

HOUSE BILL REPORT

SSB 5679

As Reported by House Committee On:
Local Government

Title: An act relating to local government responsibility and accountability in mitigating impacts of public facilities on certain surrounding neighborhoods with high poverty and concentrations of persons of color.

Brief Description: Concerning the mitigation of public facilities in certain cities.

Sponsors: Senate Committee on Local Government (originally sponsored by Senators Hasegawa, Conway and Darneille).

Brief History:

Committee Activity:

Local Government: 2/25/20, 2/28/20 [DP].

Brief Summary of Substitute Bill

- Requires cities with populations over 550,000 permitting, constructing, or operating a public facility in a neighborhood with a high poverty level and high rate of ethnic diversity to assume responsibility for the negative impacts of that facility and develop a mitigation plan.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 6 members: Representatives Pollet, Chair; Duerr, Vice Chair; Kraft, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Appleton and Senn.

Minority Report: Do not pass. Signed by 1 member: Representative Goehner.

Staff: Kellen Wright (786-7134).

Background:

Public Facilities. Under the Growth Management Act, public facilities include streets, roads, highways, sidewalks, traffic signals, street lighting, domestic water systems, storm and sewer

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systems, parks and recreational facilities, and schools. Some cities, such as Seattle, consider police and fire stations, jails, animal control shelters, post office distribution centers, and work-release centers to be public facilities.

Community Reporting Areas. The Seattle Office of Planning and Community Development measures and reports neighborhood demographics in a variety of ways, including by community reporting area (CRA). Community reporting areas were established as a standard, citywide geography for the purpose of reporting United States census information. There are 53 CRAs within Seattle.

American Community Survey. The American Community Survey (ACS) is a nationwide survey from the United States Census Bureau replacing the decennial census long form survey. The ACS is conducted on a continual, monthly basis, which enables estimates from the ACS to be published annually. American Community Survey data is combined and presented in three series including one-, three-, and five-year estimates. The ACS collects information on a wide range of topics, including demographic, social, economic, and housing information.

A city with a population of more than 550,000 that permits a public facility to be constructed or operated by another local government agency in which the project was completed by December 31, 2014, in a district with 12 percent or more of the population below the poverty level and where at least 40 percent of the population identifies as persons of color on the most recent five-year ACS estimate must formally request that the entity constructing or operating the facility assess and mitigate negative impacts that the facility has on parking in the surrounding area. The entity must consider the potential disparate racial, social, and economic impacts of the facility and develop a mitigation plan that keeps residents whole for any costs. Neighborhood boundaries are defined by the boundaries of community reporting areas. The entity operating or constructing the facility may negotiate with other political subdivisions with a direct interest in having created the negative impacts, but residents must be held harmless.

Summary of Bill:

A city with a population of more than 550,000 that permits a public facility to be constructed or operated by another local government agency in which the project was completed by December 31, 2014, in a district with 12 percent or more of the population below the poverty level and where at least 40 percent of the population identifies as persons of color on the most recent five-year ACS estimate must assume responsibility for the negative impacts that facility has had or might have on the surrounding neighborhood. Neighborhood boundaries are defined by the boundaries of community reporting areas. The city must consider disparate racial, social, and economic impacts on nearby residents, and develop a mitigation plan.

The mitigation plan is subject to the following requirements:

- the city must fully reimburse residents for the costs of any permits, charges, or any other costs of the mitigation strategy, including costs of any residential parking zone necessitated by the facility causing the impact;
- the city may not add, increase, or establish any other fees or costs to be incurred by the residents to mitigate the negative impacts that the facility has had or might have on the surrounding neighborhood; and
- any established residential parking zone necessitated by the facility causing the impact must be maintained in its current form, including the issuance of new permits as provided under the existing program.

The city may seek reimbursement from the entity that is constructing or operating the facility for costs reimbursed to residents. The city is required to implement the requirements of the act within 90 days of the effective date of the act.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Restricted parking zones in residential neighborhoods have been established around the light rail in Seattle to prevent commuters from taking spaces from residents. The permits required to park in South Seattle neighborhoods, however, can cost \$65 per vehicle, which forces residents to pay to park in their own neighborhood. In other parking areas, permits are free or low cost, but in the South End the permits cost the most. This creates inequity. A bill to address this issue was passed last year, but nothing has been done. This bill establishes a proscribed solution with a timeline to mitigate the cost to the neighborhood around the light rail station, and should solve this long-standing issue.

(Opposed) The bill deals with a long-standing and frustrating issue, but it was one that was addressed in a bill last year. Seattle has taken the state's direction seriously, and has informed Sound Transit of its obligations. Sound Transit is currently undertaking a study in response. The prior bill is being acted on. This bill would set a bad precedent by making a local government responsible to mitigate impacts in the community caused by an entity, rather than the entity itself. Local governments would need time to assess any negative impacts, and the timelines in this bill would not allow that to happen.

Persons Testifying: (In support) Senator Hasegawa, prime sponsor.

(Opposed) Quinn Majeski, City of Seattle.

Persons Signed In To Testify But Not Testifying: None.