



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

**AB 6324
September 5, 2023
Consent Agenda**

AGENDA BILL INFORMATION

TITLE:	AB 6324: Second Reading of Ordinance No. 23C-11 (renews Ordinance No. 21C-23) on Interim Regulations in MICC 19.16.010 Related to Emergency Shelters and Housing, Transitional Housing, and Permanent Supportive Housing in Response to E2SHB 1220	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
RECOMMENDED ACTION:	Adopt Ordinance No. 23C-11 extending the interim regulations for emergency, transitional and permanent supportive housing.	

DEPARTMENT:	Community Planning and Development
STAFF:	Jeff Thomas, Community Planning and Development Director Alison Van Gorp, Deputy Community Planning and Development Director
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Ordinance No. 23C-11 Regarding Renewing Interim Regulations in MICC 19.16.010 for Emergency Shelters and Housing, Transitional Housing, and Permanent Supportive Housing
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 conduct a second reading of Ordinance No. 23C-11 (Exhibit 1) to consider the renewal of the interim regulations 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 E2SHB 1220.

- During the 2021 state legislative session, the legislature passed [E2SHB 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 and 23C-02 renewed the interim regulations for concurrent six-month periods.
- The current interim regulations are set to expire on September 21, 2023. The City must renew the interim regulations for another six months or adopt permanent regulations to comply with state law.

- The interim regulations allow the City to comply with state law while awaiting the King County Council’s adoption of the number of units of permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters that Mercer Island must accommodate.
- The City Council conducted a public hearing and first reading for Ordinance No. 23C-11 on July 18, 2023 ([AB 6306](#)).

The City anticipates developing permanent regulations after King County adopts these numbers.

BACKGROUND

E2SHB 1220: Emergency Shelters and Housing

[E2SHB 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 E2SHB 1220 when developing a permanent code amendment after Mercer Island’s projected housing needs are adopted by the King County Council.

Projected Need

E2SHB 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 actions the City must take to comply with these requirements are dependent on the projections and guidance Commerce finalized earlier this year, as well as the allocation of housing needs to King County jurisdictions, which the King County Council is scheduled to adopt in late-2023. The City can make permanent amendments to the development code related to permanent supportive housing after King County adopts the housing need allocations.

ISSUE/DISCUSSION

State law allows for interim ordinances to be renewed for six months provided a public hearing is held and findings of fact are made prior to each renewal. Ordinance No. 23C-11 will renew the interim regulations adopted in 2021 by [Ordinance No. 21C-23](#) and renewed for 6-month periods by Ordinance Nos. [22C-14](#) and [23C-02](#). The proposed renewal would extend the interim regulations for another six months from September 21, 2023, to March 21, 2024.

Ordinance No. 23C-11

E2SHB 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 E2SHB 1220 Section 4 and only require minor clarifying amendments to be consistent (Exhibit 1).

NEXT STEPS

Staff will develop permanent regulations for City Council review once the King County Council adopts the housing need allocations later in 2023.

RECOMMENDED ACTION

Adopt Ordinance No. 23C-11 extending the interim regulations for emergency, transitional and permanent supportive housing.