



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Ordinance 19236

**Proposed No.** 2020-0338.2

**Sponsors** McDermott, Upthegrove, Kohl-  
Welles and Balducci

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

4 **STATEMENT OF FACTS:**

5 1. In December 2018, The King County regional affordable housing task  
6 force found that the region needs an additional 44,000 homes affordable  
7 for very low- and extremely low-income households over the next five  
8 years.

9 2. Additional funding is required to address the urgent need for affordable  
10 housing in King County.

11 3. In November 2015, King County declared a state of emergency to  
12 address the homelessness crisis.

13 4. Approximately 4,500 households receiving homeless services in King  
14 County are experiencing chronic homelessness.

15 5. Studies show that people experiencing chronic homelessness  
16 experience more negative physical health, lower behavioral health  
17 outcomes, and victimization.

18 6. Studies show the costs of permanent supportive housing for these  
19 households is far less than the crisis system costs from these households

Ordinance 19236

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20 experiencing homelessness.

21 7. One-room settings, in particular permanent affordable housing with  
22 supportive services, are proven to improve health outcomes and housing  
23 stability and reduce crisis system use.

24 8. As of September 14, 2020, nearly 200,000 Americans had died from  
25 COVID-19.

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

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

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

39 12. To combat the intersecting crises of COVID-19, chronic  
40 homelessness, housing affordability, and behavioral health disorder, there  
41 is need for a robust approach that provides more stable affordable housing  
42 for those experiencing chronic homelessness, and at risk of chronic

Ordinance 19236

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43 homeless, and increases access to behavioral health treatment and  
44 housing-stability services for those households.

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

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

55 15. The metropolitan King County council has determined that imposing  
56 the sales and use tax to improve the region's health outcomes and address  
57 the housing affordability crisis will benefit the county's residents.

58 **BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:**

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

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

63 A. "Affordable housing" means residential housing that requires payment of  
64 monthly housing costs of no more than thirty percent of an eligible household's income.

65 For the purposes of this chapter, monthly housing costs may include rent and costs for

Ordinance 19236

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66 those utilities that provide for water, wastewater, electricity, gas, solid waste and  
67 recycling services, but not those utilities that provide for telephone, internet services or  
68 cable services.

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

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

73 1. Includes an adult with a developmental, physical or behavioral health  
74 disability;

75 2.a. Is currently experiencing homelessness for only ten to twelve months in the  
76 previous three years; or

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

79 3.a. Includes one adult that has been incarcerated within the previous five years  
80 in a jail or prison;

81 b. includes one adult that has been detained or involuntarily committed under  
82 chapter 71.05 RCW as now existing, as hereafter amended or as superseded; or

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

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

Ordinance 19236

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89 E. "Eligible household" means a person, cohabitating persons and the  
90 cohabitating dependents of persons within population groups described in RCW  
91 82.14.530 as now existing, as hereafter amended or as superseded, and including any  
92 amendments thereto expanding such allowable purposes, as eligible for provision of  
93 affordable housing and use of facilities providing housing-related programs and whose  
94 income at the time they receive services or placement within affordable housing is at or  
95 below thirty percent of the median income in King County.

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

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

109 H. "Proceeds" means the principal amount of moneys received from the  
110 Washington state Department of Revenue from the collection of the additional sales and  
111 use tax authorized by K.C.C. chapter 4A.503 and RCW 82.14.530 as now existing, as

Ordinance 19236

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112 hereafter amended or as superseded, and any interest earnings on the moneys.

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

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

127           NEW SECTION. SECTION 4. A.1. Beginning January 1, 2022, if an  
128 implementation plan has been adopted by the council in accordance with section 3 of this  
129 ordinance, then expenditure of proceeds from the health through housing fund shall be  
130 consistent with that adopted implementation plan. The implementation plan shall  
131 describe the goals, strategies, performance measures, reporting requirements and annual  
132 expenditure plan to direct use of the proceeds. Among the goals and corresponding  
133 performance measures of the implementation plan shall be the annual reduction of racial  
134 and ethnic demographic disproportionality among persons experiencing chronic

Ordinance 19236

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135 homelessness in King County. The implementation plan shall also describe  
136 responsibilities of a health through housing advisory committee, which is to provide  
137 advice to the executive and council and to report annually to the council and the  
138 community on the accomplishments and effectiveness of the expenditure of proceeds and  
139 name the persons to the committee. Annual reporting provided to the council and the  
140 community shall include information on the allocation of the proceeds by jurisdiction.

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

151           3. The paramount goal of the implementation plan shall be the creation and  
152 ongoing operation of one thousand six hundred units of affordable housing with housing-  
153 related services for eligible households in King County that are experiencing chronic  
154 homelessness or that are at risk of experiencing chronic homelessness. Affordable  
155 housing units for persons experiencing chronic homelessness created in 2021 using  
156 proceeds authorized by K.C.C. chapter 4A.503, may be included in the implementation  
157 plan's goals, strategies, satisfaction of performance measures and reporting. Affordable

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Ordinance 19236

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158 housing units, in some cases, may only require support from the proceeds for operating  
159 costs and housing related services. Such affordable housing units may also be included  
160 in the implementation plan's goals, strategies, satisfaction of performance measures and  
161 reporting.

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

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

173 6. The implementation plan shall describe the process to site affordable housing  
174 and behavioral health facilities funded by proceeds. The siting process shall be in  
175 accordance with RCW 82.14.530 as now existing, as hereafter amended or as superseded,  
176 including the consultation process if a facility is proposed to be located within a city.  
177 The implementation plan shall require and describe the consultation process between the  
178 county and any city in which the county proposes a facility to be located to jointly  
179 identify and mutually agree upon suitable locations for eligible facilities to be purchased  
180 or constructed, and the services that will be provided to operate and maintain those



Ordinance 19236

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181 facilities, prior to the county entering into any contract or agreement to purchase or  
182 construct such facilities. The implementation plan shall describe and require use of an  
183 equity and social justice impact review process when siting affordable housing and  
184 behavioral health facilities.

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

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

197           9. Included in the implementation plan shall be an expenditure plan for the first  
198 eight years the sales and use tax authorized by K.C.C. chapter 4A.503, and RCW  
199 82.14.530 as now existing, as hereafter amended or as superseded, are collected. For  
200 each year, the expenditure plan shall include:

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

Ordinance 19236

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204           b. the forecast of annual expenditures for maintenance and operation at  
205 structures or facilities built or acquired with proceeds as authorized by K.C.C. chapter  
206 4A.503;

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

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

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

221           C. No later than June 30, 2027, and every eight years thereafter, the executive  
222 shall transmit for council review and adoption by ordinance a proposed update to the  
223 implementation plan, which proposed update shall describe for an additional eight years  
224 beyond the term of the then-adopted implementation plan the goals, strategies,

Ordinance 19236

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225 performance measures, reporting requirements and expenditure plan to direct use of the  
226 proceeds for the respective eight-year period.  
227

Ordinance 19236 was introduced on 9/29/2020 and passed by the Metropolitan King County Council on 2/16/2021, by the following vote:

Yes: 9 - Ms. Balducci, Mr. Dembowski, Mr. Dunn, Ms. Kohl-Welles, Ms. Lambert, Mr. McDermott, Mr. Upthegrove, Mr. von Reichbauer and Mr. Zahilay

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

DocuSigned by:  
*Claudia Balducci*  
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Claudia Balducci, Chair

ATTEST:

DocuSigned by:  
*Melani Pedroza*  
8DE1BB375AD3422...

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Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_\_ day of 2/19/2021, \_\_\_\_\_.

DocuSigned by:  
*Dow Constantine*  
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Dow Constantine, County Executive

**Attachments:** None

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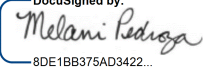
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Certified Delivered	Security Checked	2/19/2021 1:50:59 PM
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**Required hardware and software**

Operating Systems:	Windows® 2000, Windows® XP, Windows Vista®; Mac OS® X
Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only)
PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
Screen Resolution:	800 x 600 minimum

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