

**CITY COUNCIL MEETINGS
RULES – PUBLIC DECORUM**

Strict adherence to the following rules of decorum by the public will be observed and adhered to during City Council meetings, including open forum, public comment period on legislative items, and Council deliberations:

- 1. No Clapping!**
- 2. No Cheering!**
- 3. No Booing!**
- 4. No public outbursts!**
- 5. Three-minute time limit for comments made during open forum and public testimony on legislative items!**
- 6. No person shall be permitted to speak at open forum more often than once per month.**

In addition, please silence your cell phones when entering the Council Chambers!

Further, keep the following City Council Rules in mind:

Rule 2.2 OPEN FORUM

- D. The open forum is a limited public forum; all matters discussed in the open forum shall relate to the affairs of the City and items not currently on the current or advance Council agendas. No person shall be permitted to speak in open forum regarding items on the current or advance agendas, pending hearing items, or initiatives or referenda in a pending election. Individuals speaking during the open forum shall address their comments to the Council President and shall not use profanity, engage in obscene speech, or make personal comment or verbal insults about any individual.
- E. To encourage wider participation in open forum and a broad array of public comment and varied points of view from residents of the City of Spokane, no person shall be permitted to speak at the first open forum more often than once per calendar month. Any person may speak at the second open forum if they have not yet spoken in that meeting's first open forum or concerning any agenda item at that day's meeting, unless the meeting is that person's first address at open forum in that month.. There is no limit on the number of regular legislative agenda items on which a member of the public may testify, such as legislative items, special consideration items, hearing items, and other items before the City Council and requiring Council action that are not adjudicatory or administrative in nature, as specified in Rules 5.3 and 5.4.

Rule 2.7 SERVICE ANIMALS AT CITY COUNCIL MEETINGS

- B. Service animals must, at all times while present in a City Council meeting, be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices, in which case, the individual must maintain control of the animal through voice, signal, or other effective controls.

Rule 5.3 PARTICIPATION OF MEMBERS OF THE PUBLIC IN COUNCIL MEETINGS

- A. Members of the public may address the Council regarding items on the Council's legislative agenda, special consideration items, hearing items, and other items before the City Council requiring Council action that are not adjudicatory or administrative in nature. This rule shall not limit the public's right to speak during the open forum.
- B. No member of the public may speak without first being recognized for that purpose by the Chair. Except for named parties to an adjudicative hearing, a person may be required to sign a sign-up sheet and provide their city of residence as a condition of recognition. In order for a Council member to be recognized by the Chair for the purpose of obtaining the floor, the Council member shall either raise a hand or depress the call button on the dais until recognized by the Council President.
- C. Each person speaking at the public microphone shall verbally identify themselves by name, city of residence, and, if appropriate, representative capacity.
- D. Each speaker shall follow all written and verbal instructions so that verbal remarks are electronically recorded and documents submitted for the record are identified and marked by the Clerk.
- E. In order that evidence and expressions of opinion be included in the record and that decorum befitting a deliberative process be maintained, no modes of expression not provided by these rules, including but not limited to demonstrations, banners, signs, applause, profanity, vulgar language, or personal insults will be permitted.
- F. A speaker asserting a statement of fact may be asked to document and identify the sources of the factual datum being asserted.

- G. When addressing the Council, members of the public shall direct all remarks to the Council President and shall confine remarks to the matters that are specifically before the Council at that time.
- H. When any person, including members of the public, City staff, and others, are addressing the Council, Council members shall observe the same decorum and process, as the rules require among the members inter se. That is, a Council member shall not engage the person addressing the Council in colloquy, but shall speak only when granted the floor by the Council President. All persons and/or Council members shall not interrupt one another. The duty of mutual respect set forth in Rule 1.2 and the rules governing debate set forth in Robert's Rules of Order, newly revised, shall extend to all speakers before the City Council. The City Council Policy Advisor and/or City Attorney shall, with the assistance of Council staff, assist the Council President to ensure that all individuals desiring to speak shall be identified, appropriately recognized, and provided the opportunity to speak.

Rule 5.4 PUBLIC TESTIMONY REGARDING LEGISLATIVE AGENDA ITEMS – TIME LIMITS

- A. The City Council shall take public testimony on all matters included on its legislative agenda, with those exceptions stated in Rule 5.4(B). Public testimony shall be limited to the final Council action. Public testimony shall be limited to three (3) minutes per speaker, unless, at their discretion, the Chair determines that, because of the number of speakers signed up to testify, less time will be needed for each speaker in order to accommodate all speakers. The Chair may allow additional time if the speaker is asked to respond to questions from the Council.
- B. No public testimony shall be taken on items on the Council's consent agenda, amendments to legislative agenda items, or procedural, parliamentary, or administrative matters of the Council, including amendments to these Rules.
- C. For legislative or hearing items that may affect an identifiable individual, association, or group, the following procedure may be implemented:
 - 1. Following an assessment by the Chair of factors such as complexity of the issue(s), the apparent number of people indicating a desire to testify, representation by designated spokespersons, etc., the Chair shall, in the absence of objection by the majority of the Council present, impose the following procedural time limitations for taking public testimony regarding legislative matters:
 - a. There shall be up to fifteen (15) minutes for staff, board, or commission presentation of background information, if any.
 - b. The designated representative of the proponents of the issue shall speak first and may include within their presentation the testimony of expert witnesses, visual displays, and any other reasonable methods of presenting the case. Up to thirty (30) minutes shall be granted for the proponent's presentation. If there be more than one designated representative, they shall allocate the allotted time between or among themselves.
 - c. Following the presentation of the proponents of the issue, three (3) minutes shall be granted for any other person not associated with the designated representative of the proponents who wishes to speak on behalf of the proponent's position.
 - d. The designated representative, if any, of the opponents of the issue shall speak following the presentation of the testimony of expert witnesses, visual displays, and any other reasonable methods of presenting the case. The designated representative(s) of the opponents shall have the same amount of time which was allotted to the proponents.
 - e. Following the presentation by the opponents of the issue, three (3) minutes shall be granted for any other person not associated with the designated representative of the opponents who wishes to speak on behalf of the opponents' position.
 - f. Up to ten (10) minutes of rebuttal time shall be granted to the designated
 - 2. In the event the party or parties representing one side of an issue has a designated representative and the other side does not, the Chair shall publicly ask the unrepresented side if they wish to designate one or more persons to utilize the time allotted for the designated representative. If no such designation is made, each person wishing to speak on behalf of the unrepresented side shall be granted three (3) minutes to present their position, and no additional compensating time shall be allowed due to the fact that the side has no designated representative.
 - 3. In the event there appears to be more than two groups wishing to advocate their distinct positions on a specific issue, the Chair may grant the same procedural and time allowances to each group or groups, as stated previously.
- D. The time taken for staff or Council member questions and responses there to shall be in addition to the time allotted for any individual or designated representative's testimony.

THE CITY OF SPOKANE



ADVANCE COUNCIL AGENDA

MEETING OF MONDAY, MARCH 2, 2020

MISSION STATEMENT

**TO DELIVER EFFICIENT AND EFFECTIVE SERVICES
THAT FACILITATE ECONOMIC OPPORTUNITY
AND ENHANCE QUALITY OF LIFE.**

MAYOR NADINE WOODWARD

COUNCIL PRESIDENT BREEAN BEGGS

COUNCIL MEMBER KATE BURKE

COUNCIL MEMBER LORI KINNEAR

COUNCIL MEMBER KAREN STRATTON

COUNCIL MEMBER MICHAEL CATHCART

COUNCIL MEMBER CANDACE MUMM

COUNCIL MEMBER BETSY WILKERSON

**CITY COUNCIL CHAMBERS
CITY HALL**

**808 W. SPOKANE FALLS BLVD.
SPOKANE, WA 99201**

CITY COUNCIL BRIEFING SESSION

Council will adopt the Administrative Session Consent Agenda after they have had appropriate discussion. Items may be moved to the 6:00 p.m. Legislative Session for formal consideration by the Council at the request of any Council Member.

SPOKANE CITY COUNCIL BRIEFING SESSIONS (BEGINNING AT 3:30 P.M. EACH MONDAY) AND LEGISLATIVE SESSIONS (BEGINNING AT 6:00 P.M. EACH MONDAY) ARE BROADCAST LIVE ON CITY CABLE CHANNEL FIVE AND STREAMED LIVE ON THE CHANNEL FIVE WEBSITE. THE SESSIONS ARE REPLAYED ON CHANNEL FIVE ON THURSDAYS AT 6:00 P.M. AND FRIDAYS AT 10:00 A.M.

The Briefing Session is open to the public, but will be a workshop meeting. Discussion will be limited to Council Members and appropriate Staff and Counsel. There will be an opportunity for the expression of public views during the Open Forum at the beginning and the conclusion of the Legislative Agenda on any issue not relating to the Current or Advance Agendas, pending hearing items, or initiatives or referenda in a pending election.

ADDRESSING THE COUNCIL

- No member of the public may speak without first being recognized for that purpose by the Chair. Except for named parties to an adjudicative hearing, a person may be required to sign a sign-up sheet and provide their city of residence as a condition of recognition.
- Each person speaking at the public microphone shall verbally identify themselves by name, city of residency and, if appropriate, representative capacity.
- If you are submitting letters or documents to the Council Members, please provide a minimum of ten copies via the City Clerk. The City Clerk is responsible for officially filing and distributing your submittal.
- In order that evidence and expressions of opinion be included in the record and that decorum befitting a deliberative process be maintained, no modes of expression including but not limited to demonstrations, banners, signs, applause, profanity, vulgar language or personal insults will be permitted.
- A speaker asserting a statement of fact may be asked to document and identify the source of the factual datum being asserted.

SPEAKING TIME LIMITS: Unless deemed otherwise by the Chair, each person addressing the Council shall be limited to a three-minute speaking time.

CITY COUNCIL AGENDA: The City Council Advance and Current Agendas may be obtained prior to Council Meetings from the Office of the City Clerk during regular business hours (8 a.m. - 5 p.m.). The Agenda may also be accessed on the City website at www.spokanecity.org. Agenda items are available for public review in the Office of the City Clerk during regular business hours.

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Spokane City Council Chamber in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and also is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) at the City Cable 5 Production Booth located on the First Floor of the Municipal Building, directly above the Chase Gallery or through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Human Resources at 509.625.6383, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or msteinolfson@spokanecity.org. Persons who are deaf or hard of hearing may contact Human Resources through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

If you have questions, please call the Agenda Hotline at 625-6350.

BRIEFING SESSION

(3:30 p.m.)

(Council Chambers Lower Level of City Hall)

(No Public Testimony Taken)

Roll Call of Council

Council Reports

Staff Reports

Committee Reports

Advance Agenda Review

Current Agenda Review

ADMINISTRATIVE SESSION

CONSENT AGENDA

REPORTS, CONTRACTS AND CLAIMS

RECOMMENDATION

- | | | |
|--|------------------------------|---------------|
| 1. Contract Amendment with The Law Firm of Thomas W. McLane, PLLC (Spokane, WA) for outside special counsel providing legal services and advice to the City regarding the matter of Lonnie Tofsrud v. Spokane Police Department, et. al.—\$100,000. Total Amount: \$150,000.
Mike Ormsby | Approve | OPR 2019-1056 |
| 2. Accept funding recommendations from the Community, Housing and Human Services Board to rehabilitate 74 units of affordable housing, and construction of a new Early Childhood Education and Assistance Program facility—\$1,338,624.
George Dahl | Approve | OPR 2020-0201 |
| 3. Claims and payments of previously approved obligations, including those of Parks and Library, through _____, 2020, total \$_____, with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$_____. | Approve & Authorize Payments | CPR 2020-0002 |

4. City Council Meeting Minutes: _____, 2020.

Approve
All

CPR 2020-0013

EXECUTIVE SESSION

(Closed Session of Council)

(Executive Session may be held or reconvened during the 6:00 p.m. Legislative Session)

CITY COUNCIL SESSION

(May be held or reconvened following the 3:30 p.m. Administrative Session)

(Council Briefing Center)

This session may be held for the purpose of City Council meeting with Mayoral nominees to Boards and/or Commissions. The session is open to the public.

LEGISLATIVE SESSION

(6:00 P.M.)

(Council Reconvenes in Council Chamber)

WORDS OF INSPIRATION

PLEDGE OF ALLEGIANCE

ROLL CALL OF COUNCIL

ANNOUNCEMENTS

(Announcements regarding Changes to the City Council Agenda)

BOARDS AND COMMISSIONS APPOINTMENTS

(Includes Announcements of Boards and Commissions Vacancies)

APPOINTMENTS

RECOMMENDATION

Spokane Public Library Board: One Reappointment

Approve CPR 1981-0400

Spokane Arts Commission: Seven appointments

Approve CPR 1981-0402

Bicycle Advisory Board: One Reappointment

Approve CPR 1992-0059

ADMINISTRATIVE REPORT

COUNCIL COMMITTEE REPORTS

(Committee Reports for Finance, Neighborhoods, Public Safety, Public Works, and Planning/Community and Economic Development Committees and other Boards and Commissions)

OPEN FORUM

This is an opportunity for citizens to discuss items of interest not relating to the Current or Advance Agendas, pending hearing items, or initiatives or referenda in a pending election. This Forum shall be for a period of time not to exceed thirty (30) minutes. After all the matters on the Agenda have been acted on, unless it is 10:00 p.m. or later, the open forum shall continue for a period of time not to exceed fifteen (15) minutes. Each speaker will be limited to three minutes, unless otherwise deemed by the Chair. If you wish to speak at the forum, please sign up on the sign-up sheet located in the Chase Gallery.

Note: No person shall be permitted to speak at the first Open Forum more often than once per calendar month. Any person may speak at the second open forum if they have not yet spoken in that meeting's first open forum or concerning any agenda item at that day's meeting, unless the meeting is that person's first open forum in that meeting. (Council Rule 2.2.E)

LEGISLATIVE AGENDA

SPECIAL BUDGET ORDINANCES

(Require Five Affirmative, Recorded Roll Call Votes)

Ordinance C35895 amending Ordinance No. C35857 passed by the City Council December 16, 2019, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2020, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2020, and providing it shall take effect immediately upon passage," and declaring an emergency and appropriating funds in:

Office of Performance Management

FROM: IF Revenue, \$113,801;

TO: Senior Project Manager, \$113,801.

(This action allows budgeting to create an additional position.)

(Council Sponsor: Council Member Mumm)

Dusty Fredrickson

EMERGENCY ORDINANCES

(Require Five Affirmative, Recorded Roll Call Votes)

ORD C35860 Establishing a local residential tenancy code; recodifying Division I of Title 10 as Title 10A; recodifying Division II of Title 10 as Title 10B; enacting a new Title 10C; enacting new sections 07.08.153 and 18.03.030; and amending sections 08.01.090, 08.01.120, 08.01.180,

08.01.200, 08.02.0206, and 18.01.030 of the Spokane Municipal Code; and declaring an emergency. (Deferred from December 9, 2019)

Council President Beggs

ORD C35861

Requiring specific cause for most residential evictions; enacting new sections 18.03.005 and 18.03.030 of the Spokane Municipal Code; and declaring an emergency. (Deferred from December 9, 2019)

Council Member Burke

RESOLUTIONS & FINAL READING ORDINANCES

(Require Four Affirmative, Recorded Roll Call Votes)

RES 2020-0014

Regarding the Annual Comprehensive Plan Amendment Work Program for 2020, formalizing the non-City-initiated proposals and any City-initiated proposals to review. (Council Sponsor: Council Member Stratton)

Kevin Freibott

The following item is pending approval to add the First Reading of the Ordinance to the February 24, 2020, Agenda.

ORD C35894

Harmonizing the noise disturbance prohibitions in the context of health care providers and facilities with the noise disturbance provisions applicable generally throughout the city. (Council Sponsors: Council Member Kinnear and Council Member Wilkerson)

Lori Kinnear

NO FIRST READING ORDINANCES

NO SPECIAL CONSIDERATIONS

NO HEARINGS

Motion to Approve Advance Agenda for March 2, 2020
(per Council Rule 2.1.2)

OPEN FORUM (CONTINUED)

This is an opportunity for citizens to discuss items of interest not relating to the Current or Advance Agendas, pending hearing items, or initiatives or referenda in a pending election. After all the matters on the Agenda have been acted on, unless it is 10:00 p.m. or later, the open forum shall continue for a period of time not to exceed fifteen (15) minutes. Each speaker will be limited to three minutes, unless otherwise deemed by the Chair. If you wish to speak at the forum, please sign up on the sign-up sheet located in the Chase Gallery.

Note: Any person may speak at the second open forum if they have not yet spoken in that meeting's first open forum or concerning any agenda item at that day's meeting, unless the meeting is that person's first address at open forum in that month. (Council Rule 2.2.E)

ADJOURNMENT

The March 2, 2020, Regular Legislative Session of the City Council is adjourned to March 9, 2020.

NOTES



Agenda Sheet for City Council Meeting of:
03/02/2020

Date Rec'd	2/19/2020
Clerk's File #	OPR 2019-1056
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	FROM CLAIMS

Submitting Dept	CITY ATTORNEY
Contact Name/Phone	MIKE ORMSBY 6287
Contact E-Mail	MORMSBY@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	0500 SPECIAL COUNSEL CONTRACT AMENDMENT

Agenda Wording

The Firm acts as OUTSIDE SPECIAL COUNSEL providing legal services and advice to the City regarding the matter of LONNIE TOFSRUD v. SPOKANE POLICE DEPARTMENT, ET. AL.

Summary (Background)

Additional funds are required. This contract amendment is for \$100,000.00. The total amount under the original contract and this amendment is \$150,000.00.

<u>Fiscal Impact</u>	Grant related? NO Public Works? NO	<u>Budget Account</u>	
Expense	\$ 100,000.00	#	0000-00000-00000-00000 - from Claims
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	DALTON, PAT	<u>Study Session</u>	2/24/20
<u>Division Director</u>		<u>Other</u>	
<u>Finance</u>	BUSTOS, KIM	<u>Distribution List</u>	
<u>Legal</u>	DALTON, PAT	twm@twmclanelaw.com	
<u>For the Mayor</u>	ORMSBY, MICHAEL	sdhansen@spokanecity.org	
<u>Additional Approvals</u>		sfaggiano@spokanecity.org,	
<u>Purchasing</u>		james.scott@ascrisk.com	
<u>RISK MANAGEMENT</u>	STOPHER, SALLY	tstrothman@spokanecity.org	
		rkokot@spokanecity.org	



City of Spokane
**OUTSIDE COUNSEL
CONTRACT AMENDMENT**

This Contract Amendment is made and entered into by and between the **City of Spokane** as ("City"), a Washington municipal corporation, and **THE LAW FIRM OF THOMAS W. MCLANE, PLLC**, whose address is 103 East Indiana Avenue, Suite A, Spokane, Washington 99207, as ("Firm"), individually hereafter referenced as a "party", and together as the "parties".

WHEREAS, the parties entered into a Contract wherein the Firm agreed to act as OUTSIDE SPECIAL COUNSEL providing legal services and advice to the City regarding the matter of LONNIE TOFSRUD v. SPOKANE POLICE DEPARTMENT, ET. AL., and

WHEREAS, additional funds are necessary, thus the original Contract needs to be formally Amended by this written document; and

-- NOW, THEREFORE, in consideration of these terms, the parties mutually agree as follows:

1. CONTRACT DOCUMENTS.

The Contract, dated November 19, 2019 and November 20, 2019, any previous amendments, addendums and / or extensions / renewals thereto, are incorporated by reference into this document as though written in full and shall remain in full force and effect except as provided herein.

2. EFFECTIVE DATE.

This Contract Amendment shall become effective on February 1, 2020.

3. COMPENSATION.

The City shall pay an additional amount not to exceed **ONE HUNDRED THOUSAND AND NO/100 DOLLARS (\$100,000.00)** for everything furnished and done under this Contract Amendment. The total amount under the original contract, all previous amendments and this Amendment is **ONE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$150,000.00)**.

IN WITNESS WHEREOF, in consideration of the terms, conditions and covenants contained, or attached and incorporated and made a part, the parties have executed this Contract Amendment by having legally-binding representatives affix their signatures below.

**THE LAW FIRM OF
THOMAS W. MCLANE, PLLC**

CITY OF SPOKANE

By _____
Signature Date

By _____
Signature Date

Type or Print Name

Type or Print Name

Title

Title

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

20-041

**Agenda Sheet for City Council Meeting of:**

03/02/2020

Date Rec'd

2/19/2020

Clerk's File #

OPR 2020-0201

Renews #**Submitting Dept**

HOUSING & HUMAN SERVICES

Cross Ref #**Contact Name/Phone**

GEORGE DAHL 625-6036

Project #**Contact E-Mail**

GDAHL@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Contract Item

Requisition #

CR 21499 & 21498

Agenda Item Name

1680 - CHHS GRANTS AWARDS TO PIONEER HUMAN SERVICES AND PROCLAIM LIBERTY

Agenda Wording

CHHS seeks City Council approval of CHHS Board funding recommendations to rehabilitate 74 units of affordable housing, & construction of new ECEAP facility.

Summary (Background)

The CHHS Board approved a consolidated application process for housing, acquisition, and capital improvement projects during their November 6, 2019 meeting. CHHS facilitated the first application process during the 2nd week of December 2019. CHHS received three separate applications during the month of December. See attached for additional information.

Fiscal Impact

Grant related? YES

Public Works? YES

Budget Account

Expense \$ 744,150.00

1690-95576-51010-54201-73916

Expense \$ 594,474.00

1690-95576-51010-54201-73916

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

SIGLER, TIMOTHY

Study Session**Division Director**

CORTRIGHT, CARLY

OtherFinance & Admin
02/24/2020**Finance**

HUGHES, MICHELLE

Distribution List**Legal**

ODLE, MARI

tsigler@spokanecity.org

For the Mayor

ORMSBY, MICHAEL

tdanzig@spokanecity.org

Additional Approvals

gdahl@spokanecity.org

Purchasing

PRINCE, THEA

cbrown@spokanecity.org

**GRANTS &
CONTRACT MGMT**

STOPHER, SALLY

kburnett@spokanecity.org

chhsaccounting@spokanecity.org

Briefing Paper

Finance & Administration Committee

Division & Department:	Neighborhood and Business Services Division – Community, Housing, and Human Services (CHHS) Department
Subject:	CHHS grant awards to Pioneer Human Services and Proclaim Liberty
Date:	February 17, 2020
Author (email & phone):	George Dahl (gdahl@spokanecity.org ext. 6036)
City Council Sponsor:	
Executive Sponsor:	Tim Sigler
Committee(s) Impacted:	Finance & Administration Committee
Type of Agenda item:	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	2015-2020 Strategic Plan to End Homelessness 2015-2020 Consolidated Plan for Community Development
Strategic Initiative:	Safe & Healthy
Deadline:	12/31/2020
Outcome: (deliverables, delivery duties, milestones to meet)	<ul style="list-style-type: none"> • Rehabilitation of 74 affordable housing units at 206 S. Post St. • Construction of new ECEAP Facility for 40 part-time & 20 full-time students on Spokane's lower south hill.
<p>Background/History: The CHHS Board approved a consolidated application process for housing, acquisition, and capital improvement projects during their November 6, 2019 meeting. CHHS facilitated the first application process during the 2nd week of December 2019. CHHS received three separate applications during the month of December.</p> <ol style="list-style-type: none"> 1. Family Promise of Spokane - \$180,000 (grant) request to acquire SF home at 2012 E. Mission Ave. 2. Pioneer Human Services - \$594,474 (grant) request to rehabilitate 74 units of affordable housing at 206 S. Post St. 3. Proclaim Liberty - \$744,150 request to construct new ECEAP facility serving 40 part-time and 20 full-time students on Spokane's lower south hill. A second request for \$455,850 (loan) was made to fund offsite improvements for 65 units of new affordable housing. 	
<p>Executive Summary:</p> <ul style="list-style-type: none"> • The CHHS Board approved the following recommendations at their February 5, 2020 meeting: <ul style="list-style-type: none"> ○ Do not fund Family Promise of Spokane's request for \$180,000.00 <ul style="list-style-type: none"> ▪ Acquire SF home at 2012 E. Mission Ave ○ Fund Pioneer Human Services Carlyle Rehabilitation application in full \$594,474.00 <ul style="list-style-type: none"> ▪ 74 units of permanent affordable housing ○ Fund Proclaim Liberty's new ECEAP facility in full \$744,474.00 <ul style="list-style-type: none"> ▪ 40 part-time, and 20 full-time students ○ Fund Proclaim Liberty's request for offsite improvements related to Liberty Park Terrace Phase II affordable housing development \$455,850.00 <ul style="list-style-type: none"> ▪ 65 units of new affordable housing on Spokane's lower south hill 	

Budget Impact:

Approved in current year budget? ☐ Yes ☒ No

Annual/Reoccurring expenditure? ☐ Yes ☒ No

If new, specify funding source:

Other budget impacts: (revenue generating, match requirements, etc.)

Operations Impact:

Consistent with current operations/policy? ☒ Yes ☐ No

Requires change in current operations/policy? ☐ Yes ☒ No

Specify changes required:

Known challenges/barriers:

BRIEFING PAPER
Community, Housing and Human Services Board
Perpetual Housing, Acquisition, and Capital Improvements Program (PHACIP)
Wednesday, February 5, 2020

SUBJECT: CHHS received three separate applications requesting funding during the PHACIP's first open application period the week of December 9th.

BACKGROUND: The CHHS Board approved the creation of the PHACIP at their meeting on November 6, 2019. Staff created a webpage on the CHHS website to provide information for perspective applicants. Staff hosted two separate technical assistance workshops to assist partner agencies preparing to submit application. A total of 11 individuals from nine separate partner agencies attended the two workshops, including one CHHS Board member (Melody).

The table below is meant to summarize each of the three proposals received during the month of December 2019.

Agency	Proposal Type	Requested	Staff Summary
Family Promise	Acquisition	\$180,000 (grant)	<ul style="list-style-type: none">• Acquisition of single-family home located at 2012 E. Mission Ave. Home will be converted to expand shelter capacity and centralize services for homeless families with special needs and infants.• Existing purchase sale agreement with owner of 2012 E. Mission Ave.• \$20,000 match commitment from Providence Health Systems Grant• Plan to conduct a capital campaign in 2020
Pioneer Human Services	Rehabilitation	\$594,474 (grant)	<ul style="list-style-type: none">• Complete building rehabilitation to transition the Carlyle from an assisted living facility to a high-barrier permanent supportive housing complex (74-units: 62 <i>studio</i> & 12 <i>one-bed</i>) of affordable housing (<50% AMI).• Pioneer has already invested \$585,218 into facility improvements as part of the transition• \$392,000 grant/leverage from Washington State Department of Commerce• Request for CHHS to fund necessary electrical upgrades (gap funding)
Proclaim Liberty	New Construction	\$1,200,000 (grant & loan)	<ul style="list-style-type: none">• Complete construction of new ECEAP facility (2020) that will serve 20 full-time & 40 part-time students (2 classrooms).<ul style="list-style-type: none">◦ Requesting \$744,150 grant• Complete onsite and offsite improvements for the ECEAP Center and future apartment development (approximately 65 units of affordable housing anticipated to begin construction in 2021).<ul style="list-style-type: none">◦ Requesting \$455,850 loan (no interest)

TIMELINE: Each of the three applications received should be considered “shovel ready” with project completion planned during the 2020 calendar year.

IMPACT: CHHS has approximately \$1,000,000 to support this program. Consider funding availability and most pressing community needs when making funding recommendations.

ACTION: Vote to approve, or disapprove funding any of the proposals listed above.

For more information, please contact George Dahl at gdahl@spokanecity.org

**Agenda Sheet for City Council Meeting of:**

03/02/2020

Date Rec'd

2/19/2020

Clerk's File #

CPR 1981-0400

Renews #**Submitting Dept**

MAYOR

Cross Ref #**Contact Name/Phone**

BRANDY COTE 625-6774

Project #**Contact E-Mail**

BCOTE@SPOKANECITY.ORG

Bid #**Agenda Item Type**Boards and Commissions
Appointments**Requisition #****Agenda Item Name**

0520 LIBRARY BOARD REAPPOINTMENT

Agenda Wording

Reappointment of Lara Hemingway to the Spokane Public Library Board of Trustees for a term of April 1, 2020 - March 31, 2025.

Summary (Background)

Reappointment of Lara Hemingway to the Spokane Public Library Board of Trustees for a term of April 1, 2020 - March 31, 2025.

Fiscal Impact

Grant related? NO

Public Works? NO

Budget Account

Select \$

#

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

COTE, BRANDY

Study Session**Division Director****Other****Finance****Distribution List****Legal**

bcote@spokanecity.org

For the Mayor

ORMSBY, MICHAEL

rbarden@spokanelibrary.org

Additional Approvals

achanse@spokanelibrary.org

Purchasing

**Agenda Sheet for City Council Meeting of:**

03/02/2020

Date Rec'd

2/19/2020

Clerk's File #

CPR 1981-0402

Renews #**Submitting Dept**

MAYOR

Cross Ref #**Contact Name/Phone**

BRANDY COTE 625-6774

Project #**Contact E-Mail**

BCOTE@SPOKANECITY.ORG

Bid #**Agenda Item Type**Boards and Commissions
Appointments**Requisition #****Agenda Item Name**

0520 APPOINTMENT OF 7 MEMBERS TO THE SPOKANE ARTS COMMISSION

Agenda Wording

Appointment of 7 new members to the Spokane Arts Commission, each for a term of 1/1/20 - 12/31/2022: Chris Maccini, Eva Silverstone, Patricia Tully, Emma Noyes, Miguel Gonzalez, Remelisa Cullitan, and Daniel Lopez.

Summary (Background)

Appointment of 7 new members to the Spokane Arts Commission, each for a term of 1/1/20 - 12/31/2022: Chris Maccini, Eva Silverstone, Patricia Tully, Emma Noyes, Miguel Gonzalez, Remelisa Cullitan, and Daniel Lopez.

Fiscal Impact

Grant related? NO

Public Works? NO

Budget Account

Select \$

#

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

COTE, BRANDY

Study Session**Division Director****Other****Finance****Distribution List****Legal**

bcote@spokanecity.org

For the Mayor

ORMSBY, MICHAEL

melissa@spokanearts.org

Additional Approvals

ccortright@spokanecity.org

Purchasing



Agenda Sheet for City Council Meeting of:
03/02/2020

Date Rec'd	2/19/2020
Clerk's File #	CPR 1992-0059
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	MAYOR
Contact Name/Phone	BRANDY COTE 625-6774
Contact E-Mail	BCOTE@SPOKANECITY.ORG
Agenda Item Type	Boards and Commissions Appointments
Agenda Item Name	0520 REAPPOINTMENT TO THE BICYCLE ADVISORY BOARD

Agenda Wording

Reappointment of Rhonda Young to a three year term on the Bicycle Advisory Board, from 1/31/20 - 1/31/23.

Summary (Background)

Reappointment of Rhonda Young to a three year term on the Bicycle Advisory Board, from 1/31/20 - 1/31/23.

<u>Fiscal Impact</u>	Grant related? NO Public Works? NO	<u>Budget Account</u>
Select \$		#
Select \$		#
Select \$		#
Select \$		#
<u>Approvals</u>		<u>Council Notifications</u>
<u>Dept Head</u>	COTE, BRANDY	<u>Study Session</u>
<u>Division Director</u>		<u>Other</u>
<u>Finance</u>		<u>Distribution List</u>
<u>Legal</u>		bcote@spokanecity.org
<u>For the Mayor</u>	ORMSBY, MICHAEL	cquinnhurst@spokanecity.org
<u>Additional Approvals</u>		
<u>Purchasing</u>		

**Agenda Sheet for City Council Meeting of:**

03/02/2020

Date Rec'd

2/19/2020

Clerk's File #

ORD C35895

Renews #Submitting Dept

PMO

Cross Ref #Contact Name/PhoneDUSTY 625-6482
FREDRICKSONProject #Contact E-Mail

DFREDRICKSON@SPOKANECITY.ORG

Bid #Agenda Item Type

Special Budget Ordinance

Requisition #Agenda Item Name

5750 - SBO - BUDGET ALLOCATION

Agenda Wording

The Office of Performance Management is seeking approval to add a Senior Project Manager to the Project Management Office(PMO) budget to support ongoing and increasing demand for Project Management(PM) and Continuous Improvement(CI) resource capacity

Summary (Background)

The Office of Performance Management is seeking approval to add a Senior Project Manager in the 2020 budget. There is a need for additional resource capacity in the 2020 budget to execute technically or organizationally complex strategic projects. This Senior Project Manager will support all divisions to develop PM and CI skills sets within the organizations. We will be able to deliver additional Project Management training, support, and continuous improvement.

Fiscal Impact

Grant related? NO

Budget Account

Public Works? NO

Expense \$ 113,801

5750-73250-18810-01310

Revenue \$ 113,801

5750-30210-99999-34870

Select \$

#

Select \$

#

ApprovalsCouncil NotificationsDept Head

FREDRICKSON, DUSTY

Study SessionPublic Safety &
Community Health
10/7/19Division Director

ORMSBY, MICHAEL

OtherFinance

ALBIN-MOORE, ANGELA

Distribution ListLegal

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For the Mayor

ORMSBY, MICHAEL

KKeck@spokanecity.org

Additional Approvals

aalbinmoore@spokanecity.org

PurchasingBUDGET

INGIOSI, PAUL

ORDINANCE NO C35895

An ordinance amending Ordinance No. C-35857, passed by the City Council December 16, 2019, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2020, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2020, and providing it shall take effect immediately upon passage", and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2020 budget Ordinance No. C-35857, as above entitled, and which passed the City Council December 16, 2019, it is necessary to make changes in the appropriations of the Office of Performance Management Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

WHEREAS, this ordinance has been on file in the City Clerk's Office for five days; - Now, Therefore,

The City of Spokane does ordain:

Section 1. That in the budget of the Office of Performance Management Fund, and the budget annexed thereto with reference to the Office of Performance Management Fund, the following changes be made:

FROM:	5750-30210- 99999-34870	Office of Performance Mgmt. IF Revenue	<u>\$ 113,801</u>
TO:	5750-73250- 18810-01310	Office of Performance Mgmt. SR. Project Manager	<u>\$ 113,801</u>

Section 2. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to create an additional position, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

Passed the City Council _____

Council President

Attest: _____
City Clerk

Approved as to form: _____
Assistant City Attorney

Mayor

Date

Effective Date

Briefing Paper

Finance & Administration

Division & Department:	General Fund, Office of Performance Management (PMO)
Subject:	SBO – Budget Allocation
Date:	02/19/2020
Contact (email & phone):	Dusty Fredrickson (dfredrickson@spokanecity.org)(625-6482)
City Council Sponsor:	Council Member Mumm
Executive Sponsor:	Wes Crago, City Administrator
Committee(s) Impacted:	Finance & Administration
Type of Agenda item:	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	2020 Budget Funding Allocation
Strategic Initiative:	Sustainable Resources
Deadline:	
Outcome:	

Narrative:

The Office of Performance Management is seeking approval to fund the Senior Project Manager position presented in October of 2019 and currently being filled by a Project Employee.

The purpose of this position is to augment the Project Management Office's (PMO) ability to support ongoing and increasing demand for Project Management (PM) capacity to:

- Execute technically, or organizationally, complex strategic projects
- Support all Divisions to develop PM skill sets within their organizations

The functions of this position as follows:

Senior Project Manager: \$113,801 – Fully Benefitted Cost

- Apply Project Management methodology to lead complex cross-departmental projects
- Participate, as a member of the PMO, to develop, enhance, and mature the City's practice of Project, Program and Portfolio Management
- Develop and deliver Project Management training to Department resources City-wide
- Support City leadership in project selection and prioritization by developing comprehensive business case and cost/benefit analysis

Justification

Mitigate Reliance on Vendor Resources

A vital tool in the PMO's toolkit is having the ability to bring in vendor resources to fill project-specific skillset gaps and to staff projects that are shorter in duration so the FTE's can maintain focus on the larger, longer-term, strategic projects.

To augment capacity, PM resources were contracted to support strategic projects as follows Utility System RFP: PM 1600 hours/\$280,000

Deliver additional Project Management Training City-wide

Division and Department heads across the City have recognized the benefit of investing in PM skills and support this request. The return on this investment takes the form of improvements to deliver quality and cost savings for the public.

With the additional capacity these resources will provide, the PMO will be able to deliver:

- 4 Project Management Training Sessions/Year (80 Employees Trained)
- Ongoing coaching and support to organizations putting these skills into practice
- Coverage for 2-4 more Citywide projects of significance for current and expected new administration initiatives

Alleviate Chronic Over-Allocation of PMO Resources

In any given quarter in 2018 and 2019, the PMO team is allocated over 100% capacity. This pace is not sustainable for individual team members, and does not allow the PMO to be the agile organization it needs to be in responding to high-value 'projects of opportunity' as they are identified.

These resources will add 3,300 productive hours to the PMO's capacity annually.

Funding

Reallocate PMO 2020 Project Employee budget to fund this full time position without an increase to department allocations.

Executive Summary:

Approval to move forward with reallocating 2020 PMO Project Employee budget to fund a FTE Senior Project Manager position.

Budget Impact:

Approved in current year budget? ☒ Yes ☐ No ☐ N/A

Annual/Reoccurring expenditure? ☒ Yes ☐ No ☐ N/A

If new, specify funding source:

Other budget impacts: (revenue generating, match requirements, etc.)

Operations Impact:

Consistent with current operations/policy? ☒ Yes ☐ No ☐ N/A

Requires change in current operations/policy? ☐ Yes ☒ No ☐ N/A

Specify changes required:

Known challenges/barriers:

**Agenda Sheet for City Council Meeting of:**

12/09/2019

Date Rec'd

11/19/2019

Clerk's File #

ORD C35860

Renews #Submitting Dept

CITY COUNCIL

Cross Ref #Contact Name/Phone

BREEAN BEGGS 625-6714

Project #Contact E-Mail

BBEGGS@SPOKANECITY.ORG

Bid #Agenda Item Type

Emergency Ordinance

Requisition #Agenda Item Name

0320 AN ORDINANCE ESTABLISHING A LOCAL RESIDENTIAL TENANCY CODE

Agenda Wording

An ordinance establishing a local residential tenancy code; recodifying and amending sections of the Spokane Municipal Code; and declaring an emergency

Summary (Background)

See attached white paper for summary.

Fiscal Impact

Grant related? NO

Budget Account

Public Works? NO

Neutral \$

#

Select \$

#

Select \$

#

Select \$

#

ApprovalsCouncil Notifications**Dept Head**

MCDANIEL, ADAM

Study Session

December 5

Division Director**Other****Finance**

BUSTOS, KIM

Distribution List**Legal**

PICCOLO, MIKE

kateburke@spokanecity.org

For the Mayor

ORMSBY, MICHAEL

Additional Approvals**Purchasing**

ORDINANCE NO. C35860

An ordinance establishing a local residential tenancy code; recodifying Division I of Title 10 as Title 10A; recodifying Division II of Title 10 as Title 10B; enacting a new Title 10C; enacting new sections 07.08.153 and 18.03.030; and amending sections 08.01.090, 08.01.120, 08.01.180, 08.01.200, 08.02.0206, and 18.01.030 of the Spokane Municipal Code; and declaring an emergency.

WHEREAS, the rate of vacancies for rental properties in Spokane is currently at 3.3%, its lowest level in a decade and below 5%, which is normally considered a sign of a healthy rental market and which the Spokane market has not attained since 2015; and

WHEREAS, the average rent for is now over \$1,000 per month, the highest level in at least a decade, having risen by 74% since 2010; and

WHEREAS, nearly 50% of renters in Spokane are cost-burdened, meaning they spend 30% or more of their income on housing each month

WHEREAS, almost a quarter of renters in Spokane are severely cost-burdened, meaning they spend half or more of their income on housing each month; and

WHEREAS, the median household income is climbing, but the median income for renter households remains below the median – for example, in 2017, the median household income in Spokane was \$46,543, but the median income for renting households was \$33,812 – and while the average rent in Spokane has increased by 74% since 2010, the median renting household's income over that same period only increased by 51%; and

WHEREAS, lower-income people who are cost-burdened or severely cost-burdened are at a much higher risk of eviction and therefore, of homelessness, particularly if they report substandard conditions or unfair housing practices; and

WHEREAS, research from the Washington State Department of Commerce and data from our own CHHS Department's point-in-time count reveal that lack of affordable housing and eviction from housing are two significant drivers of homelessness; and

WHEREAS, the number of unsheltered people experiencing homelessness in Spokane is now at a decade high, confirming the observations from around the state that as rents increase, homelessness does as well; and

WHEREAS, one way to lower the rate of homelessness in our community is to keep housed people housed if at all possible, and one way to do this is to reduce the number of evictions in Spokane, which currently stands at 4 households each and every week, according to data compiled by the Eviction Lab at Princeton University; and

WHEREAS, the Spokane City Council, in view of these facts, sees that a housing emergency is underway in Spokane, and likely has been for the past few years, and that this emergency poses a danger to the health, welfare, and safety of many people of lower incomes throughout Spokane and necessitates the enactment of this ordinance.

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That Division I of Title 10 of the Spokane Municipal Code is renumbered as Title 10A Penal Code.

Section 2. That Division II of Title 10 of the Spokane Municipal Code, comprising chapter 10.23 through 10.56, inclusive, are renumbered as Title 10B License Code.

Section 3. That chapter 10.52 of the Spokane Municipal Code is renumbered as chapter 10C.03 of the Spokane Municipal Code.

Section 4. That there is enacted a new Title 10C of the Spokane Municipal Code to read as follows:

Title 10C Residential Tenancy Code

Chapter 10C.01 General Provisions

Section 10C.01.010 Purpose and Intent

- A. The City Council finds that the enactment of local residential tenancy code is necessary to protect the health, safety, and welfare of the public.
- B. It is the intent of this Title 10C to protect and preserve the health, safety, and welfare of the public by instituting regulations on the rental of most dwelling units in Spokane.

Section 10C.01.020 Definitions

For purposes of this Title 10C, the following terms are defined as follows:

- A. "Accessory dwelling unit" has the same meaning as set forth in SMC 17A.020.010(D).
- B. "Common areas" means areas on a property that are accessible by all tenants of the property including but not limited to: hallways; lobbies; laundry rooms; and common kitchens, parking areas, or recreation areas.
- C. "Department" means the City of Spokane's code enforcement department.
- D. "Deposit" means any payment, charge, or deposit of money paid to the landlord by the tenant at the beginning of the tenancy as a deposit and security for the purpose of:

1. Repairing damage to the premises, exclusive of ordinary wear and tear, caused by the tenant, or a guest or licensee of the tenant, or a pet of the tenant;
2. Compensating the landlord for the tenant's breach of the tenant's duties prescribed in the rental agreement to restore, replace, or return personal property or appurtenances; or
3. Compensating the landlord for the tenant's failure to return keys to the premises, except that a landlord shall not retain any portion of the deposit for keys for lock mechanisms that must be changed upon a change of tenancy.

E. "Dwelling unit" has the same meaning as set forth in RCW 59.18.030(9).

F. "Fee" means a one-time, non-refundable payment made by the tenant to the landlord to reimburse the landlord for a specific expense, including, without limitation, screening reports, background checks, credit reports, or to pay for the cleaning of the dwelling unit upon termination of the tenancy.

G. "Landlord" has the same meaning as set forth in RCW 59.18.030(14).

H. "Last month's rent" means money that is paid at the inception of the tenancy as rent for the last month of a residential tenancy.

I. "Manufactured Home" has the same meaning as set forth in RCW 59.20.030(6).

J. "Mobile Home" has the same meaning as set forth in RCW 59.20.030(8).

K. "Month-to-month tenancy" means a residential tenancy of an indefinite period with monthly or other periodic rent reserved.

L. "Owner" has the same meaning as set forth in RCW 59.18.030(16).

M. "Person" has the same meaning as set forth in RCW 59.18.030(17).

N. "Rent" means any payment or charge payable from the tenant to the landlord, usually periodically, for the residential use of any property, buildings, land, and equipment, including the basic rent charge, charge for parking facilities (whether called a fee or rent), and any other periodic charges by the landlord for other services connected with the residential use of property, but does not include utility charges that are based on usage and to which the tenant has agreed in a written rental agreement to pay.

- O. "Rental agreement" means an agreement which establishes or modifies the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit for compensation in the city of Spokane.
- P. "Rental Housing Registration" means a registration issued under chapter 10C.02, SMC.
- Q. "Shelter" means a facility with overnight sleeping accommodations, owned, operated, or managed by a nonprofit organization, religious organization or governmental entity, the primary purpose of which is to provide temporary shelter for the homeless in general or for specific populations of the homeless.
- R. "Single-room occupancy housing" (S.R.O.) has the meaning set forth in SMC 17A.020.190(AU).
- S. "Substantial rehabilitation" means the renovation, alteration, or remodeling of a residential unit of 30 or more years of age which (i) has been condemned, (ii) does not qualify for a certificate of occupancy, or (iii) requires substantial renovation in order to be in compliance with contemporary standards for decent, safe and sanitary housing. Substantial rehabilitation may vary in degree from gutting and extensive reconstruction to extensive improvements that cure substantial deferred maintenance. Cosmetic improvements alone such as painting, decorating and minor repairs, or other work which can be performed safely without having the unit vacated do not qualify as substantial rehabilitation.
- T. "Tenant" means any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement in the city of Spokane.
- U. "Transitional housing" means housing units owned, operated or managed by a nonprofit organization, religious organization or governmental entity in which supportive services are provided to individuals and families that were formerly homeless, with the intent to stabilize them and move them to permanent housing.
- V. "Unit unavailable for rent" means a housing unit that is not offered or available for rent as a rental unit, and where prior to offering or making the unit available as a rental housing unit, the owner is required to obtain a rental housing registration for the property where the rental housing unit is located and comply with all rules adopted under this chapter.

Section 10C.01.030 Relationship with State Law; Construction; Severability.

- A. The provisions of this Title 10C are supplementary and in addition to any rights, obligations, protections, remedies, and requirements of the Washington Residential Landlord-Tenant Act, chapter 59.18, RCW.

- B. This Title 10C shall be construed liberally and enforced for the benefit of the health, safety, and welfare of the general public, and not for the benefit of any particular person or class of persons.
- C. No provision of or term used in this Title 10C is intended to impose any duty upon the City or any of its officers or employees that would subject them to damages in a civil action.
- D. Should any provision of this Title 10C be determined by a court of competent jurisdiction to be void or unenforceable, such provision shall be severed from this Title 10C, and the remainder of this Title 10C shall continue in effect.

Chapter 10C.02 Residential Rental Agreements
Section 10C.02.010 Rental Agreement Requirements

- A. A landlord shall not require the payment of last month's rent by a tenant unless such payment is required by a written rental agreement that specifies the amount of the last month's rent to be paid.
- B. Any rental agreement entered into after the effective date of this chapter shall describe the terms and conditions of any monthly or periodic payments required as a condition of tenancy, including but not limited to: rent, deposits, non-refundable fees, last month's rent, utility payments, late fees authorized by the rental agreement, or other monthly or periodic payments required to be made by the tenant to the landlord. When any monthly or periodic payment is made pursuant to the rental agreement, the landlord shall first apply the payment to the rent due before applying it to other payments due by the tenant to the landlord, except that if the payment is made in response to a notice issued pursuant to RCW 59.12.030 during the period of that notice, the landlord shall first apply the payment to the amount specified in that notice, before applying it to the rent due or to other payments due by the tenant to the landlord.
- C. A landlord shall not require the payment of a pet damage deposit unless the same is required by a written rental agreement, or an addendum to the written rental agreement, that specifies the amount of the pet damage deposit, and subject to the limits on the amount of such deposit stated in SMC 10C.02.040.

Section 10C.02.020 Distribution of Information Packets to Tenants Required

- A. The Department shall compile an information packet that includes:
 - 1. Summaries of the respective rights, obligations, and remedies of landlords and tenants thereunder as established in this chapter and in the Washington Residential Landlord Tenant Act; and

2. Information describing how to register to vote and how to update voter registration, including a voter registration form and a change of address form.
- B. The Department shall make the information packet required by this section available on the city's website and in hard copy at no cost to the public.
 - C. The information packet shall include informational documents only, and shall clearly state that nothing in the information packet shall be construed as binding on or affecting any judicial determination of the rights and responsibilities of landlords and tenants, nor is the Department liable for any misstatement or misinterpretation of the applicable laws.
 - D. A copy of the information packet described in this section shall be provided to each tenant or prospective tenant by or on behalf of a landlord when such rental agreement is offered, whether or not such agreement is for a new or renewal rental agreement. The landlord may provide the copy of the information packet to the tenant electronically, including by providing a link to the Department's web page that contains the information packet.
 - E. If there is an oral rental agreement, the landlord shall provide the tenant a copy of the information packet described in this section either before entering into the oral agreement or as soon as reasonably possible after entering into the oral agreement.
 - F. Landlords shall, within thirty (30) days after the Department makes the information packet available, distribute the information packet to existing tenants, including by electronic means set out in subsection D. The Department shall update the information packet periodically and shall notify landlords whenever it is updated.

Section 10C.02.030 Notification Requirements for Rent Increases

Any rental agreement or renewal of a rental agreement for a dwelling unit in the city of Spokane entered into after January 1, 2020 shall include or be deemed to include a provision requiring a minimum of ninety (90) days' prior written notice whenever the periodic or monthly housing costs to be charged a tenant are to increase.

Section 10C.02.040 Pet Damage Deposits

- A. A landlord shall not require payment of a pet damage deposit which exceeds twenty-five percent (25%) of the first full month's rent or \$150, whichever is higher. If rent is not paid or otherwise apportioned on a monthly basis then for the sole purpose of applying this limit the total rent shall be pro-rated on an equal, monthly basis and the total charge to a tenant for the pet damage deposit may not exceed twenty-five percent (25%) of the pro-rated, monthly rental amount or \$150, whichever is higher.

- B. The landlord may not require a pet damage deposit if the pet serves as an individually trained service animal for the tenant. Nothing in this section prohibits a landlord from bringing an action for damages resulting from damage to the landlord's property caused by the tenant's service animal.
- C. The landlord cannot keep any portion of the pet damage deposit for damage that was not caused by a pet or service animal for which the tenant is responsible.
- D. Other than the pet damage deposit authorized by SMC 10C.02.050(A), the landlord may not charge the tenant any fee for keeping a pet.

Section 10C.02.050 Deposits and Fees; Limitation

- A. For rental agreements executed on or after the effective date of this chapter, the total amount of all deposits (including pet damage deposits) may not exceed the amount of a full month's rent for the dwelling unit. If rent is not paid or otherwise apportioned on a monthly basis, then for the sole purpose of applying this limit the total rent shall be pro-rated on an equal, monthly basis and the total charge to a tenant for the cost of a security deposit and nonrefundable move-in fees may not exceed the pro-rated, monthly rental amount.
- B. Restrictions on fees
 - 1. Except for the fees, deposits, and last month's rent defined in this Title 10C, landlords may not impose fees or charges upon tenants at the beginning of the tenancy.
 - 2. Pursuant to RCW 59.18.257, any fees charged to a prospective tenant by the landlord for the cost of obtaining a tenant screening report cannot exceed the actual cost of obtaining the report, which may not exceed the customary costs charged to the landlord by a tenant screening service in the city of Spokane. The landlord shall provide, personally or by mail, the prospective tenant with a receipt for any fees charged to the landlord for the cost of obtaining the screening report. The landlord shall provide the tenant with the name and address of the reporting agency and the prospective tenant's rights to obtain a free copy of the consumer report, pursuant to RCW 59.18.257.
 - 3. If the tenant has paid a cleaning fee at the inception of the tenancy, the landlord may not deduct additional cleaning fees from the tenant's security deposit at the conclusion of the tenancy, except for cleaning to remedy conditions beyond ordinary wear and tear.
 - 4. The total amount of fees may not exceed twenty-five percent (25%) of the first full month's rent or \$150, whichever is higher, except that if the cost of a tenant screening report exceeds ten percent (10%) of the first full month's rent, the amount in excess of ten percent (10%) may be included

in the non-refundable fee but may not exceed the customary costs charged by a screening service in the city of Spokane.

- C. No deposit may be collected or retained by a landlord unless the rental agreement is in writing and a written checklist or statement specifically describing the condition and cleanliness of or existing damages to the premises and furnishings is provided by the landlord to the tenant at the commencement of the tenancy. The checklist or statement shall be completed, signed, and dated by the landlord and the tenant, and the landlord shall provide to the tenant a copy of the signed checklist or statement.
- D. Nothing in this chapter prohibits a landlord from bringing an action against a tenant to recover sums exceeding the amount of the tenant's security deposit for damage to the dwelling unit for which the tenant is responsible.
- E. This section does not apply to a tenant who rents a housing unit in a single-family residence that is the principal residence of the owner of the residence.

Section 10C.02.060 Rental Agreement Waiving Tenant's Remedies Prohibited—Exception.

- A. No rental agreement, whether oral or written, may provide that the tenant waives or foregoes rights or remedies under this chapter, except as provided by subsection B.
- B. A landlord and tenant may agree, in writing, to waive specific requirements of this chapter if all of the following conditions have been met:
 - 1. The waiver of specific provisions is in writing and identifies the specific provisions to be waived;
 - 2. The waiver appears in a stand-alone document, does not appear in a standard form written lease or rental agreement, and is clearly titled "Waiver of Tenant's Remedies"; and
 - 3. There is no substantial inequality in the bargaining positions of the parties.

Section 10C.02.070 Provisions in Violation of this Chapter Void

Any provisions in a rental agreement that violate SMC 10C.02.010 – 10C.02.060 are null and void and of no lawful force and effect.

Section 10C.02.080 Tenant Organizing Activity

It is a violation of this chapter to interfere with, retaliate against, or prohibit the activities of tenants to organize themselves or take concerted action to address rental housing conditions or advocate for tenants.

Section 10C.02.090

Retaliation Prohibited

- A. It is a violation of this chapter for any person to retaliate against a tenant or prospective tenant because the tenant or prospective tenant exercised or attempted to exercise rights conferred by this chapter or made a complaint or a report to any governmental entity concerning any landlord's or property manager's alleged noncompliance with any provision of a code, statute, ordinance, rule, or regulation which governs the maintenance or operation of rental housing. In addition to all the actions stated in RCW 59.18.240(2), for purpose of this section, "retaliation" includes:
1. Refusing to provide, accept, or approve a rental application or a rental agreement;
 2. Termination of tenancy, giving notice of termination of tenancy, or threatening to terminate the tenancy;
 3. Applying more onerous terms, conditions, or privileges, including increased rent, to a tenant or prospective tenant who exercises his or her rights under this chapter than to a tenant or prospective tenant who does not assert those rights;
 4. Misrepresenting any material fact when providing a rental reference about a tenant;
 5. Threatening to allege to a government agency that a tenant or prospective tenant, or a family member of a tenant or prospective tenant, is not lawfully in the United States; and
 6. During the period from the date that the City first notifies the property owner of conditions that violate applicable codes, statutes, ordinances, or regulations to the time that either (i) relocation assistance payments under SMC 10C.02.200 are paid to eligible tenants, or (ii) the conditions leading to the notification are corrected:
 - a. Evicting, harassing, or intimidating tenants into vacating their units for the purpose of avoiding or diminishing application of SMC 10C.02.200 (relocation assistance payments);
 - b. Reducing services to any tenant; or
 - c. Materially increasing or changing the obligations of any tenant, including but not limited to any rent increase.
- B. Any retaliatory action identified in SMC 10C.02.090(A) and occurring within ninety (90) days of the date a tenant or prospective tenant first exercises rights conferred by this chapter is presumed to be retaliatory, and the presumption of retaliation may be rebutted by the production of clear and convincing evidence that the action was taken for a non-retaliatory purpose. Retaliatory actions alleged ninety (90) days or more after the date a tenant or prospective tenant first exercises rights conferred by this chapter may be established by a preponderance of evidence.

Section 10C.02.100

Administration and Enforcement

- A. The department shall administer the provisions of this Title 10C and is authorized to adopt administrative rules and regulations consistent with this chapter. In the event of any conflict between such rules and this chapter, this chapter shall control.
- B. Enforcement of this chapter shall be by department action, as provided in SMC 10C.02.110 (notices of violation; review; appeal), or by an aggrieved person, as provided in SMC 10C.02.120 (private right of action).
- C. The department may seek legal or equitable relief at any time to enjoin any acts or practices that violate the provisions of this chapter.

Section 10C.02.110 Notices of Violation; Review; Appeal

Except as provided in SMC 10C.02.120 (private right of action; choice of remedies), notices of violation, review, and appeals concerning violations of this chapter shall be conducted pursuant to chapter 01.05, SMC (civil infraction system).

Section 10C.02.120 Private Right of Action; Choice of Remedies

- A. Any person or class of persons injured as a result of a violation of this Title 10C may bring a civil action in the Spokane County Superior Court against the landlord, property owner, property manager, or other person violating this Title 10C and, upon prevailing, may be awarded reasonable attorneys' fees and costs and such legal or equitable relief as may be appropriate to remedy the violation and secure the compliance therewith, including, without limitation, rent refund or credit, reinstatement to tenancy, actual damages, damages for loss of the right to be free from discrimination in real estate transactions, injunctive or equitable relief, any other appropriate remedy set forth in the federal Fair Housing Amendments Act of 1988 (42 U.S.C. §3601 et seq.), and assessment of civil penalties as set forth in SMC 10C.02.130. An order may include the requirement for a report on the matter of compliance.
- B. Any person who is the subject of retaliation as defined in SMC 10C.02.090 or SMC 10C.03.040 may be awarded damages of up to ten thousand dollars (\$10,000) in any action filed in the Spokane County Superior Court to remedy such violation, in addition to all other remedies described in this section.
- C. No person may secure relief from more than one governmental entity, agency, or tribunal for the same harm or injury arising from the same facts, circumstances, transaction, or incident.

Section 10C.02.130 Civil Penalty

- A. In cases either decided by the department or brought by the City Attorney alleging unfair practices filed under this chapter, in addition to any other award of damages or grant of injunctive relief, a civil penalty may be assessed against the respondent to vindicate the public interest, which penalty shall be payable

to the City of Spokane and deposited into the rental assistance fund established by SMC 07.08.153. Payment of a civil penalty may be ordered by the Spokane Superior Court in a proceeding filed under SMC 10C.02.120.

B. The civil penalty assessed under this section shall not exceed:

1. Five thousand dollars (\$5,000) if the respondent has not been determined to have committed any prior unfair housing practice;
2. Seven thousand five hundred dollars (\$7,500) if the respondent has been determined to have committed one (1) other unfair housing practice during the five (5) year period ending on the date of the filing of the complaint; or
3. Ten thousand dollars (\$10,000) if the respondent has been determined to have committed two (2) or more unfair housing practices during the five (5) year period ending on the date of the filing of the complaint.

Section 10C.02.140 Defense in Commencing Action – Award of Fees and Costs

In any legal action commenced for unlawful detainer or to enforce a rental agreement, to impose penalties, or to forfeit a deposit contrary to rental agreement provisions of this Title 10C, or pursuant to rental agreement provisions prohibited by this Title 10C, it is a defense to such action that such provisions are in violation of this Title 10C, and a tenant who prevails on such defense shall be awarded reasonable attorney fees and costs.

Section 10C.02.200 Relocation Assistance

- A. Within seven (7) calendar days of the occurrence of either of the following, the landlord shall pay relocation assistance in the amount of two thousand dollars (\$2,000) for each tenant household directly impacted:
1. the landlord's receipt of notice that a dwelling unit for which the landlord is responsible is unlawful to occupy due to the existence of a condition(s) that violate applicable codes, statutes, ordinances, or regulations, and the landlord knew or should have known of the existence of the condition(s) before receiving such notice; or
 2. the landlord's receipt of notice from a tenant occupying a rental dwelling unit for which the landlord has notified the tenant that the rental amount to charged is to increase by more than 5% in any calendar year and the tenant provides written notice that they are rent burdened as defined in SMC 10C.01.010 and must vacate due to the increased rental amount. A landlord so notified is entitled to obtain all household income information from the tenant and file a written appeal to the Hearing Examiner if the Landlord believes that the tenant does not meet the definition of rent burdened.

- B. In addition to relocation assistance, the property owner shall pay to the displaced tenants the entire amount of any deposit prepaid by the tenant and all prepaid rent.
- C. The property owner shall make relocation assistance payments and any prepaid deposit and prepaid rent as required by this section either by certified check to the displaced tenant(s) or to the City of Spokane for distribution to the displaced tenant(s).
- D. A property owner shall not be required to pay the relocation assistance required by this section if the dwelling unit is or will be unlawful to occupy, and this condition:
 - 1. was directly caused by a tenant's or a third party's conduct; or
 - 2. resulted from conditions arising from a natural disaster.
- E. If the landlord fails to pay relocation assistance as required by SMC 10C.02.200(A), the City may make the relocation assistance payments to the displaced tenants from the Rental Assistance Fund established by SMC 07.08.153 and seek reimbursement from the landlord pursuant to subsection (G) of this section.
- F. If, starting sixty (60) days from the date that the City first made a relocation assistance payment to a displaced tenant, a property owner has failed to reimburse the City in the amount of relocation assistance advanced to such tenant, the City may assess civil penalties in the amount of fifty dollars (\$50.00) per tenant per day such payment remains unreimbursed. In addition to this penalty, the City may impose interest on the amount of relocation assistance paid by the City for which the property owner has not reimbursed the City, at the maximum legal rate of interest permitted under RCW 19.52.020, starting sixty (60) days after the date that the City first advanced relocation assistance funds to the displaced tenant(s).
- G. If the City must initiate legal action in order to recover the amount of relocation assistance payments that it has advanced to a displaced tenant(s), including any interest and penalties under SMC 10C.02.200(F), the City shall be entitled to reasonable attorneys' fees and costs arising from its legal action, pursuant to RCW 59.18.085(3)(h).

Chapter 10C.03 Housing Quality
Section 10C.03.010 Purpose; Intent

- A. The purpose of this code is to protect the health, welfare, and safety of tenants in rental housing in the city of Spokane.
- B. This chapter is intended to secure the rights of tenants in Spokane to have safe, secure, affordable, and well-maintained housing.

- C. The City of Spokane enacts this chapter to implement the recommendations of the Mayor's Housing Quality Task Force, as stated in its November 22, 2016 report, that the City of Spokane "should define and establish a minimum housing quality standard."

Section 10C.03.020 Applicability and exclusions

This chapter is inapplicable to the following types of dwelling units:

- A. Dwelling units owned by an individual natural person or family and which are the sole dwelling unit such individual or family makes available for rent in the city of Spokane;
- B. Housing units lawfully used as vacation rentals for periods not to exceed three (3) consecutive months and not consecutively used by the same individual or individuals for more than three (3) months in any twelve-month period;
- C. Housing units rented for not more than twelve (12) consecutive months as a result of the property owner, who previously occupied the unit as a primary residence, taking a work-related leave of absence or assignment such as an academic sabbatical or temporary transfer;
- D. Housing units that are not available for rent;
- E. Housing units in hotels, motels, inns, bed and breakfasts, or in similar accommodations that provide lodging for transient guests;
- F. Housing units in facilities licensed or required to be licensed under RCW 18.20, RCW 70.128, or RCW 72.36, or subject to another exemption under this Chapter;
- G. Housing units in any state licensed hospital, hospice, community-care facility, intermediate-care facility, or nursing home;
- H. Housing units in any convent, monastery, or other facility occupied exclusively by members of a religious order or congregation;
- I. Emergency or temporary-shelter or transitional housing accommodations;
- J. Housing units owned, operated, or managed by a major educational or medical institution or by a third party for the institution; and
- K. Housing units that a government entity or housing authority owns, operates or manages; or units exempted from municipal regulation by federal, state, or local law.

Section 10C.03.030 Complaints

A tenant who observes an item or condition which the tenant believes is in violation of the City of Spokane's building and conservation code standards, as specified in Chapter 17F.070, SMC, may file a written complaint to the City's code enforcement department (the "Department"). Upon receipt of such a complaint, the department shall provide notice of the complaint and the substance thereof to the landlord and proceed under the process described in SMC 17F.070.420 – 17F.070.490.

Section 10C.03.040 Retaliation Prohibited

- A. It shall be a violation of this chapter for any landlord to retaliate in any way against any tenant or any member of the tenant's family or a guest of the tenant who is on the premises lawfully and in compliance with the terms of a valid lease or rental agreement, in response to a complaint filed under SMC 10C.03.030.
- B. Actions to change the terms or conditions of the tenancy, termination of the tenancy, or threats to terminate the tenancy shall be deemed per se retaliation under this section if done within ninety (90) days of the filing of a complaint under SMC 10C.03.030.

Section 10C.03.050 Compliance Focus

- A. The Department shall, in administering and enforcing the requirements of this chapter, endeavor first to assist property owners in efforts to come into compliance with this chapter.
- B. Only when all reasonable efforts to achieve compliance with this chapter have failed will the Department and code official proceed to enforcement actions.

Section 10C.03.060 Penalties for Non-Compliance; Escalation

- A. Violation of this chapter is a class 1 civil infraction.
- B. Failure to repair defective items or conditions as provided in SMC 17F.075.030 within ninety (90) days of the notice provided by the Department or other time period mutually agreed upon between the property owner and the Department is a class 1 civil infraction. For purposes of this section, each defective condition which the landlord fails to repair shall be considered a separate infraction.
- C. Failure to keep all required records of inspections under SMC 17F.075.020 is a class 1 civil infraction.
- D. Knowingly submitting or assisting in the submission falsified information regarding the inspections required by SMC 10C.03.020 is a Class 1 civil infraction and may subject the person submitting or assisting in the submission of such false information to criminal liability under RCW 59.18.125(10).

Section 10C.03.070 Incentive Programs Authorized

Beginning on January 1, 2021, the Department is authorized to create and administer a set of incentives for landlords who have had zero code violations from the effective date of this section to that date.

Section 10C.03.080 Microloan program authorized

The Department is authorized to create and administer a program for microloans to assist tenants with rental and security deposits.

Section 10C.03.090 Inspections

Before it can be offered for rent in Spokane, each dwelling unit offered for rent in Spokane after January 1, 2020 must either (i) have been inspected by a home inspector licensed in the state of Washington under RCW 18.280.020, or (ii) have received a certificate of occupancy in the five (5) years prior to being offered for rent. For purposes of this section, “first offered for rent” means that the unit has not previously been offered for rent within the immediately preceding two years.

Section 5. That there is enacted a new section 07.08.153 of the Spokane Municipal Code to read as follows:

Section 07.08.153 Rental Assistance Fund

- A. There is established as a special revenue fund a rental assistance fund, the proceeds of which shall be used (i) to reimburse tenants who must relocate due to the termination of their tenancy through no fault of their own, and (ii) for landlord and tenant education and materials publication costs.
- B. The annual business registration fees received from those who rent real property in Spokane, any fines or penalties associated with violations of the rental housing code, and any attorneys’ fees recovered by the City pursuant to SMC 10C.02.200(G), shall be deposited in the rental assistance fund.

Section 6. That section 08.01.090 of the Spokane Municipal Code is amended to read as follows:

Section 08.01.090 Exemptions

Unless otherwise provided, the following exemptions apply to the requirement to obtain a general business registration under this chapter:

- A. Presenters of a show, such as a trade show, that is directly associated with or ancillary to a convention or a major national meeting, when entry is limited to

those attending the convention or meeting and the immediate family or associates of the conventioners.

B. Consumer Show Exhibitors.

Consumer show organizers remain responsible to purchase a regular business registration unless otherwise exempted.

C. Persons or entities otherwise subject to the requirement to obtain a business registration, but only to the extent such requirement arises from operating at locations operated or managed by an airport board pursuant to interlocal agreement arising under the authority of chapter 14.08 RCW, where such locations have been annexed to the city, said annexation taking effect on or after January 1, 2012; and

D. Where preempted by the federal or state constitution or laws.

E. Operators of market gardens under chapter 17C.380 SMC.

F. Owners of the following types of residential dwelling units:

1. Dwelling units owned by an individual natural person or family and which are the sole dwelling unit such individual or family makes available for rent in the city of Spokane;
2. Housing units lawfully used as vacation rentals for periods not to exceed three (3) consecutive months and not consecutively used by the same individual or individuals for more than three (3) months in any twelve-month period;
3. Housing units rented for not more than twelve (12) consecutive months as a result of the property owner, who previously occupied the unit as a primary residence, taking a work-related leave of absence or assignment such as an academic sabbatical or temporary transfer;
4. Housing units that are not available for rent;
5. Housing units in hotels, motels, inns, bed and breakfasts, or in similar accommodations that provide lodging for transient guests;
6. Housing units in facilities licensed or required to be licensed under RCW 18.20, RCW 70.128, or RCW 72.36, or subject to another exemption under this Chapter;
7. Housing units in any state licensed hospital, hospice, community-care facility, intermediate-care facility, or nursing home;

8. Housing units in any convent, monastery, or other facility occupied exclusively by members of a religious order or congregation;
9. Emergency or temporary-shelter or transitional housing accommodations;
10. Housing units owned, operated, or managed by a major educational or medical institution or by a third party for the institution; and
11. Housing units that a government entity or housing authority owns, operates or manages; or units exempted from municipal regulation by federal, state, or local law.

Section 7. That section 08.01.120 of the Spokane Municipal Code is amended to read as follows:

Section 08.01.120 Registration – Application

- A. The application for a registration shall be made on forms which set forth the:
 1. name of the applicant,
 2. applicant's residence,
 3. place of business,
 4. nature of the business,
 5. number of personnel, and
 6. amount of the registration fee.
- B. Applicants whose circumstances fall under the definition of SMC 10.40.010 must further disclose information as required in SMC 10.40.030.
- C. For purposes of the registration of businesses which rent residential dwelling units, persons or entities owning multiple dwelling units shall file a single registration for each person or entity which lists the number of units owned by that person or entity. By way of illustration only, a person who owns one single-family rental property in Spokane would file one business registration listing one property, while a LLC which owns a 20-unit apartment building would file one registration which lists 20 units.

Section 8. That section 08.01.180 of the Spokane Municipal Code is amended to read as follows:

Section 08.01.180 Computation of Business Registration Fee

- A. As fixed in SMC 8.02.0206, in addition to the basic registration fee, the total business registration fee due includes a per person fee amount applied to the total number of personnel of the business and, for owners of residential real property offered for rent in Spokane, a per-dwelling unit amount is applied to the

total number of dwelling units offered for rent.

- B. All persons employed at each business location as of the time of a business registration renewal are to be counted in the number of personnel for registration fee purposes. As appropriate, such as in the case of a business with seasonal fluctuations in the work force, the number of personnel by which the fee is measured is the number shown upon the business payroll for each of the payroll periods during that year, added together and divided by the number of payroll periods.
- C. In the case of a new business, the fee for the initial business registration is based upon the registrant's estimated number of personnel.
- D. For the per-dwelling unit fee, any dwelling unit offered for rent or actually rented for at least thirty (30) days in any calendar year is included within the number of dwelling units owned by the registrant.

Section 9. That section 08.01.200 of the Spokane Municipal Code is amended to read as follows:

Section 08.01.200 Businesses Within City

Businesses with a permanent location within the City must obtain a business registration. The measure of the fee is determined in part based upon the number of personnel who perform any part of their duties within the City and, for lessors of residential dwelling units, the number of such dwelling units owned by the registrant within Spokane.

Section 10. That section 08.02.0206 of the Spokane Municipal Code is amended to read as follows:

Section 08.02.0206 Business Registration

- A. A regular business registration basic fee is one hundred twenty dollars (\$120) per twelve-month period.
- B. The basic fee for a nonresident business registration is one hundred twenty dollars (\$120) per twelve-month period.
- C. In addition to the basic registration fee, each business must pay ~~((an))~~ additional ~~((fee for each personnel,))~~ fees per license year, as follows (all personnel of a business are charged the same amount corresponding to the respective category of the total number of personnel defined below):
 - 1. Businesses with fewer than six personnel in total: Ten dollars per person.
 - 2. Businesses with six to ten personnel in total: Fifteen dollars per person.

3. Businesses with more than ten personnel in total: Twenty dollars per person.
 4. Businesses offering dwelling units for rent in the city of Spokane: ten dollars (\$10.00) per dwelling unit.
- D. Whenever there is a change of ownership, the holder of the registration must notify the Washington State business licensing service within thirty (30) days of such event. The new owner must file an application with the Washington State business licensing service to acquire a new registration, as provided in chapter 8.01 SMC.
- E. For businesses qualifying under SMC 08.01.190(A) (low gross income businesses) for a reduced registration fee, the reduced business registration fee is one-half the basic registration fee, but all applicable personnel, inspection, per-dwelling unit, or other applicable fees or charges apply in full.
- F. For businesses qualifying under SMC 08.01.190(B) (nonprofit organizations) for a reduced registration fee, the reduced business registration fee is one-half the basic registration fee. Nonprofit businesses are exempt from personnel fees and per-dwelling unit fees.
- G. For businesses qualifying under SMC 08.01.190(C) (social purpose corporations) for a reduced registration fee, the reduced business registration fee is one-half the basic registration fee.
- H. For businesses qualifying under SMC 08.01.190(D) (Certified B Corporations) for a reduced registration fee, the reduced business registration fee is one-half the basic registration fee.
- I. Any Certified B Corporation certified by B Lab is exempt from personnel fees and per residential unit fees.

Annual Fee Adjustment.

Effective January 1, 2011, and the first of January of each year thereafter, the business registration fees set forth in this section shall be adjusted by the Chief Financial Officer by an amount equal to the consumer price index adjustment of the previous July – July U.S. All City Average (CPI-U and CPI-W). The newly determined amount shall be rounded up to the nearest dollar. In addition, the adjusted fees shall be presented to the City Council for approval and a copy of the approved fees filed with the Chief Financial Officer before becoming effective. The annual fee adjustment provided for in this section shall not apply to the personnel fee stated in SMC 08.02.0206(C).

Section 11. That section 18.01.030 of the Spokane Municipal Code is amended to read as follows:

Section 18.01.030 Definitions

- A. "Commission" means the Spokane Human Rights Commission.
- B. "Data management protocols" means the procedures governing how data collected by surveillance equipment will be retained, stored, indexed and accessed. Information comprising data management protocols includes, at a minimum, the information required in SMC 18.04.020.
- C. "Disability" means the presence of a sensory, mental, or physical impairment that, whether temporary or permanent, common or uncommon, mitigated or unmitigated, a limitation or not on the ability to work generally or work at a particular job, or a limitation or not on the ability to engage in any other activity within the scope of this Title 18:
 - 1. is medically cognizable or diagnosable; or
 - 2. exists as a record or history; or
 - 3. is perceived to exist whether or not it exists in fact.
 - 4. For the purposes of reasonable accommodation in employment, an impairment must be known or shown through an interactive process to exist in fact and:
 - a. The impairment must have a substantially limiting effect upon the individual's ability to perform his or her job, the individual's ability to apply or be considered for a job, or the individual's access to equal benefits, privileges, or terms or conditions of employment; or
 - b. The employee must have put the employer on notice of the existence of an impairment, and medical documentation must establish a reasonable likelihood that engaging in job functions without an accommodation would aggravate the impairment to the extent that it would create a substantially limiting effect.
 - 5. For purposes of this definition, a limitation is not substantial if it has only a trivial effect.
 - 6. For purposes of housing, a "reasonable accommodation" is an adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces, where there is an identifiable relationship or nexus between the requested accommodation and the person's disability.
- D. "Discrimination" means different or unequal treatment because of 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, refugee status, disability, the use of a guide dog or service animal, or the use or eligibility for the use of housing choice or other subsidy program or alternative source of income. "Discriminate" means to treat differently or unequally because of 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, 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 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.

- E. "Dog guide" means a dog that is specifically trained for the purpose of guiding persons who are blind or a dog trained for the purpose of assisting persons with disabilities.
- F. "Domestic Violence Victim Status" means a family or household member, as defined in RCW 10.99.020 (3), who has been subjected to domestic violence as defined in RCW 10.99.020 (5) or who is a victim of sexual assault as defined in RCW 70.125.030.
- G. "Employee" means an individual who works for wages, salary or commission, or a combination thereof, in the service of an employer, but does not include a person employed by a parent, grandparent, brother, sister, spouse or child. The term includes an individual who is seeking or applying for employment. This definition does not include independent contractors.
- H. "Employer" means any person acting in the interest of an employer, directly or indirectly, who employs employees within the City, or who solicits individuals within the City to apply for employment within the City, including the City of Spokane and all its boards, commissions and authorities.
- I. "Entities under common ownership" means two or more legal entities, such as corporations, limited liability companies, partnerships, and the like which are: owned by the same person(s); in which the same person(s) serve as officers and/or directors; or the majority of one of which is owned by one or more of the others. For example, if a single person owns controlling interests in several limited liability companies, all of those limited liability companies are entities under common ownership.
- J. "Family with children status" means one or more individuals who have not attained the age of eighteen years being domiciled with a parent or another person having legal custody of such individual or individuals, or with the designee of such parent or other person having such legal custody, with the written permission of such parent or other person. Families with children status also applies to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years.
- K. "Federally-recognized tribe" means an entity listed on the Department of the Interior's list under the Federally Recognized Indian Tribe List Act of 1994, which the Secretary currently acknowledges as an Indian tribe and with which the United States maintains a government-to-government relationship.
- L. "Gender Identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth.
- M. "Housing choice or other subsidy program((or alternative source of income))" means, without limitation: (i) any short or long term federal, state or local government, private nonprofit, or other assistance program in which a tenant's

rent is paid either partially by the program (through a direct arrangement between the program and the owner or lessor of the real property), and partially by the tenant or completely by the program; or (ii) HUD-Veteran Affairs Supportive Housing (VASH) vouchers, Housing and Essential Needs (HEN) funds, and short-term rental assistance provided by Rapid Rehousing subsidies.

- N. "Impairment" includes, without limitation, any:
1. physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitor-urinary, hemic and lymphatic, skin and endocrine; or
 2. mental, developmental, traumatic, or psychological disorder, including but not limited to cognitive limitation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- O. "Income" means lawful, verifiable income derived from all sources, including without limitation wages, salaries or other compensation for employment; Social Security benefits; supplemental security income; unemployment benefits; retirement programs; child support; payments from the Aged, Blind or Disabled Cash Assistance Program; Refugee Cash Assistance; any federal, state, local government, private, or nonprofit-administered benefit program, including without limitation payments from any housing choice or other subsidy program as defined in this chapter; financial aid for college students; and per capita payments or distributions received from a federally-recognized tribe.
- P. "Labor organization" means an organization which is constituted for the purpose, in whole or in part, of collective bargaining or for dealing with an employer concerning grievances, terms or conditions of employment, or for other mutual aid or protection in connection with an employer.
- Q. "Marital status" means the status of being married, single, separated, divorced or widowed.
- R. "National origin" includes ancestry.
- S. "Operational protocols" means the procedures governing how and when surveillance equipment may be used and by whom and includes, at a minimum, the information required in SMC 18.04.010.
- T. "Person" includes:
1. A natural individual, partnership, association, organization, corporation, cooperative, legal representative, trustee and receiver, and any group of persons acting in concert;
 2. an owner, lessee, proprietor, manager, agent or employee, of a person, whether consisting of one or more natural persons;
 3. entities under common ownership; and
 4. any political or civil subdivisions of the City and any agency or instrumentality of the City or of any political or civil subdivision thereof.

This definition does not include the federal government or any federally-recognized tribe.

- U. "Place of public resort, accommodation, assemblage or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation, or public purposes, or public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps, provided that nothing contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this section; nor shall anything contained in this definition apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution.
- V. "Profiling" means actions of the Spokane Police Department, its members, or officers commissioned by the Spokane Police Department to rely on actual or perceived race, religion, national origin, color, creed, age, citizenship status, immigration status, refugee status, gender, sexual orientation, gender identity, disability, socio-economic status, housing status, or membership in any protected class under federal, state or local law as the determinative factor in initiating law enforcement action against an individual, rather than an individual's behavior or other information or circumstances that links a person or persons to suspected unlawful activity.
- W. "Real estate transaction" means the sale, purchase, conveyance, exchange, rental, lease, sublease, assignment, transfer, or other disposition of real property.
- X. "Real estate-related transaction" means any of the following:
1. The making or purchasing of loans or providing other financial assistance:
 - a. For purchasing, constructing, improving, repairing, or maintaining real property, or
 - b. Secured by real property; or
 2. The selling, brokering, or appraising of real property; or

3. The insuring of real property, mortgages, or the issuance of insurance related to any real estate transaction.

~~((W.))~~Y. "Refugee status" means the status of a person who, under the provisions of 8 USC 1101(a)(42), is outside a country of that person's nationality or, in the case of a person having no nationality, is outside any country in which that person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

~~((X.))~~Z. "Service animal" means an animal that is trained for the purposes of assisting or accommodating a person with a disability.

~~((Y.))~~AA. "Sex" means gender.

~~((Z.))~~AB. "Sexual orientation" means heterosexuality, homosexuality, bisexuality and gender expression or identity. As used in this definition, "gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth.

~~((AA.))~~AC. "Surveillance equipment" means equipment capable of capturing or recording data, including images, videos, photographs or audio operated by or at the direction of a City department that may deliberately or inadvertently capture activities of individuals on public or private property, regardless of whether "masking" or other technology might be used to obscure or prevent the equipment from capturing certain views. "Surveillance equipment" includes drones or unmanned aircraft and any attached equipment used to collect data. "Surveillance equipment" does not include the following equipment which are in use by the City of Spokane as of March 1, 2017:

1. handheld or body-worn devices (e.g., "bodycams") used by law enforcement;
2. cameras installed in or on a police vehicle (e.g., "dashcams");
3. cameras installed in or on any City-owned vehicle, including without limitation fire trucks, emergency vehicles, utility vehicles and street maintenance vehicles, which are intended to ensure the safe operation of the vehicle;
4. cameras installed along a public right-of-way to record traffic patterns and/or traffic violations;
5. cameras intended to record activity inside or at the entrances to City buildings for security purposes; or

6. cameras installed to monitor and protect the physical integrity of City infrastructure, including without limitation fire stations and utility service facilities.

Section 12. That section 18.01.060 of the Spokane Municipal Code is amended to read as follows:

Section 18.01.060 Penalty for Violation

- A. The commission of an act of discrimination as defined in this Title 18 is punishable as a Class 1 civil infraction pursuant to chapter 01.05, SMC.
- B. Notwithstanding the foregoing, the commission of an act of discrimination based on source of income in the rental of a housing unit shall subject the person in violation to liability in a civil action of up to four and one-half (4.5) times the monthly rent of the housing unit at issue, in addition to court costs and reasonable attorneys' fees.

Section 13. That there is enacted a new section 18.01.090 of the Spokane Municipal Code to read as follows:

Section 18.01.090 Private right of action; choice of remedies

- A. Any person or class of persons that suffers injury as a result of a violation of SMC 18.03.010 may bring a civil action in the Spokane Municipal Court against the property owner, property manager, or other person violating such section and, upon prevailing, may be awarded reasonable attorneys' fees and costs and such legal or equitable relief as may be appropriate to remedy the violation and secure the compliance therewith, including, without limitation, rent refund or credit, reinstatement to tenancy, actual damages, damages for loss of the right to be free from discrimination in real estate transactions, injunctive or equitable relief, any other appropriate remedy set forth in the federal Fair Housing Amendments Act of 1988 (42 U.S.C. §3601 et seq.), and assessment of civil penalties as set forth in SMC 10C.02.130. An order may include the requirement for a report on the matter of compliance.
- B. Any person who is the subject of retaliation as defined in SMC 18.01.040 may be awarded damages of up to ten thousand dollars (\$10,000) in any action filed in the Spokane County Superior Court to remedy such violation, in addition to all other remedies described in this section.
- C. No person may secure relief from more than one governmental entity, agency, or tribunal for the same harm or injury arising from the same facts, circumstances, transaction, or incident.

Section 14. That there is enacted a new section 18.03.030 of the Spokane Municipal Code to read as follows:

Section 18.03.030 Prohibited Practices in Real Estate Related Transactions

It is unlawful for any person whose business includes engaging in real estate related transactions, to:

- A. Discriminate against any person, owner, prospective occupant, or occupant of real property in the granting, withholding, extending, making available, modifying, or renewing, or in the rates, terms, conditions, or privileges of a real estate related transaction, or in the extension of services in connection therewith; or
- B. Discriminate by using any form of application for a real estate related transaction or making any record of inquiry in connection with applications for a real estate related transaction which expresses, directly or indirectly, an intent to discriminate unless required or authorized by local, state, or federal laws or agencies to prevent discrimination in real property; provided that, nothing in this provision shall prohibit any party to a credit transaction from requesting designation of marital status for the purpose of considering application of community property law to the individual case or from taking reasonable action thereon or from requesting information regarding age, parental status, or participation in a Section 8 or other subsidy program when such information is necessary to determine the applicant's ability to repay a loan.

Section 15. That an urgency and emergency exists such that the enactment of this ordinance is necessary for the protection of the public health, welfare, and safety, and that under Section 19(a) of the City Charter, this ordinance shall be effective immediately upon passage by 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



**SPOKANE CITY COUNCIL
Policy Advisor Memorandum**

TO: Council Members
FROM: Brian McClatchey, Policy Advisor
DATE: February 20, 2020
RE: Summary of proposed residential tenancies code

This memorandum summarizes the proposed provisions of a local residential tenancies code. This proposal, and all the prior iterations of it, have been the subject of numerous meetings with landlords and tenants. As well, the housing quality provisions are intended to implement the recommendations of the 2016 report of the Mayor's Housing Quality Task Force.

1. Rental agreement regulations.

The proposed ordinance establishes some local regulations on rental agreements, for example, by prohibiting waivers of mandatory terms in rental agreements unless the waiver is clearly identified in a separate document as a waiver.

The proposed ordinance deals with deposits and pre-payment of last months' rent by requiring such payments or deposits to be authorized by a written rental agreement which identifies the amount of such required payment. Under the proposal, landlords can still impose cleaning fees, but they would be prohibited from taking an amount of money over the amount of the cleaning fee out of a deposit.

Pet deposits would be limited to 25% of one months' rent or \$150, whichever is higher, and landlords would not be able to charge a pet deposit for service animals, though they still would be able to recover for damage to a rental unit caused by a service animal. And overall, the proposal would cap the total deposits (defined as refundable payments) which can be required to an amount equal to one months' rent. Total fees (defined as one-time, non-refundable payments) would be capped at 25% of one months' rent, including a limitation on the amount a tenant can be charged for a screening report fee to 10% of one months' rent.

Beginning on January 1, 2020, landlords will be required to provide 90 days' written notice to tenants of any rent increase.

2. Rental Relocation Assistance Program.

The proposed ordinance creates and funds a rental relocation assistance program. If a tenant has to move due to a 'do not occupy' order caused by conditions caused by the

landlord, or due to rent increases which make the tenant unable to afford the rent, the landlord must pay \$2,000, and refund all deposits and pre-paid rent within 7 days of receiving notice from the City that the property is not to be occupied. This will help low-income tenants move to habitable and affordable housing. If the landlord does not make the payment to the tenant within 7 days, the City can advance those funds to the tenant. The City can then seek repayment from the landlord, including penalties and interest if the repayment does not occur within 60 days. Relocation assistance payments are not required if the uninhabitable condition is caused by a natural disaster or the tenant's conduct.

3. Enforcement, Prohibitions, and Fines.

The proposed ordinance contains specific and fair enforcement provisions, among them being a private right of action for tenants to bring suit in the Superior Court. There is a limitation on this, which is that tenants are limited to the choice of recovery from one entity (*i.e.*, can sue under local code but not both state and local code).

The proposed ordinance prohibits retaliation and interfering with or prohibiting tenant organizing activities, and creates a rebuttable presumption of retaliation where any negative action is taken within 90 days of a complaint.

The proposed ordinance also establishes serious and fair monetary penalties, including for housing discrimination, such as \$10,000 fines for retaliation and housing discrimination, an escalating penalty schedule of up to \$10,000 in fines for repeat violators, and a penalty (to match that established in state law) of 4.5 times the monthly rental amount for violations of the prohibition on discrimination based on the source of income. The proposed ordinance also makes clear that compliance is the goal to be sought before enforcement actions can be taken. Other violations, such as failure to repair defective conditions, failure to keep adequate records (for example, inspection reports), and falsifying records are all Class 1 civil infractions.

4. Housing Quality Standards.

The proposed ordinance establishes housing quality standards for all rental units in Spokane, with some exceptions, such as owner-occupied units which is the only unit rented by the owner, vacation rentals offered for rent no more than 3 months per year, hotels, motels, B&Bs, etc., health care facilities (like long-term care, group homes, hospitals, hospice, and nursing homes), religious facilities such as convents, monasteries or other facilities occupied exclusively by members of a religious order, emergency shelter or transitional housing, housing units for a major medical or educational institutions, and government or housing authority-owned units.

Housing units must have an inspection before being offered for rent in Spokane and a certificate of occupancy can suffice for that inspection for newer properties. The City does not inspect the property, so no additional city staffing is required, as the landlord is required to use a third-party inspector who is certified to the same level as under state law, and retain inspection reports or documents.

If a defective condition is apparent, the tenant can notify the City, which will then notify the landlord of the potential existence of a defective condition within 5 days. The landlord must fix any defective condition within 30 days of getting notice from the City (or longer period if city negotiates that longer period). When repairs are completed, the landlord notifies city of the completion of the repairs, and the City can then choose to inspect the work itself.

This proposal does not impose new substantive standards, but relies on the existing building and conservation code in the Spokane Municipal Code.

5. Other Proposals.

There are a number of other smaller changes in the proposals, such as a requirement that the City create and distribute an information packet including change of address forms, a landlord-tenant law summary, and voter registration forms. The proposal also authorizes an incentive program for landlords with zero code violations starting 1/1/2021 and a microloan program for all tenant rental and security deposits (not just displaced tenants). It also adds “real estate transactions” and “real estate related transactions” to the scope of the City’s existing anti-discrimination law.

6. Business Registration Requirement.

Business registration will now be required for owners of residential rental property which is offered for rent in Spokane. Each “place of business” must be registered, which means that each single-family rental home, and each apartment building or multiple-family unit building must have its own registration. Owners of residential real property offered for rent in Spokane will be required to pay the standard business license fee plus a \$10 fee for each housing unit offered for rent. That additional \$10 fee will be used to fund the rental relocation assistance program.

**Agenda Sheet for City Council Meeting of:**

12/09/2019

<u>Date Rec'd</u>	11/19/2019
<u>Clerk's File #</u>	ORD C35861
<u>Renews #</u>	

<u>Submitting Dept</u>	CITY COUNCIL	<u>Cross Ref #</u>	
<u>Contact Name/Phone</u>	BEN STUCKART 625-6258	<u>Project #</u>	
<u>Contact E-Mail</u>	BSTUCKART@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	Emergency Ordinance	<u>Requisition #</u>	
<u>Agenda Item Name</u>	0320 SPECIFIC CAUSE EVICTION ORDINANCE		

Agenda Wording

An ordinance requiring specific cause for most residential evictions; enacting new sections 18.03.005 and 18.03.030 of the Spokane Municipal Code; and declaring an emergency.

Summary (Background)

This ordinance establishes specific causes for which landlords and/or property management companies offering ten or more dwelling units for rent in Spokane may terminate a rental agreement.

<u>Fiscal Impact</u>	Grant related? NO	<u>Budget Account</u>
	Public Works? NO	

Neutral	\$	#
Select	\$	#
Select	\$	#
Select	\$	#

<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	MCDANIEL, ADAM	<u>Study Session</u>	12/5 Study Session
<u>Division Director</u>		<u>Other</u>	
<u>Finance</u>	BUSTOS, KIM	<u>Distribution List</u>	
<u>Legal</u>	PICCOLO, MIKE	amcdaniel@spokanecity.org	
<u>For the Mayor</u>	ORMSBY, MICHAEL	kateburke@spokanecity.org	

<u>Additional Approvals</u>		
<u>Purchasing</u>		

ORDINANCE NO. C35861

An ordinance requiring specific cause for most residential evictions; enacting new sections 18.03.005 and 18.03.030 of the Spokane Municipal Code; and declaring an emergency.

WHEREAS, the rate of vacancies for rental properties in Spokane is currently at 3.3%, its lowest level in a decade and below what 5%, which is normally considered a sign of a healthy rental market and which the Spokane market has not attained since 2015; and

WHEREAS, the average rent for is now over \$1,000 per month, the highest level in at least a decade, having risen by 74% since 2010; and

WHEREAS, nearly 50% of renters in Spokane are cost-burdened, meaning they spend 30% or more of their income on housing each month

WHEREAS, almost a quarter of renters in Spokane are severely cost-burdened, meaning they spend half or more of their income on housing each month; and

WHEREAS, the median household income is climbing, but the median income for renter households remains below the median – for example, in 2017, the median household income in Spokane was \$46,543, but the median income for renting households was \$33,812 – and while the average rent in Spokane has increased by 74% since 2010, the median renting household's income over that same period only increased by 51%; and

WHEREAS, lower-income people who are cost-burdened or severely cost-burdened are at a much higher risk of eviction and therefore, of homelessness; and

WHEREAS, research from the Washington State Department of Commerce and data from our own CHHS Department's point-in-time count reveal that lack of affordable housing and eviction from housing are two significant drivers of homelessness; and

WHEREAS, the number of unsheltered people experiencing homelessness in Spokane is now at a decade high, confirming the observed relationship between increasing rents and increasing homelessness; and

WHEREAS, one way to lower the rate of homelessness is to keep housed people housed, and one way to do that is to reduce the number of evictions in Spokane, the rate of which in Spokane is currently 4 households each and every week, according to data compiled by the Eviction Lab at Princeton University; and

WHEREAS, the Spokane City Council, in view of these facts, sees that a housing emergency exists in Spokane, that this emergency poses a danger to the health, welfare, and safety of many low-income people in Spokane, and that this emergency necessitates the enactment of this ordinance.

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That there is enacted a new section 18.03.005 of the Spokane Municipal Code to read as follows:

Section 18.03.005 Definitions

- A. "Dwelling unit" has the same meaning as set forth in RCW 59.18.030(9).
- B. "Landlord" has the same meaning as set forth in RCW 59.18.030(14).
- C. "Rental agreement" means an agreement which establishes or modifies the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit for compensation in the city of Spokane.
- D. "Substantial rehabilitation" means the renovation, alteration, or remodeling of a residential unit of 30 or more years of age which (i) has been condemned, (ii) does not qualify for a certificate of occupancy, or (iii) requires substantial renovation in order to be in compliance with contemporary standards for decent, safe and sanitary housing. Substantial rehabilitation may vary in degree from gutting and extensive reconstruction to extensive improvements that cure substantial deferred maintenance. Cosmetic improvements alone such as painting, decorating and minor repairs, or other work which can be performed safely without having the unit vacated do not qualify as substantial rehabilitation.
- E. "Tenant" means any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement in Spokane.

Section 2. That there is enacted a new section 18.03.030 of the Spokane Municipal Code to read as follows:

Section 18.03.030 Eviction Only for Specific Cause

- A. Except where the tenant cures the violation(s) as provided in this section, landlords and/or property management companies which offer ten (10) or more dwelling units for rent in Spokane may terminate a rental agreement only by providing written notice to the tenant of the existence of one or more of the causes listed in this section.
- B. Causes which are sufficient for the termination of a residential tenancy under this section are:
 - 1. Failure by the tenant to pay rent as required by the rental agreement;

2. Material violation by the tenant of any provision of RCW 59.18.130 (duties of tenant);
3. To allow the landlord or a member of the landlord's immediate family to occupy the dwelling unit;
4. To perform capital improvements which will make the unit temporarily uninhabitable while the work is being done;
5. to perform substantial rehabilitation work;
6. To withdraw the dwelling rental units from the rental market; or
7. To demolish or permanently remove a rental unit from housing use.

C. The notice required by subsection (A) must:

1. Specify the cause(s) for eviction from among the items listed in subsection B;
2. State that the tenancy will terminate due to such cause(s) no less than thirty (30) days after delivery of the notice, unless the cause(s) is/are cured by the tenant as described in this subsection; and
3. State that the tenant may cure one or more of the violations described in subsection (B)(1) and (B)(2) within fourteen (14) days of the delivery of the notice.
4. State that if a violation of subsection (B)(1) or (B)(2) which is described in the notice and is cured by the tenant within fourteen (14) days of the notice by a change in conduct, repairs, payment of money or otherwise, the rental agreement will not terminate.

D. If the cause of a written notice delivered as required by this section is failure by the tenant to pay rent within five (5) days of the date it is due under the rental agreement and for which notice was given under this section on two separate occasions within the previous six (6) months, the tenant does not have a right to cure a subsequent violation.

E. For week-to-week tenancies, the notice period in subsection (C)(2) changes from 30 days to seven days and the notice period in subsection (C)(4) of this section changes from 14 days to four days.

Section 3. That an urgency and emergency condition exists in the City of Spokane which poses a danger to the health, welfare, and safety of the people of Spokane and which necessitates that this ordinance be, under Section 19(a) of the City

Charter, effective immediately upon passage by 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

**Agenda Sheet for City Council Meeting of:**

03/02/2020

Date Rec'd

2/19/2020

Clerk's File #

RES 2020-0014

Renews #**Submitting Dept**

PLANNING

Contact Name/Phone

KEVIN X6184

Contact E-Mail

KFREIBOTT@SPOKANECITY.ORG

Agenda Item Type

Resolutions

Agenda Item Name

ANNUAL COMP PLAN AMENDMENT WORK PROGRAM RESOLUTION

Cross Ref #**Project #**

Z19-499COMP,

Bid #**Requisition #****Agenda Wording**

A Resolution regarding the Annual Comprehensive Plan Amendment Work Program for 2020, formalizing the non-City-initiated proposals and any City-initiated proposals to review. (Council Sponsor: Council Member Karen Stratton)

Summary (Background)

The City Council ad hoc committee met on Feb. 6, 2020 and reviewed all privately-submitted applications to amend the Comprehensive Plan. The ad hoc committee forwarded to City Council their findings and recommendations, stating that all of the private applications, except for Z19-505COMP, were recommended for full consideration. Separately, three applications representing proposals by the City for amendments to the Plan were forwarded by staff to the City Council for consideration of inclusion

Fiscal Impact

Grant related? NO

Public Works? NO

Budget Account

Neutral

\$

#

Select

\$

#

Select

\$

#

Select

\$

#

Approvals**Dept Head**

MEULER, LOUIS

Division Director

CORTRIGHT, CARLY

Finance

HUGHES, MICHELLE

Legal

RICHMAN, JAMES

For the Mayor

ORMSBY, MICHAEL

Council Notifications**Study Session**

February 14, 2020

Other

January 15, 2020

Distribution List

kfreibott@spokanecity.org

tblack@spokanecity.org

lmeuler@spokanecity.org

jrichman@spokanecity.org

jchurchill@spokanecity.org

Additional Approvals**Purchasing**



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

in this year's amendment work program.

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

Spokane City Council & Plan Commission - Ad Hoc Committee

FINDINGS, CONCLUSIONS, and RECOMMENDATION

Comprehensive Plan Amendment Application Nos. Z19-499COMP, Z19-501COMP, Z19-502COMP, Z19-503COMP, Z19-504COMP, and Z19-505COMP.

FINDINGS:

- A. The Washington State Legislature passed the Growth Management Act ("GMA") in 1990, requiring among other things, the development of a Comprehensive Plan (RCW 36.70A).
- B. The City of Spokane adopted a Comprehensive Plan in May of 2001, and substantially amended it in 2017, in compliance with the requirements of the GMA, and has provided for periodic updates and annual amendments, as allowed under GMA.
- C. Under GMA, comprehensive plans generally may be amended no more frequently than once per year. All amendment proposals must be considered concurrently, in order to be evaluated for their cumulative effect. Also, the amendment period should be timed to coordinate with budget deliberations.
- D. SMC 17G.020.010(8) lists the guiding principles for processing applications seeking to amend the Comprehensive Plan, as follows:
 - a. Keep the comprehensive plan alive and responsive to the community.
 - b. Provide for simultaneous review of proposals to allow for cumulative impact analysis of all applications on a City-wide basis and in conjunction with budget decisions.
 - c. Make map adjustments based on a foundation in policy language, consistently applying those concepts citywide.
 - d. Honor the community's long-term investment in the comprehensive plan, through public participation and neighborhood planning processes, by not making changes lightly.
 - e. Encourage development that will enable our whole community to prosper and reinforce our sense of place and feeling of community, in an ecologically, economically and socially sustainable manner.
 - f. The proposed changes must result in a net benefit to the general public.

- E. In 2017, the City Council adopted Ordinance No. C-35536 (Aug. 21, 2017), which established a threshold review process, to be undertaken by an ad hoc City Council committee.
- F. Notice of the ad hoc committee meeting was provided via email to affected city neighborhood council leadership on January 22, 2020.
- G. The ad hoc review committee reviews comprehensive plan amendment applications at the threshold review stage for compliance with six specific criteria, codified at SMC 17G.020.026.
- H. The ad hoc committee met on February 6 at 2:00 p.m. in the Council Briefing Center, and reviewed applications Z19-499COMP, Z19-501COMP, Z19-502COMP, Z19-503COMP, Z19-504COMP, and Z19-505COMP (the "Applications").
- I. Staff provided an overview of the decision criteria for threshold review of a Comprehensive Plan amendment application as prescribed by SMC 17G.020.026, Threshold Review Decision Criteria.
- J. Written public comment received as of February 6, 2020 was forwarded to the committee.
- K. Applicants were given an opportunity to address the ad hoc committee regarding their respective applications.

CONCLUSIONS:

Based upon the application materials, staff, applicant testimony, and public comments received, the ad hoc committee concludes that five of the six proposed amendments to the Comprehensive Plan satisfy the threshold review criteria, as detailed in SMC 17G.020.026, and recommend to the City Council that five proposals should be included in the Annual Comprehensive Plan Amendment Work Program for 2020, subject to the following.

The ad hoc committee finds, regarding applications Z19-499COMP, Z19-501COMP, Z19-502COMP, Z19-503COMP, and Z19-504COMP:

1. The proposed amendments present matters appropriately addressed through the comprehensive plan.
2. The proposed amendments do not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council or by a neighborhood or subarea planning process.
3. The proposed amendments can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program.

4. When expansion of the geographic scope of an amendment proposal is being considered, shared characteristics with nearby, similarly situated property have been identified and the expansion is the minimum necessary to include properties with those shared characteristics.
5. The proposed amendments are generally consistent with current general policies in the comprehensive plan for site-specific amendment proposals. The proposed amendments are also consistent with policy implementation in the Countywide Planning Policies, the GMA, or other state or federal law, and the Washington Administrative Code.
6. The proposed amendments are not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process, but was not included in the Annual Comprehensive Plan Amendment Work Program.
7. State law does not require, nor has a decision of a court or administrative agency directed, such changes.

With respect to application Z19-502COMP, the ad hoc committee recommends that the application be modified to include an additional parcel (#35273.0306, located at 2820 S Ray Street) in the application.

With respect to application Z19-503COMP, the ad hoc committee recommends that the application be modified to include an additional parcel (#34032.9094, located at 5106 S Palouse Highway) in the application.

With respect to application Z19-505COMP, the ad hoc committee made no recommendation.

RECOMMENDATION:

Based on the foregoing findings and conclusions, the ad hoc committee voted to recommend the following:

- Application **Z19-499COMP** is recommended to be included in the work program (6:0 vote).
- Application **Z19-501COMP** is recommended to be included in the work program (6:0 vote).
- Application **Z19-502COMP** is recommended to be expanded to include parcel 35273.0306 (2820 S Ray Street) and be included in the work program (6:0 vote).
- Application **Z19-503COMP** is recommended to be expanded to include parcel 34032.9094 (5106 S Palouse Highway) and be included in the work program (5:1 vote).

- Application **Z19-504COMP** is recommended to be included in the work program (6:0 vote).

Candace Mumm

Councilmember Candace Mumm, Chair

2/13/2020

Date

RESOLUTION 2020-0014

A Resolution regarding the Annual Comprehensive Plan Amendment Work Program for 2020.

WHEREAS, in Chapter 17G.020 of the Spokane Municipal Code, the City Council has established a threshold review process for private applications to amend the Comprehensive Plan, to be undertaken by an ad hoc committee comprised of members of the City Council and Plan Commission (the “Committee”); and

WHEREAS, this Committee reviews threshold applications per the criteria set forth in SMC 17G.020.026 and forwards a recommendation to the City Council as to which of the amendment proposals should be included in the City’s 2020 Annual Comprehensive Plan Amendment Work Program (the “Work Program”); and

WHEREAS, the Committee met on February 6, 2020 at 2:00 p.m. in the Council Briefing Center, and reviewed applications Z19-499COMP, Z19-501COMP, Z19-502COMP, Z19-503COMP, Z19-504COMP, and Z19-505COMP (the “Applications”), voted on recommendation to the City Council, and forwarded Findings, Conclusions, and Recommendation to the City Council for its consideration; and

WHEREAS, the Committee recommended the following:

- Application Z19-499COMP be included in the Work Program;
- Application Z19-501COMP be included in the Work Program;
- Application Z19-502COMP be expanded to include 2820 S Ray Street (Parcel 35273.03006) in the proposal and be included in the Work Program;
- Application Z19-503COMP be expanded to include 5106 S Palouse Highway (Parcel 34032.9094) in the proposal and be included in the Work Program; and
- Application Z19-504COMP be included in the Work Program; and

WHEREAS, the Committee made no recommendation regarding Application Z19-505COMP; and

WHEREAS, the City has complied with RCW 36.70A.370 by completing the threshold review of the Applications; and

WHEREAS, except as may be indicated below, the City Council adopts the Ad Hoc Committee's Findings, Conclusions, and Recommendation regarding the Applications and incorporates said findings into this Resolution; and

WHEREAS, pursuant to SMC 17G.020.025, the City Council may add additional items to the Work Program, including City-sponsored map amendments to map TR-5, Proposed Bike Network Map (File Z20-019COMP), and amendments to map TR-12, Arterial Network Map (File Z20-042COMP).

NOW, THEREFORE, BE IT RESOLVED BY THE SPOKANE CITY COUNCIL, that the following Applications shall be included in the 2020 Annual Comprehensive Plan Amendment Work Program:

_____ Z19-499COMP—3001, 3002, & 3207 E. Liberty Avenue;

_____ Z19-501COMP—6204 N Nevada Street & 1015 E Decatur Avenue;

_____ Z19-502COMP—3203 & 3207 E 29th Avenue,

_____ including 2820 S Ray Street (Parcel 35273.03006), as recommended by the Committee;

_____ Z19-503COMP—3227 E 53rd Avenue,

_____ including 5106 S Palouse Highway (Parcel 34032.9094), as recommended by the Committee;

_____ Z19-504COMP—3004 W 8th Avenue;

_____ Z19-505COMP—1117 W 10th Avenue;

_____ Z20-019COMP—Map TR-5 Amendments;

_____ Z20-042COMP—Map TR-12 Amendments;

_____ Z20-045COMP—Text Amendments to Chapter 4 regarding railway crossing safety.

ADOPTED by the Spokane City Council this _____ day of _____,
20____.

City Clerk

Approved as to form:

Assistant City Attorney



2019-2020 Proposed Comprehensive Plan Amendments

Under Revised Code of Washington (RCW) 36.70A.130, the City may generally amend the comprehensive plan once a year. During the application acceptance period in September and October of 2019, the City received six private applications. Furthermore, there are three city-sponsored applications proposed by various departments for consideration. Each of the applications under consideration are listed in the following table, along with the pages in this packet where more information can be found for each.

Comprehensive Plan Amendment Applications under Consideration in 2020

Application #	Address	Neighborhood	Proposed Change
Z19-499COMP	3001, 3022, 3207 E. Liberty Avenue	Bemiss (Adjacent to Minnehaha)	Land Use Plan Map R 4-10 to GC
Z19-501COMP	6204 N Nevada St & 1015 E Decatur Ave	Nevada Heights (Near Shiloh Hills)	Land Use Plan Map R 4-10 to GC
Z19-502COMP	3203 & 3207 E 29 th Ave	Lincoln Heights	Land Use Plan Map R 4-10 to Office
Z19-503COMP	3227 E 53 rd Ave	Southgate	Land Use Plan Map R 4-10 to R 15-30
Z19-504COMP	3004 W 8 th Ave	West Hills	Land Use Plan Map R 4-10 to R 15-30
Z19-505COMP	1117 W 10 th Ave	Cliff-Cannon	Land Use Plan Map R 4-10 to R 15-30
Z20-019COMP	City Street ROW	Various	Multiple Amendments to the Bike Network Map
Z20-042COMP	City Street ROW	Various	Multiple Amendments to the Arterial Network Map
Z20-045COMP	N/A	Various	Text Amendment to Address Rail Crossing Safety Improvements

Additional information regarding this year's suite of applications can be found here:

<https://my.spokanecity.org/projects/2019-2020-proposed-comprehensive-plan-amendments/>

The process for each year's consideration of amendments is laid out in the Municipal Code under [SMC 17G.020](#). For your reference, the following graphic provides a rough outline of the process, which generally takes 12-14 months to complete.

Application: Z19-499COMP

Action: Map amendment to the Land Use Plan Map in Chapter 3

Applicant/Agent: Ms. Leslie Perez of Storhåug Engineering, Inc.

Site Address(es): 3001, 3022, 3027 E Liberty Avenue

Neighborhood: Bemiss (Adjacent to Minnehaha)

Current Land Use: Residential 4-10

Proposed Land Use: General Commercial

Current Zoning: Residential Single Family

Proposed Zoning: General Commercial

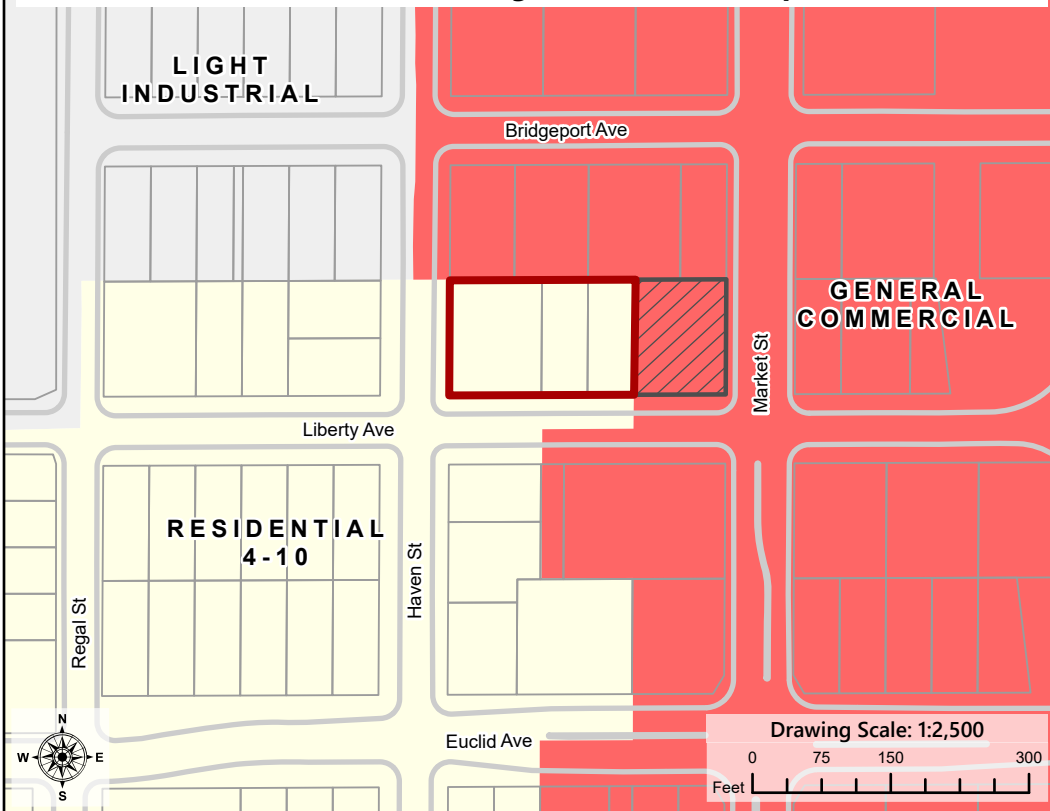
Ad-Hoc Committee Results: Recommended for inclusion in the 2020 Work Program.



Z19-499COMP (3001, 3022, & 3027 E Liberty Ave) 2019/2020 Comprehensive Plan Amendment Proposals

Drawn: 12/5/2019
THIS IS NOT A LEGAL DOCUMENT
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.

EXHIBIT A: Existing Land Use Plan Map



Legend

Subject Parcels

Same Owner

Parcel

Curb Line

Land Use Plan Designation

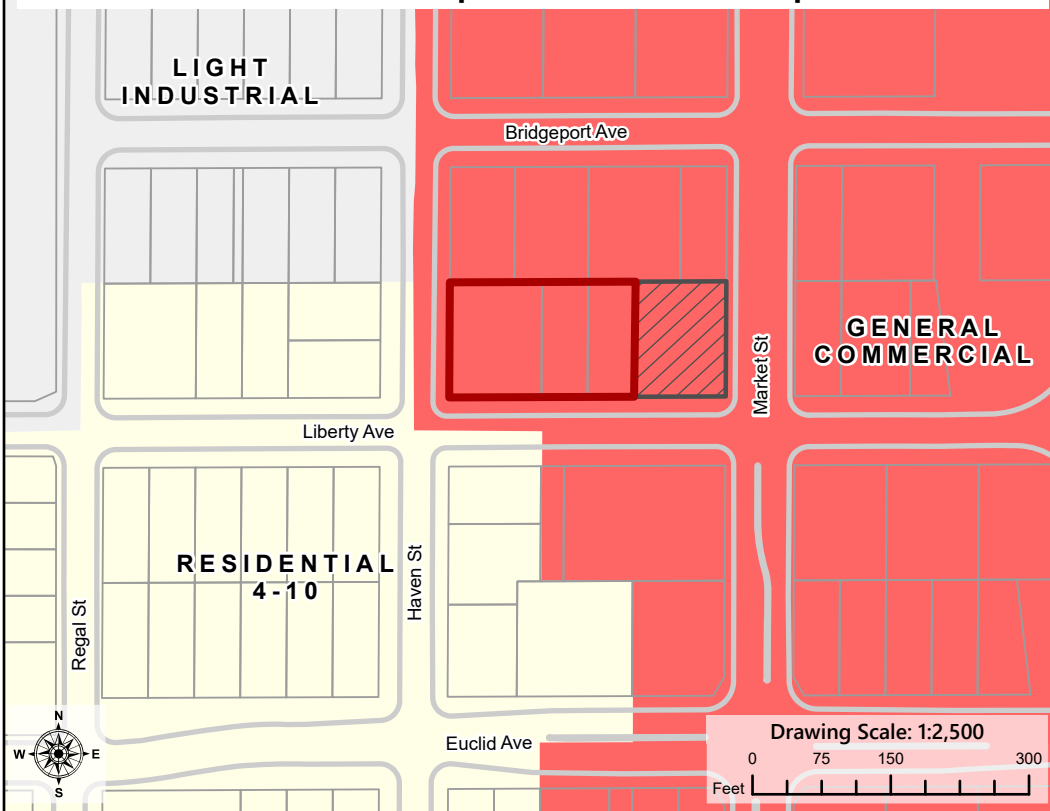
Residential 4-10

General Commercial

Light Industrial

Acres (Proposal): 0.85
Acres (Adjacent): 0.28

EXHIBIT B: Proposed Land Use Plan Map



Legend

Subject Parcels

Same Owner

Parcel

Curb Line

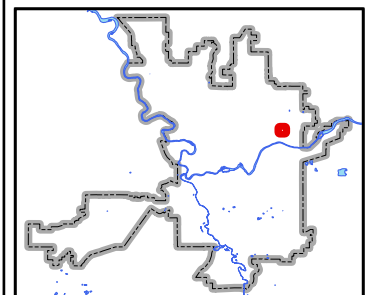
Proposed Land Use

Residential 4-10

General Commercial

Light Industrial

PROJECT LOCATION



Neighborhood and Planning Services
Drawn By: Kevin Freibott

Application: Z19-501COMP

Action: Map amendment to the Land Use Plan Map in Chapter 3

Applicant/Agent: Mr. Dwight Hume of Land Use Solutions & Entitlement

Site Address(es): 6204 N Nevada Street & 1015 E Decatur Avenue

Neighborhood: Nevada Heights (within the vicinity of Shiloh Hills)

Current Land Use: Residential 4-10

Proposed Land Use: General Commercial

Current Zoning: Residential Single Family

Proposed Zoning: Community Business-55

Ad-Hoc Committee Results: Recommended for inclusion in the 2020 Work Program.

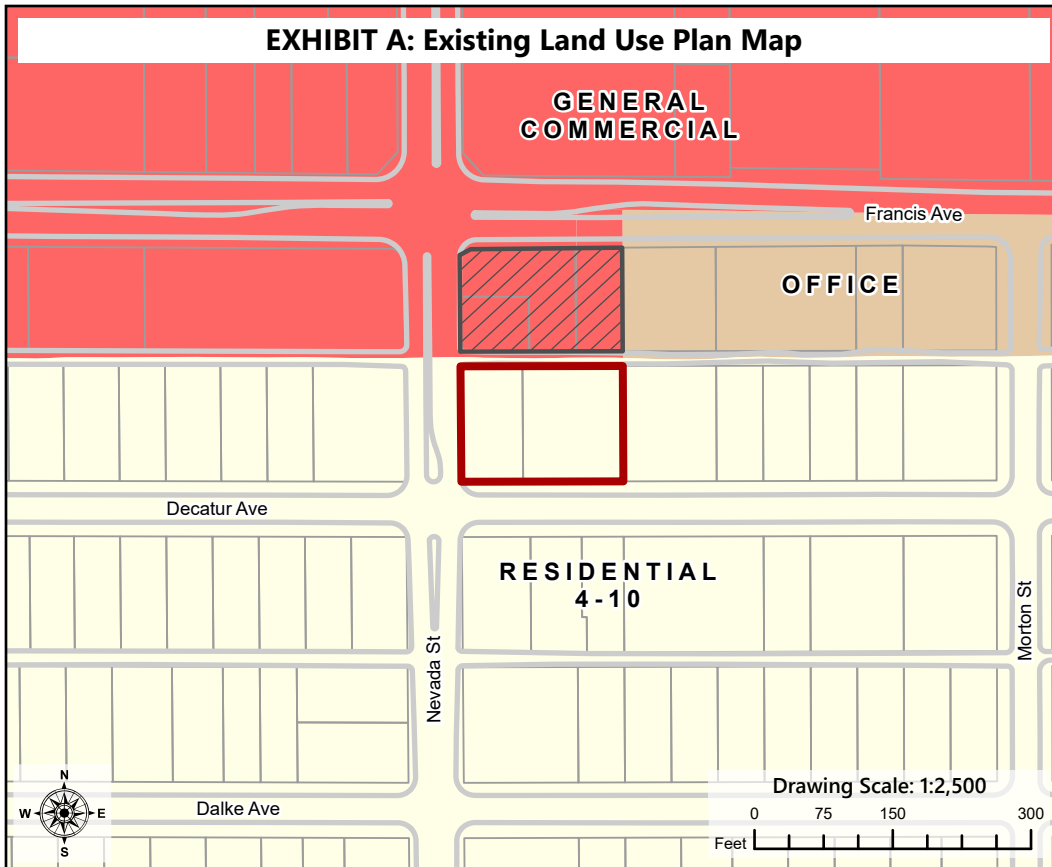


Z19-501COMP (6204 N Nevada St & 1015 E Decatur Ave) 2019/2020 Comprehensive Plan Amendment Proposals

Drawn: 11/27/2019

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Legend

Subject Parcels

Same Owner

Parcel

Curb Line

Land Use Plan Designation

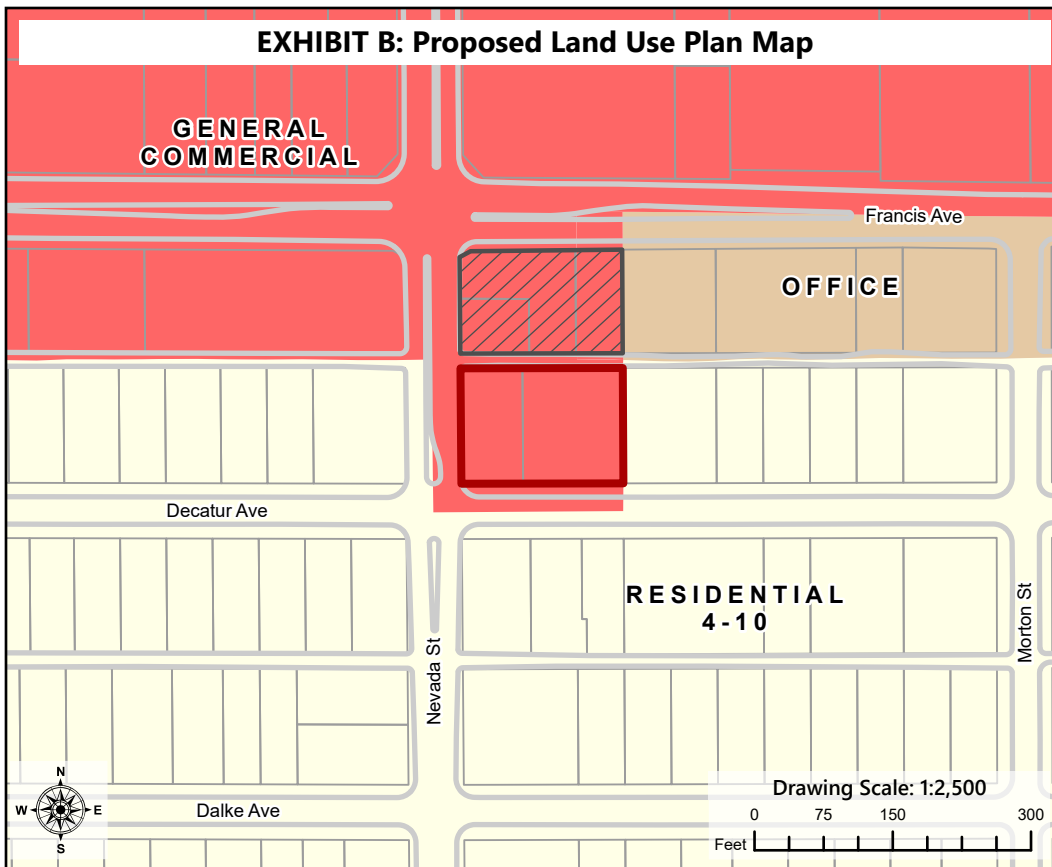
Residential 4-10

Office

General Commercial

Acres (Proposal): 0.51

Acres (Adjacent): 0.45



Legend

Subject Parcels

Same Owner

Parcel

Curb Line

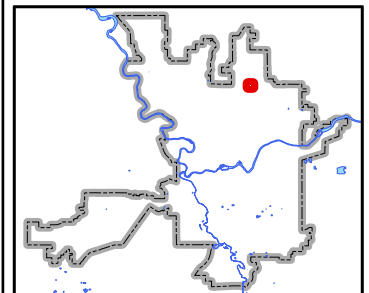
Proposed Land Use

Residential 4-10

Office

General Commercial

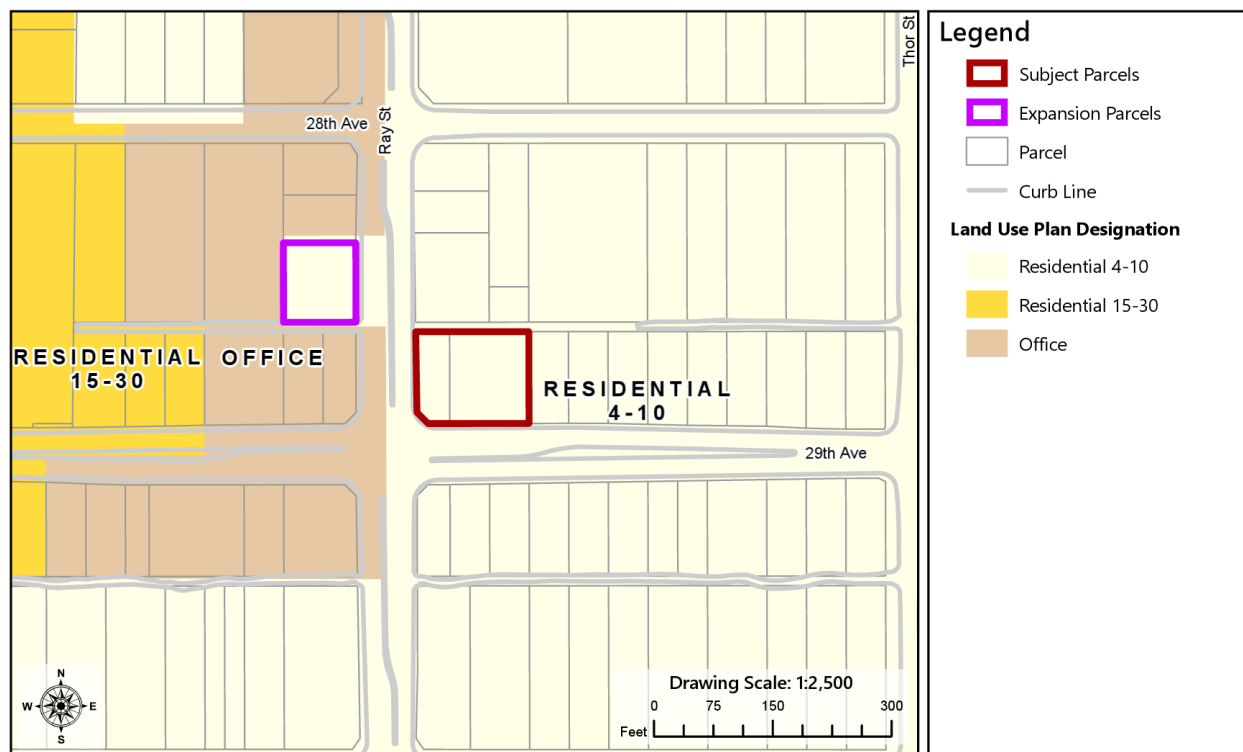
PROJECT LOCATION



Neighborhood and Planning Services
Drawn By: Kevin Freibott

Application: Z19-502COMP

Action:	Map amendment to the Land Use Plan Map in Chapter 3
Applicant/Agent:	Mr. Dwight Hume of Land Use Solutions & Entitlement
Site Address(es):	3203 & 3207 E 29 th Avenue
Neighborhood:	Lincoln Heights
Current Land Use:	Residential 4-10
Proposed Land Use:	Office
Current Zoning:	Residential Single Family
Proposed Zoning:	Office-35
Ad-Hoc Committee Results:	Recommended to include parcel 35273.0306, 2820 S Ray Street (see below) for the same action and for inclusion in the 2020 Work Program.



Note: The parcel marked in purple above is approximately 0.21 acres in size. Noticing and signage on this property would be the responsibility of the City of Spokane, not the property owner. Noticing and signage on the original proposal (marked in red) would remain the responsibility of the applicant.



Z19-502COMP (3203 & 3207 E 29th Ave)

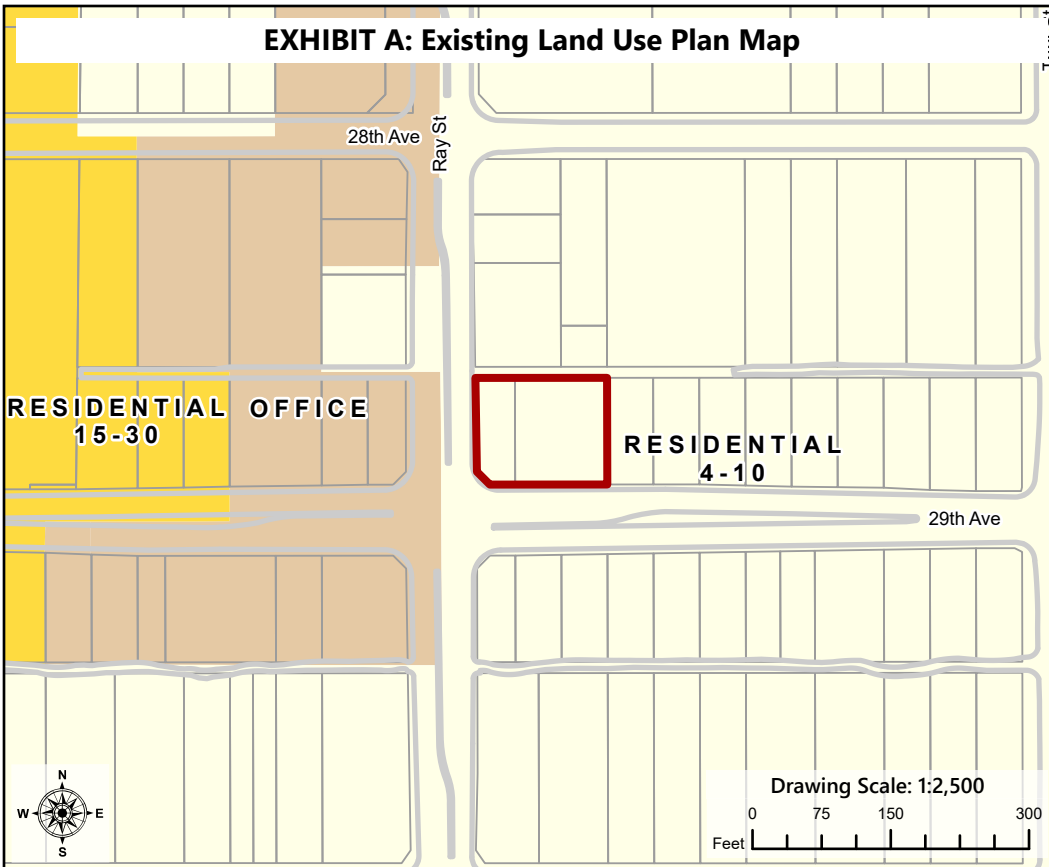
2019/2020 Comprehensive Plan Amendment Proposals

Drawn: 11/27/2019

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EXHIBIT A: Existing Land Use Plan Map



Legend

Subject Parcels

Parcel

Curb Line

Land Use Plan Designation

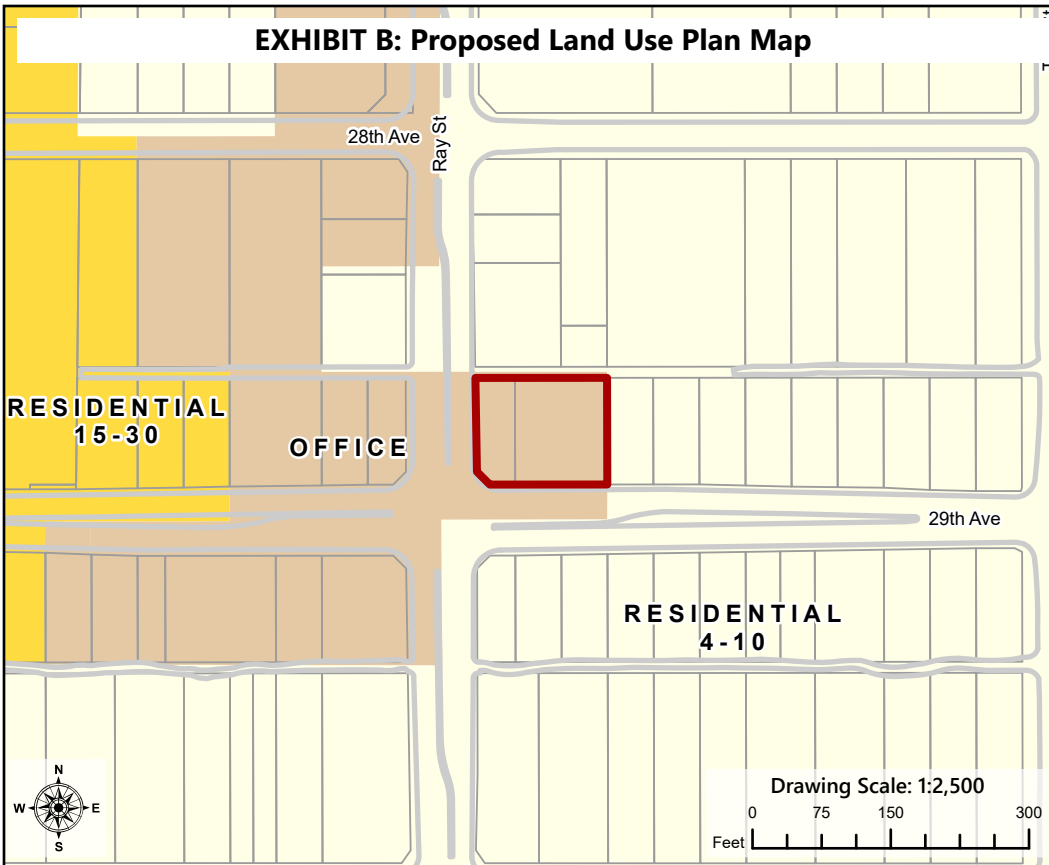
Residential 4-10

Residential 15-30

Office

Acres (Proposal): 0.38

EXHIBIT B: Proposed Land Use Plan Map



Legend

Subject Parcels

Parcel

Curb Line

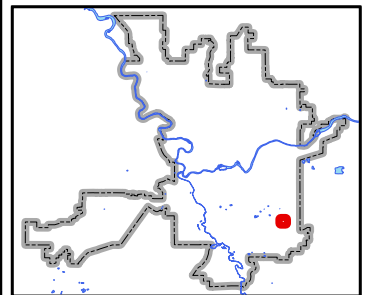
Proposed Land Use

Residential 4-10

Residential 15-30

Office

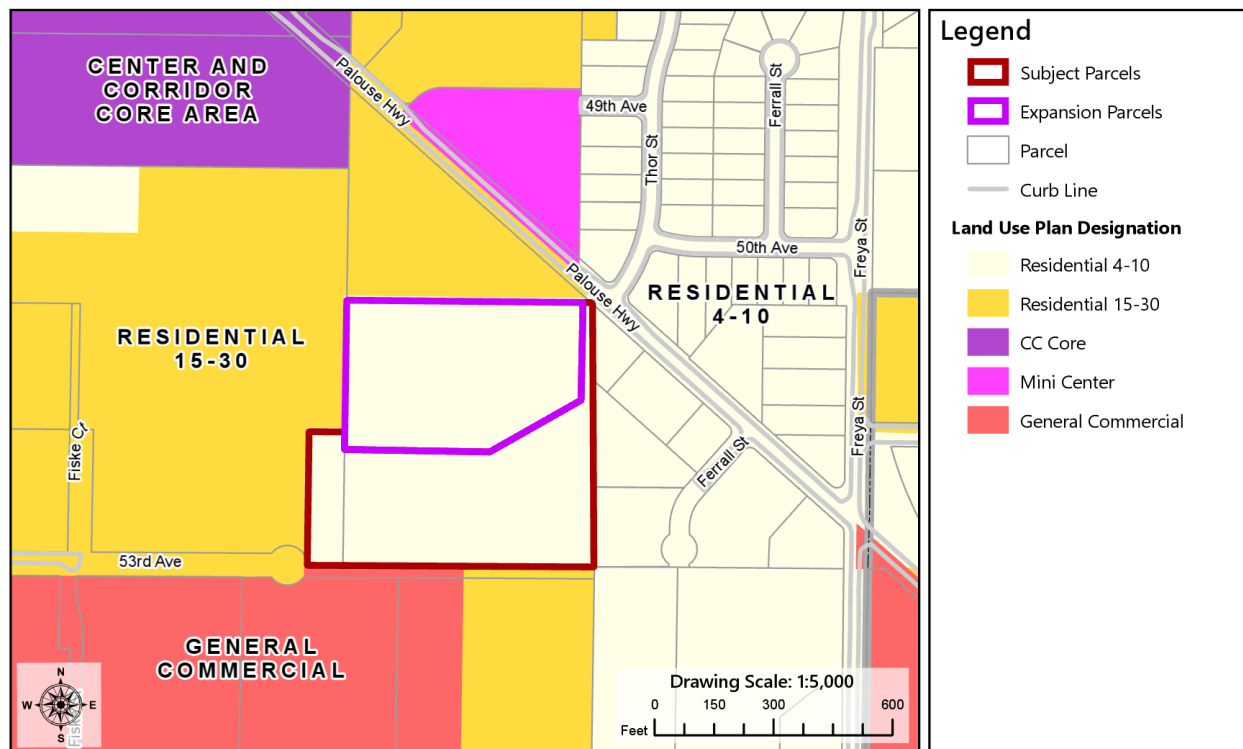
PROJECT LOCATION



Neighborhood and Planning Services
Drawn By: Kevin Freibott

Application: Z19-503COMP

Action:	Map amendment to the Land Use Plan Map in Chapter 3
Applicant/Agent:	Mr. Dwight Hume of Land Use Solutions & Entitlement
Site Address(es):	3227 E 53 rd Avenue
Neighborhood:	Southgate
Current Land Use:	Residential 4-10
Proposed Land Use:	Residential 15-30
Current Zoning:	Residential Single Family
Proposed Zoning:	Residential Multi-Family
Ad-Hoc Committee Results:	Recommended to include parcel 34032.9094, 5106 S Palouse Highway (see below) for the same action and for inclusion in the 2020 Work Program.



Note: The parcel marked in purple above is approximately 4.82 acres in size. Noticing and signage on this property would be the responsibility of the City of Spokane, not the property owner. Noticing and signage on the original proposal (marked in red) would remain the responsibility of the applicant.



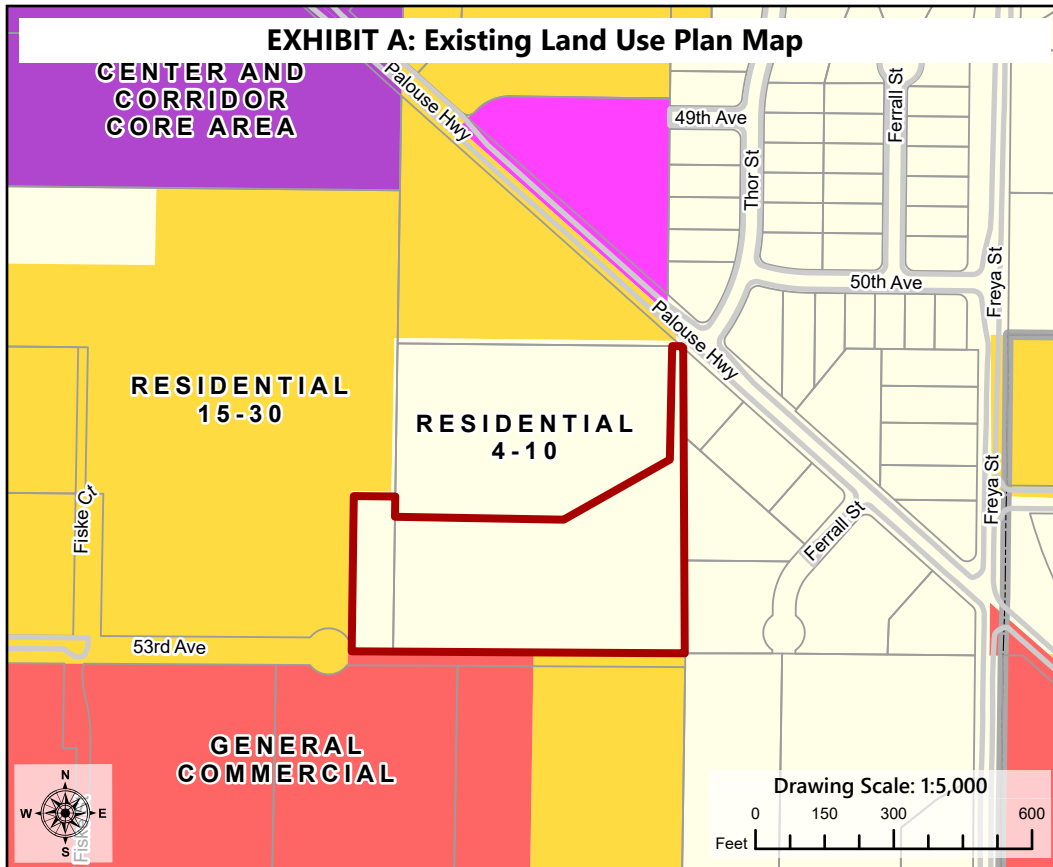
Z19-503COMP (3227 E 53rd Ave)

2019/2020 Comprehensive Plan Amendment Proposals

Drawn: 11/27/2019

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Legend

Subject Parcels

Parcel

Curb Line

Land Use Plan Designation

Residential 4-10

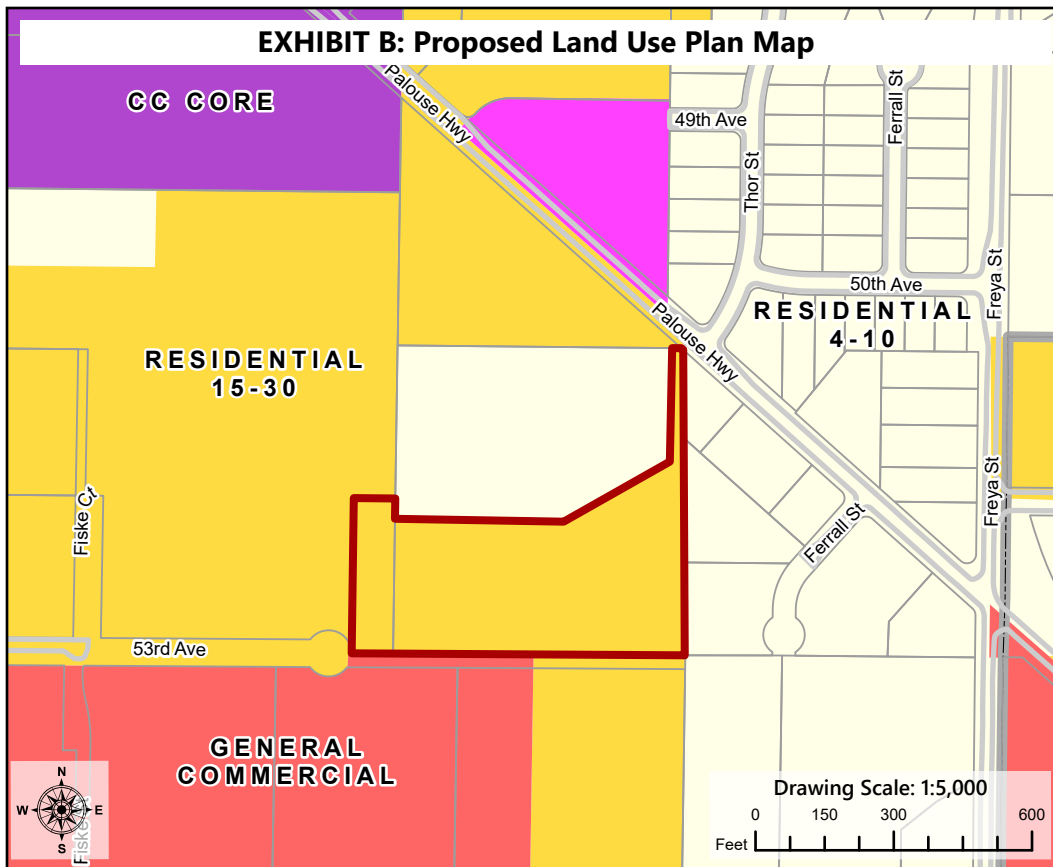
Residential 15-30

CC Core

Mini Center

General Commercial

Acres (Proposal): 5.48



Legend

Subject Parcels

Parcel

Curb Line

Proposed Land Use

Residential 4-10

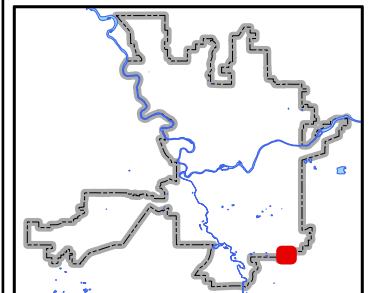
Residential 15-30

CC Core

Mini Center

General Commercial

PROJECT LOCATION



Neighborhood and Planning Services
Drawn By: Kevin Freibott

Application: Z19-504COMP

Action: Map amendment to the Land Use Plan Map in Chapter 3

Applicant/Agent: Mr. Dwight Hume of Land Use Solutions & Entitlement

Site Address(es): 3004 W 8th Avenue

Neighborhood: West Hills

Current Land Use: Residential 4-10

Proposed Land Use: Residential 15-30

Current Zoning: Residential Single Family

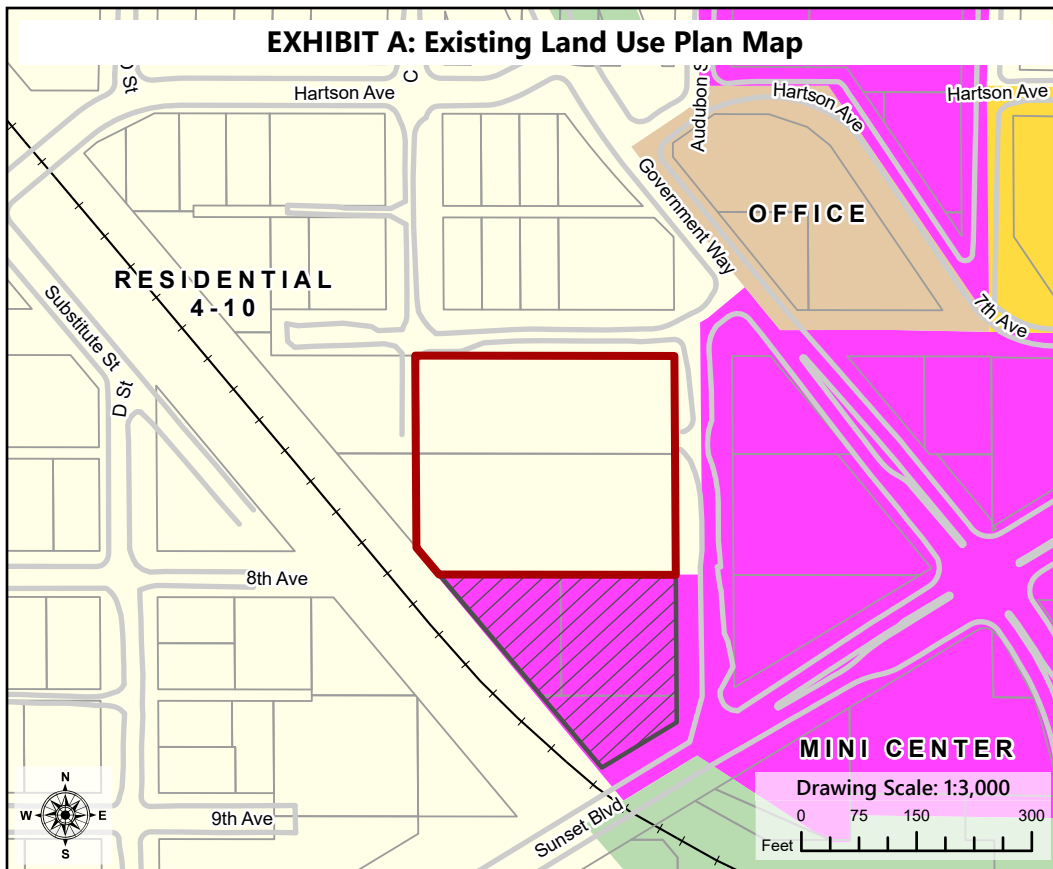
Proposed Zoning: Residential Multi-Family

Ad-Hoc Committee Results: Recommended for inclusion in the 2020 Work Program.





Drawn: 11/27/2019

THIS IS NOT A LEGAL DOCUMENT




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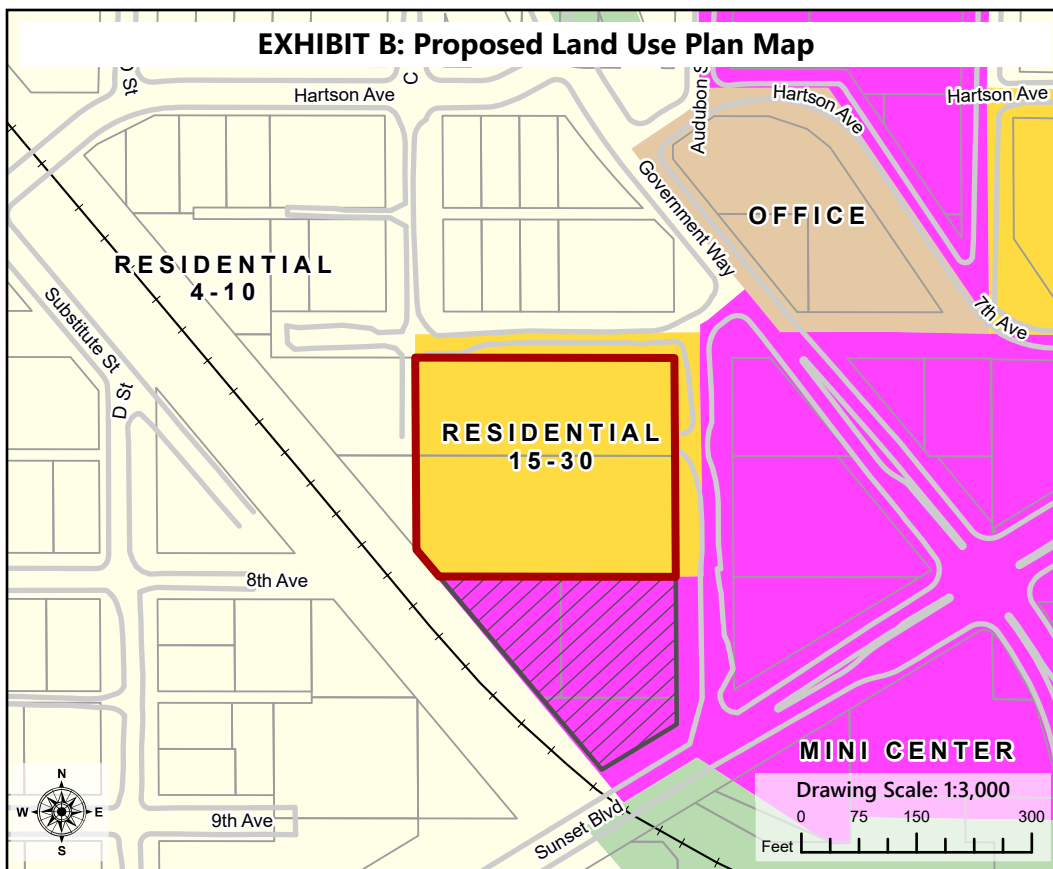
Legend




-  Subject Parcels
 Same Owner
 Parcel
 Curb Line

Land Use Plan Designation

-  Conservation Open Space
-  Residential 4-10
-  Residential 15-30
-  Office
-  Mini Center

Acres (Proposal): 2.20

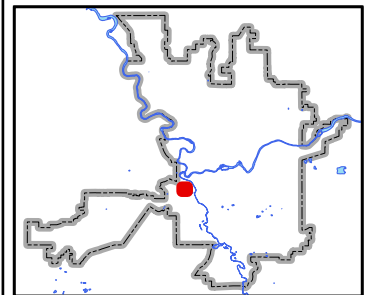


-  Subject Parcels
 Same Owner
 Parcel
 Curb Line

Proposed Land Use

- Conservation Open Space
- Residential 4-10
- Residential 15-30
- Office
- Mini Center

PROJECT LOCATION



Neighborhood and Planning Services
Drawn By: Kevin Freibott

Application: Z19-505COMP

Action: Map amendment to the Land Use Plan Map in Chapter 3

Applicant/Agent: Mr. Dwight Hume of Land Use Solutions & Entitlement

Site Address(es): 1117 W 10th Avenue

Neighborhood: Cliff-Cannon

Current Land Use: Residential 4-10

Proposed Land Use: Residential 15-30

Current Zoning: Residential Single Family

Proposed Zoning: Residential Multi-Family

Ad-Hoc Committee Results: Not recommended.



Z19-505COMP (1117 W 10th Ave)

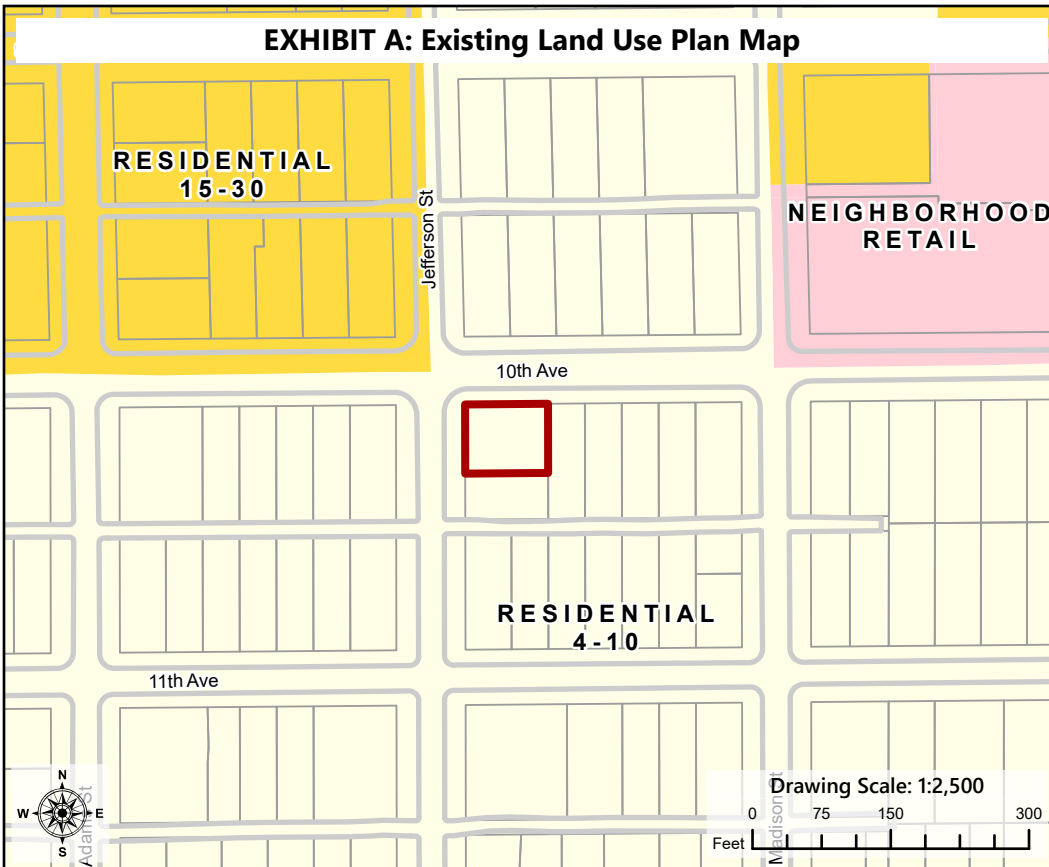
2019/2020 Comprehensive Plan Amendment Proposals

Drawn: 11/27/2019

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EXHIBIT A: Existing Land Use Plan Map



Legend

Subject Parcels

Parcel

Curb Line

Land Use Plan Designation

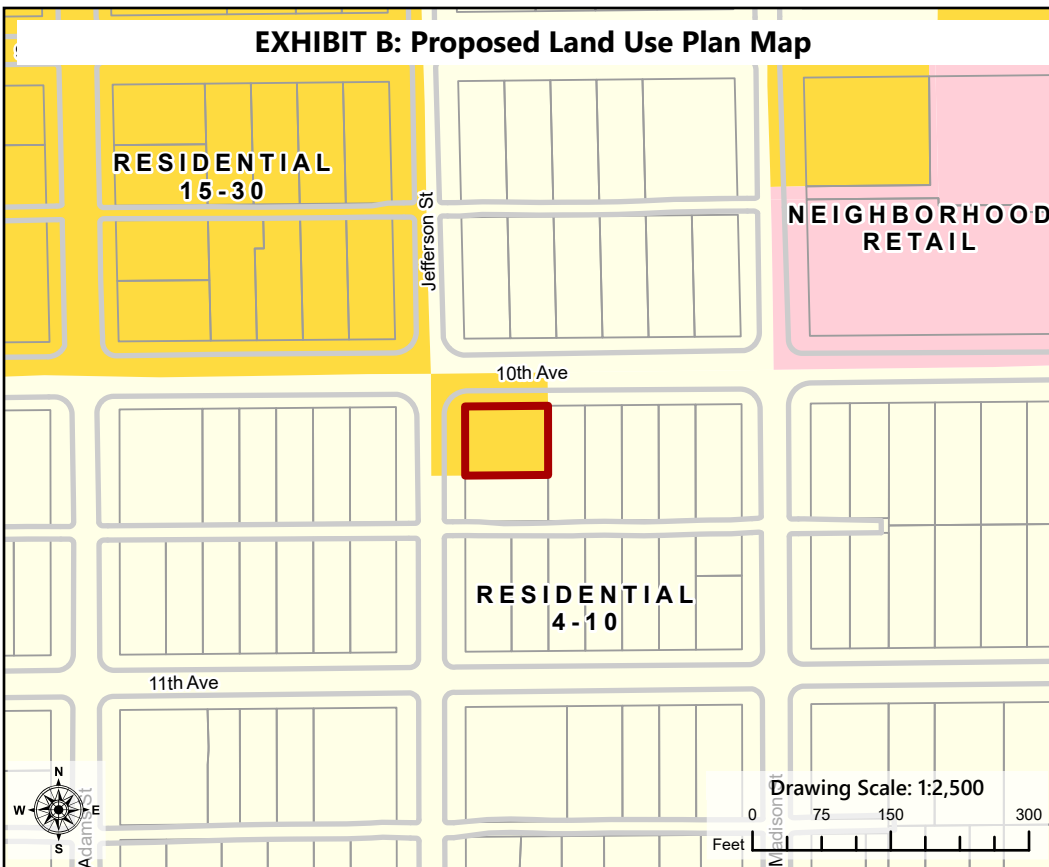
Residential 4-10

Residential 15-30

Neighborhood Retail

Acres (Proposal): 0.16

EXHIBIT B: Proposed Land Use Plan Map



Legend

Subject Parcels

Parcel

Curb Line

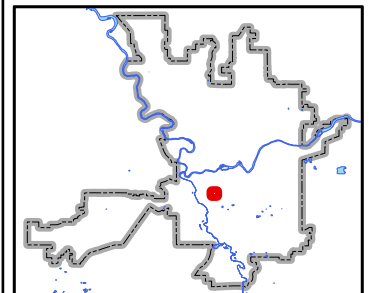
Proposed Land Use

Residential 4-10

Residential 15-30

Neighborhood Retail

PROJECT LOCATION



Neighborhood and Planning Services
Drawn By: Kevin Freibott

Application: Z20-019COMP

Action: Map amendment to the Proposed Bike Network Map in Chapter 4

Applicant/Agent: CITY-SPONSORED—Colin Quinn-Hurst, Department of Neighborhood and Planning Services

Site Address(es): n/a

Neighborhood: Various

The following changes to the Bike Network Map are draft in nature and may change during the next months as the proposal is refined and finalized.

Ref#	Street	From	To	Description (Future Designation)	Approx. Length
1	S Cowley St.	E 4th Ave.	E 9th Ave.	Update from medium traffic shared designation to medium traffic bike lane designation.*	0.33
2	W Strong Rd.	N Five Mile Rd.	N Nettleton Ct.	Update from moderate traffic bike lane to shared use path.*	0.42
3	E North Crescent Ave. and N North Center St.	N Perry St.	E Upriver Dr.	Designate for moderate traffic bike lane.*	0.47
4	E 17th Ave.	S Stevens St.	S Hatch St.	Shift greenway designation from 17th to 18th Ave along this stretch.	0.92
5	E Sumner Ave./ E 10th Ave./E 11th Ave./S Altamont Blvd./S Mt Vernon St./E 14th Ave.	S Grand Blvd.	S Fiske St.	Update bike-friendly route designation to neighborhood greenway designation	3.26
6	S Altamont St.	E Main Ave.	E 5th Ave.	Designate as moderate traffic bike Lane	0.53
7	S Flint Rd.	W Airport Dr.	W Airport Dr.**	Designate as moderate traffic bike lane	0.21
8	N Cook St.	E Francis Ave.	E Illinois Ave.	Designate as neighborhood greenway	
9	S Palouse Hwy.	S Thor St.	E 57th Ave.	Add shared-use pathway designation	0.80
10	W Boone Ave./N Atlantic St./W Sharp Ave.	N Lincoln St.	N Division St.	Update to moderate traffic bike lane designation	2.35
11	N Pittsburg St.	E Lyons Ave.	E Rich Ave.	Designate as a bike-friendly route.	1.51
	<i>*This designation conforms to recent improvements to the bicycle infrastructure on the street.</i>				
	<i>**Airport Dr. loops back to intersect Flint Rd. again.</i>				

Application: Z20-042COMP

Action: Map amendment to the Arterial Network Map in Chapter 4
Applicant/Agent: CITY-SPONSORED—Inga Note, Integrated Capital Management Department
Site Address(es): n/a
Neighborhood: Various

The following changes to the Arterial Network Map are draft in nature and may change during the next months as the proposal is refined and finalized.

Street	Limits	Classification on TR 12 Map	New Classification	Reason	Proposed by
Thorpe Rd	Craig to Lawson	local	Urban Minor Collector	Error correction	ICM
Granite Road (18 th Ave)	Flint to Campus	Local	Urban Minor Arterial	Consistency with SMC 12.08.040	ICM
Campus Road	12 th Ave to US 2	Proposed Urban Minor Collector	Urban Minor Collector	constructed	ICM
Grove Road	City limit to Sunset Hwy	Local	Urban Minor Collector	Error correction	ICM
Post Street Bridge	Summit Pkwy to SFB	Urban Minor Arterial	Urban Major Collector	Consistency with SMC 12.08.040	ICM
9 th Ave - Rockwood	Grand to Cowley	Local	Urban Major Collector	Error correction	ICM
Martin Luther King Jr. Way	Division to Trent	Proposed Urban Minor Arterial	Urban Minor Arterial	constructed	ICM
Thurston Ave	Grand to Perry	Urban Major Collector	local	Consistency with SMC 12.08.040	ICM
Rutter Parkway	Eastern to Bradley	Urban Minor Arterial	Urban Major Collector	Error correction	ICM
Upriver Drive	N. Center to Mission	Urban Minor Arterial	local	Vacated by Ordinance C35824	ICM
Upriver Drive	Buckeye to east city limits	local	Urban Minor Arterial	Error correction	ICM
Barnes Road	Phoebe to Strong	Proposed Urban Major Collector	Urban Major Collector	constructed	ICM

Application: Z20-045COMP

Action: Text Amendment to Chapter 4, Transportation
Applicant/Agent: CITY-SPONSORED—Inga Note, Integrated Capital Management Department
Site Address(es): n/a
Neighborhood: Various

The proposed amendment would add text to Chapter 4 describing background information regarding vehicle and pedestrian safety for railway crossings in the City and will include a list of locations in the City where additional improvements are necessary to ensure the public's safety, including the currently-ungated crossings at:

1. S Havana Street, just north of E Sprague Avenue;
2. N Freya Street, just north of E Sprague Avenue; and
3. E Mission Avenue, just east of N Perry Street.

**Agenda Sheet for City Council Meeting of:**

02/24/2020

Date Rec'd

2/3/2020

Clerk's File #

ORD C35894

Renews #**Submitting Dept**

CITY COUNCIL

Cross Ref #**Contact Name/Phone**

LORI KINNEAR 6715

Project #**Contact E-Mail**

LKINNEAR@SPOKANECITY.ORG

Bid #**Agenda Item Type**

First Reading Ordinance

Requisition #**Agenda Item Name**

0320 - HEALTH CARE FACILITY NOISE ORDINANCE

Agenda Wording

An ordinance harmonizing the noise disturbance prohibitions in the context of health care providers and facilities with the noise disturbance provisions applicable generally throughout the city. (Council Sponsor: CM Kinnear/CM Wilkerson)

Summary (Background)

This ordinance provides for civil enforcement for a first violation and escalating criminal penalties for subsequent violations. It also emphasizes the current State of Washington RCW that is in place to prevent disruption at health care facilities. In order to allow for more effective enforcement, this ordinance provides for a private right of action for the enforcement of Section 10.07.060, so that health care facilities and health care providers can seek appropriate remedies for violations.

Fiscal Impact

Grant related? NO

Public Works? NO

Budget Account

Neutral \$

#

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

ALLERS, HANNAHLEE

Study Session**Division Director****Other**

PSCHC 2/3

Finance

BUSTOS, KIM

Distribution List**Legal**

PICCOLO, MIKE

mormsby@spokanecity.org

For the Mayor

ORMSBY, MICHAEL

wcrago@spokanecity.org

Additional Approvals

cmeidl@spokanepolice.org

Purchasing

ORDINANCE NO. C35894

An ordinance clarifying the application of the City's noise disturbance ordinances and provide a private right of action to address noise disturbances; amending section 10.07.060, and enacting a new section 10.08D.145 of the Spokane Municipal Code.

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That section 10.07.060 of the Spokane Municipal Code is amended to read as follows:

Section 10.07.060 Interference with Health Care Facilities or Providers

A. Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this ~~((chapter))~~ section.

1. "Aggrieved" means:

- a. A person, physically present at the health care facility when the prohibited actions occur, whose access is or is about to be obstructed or impeded;
- b. A person, physically present at the health care facility when the prohibited actions occur, whose care is or is about to be disrupted;
- c. The health care facility, its employees, or agents;
- d. The owner of the health care facility or the building or property upon which the health care facility is located.

2. "Building" means any structure having a roof or a partial roof supported by columns or walls that is used or intended to be used for shelter or enclosure of persons or objects regardless of the materials of which it is constructed.

~~((1-))~~3. "Health care facility" means a facility that provides health care services directly to patients, including but not limited to, a hospital, clinic, health care provider's office, health maintenance organization, diagnostic or treatment center, neuropsychiatric or mental health facility, hospice, or nursing home.

~~((2-))~~4. "Health care provider" has the same meaning as defined in RCW 7.70.020 (1) and (2), and also means an officer, director, employee, or agent of a health care facility who sues or testifies regarding matters within the scope of his or her employment.

5. "Health service" means any medical, surgical, laboratory, testing or counseling service relating to the human body.

6. "Physical obstruction" means rendering impassable ingress to or egress from a building or rendering passage to or from a building unreasonably difficult or hazardous.

3. ~~("Aggrieved" means:~~

- ~~a. A person, physically present at the health care facility when the prohibited actions occur, whose access is or is about to be obstructed or impeded;~~
- ~~b. A person, physically present at the health care facility when the prohibited actions occur, whose care is or is about to be disrupted;~~
- ~~c. The health care facility, its employees, or agents;~~
- ~~d. The owner of the health care facility or the building or property upon which the health care facility is located.)~~

B. Prohibition.

It is unlawful for a person except as otherwise protected by state or federal law, alone or in concert with others, to ~~((willfully))~~ intentionally or recklessly interfere with access to or from a health care facility ~~((or willfully or))~~, to intentionally or recklessly disrupt the normal functioning of such facility, or to intentionally interfere with, or attempt to interfere with, any other person's exercise of rights secured by the United States Constitution or laws or of rights secured by the Constitution or laws of the state of Washington including, without limitation, RCW 9.02.100, by:

1. Physically obstructing or impeding the free passage of a person seeking to enter or depart from the facility or from the common areas of the real property upon which the facility is located;
2. ~~((Making noise that unreasonably disturbs the peace within the facility))~~ After having been ordered by a law enforcement officer to cease, intentionally making noise that can be heard within a building housing a health care facility and which is intended to cause, or actually causes either:
 - a. Jeopardy to the health of persons receiving health services within the building; or
 - b. interference with the safe and effective delivery of health services within the building.
3. Trespassing on the facility or the common areas of the real property upon which the facility is located.
4. Telephoning the facility repeatedly, or knowingly permitting any telephone under his or her control to be used for such purpose; or
5. Threatening to inflict injury on the owners, agents, patients, employees, or property of the facility or knowingly permitting any telephone under his or her control to be used for such purpose.

C. A first violation of SMC 10.07.060(C) is a class 1 civil infraction. A second violation of SMC 10.07.060(C) within one calendar year of the first violation is a gross misdemeanor~~((. A person convicted of violating this section shall be punished))~~punishable as follows.

1. For a first ~~((offense))~~conviction, a fine of not less than ~~((two hundred fifty))~~five hundred (\$500) dollars and a jail term of not less than twenty-four ~~((24))~~(24) consecutive hours;
2. For a second ~~((offense))~~conviction, a fine of not less than ~~((five hundred))~~seven hundred (\$700) dollars and a jail term of not less than seven ~~((7))~~(7) consecutive days; and
3. For a third or subsequent ~~((offense))~~conviction, a fine of not less than one thousand dollars ~~((1,000))~~(\$1,000) and a jail term of not less than thirty ~~((30))~~(30) consecutive days.

D. Nothing in this section shall prohibit either lawful picketing or other publicity for the purpose of providing the public with information.

E. Protection of Health Care Patients and Providers.

A court having jurisdiction over a criminal proceeding under this section shall take all steps reasonably necessary to safeguard the individual privacy and prevent harassment of a health care patient or health care provider who is a party or witness in a proceeding, including granting protective orders and orders in limine.

F. Private right of action. Each person or class of persons aggrieved by a violation of this section by any other person may bring an action against the person(s) violating this section in the Spokane County Superior Court. Upon prevailing, such aggrieved person may be awarded reasonable attorneys' fees and costs, and such other legal and equitable relief as appropriate to remedy the violation including, without limitation, the payment of compensatory damages and injunctive relief.

G. The provisions of this section are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, section, or portion of this section, or the invalidity of the application thereof to any person or circumstance does not affect the validity of the remainder of this section, or the validity of its application to other persons or circumstances.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date