

Kohl-Wells moved Striking Amendment 1.
The motion passed as amended.

S1

March 23, 2021
Striking Amendment

[A. Kim] Sponsor: Kohl-Welles, Upthegrove
Proposed No.: 2021-0109

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2021-0109, VERSION**

2 **1**

3 On page 1, beginning on line 11, strike everything through page 10, line 206, and insert:

4 "BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

5 **SECTION 1. Findings:**

6 A. On February 29, 2020, the Governor of Washington state declared a state of
7 emergency in all counties in Washington and directed that the plans and procedures of the
8 Washington State Comprehensive Emergency Management Plan be implemented as a
9 result of coronavirus disease 2019 ("COVID-19").

10 B. COVID-19 is a respiratory disease that can result in serious illness or death
11 and can easily spread from person to person. The World Health Organization has
12 classified COVID-19 as a pandemic.

13 C. On March 1, 2020, King County executive Dow Constantine signed a
14 proclamation of emergency enabling "extraordinary measures" to respond to the COVID-
15 19 outbreak. On March 3, 2020, the council passed Motion 15610, affirming the
16 executive's proclamation of emergency.

17 D. On March 23, 2020, as a result of the continued worldwide spread of COVID-
18 19, its significant progression in Washington state, and the high risk it posed to our most

19 vulnerable populations, the Governor issued a "Stay Home - Stay Healthy" order
20 prohibiting, with limited exceptions, all people in Washington state from leaving their
21 homes or participating in social, spiritual and recreational gatherings of any kind
22 regardless of the number of participants, and required all nonessential businesses in
23 Washington state to cease operations except for performing basic minimal operations.
24 The order was extended twice, with the last extension expiring May 31, 2020.

25 E. On May 31, 2020, the Governor reiterated that a state of emergency continued
26 to exist but amended the "Stay Home - Stay Healthy" proclamation and renamed it the
27 "Safe Start - Stay Healthy" proclamation. The Governor ordered that, except as provided
28 in the phased county reopening plan, all other provisions of the state of emergency
29 remained in force.

30 F. On June 5, 2020, King County entered Modified Phase 1 of the Safe Start
31 Plan. Then, on June 19, 2020, King County entered Phase 2 of the Safe Start Plan.

32 G. On July 28, 2020, the Governor paused counties progressing in the reopening
33 phases under the state's Safe Start plan due to continued rise of cases and spread of
34 COVID-19 statewide.

35 H. On November 15, 2020, in response to a doubling of statewide COVID-19
36 cases between late October and mid-November 2020, the Governor imposed new
37 restrictions on, among other things, indoor gatherings, dining and fitness. The Governor
38 originally ordered these restrictions to remain in place through December 14, 2020,
39 before extending the restrictions twice to apply through January 11, 2021.

40 I. On December 11, 2020, the U.S. Food and Drug Administration issued the first
41 emergency use authorization for a vaccine to prevent COVID-19, which allowed the

42 vaccine to be distributed in the United States. Days later, the first doses of the COVID-
43 19 vaccine arrived in King County, which were administered to front-line healthcare
44 workers. As of March 19, 2021, the county's vaccination efforts have resulted in the
45 administration of approximately 535,000 doses of COVID-19 vaccine.

46 J. On January 5, 2021, the Governor announced "Healthy Washington - Roadmap
47 to Recovery," a COVID-19 phased recovery plan. Under this plan, a region in the state
48 may move into a new phase, forward or backward, depending upon whether metrics
49 measuring the region's community disease levels and health system capacity meet state
50 Department of Health criteria.

51 K. On March 22, 2021, the Puget Sound region, including King County, moved
52 to Phase 3 of the plan, which permits indoor dining, retail, fitness and worship services at
53 fifty percent capacity, as well as at-home social gatherings limited in size.

54 L. As further described in this section, COVID-19 and the related preventative
55 measures necessitated by the pandemic, including those outlined in the executive orders
56 summarized above, have caused and continue to cause extraordinary, unprecedented, and
57 devastating economic effects in King County and throughout Washington.

58 M. The federal government has provided the following relief in response to the
59 COVID-19 pandemic:

60 1. On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act
61 ("the CARES Act"), a \$2.2 trillion federal stimulus package, became law. The CARES
62 Act provides relief to state and local governments through a variety of federal agencies
63 and programs. Certain of these relief programs apply to the county, and the county has
64 used the moneys provided by these programs to either pay or reimburse, or both pay and

65 reimburse, the county for necessary expenditures incurred due to the public health
66 emergency, including expenses preparing for, responding to, mitigating impact of and
67 preventing COVID-19;

68 2. On December 27, 2020, the Coronavirus Response and Relief Supplemental
69 Appropriations Act ("CRRSAA"), a \$900 billion federal stimulus package, became law.
70 CRRSAA funding programs include Federal Transit Administration transit infrastructure
71 grants, the U.S. Department of the Treasury's Emergency Rental Assistance Program and
72 the Department of Health and Human Services Public Health and Social Services
73 Emergency Fund. Several county departments are eligible to either receive or administer,
74 or both, those moneys, which recipients may use to pay for, or to reimburse, expenses
75 related to the ongoing COVID-19 health emergency. As part of CRRSAA, the U.S.
76 Department of the Treasury awarded the county Emergency Rental Assistance moneys.
77 Not less than ninety percent of awarded moneys must be used for direct financial
78 assistance, including rent, rental arrears, utilities and home energy costs arrears, and other
79 expenses related to housing. Remaining moneys are available for housing stability
80 services, including case management and other services intended to keep households
81 stably housed, and administrative costs. Moneys generally expire December 31, 2021;
82 and

83 3. On March 11, 2021, the American Rescue Plan Act ("the ARPA"), a \$1.9
84 trillion federal stimulus package, became law. The ARPA provides relief to state and
85 local governments, including the county, through a variety of federal agencies and
86 programs. Under Section 9901 of the ARPA, a new Section 603 is added to Title VI of
87 the Social Security Act to provide the Coronavirus Local Fiscal Recovery ("CLFR") fund

88 to mitigate the fiscal effects stemming from the public health emergency with respect to
89 COVID-19. The county will receive a direct allocation of CLFR moneys. As provided
90 for under Section 9901, CLRF moneys must be used: to respond to the COVID-19 public
91 health emergency or its negative economic impacts, including assistance to households,
92 small businesses and nonprofit organizations, or aid to impacted industries, such as
93 tourism, travel and hospitality; to respond to workers performing essential work during
94 the COVID–19 public health emergency by providing premium pay to eligible county
95 workers that are performing that essential work, or by providing grants to eligible
96 employers that have eligible workers who perform essential work; for the provision of
97 government services to the extent of the reduction in revenue of such county due to the
98 COVID-19 public health emergency relative to revenues collected in the most recent full
99 fiscal year of the county before the emergency; or to make necessary investments in
100 water, sewer or broadband infrastructure.

101 N. In response to the state and county declarations of emergency, as well as
102 guidance from the local health officer and state Department of Health, the county was
103 required to and continues to take necessary emergency protective measures to eliminate
104 or lessen immediate threats to lives, public health and safety. These measures are directly
105 related to the emergency and include the county's response to mitigate community
106 transmissions of COVID-19. The actions taken by the county to prevent, prepare for,
107 mitigate against and respond to the public health emergency are reasonable, necessary
108 and prudent given the county's needs and the information available at the time, and in
109 accordance with federal regulations and cost principles. Internal policies and procedures,
110 including procurement guidelines to support the work and expenditures made were

111 followed. All expenditures made were in carrying out the legal responsibilities of the
112 county.

113 O. As recognized in Ordinance 19191, passed by this council on November 10,
114 2020, communities historically disadvantaged by racism, sexism and LGBTQI+
115 discrimination have suffered disproportionate health and economic impacts from the
116 COVID-19 pandemic, and greater challenges to remaining healthy. Subsequent studies
117 and reporting reaffirm the data cited in that prior ordinance. For instance, the Centers for
118 Disease Control and Prevention, and public health - Seattle & King County have
119 continued to report that racial and ethnic minority groups are disproportionately
120 represented among COVID-19 cases, hospitalizations and deaths.

121 P. The council finds that relief is necessary for every community in the county,
122 particularly those historically disadvantaged communities that are more-adversely
123 impacted by COVID-19 due to continuing discrimination and the lingering effects of past
124 discrimination. The council further finds that it is appropriate and necessary for the
125 county to consider and address strategies, in program implementation and awards or
126 provider selections, to address those historically disadvantaged communities that have
127 been disproportionately impacted by inequities and discrimination, in order to respond to
128 the disproportionate health and economic impacts described in this section. The
129 strategies should take into account the dire need to provide relief as quickly as possible
130 during this crisis and may include, by way of example, recruitment and outreach for
131 potential subcontractors, grant recipients and other beneficiaries, as well as consideration
132 of whether individuals and organizations are members of, provide services to or are
133 located in historically disadvantaged communities in distributing limited benefits to

134 qualified applicants.

135 Q. The council finds that COVID-19 leave costs as well as payroll costs,
136 including benefits, for employees that have been substantially dedicated to addressing the
137 impacts of the COVID-19 public health emergency or who are reassigned to
138 responsibilities mitigating the impacts of COVID-19, across any and all departments are
139 a substantially different use from the expected use at the time of original appropriation.
140 The council finds that such expenditures are necessary and reasonable for funding
141 through the federal Coronavirus Relief Fund. The council finds it is therefore appropriate
142 that COVID-19 leave costs and payroll costs, including benefits, for those employees
143 who have been reassigned or substantially dedicated to COVID-19 mitigation efforts be
144 paid from the federal Coronavirus Relief Fund, currently held in the grants subfund.

145 R. The council has authority to enact an emergency appropriation ordinance as
146 set forth in Section 470.20 of the King County Charter.

147 SECTION 2. Ordinance 19210, Section 18, as amended, is hereby amended as
148 follows:

149 OFFICE OF PERFORMANCE, STRATEGY AND BUDGET - From the general
150 fund there is hereby appropriated to:

151 Office of performance, strategy and budget \$5,000,000

152 SECTION 3. Ordinance 19210, Section 23, as amended, is hereby amended as
153 follows:

154 OFFICE OF EMERGENCY MANAGEMENT - From the general fund there is
155 hereby appropriated to:

156 Office of emergency management \$8,764,000

157 SECTION 4. Ordinance 19210, Section 31, as amended, is hereby amended as
158 follows:

159 SUPERIOR COURT - From the general fund there is hereby appropriated to:

| | | |
|-----|----------------|-------------|
| 160 | Superior court | \$1,666,000 |
|-----|----------------|-------------|

161 SECTION 5. Ordinance 19210, Section 32, as amended, is hereby amended as
162 follows:

163 DISTRICT COURT - From the general fund there is hereby appropriated to:

| | | |
|-----|----------------|-----------|
| 164 | District court | \$500,000 |
|-----|----------------|-----------|

165 SECTION 6. Ordinance 19210, Section 60, as amended, is hereby amended as
166 follows:

167 COMMUNITY AND HUMAN SERVICES ADMINISTRATION - From the
168 department of community and human services administration fund there is hereby
169 appropriated to:

| | | |
|-----|---|-------------|
| 170 | Community and human services administration | \$3,840,000 |
|-----|---|-------------|

171 SECTION 7. Ordinance 19210, Section 63, as amended, is hereby amended as
172 follows:

173 BEHAVIORAL HEALTH AND RECOVERY DIVISION - BEHAVIORAL

174 HEALTH - From the behavioral health fund there is hereby appropriated to:

| | | |
|-----|---|-------------|
| 175 | Behavioral health and recovery division - behavioral health | \$1,900,000 |
|-----|---|-------------|

176 SECTION 8. Ordinance 19210, Section 100, as amended, is hereby amended as
177 follows:

178 PUBLIC HEALTH - From the public health fund there is hereby appropriated to:

| | | |
|-----|---------------|--------------|
| 179 | Public health | \$20,843,000 |
|-----|---------------|--------------|

180 SECTION 9. Ordinance 19210, Section 102, as amended, is hereby amended as
181 follows:

182 ENVIRONMENTAL HEALTH - From the environmental health fund there is
183 hereby appropriated to:

| | |
|---------------------------------|-----------|
| 184 Environmental health | \$525,000 |
|---------------------------------|-----------|

185 SECTION 10. Ordinance 19210, Section 106, as amended, is hereby amended as
186 follows:

187 HOUSING AND COMMUNITY DEVELOPMENT - From the housing and
188 community development fund there is hereby appropriated to:

| | |
|--|--------------|
| 189 Housing and community development | \$45,197,000 |
|--|--------------|

190 ER1 EXPENDITURE RESTRICTION:

191 Of this appropriation, \$1,257,643 may not be expended or encumbered unless the
192 Governing Committee of the King County Regional Homelessness Authority ("the
193 authority") either:

194 A. Comports with Article VIII Section 1(b)(ii) of the interlocal agreement
195 between the city of Seattle and King County that established the authority by requiring an
196 affirmative vote of two-thirds of a quorum present for the specified actions of: approving
197 or amending the authority's Goals Policies, and Plans as defined in the interlocal
198 agreement; approving or amending the authority's annual budget as recommended by the
199 authority's Implementation Board; and confirming the authority's Chief Executive
200 Officer;

201 B. Before taking any of the specified actions in subsection A. of this expenditure
202 restriction, adopts bylaws that comport with Article VIII Section 1(b)(ii) of the interlocal

203 agreement; or

204 C. In accordance with Article VIII Section 1(b)(i) of the interlocal agreement,
205 recommends an amendment to the interlocal agreement to change Article VIII Section
206 1(b)(ii) and that recommendation is approved by ordinance.

207 ER2 EXPENDITURE RESTRICTION:

208 Of this appropriation, \$5,000,000 from general obligation bond proceeds shall be
209 expended or encumbered solely for transit-oriented development affordable housing
210 projects near the Eastside light rail or along Sound Transit's future I-405 Bus Rapid
211 Transit line north of I-90.

212 However, a project shall not be approved under this program unless it is subject to
213 a two percent fee on the total loan amount due at closing plus a one percent simple
214 interest payment due annually over the life of the loan.

215 Also, moneys allocated to one or more projects identified in this expenditure
216 restriction may be allocated to other projects with council approval if any originally
217 identified project is found to be infeasible, unduly delayed or achievable with less county
218 moneys. Council approval must be authorized by adoption of legislation.

219 ER3 EXPENDITURE RESTRICTION:

220 Of this appropriation, \$500,000 of general obligation bond proceeds shall be
221 expended or encumbered solely for transit-oriented development affordable housing
222 projects located in north King County, which may include areas at or near the Shoreline
223 Park and Ride and the Kenmore Park and Ride sites.

224 However, a project shall not be approved under this program unless it is subject to
225 a two percent fee on the total loan amount due at closing plus a one percent simple

226 interest payment due annually over the life of the loan.

227 Also, moneys allocated to one or more projects identified in this expenditure
228 restriction may be allocated to other projects with council approval if any originally
229 identified project is found to be infeasible, unduly delayed or achievable with less county
230 moneys. Council approval must be authorized by adoption of legislation.

231 ER4 EXPENDITURE RESTRICTION:

232 Of this appropriation, \$168,000 shall be expended or encumbered solely to
233 support Wellspring Family Services to provide rapid rehousing rental assistance services
234 to reflect the higher demand for rental assistance during the coronavirus disease 2019
235 public health emergency. If available, the appropriation encumbered in this expenditure
236 restriction shall use federal grants related to the coronavirus disease 2019.

237 ER5 EXPENDITURE RESTRICTION:

238 Of this appropriation, \$150,000 shall be expended or encumbered solely to
239 support Solid Ground to provide rapid rehousing rental assistance services to reflect the
240 higher demand for rental assistance during the coronavirus disease 2019 public health
241 emergency. If available, the appropriation encumbered in this expenditure restriction
242 shall use federal grants related to the coronavirus disease 2019.

243 ER6 EXPENDITURE RESTRICTION:

244 Of this appropriation, \$5,000,000 shall be expended or encumbered solely for
245 affordable housing projects to be located in the unincorporated area of Skyway-West
246 Hill, as that area is defined by the county's Skyway-West Hill Land Use Strategy, Phase 1
247 of the Skyway-West Hill Subarea Plan, dated July 2020, as referenced in K.C.C.
248 20.12.337, and to be developed in accordance with the policies in the land use strategy.

249 In developing the affordable housing projects required by this expenditure restriction, the
250 executive shall collaborate and coordinate with council district two and also take into
251 consideration the recommendations and strategies that are to be developed as part of
252 Workplan Action 19 in the King County Comprehensive Plan to be transmitted by
253 September 30, 2021.

254 ER7 EXPENDITURE RESTRICTION:

255 Of this appropriation, \$45,197,000 shall be expended or encumbered solely for an
256 eviction prevention and rent assistance program that shall include subprograms to:

257 A. Support tenants of landlords owning five or more units of housing, prioritizing
258 support for communities throughout the county with residents suffering disproportionate
259 health and economic impacts from the COVID-19 pandemic, such as those performing
260 essential work during the COVID-19 pandemic and those who historically have been
261 disproportionately impacted by inequities and discrimination related to housing;

262 B. Support individual tenants and tenants of landlords owning fewer than five
263 units of housing, prioritizing support for communities throughout the county with
264 residents suffering disproportionate health and economic impacts from the COVID-19
265 pandemic, such as those performing essential work during the COVID-19 pandemic and
266 those who historically have been disproportionately impacted by inequities and
267 discrimination related to housing; and

268 C. Utilize a "hub-and-spoke" model to provide support, such as grants or other
269 types of assistance, to primary "hub" community-based organizations who may contract
270 with smaller "spoke" community-based organizations to provide eviction prevention and
271 rent assistance moneys to individuals in their communities, where the community-based

272 organizations in the "hub-and-spoke" model represent communities throughout the
273 county with residents suffering disproportionate health and economic impacts from the
274 COVID-19 pandemic, such as those performing essential work during the COVID-19
275 pandemic and those who historically have been disproportionately impacted by inequities
276 and discrimination related to housing. The "hub-and-spoke" model shall be developed in
277 collaboration with the leaders of these communities. At least one-third of the
278 appropriation encumbered in this Expenditure Restriction ER7 shall be expended or
279 encumbered for this subprogram.

280 P1 PROVIDED THAT:

281 Of this appropriation, \$100,000 shall not be expended until the department
282 establishes an eviction prevention and rent assistance advisory committee to provide
283 recommendations to the department on the use of any future moneys that will support the
284 eviction prevention and rent assistance program to ensure an equitable allocation of the
285 moneys to those communities throughout the county with residents suffering
286 disproportionate health and economic impacts from the COVID-19 pandemic, such as
287 those performing essential work during the COVID-19 pandemic and those who
288 historically have been disproportionately impacted by inequities and discrimination
289 related to housing.

290 The advisory committee shall be composed of representatives from communities
291 throughout the county with residents suffering disproportionate health and economic
292 impacts from the COVID-19 pandemic, such as those performing essential work during
293 the COVID-19 pandemic and those who historically have been disproportionately
294 impacted by inequities and discrimination related to housing, such as the African

295 American, Native American and Alaska Native, Asian/Pacific Islander, Latinx,
296 immigrant and refugee, disability and LGBTQI+ communities.

297 SECTION 11. Ordinance 19210, Section 115, as amended, is hereby amended as
298 follows:

299 FINANCE AND BUSINESS OPERATIONS - From the financial management
300 services fund there is hereby appropriated to:

301 Finance and business operations \$2,707,000

302 SECTION 12. Ordinance 19210, Section 121, as amended, is hereby amended as
303 follows:

304 KING COUNTY INFORMATION TECHNOLOGY SERVICES - From the
305 department of information technology operating fund there is hereby appropriated to:

306 King County information technology services \$250,000

307 SECTION 13. Ordinance 19210, Section 129, as amended, is hereby amended as
308 follows:

309 From the several capital improvement project funds there are hereby appropriated
310 and authorized to be disbursed the following amounts for the specific projects identified
311 in Attachment A to this ordinance (Proposed Ordinance 2021-0109).

| 312 | Fund | Fund Name | 2021-2022 |
|-----|-------------|------------------|------------------|
| 313 | 3310 | LONG TERM LEASES | \$1,130,000 |
| 314 | | TOTAL | \$1,130,000 |

315 SECTION 14. Attachment A to this ordinance hereby amends Attachment A to
316 Ordinance 19210, as amended, by adding thereto and inserting therein the projects listed
317 in Attachment A to this ordinance.

318 SECTION 15. The council finds as a fact and declares that an emergency exists,
319 and that this ordinance is necessary for the immediate preservation of public peace, health
320 or safety or for the support of county government and its existing public institutions."

321

322 **EFFECT prepared by A. Kim: *The striking amendment would do the following:***

323 ***1. Add an expenditure restriction to the \$45.2 million appropriation that would***
324 ***support an Eviction Prevention and Rent Assistance Program that would***
325 ***include 3 sub-programs: (1) support tenants of landlords owning 5 or more***
326 ***units; (2) support individual tenants and tenants of landlords owning fewer***
327 ***than 5 units; and (3) and support to community-based organizations using a***
328 ***hub and spoke allocation model. The expenditure restriction also requires that:***

329 ○ ***The program prioritize communities throughout the county with***
330 ***residents suffering disproportionate health and economic impacts from***
331 ***the COVID-19 pandemic, such as those performing essential work***
332 ***during the COVID–19 pandemic and those who historically have been***
333 ***disproportionately impacted by inequities and discrimination related to***
334 ***housing;***

335 ○ ***The “hub and spoke” model be developed in collaboration with leaders***
336 ***of these communities; and***

337 ○ ***At least one-third of the appropriation be allocated for the “hub and***
338 ***spoke” subprogram.***

339 ***(Note: The Eviction Prevention and Rent Assistance Program in 2020 defined***
340 ***“large landlords” as those with 10 or more units. For 2021, DCHS recommends***

341 *adjusting the definition of “large landlords” as those with 5 or more units to*
342 *maximize speed of aid and program efficiency within the program for large*
343 *landlords while still allowing the small landlord and hub-spoke subprograms to*
344 *focus on communities that might otherwise not receive effective help in the*
345 *large landlord subprogram.)*

346 *2. Add a proviso to require that the department of community and human services*
347 *establish an eviction prevention and rent assistance advisory committee that will*
348 *provide recommendations to the department on the use of any future moneys*
349 *that will support the eviction prevention and rent assistance program; and*

350 *3. Make technical updates to the Findings section to ensure the most up-to-date*
351 *information is incorporated since the transmittal of the proposed ordinance.*