



Legislation Text

File #: 2020-0338, **Version:** 2

Clerk 01/20/2021

AN ORDINANCE relating to the health through housing implementation plan;
and adding a new chapter to K.C.C. Title 24.

STATEMENT OF FACTS:

1. In December 2018, The King County regional affordable housing task force found that the region needs an additional 44,000 homes affordable for very low- and extremely low-income households over the next five years.
2. Additional funding is required to address the urgent need for affordable housing in King County.
3. In November 2015, King County declared a state of emergency to address the homelessness crisis.
4. Approximately 4,500 households receiving homeless services in King County are experiencing chronic homelessness.
5. Studies show that people experiencing chronic homelessness experience more negative physical health, lower behavioral health outcomes, and victimization.
6. Studies show the costs of permanent supportive housing for these households is far less than the crisis system costs from these households experiencing homelessness.
7. One-room settings, in particular permanent affordable housing with supportive services, are proven to improve health outcomes and housing stability and reduce crisis system use.
8. As of September 14, 2020, nearly 200,000 Americans had died from COVID-19.

9. Persons living in congregate shelters are particularly vulnerable to rapid spread of airborne disease like COVID-19 because persons living in congregate shelters are disproportionately persons of color, older than average, and experience higher rates of underlying health conditions, and are by definition without a safe place in which to observe social distancing and best practices of hygiene.

10. The Regional Action Framework identified a need for 6,500 additional units of supportive housing for people experiencing chronic homelessness.

11. In 2019, only 38 percent of adult Medicaid enrollees with an identified need for substance use disorder treatment in King County and statewide received treatment, and only half of those needing mental health treatment received treatment.

12. To combat the intersecting crises of COVID-19, chronic homelessness, housing affordability, and behavioral health disorder, there is need for a robust approach that provides more stable affordable housing for those experiencing chronic homelessness, and at risk of chronic homelessness, and increases access to behavioral health treatment and housing-stability services for those households.

13. In the 2020 Regular Session, the Washington state Legislature approved, and the Governor signed, Substitute House Bill 1590, which became Chapter 222, Laws of Washington 2020 ("the Act").

14. The Act authorizes the governing body of a county to impose a local sales and use tax for affordable housing, housing-related services, the operations and maintenance costs of affordable housing and facilities where housing-related programs are provided, behavioral health-related facilities, newly constructed evaluation and treatment centers, and the operation, delivery or evaluation of behavioral health treatment programs and services.

15. The metropolitan King County council has determined that imposing the sales and use tax to

improve the region's health outcomes and address the housing affordability crisis will benefit the county's residents.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Sections 2 through 4 of this ordinance should constitute a new chapter in K.C.C. Title 24.

NEW SECTION. SECTION 2. The definitions in this section apply throughout this chapter unless the context clearly require otherwise.

A. "Affordable housing" means residential housing that requires payment of monthly housing costs of no more than thirty percent of an eligible household's income. For the purposes of this chapter, monthly housing costs may include rent and costs for those utilities that provide for water, wastewater, electricity, gas, solid waste and recycling services, but not those utilities that provide for telephone, internet services or cable services.

B. "Affordable housing committee" means the committee of the growth management planning council developed to implement the work of the regional affordable housing task force developed to implement Motion 14754.

C. "At risk of experiencing chronic homelessness" describes a household that:

1. Includes an adult with a developmental, physical or behavioral health disability;
- 2.a. Is currently experiencing homelessness for only ten to twelve months in the previous three years;

or

- b. has experienced homelessness for a cumulative total of twelve months within the last five years;

and

- 3.a. Includes one adult that has been incarcerated within the previous five years in a jail or prison;
- b. includes one adult that has been detained or involuntarily committed under chapter 71.05 RCW as

now existing, as hereafter amended or as superseded; or

c. identifies as a member of a population that is demographically overrepresented among persons experiencing homelessness in King County.

D. "Behavioral health treatment programs and services" means a program or service designed to improve or treat the health of persons with one or more behavioral health condition, including either a mental health condition or a substance use disorder, or both.

E. "Eligible household" means a person, cohabitating persons and the cohabitating dependents of persons within population groups described in RCW 82.14.530 as now existing, as hereafter amended or as superseded, and including any amendments thereto expanding such allowable purposes, as eligible for provision of affordable housing and use of facilities providing housing-related programs and whose income at the time they receive services or placement within affordable housing is at or below thirty percent of the median income in King County.

F. "Experiencing chronic homelessness" refers to a household that includes an adult with a disability, that either is currently experiencing homelessness for at least twelve consecutive months or has experienced homelessness for a cumulative twelve months within the previous three years.

G. "Housing-related services" means services that are provided to eligible households that are either living in affordable housing or experiencing housing instability, which services have the purpose of helping the household gain, maintain or increase housing stability. "Housing-related services" may include but are not limited to: case management; tenant education and supports; financial assistance for essential costs of housing; or assessment and referral to other human services. For the purposes of this definition, housing instability means a household's inability to gain and maintain safe, habitable housing in a community of the household's choice for less than approximately forty percent of the household's income.

H. "Proceeds" means the principal amount of moneys received from the Washington state Department

of Revenue from the collection of the additional sales and use tax authorized by K.C.C. chapter 4A.503 and RCW 82.14.530 as now existing, as hereafter amended or as superseded, and any interest earnings on the moneys.

NEW SECTION. SECTION 3. A. No later than August 30, 2021, the executive shall transmit for council review a proposed initial health through housing implementation plan. The implementation plan shall describe the goals, strategies, performance measures, reporting requirements and annual expenditure plan to direct use of the proceeds from 2022 through 2028. The executive shall consult with the affordable housing committee and the chief executive officer of the King County Regional Homelessness Authority in the development of the implementation plan.

B. The executive shall electronically file the implementation plan required in subsection A. of this section with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director and the lead staff for the committee of the whole and the regional policy committee, or their successors. The implementation plan shall be accompanied by a proposed ordinance that should adopt the implementation plan and form the health through housing advisory committee.

NEW SECTION. SECTION 4. A.1. Beginning January 1, 2022, if an implementation plan has been adopted by the council in accordance with section 3 of this ordinance, then expenditure of proceeds from the health through housing fund shall be consistent with that adopted implementation plan. The implementation plan shall describe the goals, strategies, performance measures, reporting requirements and annual expenditure plan to direct use of the proceeds. Among the goals and corresponding performance measures of the implementation plan shall be the annual reduction of racial and ethnic demographic disproportionality among persons experiencing chronic homelessness in King County. The implementation plan shall also describe responsibilities of a health through housing advisory committee, which is to provide advice to the executive and

council and to report annually to the council and the community on the accomplishments and effectiveness of the expenditure of proceeds and name the persons to the committee. Annual reporting provided to the council and the community shall include information on the allocation of the proceeds by jurisdiction.

2. The executive's selection of persons to serve on the health through housing advisory committee shall provide for the meaningful inclusion on the committee of persons who have experienced homelessness, meaningful inclusion on the committee of persons representative of racial and ethnic communities that are demographically disproportionately represented among persons experiencing chronic homelessness in King County and meaningful inclusion of residents of cities with populations greater than sixty thousand persons and of unincorporated areas. The committee shall include representatives from other county, city, and subregional boards, commissions or committees to promote regional coordination and coordination across King County human services investments.

3. The paramount goal of the implementation plan shall be the creation and ongoing operation of one thousand six hundred units of affordable housing with housing-related services for eligible households in King County that are experiencing chronic homelessness or that are at risk of experiencing chronic homelessness. Affordable housing units for persons experiencing chronic homelessness created in 2021 using proceeds authorized by K.C.C. chapter 4A.503, may be included in the implementation plan's goals, strategies, satisfaction of performance measures and reporting. Affordable housing units, in some cases, may only require support from the proceeds for operating costs and housing related services. Such affordable housing units may also be included in the implementation plan's goals, strategies, satisfaction of performance measures and reporting.

4. The implementation plan shall describe the processes by which the executive shall work with jurisdictions that have dedicated funding and are investing in the development of housing serving households experiencing chronic homelessness or at risk of experiencing chronic homelessness, to align allocation of

proceeds with such efforts.

5. The implementation plan shall also include as a goal the creation and operations of a mobile behavioral health intervention program with access for its clients to housing created, operated, or otherwise funded by proceeds. The purpose of the mobile behavioral health intervention program required by this subsection shall be to provide an alternative to the use of law enforcement to respond to behavioral health crises. The goal required by this subsection A.5. may be satisfied by creating a new program or by supplementing and adapting an existing program.

6. The implementation plan shall describe the process to site affordable housing and behavioral health facilities funded by proceeds. The siting process shall be in accordance with RCW 82.14.530 as now existing, as hereafter amended or as superseded, including the consultation process if a facility is proposed to be located within a city. The implementation plan shall require and describe the consultation process between the county and any city in which the county proposes a facility to be located to jointly identify and mutually agree upon suitable locations for eligible facilities to be purchased or constructed, and the services that will be provided to operate and maintain those facilities, prior to the county entering into any contract or agreement to purchase or construct such facilities. The implementation plan shall describe and require use of an equity and social justice impact review process when siting affordable housing and behavioral health facilities.

7. The implementation plan shall include a communication and partnership plan, including communication protocols that will be used by the county for partnering and working collaboratively with individual cities, as well as through established partnerships such as A Regional Coalition for Housing (ARCH) and South King Housing and Homelessness Partners (SKHHP), and with future partnerships such as two or more cities partnering together to provide eligible facilities and services. The communication and partnership plan shall also describe the approach for how community input will be incorporated into the review process when siting affordable housing and behavioral health facilities.

8. The implementation plan shall describe how allocation of the proceeds will satisfy the requirements of RCW 82.14.530 as now existing, as hereafter amended or as superseded.

9. Included in the implementation plan shall be an expenditure plan for the first eight years the sales and use tax authorized by K.C.C. chapter 4A.503, and RCW 82.14.530 as now existing, as hereafter amended or as superseded, are collected. For each year, the expenditure plan shall include:

a. the forecast of annual debt service associated with bonds issued as authorized by K.C.C. chapter 4A.503 and allocation of proceeds to fully cover the annual debt service;

b. the forecast of annual expenditures for maintenance and operation at structures or facilities built or acquired with proceeds as authorized by K.C.C. chapter 4A.503;

c. the forecast of annual expenditure for supporting those services as authorized by R.C.W. 82.14.530 (2)(c) as now existing, as hereafter amended or as superseded,

d. an allocation of at least nine percent and no more than thirteen percent of each year's proceeds for the provision, delivery and administration of behavioral health treatment programs and services that are not part of the supportive services provided within affordable housing or behavioral health facilities supported by proceeds; and

e. from the annual remaining proceeds after costs associated with bonding described in subsection B.9.a. of this section and allocations for behavioral health described in subsection B.9.d. of this section, an allocation of no more than five percent for administration, no more than one and one-half percent for evaluation and at least one percent for use in supporting and building the capacity of community-based organizations to deliver eligible uses of proceeds for persons and communities that are disproportionately demographically represented among persons experiencing chronic homelessness in King County.

C. No later than June 30, 2027, and every eight years thereafter, the executive shall transmit for council review and adoption by ordinance a proposed update to the implementation plan, which proposed update shall

describe for an additional eight years beyond the term of the then-adopted implementation plan the goals, strategies,

performance measures, reporting requirements and expenditure plan to direct use of the proceeds for the respective eight-year period.