Council on
Homelessness*

Susan Olson
A Part of the Solution
Homeless Experience

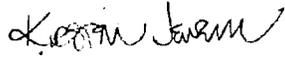
Jason Ritterer
HKM Employment
Attorney
Business

Melissa Taylor
Lower Columbia
Community Action
Program
Non-Profit

I, or any of the members of the SACH, would welcome the opportunity to discuss this with you further or to answer questions about these recommendations at your convenience.

Thank you for your leadership to ensure that homelessness is rare, brief, and one-time for people throughout our state.

Best regards,

A handwritten signature in black ink, appearing to read "Kirsten Jewell". The signature is fluid and cursive, with a prominent flourish at the end.

Kirsten Jewell

Chair, State Advisory Council on Homelessness



STATE OF WASHINGTON

State Advisory Council on Homelessness (SACH)

Recommendations on Re-entry from DOC to Stable Housing

Kirsten Jewell, Chair
Kitsap County Human
Services
County Government

Linda Olsen, Vice Chair
Washington State
Coalition Against
Domestic Violence
Non-Profit

Sheila Babb Anderson
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HUD (retired)
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City of Spokane
City Government

Jesse Greene
Seattle Popcorn
Company
Homeless Experience

Lona Hammer
Kennewick Housing
Authority
Housing Authority

Tedd Kelleher
Department of
Commerce
*Inter-Agency Council on
Homelessness*

Susan Olson
A Part of the Solution
Homeless Experience

Jason Rittereiser
HKM Employment
Attorney
Business

Melissa Taylor
Lower Columbia
Community Action
Program
Non-Profit

In Washington State individuals with a history of incarceration are seven times more likely to experience homelessness.¹ Evidence suggests that every dollar spent on the Earned Release Date (ERD) Housing Voucher Program saves the Department of Corrections (DOC), the criminal justice system, and the community \$7 of cost-savings², decreased recidivism rates, and a reduction in the number of people experiencing homelessness. To further decrease homelessness among people with a history of incarceration, SACH recommends the following actions regarding the ERD Housing Voucher Program and other programs targeted for people exiting the DOC into homelessness:

Changes to the existing Earned Release Date (ERD) Housing Voucher Program:

- 1) Increase the maximum payable benefit for rent assistance in the ERD Housing Voucher Program to be a flexible rate based on Fair Market Rent and extend the rental assistance part of the program to extend at least three months after supervision is complete, or a duration consistent with rental assistance programs.
- 2) Require rent agreements/leases in any DOC sponsored rent assistance program so that both the landlord and the tenant are protected by Landlord Tenant Law.
- 3) Institute *Comprehensive Individualized Reentry Planning* within DOC, including housing stability planning, and support funding for a new *Reentry Navigator/Mentors Program* managed by the Statewide Reentry Council.
- 4) Support passage of Statewide Fair Chance Housing legislation which would expand housing options for people who were formally incarcerated.

Changes for inmates not eligible for the ERD Program:

- 5) Ensure that all people who are releasing from prison into homelessness are provided with information about the housing coordinated entry program in the county where they are being released.
- 6) Create an expanded Housing Voucher Program, incorporating the recommendations above, for all people exiting prisons into homeless. Implement this program targeted specifically to the DOC population in coordination with the existing homeless crisis response systems and coordinated entry programs in each county.

Additional recommendation

- 7) Affordable Housing programs funded with Washington State grant funds, including the Housing Trust Fund, should include a requirement that owners/operators not be able to discriminate in tenant selection based on prior criminal history.

¹ Cutuli, JJ, *Factors Associated with Adult Homelessness in Washington State*, June 1, 2013.

² Office of Financial Management, *Review of Policies Relating to the Release and Housing of Sex Offenders in the Community*, 2014.

Working to ensure that homelessness is rare, brief, and one-time throughout Washington.

EXHIBIT B

to

DECLARATION OF KIRSTEN JEWELL

KING COUNTY FEMA REQUEST



STATE OF WASHINGTON
MILITARY DEPARTMENT
EMERGENCY MANAGEMENT DIVISION

*MS: TA-20, Building 20B
Camp Murray, Washington 98430-5122*

April 1, 2020

Mike O'Hare, FEMA Region X Administrator
Federal Emergency Management Agency
130 228th Street, SW
Bothell, WA 98021-8627

Thru: Trevor Stanley, Infrastructure Branch Director
Federal Emergency Management Agency
130 228th Street, SW
Bothell, WA 98021-8627

RE: Reimbursement for Non-Congregate Sheltering – Waiver and Approval Request
Disaster: FEMA-4481-DR-WA COVID-19
Subrecipient: King County
PA ID: 033-99033-00

Mr. O'Hare:

Subsequent to President Trump's March 13, 2020, Nationwide Emergency Declaration for Coronavirus Disease 2019 (COVID-19) and the recognition that non-congregate sheltering may be necessary to save lives and protect health and safety during this Public Health Emergency, King County requests approval for reimbursement of costs associated with non-congregate sheltering for FEMA-4481-DR-WA COVID-19 event.

King County requests approximately \$47,139,191 be approved for reimbursement under Public Assistance (PA) Category B – Emergency Protective Measures. This request is to support Non-Congregate Sheltering – Isolation and Quarantine. The County request is part a comprehensive strategy to provide hospital bed space capacity while allowing patients to be discharged from the hospital and still recover and address the critical need to provide individuals with quarantine or isolation solutions to limit the COVID-19 spread. The County comprehensive strategy has been guided by local, state, and federal public health authority's guidance to develop the capacity for isolation and quarantine for COVID-19 exposed and confirmed individuals. The County request is to ensure County residents and visitors can recover in a safe location and not infect others around them. As of March 31, the County had 2,330 cases and growing. With growing case numbers, there is a critical need to provide non-congregate sheltering options for individuals to recover from COVID-19 and protect the entire community from further exposure.

Background:

COVID-19 continues its devastating impact to the County's population. As of March 31, the County had 2,330 cases and growing. With increasing case numbers, the critical importance of providing non-congregate sheltering options for individuals to recover from COVID-19, or protecting others from exposure, was key to County efforts in flattening the COVID-19 curve. There are key populations requiring non-congregate sheltering during this immediate response to protect public health; these include but are not limited to: first responders, the general public, travelers, and those who are currently unhoused. The County recognized that standing up and implementing non-congregate sheltering to mitigate impacts to the residents of and visitors to the County provided a necessary option to mitigate the effects of this disease.

Of critical importance was support to area hospitals by providing available sheltering for sick individuals outside of the hospital setting while still providing essential services. Hospital bed capacity is vital for those needing significant levels of care. Providing a location for others with mild symptoms will drive down long-term impacts to our healthcare delivery systems. The County recognized early on that quick action was paramount as there was no indication that efforts to flatten the curve would work. The County took decisive actions prior to gaining FEMA Non-Congregate Sheltering – Isolation and Quarantine as timing was of utmost importance. The County executed its non-congregate sheltering plan proactively to get ahead of the COVID-19 curve.

King County surveyed and assessed 125 locations that could support non-congregate sheltering. Through community input, policy guidance (both local and public health), financial considerations, as well as the geographic requirements of our county, various options were elevated to the top of our list. These selection criteria not only support the minimum public health requirements, but provide quick access to healthcare, wrap around services, and most specifically individual living space for recovery. Our county is diverse and expansive. In order to provide accessible options for residents, various facilities are being requested. Additionally, sites have been selected to provide access to the various areas of the county.

Cost Analysis:

Pursuant to the Public Assistance Program and Policy Guide (PAPPG), Chapter 2: VI.B.10.b *Sheltering*, the County finds that non-congregate sheltering is the best available option for meeting the urgent needs of individuals displaced by COVID-19 and to protect the immediate health and safety of the community. Initially, non-congregate sheltering will not extend beyond a 30-day duration per PAPPG guidance.

Based on County assessment, based on COVID-19 trends and healthcare authority's guidance and direction, the County anticipates non-congregate sheltering – isolation and quarantine will extend beyond 30 days. As the 30-day duration end date approaches, the County will further reassess the COVID-19 threat and will seek additional non-congregate shelter time be authorized from FEMA Regional Administrator.

The County costs associated with the acquisition and use of non-congregate sheltering facilities from Mar 6 to Apr 30, 2020, unless otherwise requested, totals \$41,068,368 for a total of 1,115 people.

The costs projected for the acquisition and use of additional non-congregate facilities for emergency sheltering from April 1, 2020 to April 30, 2020, unless otherwise requested, totals \$6,070,823. Altogether, the costs for the acquisition and use of these non-congregate facilities for emergency sheltering from March 6, 2020 through April 30, 2020, unless otherwise requested, totals \$47,139,191.

Name	Address	Capacity (Rooms)	Days	Start-up Costs	Daily Costs	Post-term Costs	Total Costs
<i>1. Non-congregate Sheltering – Isolation and Quarantine established prior to obtaining FEMA approval for Non-Congregate Sheltering – County requests a FEMA Waiver of pre-approval based on exigent circumstances</i>							
Central Avenue Motel	1233 Central Ave, Kent, WA	79	30	\$4,700,000	\$897,764	\$150,000	\$5,747,764
Aurora Modular	1132 North 128th St., Seattle, WA	24	30	\$3,827,964	\$511,858	\$1,148,389	\$5,488,211
Top Hat Modular	206 SW 112th St. Seattle, WA (White Center)	32	30	\$4,220,271	\$572,553	\$1,266,081	\$6,058,905
12th Avenue Hotel	1801 12th Ave NW, Issaquah, WA	100	30	\$1,450,000	\$1,006,921	\$150,000	\$2,606,921
Harbor Island Pallet Shelters	3235 16th Ave SW, Seattle, WA	24	30	\$243,968	\$443,669	\$73,191	\$760,828
SODO Warehouse	1039 6th Ave S, Seattle, WA	250	30	\$3,172,000	\$2,107,603	\$900,000	\$6,179,603
Shoreline AC/RC	19030 1st Ave NE, Shoreline, WA	140	30	\$4,570,000	\$1,193,067	\$1,350,000	\$7,113,067
Eastgate AC/RC	13620 SE Eastgate, Bellevue, WA	140	30	\$4,570,000	\$1,193,067	\$1,350,000	\$7,113,067
<i>Non-Congregate Sheltering – Isolation and Quarantine established prior to obtaining FEMA approval for Non-Congregate Sheltering - Sub-total:</i>							\$41,068,368
<i>2. Non-Congregate Sheltering – Isolation and Quarantine – County requests FEMA approval</i>							
Hotel under negotiation	Renton, WA	225	30	\$2,160,749	\$1,916,176	\$150,000	\$4,226,925
Hotel under negotiation	Seatac, WA	101	30	\$727,200	\$966,698	\$150,000	\$1,843,898
<i>Non-Congregate Sheltering – Isolation and Quarantine - FEMA approval Non-Congregate Sheltering – Sub-total:</i>							\$6,070,823
<i>All Non-congregate Sheltering – Isolation and Quarantine – Waiver Request and Approval Request - Total:</i>							\$47,139,191

Conclusion:

King County requests a waiver to the FEMA requirement for pre-approval for Non-Congregate Sheltering – Isolation and Quarantine, and approval for Non-Congregate Sheltering – Isolation

and Quarantine. The County took prudent and necessary action to address a quickly moving COVID-19 pandemic outbreak guided by the best available public health guidance and direction.

King County was the first in the nation to be affected by the COVID-19 pandemic outbreak, and the disease continues to severely impact King County's population. As of March 31, 2020, King County has 2,330 cases, with 150 deaths.

The County proceeded diligently at the direction and guidance of local, state, and federal public health authorities to take timely and decisive activities to address the COVID-19 pandemic outbreak. On January 21, 2020, the County had first-in-the-nation, COVID-19 confirmed case from a person that had traveled from China through the County. In late January-early February 2020, the County, upon CDC request, planned for an influx of persons returning from China, after SeaTac Airport was designated as an airport to receive flights from China. These events launched the County into comprehensive COVID-19 pandemic outbreak planning. The County's top priority during this COVID-19 pandemic outbreak was to ensure the safety of its population and to work towards adequate hospital capacity so they can stay open and accept patients as the surge of patients continues. Working with the latest public health modeling based on COVID-19 local demographics and trends, the County proactively chose non-congregate sheltering to address the immediate public health and safety needs of individuals at most risk.

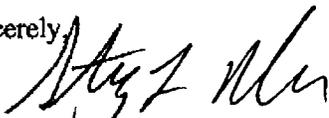
The County conducted surveys and assessments of 125 locations from parks, camps, hotels, hospitality facilities, county-owned buildings, sports arenas, tax title properties, large warehouses, and assemblages of warehouses. Based on public health direction and guidance for individual living spaces, resource availability, infrastructure requirements, and access needs, use of non-congregate sheltering for the affected population is ultimately the best way forward to preserve the health and safety of the community.

We confirm our review of the Regional Administrator's Memo re: Non-Congregate Sheltering Delegation of Authority and accept all criteria. Specifically, King County confirms that funding to support non-congregate sheltering and alternate care facility have not been received by any other federal agency. The County will follow FEMA's Procurement Under Grants Conducted Under Exigent or Emergency Circumstances guidance; and include a termination for convenience clause in contracts. And applicable Environmental and Historic Preservation laws, regulations, and executive orders apply and will be adhered to as a condition of assistance.

Thank you for your consideration of this request under Public Assistance (PA) Category B Emergency Protective Measures.

If you have any questions, please contact Gerard Urbas at (253) 512-7402 or gary.urbas@mil.wa.gov.

Sincerely,



Stacey McClain

State Coordinating Officer / Governor's Authorized Representative
FEMA-3427-EM-WA COVID-19
FEMA-4481-DR-WA COVID-19

Attachments:

- 1) Public Health – Seattle-King County – Local Health Officer order for emergency protective measures to non-congregate sheltering
- 2) King County request letter

ATTACHMENT (1)

Office of the Director
401 Fifth Avenue, Suite 1300
Seattle, WA 98104-1818
206-296-4600 Fax 206-296-0166
TTY Relay: 711
www.kingcounty.gov/health

Public Health
Seattle & King County 

LOCAL HEALTH OFFICER ORDER

WHEREAS, on January 21, 2020, the first case of novel coronavirus (COVID-19) was confirmed in a person from Washington, who had traveled from China through King County; and

WHEREAS, in late January and early February 2020, Public Health and Emergency Management officials in King County and from the State of Washington, upon request from the U.S. Centers for Disease Control and Prevention, planned for an influx of persons returning to the United States from China, after SeaTac International Airport was designated as one of eleven airports to receive flights from China; and

WHEREAS, throughout February 2020, the number of cases of COVID-19 increased significantly within King County and its local cities and towns, with the first COVID-19 related death in the United States announced on February 29, 2020; and

WHEREAS, on February 29, 2020, Governor Jay Inslee proclaimed a state of emergency within the State of Washington due to COVID-19; and

WHEREAS, on March 1, 2020, King County Executive Dow Constantine proclaimed a state of emergency within King County due to COVID-19; and

WHEREAS, local jurisdictions within King County have also issued proclamations of emergency; and

WHEREAS, on March 11, 2020, the World Health Organization declared a state of pandemic due to COVID-19; and

WHEREAS on March 13, 2020, President Donald Trump declared a National Emergency due to COVID-19, and on March 22, 2020 a Major Disaster was declared for the State of Washington; and

WHEREAS, on March 23, 2020, Governor Inslee imposed a “Stay Home – Stay Healthy” Order throughout Washington State prohibiting all people in Washington State from leaving their homes or participating in social, spiritual, and recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, until midnight on April 6, 2020, unless extended beyond that date; and

WHEREAS, the Revised Code of Washington, Title 70.05.070(2)-(3), requires and empowers the local health officer to take such action as is necessary to maintain health and to control and prevent the spread of any contagious or infectious diseases within the jurisdiction; and

WHEREAS, the Washington Administrative Code, Title 246-100-036, requires the local health officer, when necessary, to institute disease control measures, including assessment, quarantine and isolation as he or she deems necessary based on his or her professional judgment, current standards of practice, and the best available medical and scientific information; and

WHEREAS, the age, condition, and health of a significant portion of the population of King County and its local cities and towns places it at risk for serious health complications, including death, from COVID-19; and

WHEREAS, although most individuals who contract COVID-19 do not become seriously ill, symptomatic persons, persons with mild symptoms, and asymptomatic persons with COVID-19 may place other vulnerable members of the public at significant risk; and

WHEREAS, a large surge in the number of persons with serious infections can compromise the ability of the regional healthcare system to deliver necessary healthcare to the public; and

WHEREAS, King County and its local cities and towns have a deficit of rental lodging options suitable for quarantine, isolation, or congregate recovery of certain at-risk populations; and

WHEREAS, currently in King County and its local cities and towns there are numerous individuals who have been potentially exposed to COVID-19, have been medically advised to voluntarily quarantine, but cannot quarantine at home due to the presence of a vulnerable individual, or are homeless, or are non-residents, thus lacking a local home where they can safely do so; and

WHEREAS, currently in King County and its local cities and towns there are numerous individuals who have COVID-19, have been medically advised to voluntarily isolate, but cannot isolate at home due to the presence of a vulnerable individual, or are homeless, or are non-residents, thus lacking a local home where they can safely do so; and

WHEREAS, currently in King County and its local cities and towns, there are numerous individuals who have mild cases of COVID-19 that do not require hospitalization, have been medically advised to voluntarily recover in the community but cannot recover at home due to the presence of a vulnerable individual, or are homeless, or are non-residents, thus lacking a local home where they can safely do so; and

WHEREAS, this Order will help preserve critical and limited healthcare capacity in King County and local cities and towns by reducing the spread of COVID-19; and

WHEREAS, since this outbreak started, King County and its local cities and towns have been leading with innovative strategies to provide solutions so that less ill patients can be discharged from the hospital to recover from, and individuals in need of quarantine or isolation can limit, the spread of COVID-19; and

WHEREAS, the federal and State governments asked King County and local cities and towns to develop non-congregate sheltering capacity for isolation and quarantine of COVID-19 exposed and confirmed individuals at the very onset of the outbreak; and

WHEREAS, King County and local cities and towns proactively chose and continue to explore non-congregate sheltering to address the immediate public health and safety needs of individuals who are at risk, due to public health guidance for individual living spaces, resource availability, infrastructure requirements, and access needs; and

WHEREAS, King County and local cities and towns determined that the use of non-congregate sheltering for the affected population is ultimately the best way forward to preserve the health and safety of the community; and

WHEREAS, King County and local cities and towns may need to take extraordinary lawful measures to further prevent the spread of COVID-19 among the population, including but not limited to efforts related to the homeless population, facilities used for and by the public, and behavioral health interventions, among others;

NOW, THEREFORE, based upon the above facts, the Local Health Officer hereby finds that providing facilities suitable for isolation, quarantine, or recovery was and remains reasonable and necessary to address public health needs, specifically to maintain health and to control and prevent the spread of a contagious and infectious disease throughout King County due to COVID-19; and

THEREFORE, as the Local Health Officer for King County, I hereby ORDER that King County, through the Executive or his designee, as well as the local cities and towns, are authorized to use legally available resources, whether owned, leased, rented, gifted, loaned, or otherwise provided, for the purpose of assessment and temporary quarantine of persons suspected of being infected with COVID-19, and for the temporary isolation and recovery of persons confirmed to be infected with COVID-19, and for those enumerated purposes only; and

THEREFORE, as the Local Health Officer for King County, I further hereby ORDER that King County, through the Executive or his designee, as well as the local cities and towns, are authorized to use legally available resources to: de-intensify or reduce the density of existing homelessness shelters and encampments, as well as other essential programs such as food services and sobering centers; address hygiene needs of homeless individuals, such as washing, showers, and toilets, and for increased sanitation services such as garbage removal, pumping out of septic containers, and collection of sharps, since normal public and non-profit services are closed or have reduced offerings; disinfecting facilities used for and by the public; and, provide support for services, such as public supportive housing providers and shelter services, who have had enhanced cleaning needs, personal protective equipment (PPE), supplies, and staffing needs since their clients are at a higher risk category and need increased support to understand social distancing, for the purpose of further reducing the spread of COVID-19, and for those enumerated purposes only; and

THEREFORE, as the Local Health Officer for King County, I further hereby ORDER that King County, through the Executive or his designee, as well as the local cities and towns, are authorized to use legally available resources to provide for the behavioral health of the population, as related to the effects of COVID-19, and for that purpose only.

This Order does not authorize use of those resources as a general quarantine, isolation, and congregate recovery facility for treating other infectious diseases, such as tuberculosis and hepatitis, or for any other purpose other than to respond to and mitigate the effects of COVID-19. Neither does this Order authorize illegal means or behavior.

This Order shall **EXPIRE** upon determination by the Local Health Officer that there is no longer a need for assessment and quarantine, and isolation and congregate recovery due to COVID-19.

Signed and ordered this 31st day of March 2020, in Seattle, Washington, by



Jeffrey S. Duchin M.D.
Local Health Officer



King County

Office of Emergency Management

Department of Executive Services
3511 Northeast Second Street
Renton, WA 98056
206.296.3830 TTY Relay: 711
www.kingcounty.gov

ATTACHMENTS (2)

March 31, 2020

Stacey McClain
State Coordinating Officer / Governor's Authorized Representative
FEMA 3427-EM-WA COVID-19
FEMA-4481-DR-WA COVID-19
MS: TA-20, Building 20
Camp Murray, Washington 98430-5122

RE: FEMA Non-Congregate Sheltering Delegation of Authority

Dear Mr. McClain:

Pursuant to President Trump's March 13, 2020 Nationwide Emergency Declaration for Coronavirus Disease 2019 (COVID-19) and the subsequent Major Disaster Declaration approved on March 22, 2020, and in accordance with the *Non-Congregate Sheltering Delegations of Authority Waiver* memorandum dated March 21, 2020, the King County Office of Emergency Management requests approval for King County established and managed COVID-19 pandemic outbreak non-congregate sheltering and support services.

Per FEMA COVID-19 Fact Sheets: *Non-Congregate Sheltering Delegation of Authority; Procurement During Emergency/Exigent Circumstances Fact Sheet*; and *Eligible Emergency Protective Measures Fact Sheet*; the following information is provided.

The non-congregate sheltering must be at the direction of and documented through an official order signed by a state, local, tribal, or territorial public health official.

- The Public Health Seattle & King County (PHSKC) Health Officer, Dr. Jeffrey Duchin, working in conjunction with federal and state health authorities in responding to the Public Health and Presidentially declared National Emergency, as well as to the Governor's Emergency Proclamation on COVID-19 related matters and the King County Executive's Proclamation of Emergency, directed the establishment of facilities for the isolation and quarantine of those non-hospital admitted suspected or recovered COVID-19 patients in non-congregate sheltering per best available health authorities guidance.

Any approval is limited to that which is reasonable and necessary to address the public health needs of the event and should not extend beyond the duration of the Public Health Emergency.

- King County elected and appointed officials, responding at the direction and guidance of public health officials and emergency management personnel, for facilities established prior to the FEMA guidance, and for any facilities established after that point, will use and manage non-congregate sheltering for the minimum time necessary to meet the public health needs of the COVID-19 Public Health Emergency.

Applicants must follow FEMA's *Procurement Under Grants Conducted Under Exigent or Emergency Circumstances* guidance and include a termination for convenience clause in their contracts.

- King County will follow local and state contracting requirements as well as the criteria outlined in the *FEMA Procurement Under Grants Conducted Under Exigent or Emergency Circumstances Fact Sheet* guidance. In addition, a termination for convenience clause has been or will be included in the contracts.

Prior to approval, the applicant must provide an analysis of the implementation options that were considered and a justification for the option selected.

- Attached with this letter, King County has provided a cost and feasibility analysis of the non-congregate sheltering options considered given the affected population, the criteria for meeting either quarantine or isolation, and any additional criteria required by cognizant public health authorities. In addition, a justification will be provided for the selected option.

The funding for non-congregate sheltering to meet the needs of the Public Health Emergency cannot be duplicated by another federal agency, including the U.S. Department of Health and Human Services or Centers for Disease Control and Prevention.

- King County understands that funding for non-congregate sheltering to meet the needs of the Public Health Emergency cannot be duplicated by another federal agency and has not received funding for this requested non-congregate sheltering from any other federal funding source.

Applicable Environmental and Historic Preservation laws, regulations, and executive orders apply and must be adhered to as a condition of assistance.

- King County, as part of the siting of non-congregate sheltering will comply with all local and state requirements. In addition, it is understood that given the nexus of federal funding, applicable federal environmental and historic preservation laws, regulations, and executive orders apply and must be adhered to as a condition of federal financial assistance

If there are any questions regarding this request for FEMA Non-Congregate Sheltering, please contact Alysha Kaplan, Deputy Director, King County Emergency Management, at (206) 205-4062 or alysha.kaplan@kingcounty.gov.

Sincerely,



Brendan McCluskey, JD, MPA, CEM, CBCP
Director, King County Office of Emergency Management

Enclosures:

- Analysis of implementation options considered and justification for option selected
- Local Health Officer Order

KITSAP COUNTY FEMA REQUEST



STATE OF WASHINGTON
MILITARY DEPARTMENT
EMERGENCY MANAGEMENT DIVISION

*MS: TA-20, Building 20B
Camp Murray, Washington 98430-5122*

April 9, 2020

Mike O'Hare, FEMA Region X Administrator
Federal Emergency Management Agency
130 228th Street, SW
Bothell, WA 98021-8627

Thru: Trevor Stanley, Infrastructure Branch Director
Federal Emergency Management Agency
130 228th Street, SW
Bothell, WA 98021-8627

RE: Reimbursement for Non-Congregate Sheltering
Disaster: FEMA-4481-DR-WA COVID-19
Subrecipient: Kitsap County
PA ID: 035-99035-00

Dear Mr. O'Hare:

Subsequent to President Trump's March 13, 2020, Nationwide Emergency Declaration for Coronavirus Disease 2019 (COVID-19) and the recognition that non-congregate sheltering may be necessary to save lives and protect health and safety during this Public Health Emergency, Kitsap County requests approval for reimbursement of costs associated with Non-Congregate Sheltering – Isolation & Quarantine for FEMA-4481-DR-WA COVID-19 event.

Kitsap County requests approximately \$774,003 be approved for reimbursement under Public Assistance (PA) Category B - Emergency Protective Measures. This request is to support Non-Congregate Sheltering – Isolation & Quarantine for adequate separate, quarantine and isolation, to ensure County residents maintain safe distancing when housing challenged, likely exposed, or have been found positive and recover in a safe location, not infect others around them, and break the spread of the disease. The County comprehensive strategy has been guided by local, state, and federal public health authority's guidance to develop the capacity for isolation and quarantine for COVID-19 exposed and confirmed individuals. As of April 7, the County had identified 119 cases, one death and expect these numbers to grow as testing increases in the jurisdiction. With growing case numbers, there is a critical need to provide non-congregate sheltering options for individuals to shelter and recover from COVID-19 and protect others from exposure.

Background:

COVID-19 continues to impact the Kitsap County's population. As of April 7, 2020, the County had 119 confirmed cases and growing. With growing case numbers, the critical importance to provide non-congregate sheltering options for individuals to recover from COVID-19 and protect others from exposure is key to the County efforts to flatten the curve of the COVID-19 curve.

There are key populations requiring non-congregate sheltering during this immediate response to protect public health; these include but are not limited to: first responders, the general public, travelers, and those who are currently unhoused. The County recognized that standing up and implementing Non-Congregate Sheltering - Isolation & Quarantine to mitigate impacts to County residents and visitors provided a necessary option to mitigate the effects of this disease.

The implementation of non-congregate sheltering is vital to mitigate further impacts to the residents of the County. Equally important is the support of our hospitals with available shelter for stricken patients. Hospital bed capacity is vital for those needing significant levels of care. Providing a location for others with mild symptoms will drive down long-term impacts to our healthcare delivery systems. The County is particularly concerned regarding the impacts to high risk populations and cases in homeless shelters within the County impacting the ability to provide appropriate social distancing and isolation for positive cases. Even with expansion of existing congregate shelter options, the County still requires non-congregate sheltering to prevent the spread of disease throughout the county. The County recognized early on that quick action was paramount as there was no indication efforts to flatten the curve would work. Kitsap County took decisive actions prior to gaining FEMA pre-approval for Non-Congregate Sheltering Isolation & Quarantine as timing was of utmost importance. The County executed its non-congregate sheltering plan proactively to get ahead of the COVID-19 curve.

The County surveyed and assessed 24 rural and urban locations that could support non-congregate sheltering. Through community input, policy guidance (local and public healthcare authorities), financial considerations, as well as County geographic and/or demographic requirements, siting options were narrowed. These selection criteria not only support the minimum public health requirements, but provide time-critical access to healthcare, wrap-around services, and a safe and secure living space for patient recovery. The County is diverse and expansive. In order to provide accessible options for impacted population, various types of non-congregate shelter facilities in differing locations are being requested. The County selected sites to provide the most expansive access to both the rural and urban areas of the County.

Cost Analysis:

Pursuant to the Public Assistance Program and Policy Guide (PAPPG), Chapter 2: VI.B.10.b *Sheltering*, Kitsap County finds that Non-Congregate Sheltering – Isolation & Quarantine is the best available option for meeting the urgent needs of individuals displaced by COVID-19 and to protect the immediate health and safety of the community. Initially, non-congregate sheltering will not extend beyond a 30-day duration per PAPPG guidance.

Based on the County's assessment and COVID-19 trends and public health's guidance and direction, the County anticipates sheltering will extend beyond 30 days. As the 30-day duration end date approaches, the County will reassess the COVID-19 threat, and may seek additional non-congregate sheltering time be authorized from the FEMA Regional Administrator.

The County costs associated with the acquisition and use of non-congregate sheltering mix of facilities identified for emergency sheltering from March 28 to April 7, 2020, unless otherwise requested, totaled \$48,401 for 60 people.

The costs projected for the acquisition and use of additional non-congregate facilities for emergency sheltering from April 8 to May 7, 2020, unless otherwise requested, totals \$725,602.00 for up to 240 people. Altogether, the costs for the acquisition and use of these non-congregate facilities for emergency sheltering from March 28 to May 7, 2020, unless otherwise requested, totals \$774,003.

This estimate includes all fixed facility costs, staffing, equipment, supplies, and supporting services such as medical, food, laundry, security, and the like as identified in the Public Assistance Program and Policy Guide (PAPPG), Chapter 2: VI.B.10.b, *Sheltering*.

Name	Address	Capacity (Rooms)	Days	Start-up Costs	Daily Costs	Post-term Costs	Total Costs
<i>1. Non-congregate Sheltering – Isolation and Quarantine established prior to obtaining FEMA approval for Non-Congregate Sheltering – County requests a FEMA Waiver of pre-approval based on exigent circumstances</i>							
Kitsap County Pavilion	1200 Fairgrounds Rd NW Bremerton, WA	60	10	\$4,410	\$3,000/day, \$50/person Security - \$10,281	\$3,7010	\$48,401
<i>Non-Congregate Sheltering – Isolation and Quarantine established prior to obtaining FEMA approval for Non-Congregate Sheltering - Sub-total:</i>							\$48,401
<i>2. Non-Congregate Sheltering – Isolation and Quarantine – County requests FEMA approval</i>							
Pilgrim Firs Camp - Conference Center	3318 SW Lake Flora Rd. Port Orchard, WA	80	30	\$10,410	\$8,000/day, \$100/person Security - \$30,844	\$3,710	\$284,964
Seabeck Conference Center	13395 Lagoon Drive NW Seabeck, WA	80	30	\$10,410	\$8,000/day, \$100/person Security - \$30,844	\$3,710	\$284,964
Kitsap County Pavilion	1200 Fairgrounds Rd NW Bremerton, WA	60	30	\$4,410	\$3,000/day, \$50/person Security - \$30,884	\$3,710	\$128,964
Gateway Fellowship Church Shelter	18901 8 th Ave NE Poulsbo, WA	20	30	\$1,000	\$800/day \$40/person	\$1,710	\$26,710
<i>Non-Congregate Sheltering – Isolation and Quarantine - FEMA approval Non-Congregate Sheltering – Sub-total:</i>							\$725,602
<i>All Non-congregate Sheltering – Isolation and Quarantine – Waiver Request and Approval Request - Total:</i>							\$774,003

Conclusion:

Kitsap County requests a waiver to the FEMA requirement for pre-approval for Non-Congregate Sheltering - Isolation & Quarantine, and approval for Non-Congregate Sheltering - Isolation & Quarantine. The County took prudent and necessary action to address a quickly moving COVID-19 pandemic outbreak guided by the best available public health guidance and direction.

Kitsap County conducted comprehensive surveys and site assessments of vacant building, parks, camps, and hotels as part of the non-congregate analysis. After considering all options, hoteling for the affected population was determined as the best minimum measures solution to implement. The County actively chose non-congregate sheltering to address the immediate public health and safety needs of individuals that were impacted by the COVID-19 pandemic outbreak. The County conducted assessments to review best alternative possibilities to address geographic limitations, demographics, and COVID-19 trends within the county. But due to resource availability, infrastructure requirements, medical and patient access, the options selected for the affected population were ultimately the best way forward to preserve the health and safety of the community.

We confirm our review of the Regional Administrator's Memo re: *Non-Congregate Sheltering Delegation of Authority* and accept all criteria. Specifically, Kitsap County confirms that funding to support non-congregate sheltering has not been received by any other federal agency. The County will follow FEMA's Procurement Under Grants Conducted Under Exigent or Emergency Circumstances guidance; and include a termination for convenience clause in contracts. Applicable Environmental and Historic Preservation laws, regulations, and executive orders apply and will be adhered to as a condition of assistance.

Thank you for your consideration of this request under Public Assistance Category B Emergency Protective Measures.

If you have any questions, please contact Gerard Urbas at (253) 512-7402 or gary.urbas@mil.wa.gov.

Sincerely,



Stacey McClain
State Coordinating Officer / Governor's Authorized Representative
FEMA-3427-EM-WA COVID-19
FEMA-4481-DR-WA COVID-19

Attachments:

- 1) Kitsap County Public Health Official Non-Congregate Shelter Letter
- 2) Kitsap County FEMA Non-Congregate Sheltering Delegation of Authority request

MEMO

To: Doug Washburn, Director, Kitsap County Department of Human Services
From: Eric Evans, RS, Assistant Environmental Health Director
Date: March 23, 2020, amended April 8, 2020
Re: COVID 19 Outbreak Emergency Housing Grant

Dear Mr. Washburn,

The Health District has reviewed the most recent documents:

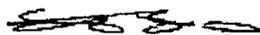
1. CV19 Commerce Grant Plan (COVID-19 Homelessness Response Plan); and
2. The Procedure for Screening Admission and Release from Quarantine and Isolation Facilities.

In summary, the Health District asserts that:

- Emergency housing is necessary to protect public health due to the COVID-19 outbreak;
- The increased sanitation associated to the Homelessness Response Plan is necessary to protect public health due to the COVID-19 outbreak;
- Developing additional temporary emergency quarantine and isolation non-congregate shelters and day room locations is necessary to accommodate the need for the shelter beds that are being reduced in other shelters due to increased bed spacing.
- Other costs, including planning and administration are the highest and best use of limited resources to address the COVID-19 related public health issues of people experiencing homelessness; and
- Quarantine and isolation centers be established for COVID-19 non-congregate sheltering and support services for the duration of this public health emergency.

Please contact me with any questions or concerns about this matter at (360) 728-2225, or eric.evans@kitsappublichealth.org.

Eric Evans, RS



Assistant Director
Environmental Health Division
Kitsap Public Health District

KCDEM

Elizabeth F. Klute, CEM
Director



KITSAP COUNTY
EMERGENCY MANAGEMENT
COUNCIL - 2020

City of Poulsbo
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Council Chair

City of Bremerton
Mayor Greg Wheeler
Council Vice-Chair

Kitsap County
Commissioner
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City of Bainbridge Island
Councilman Kol Medina

Main Offices
911 Carver Street
Bremerton, WA 98312
360.307.5871
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dem@co.kitsap.wa.us
www.kitsapdem.org

KITSAP COUNTY DEPARTMENT OF EMERGENCY MANAGEMENT

ATTACHMENT (2)

April 8, 2020

Stacey McClain
State Coordinating Officer/Governor's Authorized Representative
FEMA 3427-EM-WA COVID-19
FEMA-4481-DR-WA COVID-19
MS: TA-20, Building 20
Camp Murray, Washington 98430-5122

Re: FEMA Non-Congregate Sheltering Delegation of Authority request

Dear Ms. McClain:

Kitsap County requests approval for Kitsap County established and managed COVID-19 pandemic non-congregate sheltering and support services.

Per FEMA COVID-19 Fact Sheets: *Non-Congregate Sheltering Delegation of Authority, Procurement Conducted Under Exigency or Emergency Circumstances, Reasonable Cost Evaluation, and Eligible Emergency Protective Measures*, the following information is provided.

The non-congregate sheltering must be at the direction of and documented through an official order signed by a state, local, tribal, or territorial public health official.

- The Kitsap County Health District's Health Officer, Dr. Susan Turner, working in conjunction with federal and state health authorities in responding to the Public Health and Presidentially declared National Emergency, as well as to the Governor's Emergency Proclamations on COVID-19 related matters, directed the establishment of facilities for quarantine and isolation centers for non-congregate sheltering and support services.

Any approval is limited to that which is reasonable and necessary to address the public health needs of the event and should not extend beyond the duration of the Public Health Emergency.

- Kitsap County elected and appointed officials, responding at the direction and guidance of public health officials and emergency management personnel, will establish and manage non-congregate sheltering for the minimum time necessary to meet the public health needs of the COVID-19 Public Health Emergency.

Applicants must follow FEMA's Procurement Under Grants Conducted Under Exigent or Emergency Circumstances guidance and include a termination for convenience clause in their contracts.

- Kitsap County will follow local and state contracting requirements as well as the criteria outlined in the FEMA Procurement Under Grants Conducted Under Exigent or Emergency Circumstances Fact Sheet guidance. In addition, a termination for convenience clause has been or will be included in the contracts.

Prior to approval, the applicant must provide an analysis of the implementation options that were considered and a justification for the option selected.

- Kitsap County will provide a cost and feasibility analysis of the non-congregate sheltering options considered given the affected population, the criteria for meeting either quarantine or isolation, and any additional criteria required by cognizant public health authorities. In addition, a justification will be provided for the selected option.

The funding for non-congregate sheltering to meet the needs of the Public Health Emergency cannot be duplicated by another federal agency, including the U.S. Department of Health and Human Services or Centers for Disease Control and Prevention.

- Kitsap County understands that funding for non-congregate sheltering to meet the needs of the Public Health Emergency cannot be duplicated by another federal agency and has not received funding for this requested non-congregate sheltering from any other federal funding source.

Applicable Environmental and Historic Preservation laws, regulations, and executive orders apply and must be adhered to as a condition of assistance.

- Kitsap County, as part of the siting of non-congregate sheltering will comply with all local and state requirements. In addition, it is understood that given the nexus of federal funding, applicable federal environmental and historic preservation laws, regulations, and executive orders apply and must be adhered to as a condition of federal financial assistance

If there are any questions regarding this request for FEMA Non-Congregate Sheltering, please contact Elizabeth Klute, Director, Kitsap County Department of Emergency Management at (360) 204-6703 or eklute@co.kitsap.wa.us.

Sincerely,



Elizabeth Klute
Director

Enclosure:

- A: Analysis of implementation options considered and justification for option selected
- B: Siting permits for non-congregate sheltering

PIERCE COUNTY FEMA REQUEST



STATE OF WASHINGTON
MILITARY DEPARTMENT
EMERGENCY MANAGEMENT DIVISION

*MS: TA-20, Building 20B
Camp Murray, Washington 98430-5122*

March 27, 2020

Mike O'Hare, FEMA Region X Administrator
Federal Emergency Management Agency
130 228th Street, SW
Bothell, WA 98021-8627

Thru: Trevor Stanley, Infrastructure Branch Director
Federal Emergency Management Agency
130 228th Street, SW
Bothell, WA 98021-8627

RE: Reimbursement for Non-Congregate Sheltering
Disaster: FEMA-4481-DR-WA COVID-19
Subrecipient: Pierce County
PA ID: 053-99053-00

Mr. O'Hare:

Subsequent to President Trump's March 13, 2020, Nationwide Emergency Declaration for Coronavirus Disease 2019 (COVID-19) and the recognition that non-congregate sheltering may be necessary to save lives and protect health and safety during this Public Health Emergency, Pierce County requests approval for reimbursement of costs associated with non-congregate sheltering for FEMA-4481-DR-WA COVID-19 event.

The County requests approximately \$5,281,870 be approved for reimbursement under Public Assistance (PA) Category B – Emergency Protective Measures. This request is to ensure Pierce County residents recover in a safe location, not infect others around them, and break the spread of the disease. As of March 25, the County had 155 cases and growing. With growing case numbers, there is a critical need to provide non-congregate sheltering options for individuals to recover from COVID-19 and protect others from exposure to this disease.

Background:

COVID-19 continues to impact the County's population. As of March 25, the County had 155 cases and growing. With growing case numbers, the critical importance to provide non-congregate sheltering options for individuals to recover from COVID-19 and protect others from exposure, is key to the County efforts to flatten the curve of this disease. Key County residents who need sheltering during this immediate response to protect public health include, but not limited to; first responders, general public, anyone traveling or visiting in the County, and those residents currently unhoused. The implementation of non-congregate sheltering is vital to

mitigate further impacts to the residents of the County. Equally, supporting our hospitals with available shelter for stricken patients is key. The limited available hospital bed capacity within the County is a critical need for those patients that require significant levels of care. Providing non-congregate shelter options for others with mild symptoms will drive down the strain on County healthcare systems. Timing is critical. Current County cases are indicating significant impacts to high risk populations. Cases in homeless shelters within the County are impacting the ability to provide appropriate social distancing and isolation for positive cases. Based on County healthcare professionals' estimates, they anticipate up to 800 individuals from this population segment alone will need temporary sheltering throughout this outbreak. Even expanding existing congregate shelter options, the County will still require non-congregate sheltering to drive down the spread of disease within this population. Additionally, the County anticipates the importance of non-congregate shelters for impacted first responders, healthcare workers, and those in congregate living spaces.

The County surveyed/assessed over 80 locations that could support non-congregate sheltering. Through community input, policy guidance (local and public healthcare authorities), as well as County geographic and/or demographic requirements, siting options were narrowed. These selection criteria not only support the minimum public health requirements, but provide time-critical access to healthcare, wrap-around services, and a safe and secure living space for patient recovery. The County is diverse and expansive, and to provide accessible options for impacted population, various non-congregate shelter facilities are being requested. County sites will provide access to the rural and urban areas of the county.

Cost Analysis:

Pursuant to the Public Assistance Program and Policy Guide (PAPPG), Chapter 2: VI.B.10.b *Sheltering*, the County finds that non-congregate sheltering is the best available option for meeting the urgent needs of individuals displaced by COVID-19 and to protect the immediate health and safety of the community. Initially, non-congregate sheltering will not extend beyond a 30-day duration per PAPPG guidance. Based on County assessment, based on COVID-19 trends and healthcare authority's guidance and direction, the County anticipates sheltering will not extend beyond 45 days. As the 30-day duration end date approaches, the County will reassess the COVID-19 threat, and may seek additional non-congregate shelter time be authorized from FEMA Regional Administrator.

Therefore, the costs associated with the use of non-congregate shelter mix of hotels and another facility for emergency sheltering from March 27, 2020 through April 26, 2020 totals (30-days) \$3,897,550 for 236 people.

However, based on County assessment, based on COVID-19 trends and healthcare authority's guidance and direction, the County anticipates emergency sheltering from March 27, 2020 through April 26, 2020 totals (45-days) \$5,281,870 for 236 people.

Financial Information							
Name	Address	People	Days	Start-up Costs	Daily Rate	Post-Term Costs	Total Cost
Holiday Inn Tacoma Mall	8402 S. Hosmer Tacoma, WA 98444	124	45	\$224,780	\$39,020	\$316,980	\$2,297,660
Best Western Wesley Inn & Suites	6575 Kimball Drive Gig Harbor, WA 98335	82	45	\$153,130	\$31,370	\$230,890	\$1,795,590

Metropolitan Development Council	2342/2338 Tacoma Ave Tacoma, WA 98402	30	45	\$79,060	\$21,890	\$124,310	\$1,188,620
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Conclusion:

Pierce County conducted comprehensive surveys and site assessments of vacant building, parks, camps, and hotels as part of the non-congregate analysis. After considering all options, hoteling for the affected population was determined as the best minimum measures solution to implement.

Pierce County actively chose non-congregate sheltering to address the immediate public health and safety needs of individuals that were impacted by the COVID-19 pandemic outbreak. The County conducted assessments to review best alternative possibilities to address geographic limitations, demographics, and COVID-19 trends within the county. But due to resource availability, infrastructure requirements, medical and patient access, hoteling for the affected population is ultimately the best way forward to preserve the health and safety of the community.

We confirm our review of the Regional Administrator's Memo re: Non-Congregate Sheltering Delegation of Authority and accept all criteria. Specifically, Pierce County confirms that funding to support non-congregate sheltering has not been received by any other federal agency. The County will follow FEMA's Procurement Under Grants Conducted Under Exigent or Emergency Circumstances guidance; and include a termination for convenience clause in contracts. Applicable Environmental and Historic Preservation laws, regulations, and executive orders apply and will be adhered to as a condition of assistance.

Thank you for your consideration of this request under Public Assistance Category B Emergency Protective Measures.

If you have any questions, please contact Gerard Urbas at (253) 512-7402 or gary.urbas@mil.wa.gov.

Sincerely,



Stacey McClain
 State Coordinating Officer / Governor's Authorized Representative
 FEMA 3427-EM-WA COVID-19
 FEMA-4481-DR-WA COVID-19

Attachments:

- 1) Tacoma-Pierce County Public Health Official order for non-congregate shelter
- 2) Pierce County request letter

March 27, 2020

Federal Emergency Management Agency:

One of our top priorities during the COVID-19 pandemic is to ensure we support our healthcare system. Our hospitals must remain open to accept patients as the number of COVID-19 cases increase.

It is important for people who are sick with or exposed to COVID-19 to stay away from others. Unfortunately, some people don't have a home and others can't safely, or practically, use their homes.

To protect these residents' health and slow the spread of COVID-19, we must provide a safe place for them to stay. We need to stand up several non-congregate sheltering options, or temporary care centers, to address the following:

- Designate individual rooms for people who are exposed, show symptoms or are part of a high-risk population. Individual rooms will help maintain social distancing practices.
- Allow exposed people who can't isolate safely at home a place to wait for test results.
- Provide a safe place for individuals who test positive for COVID-19.

Thank you for your assistance to slow the spread of COVID-19 in our community.

Sincerely,



Anthony L-T Chen, MD, MPH
Director of Health



Pierce County

Department of Emergency Management

Jody Ferguson
Director

Office of the Director
2501 South 35th Street, Suite D
Tacoma, Washington 98409-7405
(253) 798-6595 • FAX (253) 798-3307

March 26, 2020

Stacey McClain
State Coordinating Officer / Governor's Authorized Representative
FEMA 3427-EM-WA COVID-19
FEMA-4481-DR-WA COVID-19
MS: TA-20, Building 20
Camp Murray, Washington 98430-5122

RE: FEMA Non-Congregate Sheltering Delegation of Authority

Dear Mr. McClain:

The Pierce County requests approval for a Pierce County established and managed COVID-19 pandemic outbreak non-congregate sheltering and support services.

Per FEMA COVID-19 Fact Sheets: Non-Congregate Sheltering Delegation of Authority; Procurement During Emergency/Exigent Circumstances Fact Sheet; and Eligible Emergency Protective Measures Fact Sheet; the following information is provided.

The non-congregate sheltering must be at the direction of and documented through an official order signed by a state, local, tribal, or territorial public health official.

- The Pierce County Public Health Official working in conjunction with federal and state health authorities in responding to the Public Health and Presidentially declared National Emergency, as well as to Governor's Emergency Proclamation on COVID-19 related matters, directed the isolation and quarantine of those non-hospital admitted suspected or recovered COVID-19 patients in non-congregate sheltering per best available health authorities guidance.

Any approval is limited to that which is reasonable and necessary to address the public health needs of the event and should not extend beyond the duration of the Public Health Emergency.

- The Pierce County elected officials responding at the direction and guidance of public health officials and emergency management personnel, will establish and manage non-congregate sheltering for the minimum time necessary to meet the public health needs of the COVID-19 Public Health Emergency.

Applicants must follow FEMA's Procurement Under Grants Conducted Under Exigent or Emergency Circumstances guidance and include a termination for convenience clause in their contracts.

- The Pierce County will follow local and state contracting requirements as well as the criteria outlined in the FEMA Procurement Under Grants Conducted Under Exigent or Emergency Circumstances Fact Sheet guidance. In addition, a termination for convenience clause will be included in the contracts.



Stacey McClain
March 26, 2020
Page 2

Prior to approval, the applicant must provide an analysis of the Implementation options that were considered and a justification for the option selected.

- The Pierce County will provide a cost and feasibility analysis of the non-congregate sheltering options considered given the affected population affected, the criteria for meeting either quarantine or isolation, and any additional criteria required by cognizant public health authorities. In addition, a justification will be provided for the selected option.

The funding for non-congregate sheltering to meet the needs of the Public Health Emergency cannot be duplicated by another federal agency, including the U.S. Department of Health and Human Services or Centers for Disease Control and Prevention.

- The Pierce County understands that funding for non-congregate sheltering to meet the needs of the Public Health Emergency cannot be duplicated by another federal agency and has not received funding for this requested non-congregate sheltering from any other federal funding source.

Applicable Environmental and Historic Preservation laws, regulations, and executive orders apply and must be adhered to as a condition of assistance.

- The Pierce County, as part of the siting of non-congregate sheltering will comply with all local and state requirements. In addition, it is understood that given the nexus of federal funding, applicable federal environmental and historic preservation laws, regulations, and executive orders apply and must be adhered to as a condition of federal financial assistance

If there are any questions regarding this request for FEMA Non-Congregate Sheltering, please contact Ellen Lenk, at (253) 795-6595 or ellen.lenk@piercecountywa.gov.

Sincerely,



Jody Ferguson, Director of Emergency Management
Pierce County

Enclosures:

- Analysis of implementation options considered and justification for option selected
- Siting permits for non-congregate sheltering

Subsequent to President Trump's March 13, 2020, Nationwide Emergency Declaration for Coronavirus Disease 2019 (COVID-19) and the recognition that non-congregate sheltering may be necessary to save lives and protect health and safety during this Public Health Emergency, Pierce County requests approval for reimbursement of costs associated with non-congregate sheltering for the 4481-DR-WA COVID-19 event.

Pierce County requests a total of approximately \$5,281,750 be approved for reimbursement under Public Assistance category B – Emergency Protective Measures. This request is being made to ensure that Pierce County residents recover in a safe location and do not infect others around them.

Background:

CoVID-19 has continued to impact Pierce County's population. As of 3/25/2020 Pierce County has 155 cases. With growing case numbers, the critical importance to provide non-congregate sheltering options for individuals to recover from CoVID-19, or protect others from exposure, is key to our success in flattening the curve of this disease. There are key populations who need sheltering during this response to protect public health to include but not limited to: first responders, general public, anyone traveling, or those who are currently unhoused. Now is the time to stand up and implement non-congregate sheltering to mitigate further impacts to the residents of Pierce County. Equally, supporting our hospitals with available shelter for ill individuals is key. Hospital capacity is a critical need for those need significant levels of care. Providing a location for others with mild symptoms will drive down long term impacts to our healthcare systems. Timing is critical.

Current Pierce County cases are indicating impacts to high risk populations. Cases in current homeless shelters are impacting our ability to provide appropriate social distancing and isolation for positive cases. We anticipate up to 800 individuals from this population alone, will need temporary sheltering throughout this outbreak. Even with expanded shelter options, non-congregate sheltering will drive down spread of disease in the population, and the impacts to our current shelter systems both in the short and long-term. Additionally, as we monitor the international and national landscape of this disease, we are anticipating the importance of non-congregate living for impacted first responders, healthcare workers, and those in congregate living spaces. Our preparedness for those impacts to Pierce County is critical, and additional housing options will support our response early on.

Pierce County reviewed over 80 locations that could support non-congregate sheltering. Through community input, policy guidance (both local and public health), as well as the geographic requirements of our county, various options have elevated to the top of our list. These selection criteria not only support the minimum public health requirements, but provide quick access to healthcare, wrap around services, and most specifically individual living space for recovery. Our county is diverse and expansive. In order to provide accessible options for our residents, various facilities are being requested. Additionally, sites will be selected to provide access to the rural and urban areas of the county.

Cost Analysis:

Pursuant to the Public Assistance Program and Policy Guide (PAPPG), Chapter 2: VI.B.10.b *Sheltering*, Pierce County finds that non-congregate sheltering is the best available option for meeting the urgent needs of individuals displaced by Covid-19 and to protect health and safety

in the community. Initially, the sheltering will not extend beyond a 45-day duration. As the situation evolves, we will communicate with FEMA regarding any potential need for extension.

Therefore, the costs associated with the use of hotel rooms for emergency sheltering from March 27, 2020 through May 10, 2020 unless otherwise requested, totals \$5,281,750 for a total of 236 people.

FINANCIAL INFORMATION

Name	Address	People	Days	Start-Up Costs	Daily Rate	Post-Term Costs	Total Cost
Holiday Inn Tacoma Mall	8402 S. Hosmer Tacoma, WA 98444	124	45	\$224,780	\$39,020	\$316,980	\$2,297,660
Best Western Wesley Inn & Suites	6575 Kimball Drive Gig Harbor, WA 98335	82	45	\$153,130	\$31,370	\$230,890	\$1,795,590
Metropolitan Development Council	2342/2338 Tacoma Ave Tacoma, WA 98402	30	45	\$79,060	\$21,890	\$124,310	\$1,188,620

Conclusion:

Pierce County actively chose non-congregate sheltering to address the immediate public health and safety needs of individuals who are at risk. Pierce County conducted assessments to review over 80 locations from vacant building, parks, camps, and hotels. Due to public health guidance for individual living spaces, resource availability, infrastructure requirements, and access to sheltering for the affected population is ultimately the best way forward to preserve the health and safety of the community.

We confirm our review of the Regional Administrator's Memo re: Non-Congregate Sheltering Delegation of Authority and accept all criteria. Specifically, Pierce County confirms that funding to support non-congregate sheltering has not been received by any other federal agency. Pierce County will follow FEMA's Procurement Under Grants Conducted Under Exigent or Emergency Circumstances guidance; and include a termination for convenience clause in contracts. And applicable Environmental and Historic Preservation laws, regulations, and executive orders apply and will be adhered to as a condition of assistance.

. SPOKANE COUNTY FEMA REQUEST



STATE OF WASHINGTON
MILITARY DEPARTMENT
EMERGENCY MANAGEMENT DIVISION

*MS: TA-20, Building 20B
Camp Murray, Washington 98430-5122*

March 31, 2020

Mike O'Hare, FEMA Region X Administrator
Federal Emergency Management Agency
130 228th Street, SW
Bothell, WA 98021-8627

Thru: Trevor Stanley, Infrastructure Branch Director
Federal Emergency Management Agency
130 228th Street, SW
Bothell, WA 98021-8627

RE: Reimbursement for Non-Congregate Sheltering and Alternate Care Facility
Disaster: FEMA-4481-DR-WA COVID-19
Subrecipient: Spokane County
PA ID: 063-99063-00

Mr. O'Hare:

Subsequent to President Trump's March 13, 2020, Nationwide Emergency Declaration for Coronavirus Disease 2019 (COVID-19) and the recognition that non-congregate sheltering may be necessary to save lives and protect health and safety during this Public Health Emergency, Spokane County requests approval for reimbursement of costs associated with non-congregate sheltering for FEMA-4481-DR-WA COVID-19 event.

The County requests approximately \$5,750,000 be approved for reimbursement under Public Assistance (PA) Category B – Emergency Protective Measures. This request is to support an alternate care campus to ensure we can provide adequate care to the whole community. This center is designed to provide non-congregate sheltering - isolation and quarantine services as well as hospital surge capacity. Eastern Washington has seen a sharp increase in number of cases and hospitalizations warranting the planning for an alternate care campus to be functional within the next week to meet the current and anticipated demands. As of March 30, the County had 136 cases and growing. With growing case numbers, there is a critical need to provide non-congregate sheltering options for individuals to recover from COVID-19 and protect the entire community from further exposure.

Background:

COVID-19 continues to impact the County's population. As of March 30, the County had 136 cases and growing. With growing case numbers, the critical importance to provide non-

Conclusion:

Spokane County conducted comprehensive surveys and site assessments of vacant building, parks, camps, and hotels as part of the non-congregate analysis. The additional planning factor was an alternate care facility and the possible siting of an FMS facility.

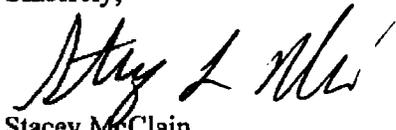
Spokane County actively chose non-congregate sheltering to address the immediate public health and safety needs of individuals that were identified in a gap analysis of the ability to provide care to the whole community. Spokane County conducted assessments to review potential sites for a fully integrated non-congregate sheltering – isolation and quarantine with a co-located alternate care facility adjacent to possible FMS facility. Due to the existing agreement and infrastructure existing at the Spokane County Fairgrounds, the site was chosen for the affected population as ultimately the best way forward to preserve the health and safety of the community.

We confirm our review of the Regional Administrator's Memo re: Non-Congregate Sheltering Delegation of Authority and accept all criteria. Specifically, Spokane County confirms that funding to support non-congregate sheltering and alternate care facility have not been received by any other federal agency. The County will follow FEMA's Procurement Under Grants Conducted Under Exigent or Emergency Circumstances guidance; and include a termination for convenience clause in contracts. And applicable Environmental and Historic Preservation laws, regulations, and executive orders apply and will be adhered to as a condition of assistance.

Thank you for your consideration of this request under Public Assistance (PA) Category B Emergency Protective Measures.

If you have any questions, please contact Gerard Urbas at (253) 512-7402 or gary.urbas@mil.wa.gov.

Sincerely,



Stacey McClain
State Coordinating Officer / Governor's Authorized Representative
FEMA-3427-EM-WA COVID-19
FEMA-4481-DR-WA COVID-19

Attachments:

- 1) Spokane Regional Health District – Spokane County Health Officer order for non-congregate shelter
- 2) Spokane County request letter

congregate sheltering options for individuals to recover from COVID-19 and protect others from exposure, is key to the County efforts to flatten the curve of this disease. Key County residents who need sheltering during this immediate response to protect public health include, but not limited to; first responders, general public, anyone traveling or visiting in the County, and those residents currently unhoused. This request is to support an alternate care campus to support non-congregate sheltering - isolation and quarantine services for those most vulnerable without the ability to self-isolate or quarantine. The request also includes an Alternate Care Facility (ACF) able to provide medical surge capacity as hospitals become overwhelmed. This will reduce the burden on hospitals to free up capacity for acute COVID patients. This campus needs to be able to accommodate up to 1,000 patients during a 30-day period.

The County surveyed/assessed over 30 locations that could support non-congregate sheltering but the planning factor for an ACF was also a very strong consideration as well. Through community input, policy guidance (local and public healthcare authorities), as well as County geographic and/or demographic requirements, siting options were narrowed. Various facilities were considered and assessed for this multi-use campus. The selection criteria not only support the minimum public health requirements, but provide time-critical access to healthcare, wrap-around services, and a safe and secure living space for patient recovery. The County determined its best option would be located at the Spokane County Fairgrounds, centrally located campus within the County. Various other facilities were considered and assessed for this campus. An existing County Fairgrounds agreement, along the facility assessment for a Federal Medical Station (FMS) supported the choice to use this location. This choice also factored in the Fairgrounds existing infrastructure and separate buildings with isolated HVAC units.

The Spokane County campus will serve not only County residents but will also provide COVID surge capacity for the Eastern Washington Regional Medical Centers to serve the needs of all 19 counties and 4 tribes. This campus will serve whole community, those most vulnerable and for impacted first responders, healthcare workers, and those in congregate living spaces.

Cost Analysis:

Pursuant to the Public Assistance Program and Policy Guide (PAPPG), Chapter 2: VI.B.10.b *Sheltering*, the County finds that non-congregate sheltering is the best available option for meeting the urgent needs of individuals displaced by COVID-19 and to protect the immediate health and safety of the community. Initially, non-congregate sheltering will not extend beyond a 30-day duration per PAPPG guidance. Based on County assessment, based on COVID-19 trends and healthcare authority’s guidance and direction, the County anticipates sheltering and ACF will not extend beyond 30 days. As the 30-day duration end date approaches, the County will reassess the COVID-19 threat, and may seek additional non-congregate shelter time be authorized from FEMA Regional Administrator.

Therefore, the costs associated with the use of the Spokane County Fairgrounds campus for emergency sheltering from April 6 to May 6, 2020 totals \$5,750,000 for up to 1000 people.

This estimate includes all fixed facility costs, staffing, equipment and supplies, and supporting services such as food, laundry, security, etc.

Financial Information							
Name	Address	People	Days	Start-up Costs	Daily Rate	Post-Term Costs	Total Cost
Spokane County Fairgrounds	404 N. Havana Str Spokane Valley, WA 99202	1000	30	\$375,000	\$166,667/day or \$166.67/person	\$375,000	\$5,750,000

ATTACHMENT (1)



1101 W. College Ave.
Spokane, WA 99201-2085

509.324.1500 | TEL
509.324.1464 | TDD
SRHD.org

Whereas on February 29, 2020, Governor Inslee proclaimed a state of emergency within the State of Washington due to COVID-19;

Whereas state law, RCW 70.05.070(2)-(3), requires and empowers the Local Health Officer to take such action as is necessary to maintain health and to control and prevent the spread of any contagious or infectious diseases within the jurisdiction;

Whereas state regulation, WAC 246-100-036, requires the Local Health Officer, when necessary, to institute disease control and containment control measures;

Whereas, scientific evidence and national public health guidance support strategies to slow the transmission of COVID-19 and protect vulnerable members of the public from avoidable risk of serious illness or death resulting from exposure to COVID-19;

Whereas, the age, condition, and health of a significant portion of the population of Spokane County places it at risk for serious health complications, including death, from COVID-19. Although most individuals who contract COVID-19 do not become seriously ill, persons with mild symptoms and asymptomatic persons with COVID-19 may place other vulnerable members of the public at significant risk; whereas a large surge in the number of persons with serious infections can compromise the ability of the regional healthcare system to deliver necessary healthcare to the public;

Whereas, the likelihood many individuals will be exposed to COVID-19 throughout our community;

Whereas this is issued in light of the existence of more than 130 cases of COVID-19 in Spokane County, Washington, as of March 29, 2020 to include more than 20 hospitalizations and four deaths;

Whereas, there has been substantial guidance from Washington State Department of Health, the Centers for Disease Control and Prevention, and other public health officials throughout the United States and around the world;

Whereas, there is need for the Inland COVID-19 Response Incident Management Team to establish and manage non-congregate sheltering for the minimum time necessary to meet the public health needs of the COVID-19 Public Health Emergency;

As the Local Health Officer, I support the request for approval of an eastern Washington established and managed COVID-19 pandemic outbreak non-congregate sheltering and support services to assist our response to the COVID-19 pandemic.

Signed this day of March 29, 2020, in Spokane, Washington, by

A handwritten signature in black ink, appearing to read "R. Lutz", written over a horizontal line.

Dr. Robert Lutz, Health Officer



ATTACHMENT (2)

Spokane County Department of Emergency Management

1121 W Gardner, Spokane, WA 99201 • 509-477-3046

March 30, 2020

Stacey McClain
State Coordinating Officer / Governor's Authorized Representative
FEMA 3427-EM-WA COVID-19
FEMA-4481-DR-WA COVID-19
MS: TA-20, Building 20
Camp Murray, Washington 98430-5122

RE: FEMA Non-Congregate Sheltering Delegation of Authority

Dear Mr. McClain:

The Inland COVID-19 Response Incident Management Team requests approval for an eastern Washington established and managed COVID-19 pandemic outbreak non-congregate sheltering and support services. Spokane County serves as the regional medical hub for advanced level care for the nine counties and three tribes of eastern Washington. While this alternate care shelter will be in Spokane County, we anticipate it will serve the needs of the surrounding nine counties and three tribes of eastern Washington.

Per FEMA COVID-19 Fact Sheets: Non-Congregate Sheltering Delegation of Authority; Procurement During Emergency/Exigent Circumstances Fact Sheet; and Eligible Emergency Protective Measures Fact Sheet; the following information is provided.

The non-congregate sheltering must be at the direction of and documented through an official order signed by a state, local, tribal, or territorial public health official.

- The Spokane County Regional Health Public Health Official working in conjunction with federal and state health authorities in responding to the Public Health and Presidentially declared National Emergency, as well as to Governor's Emergency Proclamation on COVID-19 related matters, directed the isolation and quarantine of those non-hospital admitted suspected or recovered COVID-19 patients in non-congregate sheltering per best available health authorities' guidance.

Any approval is limited to that which is reasonable and necessary to address the public health needs of the event and should not extend beyond the duration of the Public Health Emergency.

- The County of Spokane elected officials responding at the direction and guidance of public health officials and emergency management personnel, will establish and manage non-congregate sheltering for the minimum time necessary to meet the public health needs of the COVID-19 Public Health Emergency.

Applicants must follow FEMA's Procurement Under Grants Conducted Under Exigent or Emergency Circumstances guidance and include a termination for convenience clause in their contracts.

- The County of Spokane will follow local and state contracting requirements as well as the criteria outlined in the FEMA Procurement Under Grants Conducted Under Exigent or Emergency Circumstances Fact Sheet guidance. In addition, a termination for convenience clause will be included in the contracts.

Prior to approval, the applicant must provide an analysis of the implementation options that were considered and a justification for the option selected.

- The County of Spokane will provide a cost and feasibility analysis of the non-congregate sheltering options considered given the population affected, the criteria for meeting either quarantine or isolation, and any additional criteria required by cognizant public health authorities. In addition, a justification will be provided for the selected option.

The funding for non-congregate sheltering to meet the needs of the Public Health Emergency cannot be duplicated by another federal agency, including the U.S. Department of Health and Human Services or Centers for Disease Control and Prevention.

- The County of Spokane understands that funding for non-congregate sheltering to meet the needs of the Public Health Emergency cannot be duplicated by another federal agency and has not received funding for this requested non-congregate sheltering from any other federal funding source.

Applicable Environmental and Historic Preservation laws, regulations, and executive orders apply and must be adhered to as a condition of assistance.

- The County of Spokane, as part of the siting of non-congregate sheltering will comply with all local and state requirements. In addition, it is understood that given the nexus of federal funding, applicable federal environmental and historic preservation laws, regulations, and executive orders apply and must be adhered to as a condition of federal financial assistance

If there are any questions regarding this request for FEMA Non-Congregate Sheltering, please contact Dr. Bob Lutz, Spokane County Health Officer, at (509) 218-2013 or blutz@srhd.org.

Sincerely,



Chandra Fox, CEM
Deputy Director
Spokane County Emergency Management

Enclosures:

- Analysis of implementation options considered and justification for option selected
- Siting permits for non-congregate sheltering

SNOHOMISH COUNTY FEMA REQUEST



STATE OF WASHINGTON
MILITARY DEPARTMENT
EMERGENCY MANAGEMENT DIVISION

*MS: TA-20, Building 20B
Camp Murray, Washington 98430-5122*

March 31, 2020

Mike O'Hare, FEMA Region X Administrator
Federal Emergency Management Agency
130 228th Street, SW
Bothell, WA 98021-8627

Thru: Trevor Stanley, Infrastructure Branch Director
Federal Emergency Management Agency
130 228th Street, SW
Bothell, WA 98021-8627

RE: Reimbursement for Non-Congregate Sheltering
Disaster: FEMA-4481-DR-WA COVID-19
Subrecipient: Snohomish County
PA ID: 061-99061-00

Mr. O'Hare:

Subsequent to President Trump's March 13, 2020, Nationwide Emergency Declaration for Coronavirus Disease 2019 (COVID-19) and the recognition that non-congregate sheltering may be necessary to save lives and protect health and safety during this Public Health Emergency, Snohomish County requests approval for reimbursement of costs associated with non-congregate sheltering for FEMA-4481-DR-WA COVID-19 event.

The County requests approximately \$3,533,333 be approved for reimbursement under Public Assistance (PA) Category B – Emergency Protective Measures. This request is to ensure Pierce County residents recover in a safe location, not infect others around them, and break the spread of the disease. As of March 30, the County had 1,164 cases and growing. With growing case numbers, there is a critical need to provide non-congregate sheltering options for individuals to recover from COVID-19 and protect others from exposure to this disease.

Background:

COVID-19 continues to impact the County's population. As of March 30, the County had 1,164 cases and growing. With growing case numbers, the critical importance to provide non-congregate sheltering options for individuals to recover from CoVID-19 and protect others from exposure, is key to the County efforts to flatten the curve of this disease. Key County residents who need sheltering during this immediate response to protect public health include, but not limited to; first responders, general public, anyone traveling or visiting in the County, and those residents currently unhoused. The implementation of non-congregate sheltering is vital to

Conclusion:

Snohomish County assessed numerous options including hotels, county properties (parks and fair grounds), event centers, and private apartment complexes. The County conducted month-long survey and assessment of locations with a keen eye towards FEMA, HHS, CDC, and WA DOH guidance on reimbursement and requirements. The assessments included geographic limitations, demographics, and sheltering needs. Given resource availability, infrastructure requirements, medical and patient access, and affected population needs, a non-congregate shelter site with infrastructure that combines the needed resources onsite, for the affected population is ultimately the best way forward to preserve the health and safety of the community. After considering all options, the County determined a mixture of an events center, repurposed commercial building, and hoteling for the affected population was determined as the best minimum measures solution to implement.

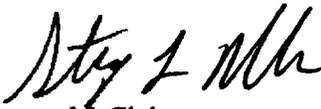
Snohomish County actively chose non-congregate sheltering to address the immediate public health and safety needs of individuals that were impacted by the COVID-19 pandemic outbreak. The County conducted assessments to review best alternative possibilities to address geographic limitations, demographics, and COVID-19 trends within the county. But due to resource availability, infrastructure requirements, and medical and patient access, the County determined a multiple options solution for non-congregate sheltering the affected population needed.

We confirm our review of the Regional Administrator's Memo re: Non-Congregate Sheltering Delegation of Authority and accept all criteria. Specifically, Snohomish County confirms that funding to support non-congregate sheltering has not been received by any other federal agency. The County will follow FEMA's Procurement Under Grants Conducted Under Exigent or Emergency Circumstances guidance; and include a termination for convenience clause in contracts. And applicable Environmental and Historic Preservation laws, regulations, and executive orders apply and will be adhered to as a condition of assistance.

Thank you for your consideration of this request under Public Assistance (PA) Category B Emergency Protective Measures.

If you have any questions, please contact Gerard Urbas at (253) 512-7402 or gary.urbas@mil.wa.gov.

Sincerely,



Stacey McClain
State Coordinating Officer / Governor's Authorized Representative
FEMA 3427-EM-WA COVID-19
FEMA-4481-DR-WA COVID-19

Attachments:

- 1) Snohomish County Health District – County Health Official order for non-congregate shelter
- 2) Snohomish County request letter



SNOHOMISH
HEALTH DISTRICT
WWW.SNOHD.ORG

ENCLOSURE C

ATTACHMENT (1)

Administration

March 31, 2020

TO: Federal Emergency Management Agency

SUBJECT: Non-Congregate Sheltering Facility for Isolation and Quarantine of Non-Domiciled Individuals

As part of containment efforts for control of COVID-19, individuals who do not have a domicile may require dedicated temporary shelter in order to be able to comply with directives of the Snohomish Health District for isolation (cases) or quarantine (contacts). Such a facility and its focused wrap-around services, which are aimed to reasonably ensure the short-term safety, hygiene, nutrition, and health needs of its inhabitants for the duration of their stay, are a critical component of SHD's overall containment efforts for COVID-19.

In coordination with the Snohomish County Department of Emergency Management, our local response effort is in the process of implementing non-congregate sheltering in a large vacant arena.

- Individual domiciles will be provided on the floor of the arena making use of rods, curtains, and fabric paneling to physically separate residents. Social distancing norms will be maintained.
- Confirmed COVID-19 cases of suspected cases with testing results pending will be isolated in separate clusters, respectively, of such domiciles.
- Asymptomatic individuals with documented exposures to COVID-19 who are undergoing quarantine will also be housed within a third cluster of domiciles within this facility.
- Special arrangements will be made for isolation and quarantine of families with young children, severely mentally ill individuals, and other psychologically highly vulnerable individuals to ensure their safety and well-being during the duration of their isolation or quarantine.

FEMA's assistance is needed for the implementation and operation of this facility, as well as like facilities to follow if the situation so dictates as the local manifestation of this COVID-19 pandemic evolves.

Thank you for supporting our community in its effort to address this emergency. If you have any questions regarding this request for support as a necessary part of SHD's response to COVID-19, please feel free to contact me.

Sincerely,

Christopher Spitters, MD, MPH
Health Officer

ATTACHMENT (2)



Snohomish County

**Department of Emergency
Management**

March 24, 2020

720 80th Street SW, Bldg. A
Everett, WA 98203
(425) 388-5060
www.snoco.org

Stacey McClain
State Coordinating Officer / Governor's Authorized Representative
FEMA 3427-EM-WA COVID-19
FEMA-4481-DR-WA COVID-19
MS: TA-20, Building 20
Camp Murray, Washington 98430-5122

Dave Somers
County Executive

RE: FEMA Non-Congregate Sheltering Delegation of Authority

Dear Mr. McClain:

Snohomish County requests approval for a Snohomish County-established and -managed COVID-19 pandemic outbreak non-congregate sheltering and support services.

Per FEMA COVID-19 Fact Sheets: Non-Congregate Sheltering Delegation of Authority; Procurement During Emergency/Exigent Circumstances Fact Sheet; and Eligible Emergency Protective Measures Fact Sheet; the following information is provided:

The non-congregate sheltering must be at the direction of and documented through an official order signed by a state, local, tribal, or territorial public health official.

- The Snohomish Health District's Health Officer, working in conjunction with federal and state health authorities in responding to the Public Health and Presidentially declared National Emergency, as well as to Governor's Emergency Proclamation on COVID-19 related matters, directed the isolation and quarantine of those non-hospital admitted suspected or recovered COVID-19 patients in non-congregate sheltering per best available health authorities guidance.

Any approval is limited to that which is reasonable and necessary to address the public health needs of the event and should not extend beyond the duration of the Public Health Emergency.

- Snohomish County elected officials responding at the direction and guidance of public health officials and emergency management personnel, will establish and manage non-congregate sheltering for the minimum time necessary to meet the public health needs of the COVID-19 Public Health Emergency.

Applicants must follow FEMA's *Procurement Under Grants Conducted Under Exigent or Emergency Circumstances* guidance and include a termination for convenience clause in their contracts.

Stacey McClain
March 24, 2020

- Snohomish County will follow local and state contracting requirements as well as the criteria outlined in the FEMA *Procurement Under Grants Conducted Under Exigent or Emergency Circumstances Fact Sheet* guidance. In addition, a termination for convenience clause will be included in the contracts.

Prior to approval, the applicant must provide an analysis of the implementation options that were considered and a justification for the option selected.

- Snohomish County will provide a cost and feasibility analysis of the non-congregate sheltering options considered given the affected population affected, the criteria for meeting either quarantine or isolation, and any additional criteria required by cognizant public health authorities. In addition, a justification will be provided for the selected option.

The funding for non-congregate sheltering to meet the needs of the Public Health Emergency cannot be duplicated by another federal agency, including the U.S. Department of Health and Human Services or Centers for Disease Control and Prevention.

- Snohomish County understands that funding for non-congregate sheltering to meet the needs of the Public Health Emergency cannot be duplicated by another federal agency and has not received funding for this requested non-congregate sheltering from any other federal funding source.

Applicable Environmental and Historic Preservation laws, regulations, and executive orders apply and must be adhered to as a condition of assistance.

- Snohomish County, as part of the siting of non-congregate sheltering will comply with all local and state requirements. In addition, it is understood that given the nexus of federal funding, applicable federal environmental and historic preservation laws, regulations, and executive orders apply and must be adhered to as a condition of federal financial assistance

If there are any questions regarding this request for FEMA Non-Congregate Sheltering, please contact Alessandra Durham, ESF 6 Lead at (425) 330-3081 or esf6.activation@snoco.org.

Sincerely,



Jason Biermann
Director

Enclosures:

- A - Analysis of implementation options considered and justification for option selected
- B - Siting permits for non-congregate sheltering
- C - Letter from Snohomish County Health Officer, Dr. Chris Spitters

Stacey McClain
March 24, 2020

Enclosure A

Subsequent to President Trump's March 13, 2020, Nationwide Emergency Declaration for Coronavirus Disease 2019 (COVID-19) and the recognition that non-congregate sheltering may be necessary to save lives and protect health and safety during this Public Health Emergency, Snohomish County requests approval for reimbursement of costs associated with non-congregate sheltering for 4481-DR-WA COVID-19 event.

Snohomish County requests a total of approximately \$3,533,333 be approved for reimbursement under Public Assistance category B – Emergency Protective Measures. This request is made to provide non-congregate shelters for isolation, quarantine, and recovery for persons who are otherwise unable to isolate, quarantine, or recover in their own home. With growing case numbers, there is critical need to protect others from exposure to this disease and provide sheltering options for recovery.

Background:

COVID-19 continues to dramatically impact Snohomish County's population. As of March 30, 2020, Snohomish County has 1,164 cases; that number grows daily. With a significant number of cases, it is critically important to provide non-congregate sheltering options for individuals to be isolated, quarantined and recover from COVID-19. Non-congregate sheltering options provide protection to Snohomish County residents, our unsheltered population, first responders, and the general public's health.

The implementation of non-congregate shelters supports our hospitals, freeing up critical bed space at a time when we must take every measure to sustain hospital capacity. By sheltering those who are experiencing mild symptoms and not in need of acute care, we lessen the burden on facilities and providers who must attend to those who are seriously ill.

Non-congregate shelters also address one of our most at-risk populations, our unsheltered. We know that many of these individuals suffer from co- or tri-occurring disorders, which often includes respiratory, diabetic, and/or cardiac issues. Our existing homeless shelters practice social distancing and following CDC guidelines, yet already report clients with symptoms and in need of quarantine and isolation. Sadly, most of our unsheltered population do not have access to a shelter and based on our calculations, we anticipate nearly 500 unsheltered individuals will contract COVID-19. Non-congregate shelters offer an opportunity to mitigate the spread of the virus.

Finally, as the virus spreads, we recognize that providers, first responders, and many others may contract the virus and be unable to quarantine or isolate themselves at home without endangering other members of their household. Preparing for all of these impacts is critical and extremely time-sensitive. Non-congregate shelters are needed now to meet public health needs of Snohomish County.

The County assessed numerous options including hotels, county properties (our parks and fair grounds), event centers, and private apartment complexes. Ultimately, our decision criteria considered where was the greatest potential need, distance to hospitals, logistics of setting up and supporting sites, and need for accessibility. These criteria not only address the public health requirements; they also address quick access to advanced healthcare, the availability of wraparound services, and the ability to have a facility rapidly available to address the needs.

Stacey McClain
March 24, 2020

The population in need is diverse and solutions to helping them must be equally so. To address this diversity, we identified several locations and request support for them.

Cost Analysis:

Pursuant to the Public Assistance Program and Policy Guide (PAPPG), Chapter 2: VI.B.10.b *Sheltering*, Snohomish County finds that non-congregate sheltering is the best available option for meeting the urgent needs of individuals displaced by Covid-19, and to protect health and safety in the community. Initially, the sheltering will not extend beyond a 30-day duration as per PAPPG guidance. As the situation evolves, we will communicate with FEMA regarding any potential need for extension.

The costs associated with the use of non-congregate sheltering from April 1, 2020 to April 30, 2020 (30-days) is 3,533,333 for 313 people:

Cost Breakdown

Location	# of people served	# of days	Total Cost
Angel of the Winds Arena Everett, WA	160	30	\$3,000,000.00
Carnegie Building Everett, WA	43	30	\$112,522.00
Motel Vouchers Countywide	130	30	\$420,811.00

Conclusion:

Snohomish County proactively chose non-congregate sheltering to address the immediate public health and safety needs of individuals that were impacted by the COVID-19 pandemic outbreak. We began planning these locations over a month ago and have navigated changes to FEMA, HHS, CDC, and DOH guidance on reimbursement and requirements. Snohomish County conducted assessments to review geographic limitations, demographics, and sheltering needs. Due to resource availability, infrastructure requirements, medical and patient access, and affected population needs, a non-congregate shelter site with infrastructure that combines the needed resources onsite, for the affected population is ultimately the best way forward to preserve the health and safety of the community.

We confirm our review of the Regional Administrator's Memo re: Non-Congregate Sheltering Delegation of Authority and accept all criteria. Specifically, Snohomish County confirms that funding to support non-congregate sheltering has not been received by any other federal agency. Snohomish County will follow FEMA's Procurement *Under Grants Conducted Under Exigent or Emergency Circumstances* guidance; and include a termination for convenience clause in contracts. And applicable Environmental and Historic Preservation laws, regulations, and executive orders apply and will be adhered to as a condition of assistance.

Stacey McClain
March 24, 2020

Enclosure B

Not applicable at this time

DECLARATION OF
TRISHA LOGUE

SUPREME COURT OF THE STATE OF WASHINGTON

SHAYNNE COLVIN, et al.,
Petitioners,

v.

JAY INSLEE, et al.,
Respondents.

DECLARATION OF
TRISHA LOGUE

I, TRISHA LOGUE, I declare under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I am the County Administrator and Budget and Finance Director for Skagit County, Washington. I am a licensed Certified Public Accountant and have worked for Skagit County since November 1994 in various financial positions and have been responsible for the County budget since April 2000.

2. As Budget and Finance Director, I am responsible for preparing a recommended budget for the County and implementing the budget process. I also provide financial, strategic, and capital planning, forecast revenues and expenditures, advise on fiscal policy, and report on performance measures. It is my responsibility to ensure the Board of County Commissioners is informed about the budget and educated enough

to make decisions. I have the responsibility of ensuring all County funds are budgeted and used only for their statutorily allowed purposes.

3. For counties that adopt annual budgets, each year a county board of commissioners must adopt a budget that contains detailed and itemized estimates of expenditures. Then the board of county commissioners levies taxes, less anticipated revenues from other sources, sufficient to cover the estimated expenditures adopted in the budget. The taxes levied must not exceed the amount specified in the preliminary budget and must be within statutory limitations. County officials may not exceed appropriations or incur liabilities beyond those adopted in the annual budget. While the board of county commissioners will make revisions to the annual budget for unanticipated local, state, or federal funds, or to account for emergencies (expenses which could not reasonably have been foreseen at the time of making the budget), no additional taxes may be levied to cover additional expenditures.

4. A board of county commissioners may make expenditures not appropriated in the annual budget to fund emergencies, but again the board has no authority to levy taxes to fund emergency expenditures and must rely on other sources to fund emergency expenditures. Most counties have what is referred to as an unrestricted fund balance, or

reserves, to use as a source of funding for unanticipated needs, such as the COVID-19 pandemic presents.

5. Counties have balanced budget requirements, meaning that declines in revenues, if not offset by increases in state or federal funding directed to counties, must be met by spending cuts.

6. County revenues and expenditures fund a myriad of public services such as law enforcement, prosecution, public defense, court systems, jails, elections, parks, licensing, recording, tax assessment and collection, road maintenance, solid waste collection and disposal, public health, emergency management, senior services, mental health and substance use disorder services, emergency medical services and coroner activities.

7. The economic shock to counties from the coronavirus pandemic has been sudden and unprecedented. Within the span of just a couple weeks, many businesses and public gathering spaces have been shut down statewide, and consumer spending on non-emergency items has plummeted. Counties are likely to see significant reductions in many tax revenues. While the full effect of these impacts will not be known for some time, it is clear they will be significant.

8. For example, a major source of income for counties is the retail sales and use tax. Businesses making retail sales in counties (e.g.,

retail trade, travel, tourism, restaurants/bars, movie theaters, etc.) collect sales tax from customers, and counties receive a portion of those taxes. The Governor's order closing all but essential business means counties will receive much lower sales tax revenue to fund public services.

9. Lower sales taxes and increased spending to fund expenditures made necessary by the COVID-19 pandemic, including but not limited to supplies, sheltering, public health needs, and other emergency needs will assuredly impose severe strains on county budgets. According to a recent publication from the Brookings Institution, “[l]arge scale “social distancing” will reduce consumer spending and workers’ wages and, in turn, cause sales and income tax revenues to plummet.” <https://www.brookings.edu/blog/up-front/2020/03/23/how-will-the-coronavirus-affect-state-and-local-government-budgets/> .

10. Another source of county funding is lodging taxes. A weekly report on U.S. consumer spending and how it has changed in response to COVID-19, appears in the Factus Insight Report on Consumer Spending and Transactions (FIRST). Factus reports that lodging spending is down nationwide by over 70 percent.” <https://first.factus.com/>

11. The full effect of the economic impacts on county revenue—which is used to fund public services such as law enforcement,

crime response, coroner activities, parks, licensing, recording, tax collection, and numerous other services, will not be known for some time, but it is clear they will be significant. Many businesses will be vulnerable to closure, many employees may lose their jobs and sources of income, and state and local government revenue will dramatically decrease, resulting in a reduction in funding for the services they provide.

12. During the last recession, Skagit County experienced a decrease in sales tax revenue of almost 24 percent. If that happens again, the loss of revenue to Skagit County will be in excess of \$7 million in a single year. This is a loss of funding to provide services such as law enforcement, senior services, public health as well as jail operations, economic development projects, 911 communication systems, low-income housing, mental health services, and tourism promotion.

13. The Government Finance Officers Association represents public financial officials throughout the United States and Canada and has been around since 1906. Their mission is to advance excellence in public finance. Part of fulfilling this mission is to provide guidance on certain accounting matters. Specifically, they recommend counties create policies that set minimum fund balances adequate to mitigate current and future risks, such as revenue shortfalls and unanticipated expenditures. Their recommendation, at a minimum, for general-purpose governments is to

have no less than 2 months of operating revenues or expenses. While Skagit County began the year with reserves in excess of this amount, there was certainly no anticipation of a pandemic that would not only have a direct increase in expenditures, but also a significant reduction in revenues.

14. While Skagit County has received some funding awards already from the Department of Commerce, it isn't nearly adequate to cover all expenses. It is limited to, and has been allocated for, specific purposes like isolation and quarantine facilities and sanitation. Further, we expect we may receive up to 75 percent reimbursement of allowable expenses from the Federal Emergency Management Agency. However, this funding source does not replace lost revenue.

15. In the 2020 budget, Skagit County has allocated over 70 percent of its general fund budget to provide law and justice services to its citizens. If sales tax decreases like it did in the last recession, the loss in revenue is equivalent to over \$2.9 million in the general fund, or over 40 percent of our Sheriff Patrol division. In addition, because the Community Justice Center (Jail) is funded partially by sales tax revenues specific to that purpose, a reduction in sales tax revenue would mean the County General Fund would need to come up with an additional \$2 million, further impacting the ability to provide essential government services.

SIGNED on April ____, 2020 at Mount Vernon, Washington.

/s/ Trisha Logue

TRISHA LOGUE

NO. 98317-8

SUPREME COURT OF THE STATE OF WASHINGTON

SHAYNNE COLVIN, et al.,

Petitioners,

v.

JAY INSLEE, et al.,

Respondents.

DECLARATION OF
GARY ROWE

I, GARY ROWE, I declare under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. From 2009 to 2018, I was under contract with the Washington State Association of Counties (WSAC) as Managing Director of the Washington State Association of County Engineers, the transportation affiliate of WSAC. I am currently provide WSAC with policy and financial analysis and data, as needed, on a variety of county-related issues.

2. I am also a licensed professional civil engineer. I am past president of the National Association of County Engineers, past president of Washington State Association of County Engineers, served as the managing director of the Washington State Association of County

Engineers for nearly ten years, and am the recipient of the Washington State Rural County Engineer of the Year Award.

3. From 2002 to 2008, I served as the County Administrator for Skagit County. In that position, I was responsible for all county functions reporting to the Board of County Commissioners. My role included development of the county budget, strategic planning, organizational goals and objectives, and coordination of department management. I represented Skagit County on various local boards and committees.

4. Prior to my employment in Skagit County, I worked for 27 years in Jefferson County. I held positions as the Public Works Director, County Engineer, and as the Deputy County Administrator. As the Deputy County Administrator, I assisted in preparation and management of the County budget, and worked closely in management over fleet services, information technology and facilities.

5. I have served on numerous boards and councils, including the Economic Development Association of Skagit County, Washington State Capital Projects Advisory Review Board, Washington State Infrastructure Assistance Coordination Council, and Puget Sound Partnership.

6. I have been examining taxable sales data published by the Washington State Department of Revenue (DOR) before, during, and after the last economic recession. According to the National Bureau of Economic Research, the last economic recession began in December 2007 and ended in June 2009, lasting 18 months. The impact to counties lasted much longer with overall county general fund revenues increasing by only 10% over the 5-year period following the onset of the recession.

<https://www.nber.org/cycles/sept2010.html>

7. I compared the reduction in taxable sales and found that during the recession, per capita taxable sales dropped 15 percent from 2007 to 2009. DOR has published annual taxable sales only through the third quarter of 2019 and sales tax distributions through the first two months of 2020. Local basic sales tax distributions to counties dropped by 12.8% from 2007 to 2009. This decline amounted to \$44 million. The same decline using 2019 data would equate to \$70 million.

8. The decline in basic sales tax revenue would be in addition to impacts to other local option taxes including Criminal Justice, Public Safety, Emergency Communications, Corrections Facilities, and Rural Sales Tax.

9. In addition to the impact on local sales tax revenues, county property tax revenue will grow at a slower rate with declines in newly

constructed improvements being added to the tax rolls. In 2018, new construction added nearly 1.8% to county property tax revenues. During the 2007-09 recession and subsequent years, new construction fell from \$21 billion to \$7 billion.

10. I have estimated the short term change at -10% for sales tax revenues and -25% to new construction resulting in -.5% reduction in general property taxes. I have also estimated a longer term change if the economic recovery is slower than anticipated at -20% for sales tax revenues and -50% for new construction resulting in -1% reduction in property tax revenues. Collectively the impacts total \$90 million for the short term and \$180 million for a longer term impact. These impacts do not include potential impacts to special purpose funds.

11. Short term losses are based on the economy declining for the remainder of 2019 starting with the 12.8% historical decline, and projecting that for the remainder of 2019 ($3/4 \times .128 = .096$, rounded to 10%), and assuming the economy recovers to pre-pandemic levels by the end of the year. The longer term assumes there is a steeper decline at 20% and it lasts through 2021.

12. The impact to individual counties will vary, but the combined impact of lost sales tax and property tax revenue to Pierce County, as an example, would be just under \$11.3 million in the short-

term and around \$22.6 million long-term, for Yakima County, around \$2.75 million short-term and \$5.5 million long-term and for Spokane County, around \$7.2 million short-term and just under \$14.5 million long-term. *See Exhibit A attached.*

13. Counties are in dire financial straits that would only be exacerbated by a large release of inmates needing immediate social services from the counties in order to have shelter, food, and other basic needs.

SIGNED on April 15, 2020 at Nordland, Washington.

/s/Gary Rowe
GARY ROWE

Exhibit A
COVID-19
Fiscal Impact Assessment

COVID-19 Fiscal Impact Assessment

For Sales Tax and Property Tax Only

Short Term					
Reduction %	-10.00%		-0.50%		
County	Sales Tax	Reduced Sales Tax	Property Tax	Reduced Property Tax	Total
Adams County	3,025,498	(302,550)	3,769,245	(18,846)	(321,396)
Asotin County	1,578,616	(157,862)	3,277,861	(16,389)	(174,251)
Benton County	32,208,112	(3,220,811)	23,645,157	(118,226)	(3,339,037)
Chelan County	13,698,853	(1,369,885)	13,564,854	(67,824)	(1,437,710)
Clallam County	11,924,105	(1,192,411)	11,021,174	(55,106)	(1,247,516)
Clark County	42,651,615	(4,265,162)	65,967,212	(329,836)	(4,594,998)
Columbia County	1,974,450	(197,445)	1,546,569	(7,733)	(205,178)
Cowlitz County	12,566,579	(1,256,658)	20,524,626	(102,623)	(1,359,281)
Douglas County	10,977,519	(1,097,752)	6,511,068	(32,555)	(1,130,307)
Ferry County	735,875	(73,588)	1,159,320	(5,797)	(79,384)
Franklin County	11,160,019	(1,116,002)	11,114,215	(55,571)	(1,171,573)
Garfield County	279,279	(27,928)	799,901	(4,000)	(31,927)
Grant County	14,333,354	(1,433,335)	19,097,299	(95,486)	(1,528,822)
Grays Harbor County	9,545,392	(954,539)	11,057,774	(55,289)	(1,009,828)
Island County	11,773,805	(1,177,381)	8,623,841	(43,119)	(1,220,500)
Jefferson County	6,265,847	(626,585)	8,127,481	(40,637)	(667,222)
King County	152,243,883	(15,224,388)	662,612,172	(3,313,061)	(18,537,449)
Kitsap County	43,781,436	(4,378,144)	34,169,857	(170,849)	(4,548,993)
Kittitas County	11,638,874	(1,163,887)	9,298,428	(46,492)	(1,210,380)
Klickitat County	2,768,584	(276,858)	4,793,490	(23,967)	(300,826)
Lewis County	12,519,063	(1,251,906)	12,954,134	(64,771)	(1,316,677)
Lincoln County	1,510,359	(151,036)	2,220,267	(11,101)	(162,137)
Mason County	9,454,683	(945,468)	10,206,475	(51,032)	(996,501)
Okanogan County	4,900,018	(490,002)	6,149,631	(30,748)	(520,750)
Pacific County	3,007,630	(300,763)	4,084,477	(20,422)	(321,185)
Pend Oreille County	1,469,217	(146,922)	2,140,573	(10,703)	(157,625)
Pierce County	113,048,741	(11,304,874)	123,872,772	(619,364)	(11,924,238)
San Juan County	7,943,457	(794,346)	5,856,231	(29,281)	(823,627)
Skagit County	23,783,905	(2,378,391)	26,313,612	(131,568)	(2,509,959)
Skamania County	1,436,461	(143,646)	2,289,631	(11,448)	(155,094)
Snohomish County	79,888,539	(7,988,854)	91,192,533	(455,963)	(8,444,817)
Spokane County	69,611,300	(6,961,130)	56,693,842	(283,469)	(7,244,599)
Stevens County	4,094,819	(409,482)	6,692,232	(33,461)	(442,943)
Thurston County	34,892,914	(3,489,291)	42,614,865	(213,074)	(3,702,366)
Wahkiakum County	363,325	(36,333)	1,008,614	(5,043)	(41,376)
Walla Walla County	8,863,937	(886,394)	9,025,739	(45,129)	(931,522)
Whatcom County	30,245,843	(3,024,584)	30,475,439	(152,377)	(3,176,961)
Whitman County	4,707,793	(470,779)	6,534,425	(32,672)	(503,451)
Yakima County	26,072,463	(2,607,246)	28,827,274	(144,136)	(2,751,383)
Total	832,946,162	(83,294,616)	1,389,834,310	(6,949,172)	(90,243,788)

COVID-19 Fiscal Impact Assessment

For Sales Tax and Property Tax Only

Longer Term					
Reduction %	-20.00%		-1.00%		
County	Sales Tax	Reduced Sales Tax	Property Tax	Reduced Property Tax	Total
Adams County	3,025,498	(605,100)	3,769,245	(37,692)	(642,792)
Asotin County	1,578,616	(315,723)	3,277,861	(32,779)	(348,502)
Benton County	32,208,112	(6,441,622)	23,645,157	(236,452)	(6,678,074)
Chelan County	13,698,853	(2,739,771)	13,564,854	(135,649)	(2,875,419)
Clallam County	11,924,105	(2,384,821)	11,021,174	(110,212)	(2,495,033)
Clark County	42,651,615	(8,530,323)	65,967,212	(659,672)	(9,189,995)
Columbia County	1,974,450	(394,890)	1,546,569	(15,466)	(410,356)
Cowlitz County	12,566,579	(2,513,316)	20,524,626	(205,246)	(2,718,562)
Douglas County	10,977,519	(2,195,504)	6,511,068	(65,111)	(2,260,614)
Ferry County	735,875	(147,175)	1,159,320	(11,593)	(158,768)
Franklin County	11,160,019	(2,232,004)	11,114,215	(111,142)	(2,343,146)
Garfield County	279,279	(55,856)	799,901	(7,999)	(63,855)
Grant County	14,333,354	(2,866,671)	19,097,299	(190,973)	(3,057,644)
Grays Harbor County	9,545,392	(1,909,078)	11,057,774	(110,578)	(2,019,656)
Island County	11,773,805	(2,354,761)	8,623,841	(86,238)	(2,440,999)
Jefferson County	6,265,847	(1,253,169)	8,127,481	(81,275)	(1,334,444)
King County	152,243,883	(30,448,777)	662,612,172	(6,626,122)	(37,074,898)
Kitsap County	43,781,436	(8,756,287)	34,169,857	(341,699)	(9,097,986)
Kittitas County	11,638,874	(2,327,775)	9,298,428	(92,984)	(2,420,759)
Klickitat County	2,768,584	(553,717)	4,793,490	(47,935)	(601,652)
Lewis County	12,519,063	(2,503,813)	12,954,134	(129,541)	(2,633,354)
Lincoln County	1,510,359	(302,072)	2,220,267	(22,203)	(324,274)
Mason County	9,454,683	(1,890,937)	10,206,475	(102,065)	(1,993,001)
Okanogan County	4,900,018	(980,004)	6,149,631	(61,496)	(1,041,500)
Pacific County	3,007,630	(601,526)	4,084,477	(40,845)	(642,371)
Pend Oreille County	1,469,217	(293,843)	2,140,573	(21,406)	(315,249)
Pierce County	113,048,741	(22,609,748)	123,872,772	(1,238,728)	(23,848,476)
San Juan County	7,943,457	(1,588,691)	5,856,231	(58,562)	(1,647,254)
Skagit County	23,783,905	(4,756,781)	26,313,612	(263,136)	(5,019,917)
Skamania County	1,436,461	(287,292)	2,289,631	(22,896)	(310,189)
Snohomish County	79,888,539	(15,977,708)	91,192,533	(911,925)	(16,889,633)
Spokane County	69,611,300	(13,922,260)	56,693,842	(566,938)	(14,489,198)
Stevens County	4,094,819	(818,964)	6,692,232	(66,922)	(885,886)
Thurston County	34,892,914	(6,978,583)	42,614,865	(426,149)	(7,404,731)
Wahkiakum County	363,325	(72,665)	1,008,614	(10,086)	(82,751)
Walla Walla County	8,863,937	(1,772,787)	9,025,739	(90,257)	(1,863,045)
Whatcom County	30,245,843	(6,049,169)	30,475,439	(304,754)	(6,353,923)
Whitman County	4,707,793	(941,559)	6,534,425	(65,344)	(1,006,903)
Yakima County	26,072,463	(5,214,493)	28,827,274	(288,273)	(5,502,765)
Total	832,946,162	(166,589,232)	1,389,834,310	(13,898,343)	(180,487,576)

CERTIFICATE OF SERVICE

I, Laurie Hughes, declare, under penalty of perjury under the laws of the State of Washington, that I am now and at all times herein mentioned, a resident of the state of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be served: (1) RAP 1.2, 9.1 and 18.8 Motion of *Amicus Curiae* Washington State Association of Counties to Supplement Record, (2) Brief of *Amici Curiae* Washington State Association of Counties, and (3) Additional Evidence on Review to Support *Amicus Curiae* Brief of Washington State Association of Counties

in the manner noted upon the following:

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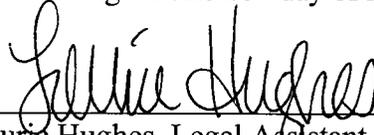
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Teymur Askerov
tim@blacklawseattle.com

Via U.S. Mail
 Via Court of Appeals
portal

SIGNED in Port Orchard, Washington this 16th day of April, 2020.



Laurie Hughes, Legal Assistant
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614 Division Street, MS-35A
Port Orchard WA 98366
Phone: 360-337-7032

KITSAP COUNTY PROSECUTING ATTORNEY'S OFFICE - CIVIL DIVISION

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