

Issues & Impacts

Seattle-King County REALTORS® (SKCR) is working to ensure that public policies support homeownership and your business's bottom line. Please contact Taylor Shanaman, Director of Governmental and Public Affairs, at tshanaman@nwrealtor.com with any local legislative issues that may need our attention. **The next issue will be released in January 2023.**

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MISSING MIDDLE HOUSING

The focus of SKCR's Housing Issues Briefing, an annual event for candidates and elected officials to offer housing education, was missing middle housing. Karen Parolek from Opticos Design keynoted the briefing and made a strong case for revisiting residential zoning to allow greater use of duplexes, triplexes, stacked flats, cottage housing and townhouses, as important tool to address the severe shortage of housing supply and related high costs.



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Since January, SKCR's Residential Zoning Task Force has worked to establish and articulate a vision for increased density in the single-family zone to answer critical questions at the heart of residential zoning such as: What do we support? What will work economically? What will be the impact on quality of life? This work is nearly complete and will enable SKCR to advocate for successful middle, infill housing that offers greater affordable housing options and inventory in the communities we serve.

Here are some of the cities engaged in missing middle housing:

- Kenmore City Council is considering Zoning Code amendments that would allow duplexes and triplexes throughout Kenmore's R-6 Single Family Residential zoning district.
- Shoreline is exploring cottage housing developments, with support from a Washington State Department of Commerce grant. We expect draft amendments in the second quarter of next 2023.
- Bothell is considering zoning code amendments that would add a range of middle housing types to single family zones.
- Newcastle is pursuing a Washington State Department of Commerce grant similar to Shoreline that would assist in identifying middle housing opportunities.
- Seattle has launched a major update to its comprehensive plan. SKCR is working with the city to develop a robust set of housing options, including middle housing

LANDLORD TENANT REGULATIONS

As discussed in prior updates, King County jurisdictions continue to contemplate new tenant protections.

SKCR's goal is to seek a balanced approach to landlord tenant regulation that does not unduly burden landlords who own a small number of units, many of whom are our members and/or for whom our members' work.

SKCR is urging restraint and cautioning that added regulations will create disincentives to operating rental property and lead to increased rents. Particularly hard hit will be small, mom-and-pop landlords who own 1-5 units.

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Members report that COVID-related disruption in rental income has placed tremendous financial strain and uncertainty for many of these small owners since the mortgage, property taxes and utility bills are due regardless of rental income. SKCR is collaborating with our partners in the rental housing community including the Washington Multifamily Housing Association, and the Rental Housing Association of Washington.



Redmond

Rental agreement or renewal of rental agreements must state the dollar amount of the rent or rent increase.

In addition, longer notice is required for rent increase:

- 120 days' written notice for rent increases greater than (3%)
- 180 days' written notice for rent increases greater than (10%)

Kirkland

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- 180 days' written notice for rent increases greater than (10%)

Importantly Mayor Sweet, Councilmember Nixon and Councilmember Pascal voted against the measure, citing the likelihood of losing rental units in the city.

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Issaquah

Any rental agreement or renewal of a rental agreement must state the dollar amount of the rent or rent increase.

In addition, longer notice is required for rent increase:

- 120 days' written notice for rent increases greater than (3%) Issaquah is contemplating additional amendments, but wisely seeks to better understand the magnitude of the problem and the impact of increased regulation on the market.



Kenmore

Following a significant tenant protection package earlier this year, Kenmore added a new "just cause" ordinance and prohibited acts.

- Just Cause
 - A landlord shall not evict or attempt to evict any tenant, refuse to continue or renew a tenancy after expiration of the rental agreement, or otherwise terminate or attempt to terminate the tenancy of any tenant except for the just causes allowed for by the ordinance.
- Unfair or abusive acts by landlords prohibited Landlords are prohibited from unfair or abusive acts or practices or deceptive acts or practices as defined by the ordinance.
 - "Deceptive acts or practices" means representations, omissions, acts or practices that mislead or are likely to mislead a tenant; the tenant's interpretation of the representation, omission, act or practice is reasonable under the circumstances; and the representation, omission, act or practice is material. includes threatening to evict a tenant for nonpayment of charges except as authorized by KMC 8.55.075.
 - "Unfair or abusive acts or practices" means those representations, omissions, acts or practices that: (a) Materially interfere with the ability of any tenant to understand a term or condition of the rental agreement or the tenancy; or (b) Take unreasonable advantage of a lack of understanding on the part of the tenant regarding the conditions of the tenancy or rights under the law or the inability of the tenant to protect the tenant's interests.

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NEW TREE REGULATIONS

Cities are implementing new tree protections in response to long standing concerns that tree canopy is thinning as our region grows and becomes more densely developed. SKCR urges a balanced approach that allows development and offers homeowners flexibility in landscaping, while maintaining reasonable tree cover.

Seattle Tree Protections

Starting November 10, property owners are required to use registered providers for major pruning or removal of trees and post notice three days before the work is done. The requirement covers removal of any tree over 6 inches in diameter, removing any branch or root 2 inches in diameter or greater, or the removal of more than 15% of the tree canopy.

Routine pruning and tree maintenance does not require use of a registered provider or posting of notice.

Redmond Tree Protections

Redmond has increased penalties for unauthorized tree removal and has increased replacement tree fee-in-lieu amounts from \$80.60 for all trees to \$500 for significant trees and \$2,000 for landmark trees.

The city is considering additional amendments, pending the outcome of a legal challenge to the City of Kirkland's tree code.

Bellevue Tree Protections

The Bellevue City Council is expected to begin discussion of amendments to its tree code this fall, with possible action next spring.



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PUBLIC SAFETY

11 SOUTH KING COUNTY MAYORS: Frustrated by Increases In Crime, Ask for County and State Help

On August 4th, eight mayors in South King County published a [joint letter](#) expressing their pointed frustration with the continuing increases in crime in their cities, and requested the assistance of County and State government officials to address the situation. Buyers and REALTORS® want safe neighborhoods.

Mayors Nancy Backus of Auburn, Carol Benson of Black Diamond, Jan Molinaro of Enumclaw, Jim Ferrell of Federal Way, Dana Ralph of Kent, Leanne Guier of Pacific, Armondo Pavone of Renton, and Allan Ekberg of Tukwila said their cities “are seeing a disturbing rise in violent crime, as well as drug offenses and property crimes including auto thefts, burglaries, and robberies.”

On August 8, Maple Valley Mayor Sean P. Kelly, Covington Mayor Jeff Wagner, and Des Moines Mayor Matt Mahoney, announced they too signed the letter, bringing the total number of mayors signing-on to 11 at that time.

From the perspective of the Cities, two bills approved by legislators have been especially problematic for local police departments: [Senate Bill 5476](#), which prevents cities and counties from charging someone with drug possession in certain cases, and [House Bill 1054](#), which prevents police officers from conducting vehicle pursuits in certain circumstances.

The Mayors wrote that they are united in their “ongoing plea to our King County and Washington state criminal justice partners to help us stem the rising tide of crime and violence in our communities.”



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The South King County Mayors said this rise in crime “coincides with a number of events,” including:

- “The passage of SB 5476 which, in answer to the Washington State Supreme Court decision in State v. Blake, prevents cities and counties from charging a person with drug possession unless the person is allowed non-mandatory self-directed drug treatment for the first two offenses. Yet, there is no incentive or consequence that encourages addicted users to get into treatment, there is an insufficient system to support the addicted, and if they wanted to get into treatment, it is unavailable or too expensive.”
- “An influx of more addictive methamphetamine and a flood of fentanyl – both of which are significantly contributing to mental health issues, an increase in violence and property crimes, and death. Dealers of illicit drugs are engaged in a violent drug turf war, and users often commit property crime to sustain their addiction.”
- “The passage of HB 1054 which, with the exception of DUI cases, made it unlawful for officers to engage in a vehicle pursuit when they have reasonable suspicion that a person in the vehicle has committed a criminal offense. Many offenders are aware of the law, and cases where offenders elude police are on the rise.”
- “A juvenile and felony criminal justice system in which it takes many months, if not years, for criminal charges to be filed, resolved, or tried.”
- “A felony prosecution system in which felony filing standards for various crimes are higher than the standards set by state law resulting in many crimes being filed as misdemeanors or not filed at all. These standards are established with insufficient input by the cities whose communities are impacted.”
- “A felony prosecution system where juveniles and soon adults have their criminal charges deferred, yet treatment and restorative justice programs required of participants are difficult to find, are accompanied by costs that price low-income offenders out of programs, and there is limited accountability for failures in program compliance.”

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- “A King County Jail system that does not allow for booking of felony suspects on a routine basis. The Norm Maleng Regional Justice Center in Kent no longer permits police department bookings. Moreover, there are times where the Seattle Justice Center is closed to booking or the booking process takes hours. In the best of circumstances, South King County police officers spend hours not responding to crimes, but instead transporting and booking suspects. In the worst circumstances, there are times when officers have nowhere to book felons.”

Though not mentioning King County Executive Dow Constantine, or King County Prosecutor Dan Satterberg, by name, the Mayors’ letter said, “...there is a need for improved and timely juvenile and adult felony criminal accountability at the County level.”

The Mayors’ letter stated, “We have had numerous meetings with the offices of the King County Executive and Prosecutor, as well as state legislators and others with hopes for collaboration and problem solving to reach better outcomes. Those efforts are ongoing, but the consequences of the challenges to our system are real and immediate. Police officers are reporting an alarming trend of criminals who know the laws and exploit them to their advantage. With a lack of immediate accountability aimed squarely at protecting the community, the cities are faced with a seemingly insurmountable problem.”

Federal Way Mayor Jim Ferrell - who has said previously that the failures of the King County Prosecutor were an important factor in his decision to run for the position of County Prosecutor in November - told King 5-TV News that many criminals know they can get away with it. He said, “I mean, that’s why car thefts statewide have gone up **88%** in one year!”

In the same news conference, Renton Mayor Armondo Pavone told King 5-TV, “We really need to provide a higher level of public safety. Our community is demanding it.”

Kent Mayor Dana Ralph indicated that when the South King County cities are not able to book accused felons into the Norm Mailing Regional Justice Center in Kent - and instead have to transport them to Seattle for booking before being able to return to their police duties in the city - public safety is compromised: “The biggest problem is when you take an officer off the streets for four hours, in a department that is already significantly understaffed, it becomes a public safety issue,” she said.

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King 5-TV News reported that Chase Gallagher, Director of Communications for the office of King County Executive Dow Constantine, called the assertion regarding jail bookings "hyperbole."

ECONOMIC DEVELOPMENT

Tukwila

The City of Tukwila is hard at work developing an Economic Development Plan.

Washington's Growth Management Act (GMA) provides in RCW 36.70A.070 (7) that Economic Development is a "mandatory element" in local comprehensive plans. In Tukwila's Economic Development element, the City focus is on ensuring a strong economy and tax base for the City.

In fact, economic development is not only included in the Tukwila Comprehensive Plan, but also is a focus of the City's Strategic Plan, Zoning, Capital Improvement Plan (CIP), other infrastructure plans, budget, and the Parks, Recreation and Open Space (PROS) Plan.

Even with the many existing plans that relate to the City's economy, creating an Economic Development Plan that supports the Economic Development Element in the Comprehensive Plan provides an opportunity for the City to review and update the City's vision for its economy, and provides additional context, options, and guidance for staff and policy makers.

As part of the undertaking, the City is being very intentional about seeking comment on at least eight specific questions that it hopes will undergird the City Council's efforts:

- What are the strengths of Tukwila's economy?
- What are the weaknesses of Tukwila's economy?
- What are the challenges facing Tukwila's businesses?
- What are the opportunities facing Tukwila's businesses?
- What ideas do stakeholders have to improve Tukwila's economy and tax revenue?
- What ideas do they have to improve the lives of Tukwila's residents who are working?
- What types of businesses would they like to see "more of" in Tukwila?
- What types of businesses would they like to see "less of" in Tukwila?

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Individuals and organizations with suggestions, comments or questions may contact Derek Speck - who is the City of Tukwila Economic Development Administrator in the Mayor's office - at Derek.Speck@TukwilaWA.gov, or call him at 206-433-1832.

SIGN CODE



Maple Valley

The City of Maple Valley recently issued guidance to help clarify the placement of temporary signs within City rights-of-way, including real estate Open House signs.

According to a release from Sarah Brenden, a Communications Specialist for the City, the guidelines ensure that

the scope and purpose of the City's sign regulations are met, including enhancing the visual character and identity of the city, reducing clutter and visual distraction, and ensuring that signs do not adversely affect traffic safety.

During the election season when candidates are running for office, there is typically a substantial increase in the number of temporary signs placed in the City's rights-of-way. The campaign signs add to signs posted for yard sales, other businesses, and lost pets. Some of those temporary signs are posted illegally, either by being placed in locations where the temporary signs are not legally allowed, or being affixed to sign posts, power poles, trees, etc. When that happens, the signage-related workload of the City's Code Enforcement Officers can increase significantly.

During the last two years, the scorching-hot real estate market - coupled with the Covid pandemic - has resulted in fewer open houses, and correspondingly limited the number of Open House A-Board signs being used by brokers.

Now, with a slightly more-balanced King County real estate market, more brokers are once again holding Open House events, and are using Open House A-board signs to direct buyers and brokers to their listings.

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The following portions of the guidance issued by the City of Maple Valley may be especially helpful and important for brokers wanting to ensure their signs are not picked-up (confiscated) by code enforcement officers:

Signs PROHIBITED in the right-of-way:

- Signs of any kind that are placed in round-a-bouts, or on medians
- Signs which block sight distance (at intersections or driveways)
- Signs that create a traffic hazard, or safety hazard, to the public
- Abandoned or obsolete signs
- Signs may not be placed in vehicular travel lanes, bike lanes, on sidewalks, or on driveway aprons
- All commercial signage (except as described below)
- All real estate signs that advertise developments or properties that are located outside the city limits

Signs PERMITTED in the right-of-way:

- Real Estate Open House Signs (Off-Site Signs not located on the property that is for sale)
- Maximum 5 signs permitted per property
- Minimum of 200 lineal feet is required between each sign (but they may be closer if a directional turn is required within 200 lineal feet of the nearest sign for the property)
- Maximum 6 square feet per sign face (e.g., A-board)
- No toppers may be added onto signage that would increase the sign's maximum square footage
- Signs can be placed up to 1 hour prior to the event, no sooner
- Signs must be removed within 1 hour after the event, no later
- Any directional signs (maximum of 5 per property, per agent) must be no larger than 2 square feet in size
- To enforce these regulations by city staff, each sign must identify the (1) property address and (2) open house date/time to which the sign pertains. This information can be placed with masking tape on the interior of the A-board

On-Site Real Estate Signs (For Sale signage in front of the residence/property to be sold)

- Maximum of 1 sign per residence/property
- Must not exceed 6 square feet in size

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Development Directional Signs (For New Residential Developments Inside the City Limits)

- Only 3 off-site directional signs permitted per development
- Maximum size of 16 square feet per face
- Must be removed at buildout

According to the City, “Any sign violating the above regulations may be removed by the City without notice to the owner of the sign. Confiscated signs are destroyed after 15 days. Owners may recover signs within that time period. Owners can call the Community Development Department at 425-413-8800 to inquire about a confiscated sign.”

The City of Maple Valley’s regulations governing temporary signs are available in Code Section 18.50.010 at <https://www.codepublishing.com/WA/MapleValley/>. Brokers with questions may also contact the City’s Community Development Manager, Matt Torpey by phone at (425) 413-8800, or at MattTorpey@MapleValleyWA.gov.

In addition, Seattle King County REALTORS® and the Northwest Multiple Listing Service provide a Tri-County “Sign Code Matrix” to assist brokers, which is available at: <https://www.nwrealtor.com/resources/sign-codes/>.

TRANSITIONAL HOUSING

With Washington State in the continuing throws of a Housing Crisis, the state legislature passed Engrossed 2nd Substitute House Bill 1220 (HB 1220). The new law requires cities to amend their zoning codes to allow indoor emergency housing/shelters, transitional housing, and permanent supportive housing, in all zones that allow (or permit) single family homes or hotels.

In a memo to the Enumclaw Planning Commission, the City’s Community Development Director, Chris Pasinetti, noted that “homelessness and affordable housing are two major and difficult issues facing communities throughout the State of Washington. Pasinetti said the new law “requires cities to take active steps to accommodate transitional housing, emergency shelters, and similar homelessness-related facilities through local planning, and changes to local development regulations.” He explained that the bill signed into law contains new requirements

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related to (1) updates of the “Housing Element” of the City’s comprehensive plan, (2) adoption of moratoria or interim zoning controls, and (3) zoning and development regulations regarding indoor shelters and housing for the homeless - or those at risk of becoming homeless - with very tight deadlines if local zoning revisions are needed.

RCW 35.21.689 (which was adopted in 2019) states that “a city may not prohibit permanent supportive housing in areas where multifamily housing is permitted.” HB 1220 added “transitional housing” to this prohibition, as well as expanding the geographical coverage of the requirements to all zoning districts in a city where residential dwelling units or hotels are allowed.

In addition, the new law also:

- Requires that a city shall not prohibit indoor emergency shelters, and indoor emergency housing, in any zones in which hotels are allowed, except in those cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit.
- Allows reasonable occupancy, spacing, and intensity of use requirements to be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters...in order to protect public health and safety.

What’s an example of how the law will impact cities in King County? Pasinetti said that updating Enumclaw’s codes to bring them into compliance with the new state mandates will require the City to:

- Modify the definitions for Adult Family Home, Indoor Emergency Shelter & Housing, and Permanent Supportive and Transitional Housing, and
- Update the Land Use Table in the city code to conditionally permit Transitional and Permanent Supportive Housing within R-1 through R-4 residential zones, General Office, General Office-Hospital, Central Business District zones 1 & 2, and the Highway Community Business zone - which is the only zone in which hotels are allowed in Enumclaw.

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The Planning Commission is expected to forward a recommendation to the City Council sometime this fall following the Commission's August 25th public hearing on the matter.

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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 Government Affairs Department.

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