



**GENERAL GOVERNMENT COMMITTEE
MEETING AGENDA**

Online via Zoom

**Wednesday, January 12, 2022
3:00 PM**

1. Call to Order
2. Roll Call
- [3.](#) Approval of Minutes - December 8, 2021
- [4.](#) Selection of Committee Chair (John Doan)
- [5.](#) Cable Franchise Agreement and Designated Service Provider Update (Ann Cook)
- [6.](#) 2022 Long Range Planning Work Program (Brad Medrud)
- [7.](#) Tumwater Housing Action Plan – Potential Measures for Addressing Tenant Protections (Brad Medrud)
8. Additional Items
9. Adjourn

Remote Meeting Information

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<https://us02web.zoom.us/j/87185714585?pwd=QVU4QzFpYjdtK0tidHRnN1JDUUJNUT09>

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CONVENE: 3:00 p.m.

PRESENT: Chair Debbie Sullivan and Councilmembers Joan Cathey and Leatta Dahlhoff.

Staff: City Administrator John Doan and Planning Manager Brad Medrud.

**APPROVAL OF MINUTES –
GENERAL GOVERNMENT
COMMITTEE, SEPTEMBER
8, 2021, OCTOBER 13, 2021,
AND NOVEMBER 10, 2021:**

MOTION: Councilmember Dahlhoff moved, seconded by Councilmember Cathey, to approve the minutes of September 8, 2021, October 13, 2021, and November 10, 2021 as presented. Motion carried unanimously.

**ORDINANCE NO. O2021-019,
EMERGENCY SHELTERS
AND HOUSING:** Manager Medrud reported the intent of the ordinance is to review Title 18 Zoning to address state laws adopted in the last several years. The laws require jurisdictions to update codes to conform to new language in state law. The City's flexibility in terms of language changes is limited with the exception of some choices.

The Planning Commission is continuing its review of the ordinance and has a scheduled a public hearing on December 14, 2021. State laws include requirements for local governments to allow certain housing types in particular areas of the City. Additionally, several amendments pertaining to housing in the City are included. The first amendment expands the number of people allowed by definition to reside in an adult family home if the capacity of the home is approved by the Department of Social and Health Services (DSHS). Currently, the definition limits the number of adults to six with the amendment allowing up to eight adults. The second change is the definition of "family." The City does not regulate the number of related individuals who live in the same housing unit; however, the code establishes a cap on the number of unrelated individuals living in a household. Under state law, the cap for unrelated individuals is no longer allowed. The change in definition eliminates the number limit for unrelated individuals in a household. Conversely, Building Code restrictions would continue for health and safety reasons.

The primary discussion will focus on transitional housing, permanent supportive housing, emergency shelters, and emergency housing. State law requires the City to allow transitional housing and

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permanent supportive housing in any zone district the City currently allows residential dwelling units or hotels/motels. Indoor emergency shelters or indoor emergency housing must be allowed in zone district that allows hotels or motels. The changes apply to all jurisdictions in the state.

Manager Medrud reviewed proposed new definitions (Chapter 18.04):

- Emergency housing is temporary indoor accommodations for people in need.
- Emergency shelter is a temporary indoor shelter for people in need that may include day centers, such as a warming center or a cooling center dependent upon the season. Day centers may allow for overnight stay.
- Transitional housing is temporary housing with support services intended to be the next step from emergency housing or emergency shelter. Individuals may live in a transitional or temporary housing for a period of two weeks to two years with support services provided to help prepare the individual to transition to regular housing.
- Permanent supportive housing is subsidized leased permitted housing with support services providing a higher level of service than transitional housing.
- The proposal includes a collective term for the four definitions of “Supportive Housing Facilities.”

Councilmember Cathey asked whether the definitions of emergency housing and emergency shelter allow for overnight accommodations. Manager Medrud replied that in both situations, overnight stays are allowed.

Manager Medrud reviewed proposed changes to the Use Tables in the code:

- Emergency shelters and emergency housing are proposed to be allowed in any zone district that allows hotels or motels in the City. Those zones include Mixed Use, Capitol Boulevard Corridor, certain subdistricts within the Brewery District, General Commercial, Historic Commercial, Town Center, and Airport-Related Industry. Although the Port does not allow residential uses, state law prevails in those zones, which was reviewed with Port staff. Manager Medrud displayed an aerial map of the areas allowing emergency shelters and emergency housing. The map identifies existing transit routes within the City. The intent is to locate the uses near transit

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service to enable users to have access to transportation.

- Permanent supportive housing and transitional housing are permitted in residential zones allowing for residential uses or hotels or motels. The uses are not allowed in Light Industrial and Heavy Industrial zones or in several subdistricts within the Town Center. Manager Medrud displayed an aerial map of the areas allowing permanent supportive housing and transitional housing.

The proposed ordinance includes a new section for general land use regulations in Chapter 18.42 on standards for supportive housing facilities. The proposed standards would apply to both a new supportive housing facility or with a conditional use permit in those limited cases where a conditional use permit would be required. The most restrictive requirements would be applied if more than one of the uses were proposed for the same area. The intent is for the uses to match the bulk and scale of surrounding residential uses. Because the uses can vary depending upon the type of services provided and number of staff members, the proposal includes a requirement for completion of a parking study as part of the application process to identify parking needs. Different supportive housing uses must be located at least 1,320 feet apart to meet the intent of the policy in the housing code to avoid placement of those types of uses in only one area of the City. Operations and service plans must be provided to the City by the operators. Onsite services or transportation access to offsite services must be provided. The proposal includes limits on the size of the facilities in terms of number of beds depending upon the zone district.

Manager Medrud outlined the Planning Commission's review process for the proposed changes. The Commission believes a conditional use permit is not necessary because the uses are allowed. The Commission also recommended that any separation standards should be removed for any incompatible uses. Staff originally recommended separation from schools or churches and other uses that might be incompatible. The Commission discussed the issue over the course of two worksessions and agreed the proposed provision was not appropriate. The Commission recommended changes to simplify the application process. The Commission extensively discussed the modification process for the standards. Provisions in the standards allow for the Community Development Director to render decisions on modifications to the standards depending upon the circumstances surrounding a particular project.

Councilmember Cathey asked how the City would address those circumstances where neighbors complain about the potential siting of

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one of the uses. Manager Medrud replied that services that need to be provided in the community may encounter resistance based on a variety of reasons; however, each proposal received by the City would undertake a typical development review process affording an opportunity to publish a notice of application to enable the public to comment on the application. The purpose of development regulations is to ensure an appropriate managed use and that the City has identified elements that need to be in place to ensure the use functions properly. If issues arise within the community, the City's enforcement mechanism would be utilized to correct problems.

Manager Medrud said the Commission is also discussing different uses with different managing agencies operating on the same site. The circumstance is not uncommon as the City of Olympia has several instances where one organization operates a day shelter and another organization operates transitional housing. The intent of the proposal is recognition that the availability of sites for the uses is fairly limited, the cost of operating the uses are expensive, and in those instances where shared opportunities exist, the City would encourage those situations. Further refinement of the language may result in the Commission's ongoing review of the issue. Following the Commission's public hearing on December 14, 2021, the Commission plans to forward a recommendation to the City Council.

Councilmember Cathey inquired about any potential development proposals for any of the uses. Manager Medrud advised that the City has not received any development proposals for any of the uses. Additionally, the City's current code does not allow the uses within the City.

Manager Medrud reported next steps include receiving a recommendation by the committee to schedule the proposal for a Council worksession on January 11, 2022 provided the Commission forwards a recommendation on December 14, 2021. Following the Council's review, the proposal would be scheduled for consideration by the City Council on January 18, 2022. State law includes requirements that the City complete adoption of the changes by the end of September 2021. That deadline was not achieved. However, only two jurisdictions in the state were able to meet the deadline. Manager Medrud invited questions from the committee.

Councilmember Dahlhoff asked about the process for determining whether an emergency shelter should be located in the City. Manager Medrud responded that typically a property owner or developer working with an operator or non-profit would submit a proposal. The changes do not stipulate that the City is required to

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build an emergency shelter. The changes essentially allow for the use to occur if a proposal is submitted to the City. Existing uses converted to a transitional housing facility would be required to meet state regulations in terms of the type of construction and any licensing requirements.

City Administrator Doan commented on the challenges associated with state regulations dictating to jurisdictions the requirement of certain uses and the process to determine the regulations that should be applied, as well as whether the use requires a conditional use permit while considering how the uses might align or not align with the zones in general. It is important to consider the standards that should apply as many in the community might not want a facility located in their neighborhood.

Councilmember Dahlhoff supported not requiring a conditional use permit to minimize the segregation of people because all community members should be treated with a baseline of respect.

CONSENSUS:

The General Government Committee forwarded the Ordinance No. O2021-019 to the Council for a worksession.

Councilmember Cathey shared information on the community acceptance of Camp Quixote as it was under construction.

**THURSTON CLIMATE
MITIGATION PLAN
PHASE 3 AND PHASE 4
STATUS:**

Manager Medrud reported the interlocal agreement for Phase 4 is currently in process for review by the participating jurisdictions. The briefing will provide an update on the status of the process and the scope of Phase 4.

The Council accepted the Thurston County Mitigation Plan earlier in the year. Staff began Phase 3 implementation process with monthly meetings with the steering committee and technical group to coordinate various activities each partner is pursuing. The City of Olympia hired a Sustainability Manager and added staff support to the effort. The City of Tumwater is recruiting for a Sustainability Coordinator. The City of Lacey is pursuing a similar action, as well as Thurston County. Staffing is being increased by all partners to support implementation of the Thurston Climate Mitigation Plan.

Discussions during Phase 3 focused on pursuing a legislative agenda recognizing additional assistance and support is required at the state and federal level to accomplish goals in the Plan. The discussions also focused on urban centers and corridor strategies through the Thurston Regional Planning Council (TRPC) project. The City's Brewery District Plan and the Capitol Boulevard Corridor Plan

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support those efforts and the City continues to consider ways to encourage development within those areas. As part of the annual transportation studies by TPRC, plan actions have been tied to transportation projects recognizing that the built environment (housing and transportation systems) are the largest contributors of greenhouse gas emissions. TRPC completed an electric vehicle assessment pursued during Phase 3 that will be incorporated in Phase 4 efforts. Work continues with the City of Olympia on a building electrification study to provide some direction on possible actions that would make a difference.

The primary discussion by the steering committee has focused on identifying the scope of work and supporting the interlocal agreement for Phase 4 covering a period of four years by the region to enact the Thurston Climate Mitigation Plan. The committee continues to consider extending the Climate Action Steering Committee comprised of representatives from all partner jurisdictions. The committee provides the direction for implementing Plan actions. The committee is supported by a multijurisdictional staff team. Staff has committed to a quarter FTE to support Plan efforts each year. Staff support should transition to the Sustainability Coordinator for the City of Tumwater next year.

The regional priorities identified in the scope of work of the interlocal agreement includes a list of annual initiatives supported by the steering committee based on available funding and staff resources. The committee is also discussing policy research recognizing the lack of funding or time for full-scale research. The committee plans to draw on the experience of others to the extent possible. Another initiative is to update the Plan if needed on a five-year cycle.

Phase 4 includes monitoring and assessments to gauge progress on specific targets. Current discussions surround the form of greenhouse gas emissions inventory. The Thurston Climate Action Team completes greenhouse gas emissions inventory annually and recently released an inventory based on 2019 data. The committee is discussing the responsibility and the format of future inventories. Also under discussion is the development of a climate mitigation dashboard as a reporting mechanism to provide information to the public on the region's progress on actions.

The committee has discussed the process for public outreach and the potential of hosting workshops or worksessions on specific topics, as well as issuing a report on the status of efforts to the community. A climate advisory workgroup will be established of interested parties representing all interests (developers, real energy, clean energy

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producers, etc.) to assist in vetting proposals to ensure actions can be implemented and funded appropriately.

Councilmember Dahlhoff asked whether the recent addition focusing on diversity, equity, and inclusion is represented on the workgroup. Manager Medrud responded that equity is included in the actions to be completed; however, the workgroup membership has not addressed diversity, equity, or inclusion, which should be discussed and considered. He recommended following up with Councilmember Swarthout who serves as a member of the steering committee and Mayor Kmet, who serves as the alternative. The elements related to diversity, equity, and inclusion with respect to membership of the workgroup is directed by the steering committee, which is currently under discussion by the steering committee.

Councilmember Cathey supported promoting the importance of equity, diversity, and inclusion because of the different needs in addressing climate change.

Chair Sullivan asked whether any contact has been initiated to the WSU Extension Energy Program office. Manager Medrud advised that he is uncertain but would follow up with the Sustainability Manager in Olympia who has numerous connections at all levels. Chair Sullivan offered to serve a conduit to the energy office and provide contact information to staff.

Councilmember Cathey asked about the possibility of tapping funds from the federal infrastructure bill to support Plan efforts. Manager Medrud reported TRPC staff has proactively been identifying funding opportunities. TRPC is tracking the bill because of its nexus with transportation.

Manager Medrud reported the interlocal agreement includes an annual funding allocation from each jurisdiction. Phase 4 funding from Tumwater is projected to be \$64,660. The interlocal agreement also includes language supporting the pursuit of other funding sources. Staff anticipates presenting the interlocal agreement to the City Council in February/March 2022 following completion of review by all partner jurisdictions.

ADJOURNMENT:

Councilmember Cathey moved, seconded by Councilmember Dahlhoff, to adjourn the meeting at 3:50 p.m. Motion carried unanimously.

TO: General Government Committee
FROM: John Doan, City Administrator
DATE: January 12, 2022
SUBJECT: Selection of Committee Chair

1) Recommended Action:

Select a committee chair.

2) Background:

Following the appointment of Council committees, each committee must select a chair. The Committee should confirm the meeting day and time. The General Government Committee currently meets at 3:00 p.m. on the second Wednesday of the month.

3) Policy Support:

VISION | MISSION | BELIEFS

Our Mission:

In active partnership with our community, we provide courageous leadership and essential municipal services to cultivate a prosperous economy, a healthy natural environment, vibrant neighborhoods, and a supportive social fabric.

4) Alternatives:

No process for selection is prescribed in the Council rules.

5) Fiscal Notes:

There is no fiscal cost associated with selecting the chair.

6) Attachments:

None.

TO: General Government Committee
 FROM: Ann Cook, Communications Manager
 DATE: January 5, 2022
 SUBJECT: Cable Franchise Agreement and Designated Service Provider Update

1) Recommended Action:

This is a discussion of the status of selecting a PEG (Public, Education, Government) service provider. Staff from the applicable jurisdictions are recommending an Interlocal Agreement (ILA) to authorize a Request for Proposals to provide those services.

2) Background:

In 2021, the City Council approved a 10-year cable franchise agreement with Comcast Cable Communications Management, LLC. The franchise agreement has provisions that provide the City access to cablecast video either with a designated service provider or directly. TCMedia is the current designated service provider for Thurston County, and the cities of Tumwater, Lacey, and Olympia. There has been no competitive process to select the service provider and the staff is recommending the jurisdictions use a Request for Proposals (RFP) process to ensure we have the best service provider.

Negotiations over for this renewal were protracted due to changes in federal law that were challenged in court and provisions in the agreement specific to the designated service provider. As part of negotiations, the jurisdictions agreed to future improvements funded by an increase in PEG fees to provide TCMedia use of the PEG Studio at no cost through December 1, 2021. The current franchise agreement does not provide funding or support for a studio. Those costs are now the responsibility of the designated service provider.

3) Policy Support:

Refine and Sustain a Great Organization

- Be fiscally responsible and develop sustainable financial strategies
 - Continue to expand and explore effective methods to market Tumwater, tell our story, and engage citizens and businesses in City government and civic organizations
-

4) Alternatives:

- ☐ Renew service provider agreement with TCMedia
 - ☐ Suggest an alternative
-

5) Fiscal Notes:

The City uses PEG fees to partially cover the costs of providing PEG services in the community, including broadcast equipment in the Council Chambers.

6) Attachments:

No attachments.

TO: General Government Committee
FROM: Brad Medrud, Planning Manager
DATE: January 12, 2022
SUBJECT: 2022 Long Range Planning Work Program

1) Recommended Action:

Conduct a briefing on the draft 2022 Long Range Planning Work Program and schedule it for consideration by the City Council on January 18, 2022.

2) Background:

An annual Long Range Planning Work Program is approved by the City Council at the beginning of each year. The draft 2022 Long Range Planning Work Program was discussed at a joint City Council – Planning Commission worksession on December 14, 2021. It is on the General Government Committee's calendar to their January 12, 2022 meeting for discussion and the City Council's January 18, 2022 consent calendar for approval.

The City Council, Planning Commission, property owners, or City staff typically propose work program items. The work program includes the City's annual docket of Comprehensive Plan Amendments

3) Policy Support:

Land Use Element Policy LU-1.9 Ensure consistency between the Land Use Element and the Tumwater Zoning Code.

Land Use Element Action LU-1.9.1 Implement the Land Use Element by revising the Zoning Code and other municipal Codes to reflect the goals, policies, actions, and designations outlined in the Land Use Element.

4) Alternatives:

☐ None.

5) Fiscal Notes:

This is an internally funded work program task.

6) Attachments:

A. Draft 2022 Long Range Planning Work Program

DRAFT 2022 CITY OF TUMWATER LONG RANGE PLANNING WORK PROGRAM					
	PROJECT	STAFF HOURS	PROPOSED BY	PROJECT DESCRIPTION/COMMENTS	
COMPREHENSIVE PLAN AMENDMENT DOCKET					
1	2025 Comprehensive Plan Update Process	80	City Staff	Starting in Fall 2022 through June 2025, prepare required eight-year periodic update to the City's Comprehensive Plan, including updates to the Conservation, Housing, Land Use, Lands for Public Purposes, and Utilities Elements as well as the Parks, Recreation, and Open Space Plan and Transportation Plan. Work in 2022 will primarily be preparing the scope and schedule for the periodic update with other City departments and it is expected to start in the second half of 2022. Work with Planning Commission, General Government Committee, and City Council.	
2	2022 Comprehensive Plan Amendments	320	City and Public	Review at least six public and private amendments through preliminary and final docket process. Includes four City proposed amendments: 1) Neighborhood Character, 2) Update greenhouse gas emission (GHG) targets in Environment Element to address HB 2311; 3) Essential Public Facilities amendments; and 4) Comprehensive Plan map amendment to change SFM to MFH Triangle west of the Dennis Street SW and Linderson Way SW intersection. Two private applications were submitted before the December 6, 2021 deadline 1) Wells Littlerock and 2) Littlerock Boulevard SW and Israel Road SW. Preliminary docket briefings and worksessions. Final docket briefings, worksessions, and hearing. Prepare preliminary docket summary, staff report, ordinance, and other materials and work with Planning Commission, General Government Committee, and City Council.	
Subtotal		400			
DEVELOPMENT REGULATION AMENDMENT DOCKET					
1. Tumwater Housing Action Plan Amendments					
a	Housing Action Plan - Development Code Amendments	120	City Staff	After acceptance of Tumwater Housing Action Plan in 2021, associated updates to development regulations to respond to Plan actions. Briefings, worksessions, and hearing. Prepare staff report, ordinance, and other materials and work with Planning Commission, General Government Committee, and City Council.	
b	Housing Action Plan - Rental Housing Amendments (Ordinance No. O2021-023)	160	City Council	Ongoing from 2018. Part of Resolution No. O2018-016 Homelessness and Housing Affordability response and addressing 2021 Tumwater Housing Action Plan actions. Briefings, worksessions, and hearing. Prepare staff report, ordinance, and other materials and work with other City staff, General Government Committee, and City Council.	
		280			
2. Urban Forestry Management Plan Amendments					
a	Landscaping and Buffering Requirements	120	City Staff	Delayed until 2022 by reduced staff in 2021. After completion of the Urban Forestry Management Plan update in 2021, work with consultant to prepare update to landscape buffering and screening regulations (TMC 18.47). Consultant management. Briefings, worksessions, and hearings. Prepare staff report, ordinance, and other materials and work with Tree Board, Planning Commission, General Government Committee, and City Council.	
b	Street Tree Standards Update (Ordinance No. O2021-016)	60	City Staff	Ongoing from 2021. After completion of the Urban Forestry Management Plan update in 2021, prepare update to street tree regulations (TMC 12.24), Street Tree Plan, and guidelines throughout the code. Briefings, worksessions, and hearings. Prepare staff report, ordinance, and other materials and work with Tree Board, Planning Commission, General Government Committee, and City Council.	
c	Tree Preservation Regulation Update	120	City Staff	Delayed until 2022 by reduced staff. After completion of the Urban Forestry Management Plan update in 2021, work with consultant to prepare update to tree preservation regulations (TMC 16.08). Consultant management. Briefings, worksessions, and hearings. Prepare staff report, ordinance, and other materials and work with Tree Board, Planning Commission, General Government Committee, and City Council.	
		300			
3. Other Amendments					
a	Binding Site Plan Amendments	120	City Staff	Prepare update to binding site plan regulations in Title 17 to provide clarity to requirements. Briefings, worksessions, and hearings. Prepare staff report, ordinance, and other materials and work with Planning Commission, General Government Committee, and City Council.	
b	Emergency Shelters and Housing (Ordinance No. O2021-019)	40	City Staff	Ongoing from 2021. Update regulations to reflect changes to address changes in state laws in 2020 and 2021 that require local governments to allow certain housing types in certain locations. The amended state laws were adopted by Engrossed Substitute House Bill (ESHB) 1023 (2020), Engrossed Second Substitute House Bill (E2SHB) 1220 (2021), and Engrossed Substitute Senate Bill (ESSB) 5235 (2021). City Council worksession and consideration.	
13	c	General Development Code Housekeeping Amendments	140	City Staff	Delayed until 2022 by reduced staff in 2021. Address minor housekeeping amendments from 2020 and 2021, including updating Dedication Certificate language and references to Public Works Director in Title 17; clarifying the intent of TMC 18.33 MUO Mixed Use Overlay to require commercial or office uses along primary roadways rather than 20% of every building; addressing nonconforming signs; addressing ADU primary entrance language; adding “residential mechanical equipment” in SF zone districts setback; addressing driveway surface for storage sheds; adding “carwash” to General Commercial uses; looking at difference between “personal and professional and services” and “personal and professional and services and sales” (NC and TC zone districts only); matching the permitted and conditional uses in TMC 18.07 Summary Tables of Uses and zone districts with those in TMC 18.53 Housing for the Functionally Disabled; clarifying whether residential uses require one long term bike storage spot per unit (18.50.120.C.3) or one per four units as shown in the table (18.40.120.(A)) at the end of the parking section; look at when a staff report is needed for a hearing examiner hearing; and addressing sidewalk maintenance issue at the request of permitting staff to clarify which owners are responsible for maintenance of sidewalks. Currently there is not a section of the TMC or Development Guide that addresses this issue. Briefings, worksessions, and hearings. Prepare staff report, ordinance, and other materials and work with Tree Board, Planning Commission, General Government Committee, and City Council.
d	Planned Unit Development Chapter Update	120	City Staff	Review and update TMC 18.36 Planned Unit Development Overlay. Briefings, worksessions, and hearings. Prepare staff report, ordinance, and other materials and work with Planning Commission, General Government Committee, and City Council.	
e	Thurston Climate Mitigation Plan - Related Development Code Amendments	80	City Council	After acceptance of Thurston Climate Mitigation Plan in 2021 and the start of Phase 4 implementation, associated updates to development regulations. Briefings, worksessions, and hearing. Prepare staff report, ordinance, and other materials and work with Planning Commission, General Government Committee, and City Council.	
f	Thurston County Code Title 22 - Tumwater Urban Growth Area Zoning	160	City Staff	Start work with County staff to revise Thurston County Code Title 22 and City development codes as needed to be consistent in the Urban Growth Areas. Schedule will depend on County work plan. Briefings, worksessions, and hearing. Prepare staff report, ordinance, and other materials and work with City and County Planning Commissions, General Government Committee, and City Council.	
Subtotal		660 1,240			

OTHER PLANNING PROJECTS				
1	Annexations - Island Annexation Process	160	City Staff	Ongoing from 2020 and 2021. After approval of ILA with County for island annexations scheduled for January 2022, coordinate with consultant and City Attorney as in needed in support of two annexation ordinances. Briefings, worksessions, and hearing. Prepare staff report, ordinances, and other materials and work with General Government Committee and City Council. Includes consultant management.
2	Equity Toolbox	80	City Staff	At request of City Administrator, work with consultant to prepare equity toolbox. Meetings with City staff and research.
3	GIS / GIS Support	100	City Staff	Support on unspecified projects, inquiries, and requests
4	Grant Funding	20	City Staff	Delayed until 2022 by reduced staff. Research grant funding opportunities that support long range planning goals. Senior housing support is one potential grant area.
5	Habitat Conservation Plan	500	City Council	Ongoing from 2016. Phase II work. Includes consultant management and coordination with Port and USFWS. NEPA/SEPA EIS support as state SEPA lead agency. 2022 grant extension with WDFW and USFWS. Briefings, worksessions, stakeholder meetings, and community meetings. Work with other City departments, internal stakeholder team, Port staff, USFWS, WDFW, Planning Commission, General Government Committee, and City Council. Includes consultant management and grant management.
6	Hazard Mitigation Plan for the Thurston Region	120	City Staff	Update the City of Tumwater chapter of the Hazard Mitigation Plan for the Thurston Region. The current plan is due for an update by August 2022. Thurston County Emergency Management and Thurston Regional Planning Council (TRPC) secured a FEMA Pre-Disaster Mitigation grant to update our region’s plan. The plan update process is expected to launch in November 2021 and take approximately 12 to 15 months to complete. Participation in a multi-agency planning workgroup. Briefings, worksessions, stakeholder meetings, and community meetings. Work with other City departments, internal stakeholder team, Planning Commission, General Government Committee, and City Council.
7	Housing - Affordability and Homelessness	48	City Council	Ongoing from 2020 and 2021. Work outside of development regulation amendments above and specific Regional Housing Council management and coordination meetings below on other housing affordability and homelessness strategies. Marketing.
8	Housing Affordability Amendments - Infrastructure (Housing Affordability Fee Work Plan Ordinance #9)	60	City Council	Part of Housing Affordability Fee Work Plan approved May 28, 2019. Work with the Public Works Department to make infrastructure investments for infill areas needing upgrades with follow-up by City staff to develop potential scenarios with emphasis on areas where housing affordability is most likely to occur. Public meetings, briefings, worksessions, hearing, and ordinance.
9	Long Range Planning Website Updates	12	City Staff	Ongoing.
10	Public Inquiries and General City Council and Interdepartmental Support	280	Various	Support on unspecified projects, inquiries, and requests.
11	Thurston Climate Mitigation Plan, Phases 3 and 4	120	City Council	Ongoing from 2020 and 2021. Work with other jurisdictions on Phase 4 of the Thurston Climate Mitigation Plan: addressing equity and implementation of strategies and action with Commerce grant. Associated updates to the development regulations in 2022 addressed above. Monthly jurisdictional staff meetings and steering committee meetings. Public meetings, briefings, and worksessions. Work with other City departments, Planning Commission, General Government Committee, and City Council. Expected transition of work to new Sustainability Coordinator position in Water Resources and Sustainability Department at some point.
12	US Census - Thurston County Jail	120	City Staff	As part of the 2021 adjustments to OFM's Preliminary Population Estimate Review for Tumwater, OFM staff noted that the 2020 Census block where Thurston County Jail is located did not have any general quarters population counted. OFM staff thought that the City has a case to submit to the Count Question Resolution (CQR) program. If successful, the city population would be adjusted upwards through a Corrected Federal Census count, potentially increasing Tumwater’s population by 200-400. OFM suspects that this might be a geocoding error and the Census Bureau may have placed the GQ population at the mailing address rather than the actual location. Correcting this error with the Census Bureau will update the population that federal funding is based on, impacting the City's federal funding for the decade. Once the Census Bureau posts a correction, staff will work with OFM to adjust the base numbers that our annual estimates are based on for this decade. The CQR program will begin accepting submissions beginning in January of 2022.
13	Urban Forestry Management Plan Implementation	80	City Council	Ongoing from 2021. Plan implementation and annual Directors and Tree Board coordination on Actions.
Subtotal		1,700		
GENERAL MANAGEMENT AND COORDINATION				
14	General Coordination with Other City Departments	96	City Staff	Various
a	All City Staff Meetings	8	City Staff	Quarterly meetings
b	Brewery Project Team	8	City Staff	Ongoing meetings
c	Code Compliance Team	16	City Staff	Ongoing monthly meetings
d	GIS Team	8	City Staff	Ongoing meetings
e	Green Team	12	City Staff	Ongoing meetings
f	Stormwater Interdisciplinary Team	12	City Staff	Ongoing meetings
g	Traffic Team	24	City Staff	Ongoing meetings
h	Web Team	8	City Staff	Ongoing meetings
2	General Coordination with Other Jurisdictions	409	City Staff	Various
a	Port of Olympia	24	City Staff	Quarterly Meetings and other coordination
b	City of Olympia	8	City Staff	Review proposed Comprehensive amendments and other coordination outside of housing
c	Intercity Transit	8	City Staff	Coordination with staff
d	Olympia School District	1	City Staff	Coordination with staff
e	Regional Housing Council	280	City Staff	Ongoing from 2020 and 2021. Monthly RHC meetings, monthly City Staff RHC prep meetings, weekly technical team meetings, annual grant review, and monthly workgroup meetings (siting, common understanding, eviction, funding). 0.25 FTE annual commitment.
f	State of Washington	4	City Staff	Coordination with staff
g	Thurston County	24	City Staff	Ongoing coordination not associated with a specific project, includes long range planning coordination with four jurisdictions
h	Thurston Regional Planning Council	28	City Staff	Regional planner meetings/jurisdiction meetings
i	Thurston Thrives - Housing Action Team	24	City Staff	Attend monthly regional coordination meetings
j	Tribal Governments	4	City Staff	Coordination with staff
k	Tumwater School District	4	City Staff	Review Capital Facilities Plan and other coordination
3	Department Management	312	City Staff	Various
a	General Management	120	City Staff	Ongoing from 2021. Staff review and development. Managing staff: daily calls, weekly meetings with permit manager, biweekly and monthly meetings, and tracking.
b	Management Team Meetings	120	City Staff	Ongoing Weekly Meetings
c	Planning Commission Support	48	City Staff	Ongoing coordination with chair. Zoom meeting management.
d	Tree Board Support	24	City Staff	Ongoing coordination with chair. Zoom meeting management. 2022 Arbor Day. “Tree City” DNR annual application in fall 2022.
4	Training	60	City Staff	AICP certificate maintenance. Conferences.
Subtotal		877		
TOTAL HOURS:		4,217		

TOTAL REQUIRED PLANNERS (FTEs):	3.00
TOTAL AVAILABLE PLANNERS (FTEs):	2.40
TOTAL AVAILABLE PLANNER TIME (Hours X FTEs):	4,213
PLANNER TIME DIFFERENCE(Hours X FTEs):	-4

Approved by the City Council on XXXX, 2022

Note: Staff hours for items that include briefings, worksessions, and ordinances include a minimum number of public meetings (5) and hours for the public meeting process (40).

	PROJECT	STAFF HOURS	PROPOSED BY	PROJECT DESCRIPTION/COMMENTS
BELOW THE LINE PROJECTS (To be considered as projects above are completed and staff time is available)				
→	Aquifer Protection Standards Amendments	80	City Staff	Update TMC 16.24 Aquifer Protection Standards and TMC 18.39 AQP Aquifer Protection Overlay to consider extending protections offered by the City system to other water systems in the City per Planning Commission recommendation on April 9, 2019. Briefings, worksessions, hearing, and ordinance.
→	Autonomous Vehicles	80	City Staff	See TVW series on transportation 2019 per John Doan. Prepare update to regulations. Briefings, worksessions, and hearings. Prepare staff report, ordinance, and other materials and work with Planning Commission, General Government Committee, and City Council.
→	Basin Plans – Deschutes and Black Lake (Subdivision Code/Housing Types	120	City Staff	Thurston County and TRPC led basin planning efforts for Black Lake and Deschutes basins. Black Lake Basin Water Resource Protection Study, Final Report was issued June 2015. Study recommended considering removal of portion of UGA on south Black Lake. Consider fire service (Black Lake) and conversion of septic systems to sewer. Appendix E of Study included suggested amendments to the City's Subdivision code for new subdivisions near wetlands and high groundwater flooding. Deschutes Basin Watershed Land Use Analysis, Scenario Development Report issued November 2016.
→	Citywide Design Standards Update	80	City Staff	Review how the Citywide Design Guidelines (TMC 18.43) have been working since adoption in 2016. Includes addressing corner setbacks for industrial zone district in the Citywide Design Guidelines do not match the standards found in the municipal code (TMC 18.24 and TMC 18.43) and addressing materials of new mini-storage uses (TMC 18.43). Briefings, worksessions, hearing, and ordinance.
→	Code Enforcement Amendments	60	City Staff	Ongoing from 2020. Substantive code revisions to reconcile International Property Maintenance Code (TMC 15.18) and Nuisances Code (TMC 8.04). Briefings, worksessions, and hearing. Prepare staff report, ordinance, and other materials and work with General Government Committee and City Council.
→	Electric Vehicle Infrastructure	80	City Staff	Work with Building Official on electric vehicle charging infrastructure requirements for new commercial buildings per WAC 51-50-0427. Prepare update to regulations. Briefings, worksessions, and hearings. Prepare staff report, ordinance, and other materials and work with Planning Commission, General Government Committee, and City Council.
→	Essential Public Facilities	120	City Staff	Separate essential public facilities from the Conditional Use Permit chapter (TMC 18.56) and establish conditions for each of the individual essential public facilities. Briefings, worksessions, hearing, and ordinance.
→	Essential Public Facilities - Treatment Facilities	80	City Staff	Code amendments for essential public facilities related to treatment facilities. Related to Comprehensive Plan Amendments. Briefings, worksessions, and hearing. Prepare staff report, ordinance, and other materials and work with Planning Commission, General Government Committee, and City Council.
→	Housing Affordability Amendments - Unit Lot Subdivision (Housing Affordability Text Work Plan Ordinance #4)	100	City Staff	Part of Housing Affordability Work Plan approved May 28, 2019. Briefings, worksessions, and hearing. Prepare staff report, ordinance, and other materials and work with Planning Commission, General Government Committee, and City Council.
→	Littlerock Road Subarea Plan and Regulations	160	City Staff	Complete update of the Plan Goals and Actions as part of the 2023 Comprehensive Plan Amendment process. Update Littlerock Road Subarea Plan and regulations, including work on the Comprehensive Plan map designation and text and zone districts. Related to regulations addressing minimum residential density and development standards in TMC 18.20 MU Mixed Use zone district in development regulation amendment docket below. Briefings, worksessions, and hearing. Prepare staff report, ordinance, and other materials and work with Planning Commission, General Government Committee, and City Council.
→	Mixed Use Zone District – Minimum Residential Density/Development Standards	120	Mayor	Review regulations addressing minimum residential density and development standards in TMC 18.20 MU Mixed Use zone district. Related to work on the Comprehensive Plan map designation and text and zone districts in Comprehensive Plan amendment docket above. Briefings, worksessions, and hearing. Prepare staff report, ordinance, and other materials and work with Planning Commission, General Government Committee, and City Council
→	Multifamily Tax Exemption Update	160	City Staff	Review and update TMC 3.30 Multifamily Housing Tax Exemptions to response to 2021 updates to state law. Briefings, worksessions, and hearings. Prepare staff report, ordinance, and other materials and work with Planning Commission, General Government Committee, and City Council.
→	Pipeline - Land Use Review	80	City Staff	Review proposed land use and zoning along the Olympic fuel pipeline and Williams natural gas pipeline and propose amendments as needed. Coordinate with County for Urban Growth Area issues as needed. Briefings, worksessions, and hearings. Prepare staff report, ordinance, and other materials and work with Planning Commission, General Government Committee, and City Council.
→	Town Center Plan Amendments	160	City Staff	Complete update as part of the 2023 Comprehensive Plan Update process. Work on the Comprehensive Plan map designation and text, zone district, and regulations, including review of residential uses and amendments to TMC 18.23 TC Town Center Zone District. Briefings, worksessions, and hearings. Prepare staff report, ordinance, and other materials and work with Planning Commission, General Government Committee, and City Council.
→	WSDOT Site Planning	100	City Staff	Work with WSDOT to potentially plan for the future use of their Capitol Boulevard site. Subject to City and WSDOT agreement.
→	Zero Effect Drainage Discharges	120	City Staff	Review TMC 13.22 - Zero Effect Drainage Discharge after new Drainage and Erosion Control Manual is adopted to see if it is appropriate to revise or remove. From the LID update, look at how TMC 13.22 works with the new City of Tumwater Drainage and Erosion Control Manual and what projects have been built using the code. Briefings, worksessions, and hearings. Prepare staff report, ordinance, and other materials and work with Planning Commission, General Government Committee, and City Council.
TOTAL HOURS:		1,700		

TO: General Government Committee
FROM: Brad Medrud, Planning Manager
DATE: January 12, 2022
SUBJECT: Tumwater Housing Action Plan – Potential Measures for Addressing Tenant Protections

1) Recommended Action:

Discuss potential actions in the attached memorandum that could be brought back to a future City Council worksession for further discussion and action.

2) Background:

After the City Council adopted Resolution No. R2018-016 in the summer of 2018, the City has undertaken a number of actions to address homelessness, increase affordable housing, and continue to work with other jurisdictions and agencies to explore regional solutions to these issues. As part of that process, the City has been reviewing tenant protections to look for ways to make it easier for people in the City who rent to access housing and stay housed.

In September 2021, the City Council adopted the Tumwater Housing Action Plan, which will inform the City's Comprehensive Plan policies and development regulations and guide implementation strategies to help the City meet its housing needs.

The attached memorandum discusses potential actions that could be taken by the City alone or on a regional basis to address tenant protection issues. The second attachment provides an update on where the City of Olympia is in working on the issue.

3) Policy Support:

Housing Element Goal H-3: To provide adequate, affordable housing for residents of all income groups, including sufficient housing affordable to low and moderate-income groups.

4) Alternatives:

☐ None.

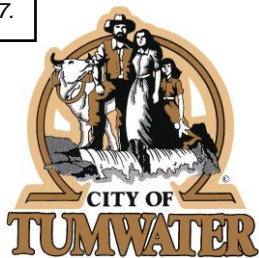
5) Fiscal Notes:

This is an internally funded work program task, although individual actions may have a cost if eventually pursued.

6) Attachments:

A. Tumwater Housing Action Plan – Potential Measures for Addressing Tenant Protections Memorandum

- B. Olympia Rental Housing Solutions: Interim Council (LUEC) Brief - Working Draft: 10-26-2021



City Hall
555 Israel Road SW
Tumwater, WA 98501-6515
Phone: 360-754-5855
Fax: 360-754-4138

Memorandum

Date: January 11, 2022

To: City Council and Mayor

From: Brad Medrud, Planning Manager

Subject: Tumwater Housing Action Plan – Potential Measures for Addressing Tenant Protections

Issue

After the City Council adopted Resolution No. R2018-016 in the summer of 2018, the City has undertaken a number of actions to address homelessness, increase affordable housing, and continue to work with other jurisdictions and agencies to explore regional solutions to these issues.

Since 2018, the City has been reviewing tenant protections to look for ways to make it easier for people in the City who rent to access housing and stay housed.

In September 2021, the City Council adopted the *Tumwater Housing Action Plan*, which will inform the City's Comprehensive Plan policies and development regulations and guide implementation strategies to help the City meet its housing needs.

This memorandum discusses potential actions that could be taken by the City alone or on a regional basis to address tenant protection issues.

Background

Since 2018, a City work group has been guided by the following action item in Resolution No. R2018-016:

GOAL: Boost Housing Affordability

Action #9 – *Enact policies to protect tenants experiencing housing instability, which may include:*

- a. *Review current eviction/renter protection policies, laws, and legal services and assess possible actions.*
- b. *Assess need for/knowledge of landlord-tenant conflict resolution services.*
- c. *Support renter resources (mediation, etc.).*

The work group, which included Councilmember Michael Althaus, City Administrator John Doan, City Attorney Karen Kirkpatrick, Community Development Director Michael Matlock, Housing Consultant Paul Knox, and Planning Manager Brad Medrud, has explored a range of potential measures to address Resolution No. R2018-016 Action #9, so that the City Council could make an informed decision on which actions to pursue.

The work group met in 2018 and 2019 to review the City's current tenant protections found in TMC Chapter 5.70 *Unfair Housing Practices*, as well as the state's requirements and what other jurisdictions are doing to address tenant protections. The work group prepared a draft list of measures that the City could undertake. The City Council discussed the draft list of measures at a worksession on March 26, 2019 and moved one potential measure to an action item.

The draft list of measures was updated on April 8, 2019 to address additional upfront costs to tenants and to change immigration status to citizenship status.

Since 2019, the state legislature has passed a number of bills on the state level addressing tenant protections in the Residential Landlord-Tenant Act (RLTA) (RCW 59.18).

The draft list of measures was updated on May 14, 2019 to address actions taken by the state legislature and governor:

- ESHB 1138 "Concerning the armed forces exceptions for giving notice of termination of a tenancy" effective April 17, 2019
- ESHB 1440 "Providing longer notice of rent increases" effective April 23, 2019
- ESSB 5600 "Concerning residential tenant protections" effective May 9, 2019
- HB 1462 "Providing notice of plans to demolish, substantially rehabilitate, or change use of residential premises" effective July 28, 2019

The draft list of measures was updated on November 15, 2021 to address taken by the state legislature and governor:

- ESHB 1236 "Residential Tenancies—Various Provisions" effective May 10, 2021
- ESSHB 1272 "Eviction Prevention—Recorded Document Surcharge" effective July 25, 2021
- EHB 1694 "Tenants—Payments in Installments" effective June 11, 2020
- HB 2535 "Past Due Rent—Tenant Grace Period" effective June 11, 2020
- ESSB 5160 "Landlord and Tenant Relations" effective April 22, 2021
- ESSB 6378 "Residential Tenants—Various Provisions" effective June 11, 2020, Except for sections 5 through 8, which become effective April 2, 2020

The draft list of measures was updated on December 12, 2019 to reflect the Washington Supreme Court decisions on November 14, 2019 in *Yim v. Seattle I* (No. 98513.-1) and *Yim v. Seattle II* (No. 96817-9) which found first in time preference for rental housing applicants constitutional.

In December 2019, the work group shared its list of potential tenant protection measures with staff at Thurston County and the cities of Olympia and Lacey with the intent of working on some of the measures regionally. There were some regional discussions, but no actions were taken before the COVID pandemic started in early 2020 and the state had to undertake emergency statewide tenant protection actions.

Potential Measures

With the end of the state moratorium on evictions, in the fall of 2021 the work group discussed the draft list of measures in the tables below (Table 1: *Measures Considered for Amendments to Tumwater Municipal Code* and Table 2: *Measures Considered for Education and Communication*) evaluated what measures should be developed further.

The two tables outlined the potential measures the City Council could consider to address the Action #9 in Resolution No. R2018-016. The first table summarizes the measures that could be considered in amendments to the Tumwater Municipal Code and the second table goes over measures that could be addressed through education and communication efforts led by the City. The actions that the City has agreed to undertake with the adoption of the Housing Action Plan are found in Table 3. *Tumwater Housing Action Plan – Actions Related to Landlords, Tenants, and Rentals*). Further discussion of the schedule and staffing to address the actions identified in Table 3 is recommended.

The work group suggests that there should be conversations with tenant, housing advocates, such as Together! and Homes First, and property owners, landlords, and real estate management companies, to review and provide comment on the measures considered. The updated draft list of measures could also be sent to housing staff at Thurston County and the cities of Lacey and Olympia to get their thoughts. Some of the measures would potentially involve registration of property owners providing rental units to gather information on number of units and a contact for education and updates on City programs.

Additional Notice Required

Pursuant to EHB 2971, passed by the 2016 state legislature and codified at RCW 64.06.080 and RCW 43.110.030(2)(e), the Municipal Research and Service Center is directed to provide the following on its website:

- A summary of all requirements imposed by cities, towns, and counties on landlords or sellers of real property to provide information to a buyer or tenant "pertaining to the subject property or to the surrounding area"; and
- An internet link to the ordinances, resolutions, or policies imposing those requirements.

For that reason, City should provide to Municipal Research and Service Center a summary of any pertinent ordinance, resolution, or policy that impose requirements on sellers or landlords to disclose designated information to purchasers or renters; and an internet link to the ordinance, resolution, or policy.

Table 1: Measures Considered for Amendments to Tumwater Municipal Code

	Measures	Potential Positives	Potential Negatives	Discussion	Staff Go or No Go
1	Prohibit use of online bidding platforms	<ul style="list-style-type: none"> • Easy policy decision • Best if cross jurisdictional 	<ul style="list-style-type: none"> • Is this addressing an issue in the City? • Potentially difficult to enforce 	<ul style="list-style-type: none"> • Not clear if this is an issue in the City • Would need communications strategy • Could be addressed as a potential code amendment as part of a new “Rental Housing Code” chapter in TMC Title 5 “Business Taxes, Licenses and Regulations” 	Originally Go Recommend No Go as this has not been demonstrated to be an issue in the City
2	Require landlords to distribute certain housing related information, including rights and responsibilities to tenants	<ul style="list-style-type: none"> • Easy policy decision • Best if cross jurisdictional 	<ul style="list-style-type: none"> • Potentially difficult to communicate or enforce 	<ul style="list-style-type: none"> • May need to require landlord registration to identify landlords operating in the City • Would need to develop set of standard required information (See footnote on the City of Auburn’s requirements)¹ • Better landlord and tenant education • Would need communications strategy • Could be addressed as a potential code amendment as part of a new “Rental Housing Code” chapter in TMC Title 5 “Business Taxes, Licenses and Regulations” 	Originally Go Recommend Go

- ¹ As an example, the following is what is required by the City of Auburn as of 2020 at three different phases of the rental process:
- At time of application the landlord must provide the tenant with their written rental criteria and the website address designated by the City for the purpose of obtaining information on:
 - Local code enforcement action relating to the property
 - Website address to the Washington Secretary of State for the purposes of registering to vote or changing address if already registered to vote.
 - When a rental agreement/lease is offered, the landlord must provide the tenant with a written copy of the summaries prepared by the City, which includes information on the following:
 - Rental Housing Code (ACC 5.23)

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	Measures	Potential Positives	Potential Negatives	Discussion	Staff Go or No Go
3	Require that deposits, as well as recurring and one time fees be in written agreements	<ul style="list-style-type: none"> Required in RLTA (RCW 59.18.260) for deposits or securities for leases one year and longer Best if cross jurisdictional Could include in as part of Measure #2 	<ul style="list-style-type: none"> How would this be enforced? How would this address month-to-month leases and leases of less than a year? Not clear if necessary 	<ul style="list-style-type: none"> Not clear if required for leases less than one year Would need communications strategy Could be addressed as a potential code amendment as part of a new “Rental Housing Code” chapter in TMC Title 5 “Business Taxes, Licenses and Regulations” 	Originally Go Recommend Go

- Auburn Building and Property Maintenance Code
 - Washington State Residential Landlord-Tenant Act (RLTA) (RCW 59.18)
 - Forcible Entry and Forcible Unlawful Detainer (RCW 59.12)
3. During tenancy, landlords must provide tenants with a notice of resources prepared by the City when the landlord serves any notice to a tenant under RCW 59.12.030 which include:
- 14-day pay or vacate
 - 3-day for waste or nuisance
 - 10-day comply or vacate
 - Notice to terminate tenancy

Landlords are required to provide copies of summaries to existing tenants within 30 days of them being made available by the City of Auburn. The initial distribution of information to tenants must be in written form and landlords must obtain tenant’s signature documenting receipt of such information. If a tenant refuses to provide a signature documenting the tenant’s receipt of the information, the landlord may draft a declaration stating when and where the landlord provided tenant with the required information. After the initial distribution of the summaries to tenants, a landlord shall provide existing tenants with updated summaries by the City, and may do so in electronic form unless a tenant otherwise requests written summaries.

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	Measures	Potential Positives	Potential Negatives	Discussion	Staff Go or No Go
4	Make landlord failure to comply a renter defense to eviction and the landlord subject to liability and penalties	<ul style="list-style-type: none"> Would be tied to other municipal code measures Best if cross jurisdictional 	<ul style="list-style-type: none"> Only applicable to municipal ordinances Would likely be applicable only if a court case is filed 	<ul style="list-style-type: none"> Right to council for indigent tenants per RCW 59.18.640, may need to update forms If City provides education packet and requires information Would need communications strategy Could be addressed as a potential code amendment as part of a new “Rental Housing Code” chapter in TMC Title 5 “Business Taxes, Licenses and Regulations” Civil penalties would likely be available a deterrent 	Originally Go Recommend Go
5	Prohibit waiving of city requirements	<ul style="list-style-type: none"> Same waiver protections for municipal requirements as RLTA (RCW 59.18.230) Best if cross jurisdictional 	<ul style="list-style-type: none"> Court case 	<ul style="list-style-type: none"> Is this needed if policies are set? Would need communications strategy Could be addressed as a potential code amendment as part of a new “Rental Housing Code” chapter in TMC Title 5 “Business Taxes, Licenses and Regulations” Civil penalties would likely be available a deterrent 	Originally Go Recommend Go
6	Prohibit retaliation	<ul style="list-style-type: none"> Protects those who seek to pursue their legal rights for municipal law as RLTA (RCW 59.18) Best if cross jurisdictional 	<ul style="list-style-type: none"> Potentially difficult to communicate or enforce 	<ul style="list-style-type: none"> Addressed by RCW 59.18.240 <i>Reprisals or retaliatory actions by landlord—Prohibited</i> Would need communications strategy Could be addressed as a potential code amendment as part of a new “Rental Housing Code” chapter in TMC Title 5 “Business Taxes, Licenses and Regulations” Civil penalties would likely be available a deterrent 	Originally Go Recommend No Go as this has been addressed at the state level

	Measures	Potential Positives	Potential Negatives	Discussion	Staff Go or No Go
7	Require notification a set number of days prior to eviction due and of no-cause eviction	<ul style="list-style-type: none"> • Could set policy for all rent increases • Makes the most impact • Best if cross jurisdictional 	<ul style="list-style-type: none"> • May incentivize regular percentage increases under threshold • Potentially difficult to communicate or enforce 	<ul style="list-style-type: none"> • State law requires a 60-day notice period to end tenancy by landlords unless specific conditions are met per ESHB 1236 “Residential Tenancies—Various Provisions” effective May 10, 2021 (RCW 59.18) • Would 90 days be more useful and when would be the best situations? • For month to month, 120-day notice required for change to condominium, demolition, or substantial rehabilitation by landlord (RCW 59.18.200) added by HB 1462 • Related to the no cause eviction • Would need major communications strategy • Could be addressed as a potential code amendment as part of a new “Rental Housing Code” chapter in TMC Title 5 “Business Taxes, Licenses and Regulations” • May address the new “Fourteen-Day Notice to Pay Rent or Vacate the Premises” that is a part of ESSB 5600 • May address the new requirements for a 60-day notice for increase in rent in RCW 59.18.140 added by ESHB 1440 in 2019 	Originally Go Recommend Go
8	Require notification a set number of days prior to any rent increase	<ul style="list-style-type: none"> • Makes the most impact • Best if cross jurisdictional 	<ul style="list-style-type: none"> • Potentially difficult to communicate or enforce 	<ul style="list-style-type: none"> • 60-day notice for increase in rent in RCW 59.18.140 added by ESHB 1440 in 2019 • Do we want to go to 90 days? • See City of Kenmore example • Would need major communications strategy • Could be addressed as a potential code amendment as part of a new “Rental Housing Code” chapter in TMC Title 5 “Business Taxes, Licenses and Regulations” 	Originally Go Recommend Go

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	Measures	Potential Positives	Potential Negatives	Discussion	Staff Go or No Go
9	Require a landlord to allow a tenant to pay the deposit and move in and administrative fees over a period of up to a number of months and allow tenants the ability to pay security and last month rent over a period of three months after moving in in lieu of upfront so there is less initial barrier to entry	<ul style="list-style-type: none"> • Would help address the economic issues • Very helpful for low or moderate income renters • Address month to month costs • Best if cross jurisdictional 	<ul style="list-style-type: none"> • Has this been challenged? • Potentially difficult to communicate or enforce 	<ul style="list-style-type: none"> • RCW 59.18.253 limits the deposit to hold to 25% of first month's rent • RCW 59.18.610 allows for payments in installments any deposits, nonrefundable fees, and last month's rent without penalty or interest • Tied to term of lease • Payment period could be over three to four months • Would need major communications strategy • Could be addressed as a potential code amendment as part of a new "Rental Housing Code" chapter in TMC Title 5 "Business Taxes, Licenses and Regulations" 	Originally Go Recommend No Go as this has been addressed at the state level
10	Add source of income protections in housing rental code	<ul style="list-style-type: none"> • Easy policy change • Best if cross jurisdictional 	<ul style="list-style-type: none"> • Potentially difficult to communicate or enforce 	<ul style="list-style-type: none"> • Source of income protected under state law (RCW 59.18.255) in 2018 • "Fair chance housing" • Would need communications strategy • Proposed code amendments to TMC 5.70 "Unfair Housing Practices" and as part of new "Rental Housing Code" chapter in TMC Title 5 "Business Taxes, Licenses and Regulations" 	Originally Go Recommend No Go
11	Add citizenship status protections in housing rental code	<ul style="list-style-type: none"> • Easy policy change • Best if cross jurisdictional 	<ul style="list-style-type: none"> • Potentially difficult to communicate or enforce • Potential conflict with federal law 	<ul style="list-style-type: none"> • Citizenship status protections found in RCW 49.60.222 <i>Unfair practices with respect to real estate transactions, facilities, or services.</i> • Source of income protected under RLTA, but not citizenship status • "Fair chance housing" 	Originally Go Recommend No Go

	Measures	Potential Positives	Potential Negatives	Discussion	Staff Go or No Go
12	Limit fees a landlord could charge	<ul style="list-style-type: none"> Would help address economic issues Best if cross jurisdictional 	<ul style="list-style-type: none"> Regulating actual business decisions Potentially difficult to communicate or enforce How would fees be justified? Needs further research 	<ul style="list-style-type: none"> Did not find a cap on a security deposit in RLTA Possible limits on nonrefundable fees Security deposit would not be more than one month's rent Would need major communications strategy No action will be taken on this option for now 	Originally No Go Recommend No Go
13	First-in-time tenancy required	<ul style="list-style-type: none"> First qualified applicant accepted Best if cross jurisdictional 	<ul style="list-style-type: none"> Difficult to communicate and enforce May not address economic issues Would need source of income 	<ul style="list-style-type: none"> Equity issue – See Seattle example Can the City purchase a database of owners of rental property? Would need major communications strategy Washington Supreme Court decisions on November 14, 2019 in the Yim v. Seattle I (No. 98513.-1) and Yim v. Seattle II (No. 96817-9) which found first in time preference for rental housing applicants constitutional. 	Originally No Go Recommend No Go
14	Add criminal conviction status protections in housing rental code	<ul style="list-style-type: none"> Best if cross jurisdictional 	<ul style="list-style-type: none"> Potentially difficult to communicate or enforce 	<ul style="list-style-type: none"> Recommended that this be addressed at state level Source of income protected under state law, but not criminal conviction status "Fair chance housing" Seattle includes criminal conviction status Would need major communications strategy No action will be taken on this option 	Originally No Go Recommend No Go

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	Measures	Potential Positives	Potential Negatives	Discussion	Staff Go or No Go
15	Require landlords to show good cause to terminate a month-to-month tenancy and to refuse to renew a fixed term tenancy	<ul style="list-style-type: none"> Best if cross jurisdictional 	<ul style="list-style-type: none"> Often tenants appreciate month to month flexibility Potentially difficult to communicate or enforce Takings analysis required 	<ul style="list-style-type: none"> State law requires a 60-day notice period to end tenancy unless specific conditions are met per ESHB 1236 “Residential Tenancies—Various Provisions” effective May 10, 2021 Add this to notice requirements discussion elsewhere in this table Would need major communications strategy Is this legal? No action will be taken on this option 	Originally No Go Recommend No Go
16	Tenant relocation assistance fund	<ul style="list-style-type: none"> Addresses economic relocation Not for cause 	<ul style="list-style-type: none"> Would need more study to determine criteria and funding Current City of Portland litigation 	<ul style="list-style-type: none"> HB 1277 in 2021 established a \$100.00 surcharge on certain recorded documents to fund various housing services. It also creates the Eviction Prevention Rental Assistance Program and requires Commerce to develop performance metrics for each county receiving funding from the surcharge and to dedicate a portion of funding to performance-based allocations Could be property owner funded Some programs go through a municipality, while other directly to a tenant Would need major communications strategy No action will be taken on this option 	Originally No Go Recommend No Go

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	Measures	Potential Positives	Potential Negatives	Discussion	Staff Go or No Go
17	Provide relocation payment for any low-income tenant displaced by the reasons in Measure #7	<ul style="list-style-type: none"> Best if cross jurisdictional 	<ul style="list-style-type: none"> Potentially difficult to communicate or enforce Could be a disincentive to property fixes or improvements Would need an income standard 	<ul style="list-style-type: none"> HB 1277 in 2021 established a \$100.00 surcharge on certain recorded documents to fund various housing services. It also creates the Eviction Prevention Rental Assistance Program and requires Commerce to develop performance metrics for each county receiving funding from the surcharge and to dedicate a portion of funding to performance-based allocations Long term Would need major communications strategy No action will be taken on this option 	Originally No Go Recommend No Go








Table 2: Measures Considered for Education and Communication

	Measures	Potential Positives	Potential Negatives	Discussion	Staff Go or No
1	Create a list of landlords for communication regarding notices and enforcement	<ul style="list-style-type: none"> A list will be needed to make existing and proposed regulations effective 	<ul style="list-style-type: none"> Potentially difficult to generate 	<ul style="list-style-type: none"> List would include name, contact information, number of units, and location of units Would need communications strategy 	Originally Go Recommend Go
2	Contract with Dispute Resolution Center for tenant and landlord conflict resolution services	<ul style="list-style-type: none"> Easy service to test for use 	<ul style="list-style-type: none"> No clear incentives for sides to engage once in conflict Landlord has upper hand in power dynamic Cost of Dispute Resolution Center services 	<ul style="list-style-type: none"> The Landlord-Tenant Act (RCW 59.18) has remedies and procedures to resolve most landlord-tenant issues. Mediation of disputes by an independent third party (RCW 59.18.315) is an option both parties can agree to, and it is free of charge. Dispute Resolution Centers serve this purpose and operate in all counties. There are also statewide organizations like the Tenants Union of Washington State that can help tenants connect with legal services. City would pay full or subsidized cost up to a particular amount Prices range on length of interaction Would need communications strategy 	Originally Go Recommend Go

Table 3. Tumwater Housing Action Plan – Actions Related to Landlords, Tenants, and Rentals







Strategy 1: Increase the supply of permanent, income-restricted affordable housing.		Implementation Status	Effort to Implement	Effect on Housing Supply	Comment	City Resources Needed
Action						
1.k. Enhance enforcement of property maintenance codes to keep housing in good repair. <i>Gaps/Needs Addressed:</i>   			H	M	The City is currently implementing this action and may look at moving beyond the current complaint driven process, to consider periodic inspections of rental property such as mold/vermin inspections. Suggest starting as a voluntary program. Review City of Lacey, City of Pasco, and City of Aberdeen’s programs and look at cost to tenant.	<ul style="list-style-type: none"> Funding through the City Council’s biennial budgeting process. Time for staff to develop and run such a program.
Strategy 2: Make it easier for households to access housing and stay housed.		Implementation Status	Effort to Implement	Effect on Housing Supply	Comment	City Resources Needed
Action						
2.a. Have developers provide tenants displaced by redevelopment with relocation assistance. <i>Gaps/Needs Addressed:</i>  			H	M	The City will consider the work necessary to implement the action, but the work has not been scheduled. More details would need to be provided for the action. It may be best implemented through funding to nonprofits, CDBG funding, and work through policies from the Regional Housing Council. Research housing impact fee.	<ul style="list-style-type: none"> Funding for displacement assistance from developers. Funding for running program through the City Council’s biennial budgeting process Time for staff to develop and run such a program.

Strategy 2: Make it easier for households to access housing and stay housed.		Implementation Status	Effort to Implement	Effect on Housing Supply	Comment	City Resources Needed
Action						
2.c. Adopt short-term rental regulations to minimize impacts on long-term housing availability. <i>Gaps/Needs Addressed:</i>  			H	L	The City will consider the work necessary to implement the action if we start to see a problem, but the work has not been scheduled. Consider requiring on site ownership for accessory dwelling units used as short-term rentals.	<ul style="list-style-type: none"> Time for staff to review and develop ordinance updating development code. Time for the Planning Commission to review and the City Council to review and approve an ordinance. Time for staff to develop and run such a program.
2.d. Support down payment assistance programs for homeownership and programs that assist people entering the rental market. <i>Gaps/Needs Addressed:</i>  			H	M	The City will consider the work necessary to implement the action if we start to see a problem, but the work has not been scheduled. While it is beyond the financial capacity of the City to manage such programs and it would be better as state or regional programs, the City could support regional programs with non-profit management.	<ul style="list-style-type: none"> Time for staff to review and develop ordinance updating development code. Time for staff to develop and run such a program.

Strategy 2: Make it easier for households to access housing and stay housed.		Implementation Status	Effort to Implement	Effect on Housing Supply	Comment	City Resources Needed
Action						
<p>2.e. Identify and implement appropriate tenant protections that improve household stability.</p> <p><i>Gaps/Needs Addressed:</i></p> <div>    </div>			H	M	<p>The City has begun the work necessary to implement the action, but it is not yet fully implemented as part of Rental Housing Amendments.</p> <p>Resolution No. R2018-016 Homelessness and Affordable Housing identified Action 9) <i>Enact policies to protect tenants experiencing housing instability</i> under B) <i>Boost Housing Affordability – Actions to increase affordable housing</i> to address this action.</p> <p>Tenant protections can mean putting a burden on small owners, who often are unable to afford to subsidize their rental property. Start this program with larger rental properties.</p>	<ul style="list-style-type: none"> Time for staff to review and develop ordinance updating development code. Time for the Planning Commission to review and the City Council to review and approve an ordinance. Funding through the City Council's biennial budgeting process. Time for staff to develop and run such a program.
<p>2.f. Develop a technical assistance or education program for small landlords.</p> <p><i>Gaps/Needs Addressed:</i></p> <div>   </div>			M	M	<p>The City will consider the work necessary to implement the action, but the work has not been scheduled.</p>	<ul style="list-style-type: none"> Funding through the City Council's biennial budgeting process. Time for staff to develop and run such a program.









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Strategy 2: Make it easier for households to access housing and stay housed.		Implementation Status	Effort to Implement	Effect on Housing Supply	Comment	City Resources Needed
Action						
2.g. Assist non-profits in the process of acquiring mobile home parks to turn them into public trusts so that lot rental fees can be controlled. <i>Gaps/Needs Addressed:</i>  			H	M	The City will consider the work necessary to implement the action, but the work has not been scheduled.	<ul style="list-style-type: none"> Funding through the City Council's biennial budgeting process. Time for staff to develop and run such a program.
2.h. Fund an energy assistance program for rental housing/make landlords do upgrades when the unit is sold. <i>Gaps/Needs Addressed:</i>  			M	L	The City will consider the work necessary to implement the action, but the work has not been scheduled.	<ul style="list-style-type: none"> Funding through the City Council's biennial budgeting process. Time for staff to develop and run such a program.

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<p>Strategy 5: Continually build on resources, collaboration, and public understanding to improve implementation of housing strategies.</p> <p>Action</p>	<p>Implementation Status</p>	<p>Effort to Implement</p>	<p>Effect on Housing Supply</p>	<p>Comment</p>	<p>City Resources Needed</p>
<p>5.b. Fund Housing Navigators to assist households, renters, homeowners, and landlords with housing issues.</p> <p><i>Gaps/Needs Addressed:</i></p>   		<p>H</p>	<p>M</p>	<p>The City will consider the work necessary to implement the action, but the work has not been scheduled.</p> <p>It would be good to have an ombudsperson resource for renters established through the Regional Housing Authority or another regional organization.</p> <p>Use trained volunteers were possible.</p>	<ul style="list-style-type: none"> Funding through the City Council's biennial budgeting process. Time for staff to develop and run such a program.
<p>5.d. Establish a rental registration program to improve access to data and share information with landlords.</p> <p><i>Gaps/Needs Addressed:</i></p>   		<p>H</p>	<p>L</p>	<p>The City has begun the work necessary to implement the action, but it is not yet fully implemented as part of Rental Housing Amendments.</p> <p>Resolution No. R2018-016 Homelessness and Affordable Housing identified Action 9) <i>Enact policies to protect tenants experiencing housing instability</i> under B) <i>Boost Housing Affordability – Actions to increase affordable housing</i> to address this action.</p> <p>This may be best considered as a regional action.</p> <p>A rental registration program will give the City a way to educate landlords about issues.</p>	<ul style="list-style-type: none"> Funding through the City Council's biennial budgeting process. Time for staff to develop and run such a program.

Olympia Rental Housing Solutions: Interim Council (LUEC) Brief

Working Draft: 10-26-2021

INTRODUCTION

Background and Context

In 2019, the City initiated a community conversation to explore rental housing challenges and potential solutions. Soon thereafter, COVID-19 arrived and, with it, a surge of housing market transformations that have exacerbated an already challenging market. In the midst of the pandemic, the Washington State Legislature enacted some of the very renter protections previously under consideration. This has necessitated a shift in the conversation to include an evaluation of the relative impact of those new laws in addition to identifying any gaps or opportunities that remain to be actualized.

While the pandemic resulted in a pause for some parts of the community conversation, other work has continued apace. The project team (staff and consultant) have completed research and evaluation of renter protections and solutions proposed or implemented in peer communities, conducted direct interviews with Olympia renters, renter advocates and landlords, and developed a preliminary assessment of potential solutions. Those findings are summarized here as follows:

- What We Have Learned So Far
- What Olympia is Doing to Address Housing Needs
- Rental Market Stabilization Concepts
- Next Steps

The Path Forward

Over the last quarter of 2021 and first quarter of 2022, the project team will continue direct stakeholder engagement and develop options for consideration by the City Council Land Use and Environment (LUEC) Committee. This is in line with the original schedule, though larger group engagement ultimately may be postponed due to the persistence of the pandemic and related crowd gathering restrictions.

WHAT WE HAVE LEARNED SO FAR

Updated Situational Context

While generally acknowledged that renter stability was becoming increasingly challenging by 2019, several additional facts should be considered when exploring potential solutions:

- Thurston County housing prices are currently at all-time high and have risen sharply over two years.
- Over the past year, purchasing power and rent capacity have been further eroded by rapid inflation in consumer costs, relative to much milder wage growth.

- Many renters are feeling desperation: future home ownership was already hard to imagine; now, it is a struggle to even maintain rent.
- COVID led to the single largest job loss in the modern history of our nation (in one six-week period). Many have not been able to return to work or have not yet been able to close the lost income gap.
- Federal COVID-based rent relief is now available and may be helpful with initial triage.

Advice on Conversation Approach

Based on feedback from stakeholders, the project team is pursuing a strategic engagement approach that allows for meaningful input from all parties while reducing the potential for conflict or unproductive dialogue. In particular, we have taken the following feedback and advice to heart:

- This is an emotional issue involving people's housing and, at least in some cases, other people's retirement income. At yet another level, it is about the right to conduct business with the attendant constitutional provisions and protections attached.
- Those who attended the original open house appreciated the invitation but were disappointed when it devolved into emotional arguments by adversarial camps. They advise the City to continue the conversation independently for now, learning from and sharing the perspectives from all sides.
- In particular, they are supportive of:
 - Conducting cohort-specific focus groups – i.e., renters, renter advocates, landlord advocates and landlords (the latter possibly broken down by large and small landlord cohorts)
 - Providing easily-accessible reports and support documents on the City website
 - Maintaining an ongoing comment portal on the website, with alternating questions depending on the current phase of conversation (stories, ideas, actions, evaluations)
- Generally, renters and renter-advocates are interested in exploring any and all forms of relief, while landlords are generally opposed to nearly every new control or intervention proposal.
- Enter into this understanding many people will be at least a little disappointed with the outcome(s) no matter what action is pursued. It may be wise to pursue an incremental approach and adjust strategy as early solutions are evaluated for success – e.g., don't jump into solutions that may end up making matters worse for renters and landlords alike.
- Acknowledge the value of and challenges faced by all sides during all exchanges.
 - Dispel and dissuade the use of stereotypes in this conversation: while there are exceptions, very few renters are going to present major challenges for the landlord, and most landlords are not looking for profits far above their cost of operations
 - Many landlords are sympathetic to challenges renters face, and many renters understand landlords must meet certain financial requirements to remain in the rental market
 - Start with mutually-beneficial approaches or solutions that reduce adversarial interactions

Impacts and Concerns Assessment

While each individual renter and landlord faces a unique set of challenges, there appears to be a number of core barriers for each group. The table below provides key take-aways from each primary stakeholder perspective, by central challenge or issue area. A preliminary assessment of what may or may not work to address these issues and find a middle-ground follows.

Key Challenge	Renter Perspective	Landlord Perspective
Recent Rent Increases	Sudden and steep for many. For some, rising above income level and ability to pay, with threat of homelessness in some cases.	Necessary to keep up with rising property taxes, catch up with maintenance after years of suppressed rent following great recession.
Current Rent Rates	Very little stock remaining at rates many households can realistically afford with current incomes.	What market allows and demands. Not always like this. Not our fault. Need more housing stock or fewer renters.
High Move-In Fees	Prohibitive to entry. Can include first and last month, security deposit, pet deposit and even pet rent fee. Few have reserves to cover cumulative cost in one transfer.	Fees will increase with risk. Inability to evict, extended eviction times and other protections make entry payments more crucial to protecting economic bottom line.
Barriers to Entry	Imperfect credit or criminal record histories are often due to circumstances beyond renter's control or reflect disproportionalities (e.g., medical bills, unequal access to credit, protection under the law). Does not necessarily reflect ability to pay rent.	Some indicate willingness to give second chance, but not interested in reduced screening. Need to know what the risk profile is and adjust accordingly.
Rental Stock Condition	Some units in bad condition, not all tenants feel comfortable asking for repairs, fear retaliation, or can't get response if they do.	Some landlords delayed improvements due to lower rents after recession. Others can't improve without raising rents to cover costs and fear losing tenants.
Access to Resources	Don't know where to go when needing help with temporary rent gap funding; uneasy or unable to communicate with landlord; unsure of legal options; unable to afford move-in fees for new place following rent increase.	Hard to keep up on evolving rules; agreeing to learn more about resources sounds like more hassle and cost; at some point, the profit margin or loss calculus will cause me to leave market.
Potential Solutions	Rent control (not allowed); extended payment plan for move-in costs; extended notice of rent increase; help finding resources/subsidy, especially for move-in costs; current landlord offering similar unit for let when repairs are needed for current unit; required landlord use of universal screening reports to prevent multiple fees for prospective renters.	Target solutions to those actually struggling (lower-income, MFH v SFH); spread cost over entire community v placing on landlords alone; consider tax credits for those who rent to low-income; defer to State laws, no new local laws; make it easier to build affordable housing and let market work.

These are preliminary challenges and perspectives. This inventory will be updated as additional outreach is conducted and the resulting feedback incorporated into recommendations forwarded to City Council.

WHAT OLYMPIA IS DOING TO ADDRESS HOUSING NEEDS

The City recently completed a Housing Needs Assessment and created a Housing Action Plan. The City identified six key strategies to address housing needs in the community:

1. Increase the supply of permanent, income-restricted affordable housing.
2. Make it easier for households to access housing and stay housed.
3. Expand the overall housing supply by making it easier to build all types of housing projects.
4. Increase the variety of housing choices.
5. Continually build on resources, collaboration, and public understanding to improve implementation of housing strategies.
6. Establish a permanent source of funding for low-income housing.

Here are examples of progress under each strategy:

- 1. Increase the supply of permanent, income-restricted affordable housing.**
 - A. Portion of Rescue Act (ARPA) funds dedicated to acquisition of new affordable housing (Quince Street Property, former site of Quality Inn Hotel)
 - B. Exploring dedication of the former Mitigation Site on Franklin to income-restricted housing targeted to downtown employees
 - C. Create income requirements for private housing redevelopment of the former Griswold's building and Boulevard Road property
 - D. Purchased property at 2828 Martin Way in 2018, donated it to Interfaith Works/Low Income Housing Institute housing and shelter development
 - E. Awarded \$4.25m from the Olympia Home Fund to help build permanent supportive housing at Unity Commons (2828 Martin Way) and the Family Support Center. The Home Fund leveraged over \$37m in non-city funds to build these projects.
 - F. Affordable Housing Density Bonus: The City allows 1 additional residential unit for each low-income unit provided, up to a 20% bonus
 - G. Impact Fee Abatement: The City may grant impact fee discounts and exemptions for projects that are 100% low-income
 - H. Engaging with LOTT as they complete their cost-of-service study. As part of this they are exploring how they might support local partners with housing affordability objectives, including potential lower hook-up fees for low-income housing
 - I. Reinstating a revolving loan program for rehabilitation and maintenance of low-income housing through the Community Development Block Grant (CDBG) program to provide low-interest loans to keep rental and owned properties affordable
- 2. Make it easier for households to access housing and stay housed.**
 - A. Facilitating community conversations that will result in recommendations for rental housing code changes intended to improve rental housing access and stability
 - B. The City has an updated Tenant and Landlord resources webpage, with legal updates and COVID-specific assistance
 - C. City Council adopted an eviction moratorium during COVID

- D. Added over 100 tiny homes for homeless individuals, managed by nonprofit partners since 2018
 - E. Passed Emergency Housing Ordinance to encourage faith and nonprofits to provide temporary emergency housing or shelter (used by faith communities and nonprofit partners to offer shelter beds)
 - F. The City has used general funds to support projects like Family Support Center Shelter expansion, the Interfaith Works 3444 shelter, and day centers which offer shower, laundry facilities and other needed services
 - G. The City has utilities payment assistance programs for qualifying low-income households
- 3. Expand the overall housing supply by making it easier to build all types of housing projects.**
- A. Multi-family Tax Exemption: incentivizes development of housing in targeted areas (there is both a market-rate tax incentive and an affordable housing tax incentive). Currently exploring an expansion of the program to more geographic areas and to maximize its use for affordable housing.
 - B. Decreased parking requirements for affordable housing units near transit routes
 - C. The following housing actions are also underway now or in the coming year, and could be applied specifically to low-income housing:
 - a. Subarea and SEPA planned action for the Capital Mall Area – scope to include assessing risk and strategies to mitigate displacement
 - b. Reduce parking requirements for multifamily in areas with frequent transit
 - c. Reviewing our fees and regulations to reduce barriers to housing construction
 - d. Re-tooling the multifamily tax exemption to maximize its use for affordable housing, increase locations and assess its efficacy in 3 areas planned for high density housing development (downtown, Capital Mall area, Pacific/Martin Way area)
- 4. Increase the variety of housing choices.**
- A. Housing code changes to allow more construction of duplexes, triplexes, other infill housing
 - B. Free accessory dwelling unit plans which meet the City's code requirements, new codes with more flexibility to allow these in more areas
 - C. Exploring funding sources and best practices to support models that lead to homeownership and long-term affordability of the property, such as land trusts, cooperatives and models like Habitat for Humanity
- 5. Continually build on resources, collaboration, and public understanding to improve implementation of housing strategies.**
- A. The City participates in a Regional Housing Council, Housing Advisory Team, Rental Housing Workgroup and many other cross-jurisdictional workgroups, to pool resources and identify gaps in housing that can be addressed at a regional level
 - B. Olympia supporting consulting work to improve Coordinated Entry homeless triage and placement system
- 6. Establish a permanent source of funding for low-income housing.**
- A. Home Fund created to provide revenue stream for building affordable and permanent supportive housing (has contributed to several new multifamily projects for formerly

- homeless community members), can also fund other housing and homeless-related operating costs
- B. Affordable and Supportive Housing revenue adopted (from HB 1406), which allows city to hold back state sales tax revenue and dedicate it to affordable and supportive housing
 - C. Support for county-wide Home Fund (under discussion)

DRAFT

RENTAL MARKET STABILIZATION CONCEPTS

Peer Community Insights

Cities across Washington have implemented various rental housing stabilization measures under consideration here in Olympia. The table below provides a summary of peer city feedback and insights with respect to the relative effectiveness of various policies following implementation:

Name of Policy	Pros	Cons	Other Notes
Rental registration or license and inspection program	<ul style="list-style-type: none"> • Helpful to know where landlords are and how to communicate with them • Neighborhood on the whole benefits from code compliance and minimal standards of habitability (property values) • Inspections help with safety of rental housing units • Tenants can be afraid to report problems due to fear of retaliation from landlord • Landlords become aware of maintenance issues sooner • Can provide training or other resources as part of license or registration program (code compliance, fair housing, licensing requirements, fire inspection and building codes, programs or resources available) 	<ul style="list-style-type: none"> • Can be difficult to get compliance even with fines in place. Don't want to revoke licenses to result in displacing tenants or losing additional rental housing, so fines or other requirements for repeated violations are needed. • Requires staff in code enforcement or building inspections, as well as administrative (licensing or registration and payments), as well as tracking and scheduling of inspections, and enforcement • Enforcement processes can be slow, and tenant may not benefit from improved condition by the time they are remedied 	<ul style="list-style-type: none"> • Most cities have a housing inspection component. Varies by city: some have processes for self-certification with a code checklist, and some proactive, required periodic inspections. • Some cities use state business licensing process (through DOR), which helps with administrative aspects, but limits information collected and imposes fee • Landlords/ managers often won't respond to requests for info/data unless required • All cities recommended having strong enforcement mechanisms in place • Documentation and tracking can be burdensome if you don't have a business license process or other administrative structure in place • Several cities indicated they have found a lot of problems and repair issues in small unit properties. More abuses, even if not intentional. • Some cities have exemptions, or exemptions for just the inspection component but not the registration. • Many more cities than interviewed have licensing and inspection programs, including Pasco, Lakewood, Kent, Tukwila

Name of Policy	Pros	Cons	Other Notes
Informational materials required	<ul style="list-style-type: none"> Educates both landlords and tenants about their rights and responsibilities Helps initiate contact with City for various rental housing issues 	<ul style="list-style-type: none"> Can be difficult to enforce if don't have staff and/or enforcement mechanisms in place. It is hard to know if landlords are providing packet to tenants, aside from receiving calls from landlords or tenants. 	<ul style="list-style-type: none"> One city stated that perhaps a webpage would be as effective Translate into most commonly spoken languages Some landlords complain when require distribution of printed copy, but one city felt information was getting buried in electronic move-in documents provided by landlords
Limits to security deposits/move-in fees	<ul style="list-style-type: none"> Helps tenants access housing, due to rising costs at move-in 	<ul style="list-style-type: none"> Unintended consequence: kneejerk rent increase. 	<ul style="list-style-type: none"> One city stated the benefits outweigh risk of possible rent increases Another city cautioned against any measure which could be construed as rent control
Just Cause eviction	<ul style="list-style-type: none"> Tenant and LL have common understanding re what could cause them to lose their tenancy. Everyone should be on same page about reason tenancy could be terminated. 	<ul style="list-style-type: none"> Could be confusing due to recent changes in statewide laws 	<ul style="list-style-type: none"> Some cities wondering if they should keep their ordinance due to statewide adoption of Just Cause protections, have to ensure their policies and informational materials align with changes. One city implemented Just Cause protections right before the eviction moratorium, so policy has not been tested with the exception of property sales. One city cautioned that need staff to enforce protections if enact them.
Housing Ombudsperson	<ul style="list-style-type: none"> Provide education and resources to both landlords and tenants Hear stories on the ground to inform policy Local expert helps implement policies/enforcement of policies 	<ul style="list-style-type: none"> Cost 	<ul style="list-style-type: none"> Burien never hired the staff recommended through community process due to eviction moratorium being enacted shortly after Burien adopted new rental housing policies Tacoma has two landlord/tenant-focused staff Feedback is that if you don't have staff or clear enforcement mechanisms, it's not worth implementing the policies

Name of Policy	Pros	Cons	Other Notes
Tenant relocation assistance for substantial remodel, demolition or change of use	<ul style="list-style-type: none"> Mitigates displacement of tenants when property is remodeled, demolished or sold 	<ul style="list-style-type: none"> Cost 	<ul style="list-style-type: none"> Authorized by State law, sets parameters for program. Tacoma didn't include 'change of use' in relocation assistance program due to feedback that some property buyers purchase a single-family home with the intent of living in it, rather than continuing to rent it out. Seattle's budget for direct payments: \$300,000-\$400,000/year. Use Real estate excise tax 1 (REET1) and general fund, if needed. 1.5 FTE to administer. Tacoma: Feb 2019-Nov 2019 paid \$6,000, for 6 qualifying units. Use general funds. Difficult to gauge ongoing costs due to moratorium since enacted. Since moratorium lifted, had 4 requests.
Extended notice for rent increases	<ul style="list-style-type: none"> Provides more time for tenants to find alternative housing in a tight rental market if can't afford the increase 	<ul style="list-style-type: none"> Unintended consequence: 100-300% rent increases to beat the new law 	<ul style="list-style-type: none"> Build in a period of time for outreach before law needs to be applied
Notice of sale of low-income housing	<ul style="list-style-type: none"> May help preserve affordable housing, prevent displacement of low-income tenants 	<ul style="list-style-type: none"> Calculations tricky for which units qualify as affordable for tenants earning 80% AMI or < Has to be updated each year. Hard to enforce; owners don't always know months in advance that they will sell. Has not preserved affordable units in Seattle or Burien. Most affordable housing providers do not have enough reserves to purchase within 60-day timeframe. Many housing providers don't want to buy old properties that may need rehab. 	<ul style="list-style-type: none"> One city felt if any affordable housing was preserved, it would be worth it, however, two other cities felt it was an administrative burden that hasn't had the impact intended by the policy. In Seattle, an auditor's report will be coming out soon to give transparent feedback. Seattle's policy has a Tenant Opportunity to Purchase (TOPO) element. One city didn't write good enforcement process. Doesn't put in structure, timelines, appeal process.

Key Takeaways from Cities Interviewed

- Consider the enforcement processes carefully. Some codes allow issuance of citations which can result in a recording on the property title, which must be cured before owner can sell. Some codes require a lengthy legal process to enforce, and don't produce a helpful result for the tenant making a complaint. Some codes require private right of action, but not many tenants have the resources to bring affirmative cases.
- Invest in staff to enforce the mechanisms created. If there aren't staff or enforcement tools in place, consider whether it's just an administrative hoop for the most highly compliant landlords to jump through.
- Consider your goals in implementing the policy. Is a landlord registry aimed at communication and sharing information, or is it also a tool in facilitating compliance with other policy measures?
- Be willing to evaluate and adapt policies and programs over time.
- Be mindful when planning stakeholder engagement. One City had the experience of holding a meeting where landlords made statements that were very hurtful in generalizing about tenants who use rental subsidies, and felt the meeting was harmful to the tenants in attendance.
- Bring everyone to the table when making policy changes. Allow for stories, as those stories can help guide the policymaking process. Listen to all sides, as they may come up with ideas not considered yet. Approach the topic knowing that everyone is not going to be 100% happy but work towards creating something everyone can live with. This approach creates buy-in, so stakeholders can identify why a provision was included, even if they don't agree with it.

Ideas That Might Work in Olympia

While this initiative is focused on solutions to keep more renters in stable housing now, the evaluation of options also includes a number of suggestions for longer-term structural considerations. All longer-term solutions reflect direct input from stakeholders.

Near-Term Solutions

The project team evaluated and tested with stakeholders a number of potential solutions deployed in peer communities. Other policies ideas arose during stakeholder conversations and have been included for consideration. The following ideas may have some beneficial impact in Thurston County, pending additional discussion and vetting by all parties:

Policy Evaluated	Why it could work
Required provision of renter rights and information packets	Information and resources are helpful to everyone involved. Where to turn when unable to pay full rent. Renter rights. Landlord resources and technical assistance. Much of this information can be produced online and in print by City staff. Landlords are already required to provide certain info, so this would be an enhanced package.

Relocation assistance program in the case of demolition or long-term remodel	An emergency fund available to low-income renters displaced by demolition, change of use or substantial remodel. Funds could be used to cover or offset first, last month and security deposit to facilitate entry to a new rental unit. Could be supplemented with new residence research assistance provided by City staff or nonprofit partners. Would require public funding to work. Program model is outlined in State law (requires public hearing, tenants eligible if below 50% AMI, limits funding to \$2,000 per unit, cost split by landlord and City). Landlord could offer option to relocate tenant to existing comparable unit, if one exists.
Extended rate increase notification period	Unpopular among landlords but could be helpful in reducing relocation assistance demands. Extending period would allow renters who are priced out of current housing to find affordable replacement, potentially with assistance from City or nonprofits.
Credit and criminal history screening restrictions	Landlords are divided. Many indicate new State rules requiring Just Cause for evictions make screening more important or even tighter. Most landlords already require income of 3 times the rent. Some are actively renting to people with minor credit or criminal offenses. This could work if limited and crafted in partnership with landlords (and according to legal allowances). There are two primary concerns: renters who may harm or otherwise negatively impact other renters; and renters who do not have ability to pay (time and expense of eviction process is a concern).
Landlord registration system to enhance communications and compliance	A landlord registry would enable the City to understand who landlords are in Olympia for communications purposes. The registry would facilitate dissemination of information on resources (e.g., the current COVID rent relief programs), new or updated rental rules and opportunities for training. Some peer cities require a business license and mandatory periodic inspections, with loss of license for certain violations.
Prohibition of “pet rent” fees	If a landlord collects a pet deposit, there is no real need for a recurring pet rent. There is some risk that prohibiting this charge will reduce the number of units available to pet owners.
Low interest loans or grants to landlords for repairs in exchange for rent stability	Could incentivize completion of needed repairs while also protecting against the need for rent increases to offset cost. Could be funded through City and/or through partnership with CDFI lender(s). Could mirror State landlord mitigation fund program for landlords renting to tenants with subsidy or provide broader eligibility.
Limits to security deposit and move-in fees (e.g., not greater than one month’s rent), and/or limit to late fees	Provides greater ability to access housing, as move-in costs can be prohibitive. Late fees can accumulate per day and be difficult to pay off, though landlords are required to apply any payments by tenant to rent first. Landlords have stated they will increase rent to offset costs and mitigate risk.
Reusable Tenant Screening Report	State law allows landlords to decide whether or not they will accept a comprehensive reusable screening report from applicants. Most landlords do not accept these reports, causing tenants to pay for multiple applications and screening reports with essentially the same information. Requiring use of these reports would lessen the cost burden on tenants, who frequently pay \$40-\$50 per application, in addition to other move-in costs.

Other Ideas to Consider

This section provides a summary of potential solutions discussed in stakeholder conversations as well as ideas that have been implemented in peer communities. The assessment as to why any particular idea may not work is based on stakeholder feedback and consideration of existing Washington State law.

Policy Evaluated	Notes
Rent control	Not currently allowed per state constitution, but laws are continually evolving.
Expanded timeframe for installment payments for move-in fees and deposits	In 2020, state law changed to allow a tenant to request installment payments for move-in fees and deposits.
Expand Just Cause eviction requirements for any tenancy	In 2021, state law changed to provide Just Cause protections. Select changes could be considered (law provides exceptions for some 6-12 month leases, which can be terminated with 60 days' notice at the expiration of the lease without providing a reason). Landlords feel state law was highly negotiated and the City should not reinvent new provisions. Renter advocates have informed us that some tenants are being asked to sign longer lease terms that fit into these exceptions or pay a higher rate for a month to month lease that is subject to Just Cause protections.
Require City notification before putting rental units on the market	This would enable City to notify nonprofits/lending partners so the property could potentially be purchased, and the units preserved as permanently affordable housing. Some cities have indicated that it is difficult for a nonprofit or housing authority to pull together funds to purchase a property in 60 days, hasn't had intended impact.
Economic Displacement Relocation Assistance	Newly passed by Seattle, not yet implemented and will likely be litigated due to claims that it is effectively rent control. EDRA requires landlords to pay relocation assistance to a low-income (80% of AMI) tenant who is displaced by a rent increase of 10% or more. Could be considered after evaluating impact of Seattle's ordinance. Seattle model requires landlords to use City as pass-through for funds, which creates additional administrative burden and cost on City (estimated \$1M). Portland model only requires City step in if landlord doesn't comply, which saves a significant cost in implementation of program.
Permanent Alternative Dispute Resolution Process	Thurston County currently requires using dispute resolution services for nonpayment of rent cases related to COVID before filing an eviction. This clause included in state law will expire in July 2023. Support for a permanent program may help both landlords and tenants avoid the cost of going through a court filing, as well as help tenants avoid having an eviction on their record. The state will evaluate this program and may decide to fund on an ongoing basis. Cooperation with Thurston County Superior Court may be required for implementation. May be approached more effectively on a regional scale.

Longer-Term Solutions

Stakeholders also offered suggestions for addressing affordable housing challenges over the long term. Some ideas are already captured in Olympia's Housing Action Plan. Others are novel, or variations on ideas previously introduced. Ultimately, while there is universal agreement that more affordable housing is required, opinions on how to go about accomplishing it vary. Stakeholder suggestions include:

- Facilitating cooperative housing solutions:
 - Work with coops to purchase or build manufactured and multifamily housing that renters can purchase through equity mechanism
 - Enact a Tenant Opportunity to Purchase ordinance that provides first right of refusal to tenants prior to a property being placed on the open market
- Building additional stock with public funds:
 - Redirect existing general fund dollars
 - Ask voters for additional tax funding or pursue a councilmanic tax on real estate transactions over a certain amount:
 - To purchase lower value homes
 - To purchase and convert unused commercial space
 - To purchase and develop or redevelop specific lots toward the goal of supplying demand identified in Housing Needs Analysis
 - Use technology to create more affordable options (e.g., 3-D print housing to help assuage current homeless proliferation)
- Acquiring additional stock by partnering with nonprofits to:
 - Purchase rental housing before it goes on market
 - Transfer ownership and management to housing nonprofit that can help maintain subsidized, permanently affordable rental units
- Incentivizing the building of additional stock:
 - Property tax credits beyond existing options – e.g., commensurate reduction in property tax for every \$100 landlord offers rent below market average for similar rental unit
 - Pursue conversions of hotels or other existing structures that can provide housing options sooner than new development
 - Work with willing developers to pilot affordable housing solutions (e.g., fee waivers on new low-income multifamily development that can be transferred to nonprofit housing services managers once developers have recouped expenses/profit)
- Reducing additive costs that may or may not artificially increase housing and rental expenses:
 - Targets include land use laws, impact fees, design standard requirements

NEXT STEPS

Action Item	Estimated Delivery/Execution Date
Peer Community Outreach	October 2021
Stakeholder Interviews	September-October 2021
Revised LUEC Briefing Memo	October 2021
Preliminary LUEC Briefing	December 2021
Focus Groups	January-February 2022
Online Survey (priorities and preferences)	February-March 2022
Community Open Houses (if viable, possibly online)	TBD
Council Options Presentation	April 2022