

Solutions to Seattle's Housing Emergency

An 'immediate action' agenda for presentation to the Mayor, City Council, and the Housing Affordability and Livability Advisory Committee (HALA)



Community Housing Caucus Recommendations

3/16/2015

Statement of Purpose

Seattle is facing unprecedented market pressures, pushing rents beyond affordability for many working families, the disabled and seniors. We are increasingly losing portions of the city's primary source of affordable housing—privately owned older buildings with modest rents—as they are sold to new owners that either demolish them for expensive housing or increase rents beyond the capacity of current tenants. Escalating cost of land and construction are making it almost impossible for nonprofit housing developers to acquire property for affordable housing and build new housing within the limited amounts of available public financing and subsidies.

By any standard the continuing accelerated loss of low cost housing is an emergency. We have found that the weight of this emergency falls disproportionately on people of color. The impact of the housing crisis is in direct conflict with the City's "Race and Social Justice Initiative," which is to eliminate race based disparities in our community. Homelessness in Seattle continues to climb, with 2,813 men, women and children sleeping unsheltered on the streets. Today Seattle/King County has the fourth largest homeless population in the nation, following the metro areas of New York City, Los Angeles and Las Vegas.

We call on city leaders to move forward expeditiously under its defined emergency powers and take immediate action, both to stem these housing losses, and to identify new sources of revenue to dramatically expand our stock of nonprofit owned and managed housing.

A group of Seattle housing advocates has developed the following white paper offering their recommendations for consideration and immediate adoption by the Mayor, City Council, and the Housing Affordable and Livability Advisory Committee.

Community Housing Caucus Members

Special thanks to Speaker of the House Frank Chopp for his support and the impetus he provided in bringing our group and these recommendations together. Thank you to Councilmembers Nick Licata and Kshama Sawant for sponsoring the press event.

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For a list of organizations endorsing these recommendations see last page.

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Introduction

Our goal is to ensure Seattle is a place where people of all income levels can live and work. In order to achieve this, the City's emphasis must continue to be focused on serving those in greatest need: households with incomes are between 0-30% of area median income (\$26,900 annually) and secondarily for households between 30%-50% of AMI (\$44,800 annually). The emphasis must not shift to higher income groups as some within HALA and in city government suggest.

Displacement was the number one concern of 70% of the attendees at all the three HALA and city sponsored community meetings. The recommendations in this report are designed to combat displacement. This includes ideas for additional capital funding to dramatically increase the supply of low-income housing, measures to shorten the time that persons and families are homeless, increased tenant protections, policies to preserve or replace existing privately owned low-income housing, plans to house families in all parts of the city, and a comprehensive new strategy to inventory and utilize public land for low income housing production.

Our recommendations are purposely organized into categories identical to those chosen by the Mayor's Housing Advisory Task Force. Solutions are prioritized in descending order under each section

1. Financing

This is an emergency and it is prudent and reasonable to dedicate a share of the city's bonding capacity and other assets for low income housing. It is city policy to use those assets in times of emergency, and a portion of the City's financing capacity has been set aside explicitly for emergency purposes. City policy also establishes that advancing social policy may "take precedence" over other financial objectives with respect to its assets when expressly authorized by the Council, so long as the city's reserves remain above legal limits "provided by law or trust principles" (City Council Resolution 31525).

An examination of the city's balance sheet reveals a number of additional types of short, medium, and long term assets that can be made available or readily leveraged while maintaining other fiduciary obligations. Upon declaration of that emergency, the city's leaders must move immediately to tap these resources in order to finance a dramatic and significant increase in the construction, acquisition, and renovation of low income housing in our city. Upon a declaration of emergency, the city must move immediately to launch the following:

Housing Bond Program: The City of Seattle should issue at least \$500 million in long term bonds; staying within the current bond cap for low income housing and housing for homeless families and individuals, at 0-30% and 30%-50% of the area median income. The bonds can be issued in increments over multiple years and take advantage of low interest rates. The housing will be built on city-owned land and private property acquired by nonprofits.

The city is obligated to hold a minimum of \$100 million of its general obligation debt capacity in reserve "for emergencies." The city's "emergency reserve" now contains about \$228 million or \$128 million above the minimum. Declare an emergency and authorize immediate issuance of \$128 million for low income housing.

The city has \$1.437 billion in City Treasury Investments. Some portion of these investments can be sold and returned to the General Fund for the council to appropriate for low income housing in 2015. This can be done without impairing reasonable liquidity needs and without significantly diminishing interest income for the General Fund. These investments earned less than half of one percent of the total General Fund revenues in 2013-2014 and are projected at the same low level for 2015-2016.

Thoroughly examine the rest of the city's 'balance sheet' to determine what other types of short, medium, and long term city assets for low income housing production could be made available: It could be that more than \$500 million spread over 5 years when this is done, drawing from numerous other available revenue pools.

Growth Related Housing Fund: Reestablish Seattle's Growth Related Housing Fund. Dedicate a portion of the incremental increase in property tax revenue from new construction annually for the development of low income housing. This creates a nexus between development and the pressures on housing affordability. The original Growth Fund captured new tax revenue related to growth in downtown Seattle. Given the unprecedented level of development in many neighborhoods, expand the Growth Fund citywide.

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REET Homeless Fund: The Real Estate Excise Tax generates approximately \$50 million in revenue for Seattle and is expected to increase in the next four years. The city should dedicate 20% of REET revenue (\$10M/annum) to the production of housing for people who are homeless.

Dedicate an amount from the City's General Fund: Annually set aside funds from the general fund for low income housing. This would be in addition to the housing levy. Currently, the city does not allocate any of its general fund money for the production of low income housing.

Millionaires' Tax: During the last budget process, the City Council approved a statement of legislative intent to research and possibly develop a "millionaires' tax". Expedite this process and bring a proposal back to the council this summer and well before next year's budget process. Allocate a large portion of this new revenue to homeless and low income housing.

Launch a new private sector initiative to raise \$50 million to end homelessness: Under the Mayor's leadership, the city should bring together key corporate leaders, private sector employers, foundations and businesses with the goal of launching a new private sector initiative – to raise an additional \$50 million to jump start new programs aimed at putting an end to homelessness.

Housing Linkage Fees and Renewed Housing Levy: We are aware of important discussions and timelines already established to address these issues. By resolution, the council has committed to addressing linkage fees soon, and development of our next housing levy is now underway. Our caucus is dedicated to ensuring the housing levy prioritizes housing for our poorest households and that linkage fees are maximized to serve this purpose as well.

Other Ideas:

Limited equity cooperatives: Dedicate a significant amount of existing and new sources of revenue for the production of limited equity cooperatives – acquisition and/or renovation or new construction. The 2016 Housing Levy should include such a dedicated source for co-ops and community land trusts.

Acquisition of significant units: Use existing and new sources of revenue including from any future housing levy specifically for acquisition of older existing lower income apartment buildings that are at risk of being sold, repositioned, demolished or converted.

Bridge financing: Earmark an expanded amount (from existing and new sources of revenue including those identified above) and from any future housing levy specifically for the purpose of bridge financing. This will be a source of shorter term financing that is readily available to nonprofits.

Prioritize serving the city's poorest households: Target those most in need of low income housing. The city's housing policies first and foremost must remain focused on production of units serving those whose incomes are at or below 30% of area median income.

Options for production of affordable housing: Local non-profit housing agencies are currently locked into a system of developing housing of 50+ units that does not accommodate other

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creative approaches to building housing. Develop options that stretch capital funds to build more housing.

Establish a Loan and Bond Guarantee Pool: This will enable nonprofits to obtain the lowest cost financing possible. The guarantees would be available for new projects for an initial time period. As loans get seasoned and individual project reserves are built up, the guarantees would revolve and help guarantee new projects.

Seattle Housing Impact Note Program: Set up a housing impact investment program for Seattle residents to vote with their feet and invest their funds in low income housing notes and gain a return. Funds would be used to further the construction and preservation of low income housing. Model this after the Enterprise Community Partner's Community Impact Note, see enterprisecommunities.com.

2. Zoning and Housing Types

1-for-1 replacement: Expand the city's authority to require developers who demolish low income housing to replace 1 for 1 the housing they remove and at comparable price. Apply this in every case involving a discretionary land use decision, and where a developer (including SHA) seeks an up-zone, master plan permit, alley vacation, air rights, acquisition of public land, etc. Amend the city's SEPA housing policy to require this for all developments demolishing four or more units of low income housing priced at/or below 80% of median. Add this requirement into the proposed housing linkage fee.

Place a hold on up-zones where low income housing is threatened: The city should place a hold on considering further up-zones at this time in areas where existing low income housing is threatened. Such changes in land use that cause demolition, speculation, and rent increases should be placed on hold until specific 'no net loss' measures are first put in place that either prevent these losses or guarantee 1 for 1 replacement at comparable price of all units lost.

Zoning manufactured housing: Zone the five manufactured housing communities/mobile home parks in Seattle as “mobile home parks” to help preserve this affordable homeownership opportunity for 270 low income families and seniors. There is no cost to the city and similar zoning ordinances have already been enacted in the cities of Tumwater, Lynnwood, Marysville and Snohomish County and are currently on the Comprehensive Plan amendment processes in Spokane and Federal Way.

Geographic spread of housing for all income levels throughout City: Proactively plan to house families of all income levels in all parts of the city. The current market is producing few-to-zero units with three bedrooms or more. Options include:

- Change all low-rise L2-L3 zones to Family Housing zones with the same density and height requirements but with goal of encouraging family type units in these zones.
- As a buffer between Single-Family and midrise NC and Commercial zones, this zoning would allow stacked 3+ bedroom apartments or row houses. This was one of the recommendations given to the City Council last year by a consulting firm hired by the council. It would be a major step forward in making Seattle more family-friendly.

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- Within this Family Housing transitional zone, funding sources suggested above would allow more family housing to be built by non-profits to house large families, multi-generational households, immigrant families, and people with disabilities.

Expand Housing TDR Program: Allow sponsors of low-income housing in all zones to sell or Transfer Development Rights (TDR) to preserve existing low-income housing. Program currently is restrict to only a few limited zones. The ability to sell unused development rights should be expanded to preserve existing housing in the Cascade neighborhood, S. Lake Union and elsewhere. Also ensure that purchasers (receiving sites) of the added air rights (and density) are required to replace, 1 for 1 at comparable price, any existing low income housing that may be lost on those receiving sites when they are redeveloped.

3. Tenant Access/Protections

Rent stabilization: Pass a resolution affirming the City’s interest to enact a Rent Stabilization ordinance. Actively pursue a repeal of the state’s ban on regulating rent hikes. Explore and develop interim rent stabilization options available to the city. Until that is done, establish a policy requiring rent stabilization as a condition for granting discretionary land use decisions or other concessions from the City to private developers.

Tenant eligibility for receiving relocation assistance: Close loopholes in the Tenant Relocation Assistance Ordinance (TRAO) to allow administrative hearings for tenants, and penalize those who economic eviction tenants prior to providing qualified tenants with assistance. Seek authority from the state to increase the eligibility to 80% area median income for assistance, for head of household.

Support and seek State passage of a 90-day notice for all rent increases.

Restore Just Cause Eviction Ordinance: Require 90-days termination notice for no-fault terminations. The ordinance will cover term leases, contract expirations, and a tenant’s defense against an eviction from unregistered landlords. Currently, real estate transactions fall under a just cause for evictions, remove this language in order to curb displacement from speculation in the housing market.

Deposit & Fee Reform: Enact an ordinance requiring language in all rental agreements that:

- Give tenants the option of receiving interest on their deposit or directing it to a tenant protection fund for legal aid and tenants’ rights outreach
- Limit deposits to one month’s rent
- Cap total fees in a rental contract
- Require a landlord to provide the tenant with all related invoices for deposit amounts withheld along with the specific damage statement
- Entitle tenants to three times the deposit for illegal withholdings
- Limit costs on screening reports

Right to Organize (RTO) enforcement: The city protects the right to organize in apartment buildings, but does not enforce the ordinance. Stronger enforcement mechanisms should be adopted and enforced by the City Attorney's office and the Seattle Police Department as needed.

4. Preservation of Existing Subsidized Housing

Preserving subsidized units: Improve strategies to ensure current subsidized units, such as privately owned Section 8 and Section 202 senior housing, are preserved when contracts expire.

- Inventory the city's stock of these units
- Commit an amount of new and existing sources to assist nonprofits to acquire these buildings so they can remain as low income housing in perpetuity
- Emphasize acquisition for land trusts, limited equity cooperatives, or other tenant ownership

5. Preservation/Creation of Affordability in existing Market-Rate Housing

(Preserve affordability and quality of existing housing stock)

Pass a "Right of First Notice" ordinance: Require all owners of existing low and low-moderate income apartment buildings (affordable up to those earning up to 80% of area median income) to first offer them for sale to non-profits representing the affected low income tenants who occupy the building prior to putting the property up for sale to speculators and developers. Funds from sources identified in section 1, would be dedicated to assist the nonprofits making offers for these buildings. The first priority would be to acquire and place these buildings under some form of land trust, limited equity cooperatives, or other tenant ownership arrangements.

Housing Preservation: Create a special Housing Preservation Commission (HPC) to inventory and preserve Seattle's remaining stock of privately-owned, unsubsidized low and moderate income buildings at-risk of being lost. The HPC would recommend strategies for quick acquisition of these buildings. This dovetails with passage of a right of first notice law to facilitate acquisition of these at-risk buildings. Consider selective use of the city's condemnation authority to acquire at-risk buildings the HPC has prioritized as ripe for sale.

Amend the City's Multi-Family Tax Exemption (MFTE): The current program is not achieving the goal of incentivizing production of truly low income units nor is it accomplishing the goal of stimulating construction in areas that are otherwise not seeing growth. Nearly \$200 million in tax breaks have gone to market rate developers building in high growth areas. The small portion of "set asides" we've gotten in return are not priced at low income levels. Currently developers are allowed to set aside 20 percent of their units for to those earning between 65% and 80% of median income, higher than what most workers can afford.

We recommend either:

1. Restrict use of MFTE to only nonprofits doing innovative new projects not already eligible for state tax breaks under existing state programs. Allow use of MFTE only for nonprofits to assist in acquiring existing privately owned low income buildings, so long as rents on all units acquired are not raised above current low income rates;

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2. If for-profits are allowed to continue to use MFTE, limit its use to only those few areas of the city not experiencing high rates of growth--where the stimulus is needed. Require all for-profit's tapping MFTE to include at least 30% of their units offered at rents at/or below what's affordable to those earning 50% of median income. A one for one replacement requirement, as an additional obligation, for developers receiving MFTE who tear down existing low income units.

Future condominium conversions: Develop new laws to prevent or limit future condominium conversions. Research city authority to limit conversions under existing state law such as use of moratoria and amending state law as needed.

City authority over SHA: Consider and approve an ordinance to affirm and expand the city's authority over the Seattle Housing Authority. Require SHA to get explicit approval from the City Council prior to taking any action affecting their stock of public housing units, vouchers in their inventory or policies that would affect eligibility and access to those units by the city's poorest households. Currently SHA has 5,000 units and 9,000 vouchers under its discretion. The ordinance would authorize the Office of Housing to draft a Memorandum of Agreement to be signed by SHA and the city, and making release of future city funding for SHA projects, or future consideration of rezones for SHA contingent on SHA's cooperation in drafting such an agreement giving the city a say in SHA actions.

6. New Affordable Housing Resources

Public land availability: Initiate immediately a thorough and comprehensive strategy to acquire and develop unused, underdeveloped, and available public land for a dramatic expansion of the city's low income housing stock.

- Inventory the City's available public land
- Inventory land owned by other public entities including King County, Sound Transit, WSDOT, Port, and other state and county agencies
- Prioritize sites that are readily available

Inventory low-income housing: Thoroughly assess and monitor the city's existing stock of low income housing, where it is located, and how much we have. Identify how much we spend from all sources annually. Identify the number of units in each price range we create annually and identify how much we lose each year to demolition, speculative sale, rent increases, condominium conversion, and other market forces.

Develop strategy to identify and make use of suitable land and resources for low income housing: This includes land that is held by unions, churches, educational institutions and other entities. This would involve committing city staff to work in cooperation with these entities to encourage use of their resources (and land) for low income housing. Prioritize use of some city housing funds so that partnerships to provide housing can be encouraged.

Annual low-income housing targets: Set an ambitious new annual low income housing target that not only guarantees no net loss but allows us to increase our inventory of units serving our poorest households.

Land for encampments: Set aside public property or purchase land and provide operating support for Nickelsville and tent cities. Keep people who are homeless safe.

Vehicle residency: Provide public land for parking of RVs, trucks, vans, and autos that people are currently using for housing. Include provision of basic needs such as toilets.

7. Place Based Strategies (OH and DPD)

Special Review Districts: Consider the creation of area-or-neighborhood specific “Special Review Districts” to preserve existing low-income housing in that area, guaranteeing no net loss of units, as an overlay to the existing zoning code. In these areas, a board of citizens and advocates assisted by city staff would monitor the low income stock and make policy recommendations to maintaining the affordability. New developments would be evaluated based on standards set by the board. The board would be given the power to deny or condition permits, and can request the city to exercise its condemnation authority in order to meet no net loss goals.

Advisory groups: In lieu of the above suggestion, create a system of neighborhood/tenant based advisory groups to review the status of low-income housing (net losses/gains over time) and to make recommendations for new legislation specific to their community's needs. The goal is to recoup any net loss in the supply of low income housing in their area of the city.

Take action to address “Student Housing Needs:” The City should commit Office of Housing staff time to assess and develop a set of strategies aimed at addressing the unmet need for low-price student housing in the Seattle area. OH would bring together representatives from the Department of Education and Early Learning, each of the relevant higher education institutions, and their respective student governments to assess the current need. Together, they would identify and recommend specific strategies to better coordinate the shared responsibility between the city and educational institutions in providing housing options for students in the affected neighborhoods.

8. Sustainable Homeownership – OH

A principal reduction program: Implement a program to identify and underwrite homeowners on the brink of or already in foreclosure, to purchase the home from the willing lenders and sell them back to the original homeowner at an affordable market value.

9. Additional Strategy Focus

Work to End Homelessness: Implement the full recommendations of the Emergency Task Force on Unsheltered Homelessness, including operating costs for tent encampments and the use of city properties for shelters. Extend the life of the Task Force. Align post-HALA recommendations regionally, integrated with the Committee to End Homelessness Strategic Plan.

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We agree with the Mayor's resolution that HALA's charge and recommendations should include the housing needs of homeless and formerly homeless people. Sufficient housing, operating and supportive services funding by Seattle and King County must be put in place so that homeless and housing service needs are met on a regional county-wide basis. Seattle should help staff this regional effort.

Homeless Families: Three years ago, the Seattle City Council adopted a policy that no homeless families should be living unsheltered on the streets. To ensure that this goal is reached, Seattle must build out this policy regionally, fund its efforts as noted above, and sustain this priority with clear leadership. There is an inadequate crisis response system. Homeless families, many who are people of color or immigrant/refugees, are woefully and inadequately served. As stated in a recent consultant report by Focus Strategies, the region-wide Family Housing Connection needs "significant reworking" and improvement. Make the goal of ending homelessness for families by 2020 a reality.

Homeless Youth and Young Adults: Significantly enhance resources and target prevention, early intervention and street outreach. Expand shelters and supportive housing so vulnerable youth and young adults can successfully make the transition out of homelessness.

Expand Shelter Capacity: Provide \$1.5 million in funding for new shelter capacity through the Seattle Human Services Department in order to serve vulnerable families, youth, and singles living in places not fit for human habitation. Such funds or partial funding could also be for services and/or one-time capital for facility modifications. Such funding would be provided by the city to faith-based and nonprofit organizations to leverage their resources and volunteers to enable more crisis response shelters and winter warming centers to open up.

Purchase Hotels for Voucher Program: Provide acquisition funds for nonprofits to purchase several hotels/motels to be used for a voucher program for homeless families and pregnant women. These should be located both in Seattle and outside Seattle in King County. Savings will be achieved on the operating side instead of paying private hotel operators. The nonprofit hotels will be centrally located, well managed and safe, compared to the dilapidated and crime ridden motels that homeless families are now placed in.

Shared housing: Consider shared housing for people moving out of homelessness.

Size of units: Given that there is a large portion of Seattle residents living alone, mostly renting; promote more studio apartments and preserve more existing buildings with studios.

Small houses: Consider construction of small footprint homes, like those being developed nationally, with some built for mobility. Flexibility is needed by city DPD to allow for tiny houses. OH should fund a few pilot projects for homeless people, seniors and low wage workers.

Companion congregations: Advance a partnership with landlords and their associations. Link a sponsoring congregation, a household needing an apartment, and a cooperative landlord, for one year or less in a companioned partnership.

10. State Issues for Advocacy

Housing Finance Reform: Establish additional dedicated streams of revenue for the state and local housing trust funds that produce affordable housing and support innovation.

Utilize land at Fircrest: Develop housing for populations appropriate for being neighbors on the site, such as low-income seniors.

Basic standard for cities in developing homelessness remedies: Raise the bar higher legislatively on cities who impose barriers and restrictions on the location of privately funded homeless shelters, day centers, services and housing. Incentivize by reward, or impose restrictions. Recent examples are: KentHOPE currently blocked by the City of Kent. The City of Everett is precluding social service agencies from being at street level within its business core.

Regional housing plans: Require existing Metropolitan Planning Organizations (MPOs) to produce regional housing plans in conjunction with their already-mandated transportation plans. This would begin the process of linking regional housing and transportation and could encourage some metropolitan regions to begin addressing regulatory barriers and other rental housing supply constraints.

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Early endorsing organizations:

Association of Manufactured Home Owners (AMHO)

Belltown Apex Co-op

Church Council of Greater Seattle

Faith Action Network

Interfaith Task Force on Homelessness

Low Income Housing Institute (LIHI)

Real Change

Seattle Displacement Coalition

Solid Ground

WHEEL (Women's Housing, Equality and Enhancement League)

SHARE (Seattle Housing and Resource Effort)

Nickelsville