

# Issues & Impacts

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

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## HOUSING INVENTORY

An Absolute Necessity for Solving the Housing Crisis

### Seattle Explores Name Change for Single Family Zone



Seattle City Councilmember Teresa Mosqueda has proposed legislation that will change the name of single-family zones, reasoning that the term "single family" used in Seattle's zoning laws is a misnomer and has roots in exclusionary practices.

In 2018, the Seattle Planning Commission, in their Neighborhoods for All report, recommended that the City rename single-family areas to "neighborhood residential" areas to "create a zoning designation that promotes the intended physical form and scale of buildings while being more equitable and inclusive." Since then, the Planning Commission has reiterated this call in their recommendations for 2019/2020 Comprehensive Plan amendments and in their recommendations for analysis for the 2020/2021 Comprehensive Plan update.



The City Council has requested this change to be studied by the Executive every year since 2018 in its Comprehensive Plan Annual Docketing Resolution. This proposal would implement that recommendation by first amending the City's Comprehensive Plan to make that change, and then follow that with changes to the land use code.



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Councilmember  
Teresa Mosqueda

Councilmember Mosqueda notes that Seattle neighborhood residential areas are home to a wide range of uses, including most of the City's parks, schools, religious facilities, and other neighborhood-serving services and institutions. These areas include a wide range of

housing types, including townhouses, rowhouses and apartment buildings—and are home to a diverse array of households, such as multigenerational households, inclusive group households, and all different ways that people live together to support well-being, community, and affordability in our city. Consequently, the Commission recommended changing the City's plans and regulations to better reflect the mix of activities that occur in the neighborhoods where many of us live. The Planning Commission states, "The name 'single family' zoning has been a misnomer since 1994 when the city passed Accessory Dwelling Unit legislation allowing two households to live on a single-family zoned parcel and is not representative of the households that currently live in those zones."

The Planning Commission also points out about the current name "single family" is also linked to Seattle's former use of race-based zoning as an exclusionary practice. You can read more about some of the discriminatory land use and zoning policies that have impacted Indigenous people, Black people, and people of color throughout Seattle's history in the Planning Commission's "Evolving Seattle's Growth Strategy."

At this point, Councilmember Mosqueda is only proposing to change the name of these areas through technical amendments to the Comprehensive Plan and land use code. As the City embarks on its next major update to the Comprehensive Plan, there will be a robust discussion about what our neighborhood residential areas should look like to meet equity goals.

This change will touch many elements of the Comprehensive Plan, including: (1) the Future Land Use Map; (2) the Land Use, Housing, and Parks and Open Space elements; (3) seventeen neighborhood plans; and (4) the Housing appendix. The neighborhood plans to be amended are:

- Admiral,
- Aurora-Licton,
- Bitter Lake Village,
- Central Area,
- Columbia City,
- Crown Hill/Ballard,
- Greenwood/Phinney Ridge,
- Morgan Junction,
- North Beacon Hill,
- North Neighborhoods/Lake City,
- North Rainier/Mount Baker,
- Northgate,
- Queen Anne/Uptown,
- Rainier Beach,
- Roosevelt,
- West Seattle Junction, and
- Westwood Highland Park



Rainier Beach Neighborhood - Photo courtesy of Mahlum Architects

These proposed changes can be seen on the [Land Use and Neighborhoods Committee website](#).

SKCR has not taken a formal position as yet but recognizes the potential for greater density within the single-family zone to increase inventory is considerable. Along these lines, we would expect upzones to follow the name change and will be engaged in the process.



*Photo courtesy of City of Bellevue*

### **Bellevue Multi-Family Tax Exemption (MFTE) Advances Housing Supply & Affordability**



During the past several months, SCKR has worked with a broad coalition organized by the Bellevue Chamber to make important amendments to the Bellevue Multifamily Tax Exemption (MFTE) that will advance housing supply and affordability. SCKR supports MFTE programs because they offer a market-friendly approach to providing subsidized affordable housing. Since 2007, Washington State's MFTE program created an estimated 7,325 below market-rate units and 27,560 market-rate units across the state.

In late June, the Bellevue City Council unanimously adopted the coalition recommendation and strengthened the program to help set aside up to 20% of units in a building as affordable housing. The Council increased access to these affordable units by raising the eligibility threshold to 80% of King County Area Medium Income (AMI), adjusted for household size. Under the program, any qualifying unit 300 square feet or less will be affordable to 45% of King County AMI. In addition, the council expanded the areas within the city where the MFTE program may be used and established alternate pathways for developers to meet eligibility requirements and capping rent increases for renewing tenants.

### **HB 1220: King County Cities are Amending their Comprehensive Plans, Zoning and Development Codes to Comply with New Housing Mandates**



On May 12, 2021, Governor Inslee signed House Bill 1220 which prohibits local governments from establishing new regulations, or retaining existing regulations, that unreasonably restrict where emergency shelters and other housing can be located within cities and counties.

HB 1220 also modified Washington's GMA Housing Goal in RCW 36.70A.020 (4) to require that local governments not simply "encourage" - but now must also "accommodate" - housing affordable to all economic segments of the population of the state. The law took effect on July 25, 2021.

As a result, cities have been scrambling to adopt interim (temporary) ordinances to comply with the new state law, while they also begin work to craft permanent changes to city comprehensive plans, zoning codes, zoning maps and development regulations consistent with new directives the Legislature provided to cities and counties earlier this year.



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Under the new law, the state Department of Commerce is required to provide an inventory and analysis of existing and projected housing needs. The inventory must identify the number of housing units necessary to manage projected growth as required in the housing element of the comprehensive plan, including units for moderate-income, low-income, very low-income, and extremely low-income households, as well as emergency housing, emergency shelters, and permanent supportive housing.



Each local government that is planning for growth under the state's Growth Management Act (GMA) - including each of the 39 cities in King County - is required to include a "Housing Element" in its Comprehensive Plan.

Under HB 1220, the Housing Element of each comprehensive plan must be updated to ensure it complies with the following requirements:

- Areas located inside the Urban Growth Area (UGA) boundary are required to include moderate-density housing options (in addition to single-family residences in the housing element statement of goals, policies, and objectives), and mandatory provisions for the preservation, improvement, and development of housing.
- It must identify initial sufficient land (and zoning capacities) for housing, including moderate-income, low-income, very low-income, and extremely low-income households; emergency housing, emergency shelters, and permanent supportive housing; and within the UGA boundary, consideration of duplexes, triplexes, and townhomes.
- When making adequate provisions for existing and projected needs of all economic segments of the community, each comprehensive plan must:
  - Incorporate special consideration for low-income, very low-income, extremely low-income, and moderate-income households
  - Document programs and actions needed to achieve housing availability, including gaps in local funding, barriers such as development regulations, and other limitations

- Consider housing locations in relation to employment locations; and
- Consider the role of accessory dwelling units (ADUs) in meeting housing needs;
- Identify local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing
- Identify and implement policies and regulations to address - and begin to undo - racially disparate impacts, displacement, and exclusion in housing
- Identify areas at higher risk of displacement from market forces (that occur with changes to zoning development regulations and capital investments); and
- Establish anti-displacement policies, with consideration given to the preservation of historical and cultural communities, as well as investments in low-income, very low-income, extremely low-income, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.

One of the most controversial aspects of the new law (which drew strong opposition from some local government officials) provides that cities may not prohibit transitional housing or permanent supportive housing in any zones where residential dwelling units or hotels are allowed. Some of the angst of local elected officials in this regard was the result of the way King County chose not to collaborate with officials in Kent and Renton when it located COVID facilities in the cities. Kent twice sued the County unsuccessfully, with the County defending its actions on the basis of the emergency declaration that had been issued by the Governor.



Kent's Econolodge used as COVID-19 Isolation facility  
*Photo courtesy of iLoveKent.*

In addition to the foregoing, beginning September 30, 2021, cities may not prohibit indoor emergency shelters or indoor emergency housing in any zones where hotels are allowed, except for cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one (1) mile proximity to transit.

The new law also provides that cities may adopt ordinances imposing reasonable occupancy, spacing, and intensity of use requirements on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters for public health and safety purposes.

However, such requirements on occupancy, spacing, and intensity of use may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, or indoor emergency housing (or shelters). The state Department of Commerce is charged with the responsibility to identify the number of units that are necessary to accommodate the need for such housing and shelter.

The new law also addresses any city ordinances or development regulations that prohibit transitional housing, permanent supportive housing, indoor emergency shelters and housing in any zones where residential dwelling units or hotels are allowed, and in particular exemptions from public hearing and other requirements applicable to adopted moratoria or interim zoning controls.

Cities and counties must also consider policies encouraging the construction of ADUs as a way to meet affordable housing goals. Policies may include:

- Prohibiting owner-occupancy requirements
- Requiring the owner not to use the ADU for short-term rentals
- Prohibiting counting of ADU residents toward the number of unrelated residents on the lot
- Prohibiting minimum gross floor area requirements exceeding building codes
- Prohibiting maximum gross floor area requirements of certain dimensions
- Requiring the same ADU allowances regarding roof decks, balconies, and porches as are required for the principal residence on the property

- Requiring certain abutting lot setbacks
- Requiring an amnesty program for owners with unpermitted ADUs to obtain permits; authorizing detached ADUs, ADUs on lots meeting minimum lot size, and ADUs on lots with nonconforming principal units, if the ADU would not increase the nonconformity
- Authorizing ADUs to be converted from existing structures, even if in violation of current setback or lot coverage requirements
- Prohibiting public street improvements as a requisite to permitting ADUs; and
- Authorizing new or separate utility connection requirements between the ADU and utility when necessary to be consistent with certain requirements, plans, or policies.

The Legislature also included a provision in the law that would have allowed additional Accessory Dwelling Units (ADUs) in rural areas, but that provision was vetoed by the Governor.

Finally, section 6 of the new law adds the following definitions to subsection .030 of the GMA:

*"Emergency housing"* means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

*"Emergency shelter"* means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations; and

*"Moderate-income household"* means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development.



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## COVINGTON: Exemplary Leadership to Address the Housing Affordability Crisis

The Covington City Council has approved a massive package of exemplary code amendments that reflect the deep commitment within Covington's City Council, Planning Commission and staff for Covington to do its part to address the region's housing affordability crisis.



The bundle of actions approved by the city include:

- A new Hybrid Form-Based Development Code for Downtown
- An Infill Exemption Code that will be available for up to 1,235 net new infill housing units, and more than 400,000 square feet of net new commercial development. Covington's code amendment is authorized by prior amendments to state law that created expanded SEPA Categorical Exemptions in urban areas consistent with recommendations the Legislature received from the Washington Department of Ecology.
- A Multi-Family Tax Exemption program
- Amendments to the Future Land-Use Map
- Development Code updates (primarily regarding definitions and cross references); and
- An Environmental Impact Statement that supports the impressive package of new Housing and Development Policies

Covington's work to develop and approve the Infill Exemption Code and Hybrid Form-Based Development Code was funded in part by a state Department of Commerce growth management grant program to increase residential building capacity. The grant program was created by the state legislature in 2019 as part of House Bill 1923. The legislature expanded the program in 2020.

The state Growth Management Services Division reviewed Covington's proposals prior to final adoption by the City Council and made a point to call-out the fact that Covington's new SEPA infill exemption goes beyond the exemption levels that most communities are pursuing with HB 1923

grants because it allows SEPA exemptions for up to 1,235 net new residential units and 411,160 square feet of net new commercial development. State officials said, "This new exemption will streamline the development review process and reduce costs for a larger amount of infill development, thereby encouraging more housing. We applaud this visionary step."

State officials were also supportive of Covington's new implementation of form-based code standards, instead of the design standards that are currently in place in the Town Center, saying, "This approach allows for more predictability which can lead to more development, while clarifying the design quality that is desired by the community. We also support the clarification added to departures from the design standards, and the plan to track those departures to ensure consistent application and transparency. Departures offer flexibility that is needed to allow for unique circumstances that can be prohibitive to some new development."

State Growth Management officials were also appreciative of the City's minimum density thresholds, and the elimination of maximum densities.

In a letter to the city, Gary Idleburg - who is a Senior Planner in the state's Growth Management Services Division - said, "Minimum densities will ensure sufficient development to support a walkable and compact downtown, and eliminating maximum densities is consistent with best practices for form-based code standards which maintain that maximum density is guided by the building form or envelope."

The state was also supportive of the fact that Covington's package of code amendments includes:

- Incentives for bonus height
- The introduction of street standards and block frontages to encourage a high-quality public realm that supports a variety of users (motor vehicles, pedestrians, and bicyclists), and
- Maximum parking ratios, the flexibility offered to adjust the parking requirements, and the city's update to bicycle parking standards. According to Idleburg, "These are best practices to reduce 'overparking' and its associated costs, as well as supporting active transportation modes."

The city's approval of a Multi-Family Tax Exemption (MFTE) is a policy REALTORS® have worked to support (both throughout King County, and in Olympia) because it helps to ensure access to housing for a larger number of economically challenged households. Without the MFTE, rents on more affordable units would be higher in order to cover owners' overhead expenses, making access to housing less available to renters who already face a daunting challenge trying to find housing they can afford.

City Councilmember Jared Koukal, who is also a REALTOR® with RE/MAX Choice Executives, noted that the city began working more than a year ago to develop the package of code amendments the Council approved on August 10th of this year.



Councilmember  
Jared Koukal

Covington Planning Commission member Jennifer Gilbert-Smith, who is a REALTOR® and the Owner/Designated Broker of RE/MAX Leading Professionals, was quick to point out, "This was an enormous team effort that included not only the volunteers who serve on the City Council and Planning Commission, but also consultants from BERK and numerous members of city staff who provided highly-skilled expertise, including the city's planning manager Ryan Harriman. Ryan was not only present at the beginning of this effort, he also shepherded it all the way through the Planning Commission and City Council to final adoption. This package of solution-oriented code amendments was an enormous, heavy-lift. It reflects great credit on the entire city, and will help to make an important difference in addressing our region's housing crisis."



Jennifer Gilbert-Smith



Planning Member  
Ryan Harriman

## AUBURN: City Collaborates to Create New South Sound Housing Coalition

First there was ARCH - A Regional Coalition for Housing - created by cities in East King County to collaborate on affordable housing issues.

More recently, based on the success of ARCH, jurisdictions in South King County...including Auburn...created SKHHP (pronounced "Skip"), the South King Housing and Homeless Partners.



Now, a two-year long initiative to create a similar collaboration is moving forward in Pierce County, and it includes the city of Auburn, which straddles the King-Pierce County line. The new organization will be known as the South Sound Housing Affordability Partners, or SSHAP.

Over the last two years, several Pierce County elected officials who represent the county, cities and tribes have convened for the purpose of discussing the benefits of creating a formalized coalition that can work towards advancing affordable housing objectives. Auburn Mayor Nancy Backus has participated in the discussions as a member of the Steering Committee and is advocating for a concept that allows municipal governments to pool resources and work together collaboratively on the region's housing affordability crisis.



Auburn Mayor  
Nancy Backus

After two years of collective efforts, a draft Inter-Governmental Agreement (IGA) has been prepared by the Mayors of Auburn, Fife, Gig Harbor, Lakewood, Orting, Puyallup, Tacoma, Pierce County elected officials, and Puyallup Tribal Leaders.



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As envisioned in the proposed IGA, all participants will have voting rights, and each jurisdiction will be able to pursue different approaches and methods within their own organization, based on shared values and objectives. In addition, the Coalition anticipates each participating entity would contribute a relatively modest annual fee to help cover the cost of the work. Initial estimates are that annual budget commitments would range between \$2,000 and \$5,434, depending upon the number of municipalities that sign-on to the agreement, as well as the range of budget options that are selected by the Executive Board.

If formally approved, the IGA would:

- Establish a common set of housing goals across Pierce County
- Pierce County will serve as the initial administrative agency for the Coalition

- The Executive Board would be made up of elected officials representing each participating municipality and tribe
- An Advisory Board would be created to help guide SSHAP initiatives and programs
- A mechanism for funding housing initiatives and programs would be established, including capital expenditures to acquire housing
- A staff position (or positions) will be created to support the efforts of the Coalition, and the Coalition would establish rules, procedures, voting methods and other operational details defining how SSHAP will function.

More information: <https://www.piercecountywa.gov/7052/South-Sound-Housing-Affordability-Partne>

## Homelessness Initiative: “Health Through Housing” Hotels Purchased with New Dedicated Sales Tax

With proceeds from a new 0.1% sales tax authorized by the legislature in 2020, King County has begun purchasing hotels to provide housing and long-term operating and supportive services to homeless individuals throughout the county.

County Executive Dow Constantine refers to the initiative as “Health Through Housing.” The new sales tax is expected to produce approximately \$50 million a year in permanent revenues beginning in 2021. Earlier this year, the legislature approved using the sales tax funds for the hotel purchases, and also required local governments to “accommodate” housing for all economic segments of the population, including the homeless.



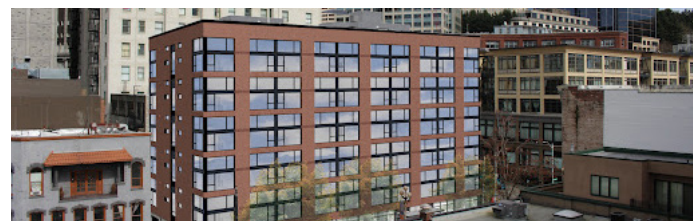
Clarion Inn in Renton - 102 units, \$11.8 mm.  
*Photo courtesy of Hotel Planner.*



Extended Stay America in Federal Way, - 101 units, \$23 mm.  
*Photo courtesy of Federal Way Mirror.*



Extended Stay America in Renton - 110 units, \$28.6 mm.  
*Photo courtesy of TripAdvisor.*



New Construction: Canton Lofts Pioneer Square - 80 units \$32 mm.  
*Photo courtesy of Spectrum Development Solutions.*



Extended Stay America North Seattle - 131 units, \$41 mm. *Photo courtesy of TripAdvisor.*



Silver Cloud Inn in Redmond - 144 units, \$28.25 mm. *Photo courtesy of Agoda.*



Seattle's Inn in Queen Anne - 80 units, \$16.5 mm. *Photo courtesy of Agoda.*

Thus far, the County has reportedly committed to spending just over \$180 million to purchase seven hotels with a total of nearly 750 units in Auburn, Federal Way, Redmond, Renton, Pioneer Square, Seattle Uptown, and North Seattle. County officials say that since May 2021, the total investment has been closer to \$198 million. By the end of 2022, the County will partner with 31 local jurisdictions “to create up to 1600 emergency housing and permanent supportive housing units for people experiencing chronic homelessness.”

In terms of the kinds of properties it is seeking to purchase, the County has focused on existing buildings with 75-150 units that have a private bedroom and bathroom, and especially properties that have been constructed since 1990. In addition, the County has expressed a preference for hotels with internal stairways, zoning that is consistent with use of the structures for the “Health Through Housing” initiative, and structures which support ADA access, including elevators.

According to County Executive Constantine, building new permanent housing costs about \$400,000 per unit, compared to approximately \$115,000 per room for some of the hotel properties the County has been purchasing. Given the difference in cost between building new construction and purchasing existing units, earlier this year the legislature amended state law to allow the dedicated sales tax revenues to be used for purchase of existing structures, rather than being limited to new construction.

County officials are focusing initially on using the newly acquired units to serve households and individuals with annual incomes at or below 30% of the countywide median (mid-point) income who also meet one of the following two criteria:

1. Households experiencing chronic homelessness where:

- There is an adult with a disability, AND
  - The household has either been experiencing homelessness for at least 12 consecutive months, or has experienced homelessness for at least 12 of the last 36 months; or
2. Households at risk of experiencing chronic homelessness where:
- There is an adult with a disability; AND
  - The household is either:
    - currently experiencing homelessness, or
    - experienced homelessness 10 -12 months in the previous 3 years, or
    - experienced homelessness for a cumulative total of 12 months within the last 5 years; AND
  - Represents a population disproportionately impacted by homelessness.

In addition to housing the homeless and providing supportive services, a key objective of the “Health Through Housing” initiative is to reduce racial-ethnic disproportionality. The County is implementing a four-pronged approach to achieve this objective including:

1. Acquiring single-room settings like hotels while economic conditions are favorable
2. Putting buildings into immediate service as emergency and affordable housing
3. Funding sustainable and long-term operating and supportive services within housing. On-site 24/7 staffing at the facilities will include case management, employment counseling and access to health and behavioral health services; and
4. Converting units into permanent supportive housing over time, while continuing to develop additional affordable housing.



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## LANDLORD-TENANT RELATIONS

### **KENT: Legislature Preempts Cities - So, Kent Repeals Ordinance Requiring Landlords Give Tenants 60-days Notice Before Tenants Are Evicted**

The Kent City Council has repealed city ordinance #4399 regarding notices landlords must provide to month-to-month tenants before evicting them. The city's repeal of the new tenant protections was required because earlier this year the state legislature preempted the ability of local governments to impose such a requirement on landlords.



Specifically, the legislature amended the Landlord Tenant Act and eliminated landlords' ability to terminate a month-to-month lease/rental agreement without "just cause."

Before the state Landlord Tenant Act was amended earlier this year by the legislature, landlords were required by RCW 59.18.200(1)(a) to give tenants a 20-day notice that the landlord was going to terminate a month-to-month rental agreement. Kent wanted to provide tenants with additional protections, and longer advance notice, before a month-to-month tenant could be evicted at the landlord's discretion.

So, on April 6, 2021, the Kent City Council passed ordinance #4399 requiring landlords to provide tenants with a 40-day advance notice of the fact that the landlord was going to provide a 20-day notice that would terminate a month-to-month rental agreement without cause. Kent's ordinance, which was scheduled to take effect beginning August 1, 2021, meant that tenants would receive a minimum of 60 days' notice before being evicted (the 40-day notice required by the city, followed by the additional 20-day notice required by state law, for a total advance notice of 60 days).

According to the City, ordinance #4399 was intended to "empower tenants with additional time to find alternative housing while not interfering with the ability of landlords to manage their property-related business."

City officials noted the city's "high rental occupancy

rate, a diversity of languages represented in Kent" and said the ordinance seeks to "reduce homelessness and evictions in Kent due to renters being unable to find accommodations under the short notice of 20 days required by state law."

The City also referenced reports that Kent is the 8th most ethnically diverse city in the nation and the Kent School District's website states that "over 130 languages are spoken in the homes of school district students."



Ethos Community, the brand new apartment living in Kent, WA  
*Photo Courtesy of Ethos Kent*

Moreover, said the City, according to the 2019 American Community Survey 5-year census data, "44% of Kent's housing units are renter-occupied. With a high rental rate and diversity of languages, there is risk that a portion of the renting community will not be able to easily understand the terms of a rental agreement and may have challenges in finding housing when faced with the end of the landlord-tenant relationship."

However, when the legislature eliminated the ability of landlords to evict month-to-month tenants without cause, both the state-mandated 20-day notice, and the City of Kent's 40-day notice, became meaningless because landlords no longer have any right to evict a month-to-month tenant without "just cause" as defined in the legislature's 2021 amendments to the Landlord Tenant Act.

## REAL ESTATE SIGNAGE



### Issaquah Sign Code Update

The Issaquah City Council adopted amendments to the sign code in September.



SKCR worked with the Council and staff to ensure that updates to the sign code support real estate signage and the needs of our members.

We believe Issaquah drafted a package that meets community objectives, is understandable, practical and aligns with the United States Supreme Court's Reed vs. Gilbert decision. SKCR concurs fully with the City that Reed v Gilbert applies to noncommercial speech exclusively and does not apply to commercial sign regulations --- including real estate.

Because many Issaquah homes can be difficult to find, your Association successfully requested an allowance of one additional off-premises open house A-board, for a total allowance of four signs.

### Kenmore Sign Code: Protecting Your Marketing Abilities

The Kenmore City Council adopted a revised sign code in July.



SKCR communicated with city staff and the council as well as presented testimony at the public hearing. The revised code preserves the use of on-premises and off-premises real estate signs.

## HOUSING REGULATIONS

### New Requirement for Development and Rehabilitation of Apartments: Electric Vehicle Charging Stations Required in Unincorporated King County

In an effort to promote a seismic shift from fossil fuels to electric power, development of new apartments (as well as substantial remodels of existing apartments) in unincorporated King County will now need to include charging stations for electric vehicles, as well as dedicated parking for electric vehicles.

In imposing this new mandate, county officials emphasized their desire to make eco-friendly choices accessible, such as electric vehicles. According to councilmembers, as electric vehicles become more common, affordable, and in-demand, the requirement "will ensure that eco-friendly infrastructure exists in King County and that individuals are supported as they transition

to more sustainable alternatives." The mandate for new and substantially remodeled apartments in unincorporated areas is part of a larger county effort to have all light-duty vehicles sold by 2035 be electric.

Under the new rules, new or substantially remodeled apartment buildings must make 10% of parking spaces capable of charging electric vehicles, which means they must include all the equipment needed to connect and charge a vehicle. In addition, another 25% of the parking spaces must be "EV-ready" - meaning the infrastructure is in place to install a charger at some future time.



EV Charging Station.  
Photo Courtesy of  
PV Magazine



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## **BURIEN: New Standards for Developing Properties Near “RapidRide Bus Stops” On Ambaum Ave. SW to Facilitate New Residential, Office & Retail**

King County’s Metro Transit Department is making improvements to “H” line Rapid Ride bus service in Burien’s Ambaum Corridor, and the city of Burien is seizing the opportunity to make changes to its comprehensive plan and development regulations to encourage new residential, office and retail development in the vicinity of RapidRide bus stops for the “H” Line.

The city of Burien adopted its first Comprehensive Plan in 1997 after incorporating and has amended it periodically in subsequent years. Now, proposed ordinance 777 would provide additional amendments to create “Station Area Overlay Standards” to complement Metro’s regional investment in bus rapid transit and pedestrian safety improvements. The City wants to encourage new residential and businesses Transit-Oriented Development near RapidRide bus stops in the Ambaum corridor.

Under the new standards, the following will be prohibited on properties within 300 feet of the midpoint of intersections on Ambaum Boulevard SW between 112th Street and 148th Street:

- Drive-through lanes
- Parking as a principle use
- Automobile sales, automobile repairs, fuel stations and service stations
- Storage facilities, self-storage facilities and outdoor storage; and
- RV and boat sales.

In addition, the ordinance contains specific requirements regarding where surface parking, and entrances to parking, are allowed to be located. There are also new standards regarding structures near front property lines, sidewalk widths, pedestrian weather protection along sidewalks in front of buildings, prohibitions on blank walls along street-facing façades, and requirements that street-facing façades be transparent between 2’ and 8’ above the sidewalk. The new standards also allow a waiver of minimum required parking spaces consistent with encouraging Transit-Oriented Development.



Burien’s Ambaum Corridor. *Photo courtesy of LoopNet.*



## TAXATION



### Seattle Payroll Expense Tax



The Seattle Payroll Expense Tax applies to compensation of excess of \$150,000 earned by employees and independent contractors in Seattle. The tax must be paid by the employer, or real estate brokerage company, if the company's payroll exceeds \$7 million annually. If a company's payroll exceeds \$7 million up to \$100,000,000, the tax rate is .7%.

SKCR's and WR's governmental affairs team, legal counsel, and industry attorneys have devoted significant time in seeking clarification with city of Seattle staff to determine how this tax applies to our brokerage firms, and what options are available to mitigate the effects of the tax or avert the tax altogether. We have not reached a resolution with city staff. The Seattle Chamber challenged the validity of tax in King County Superior Court. King County Superior Court Judge Mary Roberts ruled against the Seattle Chamber and in favor of the city, leaving the tax in place. The Seattle Chamber is appealing the ruling to the Court of Appeals.



## City of Seattle

In partnership with WR, SKCR has sought legal review with a municipal tax specialist to help us determine what legal options or challenges we can pursue to assist our brokerages. Those legal options or challenges are points of discussion we will have with our municipal tax attorney, and we will keep you updated on our course of action.





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## IN OTHER NEWS

### SEATAC: Port’s Plan to Replace a SeaTac Park with an Asphalt Parking Lot Drew Regional Opposition from Residents and Local Officials

The Port of Seattle has disclosed plans to cut down trees on 11 acres in a North SeaTac Park, and pave-over the park property with asphalt to create 1,500 new parking spaces for airport employees who will work at a new second airport terminal. The Port says the number of employee parking spaces at the airport will increase from 4,876 to 7,650 in the near term, which the Port says will be by 2027.



The new second airport terminal - which may employ more than 1,000 additional airport workers - is part of a \$4 billion expansion that includes approximately 30 projects to accommodate anticipated massive future growth in air travel through SeaTac International Airport.

Even so, the Port’s proposal to destroy the Park has drawn sharp criticism from King County Councilmember Dave Upthegrove, as well as city council members in SeaTac, Burien, Des Moines and Normandy Park. The objections of elected officials mirror the concerns of more than 1,300 opponents who have signed a petition in opposition to the Port’s proposed destruction of the park, which has existed in North SeaTac for more than two decades. The large, forested area of North SeaTac Park is located between Highline Botanical Gardens and the Pat Ryan Playfields.

Opponents are urging the Port of Seattle to build a multi-story parking garage for the employees on an existing 40-acre parcel in north SeaTac that is already being utilized for parking, rather than destroying the park to create an asphalt surface parking lot. But, that more costly suggestion has reportedly not been well-received by the Port.

Specific objections cited by opponents reflect climate concerns about the amount of carbon the lost trees pull from the atmosphere, and the fact that such carbon reductions will be eliminated if the trees are cut down, increased stormwater

runoff, loss of habitat for wildlife and the loss of a highly-valued recreational treasure.

The park is noted for BMX and mountain biking competitions (and is home to the weekly “Wednesday Night World Championship Mountain Biking and Trail Life Cross-Country Running Series” hosted by the Evergreen Mountain Bike Alliance).

The park property has also been used as a training ground for Olympic athletes - including Olympic Bronze Medalist Jim Kintner who has reportedly signed the petition in opposition to the Port’s proposal. The Property is also adjacent to two 8-year-old radio-controlled racing courses.

The Port of Seattle says it is conducting environmental reviews on the 30 projects that are part of the second airport terminal, and that those reviews will likely be completed sometime in 2022.

Arlyn Purcell, who is Director of Aviation Environment & Sustainability for the Port said, “No decisions would be made about building proposed projects until the environmental review concludes its analysis of potential impacts and ways to reduce or eliminate impacts. Every proposed project will also require Commission authorization.”

**Editor’s Note:** *The FAA dismissed North SeaTac Park as possible site for airport parking lot. Still being eyed as a possible site is the vacant land that is adjacent to the airport’s current North Employee Parking Lot.*



North SeaTac Park. Photo courtesy of City of SeaTac.

## PROTECTING YOUR BUSINESS

### Elections in 2021

Laws govern the way in which you conduct your business and affect your bottom line. Laws are made by elected officials. This year's election will be conducted for local races - city councils and the county council. The primary election was on August 3, and the general election is on November 2. Candidate filing occurred from May 17 through May 21.

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

REALTORS® know that Quality of Life begins with a good job in a company that has a great future.

Homes are where those jobs go at night. That's why it's so important to have elected officials who understand the key contribution that jobs and housing make to healthy, vibrant communities.

We need elected officials who share our REALTOR® values, and who appreciate the hard work you do as a real estate professional. So, members of the Association reviewed voting records of elected officials. And it's why your REALTOR® colleagues conducted candidate endorsement interviews with candidates running for office.

This year Seattle King County REALTORS® will act to protect and enhance your business by supporting candidates for local office (city councils, county council) who share our REALTOR® values. Your REALTOR® Voting Guide, which identifies candidates endorsed by the Seattle King County REALTORS®, will be mailed prior to the general election to all members who have preferred mailing addresses with the Northwest MLS within King County.

A blue banner with the Seattle King County REALTORS logo on the left and the text "REALTOR® VOTING GUIDE" in large white letters on the right. Below the banner is a close-up image of many white buttons with the text "VOTE REALTOR PARTY" and a house icon with a star. At the bottom of the banner area, the text "GENERAL ELECTION NOVEMBER 2, 2021" is written in white on a dark background.

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# Issues & Impacts

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



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

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

**As of mid-September 2021 (most recent information available), SKCR has raised \$353,147 for the REALTOR® PAC with a participation rate of 16%.**

Please invest in REALTOR® PAC at: [www.warealtor.org/government-affairs-main/rpac](http://www.warealtor.org/government-affairs-main/rpac)

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

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