



# SEATTLE CITY COUNCIL

## Legislative Summary

CB 119451

Record No.: CB 119451

Type: Ordinance (Ord)

Status: Passed

Version: 2

Ord. no: Ord 125764

In Control: City Clerk

File Created: 01/18/2019

Final Action: 02/06/2019

**Title:** AN ORDINANCE relating to land use and zoning; adopting a moratorium on the filing, acceptance, processing, and/or approval of applications for development in areas currently used as mobile home parks; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Sawant, O'Brien

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Mayor's Letter on Returning Bill Unsigned

Drafter: Emilia.Sanchez@seattle.gov

Filing Requirements/Dept Action:

### History of Legislative File

Legal Notice Published:

Yes

No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Clerk	01/22/2019	sent for review	Council President's Office			
	<b>Action Text:</b> The Council Bill (CB) was sent for review. to the Council President's Office						
	<b>Notes:</b>						
1	Council President's Office	01/22/2019	sent for review	City Council			
	<b>Action Text:</b> The Council Bill (CB) was sent for review. to the City Council						
	<b>Notes:</b>						
1	City Council	01/22/2019	referred	City Council			
	<b>Action Text:</b> The Council Bill (CB) was referred. to the City Council						
	<b>Notes:</b>						
1	City Council	01/28/2019	passed as amended				Pass
	<b>Action Text:</b> The Motion carried, the Council Bill (CB) was passed as amended by the following vote, and the President signed the Bill:						

Notes: ACTION 1:

Motion was made and duly seconded to pass Council Bill 119451.

ACTION 2:

Motion was made by Councilmember Johnson and duly seconded, to amend Council Bill 119451 by substituting Section 5, as shown in Attachment 1 to the Minutes.

ACTION 3:

Motion was made and duly seconded to pass Council Bill 119451 as amended.

In Favor: 8 Councilmember Bagshaw, Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember Mosqueda, Councilmember O'Brien, Councilmember Sawant

Opposed: 0

- 2 City Clerk 01/28/2019 submitted for Mayor  
Mayor's signature  
Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor  
Notes:
- 2 Mayor 02/06/2019 returned unsigned  
Action Text: The Council Bill (CB) was returned unsigned.  
Notes:
- 2 Mayor 02/06/2019 returned City Clerk  
Action Text: The Council Bill (CB) was returned. to the City Clerk  
Notes:
- 2 City Clerk 02/06/2019 attested by City Clerk  
Action Text: The Ordinance (Ord) was attested by City Clerk.  
Notes:
-



# City of Seattle

FILED  
CITY OF SEATTLE  
19 FEB -8 AM 10:25  
CITY CLERK

February 7, 2019

Monica Martinez Simmons  
Seattle City Clerk  
600 4<sup>th</sup> Avenue, 3<sup>rd</sup> Floor  
Seattle, WA 98124

Dear Ms. Martinez Simmons,

I have returned Council Bill 119451 unsigned, understanding it will become law, with significant concerns that the bill does not sufficiently and equitably protect vulnerable communities at risk of displacement, and does not sufficiently protect the needs of the city to equitably add density. Additionally, the truncated consideration and enactment of the bill foreclosed the possibility of broader outreach to key stakeholders and the consideration of more holistic solutions.

This legislation establishes a one-year moratorium on development of areas currently used as mobile home parks. Although I share the Council's goal of protecting low-income and senior community members from displacement from affordable housing, this bill was unfortunately hastily conceived, written, and enacted without the range of thoughtful solutions being debated and considered. The moratorium does not preclude the current property owners from selling the property, evicting tenants, or raising rents.

We must create more affordable housing in order to make our city more equitable, diverse, and climate friendly, but an equally undeniable impact of growth in Seattle is that it has led to displacement and gentrification, particularly in communities of color and economically disadvantaged communities. This reality calls for deep community engagement and a holistic response. We should consider many tools, including using MHA funds to protect against displacement, incentivizing housing with a "right of return" for displaced households, working with owners of currently affordable housing to keep the housing in place and rents affordable, and improving protections against evictions. The moratorium does none of these things.

In recent days, my office has started a collaborative dialogue with interested parties in the hopes of forging a voluntary agreement whereby the owners forgo sale and redevelopment for a determined period of time, giving the City an opportunity to work with existing tenants and other stakeholders on longer term, broader solutions. The owners are willing and interested in exploring the options with us. They have been open to and willing to engage in a productive discussion.

Unfortunately, there is not enough time to meet with all parties, explore a range of options or put any agreement in place before the legislation takes effect. Had the prime sponsor of the legislation engaged the property owner several weeks ago when she introduced this legislation, there may have been sufficient time to put such an agreement in place that would have better protected residents from evictions or rent increases. In the coming weeks, I hope to continue the conversations with all interested parties to help resolve both the immediate issues and set a framework for longer term solutions.

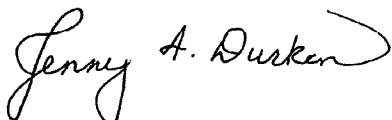
The bill also purports to establish a work program for the Office of Planning and Community Development and the Seattle Department of Construction and Inspections. Because the City Charter vests certain powers exclusively in the Executive, I am considering the current proposed Council "workplan" outlined in Council Bill 119451 as only advisory in nature.

We will be devising a path forward after we have had the opportunity to consult with the affected tenants, the owners, other stakeholders, members of the City Council and a range of affected Executive Departments, including the Office of Planning and Community Development, the Office of Housing, the Seattle Department of Construction and Inspections and the Department of Neighborhoods (none of whom were consulted in this process).

In short, the City should be approaching displacement strategies comprehensively. Instead of one-off development moratoriums, we must look at how regulations, tenant protections, incentives and funding work together to increase housing affordability while preventing and mitigating displacement. We must promote neighborhood stability by continuing our commitment to building affordable housing in locations at high risk of displacement that may also include ground floor spaces for cultural, community and commercial anchors. We must be strategic in acquiring properties to preserve affordability that sometimes exists in the market. We must proactively help longtime residents remain in their neighborhoods while also increasing our supply of housing to mitigate the pressures our growing economy places on our housing stock. We must look at these strategies as a suite of strategies that work together in a balanced way, all with the input of the communities they are meant to serve.

I look forward to working with a broad range of stakeholders and the City Council in developing and implementing these strategies.

Sincerely,

A handwritten signature in black ink that reads "Jenny A. Durkan". The signature is written in a cursive, flowing style.

Jenny A. Durkan  
Mayor of Seattle

CITY OF SEATTLE

ORDINANCE 125764

COUNCIL BILL 119451

AN ORDINANCE relating to land use and zoning; adopting a moratorium on the filing, acceptance, processing, and/or approval of applications for development in areas currently used as mobile home parks; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. The City Council (“Council”) hereby makes the following legislative findings of fact and declarations:

A. Seattle is facing increasing affordability challenges and many Seattle residents are cost-burdened;

B. Severe housing cost burdens disproportionately impact low-income households;

C. Mobile homes provide affordable shelter for a substantial number of elderly and low-income residents;

D. The few remaining mobile home parks within Seattle are under increased development pressure and the residents of those parks are at risk of being displaced;

E. Similar pressures within the county and region are reducing the number of available sites within and outside Seattle to which mobile homes can relocate;

F. With respect to the affordable housing provided by mobile homes, current development regulations may need to be amended to better advance the housing affordability policies of the City’s Comprehensive Plan;

G. A work plan to develop alternative development regulations encouraging preservation of affordable housing provided by the market will inform how the City mitigates development pressure and potential displacement of low-income mobile home residents; and

1 H. A temporary moratorium is necessary to allow the City to develop that work plan  
2 and alternative development regulations.

3 Section 2. The Council hereby adopts a moratorium on the filing, acceptance, processing,  
4 and/or approval of any application to establish a new principal or accessory use, or change a  
5 principal or accessory use, for any site currently used as a mobile home park, as defined in  
6 Section 23.84A.032 of the Seattle Municipal Code.

7 Section 3. The moratorium set forth in this ordinance shall be in effect for a period of one  
8 year from the date this ordinance is effective and shall automatically expire after the one-year  
9 period unless the same is extended as provided by statute, or unless terminated sooner by the  
10 Council.

11 Section 4. Pursuant to RCW 36.70A.390, the Council will hold a public hearing within 60  
12 days of adoption of this moratorium to take public testimony and consider adopting further  
13 findings.

14 Section 5. Under RCW 36.70A.390, the Council approves the following work plan for  
15 the development of regulations to address the issues in this ordinance and directs the Office of  
16 Planning and Community Development and the Seattle Department of Construction and  
17 Inspections to transmit proposed legislation for referral to the Planning, Land Use and Zoning  
18 (PLUZ) Committee of the Council by September 30, 2019.

Analyze Current Land Uses and Development Trends, Draft Legislation, and Conduct State Environmental Policy Act (SEPA) Review on Proposed Regulations	February 2019 to May 2019
Report to PLUZ Committee on Preliminary Options for Consideration	April 2019
Publish SEPA Threshold Determination	June 2019
Mayor Transmits Legislation to Council	September 2019

Council Deliberations and Public Hearing on Proposed Permanent Controls	October 2019 to December 2019
Permanent Controls Effective	January 2020

1           Section 6. Under Seattle Municipal Code Section 25.05.880, the Council finds that an  
2 exemption from conducting State Environmental Protection Act (SEPA) review before adopting  
3 a moratorium is necessary to prevent new vesting of development rights leading to development  
4 that would displace existing mobile home park tenants. SEPA review of any permanent  
5 regulations modifying existing regulations will be conducted according to the work plan in  
6 Section 5 of this ordinance.

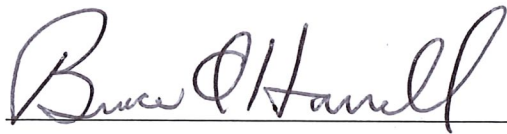
7           Section 7. Based on the authority of RCW 36.70A.390 and the findings in Section 1 of  
8 this ordinance, Section 23.76.062 of the Seattle Municipal Code is waived for the adoption of  
9 this ordinance.

10           Section 8. Based on the findings of fact set forth in Section 1 of this ordinance, the City  
11 Council hereby finds and declares that this ordinance is a public emergency ordinance, which  
12 shall take effect immediately and is necessary for the protection of the public health, safety, and  
13 welfare. The City Council may, in its sole discretion, renew said moratorium for one or more six-  
14 month period in accordance with state law.

15           Section 9. The provisions of this ordinance are declared to be separate and severable. The  
16 invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance,  
17 or the invalidity of its application to any person or circumstance, does not affect the validity of  
18 the remainder of this ordinance or the validity of its application to other persons or  
19 circumstances.

1 Section 10. By reason of the findings set out in this ordinance, and the emergency that is  
2 declared to exist, this ordinance shall become effective immediately upon its passage by a 3/4  
3 vote of the Council, and its approval by the Mayor, as provided by Article 4, subsection 1(I) of  
4 the Charter of the City.

5 Passed by a 3/4 vote of all members of the City Council the 28<sup>th</sup> day of  
6 January, 2019, and signed by me in open session in authentication of its  
7 passage this 28<sup>th</sup> day of January, 2019.

8 

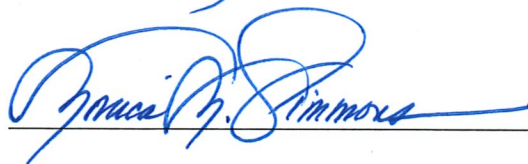
9 President \_\_\_\_\_ of the City Council

10 Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

11 **Returned Unsigned  
by Mayor**

12 Jenny A. Durkan, Mayor

13 Filed by me this 6<sup>th</sup> day of February, 2019.

14 

15 Monica Martinez Simmons, City Clerk

16 (Seal)