



INFORMATIONAL MEMORANDUM

TO: Planning and Community Development Committee

FROM: Nora Gierloff, DCD Director

CC: Mayor Ekberg

DATE: June 1, 2021

SUBJECT: HB 1220 Requirements and Next Steps

ISSUE

The legislature has passed a bill pre-empting the ability for local jurisdictions to exclude homeless shelters and indoor emergency housing from any zone that allows dwellings or hotels.

BACKGROUND

HB 1220 goes into effect on July 25, 2021 and effective Sept 30, 2021 cities may not prohibit indoor emergency shelters and indoor emergency housing in any zones where hotels are allowed, except for cities that have an adopted ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a 1- mile proximity to transit.

The bill does allow cities to develop reasonable operation and location requirements for these uses to protect public health and safety. Here is the bill as passed by the legislature -

<http://lawfilesexext.leg.wa.gov/biennium/2021-22/Pdf/Bills/House%20Passed%20Legislature/1220-S2.PL.pdf?q=20210510101723>

DISCUSSION

Following is a summary of the bill's provisions and a brief discussion of how Tukwila would be affected.

Sections 1. and 2. Comprehensive Plan Housing Element and Development Regulations

The Growth Management Act (GMA) requires periodic review and updates to Comprehensive Plans. In King County our deadline for this update is June of 2024. The bill sets out some new requirements for the Housing Element that we will need to address including:

- Data analysis on the topic of adequate zoned land capacity for different levels of affordable housing, shelters, and supportive housing;
- Goals for inclusion of moderate density housing such as duplexes, triplexes and townhouses;
- Identify funding and regulatory barriers to housing availability for all economic segments of the community;
- Identify and implement policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing;
- Identify areas at higher risk of displacement from market forces and establish anti-displacement policies.

Tukwila will incorporate these new requirements into our Comprehensive Plan update which is targeted to begin in mid 2022.

Sections 3. and 4. Shelters and Transitional and Permanent Supportive Housing

This section prevents cities from prohibiting indoor emergency shelters, transitional housing, or permanent supportive housing in any zones where residential dwelling units or hotels are allowed. This would be nearly every zone in Tukwila, see attached use table.

Tukwila does not define or regulate transitional or permanent supportive housing. Currently shelters are allowed in the low, medium and high density residential zones along with the mixed use office and office zones. However, we narrowly define the populations that may be served by these shelters:

18.06.743 Shelter “Shelter” means a building or use providing residential housing on a short-term basis for victims of abuse and their dependents, or a residential facility for runaway minors (children under the age of 18).

Tukwila would need to allow shelters serving all populations of individuals and families experiencing homelessness. Cities are allowed to impose reasonable occupancy, spacing, and intensity requirements on these uses for public health and safety purposes. However, such requirements may not prevent the siting of a sufficient number of these facilities to meet the city’s need as determined by the Department of Commerce. These regulations take effect beginning September 30, 2021.

Section 5. Moratoriums and Interim Ordinances

Cities may not use moratoriums or interim ordinances to block implementation of the requirements of HB 1220.

Section 6. Definitions

New definitions of emergency shelter, emergency housing, and moderate income household are added to RCW 36.70A.030.

Section 7. Accessory Dwelling Units

The bill states that cities and counties should consider policies encouraging the construction of accessory dwelling units (ADU) as a way to meet affordable housing goals. The bill suggests that policies could include:

- Prohibiting owner-occupancy requirements;
- Prohibiting use of the ADU for short-term rentals;
- Exempting ADU residents from the number of unrelated residents allowed on the lot;
- Removing minimum and maximum floor area requirements;
- Allowing setback encroachments for ADUs similar to the principal unit for roof decks, balconies, and porches;
- Developing an amnesty program for owners with unpermitted ADUs to obtain permits;
- Authorizing detached ADUs, ADUs on lots meeting minimum lot size, and ADUs on lots with nonconforming principal units, if the ADU would not increase the nonconformity;
- Authorizing ADUs to be converted from existing structures even if in violation of current setback or lot coverage requirements;
- Prohibiting public street improvements as a requisite to permitting ADUs; and
- Authorizing new or separate utility connection requirements between the ADU and utility when necessary to be consistent with certain requirements, plans, or policies.

Tukwila had been reviewing its ADU regulations prior to the COVID disruptions. When we have the staffing capacity to restart the project we can incorporate an evaluation of the proposed policies.

ANALYSIS

The City will need to quickly begin work on a Zoning Code update to address these new requirements in order to meet the September 30, 2021 deadline. This would involve development of the ordinance, public outreach, review by the Planning Commission, preparation of a SEPA checklist, and adoption by the City Council. Here is a proposed schedule:

<u>Date</u>	<u>Task</u>
6/14/2021	SEPA Notice of Application
6/28/2021	Public Comments Due
7/6/2021	Issue SEPA Determination
7/20/2021	60 Day notice to Commerce
7/22/2021	PC Hearing
8/16/2021	Ordinance to PCD Committee
9/13/2021	Ordinance to COW for Hearing
9/20/2021	CC Adoption of ordinance

In addition to adding the new uses to our Zoning Code definitions and use table we may also want to consider developing specific operational criteria to proactively address potential concerns and conflicts with these uses. Following are a list of possible topics:

1. Residential Shelters – Require that shelters follow the 24/7 model where once admitted, residents have an assigned space for the duration of their stay rather than the day or night shelter model where people are required to leave the shelter with all of their belongings each day. Require that appropriate services for the shelter population are provided on site and limited to the residents of the shelter.
2. Good Neighbor Agreement – Require that shelter and housing operators work with the City and adjacent residents and businesses to develop a set of standards covering items like noise, smoking areas, parking, and litter. <https://cohomeless.org/agency-tools/good-neighbor-agreement/>
3. Proximity to Transit – Require that shelter and housing facilities be located within a half mile of a bus or rail transit stop so that these transit dependent populations can reach services and employment.
4. Code of Conduct – Require that that shelter and housing operators work with the City to develop a set of standards and expectations that residents must agree to follow, for example <https://www.shorelinewa.gov/home/showpublisheddocument/49500/637375092558330000>
5. Spacing - To avoid a concentration of uses require that shelters be at least a mile from any other shelters, calculated as a radius from the property lines of the site.
6. Maximum Size – Limit the maximum number of residents in a shelter or emergency housing facility to the general capacity of the building and the level of staffing to be provided, but in no case more than 75.
7. Emergency Services – Require coordination plans with the Police and Fire Departments including protocols for response to the shelter and to shelter clients throughout the City. An agreement that if calls for law enforcement service exceed an agreed upon threshold in any given quarter, the shelter operator will work with the City to reduce calls below the threshold level.

8. Communication – Require that shelter and temporary housing operators provide regular reports to the City on how the facility is meeting performance metrics such as placement into permanent housing or addiction treatment programs.

FINANCIAL IMPACT

There are no direct costs expected to process this code update, though it will consume staff and City Attorney time.

RECOMMENDATION

Provide feedback to staff about what should be included in a draft ordinance to be reviewed by the Planning Commission.