



Housing Action Subcommittee

Thursday December 16, 2021

9:30 AM-11:00 AM

Virtual meeting information below

TIMES GIVEN ARE AN ESTIMATE AND ARE SUBJECT TO CHANGE

Commission Briefing Session:

- | | |
|--------------|---|
| 9:30– 9:35 | 1) Welcome and roll call |
| 9:35 – 10:00 | 2) Draft Recommendations for 1590 Funding |

Presentation

- | | |
|---------------|--|
| 10:00 - 10:30 | Spokane Housing Action Plan report – Vice Chair Watkins |
| 10:30 – 11:00 | Rental Assistance Programs Ordinance – discussion and feedback |

Adjournment

Join from the meeting link

<https://spokanecity.webex.com/spokanecity/j.php?MTID=m23a17d9f824ac971f818658efde7af1d>

Join by phone

+1-408-418-9388 Meeting number (access code): 1464 83 0865

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Meeting Minutes: Housing Action Subcommittee



Date/Time: November 18, 2021

Attendees:

Name		
Melissa Morrison	Gene Brake	Chauncy Jones
Cliff Winger	Brian McClatchey	Shae Blackwell
Katia Jasmin	Ben Stuckart	Amber Lenhart
Luis Garcia	Jason Ruffing	Greg Francis
Ryann Louie	Jennyfer Mesa	Carmen Pacheco Jones
Terri Anderson	Quinton Baker	Marc Ward
Hancel Sanchez		

Topic/Discussion Minutes:

Topic	Discussion/Outcome
Community Assembly conversation	Gene provided updated on Community Assembly conversation. Barriers identified: engagement of tenants, lack of outreach to tenants, people not feeling welcomed at meetings and expanding councils beyond geographic boundaries.
Plan Commission and Housing Action Plan	<p>Greg provided update on HAP process and implementation.</p> <p>Phase One – duplex in RSF (allow on corner lots) – potential throughout all RSF, changes to ADUs (Council passed pilot project to decrease permit costs in some areas), broader reforms to ADUs (be larger, deviate from design, parking requirements, remove owner occupancy requirement, townhomes revisions, lot size transitions, changing permitting process for subdivisions, reviewing STR, improving permit process for environmental review</p> <p>Plan Commission – would like to go into Comp Plan this year and reviewing RSF/Multi Family policy in Land Use 1.3 and 1.4 – equity focus on land use outcomes</p> <ul style="list-style-type: none"> • HAS members expressed concerns on STR • Request research on STR and ADU stock in City of Spokane. • ADU technical assistance recommendation • How does HAS provide input/feedback – recommendation was send feedback to Nate Gwinn, project manager
Letter re: Beacon Hill development	<p>CoC and SLIHC sent letter re: Beacon Hill development</p> <p>How do we ensure affordability is coming with new developments?</p> <p>Inclusionary zoning in future?</p> <p>Density bonus for low income/affordable housing?</p> <p>Group would like to review project plans before voting to send draft letter.</p> <p>Requested any feedback be shared to be included.</p>
1590 Next Steps	<p>Council President requested feedback from subcommittee on scoring criteria and priorities.</p> <ul style="list-style-type: none"> • How much to new construction/rehab/M&O • What type of services funded? % towards services? • Scoring <ul style="list-style-type: none"> ○ Ownership vs. non ownership projects ○ Scattered site vs. non scattered site



Meeting Minutes: Housing Action Subcommittee

Action Items Summary:

#	Action Item	Assigned To	Due Date
	Request research on STR and ADU stock in City of Spokane.	Melissa Morrison	
	Feedback to Nate Gwinn on Phase 1	Melissa Morrison	
	Set up meeting to discuss 1590 next steps	Melissa Morrison	

Council Framework: Sales and Use Tax for Affordable Housing (1590)

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Key City Council Objectives of the Sales and Use Tax for Affordable Housing:

- **Provide Access to Transit:** Access to transit is a priority for all housing projects, as transportation costs are second only to housing costs for most low-income households and many low-income households do not own a car. Projects near transit, specifically within 1/8 mile of high-performance transit, will be prioritized.
- **Provide Access and Support to Homeownership:** Prioritize projects that support home ownership, especially for households that have historically been excluded from home ownership opportunities due to policies such as redlining, or who are at risk of displacement.
- **Provide Access to Healthy Living:** Prioritize housing projects that help residents thrive in healthy homes, free of health hazards. Projects should demonstrate how they will ensure healthy homes in physical quality and safety, neighborhood location and housing stability. Projects should consider locations with high-quality resources that afford residents the greatest access to opportunities such as jobs, quality education, parks and open space, and services.
- **Provide Access to Sustainable, Affordable Living:** Prioritize housing projects that ensure households have long-term affordability by demonstrating how units will use less net energy and require less long-term maintenance.
- **Advance Equitable Development Goals and Address Displacement:** Prioritize housing projects that support community development investments in low-income communities, including neighborhoods where marginalized groups have historic roots or access to culturally relevant business and services, and projects in locations where low-income residents have a high risk of displacement.
- **Serve Needs of Residents:** Prioritize proposals that demonstrate integrated services that impact healthy child development, family and community violence, mental and behavioral health outcomes and health behaviors and chronic disease through collaboration with early learning professionals, behavioral health providers and other health sectors.

Requirements

All applications must meet the following minimum requirements.

A minimum of 60% of moneys collected must be used for the following purposes:

1. Constructing or acquiring affordable housing, which may include emergency, transitional and supportive housing and new units of affordable housing within an existing structure, and facilities providing housing-related services, or acquiring land for these purposes; or
2. Constructing or acquiring behavioral health-related facilities or acquiring land for these purposes; or
3. Funding the operations and maintenance costs of new units of affordable housing and facilities where housing-related programs are provided, or newly constructed evaluation or treatment centers.

The remainder of the moneys collected must be used for the operation, delivery or evaluation of behavioral health treatment programs and services or housing-related services.

The affordable housing and facilities providing housing-related programs may only be provided to persons with any of the following population groups whose income is at or below 60% of Spokane County's area median income:

1. Persons with behavioral health disabilities;
2. Veterans;
3. Senior citizens;
4. Persons who are homeless or at-risk of being homeless¹, including families with children;
5. Unaccompanied homeless youth or young adults;
6. Person with disabilities;
7. Domestic violence survivors.

Commented [MB1]: What does this mean? Can we define it? One way would be a household that is behind on their rent, or who has been served an eviction notice, but another, broader way could be households that are extremely cost-burdened (>50% of their income goes to rent) – we know that that cost-burden increases their risk of homelessness.

This program employs the same definitional framework as does the U.S. Department of Housing and Urban Development to define the terms “homeless” and “at-risk of being homeless,” as follows:

“Persons who are homeless” means:

- (1) Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
 - (i) Has a primary nighttime residence that is a public or private place not meant for human habitation;
 - (ii) Is living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state and local government programs); or
 - (iii) Is exiting an institution where (s)he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.
- (2) an individual or family that is defined as homeless under other specific federal statutes;

¹ HUD At a Glance Homeless Definition and Record Keeping Requirements and Criteria, https://files.hudexchange.info/resources/documents/HomelessDefinition_RecordkeepingRequirementsandCriteria.pdf

(3) an individual or family that has not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to making an application for homeless assistance;
(4) an individual or family that has experienced persistent instability as measured by two moves or more during in the preceding 60 days; and
(5) an individual or family that can be expected to continue in such status for an extended period of time due to special needs or barriers.

“At-risk of being homeless” means:

- (1) an individual or family will imminently lose their primary nighttime residence, provided that:
(i) Residence will be lost within 14 days of the date of application for homeless assistance;
(ii) No subsequent residence has been identified; and
(iii) The individual or family lacks the resources or support networks needed to obtain other permanent housing
- (2) an individual or family who:
(i) Is fleeing, or is attempting to flee, domestic violence;
(ii) Has no other residence; and
(iii) Lacks the resources or support networks to obtain other permanent housing

Employ racial equity framework

- Promotes equity;
- Works to reduce disparities in housing;
- Achieves designated equitable outcomes for marginalized populations and populations subject to historical and present discrimination in the housing market and/or housing policy; and
- Informed by community members with lived experience relevant to the housing programs at issue and the challenges of accessing them

All projects designed to serve families with children shall ensure equal access regardless of family composition and regardless of the age of the minor child(ren)

All projects that operate gender-segregated facilities shall allow the use of facilities consistent with the person’s gender expression or identity

All housing projects, services and/or programs in Spokane and funded with any dollars originating or passing through the City of Spokane shall adhere to state and federal anti-discrimination laws by ensuring equal access regardless of race, religion, creed, color, sex, national origin, marital status, familial status, domestic race, religion, creed, color, sex, national origin, marital status, familial status, domestic race, religion, creed, color, sex, national origin, marital status, familial status, domestic violence victim status, age, sexual orientation, gender identity, honorably discharged veteran or military status, immigration status, refugee status, the presence of any sensory, mental or physical disability as defined by the Americans with Disabilities Act and/or the Washington State Law Against Discrimination, or the use or eligibility for the use of housing choice or other subsidy program or alternative source of income. For purposes of this definition, it is discriminatory to fail to offer reasonable

Commented [MB2]: This needs to use the same language in the definition of “discrimination” in Title 18. I’m not sure my edits capture all of the categories.

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accommodation in housing or employment to an otherwise qualified applicant or employee with a disability, absent a showing that the accommodation would impose an undue hardship.

Recommendation:

The Housing Action Subcommittee makes the following recommendations on funding:

- 70 – 80% of funds used for the following purposes:
 - 60% - 80% of funds for constructing or acquiring affordable housing, which may include emergency, transitional and supportive housing and new units of affordable housing within an existing structure, and facilities providing housing-related services, or acquiring land for these purposes; or
 - Focus xxx% of all available funding to mixed use multifamily housing to increase housing production for income-restricted families, including units available for shared equity ownership by tenants.
 - Focus xxx% of all available funding toward incentivizing and/or subsidizing construction of workforce housing, especially units available for purchase by residents.
 - 0 - 10% of funds for constructing or acquiring behavioral health-related facilities or acquiring land for these purposes; or
 - 20 - 40% of all available funding to operations and maintenance costs of new units of affordable housing and facilities where housing-related programs are provided.
- 20% - 30% of funds for the following purpose:
 - to the operation, delivery or evaluation of culturally responsive behavioral health treatment programs and services or housing-related services.

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The Housing Action Subcommittee recommends that any RFP committee reviewing applications for funding include members from impacted communities. These community members should receive compensation for their time serving on review committee.

Scoring Matrix – Homeownership Programs

Access to Transit	Points
Within ¼ mile of a transit stop (x points)	
Within 1/8 mile of a transit stop (x points)	
Within 1/8 mile of a high-performance transit stop (x points)	
<u>Access to bike path(s) or walking path(s)</u>	
<u>Demonstration that each development is compatible and integrates well with existing and planned land uses in the surrounding area, including pedestrian corridors and transportation corridors</u>	
Total points available: _____	

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Provide Access and Support to Homeownership	Points
<u>Focus on neighborhoods and communities historically lacking access to homeownership</u>	
<u>Currently working with BIPOC organizations with experience with housing education</u>	
<u>Working with community of color led groups</u>	
<u>Dedicated percentage of accessible homes for households experiencing disabilities</u>	
<u>Affordability requirements</u>	
<u>5 – 10 years (1 point)</u>	
<u>10 – 15 years (2 point)</u>	
<u>20 – 25 years (3 point)</u>	
<u>25 – 50 years (4 points)</u>	
<u>50 years+ (5 points)</u>	
<u>Homeownership technical assistance and homeownership education</u>	
Total Points	

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Provide Access to Healthy Living	Points
Within ¼ mile of a park (x points)	
Tree canopy score (x points)	
Walk score (x points)	
Within ¼ mile of a grocery store (x points)	
Within ½ mile of a school (x points)	
<u>A plan to interface each housing development with parks, trails and/or open spaces, when the property allows an opportunity for such a plan. Sustainable design and construction (TBD) (x points)</u>	
<u>National Healthy Housing Standard elements incorporated into housing units such as lighting systems, safety and personal security features and structures, facilities, plumbing and space requirements.</u>	
<u>Demonstration that proposal assists in improving safety and preventing crime in surrounding areas.</u>	
Total Points	

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<u>Provide Access to Sustainable, Affordable Living</u>	<u>Total Points + Score</u>
<u>"Built green" elements to be incorporated into housing units such as energy efficiencies, passive solar design, water conservation/re-use measures, sustainable/re-usable materials, etc..</u>	
<u>The quality of design and materials to be used for the housing units or buildings, including the types of materials that will be used to help provide healthy housing.</u>	
<u>Sustainable site design and landscaping elements, such as protection of the existing natural systems, sustainable construction practices, on-site storm water treatment, minimizing of impervious surfaces, re-use of water, low-energy street lighting, native vegetation, or community based alternative energy generation, etc..</u>	
<u>Total Points</u>	

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<u>Advance Equitable Development Goals and Address Displacement</u>	<u>Total Score Points</u>
<u>Work plan and/or logic model showing how activities address inequities</u>	
<u>Collaboration with impacted communities on proposal development, implementation and evaluation</u>	
<u>Leadership and program staff reflect communities served</u>	
<u>Data, cultural considerations, lived experience and/or other evidence that methods are effective in target communities</u>	
<u>Demonstrated previous experience partnering with BIPOC contractors, subcontractors and service providers. – mentorship</u>	
<u>Support tenants to buy homes</u>	
<u>Total Points</u>	

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<u>Serve Needs of Residents</u>	<u>Total Score Points</u>
<u>Provision for private or common recreational space, the former near the units and the latter easily accessible to the units.</u>	
<u>A description of the basic elements of the universal design that will be used.</u>	
<u>Plan for providing needed service referrals for residents</u>	
<u>History of demonstrated partnerships with community organizations</u>	
<u>Total Points</u>	

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Scoring Matrix – Rental

<u>Access to Transit</u>	<u>Points</u>
<u>Within ¼ mile of a transit stop</u>	
<u>Within 1/8 mile of a transit stop</u>	
<u>Within 1/8 mile of a high-performance transit stop</u>	
<u>Access to bike path(s) or walking path(s)</u>	
<u>Demonstration that each development is compatible and integrates well with existing and planned land uses in the surrounding area, including pedestrian corridors and transportation corridors</u>	
<u>Total points</u>	

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<u>Provide Access and Support to Rental Units</u>	<u>Points</u>
<u>Focus on neighborhoods and communities historically lacking access to homeownership</u>	
<u>Currently working with BIPOC organizations with experience with housing education</u>	
<u>Working with community of color led groups</u>	
<u>Dedicated percentage of accessible homes for households experiencing disabilities</u>	
<u>Affordability requirements</u>	
<u>5 – 10 years (1 point)</u>	
<u>10 – 15 years (2 point)</u>	
<u>20 – 25 years (3 point)</u>	
<u>25 – 50 years (4 points)</u>	
<u>50 years+ (5 points)</u>	
<u>Homeownership technical assistance and homeownership education</u>	
<u>Total Points</u>	

<u>Provide Access to Healthy Living</u>	<u>Points</u>
<u>Within ¼ mile of a park (x points)</u>	
<u>Tree canopy score (x points)</u>	
<u>Walk score (x points)</u>	
<u>Within ¼ mile of a grocery store (x points)</u>	
<u>Within ½ mile of a school (x points)</u>	
<u>A plan to interface each housing development with parks, trails and/or open spaces, when the property allows an opportunity for such a plan.</u>	
<u>National Healthy Housing Standard elements incorporated into housing units such as lighting systems, safety and personal security features and structures, facilities, plumbing and space requirements.</u>	
<u>Demonstration that proposal assists in improving safety and preventing crime in surrounding areas.</u>	
<u>Total Points</u>	

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<u>Provide Access to Sustainable, Affordable Living</u>	<u>Points</u>
<u>"Built green" elements to be incorporated into housing units such as energy efficiencies, passive solar design, water conservation/re-use measures, sustainable/re-usable materials, etc..</u>	
<u>The quality of design and materials to be used for the housing units or buildings, including the types of materials that will be used to help provide healthy housing.</u>	
<u>Sustainable site design and landscaping elements, such as protection of the existing natural systems, sustainable construction practices, on-site storm water treatment, minimizing of impervious surfaces, re-use of water, low-energy street lighting, native vegetation, or community based alternative energy generation, etc..</u>	
<u>Total Points</u>	

<u>Advance Equitable Development Goals and Address Displacement</u>	<u>Points</u>
<u>Work plan and/or logic model showing how activities address inequities</u>	
<u>Collaboration with impacted communities on proposal development, implementation and evaluation</u>	
<u>Leadership and program staff reflect communities served</u>	
<u>Data, cultural considerations, lived experience and/or other evidence that methods are effective in target communities</u>	
<u>Demonstrated previous experience partnering with BIPOC contractors, subcontractors and service providers. – mentorship</u>	
<u>Support tenants to buy homes</u>	
<u>Total Points</u>	

<u>Serve Needs of Residents</u>	<u>Points</u>
<u>Provision for private or common recreational space, the former near the units and the latter easily accessible to the units.</u>	
<u>A description of the basic elements of the universal design that will be used.</u>	
<u>Plan for providing needed service referrals for residents</u>	
<u>History of demonstrated partnerships with community organizations</u>	
<u>Total Points</u>	

Scoring Matrix Land Acquisition

<u>Access to Transit</u>	<u>Points</u>
<u>Within ¼ mile of a transit stop</u>	
<u>Within 1/8 mile of a transit stop</u>	
<u>Within 1/8 mile of a high-performance transit stop</u>	
<u>Access to bike path(s) or walking path(s)</u>	
<u>Demonstration that each development is compatible and integrates well with existing and planned land uses in the surrounding area, including pedestrian corridors and transportation corridors</u>	
<u>Total points</u>	

<u>Provide Access to Healthy Living</u>	<u>Points</u>
<u>Within ¼ mile of a park (x points)</u>	
<u>Tree canopy score (x points)</u>	
<u>Walk score (x points)</u>	
<u>Within ¼ mile of a grocery store (x points)</u>	
<u>Within ½ mile of a school (x points)</u>	
<u>A plan to interface each housing development with parks, trails and/or open spaces, when the property allows an opportunity for such a plan.</u>	
<u>Total Points</u>	

<u>Land feasibility (development of 5 or more)</u>	<u>Total Score</u>
<u>Phase 1 Environmental review completed</u>	
<u>Market study completed</u>	
<u>Brownfield</u>	
<u>Preliminary drawings and</u>	
<u>Site control – HTF language</u>	
<u>Current zoning compliance</u>	
<u>Flood plain</u>	
<u>Letter from school district</u>	
<u>GMA compliance</u>	
<u>Tenant relocation plan and compensation</u>	

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Scoring Matrix – Services

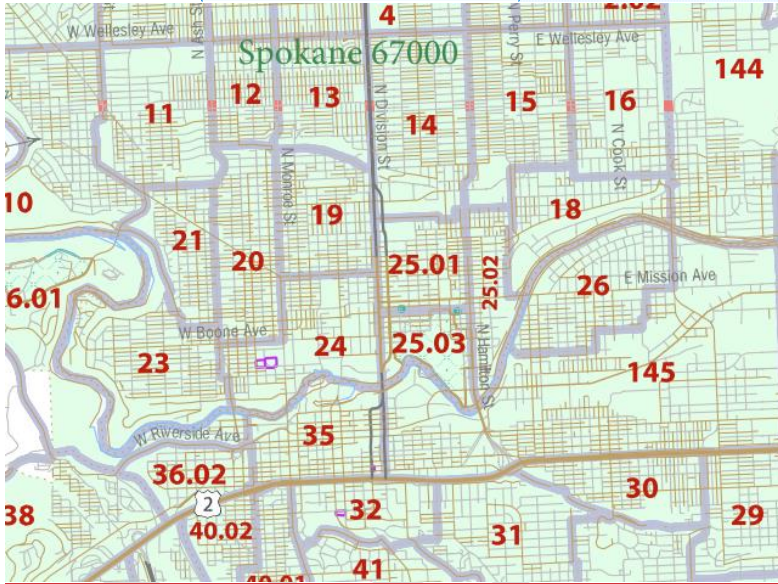
<u>Public Outreach</u>	<u>Points</u>
<u>Public participation within community served on services needs</u>	
<u>Public participation within neighborhood served on services needs</u>	
<u>Public participation with community based organizations</u>	
<u>Outreach to schools and childcare providers within neighborhood served</u>	
<u>Plan for providing culturally relevant and responsive services</u>	
<u>Total Points</u>	

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Council Preferences

1. Investment in City of Spokane census tracts in 24, 25, 35 and 145



Commented [MB3]: Maybe include a map of these as an attachment?

2. Preference for mixed-use projects – housing and retail or office uses combined
3. Infrastructure priorities are intended to help increase residential density so the benefits of existing infrastructure can be realized and the costs of new taxpayer-financed infrastructure can be mitigated. We can do this by:
 - a. Locating housing in designated centers and corridors, including downtown
 - b. Locating housing within a fifteen-minute walk from the borders of Centers and corridors (approximately ½ mile)
 - c. Locating housing in existing residential neighborhoods, to make the most efficient use of installed infrastructure, tree canopy, parks, etc.
 - d. **Greenfields** (I.e phasing development within the Urban Growth Area (“UGA” per Washington Administrative Code 365-196-330)
4. Preference for permanently affordable housing
5. Strive to meet the goal of addressing the racial wealth gap by increasing homeownership for populations historically subject to discrimination in housing markets/housing policy
6. Locate housing near public transit (preferably 1/8 mile high performance transit)
7. Distribute housing throughout the city close to parks, open space, schools and services
8. Utilize universal design principals ensuring housing units can be used by everyone regardless of their level of ability or disability.
9. Incentivize the construction of units that use less net energy than average and require less maintenance than average

Commented [MB4]: Need to explain this more – do you mean “encourage in specific greenfields”? or “don’t build in greenfields”, or “build in some greenfield areas”?

Commented [MM5R4]: This was the language from the Housing Action Plan council implementation.

Commented [MM6R4]:

10. Prioritize funding for current and former residents of neighborhoods with history of redlining and households receiving free or reduced lunch given preference for city-sponsored housing programs
11. Provide needed language translation services
12. Provide proactive reasonable accommodations
13. Priority will be given to projects working with local, community-based, non-profit organizations that are culturally relevant and historically rooted, and have organizational staff and board composition that seek to reflect the community they serve.
14. Housing project applicants must demonstrate site control
15. Environmental review
16. Brownfield remediation is a potential bonus area, particularly where other funds, such as Ecology, EPA, etc are leveraged
17. Leverage other dollars wherever possible as a general priority.
18. Financial feasibility and/or cost effectiveness of the project other pledged/committed sources of funds (gap financing) verification of award letters
19. Agency Capacity - Capacity of the applicant team to develop and operate the project
20. Housing Model Success - Demonstrated success of diverse housing models in creating long-term housing stability for the proposed population(s) as specified in RCW, including but not limited to affordable family housing; senior housing; transitional housing; permanent supportive housing; group homes for individuals with disabilities; public housing; and mixed income housing
21. Project Readiness - Ability to deploy funds quickly and respond with urgency to the current housing crisis
22. Partnerships - Demonstration of committed partnership(s) and collaboration with other entities to develop and operate project
23. Equity – Projects that serve underserved populations and address the disproportionate impacts of homelessness and housing instability on communities of color
24. Previous experience housing vouchers
- 17.25. Mentorship relationships between experienced developers and new developers

Timeline

	Notice of Funds Availability Released
	Housing Action Subcommittee Develop RFP
	Request for Proposals published
	Housing Action Subcommittee review RFP proposals
	Housing Action Subcommittee recommendation to City Council
	Final Awards

ORDINANCE NO. C-_____

An ordinance establishing requirements for participation in rental assistance programs; enacting a new chapter 18.08 of the Spokane Municipal Code; and declaring an emergency.

WHEREAS, according to the U.S. Census American Community Survey's 2019 data, in Spokane, 56% of all housing units are priced at or below the median rent of \$1,098, and only 9% of all housing units rent for \$500 per month or less; and

WHEREAS, in Spokane, over 45% of renters are either cost-burdened (meaning they spend 30% or more of their income on rent) or extremely cost-burdened (meaning they spend 50% or more on rent); and

WHEREAS, nationwide, according to the Joint Center for Housing Studies at Harvard University, renters were more likely during the COVID-19 pandemic to lose employment than were homeowners, and Black and Hispanic renters are more likely to be cost-burdened or extremely cost-burdened; and

WHEREAS, renters with very low incomes and renters who have lost wages or employment during the COVID-19 pandemic are in a very vulnerable situation, as the perfect storm of historically low vacancy rates, a highly-constrained supply of rental housing that is affordable for people of very low incomes, potential back rent owed, the looming end of the eviction moratorium, and the high rate of cost-burdened renter households which pre-existed the COVID-19 pandemic create an extreme risk of housing instability; and

WHEREAS, housing instability from a variety of factors is a key driver of the increase in homelessness in Washington state, according to a recent report from the Washington Department of Commerce¹, and increasing rents show a nearly linear correspondence to increased rate of homelessness; and

WHEREAS, the federal and state government have provided millions of dollars to the City of Spokane for the purpose of rental assistance that has not yet been fully distributed, leaving tenants who have applied for and are eligible for assistance vulnerable to eviction solely for the reason that the funds have not yet been distributed by the programs charged with distribution; and

WHEREAS, the state-wide moratorium on residential evictions concluded at the end of October, 2021; and

WHEREAS, the Mayor has declared a city-wide housing emergency, which requires the City to take extraordinary steps to ensure that all our residents have, and keep, housing that is available and affordable to them; and

¹ "Homelessness in Washington State (2019)," Washington State Department of Commerce, available at: https://www.commerce.wa.gov/wp-content/uploads/2020/02/Homelessness-in-Washington-State_final.pdf (last reviewed Aug. 25, 2021).

WHEREAS, to address the confluence of these factors, the City Council determines that the City must take action now to protect renters who are receiving the benefit of housing assistance from the City, whether through direct payments or through rental assistance paid to a landlord, property owner, or property manager, to enable people of lower incomes to maintain housing stability, which is a key determinant of overall health, well-being, educational, and lifetime economic outcomes for children and families, to prevent homelessness, and to help mitigate the effects of the declared housing emergency.

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That there is enacted a new chapter 18.08 of the Spokane Municipal Code to read as follows:

Chapter 18.08 Rental Assistance Programs

Section 18.08.010 Purpose and Intent

The chapter is enacted to bridge gaps between proclamations of the Governor related to evictions and the state Legislature's enactment of SB 5160, and to reduce uncertainty for tenants and for landlords as the state implements post-COVID-19 long-term housing recovery strategies.

Section 18.08.020 Definitions

- A. "Customary and routine" means communication practices that were in place prior to March 18, 2020, but only to the extent that those communications reasonably notify a tenant of upcoming rent that is due; provide notice of community events, news, or updates; provide notice of availability of rental assistance or inquires as to whether a tenant has or is willing to seek rental assistance; document a lease violation; are related to negotiating a reasonable repayment plan or other program provided by SH 5160; or are otherwise consistent with this chapter.
- B. "Landlord" includes, in addition to landlords, property managers and property owners.
- C. "Operational eviction resolution pilot program" means a program that complies with the provisions of Section 7 of E2SSB 5160, is located in Spokane County, is serving or is able to serve pilot program clients, and is in compliance with a standing judicial order(s) of the Spokane County Superior Court.
- D. "Operational rental assistance program" means a program located in Spokane County in which the rental property is located, is receiving or able to receive applications for rental assistance from eligible renters and landlords, and is currently disbursing or is able to disburse funds.
- E. "Reasonable repayment plan" has the same meaning as "reasonable schedule for repayment," as defined in Section 4 of E2SSB 5160, and means a repayment

plan or schedule for unpaid rent that does not exceed monthly payments equal to one-third of the monthly rental charges during the period of accrued debt.

- F. “Rental assistance program” means financial assistance provided by the City of Spokane, whether derived from local funds or as a pass-through of state or federal funds or funds from any other source, to a landlord or to a tenant, to help defray the cost of past rent owed, future rent, relocation expenses, late fees, enforceable debt, damage mitigation costs, or any other costs incurred or owed by a tenant to a landlord and reimbursable from the rental assistance program, as particularly described in the specific program documents.

Section 18.08.030 Past rent owed

- A. If based in whole or in part on any arrears (rent owed) that accrued due to COVID-19 from February 29, 2020 through July 31, 2021, landlords are prohibited from serving or enforcing, or threatening to serve or enforce, any notice requiring a tenant to vacate any dwelling, including but not limited to an eviction notice, notice to pay or vacate, unlawful detainer summons or complaint, notice of termination of rental, or notice to comply or vacate until both of the following conditions are met:
1. a rental assistance program and an eviction resolution pilot program have been implemented and are operational in Spokane County; and
 2. a tenant has been provided with and has rejected or failed to respond within 14 days of receipt of such notice to an opportunity to participate in an operational rental assistance program and an operational eviction resolution pilot program.
- B. There is a presumption that any rent payment made on or after August 1, 2021, is applied to current rent before applying toward arrears.
- C. Each rental assistance program is authorized to share the application status of a tenant with the tenant’s landlord.

Section 18.08.040 Enforceable debt

- A. If based in whole or in part on any arrears for a current tenant that accrued due to COVID-19 from February 29, 2020 through July 31, 2021, landlords are prohibited from treating any unpaid rent or other charges related to a dwelling as an enforceable debt or obligation that is owing or collectable, where such non-payment was, in whole or in part, a result of the COVID-19 crisis, until such time as the landlord and tenant have been provided with an opportunity to resolve nonpayment of rent through a rental assistance program and an eviction resolution pilot program.
- B. This prohibition includes attempts to collect, or threats to collect, independently or through a collection agency, by filing an unlawful detainer or other judicial action, by withholding any portion of a security deposit, by reporting to credit bureaus, or by other means.

Section 18.08.050 Future rent owed

- A. For rent accruing on August 1, 2021, or thereafter, it is the expectation that tenants will pay rent in full, negotiate a lesser amount or a payment plan with the tenant's landlord, or actively seek rental assistance if assistance is needed.
- B. Through December 31, 2022 for rent accruing on August 1, 2021, or thereafter, and unless an exception or other state law allows for eviction, landlords are prohibited from serving or enforcing, or threatening to serve or enforce, any notice requiring a tenant to vacate any dwelling, including but not limited to an eviction notice, notice to pay or vacate, unlawful detainer summons or complaint, notice of termination of rental, or notice to comply or vacate, if, unless otherwise permitted by this chapter, a tenant has:
 - 1. made full payment of rent;
 - 2. made a partial payment of rent based on their individual economic circumstances as negotiated with the landlord; or
 - 3. has a pending application for rental assistance that has not been fully processed and the landlord has notice of that application.
- C. There is a presumption that any rent payment made on or after August 1, 2021, is applied to current rent before applying toward arrears.
- D. A landlord is not required to accept partial payment of rent but is required to offer a tenant a reasonable repayment plan as defined in this chapter and in compliance with SB 5160.
- E. A rental assistance program is authorized to share the application status of a tenant with the tenant's landlord.

Section 18.08.060 Late fees

Through December 31, 2022, landlords are prohibited from assessing, or threatening to assess, late fees for the nonpayment or late payment of rent or other charges related to a dwelling where such nonpayment or late payment occurred due to COVID-19 on or after February 29, 2020 through August 1, 2021.

Section 18.08.070 Written notice of resources and programs

For rent owed that accrued due to COVID-19 on or after February 29, 2020, landlords are prohibited from serving or enforcing, or threatening to serve or enforce, any notice requiring a resident to vacate any dwelling, including but not limited to an eviction notice, notice to pay or vacate, unlawful detainer summons or complaint, notice of termination of rental, or notice to comply or vacate without first providing the tenant with written notice of the funding resources and programs established in E2SSB 5160. The written material may be provided in hard copy or electronically. Links to these materials may also be found on the Washington state Attorney General Office's website.

Section 18.08.080 Reasonable payment plans

- A. For rent owed that accrued due to COVID-19 on or after February 29, 2020, landlords are prohibited from serving or enforcing, or threatening to serve or enforce, any notice requiring a resident to vacate any dwelling, including but not limited to an eviction notice, notice to pay or vacate, unlawful detainer summons or complaint, notice of termination of rental, or notice to comply or vacate if the landlord has made no attempt to establish a reasonable repayment plan with the tenant, or if they cannot agree on a plan and no local eviction resolution pilot program exists.
- B. Tenants must respond to landlords within 14 days of the landlord's offer.
- C. If a tenant fails to accept the terms of a reasonable repayment plan or if the tenant defaults on any rent owed under a repayment plan, a landlord must first provide notice to the tenant informing the tenant of the eviction resolution pilot program, and then follow the procedures provided in SB 5160, before filing an unlawful detainer action based in whole or in part on non-payment. The pilot program must be operational and accepting new referrals at the time the notice is sent and must be able to provide the tenant with an opportunity to participate in the program.

Section 18.08.090 Permissible unlawful detainer actions

Excepting the prohibitions stated herein, all other allowable evictions under ESHB 1236 and the current Residential Landlord-Tenant Act (RCW 59.18) and Manufactured/Mobile Home Landlord-Tenant Act (RCW 59.20) may proceed as otherwise allowed by law.

Section 18.08.100 Local law enforcement involvement in evictions prohibited

The Spokane Police Department is prohibited from serving, threatening to serve, or otherwise acting on eviction orders, including assisting any other jurisdiction or law enforcement agency in the same, affecting any dwelling unless the eviction order, including a writ of restitution, contains a written finding that the landlord has complied with this chapter and the unlawful detainer action is permitted under this chapter.

Section 18.08.110 Communications

- A. Nothing in this chapter precludes a landlord from engaging in customary and routine communications with tenants.
- B. Within these communications and parameters, landlords may provide information to tenants regarding financial resources, including coordinating with tenants in applying for rent assistance through the state's Emergency Rent Assistance Program (ERAP) or an alternative rent assistance program, and to provide

tenants with information on how to engage with them in discussions regarding reasonable repayment plans as described in this chapter.

- C. Tenants must respond to landlords regarding establishing reasonable repayment plans and participation in eviction resolution programs per the timelines established in SB 5160.

Section 18.08.120 Retaliation prohibited

Landlords are prohibited from retaliating against individuals for invoking their rights or protections under this Proclamation, Proclamations 20-19 et seq., or any other state or federal law providing rights or protections for residential dwellings. Violation of this section is a misdemeanor.

Section 18.08.130 Right to legal counsel

- A. Nothing in this chapter modifies the requirement in Section 8 of E2SSB 5160 that a court must appoint an attorney for an indigent tenant in an unlawful detainer proceeding.
- B. The City of Spokane may implement a funding program to ensure implementation of Section 8 of SB 5160.

Section 18.08.140 Exclusions

This chapter does not apply to: (1) emergency shelters where length of stay is conditioned upon a resident's participation in, and compliance with, a supportive services program; (2) long-term care facilities licensed or certified by Department of Social and Health Services; (3) transient housing in hotels and motels; short-term rentals; (4) motor homes; (5) RVs; (6) public lands; and (6) camping areas.

Section 18.08.150 Penalties

- A. Each violation of this chapter is a class 1 civil infraction. This penalty is in addition to any other penalties available to a prevailing party, including economic damages, reasonable attorneys fees and costs, and exemplary damages.
- B. Nothing in this chapter precludes the City of Spokane from imposing additional remedies for a landlord's breach of a rental assistance program contract, such as for unjust enrichment, or reasonable costs and attorneys fees.

Section 18.08.160 Severability

If any section, subsection, paragraph, or sentence of this chapter is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such provision(s) shall be severed from this chapter, and the remaining provisions of this chapter shall remain in force unaffected by such severance.

Section 2. That the City Council declares that an urgency and emergency exists, including the end of the eviction moratorium and the existence of a housing emergency in Spokane, such that this ordinance is needed for the immediate preservation of the public peace, health, or safety, and/or for the immediate support of City government and its existing public institutions, and that because of such need, this ordinance shall be effective immediately, under Section 19 of the City Charter, upon the affirmative vote of one more than a majority of the City Council.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date