

# Issues & Impacts

Seattle King County REALTORS® (SKCR) is working to ensure that public policies support homeownership and your business's bottom line. Please contact David Crowell, Director of Governmental & Public Affairs, at [dcrowell@nwrealtor.com](mailto:dcrowell@nwrealtor.com) with any local legislative issues that may need our attention. **The next issue will be released in April 2021.**

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## HOUSING INVENTORY

### Overview of Growth Planning - Housing Targets and the Growth Management Planning Council



By 2044, King County is projected to grow by 660,850 people, 490,850 jobs and 296,800 housing units.

King County and its cities have begun the process of updating the Countywide Planning Policies (CPP) regional growth targets. This process is informed by the Urban Growth Capacity Study (UGCS) which is in the final phase of data reporting.



Ultimately, the county and each city within the county will be assigned new housing targets for updating their comprehensive plans which are due in 2024. These new targets are expected to be formally adopted in June of 2021 by the Growth Management Planning Council (GMPC).



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The GMPC developed and adopts the Countywide Planning Policies, providing a countywide vision and serving as a framework for each jurisdiction to develop its own comprehensive plan, which must be consistent with the overall vision for the future of King County.

SKCR has been active in this process since the beginning. We have fought to bring the consumer demand and land capacity data in line with the market and actual conditions on the ground. Many cities, on the other hand, have sought to resist increased housing growth which has further pressured price and affordability.

We are engaged in ongoing conversations with county staff and elected representatives on the GMPC to encourage all steps be taken to establish housing targets that meet actual demand and guard against the ability of some cities to deflect their share of the growth.

## Background

The Growth Management Act (GMA), passed by the State Legislature in 1990, requires that counties and cities develop a collaborative set of framework policies to guide development of each jurisdiction's comprehensive plan.

The Growth Management Planning Council (GMPC) is a formal body, currently consisting of elected officials from King County, Seattle, Bellevue, other cities and towns in King County, special purpose districts, and the Port of Seattle.

Regional planning involves collaboration, trade-offs and difficult choices about the appropriate level of growth, its location, the type of growth to be encouraged, public spending, governance decisions, environmental protection, and the quality of life in King County. Through the GMPC, jurisdictions within King County work together to plan for economic and population growth in King County.

## South King County Cities Working to Create "Housing Action Plans"

For REALTORS® and their clients, dealing with multiple offers on purchase and sale transactions continues to be "the rule" rather than "an exception." Even in South King County where prices are lower, there still isn't enough housing for everyone who needs a place to live, and prices are so high that millennial households would have to save for years to be able to cobble-together enough money for the down payment.



In fact, a study by Point2Homes found that millennials hoping to buy a home in Seattle would have to save 8% of their income for up to 16 years to afford a 20% down payment of \$130,829 on a house, making our area among the 10 least affordable cities in the nation. Even if households save 20% of their income, it would take an average of 6.4 years. However, for the last decade the average household's savings rate has been just 8%. According to the study, "Even if they're considering 0%, 3% or 5% down payment mortgages, very few of the 100 largest cities in the country have houses for sale that are spacious enough to meet millennials' pandemic-induced demands...and nearly 5% of millennials surveyed also said they had less than \$10,000 saved for a down payment."

So, with affordability in King County already beyond the reach of most households seeking their first home, last year the state legislature passed House Bill 1923 to create incentives for local governments to modify their comprehensive plans and zoning regulations to accommodate more housing. Then, earlier this year, the legislature “sweetened the pot” and also expanded the incentives to make them available to all cities, instead of limiting the incentives to just the larger cities in urban areas.

The new law gives the state Department of Commerce authority to provide cities \$100,000 to create local “Housing Action Plans” to increase the number of housing units. Housing Action Plans are intended to be tools that cities can use to document existing housing needs and identify strategies to increase the amount and type of housing options for current and future residents.



Several cities in South King County have not only applied to the Department of Commerce for the \$100,000 in funding, but are also nearing completion of their work on their respective new Housing Action Plans, including Renton, Covington, SeaTac and Burien. The following are summaries of two examples of what the cities are doing in Burien and SeaTac:

### **Burien’s Housing Action Plan**

The city of Burien contracted with ECONorthwest to prepare “Housing Needs Analysis,” together with recommendations and implementation steps to address current housing conditions and future housing needs in the city, as well as potential steps to encourage more housing development.



The city’s population has grown by 9.2% (from 47,600 to 52,000) since 2011 and is expected to add 6,500 more residents between 2020 and 2040, according to the state’s Office of Financial Management. However, Burien’s housing market has not kept pace with the increased demand brought-on by new residents, resulting in higher housing prices. Even with higher housing prices, and despite the fact that 40% of households earn less than 50% of the area median income, Burien has become increasingly diverse. The share of residents who are Black, Indigenous, and Persons of Color (BIPOC) increased at a rate faster than white households between 2010 and 2018.

One of the key findings that under-pins the City’s proposed approach is that developers in Burien will need to produce housing at a faster rate than they have in the past. According to the City, the annual development trajectory needs to increase by 64% above historic, average annual housing production.



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Burien recognizes there is no “silver bullet” but acknowledges that securing enough housing for everyone who needs a place to live will entail at least four strategies:

- Preserving Affordable Housing and Preventing Displacement
  - o Retaining affordable market-rate units
  - o Monitoring regulated properties
  - o Monitoring neighborhoods at highest risk for displacement
  - o Exercising caution when proposing land-use changes
  - o Providing support to more tenants, and
  - o Providing homeowner assistance.
- Increasing Both Market-Rate and Affordable Housing Production in Downtown Burien
  - o Reducing parking requirements
  - o Expanding the Multifamily Tax Exemption (MFTE) Program
  - o Creating inclusionary housing programs
- Supporting Investments in Transit Corridors, and in the Downtown Urban Center
  - o Modifying development standards to support Transit-Oriented Development
  - o Creating a MFTE program in future transit corridors
- Increasing Housing Options and Housing Choices
  - o Allowing “Middle Housing” types of units in single dwelling zones
  - o “Middle Housing” policy amendments in the Housing Element of the City’s Comprehensive Plan



## SeaTac’s Housing Action Plan

The three main components of the proposed Housing Action Plan for the city of SeaTac include:

1. A Housing Needs Assessment that assesses the City’s current housing goals, housing needs and market demand.
2. Identifying strategies that increase the amount and type of housing options for households at all income levels, including strengthening single-family and multi-family neighborhoods, focusing on housing opportunities near light rail stations, and potential “missing middle” options such as duplexes, triplexes, townhouses; and
3. Conducting a robust, inclusive community engagement process to ensure the plan reflects input from all of SeaTac’s communities.

Earlier this year, SeaTac hired a consulting firm to assist with the project, collected housing and market data, and began drafting the housing needs assessment which is almost completed.



*Photo Courtesy of National Association of Home Builders*

The work to-date reflects a mix of housing options in SeaTac:

- 52% are single family houses, and 46% are apartments & duplexes
- About half of all households are homeowners, and the other half are renters
- More than 60% of the housing in SeaTac is 40+ years old
- SeaTac has grown more slowly than both neighboring cities, and the County as a whole. According to the City, possible reasons for the slower growth include:
  - o The airport (noise issues, potential high cost of land)
  - o Lack of historic downtown-type infrastructure (including walkable neighborhoods, services & amenities)
  - o Housing buyouts resulting from capital construction projects associated with the airport, Sound Transit and the expansion of SR509
  - o Changes in the market (such as closure of The Firs mobile/manufactured housing park)

Since 2000, home prices in SeaTac have risen 80% more than the rate of inflation, and since 2010 rents have risen 40% more than the rate of inflation. Seventy-eight percent (78%) of renters and 36% of homeowners earn less than 80% of the median family income, and incomes have not kept pace with housing costs. As a result, 41% of all SeaTac households are considered “cost burdened,” which means they spend more than 30% of income on housing.



As reflected in the following data, housing growth in SeaTac since 2011 has been slow compared to the rest of the county:

Jurisdiction	Percentage Increase in the Number of New Housing Units since 2011	Total New Housing Units Since 2011
King County	13.5%	na
Tukwila	11.6%	899 units
Renton	8.5%	3,376 units
Kent	6.1%	2,765 units
Burien	5.0%	995 units
SeaTac	4.1%	427 units <small>(Not including units in SeaTac's development pipeline)</small>

Recently approved projects in the city's development pipeline could change that trend, including a new 585-unit, mixed-use, transit-oriented development project called “Polaris at SeaTac” that will include convenient access to the Tukwila International Boulevard Light Rail Station, 27,000 square feet of new commercial space, underground parking, and three residential towers. Two of the residential towers – which will contain 365 affordable units – will be workforce housing that is affordable for individuals and families earning less than 60% of Area Median Income (AMI). The remaining 220 housing units will be market rate housing in the third tower, which will be named “Adara at SeaTac.”

Immediate next steps for the City of SeaTac include completion - and Planning Commission approval - of the Housing Needs Assessment, a public engagement process which will begin in early 2021, and a Community/Technical Advisory Committee.

*The Polaris at SeaTac development: Two residential towers with 365 units of workforce housing affordable for individuals and families earning less than 60% of area median income. The remaining 220 housing units of market rate housing will be located in one residential tower to be named Adara at SeaTac. Information and illustration from City of Seatac.*



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## Other Actions to Impact “Inventory” in South King County

*City of Covington is Creating a New “Form-based” Code*

The city of Covington is moving forward with an initiative to develop a new “form-based” code which city officials believe will better-reflect (and effectively implement) the community’s vision, respond to changes in the regional economy, and provide a catalyst for high-quality construction by re-evaluating regulations that control the design and use of downtown buildings and public spaces.



A form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code.

A form-based code is a regulation, not a mere guideline, adopted by the city and incorporated into its ordinances. Many professional land use planners believe that even though it can be expensive to develop, a form-based code offers a powerful alternative to conventional zoning regulations. In Covington’s case, the effort to develop the form-based code is being supported with grant funding from the Washington State Department of Commerce. The city expects to have the first draft of the form-based code completed by mid-January 2021.

One of the key objectives of the City’s effort is to update, refine, and consolidate Downtown development and design standards, with a special emphasis on Downtown buildings, streets, and public spaces.

In 2010, Covington formally updated its vision for Downtown, and adopted design and

development standards. Since then, the city says, concerns have been raised over both the quantity and quality of new development. Covington’s aspiration for Downtown is a vibrant human-scaled environment with walkable streets and trails, high-quality mixed-use, office, commercial development and attractive streetscapes. According to the City, specific desired outcomes include:

- An updated understanding of the economic trends in Downtown Covington;
- A new form-based code that supports the Downtown’s vision as a compact and pedestrian-friendly business district;
- A new code section that exempts certain types of Downtown construction from environmental review, as allowed by state law; and
- Recommendations for infrastructure improvement and expansion that is needed to support the growth of Downtown.

*The Puget Sound Regional Council’s Adoption of “VISION 2050”*



The Puget Sound Regional Council (PSRC)- which serves as the local conduit for the distribution of federal transportation funds - has adopted a new 30-year “Vision” for the four-county region consisting of King, Snohomish, Pierce and Kitsap counties.

Vision 2050 is supportive of coordinating transportation expenditures in a manner that will facilitate a regional increase of approximately 50,000 additional housing units above what was originally proposed. However, in the context of the region’s housing crisis, the action is unlikely to be sufficient to address the existing housing supply deficit, or to accommodate actual market demand for housing going forward.

Seattle King County REALTORS® (SKCR) began formally raising concerns about the housing provisions in the transportation-funding-agency's regional "Vision" in 2016, and renewed/augmented those concerns again in 2018-19 at the initiation of the Vision 2050 review and adoption process. Specific additional concerns raised in the detailed comments provided to the PSRC by SKCR included:

- PSRC's assumption of regional 4-county re-distribution of jobs (without any action plan to achieve that result), and
- Consideration of growth alternatives that are not legally sufficient to meet the requirements of Washington's Growth Management Act, including the state's Housing Goal which is found in RCW 36.70A.020(4). The goal in state law is focused on ensuring housing is affordable for "all economic segments of the population" of Washington state.

*South King Housing & Homelessness Partnership (SKHHP - Pronounced "Skip")*

Cities in South King County are moving forward to provide funding to support the staffing and operations of the *South King Housing and Homelessness Partnership* (SKHHP), a new organization the jurisdictions created last year to assist with efforts to address community needs for additional subsidized housing, and housing services, to serve low and moderate-income households.



During the last 90-days, South King County cities have been reviewing the organization's newly-developed "Action Plan," as well as including funding for the Partnership in the biennial budgets that each of the cities will approve before the end of December.

King County, and the cities of Auburn, Burien, Covington, Des Moines, Federal Way, Kent, Normandy Park, Renton and Tukwila created the SKHHP, which is similar to ARCH - East King County's existing Regional Coalition for Housing.

Together, the South King Partnership will support groups - including the Homelessness Action Committee (HAC) and the South King County Joint Planners and Developers workgroup - that have been meeting in South King County to share perspectives.

According to the Housing Development Consortium, SKHHP aims to:

- Regularly convene, organize, and expand the network of stakeholders working to end homelessness and address affordable housing needs in South King County
- Improve the alignment of county and state affordable housing and homelessness interventions - and funding opportunities - with South King County interests
- Provide technical assistance to support the work of ending homelessness in South King County through the Partners' augmentation of comprehensive plan policies
- Improve South King County stakeholders' understanding of promising practices and their potential for local impact, and
- Identify and implement strategies that achieve program sustainability.





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## Other Actions to Impact “Inventory” in East & North King County

### *Bellevue Reconfirms Reduction in Minimum Parking Standards*

SKCR encouraged the Bellevue City Council to extend an interim ordinance reducing minimum parking standards for housing developments with access to frequent transit.



The interim ordinance is intended to quickly respond to and mitigate the affordable housing crisis in the City and throughout the region by setting reduced minimum parking standards for certain housing developments located near frequent transit service.



*Photo Courtesy of Sound Transit*

We argued this as an important strategy to increase housing supply for market and income-qualified housing. Structured parking is a major driver in multifamily housing costs. Where those housing developments have access to frequent transit, it makes sense to leverage the massive investments our region had made in rail and rubber tire transit by reducing parking requirements for people with easy access to transit. It is both wise and needed public policy.

The city has been delayed in developing the necessary code amendments to make permanent the provisions in the interim ordinance. That work is scheduled to occur in 2021. As such, an extension of the interim was necessary to extend its provisions until a permanent amendment to the land use code can be adopted by the Council.

### *Kenmore ADU Passage*



After many months of deliberation, the Kenmore City Council passed revisions to its Accessory Dwelling Unit (ADU). While only one ADU will be allowed per lot, the ordinance increases flexibility and options to homeowners considering the addition of an ADU.

Key elements of the new regulations include:

- Minimum lot size for attached ADUs reduced from 10,000 sf to 6,000 sf, with a maximum ADU floor area of 10% of the lot area up to 1,500 sf.
- Back yard setback reduced from 20’ to 10’.
- Parking requirement reduced from one off-street space per unit to no required parking.
- Owner occupancy requirement reduced from ongoing owner occupancy to six months.

SKCR participated in the public process, encouraging the streamlining of ADU regulations.



*ADU Rendering by MyKabin*

### *Woodinville Central Business District*

The city of Woodinville has been working on its downtown plan for a few years. It includes a pedestrian, mixed use district within the downtown that promotes residential uses.



SKCR supported a successful effort to increase the flexibility to site ground floor residential uses beyond the confines of the pedestrian district. We noted that street level residential will contribute to the success and quality of the Central Business District by addressing the reality that active uses are not economically viable on every street frontage (as true in Woodinville as it is in New York City) and that ground floor residential can bring an energy to the streetscape and the neighborhood that active use alone does not.

Street level residential options outside the pedestrian zone are expected to be negotiated through a development agreement between the city and project proponent. The city will fine tune its development agreement process into next year.

### *New Resources for REALTORS® Regarding Local Development Activity*

REALTORS® have two new resources available to assist in advising clients, customers and homeowners about development activities in South King County. The cities of Kent and Covington have each launched new public-facing websites:

- City of Kent:  
The city has launched a new public-facing GIS website on construction activity, and new development, in the city. The purpose of the new website is to provide information to property owners, potential purchasers, REALTORS®, homebuilders, investors and

the public regarding significant construction projects and development activity in the city pipeline. Smaller projects, (such as an individual property owner adding a deck in their backyard) are not included, but the city plans to display information about construction activity that is likely to be noticed by members of the public. The new website is called [BuildKentWA](#).



- City of Covington:  
In a presentation to the South King Women's Council of REALTORS®, Covington City Manager Reagan Bolli announced the City now has a new public-facing website called the "Covington Washington Development Map."

The website not only lists all public and private development projects, and maps those on a satellite image that shows roadways and creeks, it also provides information on each project including the name of the applicant and contact information, location and zoning of the property, description of the project and the regulatory status (including the dates of approvals and city reviews underway). The mapping on the City website also delineates whether a residential project has preliminary plat or final plat approval, and whether a commercial project has preliminary approval and engineering review, or final construction approval. The website called the [Covington Development Map](#).

### **Covington Development Map**





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## *Potential Federal Action Regarding Local Zoning and Development Regulations*

In response to local zoning laws that ban modest, multi-dwelling homes, Congress is considering proposals to have the federal government intervene to require communities that want federal funding for roads and other infrastructure to allow the development of denser, more affordable housing, and to prohibit zoning and development regulations that have the effect of disenfranchising poor people from access to housing. The federal proposals include four bills:

- **The YIMBY Act**
- **The HOME Act**
- **The Build More Housing Near Transit Act**
- **The Place to Prosper Act**

According to reports in UpForGrowth.org, significant portions of the **Build More Housing Near Transit Act** have been included in a massive transportation package that has strong support in the House of Representatives, but does not have support in the Senate at this time.

**The Place to Prosper Act** is the most aggressive of the four proposals and would deny all federal funding for any roadway project located in a jurisdiction that “blocks equitable growth” as defined in the Act - a standard that only the cities of Minneapolis and Portland, Oregon, would likely be able to satisfy at this time. The bill, which was sponsored by Rep. Alexandria Ocasio-Cortez (D-New York), also includes provisions to protect tenants, regulate landlords, and build more subsidized housing.



The two federal bills with the best near-term chance to become law are the **YIMBY Act**, and the **HOME Act**:

- **The YIMBY Act (Yes In My Back Yard)**

Rep. Denny Heck - who was recently elected Washington’s Lieutenant Governor (and who appeared publicly in REALTOR® TV and radio ads in 2019 supporting condominium reform) - introduced the legislation last year in the U.S. House of Representatives. Heck’s bill was co-sponsored by six Republicans and seven Democrats, and passed the House on March 2nd with bipartisan support. Advocates are currently ramping-up efforts to pass a companion bill which was also introduced last year in the U.S. Senate.

The YIMBY Act would not require local governments to change their rules to get funds, but would obligate accountability. Jurisdictions receiving federal Community Development Block Grants (CDBG) would be required to track their local land use rules against a list of 22 policies that reduce discrimination, and for each of the policies they have not adopted, to explain why not. Tracked policies include enacting high-density zoning, legalizing up to fourplexes in single-family neighborhoods, reducing lot size minimums, removing height limits, eliminating parking quotas, shortening permitting; and reducing impact fees.

The YIMBY Act would spur local zoning reform by daylighting each jurisdiction’s housing restrictions, and also by exposing how they compare with each other. While the Act is not prescriptive, it would mark a ground-breaking first step toward future federal laws that insist on conditioning the receipt of federal funds based on whether or not local governments are adopting and implementing zoning laws that allow enough homes, and homes of all shapes and sizes.

- **The HOME Act**

Like the YIMBY Act, the HOME Act would not force local rule changes, but would strengthen accountability. It would require recipients of either Community Development Block Grants or Surface Transportation Block Grants to develop a “strategy to support inclusive zoning policies, programs, or regulatory initiatives that create a more affordable, elastic, and diverse housing supply.” Most of the cities in King County currently receive Community Development Block Grant funding, which they spend on a variety of local needs.

The bill lists over two dozen actions that local governments could incorporate into their strategies, including most of the ones identified in the YIMBY Act, plus a few that apply specifically to subsidized affordable housing.

*Puget Sound Regional Council (PSRC) Housing Displacement Study*



The Puget Sound Regional Council (PSRC) has released the results of a study regarding regional economic displacement of households due to housing costs, including an analysis of impacts on selected demographics. This study is based on an examination of data from 3,044 households that took part in a 2019 Household Travel Survey.

The PSRC said the survey data - which is representative of a regionwide total of 637,710 households that moved within the last five years - shows that 26% (almost 163,000 households) relocated due to one or more displacement factors.

A quarter of the households who moved within the region in the last five years relocated because of factors like the cost of housing, lower income, loss of community, or being forced to move, but housing cost was by far the main reason.

One in five white households (22%) felt pressured to leave their homes, as did 14% of Asian households. But nearly one in three (30%) of households consisting of “Other People of Color” (including African Americans, American Indian or Alaska Native, Native Hawaiian or Pacific Islander, Hispanics, multiracial groups, etc.) moved elsewhere because they had to.

According to the PSRC, “Lower-income households were much more likely than wealthier ones to be forced to move. A whopping 50% of households with incomes under \$25,000 had to move for negative reasons. At the other end of the spectrum, the wealthiest households felt the least pressure to find new homes; only 5% of those earning \$150,000 or more annually had to relocate for reasons beyond their control. Households at other income levels fell somewhere between those extremes. About a third of those in the \$25,000 to \$99,999 range moved for negative reasons, while 16% of those in the second-highest income bracket were forced to seek new housing.”

In addition, the PSRC says, displacement hit households with seniors harder: About one in three households with someone over 65 had a negative reason for leaving their previous residence. For all other households, it was around one in four.



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## PUBLIC SAFETY, POLICE, & DEFUNDING

REALTORS® know that buyers typically want housing choices that are located in safe neighborhoods, convenient to the buyers' employment, and served by good schools.

So, for brokers with buyers seeking to purchase a home, or sellers seeking top dollar, public safety, constitutionally-sufficient policing, and proposals to defund police departments are becoming increasingly important.

Such concerns have been heightened in the wake of (1) recent protests, (2) proposals to both cut police budgets and/or transfer duties to non-sworn personnel, and (3) polling which indicates a majority of current residents have serious concerns about the future safety of where they live.

Like housing choices, "one-size does not fit all" when it comes to public safety, policing and defunding, and the responses of local elected officials in South King County reflect that fact:

### *Kent Mayor Explores Defunding, Delays Her Plan to Ask Voters for More Cops*

Subsequent to making public inquiries about whether or not Kent should follow Seattle's lead and "de-fund" its police department, Kent Mayor Dana Ralph announced she had changed her mind about seeking voter-approval of additional funding for the Police Department.



*Kent Mayor Dana Ralph  
Photo by KentWA.gov*

Earlier, the Mayor had announced plans to ask the City Council to place a property tax measure before voters in November to pay for the cost of adding 30 new police officers and support

personnel. The city's police department has been seriously under-staffed for years, but funding to correct the deficiency has not been included in budget proposals, despite significant increases in city taxes. In announcing her decision not to pursue a new property tax measure (at this time) to support the hiring of additional police officers, the Mayor cited the financial effects the pandemic is having on Kent households.

### *Kent City Council Takes Strong Stand Against Defunding Police*

In an unusually strong move - even among jurisdictions in South King County - the Kent City Council passed a formal resolution to make clear that the city of Kent will not de-fund the police department, despite requests from local protesters - including *ForFortyTwo* - who had requested the city follow Seattle's lead and do so. (*ForFortyTwo* is a newly-formed community group that organizers say was created to support the 42 schools in the Kent School District.)

In declining to defund its Police Department, the City Council noted the state of Washington ranks last in the nation in officers per capita, and based on 2019 statistics the city of Kent has fewer police officers per 1,000 residents than the cities of Seattle, Everett, Auburn, Tacoma, Federal Way and Bellevue.



*Photo courtesy of KentWA.gov*

### *City of Auburn Creates New Police Citizens Advisory Committee*

The city of Auburn announced that the Auburn Police Department has created a new Citizens Advisory Committee to serve in an advisory role to the Police Department in connection with community policing issues. The initiative is being led by Auburn Police Chief Dan O'Neill, a 21-year veteran with the Auburn Police Department. Community volunteers selected to serve on the new Citizens Advisory Committee will be required to attend a minimum of one training day per year and commit to serving on the Committee for at least two years.



According to the City, Chief O'Neill envisions the new Citizens Advisory Committee as an active partner with the Auburn Police Department in the development of policies and strategies for the implementation of stronger, effective and equitable community policing. One important initiative the Committee will undertake will be to review police operations, significant criminal investigations and internal affairs investigations after they are completed, and consistent with Washington state law to provide comment and advice to the Chief of Police. The Committee's first meeting was held in October.

In August of this year, Auburn police officer Jeffrey Nelson was charged with second-degree murder and first-degree assault in the May 2019 fatal shooting of 26-year-old Jesse Sarey. Nelson, who pleaded not guilty, was the first police officer in Washington charged under new police-accountability legal standards in connection with a homicide committed in the line of duty. The new law under which Nelson was charged was approved by voters in 2018. Nelson had also shot and killed two other people in the line of duty, and one of those cases resulted in a \$1.25 million settlement shortly before Nelson was charged in Sarey's death.

### *Southend Cities Seek Role in Defining County Council Control of Sheriff's Office*

There were two proposals on the 2020 November General Election ballot to amend the King County Charter in connection with policing and the Sheriff's Office. Both measures were approved by voters.



*Photo courtesy of West Hill Community Association*

The first (Charter Amendment #5) will make the position of Sheriff an appointed position, instead of the Sheriff being elected directly by voters.

The second measure (Charter Amendment #6) provides that the duties of the Sheriff, and the structure and duties of the Department of Public Safety, will be established by an unspecified ordinance that is yet to be drafted and approved by the County Council, and that the County Executive will be responsible for collective bargaining agreements with unionized public safety employees. The County Council hurriedly placed Charter Amendment #6 on the November General Election ballot in order to be able to defund the police when it appeared that Charter Amendment #5 (the proposal to appoint - rather than elect - the Sheriff) would be rejected by voters.

So, why is this a public safety concern to some of the cities (and their current and potential future residents)? There are 13 cities in King County that do not have their own Police Department, including numerous cities in South King County. The King County Sheriff's office contracts with those 13 cities to provide police services inside the city limits. Currently, cities have the option to select from a buffet of services, based on the city's preferences and financial capabilities. These 13 contracts with the cities provide 58% of the budget for the Sheriff's office.



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But Charter Amendment #6 contains no details on what should or must be contained in the yet-to-be-adopted/funded County Council Ordinance that will control the police services options available to cities, some of which are newer cities that did not have the capital funding to equip a police force at the time the cities were formed.

The lack of guidance and clarity about public safety for these cities going forward, coupled with the Seattle-centric movement to defund the police that appears to have been embraced by a majority of the County Council, is a source of significant interest - if not substantial concern - among some of the cities who have been contracting with the Sheriff's office.

At a recent meeting of the South King County Women's Council of REALTORS®, Covington city manager Reagan Bolli - who chairs a committee of the 13 cities that contract with the Sheriff's office for police services - announced that the cities have asked for a formal "seat at the table" on the County's committee that will be making recommendations for the ordinance that will regulate the duties of the Sheriff and her office.

The County Executive, who appeared to be supportive of both charter amendments, will nominate an appointed sheriff, subject to confirmation of the appointment by a majority of the County Council. But there is no guarantee for the cities that the current Sheriff, Mitzi Johanknecht, will be nominated by Dow Constantine to continue as Sheriff, because she has two strikes against her:

1. She was a strong and vocal opponent of both of the proposed charter amendments, and
2. Sheriff Johanknecht pushed-back strongly against King County Executive Dow Constantine's September 16th proposal to cut funding from the Sheriff's office. An initial analysis of the Executives proposal appeared

to indicate the cuts would be equivalent to funding for 30 patrol deputies, or an approximate 22% reduction in 911 services in the unincorporated areas of King County.

Even so, during her relatively short tenure since Johanknecht was elected Sheriff by the voters:

- The King County's Sheriff's office was one of the first jurisdictions in King County to implement the "Eight Can't Wait" protocols. Seven of those protocols were already in place, and completion of implementation only requires addressing one of the remaining items which was already in-progress under Johanknecht's leadership. Examples of some of the elements of the "Eight Can't Wait" protocols involve:
  - o Duty of officers to intervene in inappropriate use of force situations
  - o Limits on use of choke holds, de-escalation and exhaustion of non-lethal options before shooting, and
  - o Not shooting at moving vehicles
- She implemented "less lethal" options for patrol deputies (shotgun wads)
- She revised departmental policies and procedures regarding:
  - o Training
  - o Delivery of Services
- She publicly supported I-940 (and was one of the first non-black cops to do so)
- She reformed the internal investigations function in the Sheriff's Office to create more independence (from the command staff) for the investigators by physically removing them from proximity to her office
- She instituted new policies to record/track use of force by deputies

- She instituted new protocols to track both “draws” and “pointing” of weapons
- She revised “Review Board” procedures
- She had the Sheriff’s Office create a “Public Facing Dashboard” for internal investigations - the first department in the United States to use such dashboards that are “Public Facing”
- She instituted a policy of providing Public Disclosure of documents before they are requested
- She revitalized the Cold Case Team (which was responsible for resolving the previously unsolved Linda Yarborough death). As a result, of the 300 cold cases, she concluded 150 are likely solvable, and five of those cases have been solved just since she became Sheriff
- She has achieved nearly full-staffing (in-part as a result of being able to fill positions with highly-trained officers who are choosing to leave the Seattle Police Department and make a “lateral” transfer to the Sheriff’s Office)
- On the issue of Police Defunding, she has already devoted some of the Sheriff’s office funding to that effort in connection with work that can be done by non-sworn personnel, and believes there is more work that can be done. However, she has expressed reservations about the Seattle approach in connection with the lack of a plan because:
  - o There has been no identification of the specific work non-sworn people can do, and
  - o There needs to be a plan and funding stream in-place for the effort to be successful.

## TAXATION

### City Tax Policy Choices of Note

#### *Seattle Budget*

While news reporting on the city budget process is plentiful and will not be repeated here, it is important to flag that SKCR has been encouraging a reasoned approach to public safety - one that recognizes the need for reform, but takes care not to erode public safety and broader quality of life.

The City Council’s final budget will not defund police by 50% as called for by some community groups and councilmembers. Instead, cuts to the SPD will be approximately 20%, with some reallocation or reorganization of services coupled with the use of officer attrition. While the Council did not mandate a hiring freeze, with regards to staffing, it appears staffing levels are expected to be flat in 2021.



**City of Seattle**

The outcome is far from a public safety solution; however, the tension between the Mayor and Council as well as between the City and the community has eased. This is a critical step towards developing a lasting solution.

#### *Keeping Track of Car Tabs (Seattle)*

With the Washington Supreme Court’s rejection of the car tab Initiative 976 earlier this fall, the Seattle City Council adopted a new car tab fee to fund a range of basic transportation projects. Because a separate \$60 fee will sunset at the end of the year, Seattle car owners will now pay \$20 (rather than \$80) and then \$40 when the new fee takes effect July 1, 2021, assuming the Mayor supports the package.



*Photo courtesy of KOMO Photo*



# Issues & Impacts

## *Kent Expansion of Its B&O Tax*



The Kent City Council has approved a new city of Kent ordinance amending section 3.28.050 of the Kent City Code to extend the square footage component of the City’s Business and Occupation (B&O) tax to include outdoor warehousing activities, effective January 1, 2021. This expansion of the City’s B&O tax is an addition to City’s package of four B&O tax increases, some of which have not yet taken effect.

Kent’s B&O tax is based on whichever of two interactive components will provide the highest tax collections to the City: Gross Receipts and Square Footage. Typically, in Kent, businesses with extensive warehousing operations are subjected to the square footage component of the city’s B&O tax (instead of paying B&O taxes based on gross receipts) because that approach produces more revenue for the city.

According to the City, “The square footage component is designed to equitably tax businesses based on their physical size and use of buildings. Over the past two years the City identified an inequity in the square footage component. Specifically, this component was only applied to operations that were conducted within facility walls, despite many business operations being conducted in outdoor settings. Regardless of whether a business conducts its operations within the confines of four walls or in a commercial yard, it requires the City to provide the same services and amenities.”

The ordinance applies the same rate to all warehousing activities, including transloading goods between vehicles. It establishes a six-

acre threshold (361,360 square feet) above which specific areas of the property used for warehousing activities will be subject to outdoor square footage tax. Many outdoor areas not used for warehousing activities will remain untaxed. This new ordinance does not change the “rate” of the City’s B&O tax, it simply applies the existing B&O tax rates in a way that will result in higher tax collections for the city.



*Photo courtesy of mphillips007/iStock*

*Property Taxes - Most Larger Cities in King County Will Claim A “Substantial Need” To Raise Property Taxes Next Year by More Than the Rate of Inflation*

In the fall of each year, every city in King County prepares a balanced budget, including identifying the amount of property tax revenue that is both required to balance the budget, and also allowed to be collected under state law.

Then, by November 30th of each year, the amount of taxes to be levied by each city is certified to the County Assessor who calculates the “levy rate” necessary to raise that specific amount of money for the city. The Assessor does this by dividing the “total dollar amount of taxes to be collected” by the “assessed value of the taxable property in the city” in order to establish the “levy rate” - which is expressed in terms of a dollar rate per \$1,000 of property valuation.

*But there are limits...*

One such limit involves the amount by which taxes may be increased each year without a vote of the people: Any increase in the total amount of property taxes the city may collect is limited to the lesser of 1% or the rate of inflation. The taxes of individual property owners may go up more than that, but absent voter approval the total amount of property taxes the city receives is subject to an inflation-based limitation.

However, the “lesser of 1% or inflation” limit on property tax increases is subject to an “escape clause” that allows some cities to adopt findings to demonstrate a “substantial need” to raise property taxes a full 1% even if inflation is less than 1%.

The “escape clause” exception is only available to jurisdictions with populations over 10,000. Here in King County, at least 25 of the 39 cities qualify to exceed the “adjusted for inflation” limitation on property tax increases.

Many of those cities began preparing some months ago to adopt the necessary findings of “substantial need” to increase next year’s property tax collections by more than the rate of inflation.

The explanations and justifications of “substantial need” tend to vary on a city-by-city basis, but one of the recurring themes being offered by local cities this year involves increased pandemic-related costs, coupled with reduced sales and excise tax collections due to the significant economic collateral damage flowing from the state’s Stay Home - Stay Healthy COVID Proclamations, and the severe restrictions imposed on the operations of specific industries and businesses. Some cities have identified total

revenue losses in excess of 15% of their general fund budget since the pandemic regulations went into effect in March of this year.

Here’s how cities qualify to make use of the “escape clause” in order to increase property taxes by more than the rate of inflation:

Absent voter approval - or unused “banked capacity” - the total amount of property taxes that may be collected by a city in any calendar year is limited to 101% of the prior year’s property taxes, or the amount of the prior year’s property taxes adjusted upwards for inflation, whichever is less. Inflation is measured by the Implicit Price Deflator.

According to the Washington State Department of Revenue, the Implicit Price Deflator (the inflation rate) for a city’s 2021 regular property tax levy is 0.602%. As a result, instead of collecting 101% of the total amount of property taxes for 2020, the property tax increase would be limited to a lesser amount. Specifically, cities will be limited in 2021 to just 100.602% of what they collected in 2020.





# Issues & Impacts

However, under state law, the more than two dozen cities in King County with a population of 10,000 or more may take advantage of an “escape clause” by adopting a resolution claiming the existence of a “substantial need” - as long as a “super majority” of the city council believes a full 1% increase is warranted, even if inflation is less than 1%. A “super majority” for purposes of invoking the “escape clause” is a “simple majority” - plus one. So, on a city council with seven members (where four members constitute a “simple majority”) five of the councilmembers would have to vote to take the full 1% increase, even though inflation is only 6/10ths of 1%.

Cities with populations of less than 10,000 are limited to the lower inflationary increase in property taxes, and have no similar “escape clause” available to them.

State law also requires cities and other taxing districts to hold a public hearing before setting property tax rates, and requires the jurisdiction to keep an accurate journal or record of the proceedings...“showing the facts and evidence upon which their action is based, and the said record shall be published.” The law also states that “each county assessor shall provide copies of the explanation [of the property tax system] to taxpayers on request, free of charge.”

## *SeaTac City Council Decides Not to Increase City Property Taxes Next Year*

The population of the city of SeaTac is over 10,000, but SeaTac will not be invoking the “escape clause” in order to raise property taxes a full 1%.

Even more astonishing, for the seventh year in a row the city of SeaTac will not increase its property tax levy next year, at all!

According to City Finance Director Gwen Pilo, even though the City has historically been very financially sound, it is beginning to experience revenue reductions now because of tax pressures on individual homeowners and the SeaTac Business Community. Even so, the City Council decided it would not increase in the amount of property taxes the City will collect next year.

Pilo advised the City Council that SeaTac anticipates total property tax collections next year of \$17,458,617 based on a tax rate of \$2.46 for each \$1000 of assessed value. While the Assessor may change city’s property “tax rate” if the city’s taxable assessed value has changed, the total amount of property taxes SeaTac anticipates collecting next year will not increase above the 2020 levy amount.



*Graphic by TheStreet*

## REAL ESTATE SIGNAGE

### Issaquah Policy and Planning Commission Receives First Briefing on Sign Code Update - Draft code changes expected in January.

This Issaquah Policy and Planning Commission received a briefing from staff and outside legal counsel on the U.S. Supreme Court Gilbert v Reed decision. The decision prohibits regulation of signage based on the content of the sign and has prompted many cities to amend their sign codes to comply.

SKCR will work to preserve real estate signage as it is currently used by members. We expect off-premises open house A-boards to be the most challenging.

In 2019, after more than a year of work, SKCR secured a sign code update in the city of Newcastle that preserved the allowance of open house A-Boards.

The city sought to define a sign as temporary or permanent based on the material used to make the sign. Due to the durable material used in an a-board sign, A-Boards were considered permanent and would have been prohibited from placement in the right-of-way, unless the broker obtained a right-of-way use permit. Even then, only one sign would be allowed.

SKCR won an exception in the code that allows A-Board as “permanent portable” signs. In addition, temporary signs may be placed in the right of way without a permit but must be pushed or staked into the ground and made of “non-durable material,” like a political yard sign.

As reported earlier this year, the city of Kirkland is expected to take up its sign code in 2021.





# Issues & Impacts

## Increasingly Strained Relationship Between South King County Cities/Mayors and the County Executive

### Overview



## King County

It appears there are increasingly strained relations between South King County Cities and Mayors, and King County, especially King County Executive Dow Constantine.

For years there have been significant differences in the political cultures, and in the policy preferences, of South King County and the largely Seattle-centric County Courthouse. One of those differences began to be reflected a couple of years ago during the discussion of proposals for local government to create and fund so-called “safe injection sites” for drug addicts. King County Councilmember Dave Upthegrove was able to soften the sharpness of the disagreement with legislation that gave cities in King County the right to veto the siting of such county-funded facilities within their city limits.

However, more recently that chasm has resurfaced in the form of increasingly strained relations between South King County cities and their mayors on the one hand, and County Executive Dow Constantine on the other.

It started with unilateral action by the County Executive and the Board of Health to place new Covid-related homeless facilities in South King County - such as Kent - without advising the city or the mayor, and without obtaining local land use approvals to do so, and by appearing to attempt to back away from commitments made to the city of Renton regarding how long the facilities would be operating. Cities responded with strong objections, new ordinances, and two unsuccessful lawsuits.

Then, the situation was exacerbated when the County developed a Regional Homelessness Plan but largely excluded the cities from the process, and chose not to address concerns raised by some of the cities. The County Executives planned to fund his new homelessness initiative with a new sales tax that the state legislature authorized counties to impose without a vote of the people.

Thereafter, the County Executive failed to take timely action to obtain County Council passage of an ordinance to approve the newly state-authorized sales tax funding to pay for the Executive’s Regional Homeless Plan. When that happened, several of the cities in King County stepped-into the void created by the County’s failure. Instead of deferring to the County Executive’s plan, the cities passed their own sales tax increase which they could then use for their own initiatives to address homelessness, rather than funding the County Executive’s plan. That, in turn, left significant portions of the Executive’s plan unfunded because the state legislation allowed either a County tax, or a city tax, but not both.

In the meantime, the County recently announced that it plans to purchase more motels with the funds that it will have available, and turn those into housing for the homeless.



*King County Executive  
Dow Constantine*

*Photo courtesy of  
KingCounty.gov*

## Emergency Housing, Emergency Shelters and Homelessness

- *King County Sales Tax for Homelessness and Housing Support Services*

By an 8 - 1 vote (with Councilmember Reagan Dunn voting “no”) the County Council chose on October 13th to approve a new legislatively-authorized 0.1% increase in the sales tax to provide housing and support services for the homeless. King County Executive Dow Constantine wanted to use the tax to raise \$400 million (in bond funding, to be repaid with proceeds from the new sales tax) to quickly house 2,000 homeless people in the County.

Instead of building the housing from scratch, the plan would have the County buy-up existing motels and assisted nursing facilities to convert into housing with social support services. However, the County tax will not be sufficient to fund Constantine’s proposal because the County missed a September 30th deadline in state law which then opened the door for cities to pass their own tax - in place of the county’s tax - when the County failed to act in a timely manner. With the September 30 deadline looming, Constantine waited until September 22nd to put his proposal forward.



*Photo courtesy of Real Change News*

- *Cities Step-In to Pass Housing Sales Tax After County Misses Deadline*

In the wake of the County’s failure to take timely action to approve a new sales tax for Homelessness and Housing Support Services, some cities are adopting their own sales tax. When the County missed the deadline in state law, cities had four options:

1. Take no action, in which case the County tax would be collected in that city and would be used by the County to implement County’s plans for addressing homelessness and housing support services, including mental health services
2. Levy their own new city sales tax, and use the proceeds for their own city’s programs to address Homelessness and the need for Housing Support Services
3. Levy their own new city sales tax, and use the proceeds to support joint efforts with other jurisdictions (such as the new South King Housing and Homelessness Partners organization in South King County [SKHHP], or A Regional Coalition for Housing [ARCH] on the Eastside; or
4. Levy their own new city sales tax, and negotiate with the County Executive regarding locations and programs to provide specific services for the benefit to residents of specific cities (in exchange for the city contributing funding to the agreed-upon County effort).



# Issues & Impacts

The city of Federal Way decided to take no action, allow the County tax to be imposed in the City, and to rely on the county’s programs to meet Federal Way needs. However, Bellevue, Covington, Issaquah, Kent, Maple Valley, North Bend, Renton and Snoqualmie all acted relatively quickly to adopt their own city sales tax as an alternative to relying on the County.

The result is an estimated loss of \$18 million, or nearly 13%, from the county’s projected revenue from the tax for 2021 and 2022 alone. In order for the County to raise the full \$400 million necessary to fund Dow Constantine’s proposal, all 39 county cities would have had to hold-off on implementing their own taxes.

The decision of cities to act decisively reflects, at least in part, a growing schism between the County Executive and suburban cities in the wake of actions such as:

- o The failure of the County Executive to include suburban cities in the creation of the county’s new Regional Homeless Authority. Suburban cities squared-off against Seattle officials in the creation of the Regional Homelessness Authority last winter as politicians jockeyed for power on the Authority’s governing board.
- o Concerns in the city of Renton about County insensitivity to the impacts of the County using the Red Lion Hotel as one of four County homeless facilities in the wake of the COVID pandemic, together with concerns that the County might not honor its commitment to end its use of the facility within 90 days as promised. The Renton City Council was so concerned about the situation that it dispatched Mayor Armondo Pavone to appear before the County Council to insist that the County keep its word.

- o County action to purchase a hotel in Kent for emergency housing/COVID quarantine facilities without complying with city codes regarding what the City perceived to be a change of use. The city twice sued the county over the issue, but was unsuccessful based on the county’s claim that the action was required because of an officially declared emergency involving the COVID-19 pandemic; and
- o The County’s unwillingness to include language in the County’s sales tax ordinance that would require it to make good on its verbal representations that new homeless-related facilities financed by King County would only be imposed upon “willing cities.” The city of SeaTac’s request for language to require that the County honor its supposed verbal commitments was rejected by the County.

- Kent’s Adoption of New City Code Provisions Related to Isolation and Quarantine Facilities, Emergency Housing Facilities and Emergency Shelters

The Kent City Council has passed an ordinance amending the City’s zoning code to address the issues surrounding Isolation and Quarantine Facilities, Emergency Housing Facilities and Emergency Shelters.



*Former Kent Hotel purchased by King County for COVID isolation - Photo courtesy of Kent Reporter*

The amendments appear to be a reaction (at least in part, or perhaps mostly) to King County's use of the COVID emergency to locate such a facility in a hotel the County purchased earlier this year, and to the fact the City did not have adequate siting-criteria in place to counteract the county's action.

Kent's new ordinance restricts such facilities to industrial zones where interaction between infectious people and members of the general public is least likely. In addition, the code includes operational and permitting requirements to ensure that public health, safety and welfare

are protected, according to the City.



In approving the new rules, the City Council acknowledged

that the COVID-19 pandemic and its economic impact have created new and emerging housing needs for the City to consider. According to city staff, Isolation and Quarantine facilities are the most prominent emerging challenges, and are a type of land use not previously addressed in Kent's zoning code.

Isolation and Quarantine facilities provide temporary living quarters for people who may be infectious but lack an appropriate alternative to their normal residence. Examples include, but are not limited to: those who live with elderly or otherwise vulnerable family members, those who lack physical space to isolate, those who live in group settings, travelers or anyone else who is unable to isolate at home.

According to the City, as with most other land uses, the City has the authority to evaluate the character and impacts of this

type of use, and to determine where and under what circumstances the use should be allowed; these amendments all aim to ensure that public health, safety and welfare is protected.

In addition to addressing emerging issues associated with Isolation and Quarantine facilities, the ordinance also updates City regulations for Emergency Housing and Emergency Shelters that were passed by the City Council in May 2020. Emergency Housing and Emergency Shelters (which are located in permanent buildings) are now limited to commercial zones that currently allow other types of housing, and are prohibited in commercial zones that do not already allow housing. In addition, the ordinance amends the definitions of "Emergency Housing Facility" and "Emergency Shelter" to better synchronize the definitions with the addition of "Isolation and Quarantine Facilities."

The ordinance recognizes that emergency housing facilities may not always be associated with religious organizations, establishes more appropriate zones in which emergency housing facilities may be located, and establishes conditions for the citing of those facilities. Kent and other cities in the region recognize that the location and condition of emergency housing facilities and emergency shelters affect the impacts these facilities have upon the community.

Finally - but perhaps not surprisingly given the City's experience with King County's purchase of a motel for a COVID housing facility - the ordinance also makes housekeeping changes to the definitions of "hotel" and "motel" and better aligns those definitions with state law.



# Issues & Impacts

- *SeaTac Moratorium Prohibiting the Permanent Establishment of Overnight Shelters, Transitional Housing, and Similar Uses*



The city of SeaTac has imposed a temporary six-month moratorium on the creation of Overnight Shelters, Transitional Housing, or similar uses intended to create permanent, stand-alone, affordable housing or mental and behavioral health-related facilities.

In enacting the moratorium the City observed that in the spring of 2020, “King County, acting under the broad powers of the local health officer pursuant to RCW 70.05.070 established temporary ‘de-intensification’ shelters, including a shelter located within a hotel located within the city of SeaTac, with the intent to temporarily decrease shelter intensity, increase social distancing, and prevent or slow the spread of COVID-19.”

The city’s moratorium noted that in October the King County Council passed two ordinances that imposed the additional sales and use tax, and established a “health through housing” fund for the collection of the sales tax funds. One of King County’s stated objectives in doing so was to “construct new affordable housing, which could include units within an existing structure” - which the City concluded “is similar to the action taken by King County to establish the temporary ‘de-intensification’ shelter in a SeaTac hotel.

Prior to the County taking such action, the city of SeaTac provided written comments on the County’s proposed ordinances, recommending that the King County ordinance language be amended to ensure collaboration between King County and any city selected for a proposed affordable housing or mental and behavioral health-related facility.

Despite verbal assurances that such facilities would only be imposed upon “willing cities,” the language approved by the County Council in the county ordinance only requires “consultation” with the affected city, and does not require local approval before inserting such a facility inside the city limits.

SeaTac had formally requested an amendment to bring the language of the ordinance into line with the County’s non-binding verbal assurances, and provided the county with draft language to accomplish that result. The record supporting SeaTac’s moratorium states, “Unfortunately, the adopted King County ordinances did not include the City’s recommended language.”

So, faced with the County’s rejection of the City’s request for collaboration, the city of SeaTac responded by exercising its authority under RCW 35A.63.220 and RCW 36.70A.390 to adopt a moratorium in an attempt to cut-off a repeat of the County’s conduct.

The SeaTac ordinance establishes a moratorium through May 1, 2021, on acceptance of applications for land use permits, development permits, building permits, or business license applications related to the establishment, location, operation, and licensing of a permanent “Overnight Shelter,” “Transitional Housing,” or similar use intended to create a permanent, stand-alone, affordable housing, or mental and behavioral health-related facilities.

According to the City, this moratorium will allow the City time to ensure that the applicable development regulations are appropriate for the needs of the community, coordinate with King County, ensure that any proposed facility is sufficiently supported by needed programs and services, and determine what, if any, additional actions may be necessary.

SeaTac's ordinance contains an emergency clause that allows the regulations to take effect immediately upon adoption, as long as five Council members approve. It will be interesting to see whether or not the moratorium results in litigation - and if so, how that will be resolved - in part because the County's earlier actions to insert de-intensification shelters into the cities of Kent, Renton and SeaTac were justified on the basis of a Covid-related emergency, but SeaTac's ordinance (prohibiting such facilities) contains its own emergency clause.

As required by State law, the city must hold a public hearing within sixty days of the emergency moratorium being adopted, and findings of fact must be adopted justifying the moratorium, or the moratorium in the ordinance must be rescinded. The city has announced the public hearing will be held at the December 8, 2020, regular city council meeting.

## IN OTHER NEWS

### Flood Prevention, Flood Control and National Flood Insurance Program (NFIP) Coverage from FEMA

#### *City Updates of Flood-Plain Maps and Flood Prevention Codes*

Cities throughout King County and the rest of Western Washington are updating their floodplain maps and flood prevention codes as required in order to allow property owners to qualify for National Flood Insurance Program (NFIP) flood insurance coverage.

Cities must be using current FEMA flood plain maps when making land use decisions, or properties in the city will not be eligible to qualify for NFIP insurance coverage. Failure of cities to comply with FEMA's NFIP requirements could be problematic for property owners in two respects:

- An existing homeowner's mortgage could fall into default for failure to maintain flood insurance (which is required in addition to typical casualty insurance if the property is in the floodplain), and
- Financing for reconstruction, improvements or remodeling could be jeopardized.



*King County Flood Control District River Basins map from King County Flood Control*



# Issues & Impacts

## *King County Flood District Project Update*

One of the not especially well-understood impacts on the availability of new housing inventory involves the interplay of flood control projects, FEMA floodplain maps and limitations in city comprehensive plans and land-use regulations regarding where new housing can be built. At a conceptual level, here's how it works:

The Federal Emergency Management Agency (FEMA) - using its power as the federal agency responsible for management of the National Flood Insurance Program (NFIP) - develops floodplain maps which delineate areas that are susceptible to significant flooding.

As a general rule, building new homes is severely restricted (or in some cases entirely prohibited) on property that is identified on FEMA's maps as being located in "floodplain" or "floodway" areas.

Cities are required to incorporate those floodplain maps into their land-use regulations governing new construction. In addition, incorporating the floodplain maps into city regulations is also required in order for property owners in the city to qualify for flood insurance (which is different from homeowner insurance policies that uniformly exclude flooding risks from coverage).

The larger the 'mapped" floodplains/ floodways in a city, the less land there is available for new construction activity. Conversely, if a smaller amount of land is denoted as floodplains/floodways on the FEMA maps, there is more land available for new construction activity.

When cities and counties build flood levees and other flood control infrastructure projects to restrict flooding, those actions are reflected on FEMA's maps in the form of smaller floodplains and smaller floodways.

A case in point was the risk of flooding associated with the structurally-compromised Howard Hanson Dam on the Green River in South King County. Because a failure of the dam would have flooded the Kent Valley beginning at about 42nd St. in Auburn, with water levels that became several feet deep in downtown Renton, much of the land between the East Hill and the West Hill throughout much of the length of the Kent Valley would have been placed completely off limits for new development. However, restoring the structural integrity of the dam, and repairing compromised flood levees on the valley floor, dramatically reduced the size of the potential floodplains that would have been reflected on FEMA's floodplain maps.

Stated another way, when a county and its cities build flood control projects - such as levees that protect areas from flooding - cities are able to allow housing to be built on the protected property that would have been susceptible to being flooded if the levy did not exist.

In King County, those flood control projects are built using funding received by the King County Flood District from a special voter-approved property tax collected specifically for flood control.



*Snoqualmie River flood  
Photo courtesy of KingCounty.gov*

For that reason, the actions of King County's Flood District to construct and repair flood levees has an important impact on the amount of "new construction" housing that will be available for REALTORS® to sell. One such flood control project in South King County is the Riverbend Levee Setback and Floodplain Restoration Project in Kent, which is notable for two reasons:

1. The King County Flood District has commenced construction on the Riverbend Levee Setback and Floodplain Restoration Project in Kent. Areas that will be protected from flooding as a result of the improvements are not included in the floodplain. Failure to commence the project within allowable

time frames would have expanded the size of floodplain areas on FEMA's new floodplain maps, development would have been prevented in those unprotected floodplain areas, and capacity for both new housing and new commercial activity would have been reduced.

2. The Riverbend Levy Setback and Floodplain Restoration Project in Kent is carrying forward the County's Clean Water Healthy Habitat Initiative (with funding from the Flood Control District). By constructing a "setback levee" the project not only provides flood protection, but also benefits for fish and park/open space.

## PROTECTING YOUR BUSINESS

### Elections in 2020

Laws govern the way in which you conduct your business and affect your bottom line. Laws are made by elected officials. This year elections were conducted for the state legislature and U.S. Congress. The primary election was on August 4, and the general election was on November 3.

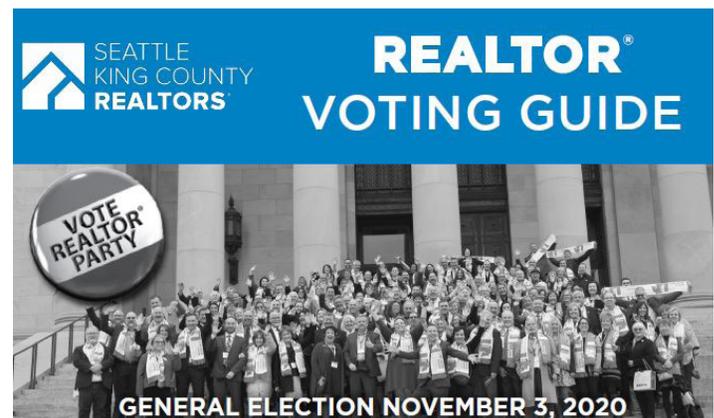
REALTORS® don't just sell homes. We sell neighborhoods and Quality of Life.

REALTORS® know that Quality of Life begins with a good job in a company that has a great future. Homes are where those jobs go at night. That's why it's so important to have elected officials who understand the key contribution that jobs and housing make to healthy, vibrant communities.

We need elected officials who share our REALTOR® values, and who appreciate the hard work you do as a real estate professional. So, members of the Association reviewed voting records of elected officials. And it's why your

REALTOR® colleagues conducted candidate endorsement interviews with candidates running for office.

This year, Seattle King County REALTORS® worked to protect and enhance your business by reviewing voting records of incumbents, conducting candidate endorsement interviews, and supporting candidates for the state legislature and congress who share our REALTOR® values. Our general election voting guide mailed in October to all Northwest MLS members who have a preferred mailing address in King County!





# Issues & Impacts

**REALTORS® Political Action Committee (RPAC)**



## **NEW! An Easy, Quick Way to Protect Your Business - REALTOR® PAC ONLINE**

Introducing a new secure, online REALTOR® PAC (RPAC) investment site making it easier than ever for busy REALTORS® to protect their business. We can't all go to Washington D.C., the state Capital, or even our City Halls while government leaders are making decisions that affect our industry; but while we are busy, REALTOR® PAC can fight for us and for our clients. Please make an investment of **\$50, \$100, or \$500** to ensure that when government acts, there is no harm to real estate, no new taxes, and no added unnecessary complications to the real estate transaction.

At the end of November 2020 (most recent information available), SKCR has raised \$310,493 for the REALTOR® PAC. Please invest in REALTOR® PAC at:  
[www.warealtor.org/government-affairs-main/rpac](http://www.warealtor.org/government-affairs-main/rpac)

Thank you to our RPAC Major Investors! A major investor is a member who has invested at least \$1,000 to RPAC this year. Our major RPAC investors can be seen here:  
[www.nwrealtor.com/advocacy/rpac/rpac-major-investors/](http://www.nwrealtor.com/advocacy/rpac/rpac-major-investors/)

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Issues & Impacts is a quarterly publication produced by Seattle King County REALTORS® to inform members about current issues and successes within your Governmental Affairs Department.  
We will release our next publication in April 2021.

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Please call David at 425.974.1011 ext. 704 if there are any local legislative issues that need our attention.