

TUMWATER CITY COUNCIL WORKSESSION
MINUTES OF VIRTUAL MEETING
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CONVENE: 5:55 p.m.

PRESENT: Mayor Debbie Sullivan and Councilmembers Peter Agabi, Michael Althausen, Joan Cathey, Leatta Dahlhoff, Angela Jefferson, Charlie Schneider, and Eileen Swarthout.

Staff: City Administrator John Doan, Communications Manager Ann Cook, and Planning Manager Brad Medrud.

**TUMWATER
HOUSING ACTION
PLAN – POTENTIAL
MEASURES FOR
ADDRESSING
TENANT
PROTECTIONS:**

Manager Medrud reported the briefing covers potential measures for addressing tenant protections. A number of measures require additional information. The request is to establish some priorities for specific actions and measures the City would pursue to address tenant protection. The measures and actions can be pursued by the City or in cooperation with other jurisdictions in the county. Tenant protection has been an ongoing discussion by the work group and the Council. Staff acknowledges that there could be some advantages by working regionally on tenant issues. Regionally, it is preferable to have one set of regulations and requirements rather than different sets by each jurisdiction. The proposal at this time is to move forward independently while keeping other jurisdictions informed of the City's actions.

Manager Medrud described the background and impetus for embarking on potential measures to address tenant protections. A City work group was formed to review measures to make it easier for renters to access housing and stay housed within the City. The work group serves as the foundation for the work on the issue. With the Council's adoption of the Tumwater Housing Action Plan, a number of tenant protection actions were included in the plan. As part of the work by the work group, comprised of City Administrator Doan, City Attorney Kirkpatrick, Director Matlock, Manager Medrud, General Government Committee Chair Althausen, and a consultant (early in the process), initial work began with a review of current tenant protections in Tumwater Municipal Code (TMC) Chapter 5.70 *Unfair Housing Practices*, a review of state requirements under the Residential Landlord-Tenant Act (RLTA), and monitoring of current legislative changes to the RLTA since 2018. The state has rapidly passed changes and improvements to RLTA superseding the City's need to adopt some actions originally contemplated. Additionally, the work group examined other measures implemented by other jurisdictions to address tenant protections.

The work group integrated actions included in the September 2021 Housing Action Plan and work group measures under consideration into one table and established a suggested order of priority.

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Manager Medrud reviewed the items and suggested order of actions with the understanding the City lacks the necessary resources to complete all actions concurrently. The General Government Committee reviewed the table in January and February and recommended presenting the following table for review by the Council. He noted a “measure” is from the original list created in 2018 and subsequently updated and “sections” are specific Housing Action Plan actions.

Manager Medrud reviewed proposed actions and priorities:

Priority 1: Measure 18: Create a list of landlords for communication regarding notices and enforcement.

Action 5.d: Establish a rental registration program to improve access to data and share information with landlords. The intent initially, is educating property owners, property managers, and tenants about City housing code and their respective responsibilities. Later, the City could expand the program to require property owners to verify that their properties meet City property maintenance codes and standards on a regular basis. Council consideration includes funding for staffing through the Council’s 2023-24 biennial budgeting process. Staff has some suggestions on the schedule to develop and operate a rental registration program. Staffing issues include the loss of Senior Planner David Ginther at the end of the month to assume a position with the City of Olympia. The City is recruiting for a senior planner position. The communications strategy is an important aspect of a program. Staff plans to work closely with the Communications Manager and the department to communicate with landlords and tenants about the proposed program(s).

Manager Medrud reviewed the intent, scope, cost, staffing, and timeline of the proposal.

1) Registration:

- Begin with multifamily residential rental properties of five or more units initially to test program before expansion.
- Expand to register all residential rental units regardless of number of units after initial test.
- Property owners would be required to register when they begin renting residential units.
- Exceptions would be included for uses such as institutional or public residential uses and short-term commercial rentals.

2) Education Component – First Phase

- The intent is using the rental registration program to educate property owners, property managers, and tenants about state and City housing regulations and their responsibilities.

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3) Inspection Component – Second Phase

- All registered rental properties would be inspected under the City's Property Maintenance Code when initially registered.
- All registered rental properties would be inspected at least once every three years thereafter.
- The property owner must hire a qualified rental housing inspector or City inspector for inspections.
- The City's existing complaint-based code enforcement for housing code violations would continue

4) Cost

- Property owners would pay a small per rental unit fee to offset costs of the program.
- City general government funds would be expected to cover remaining costs, potentially in the \$100,000 to \$150,000 annual range
- Costs would be higher to start the program before per rental unit fees are collected to offset costs to the general government fund.

5) Staffing

- Recommend the City hire 1.0 FTE to manage the program.
- The FTE could function as the City's housing inspector for the program, as well as managing the registration and educational components.
- The City could consider this position to assume responsibilities for the rental housing navigator role.

6) Timeline

- Public engagement process with tenants, small and large landlords, and property maintenance companies in spring 2022.
- Prepare ordinance to create new section in Title 5 *Business Taxes, Licenses and Regulations* to establish a rental housing registration program in summer 2022.
- Initial authorization and annual funding would be through the 2023-24 biennial budgeting process.

Priority 2: Measure 19: Contract with Dispute Resolution Center for tenant and landlord conflict resolution services. Staff is seeking approval to proceed with developing a draft proposal.

Manager Medrud reported the intent of the proposal is to provide direct City support for the mediation of landlord-tenant disputes by an independent third party. The Dispute Resolution Center serves this purpose in Thurston County and provides a way to avoid the cost and time of pursuing action through the courts. Council considerations include

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funding through the 2023-24 biennial budgeting process, consideration of the schedule for staff to develop, manage, and staff a program, and development of a communications strategy to inform landlords and tenants about the City's program. The draft scope includes developing the initial scope of services by:

- Working with the Dispute Resolution Center to identify the scope of services offered by the Center, costs for services, capability of including a sliding scale for clients if City helps to offset costs, and identification of other services to include in a contract.
- Determine when the 10-day notice for eviction is officially enacted.
- Prepare a scope of services with options and costs for consideration by the Council.
- The Council could determine whether the City pays the full or subsidized cost up to a particular amount.
- Prices would need to be established after discussions with the Dispute Resolution Center
- City government funds would be required to be allocated for the program with the potential annual cost of \$50,000 to \$100,000.
- The timeline involves a public engagement process with tenants, small and large landlords, and property maintenance companies in spring 2022.
- Initial authorization and annual funding would be determined through the 2023-24 biennial budgeting process.
- The proposed tenant protection ordinance would include:
 - Requirement for landlords to distribute certain housing related information, including rights and responsibilities to tenants
 - Require deposits, as well as recurring and one-time fees are included in written agreements
 - Landlord failure to comply could be a renter's defense to eviction and the landlord would be subject to liability and penalties
 - Prohibit the waiving of City requirements
 - Require notification a specific number of days prior to eviction and of no-cause eviction
 - Require notification a set specific number of days prior to any rent increase

Priority 3: Action 2.e: Identify and implement appropriate tenant protections that improve household stability.

Priority 4: Action 5.b: Fund Housing Navigators to assist households,

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renters, homeowners, and landlords with housing issues.

Priority 5: Action 1.k: Enhance enforcement of property maintenance codes to keep housing in good repair. *Councilmember Cathey questioned whether the action could be coordinated in tandem with non-profits as her concern surrounds maintenance of properties owned by seniors unable to maintain their property. She is aware of a situation where the property owners did not have the funds to hire assistance and was referred to Rebuild Together, which assisted the owners in property repairs. Manager Medrud emphasized the importance of awareness of other resources in the community that may be available to offer assistance. Priority 6 is tied to the issue because the intent is not pursuing a code violation if there are other options available.*

Councilmember Jefferson asked about any other jurisdictions where similar programs have been effective. Manager Medrud said a number of similarly sized jurisdictions either have implemented or are in the process of implementing programs. Staff recommends that as the action is pursued, such as establishing a registration program, more follow-up with those jurisdictions would be helpful. The City of Auburn has a program that covers the basis of a registration program with support services. A conversation with the City of Auburn is warranted as to how the program is working and any changes the city might recommend. The City of Aberdeen added a program to its enforcement program of a requirement for inspection of rental properties on a three-year basis as part of the program. Staff is seeking direction from the Council on which priorities to begin pursuing.

Priority 6: Action 2.f: Develop a technical assistance or education program for small landlords. A large number of rental properties in the City are duplexes and single-family houses.

Priority 7: Action 2.h: Fund an energy assistance program for rental housing or work with landlords do upgrades when the unit is sold

Priority 8: Action 2.g: Assist non-profits in the process of acquiring mobile home parks to turn them into public trusts so that lot rental fees can be controlled. *Councilmember Dahlhoff inquired as to why the priority would require a high level of resources as the Senior Housing Action Team is working on a mobile home stabilization project. Seniors are a vulnerable population and as such seniors do not have extended time. Manager Medrud explained that the action was generated from one of the measures in the resolution adopted in 2018 when various options were considered for preserving existing low-income housing in the City*

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and existing housing sources in manufactured homes parks as those parks provide over 1,000 units of affordable housing. As part of the work program, staff met with some non-profit organizations specializing in working with property owners and tenants in mobile home parks on ways to transition property. Typically, the action would be voluntary because the property owner has to be willing to make the change. The City has one manufactured home park that is tenant-owned and controlled. Those initial conversations started as initial efforts to begin discussions with some of the current property owners. Staff supports a regional effort as a way for the City to pursue the action and move forward.

Councilmember Althausen added that mobile homes parks existing in the City are zoned specific for mobile home parks. The threat exists in other jurisdictions that have not zoned parks solely for that use as the property owner could sell the park. When the committee considered ranking the priorities, the action was ranked lower in priority because the City has established some protections for mobile home parks through the zoning code.

Councilmember Dahlhoff said the protection is important; however, it does not negate increases in rent, which is a concern for seniors.

Priority 9: Action 2.d: Support down payment assistance programs for homeownership and programs that assist people entering the rental market.

Priority 10: Action 2.c: Adopt short-term rental regulations to minimize impacts on long-term housing availability. The issue could arise with an increase in Airbnb vacation rentals, which would reduce the supply of housing units.

Priority 11: Action 2.a: Have developers provide tenants displaced by redevelopment with relocation assistance.

Manager Medrud reported the request to the Council is direction and authorization for staff to prepare three items for consideration:

1. An ordinance for a rental registration program
2. A scope for a contract with the Dispute Resolution Center for tenant and landlord conflict resolution services
3. Ordinances to address tenant protections

Councilmember Althausen complimented Manager Medrud for his efforts on potential measures to address tenant protections and for the thorough

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presentation. The timing is appropriate because the situation has worsened and become more complex. He supports prioritizing the three approaches to help achieve some stability for the community.

Councilmember Dahlhoff echoed similar sentiments with the caveat that the measures are fluid and will require continuous improvements and updates to address changes to ensure flexibility of the programs.

Councilmember Cathey acknowledged and thanked Councilmember Althausen for his efforts on tenant protections, as they have been a personal issue for her for many years as a long-term renter. She supports moving forward.

Councilmember Swarthout conveyed appreciation for the work as it entailed much effort. She questioned the availability of funding and staffing resources to initiate some of the actions by spring and summer 2022. Manager Medrud explained how efforts need to be initiated to determine the next steps and identify needs. If the Council concurs, staff plans to draft a formal proposal with a budget request and any proposed changes to the ordinance. He added that the work program includes an allocation of 160 hours to work on rental housing amendments during 2022, which should be sufficient in terms of staff resources. However, once the program is initiated, additional resources would be required.

Councilmember Jefferson added her support of the proposal and is appreciative that the City is leading the effort and actively engaging.

Manager Medrud thanked the Council for the feedback. Staff will continue to provide updates as the work continues for comments and additional direction.

MAYOR/CITY ADMINISTRATOR'S REPORT:

City Administrator Doan reported the Community Development Department is working on efforts to contract with a consultant to work with the City in the development of an equity tool/equity task to assist the City during its processes in understanding and ensuring decision-making is equitable and fair. Staff recommends hiring a consultant with the appropriate expertise to assist the City. The City proposes releasing a Request for Qualifications (RFQ) to identify potential candidates. The request is for several Councilmembers to participate to review the RFQ and become part of the process in addition to several members of the Planning Commission or the Parks and Recreation Commission. The initial ask is to review the RFQ document for language, intent, and the process for selection of a consultant. The process would likely entail several meetings.

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Councilmembers Dahlhoff and Jefferson volunteered to participate.

City Administrator Doan reported the second request involves resuming in-person meetings in a hybrid format. He queried the Council about interest for conducting the April 19, 2022 meeting as the first official hybrid meeting. The City of Olympia is also conducting a hybrid meeting the same evening. The City of Lacey has already initiated hybrid council meetings. The hybrid format affords the ability of staff and the Council to either participate in-person or virtually. The public would have the ability to participate in-person or virtually as well.

Discussion ensued on some of the issues associated with some members attending in-person while others are participating virtually. Individuals participating virtually are often at a disadvantage. It requires some efforts by the members attending the meeting to view and treat virtual participants equally.

In response to questions about masking and distancing, City Administrator Doan said the City would continue to promote physical distancing. If many people attended, one option is using the lobby as a waiting area to reduce crowding in the Council Chambers to maintain physical distancing. The City invested some funding to upgrade the equipment for hybrid meetings. He recognized that some individuals within the current environment might not be comfortable attending the meeting in person. The hybrid option affords them the opportunity to participate and appear virtually. Additionally, people are continuing to wear masks and it is likely some people would attend wearing a mask.

Councilmember Dahlhoff supported the hybrid option recognizing she still has some anxiety after two years of virtual meetings. City Administrator Doan advised that for those members who want to participate in-person, the hybrid option enables virtual participation.

The Council supported conducting a hybrid meeting for the April 19, 2021 Council meeting.

City Administrator Doan said the last item involves a discussion around questions on social media and how the City works within the social media environment. Some of the larger social media platforms include Facebook, Instagram, and Nextdoor. Today, communication is much different than it was 30 years ago in terms of how the City conveys messages to the community. Those changes in communication have required the City to strategically consider each step when communicating

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to the public. Additionally, the electronic world tends to overload with too much communication from all sources or from a particular source creating challenges in how the City conveys messages to the community in a format that does not overwhelm the community.

City Administrator Doan shared that social media is not as easy as it sounds because of the expectations around accuracy, too much information, and expectations for two-way communication.

Communications Manager Cook outlined how the platforms are different. Two-way communication is a valuable tool as most communication from the City is one-way. Social media offers an avenue for listening, considering trends, and as a form of measuring sentiments to help head off issues and problems. She described tools and features available through social media, such as crowdsourcing (a collection of information, opinions, or work from a group of people sourced via the Internet) and standbranding (a critical component of branding aligned with strategy, consistent messaging, and with City mission and values).

Councilmember Agabi asked whether the City is encountering problems with social media or is addressing a problem. City Administrator Doan explained that over the last several weeks, many questions were generated about social media and why the City has undertaken certain actions. The intent of the conversation is to share information on how the City administratively views and structured the City's use of social media. Although the issues are not substantial, the issues evolved as social media has gained momentum and is a tool the community uses to obtain information and to communicate.

Councilmember Agabi commented that if the City has a social media platform that is used to communicate information then that is the responsibility of the City unless there is an issue of Councilmember social media that does not comport with City policy. He suggested the purpose of the conversation is unnecessary because he does not use social media. City Administrator Doan responded that using social media is not a requirement. The discussion is in response to conversations generated during the retreat about the Council having access to City social media accounts.

Councilmember Dahlhoff noted that her email to City Administrator Doan had asked for additional clarifications. She cited different situations involving intergovernmental assignments and discussions involving the use of social media or suggestions to utilize social media for specific messaging. City Administrator Doan said historically, the test for using

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social media as a City representative are those messages involving City activities (Parks, Police, Recreation, Fire, etc.) or they are programs the City has funded. Crossing that line and posting too much of the same information results in the dilution of the City's message as people no longer are interested in the hearing the same message. The inherent risks are irritating the City's audience and diluting the message.

Councilmember Jefferson questioned how she, as a Councilmember, can convey what she believes are important and relevant messages to the community. She cited several circumstances involving the City's first community garden and programs offered through Garden Raised Bounty (GRuB), which is seeking three Tumwater families to build backyard gardens. She asked about the avenues available for her to share the information with the community. She cited the ongoing issue of PTSD especially in today's environment because of the invasion of Ukraine. Many soldiers are suffering because of the invasion and the indiscriminate bombing of civilians. A former soldier with GRuB shared that a PTSD beekeeper program for soldiers is available and funded by the Veterans Administration. The program is free and she would like to share information about the program with the community. She cited the City of Lacey's social media, which includes information on non-profits. She believes her work is relevant with the non-profits and should be shared with the community.

City Administrator Doan responded that the examples represent needs in the community and are real issues occurring within the community. The City of Lacey may have a different social media policy. A number of the programs are funded by the City of Lacey and would meet the test the City of Tumwater has created. The issue speaks to why staff is addressing the issue. It is likely that each Councilmember has four to five similar announcements they would like posted on social media; however, the challenge of posting everything results in the loss of the ability for the City to send its message.

Mayor Sullivan offered the suggestion of including a "Council Corner" within the City's newsletter to share information.

An extensive and intensive discussion followed between staff and the Council citing numerous examples of posting information on the City's social media accounts. Many Councilmembers conveyed their frustration with the policy for limiting the posting of information on the City's social media accounts. City Administrator Doan reiterated that if the City opened social media to more postings, the pages would be full with multiple messages that would eventually dilute the City's message.

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Manager Cook addressed questions about posting recruitment information for police and fire and other City positions. City Administrator Doan added that the Police Department has a Facebook page, which has more followers than the City's page. The department manages the page. He cited conversations with the Fire Department about social media. It will be important for the Fire Department to have social media resources as the discussion on the regional fire authority advances to the ballot to help the community understand the role and responsibilities of the Fire Department.

City Administrator Doan advised that the upcoming consideration for adoption of the Council Rules no longer includes a provision that prohibits the Council from having social media accounts. Instead, a provision was added that enables the City to create a structure for social media for Councilmembers.

Councilmember Dahlhoff commented on the importance of seeking some resolution as to how the City can accommodate concerns and needs regardless of the platform to ensure the Council feels it has a voice. City Administrator Doan acknowledged the comment and indicated staff would consider options and follow up with the Council.

City Administrator Doan reported on an earlier meeting with the State Auditor earlier in the day. Councilmember Schneider and Mayor Sullivan joined the meeting. The state reported the City had a clean audit with no conditions. He congratulated staff and all employees for following the rules especially in lieu of the amount of federal funds the City received with is attached with numerous obligations and requirements.

ADJOURNMENT: With there being no further business, Mayor Sullivan adjourned the meeting at 8:10 p.m.