



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND**

**AB 6444
April 2, 2024
Regular Business**

AGENDA BILL INFORMATION

TITLE:	AB 6444: Interim Regulations in MICC 19.16.010 Related to Emergency Shelters and Housing, Transitional Housing, and Permanent Supportive Housing (Ordinance No. 24C-03)	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
RECOMMENDED ACTION:	1. Adopt Ordinance No. 24C-03 for interim regulations to comply with emergency and permanent supportive housing requirements in HB 1220. 2. Schedule a Public Hearing on Ordinance No. 24C-03 within 60 days.	

DEPARTMENT:	Community Planning and Development
STAFF:	Jeff Thomas, Community Planning and Development Director Alison Van Gorp, Community Planning and Development Deputy Director
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Ordinance No. 24C-03
CITY COUNCIL PRIORITY:	n/a

AMOUNT OF EXPENDITURE	\$ n/a
AMOUNT BUDGETED	\$ n/a
APPROPRIATION REQUIRED	\$ n/a

EXECUTIVE SUMMARY

The purpose of this agenda bill is to adopt Ordinance No. 24C-03 (Exhibit 1) to reinstate interim regulations previously adopted in Mercer Island City Code (MICC) [19.16.010](#) related to emergency shelters and housing, transitional housing, and permanent supportive housing in response to HB 1220.

- During the 2021 state legislative session, the legislature passed [HB 1220](#), requiring amendment of MICC Title 19. The timeline imposed by this legislation required the City to comply with the new requirements by September 30, 2021.
- Interim regulations were adopted by Ordinance No. 21C-23 at the September 21, 2021, City Council meeting. Ordinance Nos. 22C-14, 23C-02 and 23C-11 renewed the interim regulations for concurrent six-month periods.
- The current interim regulations expired on March 21, 2024, leaving the City out of compliance with state law. The City must adopt new interim or permanent regulations to come back into compliance.

- The proposed interim regulations are the same as the previously adopted version and allow the City to comply with state law while awaiting completion of the City’s periodic update to the Comprehensive Plan.
- The City anticipates developing permanent regulations for adoption concurrent with the Comprehensive Plan (or shortly thereafter).

BACKGROUND

HB 1220: Emergency Shelters and Housing

[HB 1220](#) addresses transitional housing, emergency shelters, and permanent supportive housing. The bill contains new requirements for Comprehensive Plan housing element updates and creates new requirements for cities’ zoning/development regulations regarding indoor shelters and housing for the homeless, summarized below:

- The bill forbids cities from prohibiting transitional or permanent supportive housing in residential zones or zones where hotels are allowed.
- The bill also forbids cities from prohibiting indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed (except for cities that authorize indoor emergency shelters/housing in a majority of zones within a one-mile proximity to transit).
- Any regulations regarding occupancy, spacing, and intensity of use requirements regarding the four types of housing listed above must be reasonable and designed to protect public health and safety.
- Finally, such restrictions cannot be used to prevent the siting of a sufficient number of housing units necessary to meet Mercer Island’s projected need for such housing and shelter as determined by the WA Department of Commerce (Commerce) and King County.

The City’s development code currently includes some spacing restrictions; staff recommends retaining these restrictions for now and will further evaluate them for compliance with HB 1220 when developing a permanent code amendment.

Projected Housing Need

HB 1220 amended the Growth Management Act (GMA) to require cities to include in the housing element of their comprehensive plans “an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth, as provided by the department of commerce, including: (i) Units for moderate, low, very low, and extremely low-income households; and (ii) Emergency housing, emergency shelters, and permanent supportive housing” ([RCW 36.70A.070\(2\)\(a\)](#)). In addition to including this inventory and analysis, the City will be required to identify sufficient land capacity to accommodate the projected need ([RCW 36.70A.070\(2\)\(c\)](#)).

The City received its allocation of affordable housing needs from King County in 2023. The City proceeded to analyze options for providing adequate capacity to accommodate these housing needs and to address racially disparate impacts in housing through the adoption of a new Housing Element in the Comprehensive Plan. In addition, the City will need to adopt code amendments to provide additional capacity for multi-family housing along with the adoption of the periodic update of the Comprehensive Plan before the end of 2024. City Staff plan to incorporate additional amendments to the development code related to emergency and permanent supportive housing as a part of this effort. This action should bring the City into full compliance with the provisions of HB 1220.

ISSUE/DISCUSSION

Interim regulations were adopted in 2021 to comply with the emergency and permanent supportive housing provisions in HB 1220. The interim regulations were subsequently renewed for 3 successive 6-month periods thereafter. The last of these interim ordinances expired on March 21, 2024, leaving the City out of compliance with state law.

The City must adopt new interim or permanent regulations to come back into compliance. The proposed interim regulations are the same as the previously adopted version and allow the City to comply with state law while awaiting completion of the City's periodic update to the Comprehensive Plan. The City anticipates developing permanent regulations for adoption concurrent with the Comprehensive Plan (or shortly thereafter) that align with the policy direction now in development in the Housing Element.

Because the City is out of compliance with state law due to the expiration of the previous interim regulations, this creates an emergency that could impact the health, safety, and welfare of the community. The City must act quickly to adopt new interim regulations. State law allows emergency interim ordinances to become effective immediately upon adoption, provided the ordinance is approved by a majority plus one vote of the City Council and a public hearing is held within sixty days of such action.

Ordinance No. 24C-03

HB 1220 Section 4 requires the City to allow the following:

- Transitional housing and permanent supportive housing in any zones in which residential dwelling units or hotels are allowed, and
- Indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed.

The City currently allows social service transitional housing and special needs group housing as defined in [MICC 19.16.010](#) in residential zones. The definitions for these uses include many uses similar to those required by HB 1220 Section 4 and only require minor clarifying amendments to be consistent (Exhibit 1). Ordinance No. 24C-03 will enact these provisions for a period of up to one year.

NEXT STEPS

Ordinance No. 24C-03 will become effective immediately upon adoption. The City will schedule a public hearing within 60 days of adoption. City staff will work to develop permanent regulations to address the requirements of HB 1220 for adoption with adoption of the Periodic Update to the Comprehensive Plan (or shortly thereafter).

RECOMMENDED ACTION

1. Adopt Ordinance No. 24C-03 for interim regulations to comply with emergency and permanent supportive housing requirements in HB 1220.
2. Schedule a Public Hearing on Ordinance No. 24C-03 within 60 days.