



City of Kenmore - 18120 68th Avenue NE - P.O. Box 82607 - Kenmore, WA 98028
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City of Kenmore
City Council Special and Regular Meeting Agenda
6:00 p.m., Monday, July 9, 2018
Kenmore City Hall, Council Chambers
18120 68th Ave. NE, Kenmore, WA 98028

If you have any questions or to confirm agenda items prior to the meeting, or if you require special accommodations, please call the City Clerk at 425-398-8900. You may also stop by City Hall at 18120 68th Avenue NE, Kenmore. Council agendas are also available on our website at www.kenmorewa.gov.

- I. 6:00 p.m. - CALL SPECIAL MEETING TO ORDER**
- II. CITIZEN COMMENTS RELATED TO RECOMMENDATIONS ON MOBILE HOME PARKS ONLY**
(There will be another opportunity for citizen comments later in the meeting)

III. JOINT SESSION WITH CITY COUNCIL AND PLANNING COMMISSION

- A. Policy Recommendations for Mobile Home Parks - Debbie Bent, Community Development Director and Lauri Anderson, Senior Planner
 - [Agenda Bill for Mobile Home Parks](#)
 - [Attachment 1 Part 1 FinalPCRecommendations](#)
 - [Attachment 1 Part 2 Revised Description of Options](#)
 - [Attachment 2 EvaluationCriteriaSummary](#)
 - [Attachment 3 Kenmore MHP Map](#)
 - [Attachment 4 Staff memo](#)
 - [Attachment 1 to Attachment 4 Notes from 012318](#)
 - [Attachment 2 Part 1 to Attachment 4 Notes from 013018](#)
 - [Attachment 2 Part 2 to Attachment 4 7301 NE 175th Street \(Lakewood Villa\)](#)
 - [Attachment 2 Part 3 to Attachment 4 7031 NE 175th Street \(Inglewood East\)](#)
 - [Attachment 2 Part 4 to Attachment 4 7614 NE Bothell Way \(Kenmore Village\)](#)
 - [Attachment 2 Part 5 to Attachment 4 6837 NE 182nd Street \(Lakewood\), and 7000 and 7021 NE 181ST Street \(Lake Terrace\)1](#)
 - [Attachment 2 Part 6 6837 NE 182nd Street \(Lakewood\), and 7000 and 7021 NE 181ST Street \(Lake Terrace\)2](#)
 - [Attachment 3 to Attachment 4 All MHP Correspondence](#)
 - [Attachment 4 to Attachment 4 - Summary of Public Hearing Comments](#)
 - [Attachment 5 Part 1 to Attachment 4 Preservation Analysis](#)
 - [Attachment 5 Part 2 to Attachment 4](#)
 - [Attachment 6 Part 1 to Attachment 4 Redevelopment Analysis](#)
 - [Attachment 6 Part 2 to Attachment 4](#)

[Attachment 7 Part 1 to Attachment 4](#)
[Attachment 7 Part 2 to Attachment 4.msg](#)
[Attachment 7 Part 3 to Attachment 4](#)
[Attachment 7 Part 4 to Attachment 4](#)

IV. 7:30 p.m. - RETURN TO REGULAR MEETING (Or soon thereafter)

V. ROLL CALL

VI. FLAG SALUTE

VII. AGENDA APPROVAL

VIII. CITIZEN COMMENTS

- A. This is an opportunity to express your views on issues that are important to you and to the community. Please limit your comments to three (3) minutes.

IX. CONSENT AGENDA

- A. Total Check #s 40070 through #40160 in the amount of \$411,220.57.
Total Payroll/Taxes/Flexible Spending & Health Savings Account Electronic
Deposits Dated 6/22/18 in the Amount of \$95,717.77.
Payroll Check #s 10093-10095 Totaling \$2,062.78.
[Check vouchers](#)

X. PUBLIC HEARING

- A. Ordinance #18-0465 Plastic Bag Policy - Jack Urquhart, Management Intern
(Action is scheduled for July 23, 2018)
[Agenda Item](#)
- B. Ordinance #18-0466 Temporary Shelters Land Use - Jack Urquhart,
Management Intern
(Action is scheduled for July 23, 2018)
[Agenda Item](#)

XI. STAFF REPORT

XII. COUNCILMEMBER REPORTS & COMMENTS & INITIATIVES

XIII. ADJOURNMENT

Upcoming Meetings:

- A. Monday, July 16, 2018 - Regular Council Meeting
- Monday, July 23, 2018 - Regular Council Meeting
- Monday, July 30, 2018 - Special Council Meeting



City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Joint meeting with the Planning Commission on Policy Recommendations for the Mobile Home Parks Proposed Council Action/Motion: Hold a joint meeting with the Planning Commission to hear their policy recommendations for the City's six mobile home parks.	For Council Meeting Agenda of: 7/9/18 Department: <u>Community Development</u> Prepared by: <u>Debbie Bent, Community Development Director and Lauri Anderson, Senior Planner</u> Initial & Date Approved by Department Head: <u>WPA GW DB</u> Approved by City Attorney: _____ Approved by Finance Director: <u>✓</u> Approved by City Manager: <u>POK</u> Exhibits/Attachments: 1. Planning Commission recommendations 2. Evaluation criteria 3. Map of the mobile home parks 4. Background memo on the project
INFORMATION/BACKGROUND: The Planning Commission has been reviewing the issues surrounding preservation of affordable housing in the City's mobile home parks (MHPs) since October 2017. On June 5, they made their final recommendations (see Attachment 1). On July 9, the Commission will present their recommendations to the City Council. Attachment 2 contains the criteria the Planning Commission used to make these recommendations. Attachment 3 is a map of the MHPs. The Commission is recommending land use strategies that would result in long-term preservation of two of the parks (Lakewood Villa and Inglewood East), both located on NE 175th Street near the Sammamish River. For the four remaining parks (Lake Terrace, unnamed park on NE 181st Street, Kenmore Village, and Lakewood), the Planning Commission is recommending that the properties be upzoned with a requirement that replacement affordable housing be included in any redevelopment. Existing qualified MHP residents would be given the first opportunity to rent the new units. Along with land use approaches, the Planning Commission is referring to the City Council for consideration some direct financial assistance strategies. These strategies could work in tandem with the land use options. For the Lakewood MHP on NE 182nd Street, the Planning Commission is recommending that financial incentives (infrastructure loans, reduced fees, etc.) be offered to the property owner in exchange for keeping the MHP in its existing use for some period of time. Staff has prepared a background memo (see Attachment 4) describing (1) the history of the MHP project, (2) existing conditions, (3) options considered but not recommended by the Commission, (4) the public involvement process, and (5) questions asked by the Planning Commission that provide useful information. A Spanish interpreter will be available at 6:00 p.m. during the Citizen Comments portion of your agenda for anyone needing assistance in speaking to the Council about the MHP recommendations. Spanish translations of the recommendations and the evaluation criteria are posted on the City's website and will be available at your meeting. Unlike previous projects, the Planning Commission is not presenting specific Zoning Code amendments for the MHPs. Instead, once the City Council settles on a preferred approach to the MHPs, staff will prepare any amendments, conduct State Environmental Policy Act (SEPA) review, and provide the required notice to the	

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Washington State Department of Commerce. The City Council would then hold a public hearing on potential amendments and make the final decisions.
The current moratorium on redevelopment of the MHPs is set to expire at the end of October.
<u>FISCAL CONSIDERATION:</u> At your meeting on July 16, Arthur Sullivan with A Regional Coalition for Housing (ARCH) will present a primer on financial assistance considerations related to this project.
<u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u> Comprehensive Plan Objective H-3.1: "Encourage retention of the existing housing stock in Kenmore as a source of affordable housing." Comprehensive Plan Policy H-3.1.2 "Encourage relocation assistance and replacement housing to be developed, where feasible, to help very low- and low-income households when displacement is unavoidable. For mobile home parks, consider a funding pool to assist low- and moderate-income residents in deteriorating and obsolete mobile homes to find alternative housing in the community, or help to establish preferences in nearby housing for persons giving up their obsolete homes." Comprehensive Plan Policy H-3.2.1 "Support efforts of private developers, both for-profit and not-for-profit, to preserve or develop affordable housing, including housing with on site services, for very low-, low- and moderate-income families..." Comprehensive Plan Policy H-2.1.3 "Support housing options and services that enable seniors to stay in their homes or neighborhoods."

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PLANNING COMMISSION’S MOBILE HOME PARK (MHP) RECOMMENDATIONS

“X” in a cell means that the Planning Commission recommends this option for the specific MHP.

	7031 NE 175 th St. (Lakewood Villa)	7301 NE 175 th St. (Inglewood East)	7000 NE 181 st St. (Lake Terrace)	7021 NE 181 st St. (unnamed)	7614 NE Bothell Wy. (Kenmore Village)	6837 NE 182 nd St. (Lakewood)
Option 1 Long-term preservation. The mobile home park (MHP) would be preserved for the long-term through purchase of the property-owner’s development rights and/or provision of direct financial assistance (infrastructure loans, reduced fees, etc.) to the property-owner. Includes protective zoning and/or a preservation covenant for the MHP.	X	X				
Option 2 Long-term preservation. The MHP would be preserved for the long-term through purchase by a preservationist (for example, MHP residents, private nonprofit agency, or public agency). Includes protective zoning and/or a preservation covenant for the MHP after purchase.	X	X				
Option 3 Potential preservation through incentives. The MHP may be preserved for several years through incentives available to the property-owner in exchange for some period of preservation (for example, reduced fees, infrastructure loans, etc.). Taking the incentives would be the property-owner’s choice.						X
Option 4 No City requirement to preserve the MHP (remains the choice of the property owner), but preservation of affordability and assistance. MHP property would be up-zoned with a requirement that redevelopment include affordable housing units comparable in number, size and cost to those being replaced. MHP residents may have first right to rent the new units. Relocation assistance may be provided.			X	X	X	X

MOBILE HOME PARK (MHP) OPTIONS

(6/5/2018)

LONG TERM MHP PRESERVATION

Option 1: Preserve the MHP for the long-term through land value exchanges or other financial assistance

- Allow park owners to either (a) transfer (sell) their development rights (TDR) from the MHP to another designated area and property where increased density is suitable, (b) receive affordable housing fee-in-lieu payments as compensation, and/or (c) receive direct assistance (infrastructure upgrade loans, reduced taxes or fees) in exchange for long-term preservation.
- The park owner and/or its buyer would covenant to preserve the MHP for the long-term, with corollary maintenance requirements, and/or the City would put a protective zoning overlay over the property. The City should consider obtaining "first right of refusal" to buy the park as part of a financial transaction.
- If direct financial assistance is received, a portion of the assistance should be returned to qualified homeowners, if feasible (for example, reduced utility charges).
- The TDR and/or affordable housing fee-in-lieu payments programs would be limited to the City of Kenmore initially, but if unsuccessful, a regional approach could be considered.

City Code/Regulatory Actions:

- Overlay zoning or covenant
- Create fee-in-lieu option (city-wide), and/or
- Create TDR program
- Remove nonconforming status

Possible Direct City Assistance:

- Up-front financing of fee-in-lieu payment to property owner
- Financial assistance for home rehabilitation
- Reduce property-owner operating costs (e.g., utilities, property tax)
- Loans for property upgrades

Issues:

Will there be enough new development in Kenmore to make TDR or fee-in-lieu feasible?

How would the TDR or fee-in-lieu transfer occur? Would the transfer be between individual parties with the City as broker, or would the City or another agency serve as the "bank?"

How would the timing be regulated? For example, would the MHP property owner receive payments over time as new development purchased TDR units or made fee-in-lieu payments, or would the City or another agency front the payment to the property owner?

Who would determine the values of the transfer units or fee-in-lieu?

How would the values of the units or amount of the fees be indexed over time?

Are financial incentives feasible if they are regulated by other entities (State, utility provider, etc.)?

Option 2: Preserve the MHP for the long-term through purchase from the property owner at fair market value

- Purchase the MHP, blending any or all financial resources from MHP residents, private nonprofit agencies, public agencies, or other preservationists.
- After purchase, place a long-term covenant over the property to preserve the park and/or rezone the park to provide protection.

City Code/Regulatory Actions:

- Create fee-in-lieu option (city-wide)

Possible Direct City Assistance:

- Financial assistance (grant or loan) for property purchase/upgrade
- Financial assistance for home rehabilitation

Issues:

Implications for residents/nonprofits/agencies paying fair market value for properties currently planned for higher densities or commercial uses.

Would the property owners wait for the longer time period typically needed to put together financing by groups trying to preserve existing parks?

Would the rezoning approach allow for future redevelopment?

EXTENDED MHP PRESERVATION

Option 3: Potentially preserve the MHP for several years through a variety of incentives offered to the property owner

- Provide direct assistance (infrastructure upgrade loans, reduced taxes or fees) in exchange for some period of preservation, with corollary maintenance responsibilities.
- In exchange for funding, consider obtaining “first right of refusal” to buy the park.

City Code/Regulatory Actions:

- Require relocation plan
- Remove nonconforming status

Possible Direct City Assistance:

- Reduce property-owner operating costs (e.g., utilities, property tax)
- Loans for property upgrades

- Financial assistance for home rehabilitation
- Relocation assistance

Issues:

Are financial incentives feasible if they are regulated by other entities (State, utility provider, etc.)?

Would the property owner continue to maintain the property as the preservation sunset date approached?

Would residents move in/out of the park as the preservation sunset date approached?

PRESERVATION OF AFFORDABILITY WITH ASSISTANCE

Option 4: Do not take City action to preserve the MHP (remains the choice of the property owner), but preserve affordability and provide assistance

- Rezone the MHP property for greater density but require new development to include affordable housing units comparable in number, size and cost to those in the MHP being replaced.
- Provide the current MHP residents with a "right of first opportunity" to rent the newly built affordable units.
- For residents who want to move into the new units, provide temporary relocation assistance and/or other monetary compensation for the loss of their MH unit.
- For residents who do not want to move into the new units, require a relocation plan, a longer notice of park closure, and/or provide a certain amount of relocation assistance.

City Code/Regulatory Actions:

- Upzone with affordability requirement equivalent to mobile homes
- Require relocation plan
- Provide "right of first opportunity" to rent
- Consider requiring a longer notice of park closure

Possible Direct City Assistance:

- Relocation assistance
- Compensation for loss of unit

Issues:

How would residents handle the transition between the closure of the park and the construction of the new units?

Would potential future projects be big enough and at high enough densities to accommodate all of the required units?

Would existing MHP unit sizes (primarily 2 bedroom) be achievable?

Could projects achieve the income levels needed by the current residents?

Should the income limits be adjusted over time once the MHP residents are no longer living in the development?

How would “current residents” be defined? (Residents on the date the notice of park closure is received? Residents at the time of MHP closure? Other?)

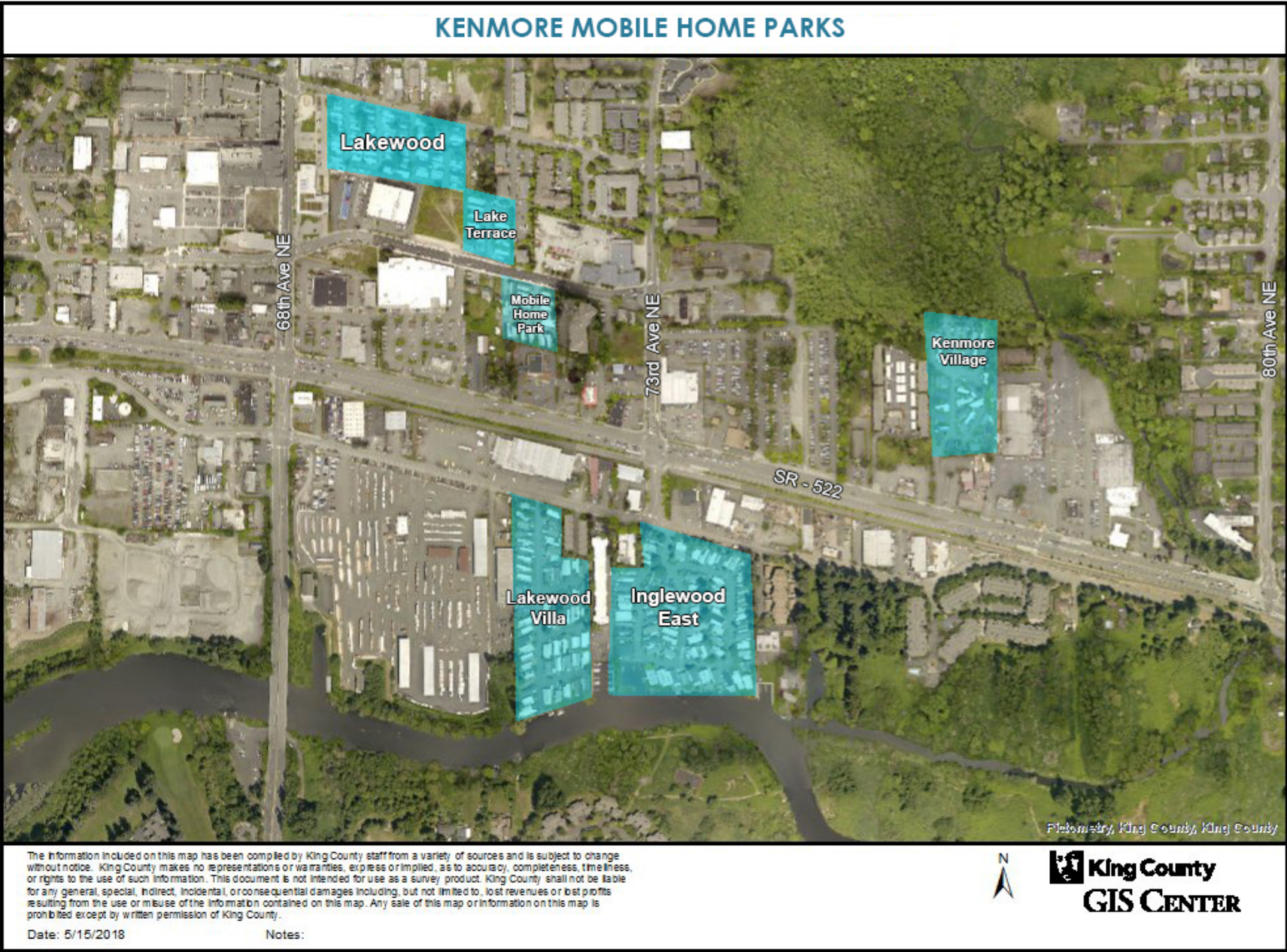
What tenant screening requirements would apply?

Evaluation Criteria

The Planning Commission developed several criteria to evaluate the mobile home parks (MHPs) and make their recommendations:

MHP ADDRESS  CRITERIA 		7031 NE 175 th St. (Lakewood Villa)	7301 NE 175 th St. (Inglewood East)	7000 NE 181 st St. (Lake Terrace)	7021 NE 181 st St. (unnamed)	7614 NE Bothell Way (Kenmore Village)	6837 NE 182 nd St. (Lakewood)
1.	Size of MHP (# units)	Large (57)	Large (78)	Small (11)	Small (20)	Medium (27)	Large (63)
2.	Existing % of allowable density	88%	84%	22%	30%	38% (existing zoning, not TOD*)	40%
3.	Consistency with the Comprehensive Plan vision	Consistent	Consistent	Inconsistent	Inconsistent	Moderately consistent with zoning. Inconsistent with TOD overlay.	Moderately consistent
4.	Age restrictions (elderly are a particularly vulnerable population)	Yes	Yes	No	No	No	No
5.	Property sale/ redevelopment timeline (current owner)	10-15 years	Not anticipated	< 5 years	< 5 years	< 5 years	5-10 years
6.	Age of MHP structures (% post-1976)	45%	19%	27%	76%	48%	65%
7.	Environmental issues with redevelopment	Yes: wetlands, river, floodplain, seismic hazard	Yes: wetlands, river, floodplain, seismic hazard	No	No	Yes: wetlands, floodplain, seismic hazard	No
8.	Feasibility of selected option						
RECOMMENDATIONS		Recommend Options 1 and 2 based on criteria 1, 2, 3, 4, 5, and 7.	Recommend Options 1 and 2 based on criteria 1, 2, 3, 4, 5, and 7.	Recommend Option 4 based on criteria 1, 2, 3, 5, and 7.	Recommend Option 4 based on criteria 1, 2, 3, 5, and 7.	Recommend Option 4 based on criteria 1, 2, 3, and 5.	Recommend Option 3 based on criteria 1, 3 and 5. Recommend Option 4 based on criteria 2, 3, and 7.

*Transit-oriented development district





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KENMORE, WASHINGTON 98028

MEMO

TO: City Council

FROM: Debbie Bent, Community Development Director
Lauri Anderson, Senior Planner
Arthur Sullivan, ARCH Program Manager
Mike Stanger, ARCH Planner

DATE: June 22, 2018

SUBJECT: Housing Strategy Plan: Mobile Home Park Project

The purpose of this memo is to provide background information on the Planning Commission's development of their mobile home park (MHP) recommendations.

History of the Project:

In March 2017, the City Council adopted the Housing Strategy Plan and identified the Planning Commission's priority project for the year. The strategy to be considered by the Commission was:

- b. Consider strategies for preserving existing affordable housing:
 - i. Density transfers from affordable properties to areas where additional density has been proposed.
 - ii. Manufactured housing community overlay (e.g. Bothell).

The Commission started the project in October, reviewing information on existing affordable housing in the City. The focus of the discussion was on the City's six MHPs. Mobile home parks provide a relatively affordable form of unsubsidized single-family housing. The Kenmore Comprehensive Plan states that the City is one of the few communities in east King County with any significant number of mobile and manufactured homes.

Presently, there are no regulations in the City that would prevent or mitigate closure of a MHP in Kenmore. The MHP property-owner could choose to convert a MHP into commercial or multifamily development at any time, although a one-year notice of closure must be given to residents per State law. Throughout their deliberations, the Planning Commission considered various strategies that would prevent closure, make closure less likely, or address the impacts of a closure.

Existing Conditions:

The City contains six MHPs containing approximately 250 housing units. While the terms “manufactured housing community” and “mobile home park” have been used interchangeably (in Zoning Code terms they are identical), the Planning Commission settled on the term “mobile home parks” for their discussions and deliberations. Manufactured/mobile homes make up about 40% of all low- and moderate-income affordable homeownership opportunities in Kenmore.

Although there are six parks, there are only 5 property-owners as the two parks on NE 181st Street are owned by the same individual. The MHP property owners have stated that all of the mobile homes in their parks are owned by the residents, with the exception of 2 rental units in one of the parks along NE 181st Street. All residents rent the pad their home sits on.

About a third of the mobile homes are double-wides (may be 3-bedroom); the balance are single-wides (generally, 2-bedroom). The property-owners estimate the number of residents living in their parks as follows:

Lakewood Villa	110
Inglewood East	115
Kenmore Village	50-75
Unnamed park (NE 181 st Street)	unknown (20 units)
Lake Terrace	unknown (9 occupied units)
Lakewood	125-150

Although called “mobile homes,” many of the structures cannot be moved—particularly those manufactured prior to 1976.

According to the American Community Survey (2014, part of the census project), 52% of the households living in Kenmore in mobile homes have incomes of less than 50% AMI. This translates to a maximum annual income of \$48,000 (2017). Thirty percent of this (recommended percent of income dedicated to housing) would be \$14,400 annually. Nearly 30% of the mobile home community householders are 65 years of age or older, presumably on a fixed income.

Anecdotal information suggests that the pad rents range from \$450 to \$1500 per month, with most rents between \$600 and \$650 per month. The homeowner also may have payments associated with the purchase of their mobile home. According to a homeowners’ representative, the homes generally sell for \$20,000 to \$80,000, although one owner referenced a \$100,000 cost and another a \$150,000 cost—perhaps for double-wide homes (may be 3-bedroom).

In a comparison with new units in the Spencer 68 project (6711 NE 182nd Street), the units designated for affordable housing at 50% AMI rent for \$882/month for a 1-bedroom unit and \$979/month for a 2-bedroom unit.

Unless otherwise agreed to by the property-owner and tenant, State law requires that rental agreements must be for a one-year term. A landlord who wishes to increase the rent upon expiration of the term must give a 3-month notice in writing. Rental agreements are assignable to any person to whom the tenant sells or transfers title to the mobile home.

Early in the project, the Planning Commission received a letter expressing concern about the fire safety of existing mobile homes. According to Bryan Hampson, Building Official and Director of Development Services, codes have changed repeatedly over the years and older structures are not built to contemporary standards and are not required to be brought up to current code unless modified. According to Mr. Hampson, mobile homes are no more hazardous than any other older building. Jeff LaFlam with the Northshore Fire Department, responded to this question similarly.

The City's Comprehensive Plan contains a few policies related to the MHP discussion:

Objective H-3.1: "Encourage retention of the existing housing stock in Kenmore as a source of affordable housing."

Policy H-3.1.2 "Encourage relocation assistance and replacement housing to be developed, where feasible, to help very low- and low-income households when displacement is unavoidable. For mobile home parks, consider a funding pool to assist low and moderate income residents in deteriorating and obsolete mobile homes to find alternative housing in the community, or help to establish preferences in nearby housing for persons giving up their obsolete homes."

Policy H-3.2.1 "Support efforts of private developers, both for-profit and not-for-profit, to preserve or develop affordable housing, including housing with on site services, for very low-, low- and moderate-income families..."

Policy H-2.1.3 "Support housing options and services that enable seniors to stay in their homes or neighborhoods."

Under current zoning, MHPs are a permitted use only in the multifamily zones (R12-24). They are a conditional use in the R4-R6 single-family zones, but a prohibited use elsewhere. Three of the six existing MHPs are nonconforming uses—the two on NE 181st Street in the DC (Downtown Commercial) zone and Lakewood on NE 182nd Street in the DR (Downtown Residential) zone.

Zoning Code Chapter 18.50 addresses development both in new MHPs and in existing parks. Section 18.50.140 states that older mobile home parks (all of those in the City) continue to be governed by the standards in effect at the time the parks were approved. Four of the existing parks were built between 1948 and 1969. Construction information on the other two parks was not available. Section 18.50.150 addresses new MHP development. A new park must be at least 3 acres in area.

The City's residential density incentives standards (Chapter 18.80) allow a bonus unit to a developer for providing a mobile home park space that is reserved for relocation of a mobile home that has been, or will be, displaced due to a MHP closure in the city.

Several of the parks are constrained by environmentally critical areas—the Sammamish River, wetlands, floodplain, and seismic hazard areas.

Assessed valuation of the 6 MHP properties (2017) is as follows:

Lakewood Villa	\$2,839,800
Inglewood East	\$4,054,200
Kenmore Village	\$1,568,100
Unnamed park (NE 181 st Street)	\$1,433,500
Lake Terrace	\$1,078,400
Lakewood	\$3,219,900

The property value at the time of sale likely would be higher than the assessed value.

Development of Options:

The Commission considered a variety of strategies for the MHPs. Commissioners expressed concern that efforts to protect existing affordable housing in the mobile home parks (MHPs) could restrict new housing supply (by limiting redevelopment) and that this loss of new housing units also should be addressed. The Planning Commission has tried to balance the competing issues of preserving existing affordable housing and increasing housing supply as the latter would help stabilize rents.

Strategies considered by the Planning Commission, but excluded from the final list of options, include:

- No protection. Continue the status quo and leave all decisions about MHP redevelopment with the property-owner.
- Protective MHP zoning overlay. Amend the zoning code to make MHPs a permitted use in the relevant zone, limit other permitted land uses, and allow a future path to redevelopment only through Comprehensive Plan and zoning amendments. Bothell, Snohomish County, and other jurisdictions have special land use designations and overlay zones for existing MHPs. The impact has been to preserve MHPs by imposing a more deliberate approval process; redevelopment for other uses only is possible through a public amendment process. This scenario could reduce development capacity, unless the MHP is at or close to the allowable density. A “senior” MHP zoning overlay also was considered but rejected.
- Phased zoning. Preserve the MHP for several years through protective zoning, in exchange for future zoning benefits to the property owner. A time-limited protective zoning overlay would be put in place with the guarantee of a future increase in allowable density and/or a decrease in affordable housing requirements. The Planning Commission was concerned that this approach was mandatory for the property-owner, not voluntary.
- New MHP development. Rezone other property in the City for development of a new mobile home park(s) and then develop the new park(s) for existing MHP residents. The rezoning could occur in areas that are presently zoned for single-family development or on other large low-density properties (church properties were identified). Challenges with this scenario include siting, financing and developing a new mobile home park.

- Partial redevelopment. Allow greatly increased heights and density on a portion of the MHP property, but retain another portion for mobile home or very-small-lot cottage development. It may be that the increased height and density could make a proposal more economically feasible; however, integrating either the existing mobile homes or something like a new low-income small lot development into a project could prove difficult given existing property sizes. The housing transition during construction also would be a concern.
- Provide other affordable housing. Require developers to purchase other existing affordable housing in Kenmore (existing apartments, for example) in exchange for redevelopment. As units in the purchased properties turn over, the MHP residents could move in. As an alternative, consider cascading redevelopment so that as new affordable units are created in the City, the MHP residents would have the first opportunity to rent them, thereby freeing up the park(s) for redevelopment. Challenges include how the timing for relocation would work. Would current apartment tenants be evicted to house MHP residents? Would maintenance of the park continue as it was emptying? How long would it take before redevelopment was possible?

The Planning Commission has recognized that, as in the past, the City Council will take the lead on evaluating direct financial assistance strategies. However, the Planning Commission's approach to the various land use options provides some direction for the direct assistance strategies the Council could consider prioritizing.

Public Process:

On October 17, the Planning Commission heard from Craig Hillis, Manufactured Housing Communities of Washington, representing mobile home park property-owners. At the same meeting, they also heard from Ishbel Dickens, a private consultant working with manufactured home-owners.

On January 23, the Commission held a roundtable discussion with the MHP owners to discuss concerns and alternatives. Notes from the January 23 meeting are included as Attachment 1. Separately, staff met with each property-owner to collect information and explore concerns in more depth.

On January 30, the Commission met with homeowners/residents from the parks to discuss possible scenarios and provide feedback. Invitations to the meeting were sent to all MHP residents, including a Spanish translation of the materials. More than 150 residents attended. The homeowners were supported by AMHO (the Association of Manufactured Home Owners) who had held a large (estimated more than 100 attendees) organizing meeting on January 9 at the Northshore Fire District building.

At the January 30, attendees discussed their concerns in small groups organized by MHP, with one or two Planning Commissioners in attendance in each group. A Spanish interpreter was present. Attachment 2 includes the small group discussion notes from January 30, along with a summary of the information that was presented to the full Commission at the end of the meeting by the small group representatives.

A public hearing on the Planning Commission's recommendations was held over two nights on May 15 and 16. Approximately 50 people attended over the two nights; 14 spoke. As with the

January 30 meeting, Spanish interpreters were present. Throughout the project, public comment has been received at the Planning Commission meetings and through written materials. Letters and emails received to date are included as Attachment 3. The communications are organized by date, from oldest to most recent. Attachment 4 is a summary of the public hearing comments, organized by MHP.

Questions raised by Commissioners:

The Planning Commission has asked many questions related to the MHP project and the options they ultimately are recommending. The City Council may find responses to some of these questions useful in the MHP deliberations:

Questions related to Option 1

1. Has transfer of development rights (TDR) been used in surrounding communities? If yes, why? If not, why not?

Response: One of the Planning Commission's recommended options includes possible use of TDR. In this scenario, the "lost" density on a MHP property to be preserved could be sold by the MHP property-owner to the developer of another site(s) as compensation. Although the Commission explored this option, their preference was a fee-in-lieu program to achieve the same result.

The Growth Management Act encourages the use of innovative land use management techniques, including TDR (RCW36.70A.090). The Puget Sound Regional Council (PSRC) specifically calls out TDR for affordable housing as a "HIP" (Housing Innovations Program) tool. In both 2009 and 2010, a bill was introduced in the State legislature to add TDR for manufactured housing communities to the regional TDR program that addresses farming, and open space conservation. (The bill did not pass.)

Seattle and Arlington, Virginia are the only communities identified so far that have used TDR for preservation of affordable housing. Many more jurisdictions have used this approach to protect farmland, critical areas and/or open space. Seattle's TDR program, created in 1985, is estimated to have saved hundreds of units of existing affordable housing. A unique standard requires rehabilitation of housing to the extent required to provide decent, sanitary and habitable conditions, in compliance with applicable codes, so as to have the estimated minimum useful life for the term of the protective affordable housing covenant.

Arlington's program was designed primarily to preserve portions of two historically important garden apartments, totaling approximately 1,500 dwelling units. The transfer of density occurs in exchange for commitments to preserve the existing buildings, renovate units and preserve affordability for no less than 30 years. Additional density beyond a one-to-one ratio was used in Arlington to increase value to ensure that the TDR tool was attractive.

2. What is a fee-in-lieu?

Response: A fee-in-lieu is a monetary payment taken from a builder/developer in exchange for building required affordable housing units. According to ARCH, most developers prefer this approach to the actual building of the units. Currently, only the affordable housing requirements in the City's CB zone Juanita Subarea allow collection of a fee-in-lieu. These

fees must be used for affordable housing and could be paid to a MHP owner in exchange for the development value lost with preservation of the park.

3. What is the value of the TDR units? What would the fee-in-lieu be established?

Attachment 5 presents a rough analysis of MHP preservation with the TDR or fee-in-lieu options. The conclusion is that the gap between the land value under existing zoning and the value of the existing use ranges from \$900,000 to more than \$4.5 million dollars. The table provides information on the number of TDR or fee-in-lieu units that would need to be transferred to fill this gap.

4. Is there unused capacity in the City that could be used in a TDR program?

Response: Yes, particularly downtown, in the TOD overlay area, and in the Regional Business zone. Mobile home park sites may be “under-developed,” which makes them potential TDR sending sites.

Questions related to Option 2

1. Can tenants be guaranteed an “opportunity to purchase” their park. What are the requirements and are they an impediment to selling a property? How do the tenants organize if they are the purchasers?

Response: A landlord who intends to close a mobile home park permanently must give each homeowner at least 12 months written notice. In addition, the park owner must give a copy of the notice to the state Office of Mobile/Manufactured Housing. The park owner must record the notice in the county auditor's office and must post a copy of the notice at all entrances to the park (RCW 59.21.030).

Park owners are not required to give homeowners an opportunity to purchase a park before the park owner can sell the park to anyone of his or her choosing. The City cannot give MHP residents the “first right to purchase” a MHP as this has been deemed illegal by Washington Courts. This opportunity could, of course, be voluntarily given, or perhaps taken in exchange for some other benefit to the property-owner.

If homeowners find out that the owner of their park is thinking about selling it, they may want to band together to try and purchase the park from the owner. The Office of Mobile/Manufactured Housing and other agencies or organizations (such as Resident Owned Communities or ROC) may be able to assist tenants and tenant organizations with purchasing their parks by making loans or providing technical assistance.

Questions related to Option 3

1. What incentives would be useful to the MHP property-owners?

Response: The property owners identified the following incentives that would further their interest in preservation:

- Infrastructure upgrade loans
- Reduced property taxes
- Reduced fees
- Reduced utility charges

- Remove nonconforming status
- Allow new mobile homes in the existing communities
- Increase density/reduce affordability requirements in the future

Questions related to Option 4

1. How many new units would be required to replace existing units in the MHP?

Response: See Attachment 6 for an analysis of redevelopment and replacement affordable housing. The conclusion was that to replace units at a moderate-income level, a relatively high percentage of affordable units would be required (from 13-24%) and densities would have to increase to as much as 105 dwelling units per acre. To replace units at a low-income level, a lower percentage of affordable units would be required (9-14%), but densities would increase to as much as 163 dwelling units per acre. The numbers vary for each of the six MHPs given their existing zoning and densities.

2. Does the State provide relocation assistance?

Response: There currently is funding in the State Mobile and Manufactured Home Relocation Assistance Program for reimbursing mobile/manufactured-home owners for relocating their homes, demolition, purchasing replacement mobile/manufactured homes, and paying related moving costs. The program can't reimburse for other relocation costs, such as rental deposits, first-and-last months' rent, etc.

Reimbursements are limited to \$7,500 for a "single-section" (i.e., single-wide) home and \$12,000 for a multi-section home or a single with additions. The homeowner must have an income less than 80% AMI.

Because it's a reimbursement program, the homeowner must be able to pay the expenses up-front; so, what some property owners and developers will do (with Commerce's encouragement) is front the expenses and then take the reimbursement from Commerce.

The Commission also asked a number of legal questions about the MHP project. Those questions and the City Attorney's responses are included as Attachment 7.

Attachments

- Attachment 1: Notes from the January 23 property owner meeting
- Attachment 2: Notes from the January 30 resident meeting
- Attachment 3: Correspondence
- Attachment 4: Summary of public hearing comments
- Attachment 5: Analysis of preservation of existing MHPs
- Attachment 6: Redevelopment feasibility analysis
- Attachment 7: Responses to legal questions

Planning Commission Meeting 1/23/18: Meeting with Mobile Home Park Property Owners and Representatives:

Beau Harer (representing owners, generally)
Jeremy Millard, Jon Millard, Russ Millard (7031 NE 175th Street, Inglewood East)
Walt Olsen (representing owner of 7301 NE 175th Street, Lakewood Villa)
Jim Perkins (7000 and 7021 NE 181ST Street, Lake Terrace)
Bill Schnall and Chad Ozog (7614 NE Bothell Way, Kenmore Village)
Daniel Stoner (6837 NE 182nd Street, Lakewood)

- 1) What is your 5-, 10-, 15- year vision for your property?**
 - Millards: Company is Park Preservations. Want to preserve the park.
 - Perkins: Wants to sell and have someone else develop it. Could one park be redeveloped, then move residents of another park into the new building?
 - Olsen: Have a 10-15 year plan. Want to hold it.
 - Stoner: No plans to develop for 5-10 years.
 - Schnall: Has only park in the TOD District. Continues to get offers. Property should be redeveloped; infrastructure is not what it needs to be. Has had no talks with any developers.
- 2) Are there issues that could limit any redevelopment plans? For example, existing zoning, size of lot, critical areas (wetlands, streams, waterfront, etc.)?**
 - Ozog: Swamp Creek is directly to the north.
 - Millards: River impacts property.
 - Stoner: No restrictions
 - Perkins: No restrictions
- 3) What are the biggest challenges to preservation of your mobile home park and others in Kenmore? What would be the most effective action(s) the City of Kenmore could take to help you preserve your park?**
 - Millards: Potential actions include tax benefits that could pass through to residents, reduced operating costs, utility incentives for low-income households (as in Bothell), no- or low-interest loans to make improvements. Replaced sewer lines, pedestals in another park and cost \$4 million.
 - Perkins: How beautify downtown Kenmore when have parks?
 - Olsen: Represents 100-150 parks. Taxes, utilities are a challenge. Other challenge is replacing mobile homes. Codes may make this difficult.
 - Stoner: Old, old pipes. Built as World's Fair temporary housing. Trailers are tight; hard to find a single-wide that's only 45' in length. Looking for incentives.
 - Schnall: Infrastructure costs are very prohibitive. Why would City want to preserve his park? 10% affordable housing requirement in TOD would be enough units to replace all of the mobile homes in his park. Ozog: garbage trucks can't come in to site; damages concrete.

4) Under what conditions would sale of the park to the residents or a non-profit be acceptable?

- Schnall: Each tenant would have to pay \$250,000. Some public entity would have to buy the park.
- Millards: Takes a lot of upfront money and time. Have to close within 30-60 days. Couldn't compete with another purchaser. ROC needs 6-9 month window to accomplish purchase.
- Stoner: Don't want to sell. Plan to develop sometime in the future.
- Olsen: Would sell under market conditions.
- Perkins: Wants to sell. Useful life is over; financial viability is over.

5) What are your reactions to the scenarios discussed so far by the Planning Commission?

Scenario 1 (TDR)

- Millards: TDR doesn't work if want to develop the property. "Grand bargain" is more attractive. How robust is the TDR market? Don't oppose TDR; would be happy to sell units. Prefer TDR to Bothell overlay zone.
- Olsen: More stick than carrot with TDR approach. Hard to know if there's a market. Not much better than an overlay.
- Stoner: Questions value of TDR, but it's better than overlay approach.
- Schnall: Would get money, but then infrastructure deteriorates and can't be upgraded. More units would bring more people to Kenmore. Ozog: Could another property be developed for a mobile home park? Would have to raise rents for infrastructure improvements.

Scenario 2 (New development)

- Schnall: Good scenario.
- Millards: Not viable to have \$600 rents.
- Stoner: 20% affordable units is not feasible. Challenge is that the absorption rate in Kenmore is unclear. Can't build a 400-unit building in a community with a limited track record for multifamily. Most mobile homes are 2-bedroom; this is the least cost effective to build. Make least money on this option.
- Olsen: Agrees with Stoner.
- Perkins: This option has challenges.

Scenario 3 (Park purchase)

- Ozog: If residents can compete in timeframes, would sell to them. Schnall: Would advise residents not to buy.

- 6) Various ideas have been raised to mitigate the impacts on residents of park closures, including relocation assistance, guaranteed right-to-rent in new affordable units, a longer time for notice of park closure, and more. Which of these or other ideas would you support or consider; and**
- 7) Do you have other ideas that would balance the City's desire to preserve existing affordable housing with the desire to provide more housing units generally; and**
- 8) The Planning Commission focus is on land use regulations. Financial assistance measures could be part of a future Council discussion. What financial assistance measures would be helpful, in particular with the goal of preserving the existing housing in the MHPs or minimizing operational costs to owners or fees/costs to residents?**
- Schnall: No other ideas. Ozog: Current parks not made to last. Could new parks be built in another place in Kenmore?
 - Millards: Building a park is risky. Need incentive zones. Should get tax reduction if providing a public benefit. Low interest loans for housing upgrades would help. Allow mixed use/apartment development where laundry is.
 - Stoner: Transition assistance. Doesn't really help to have more than one year of notice and affects feasibility of project. If an incentive increases over time, makes it harder to forego that incentive.
 - Olsen: The State is considering some options. Affordable housing should be shouldered by everyone, not just the 6 mobile home park owners. Takes time to do a relocation plan and get it approved. Could end up with a ghost town park. Puyallup has a voluntary program—10 years of preservation equals ten years of reduced taxes.
 - Perkins: Residents should have guaranteed right to apply for new housing, but may not want to rent to someone.

Planning Commission Meeting 1/30/18: Meeting with Mobile Home Park Community Residents

Staff notes from final presentations to the Planning Commission by the small group representatives.

7031 NE 175th St: Lakewood Villa

- Rents are affordable and residents don't want to move.
- Moving cost are \$18k plus relocation costs and \$7k is not enough.
- Rezone to a senior mobile home park and have a public hearing before rezoning.
- Provide incentives to park owners to improve infrastructure
- Residents displaced and homeless for years if new homes are built.
- Protect the mobile home park and type of home choice.
- Give incentives to park owners.
- Why is more density needed when there are vacant lots and buildings?
- Keep Kenmore residents and workers in Kenmore.

7301 NE 175th St: Inglewood East

- Residents are part of a community.
- Homes were bought as understood park owners had no intention of selling.
- Residents invested and made improvements in their homes and owners of the park have profited.
- Need to keep the land and families and designate as a mobile home park.
- Allow new mobile home parks.
- Residents have started a Homeowners Association, they are a vulnerable community that needs protection.
- Scenario #1 is viable with a restricted use for mobile home parks. Scenarios #2 and #3 won't work.

7614 NE Bothell Way: Kenmore Village

- Love Kenmore and Kenmore Village is home. Want to live with dignity and respect.
- Help maintain the park and provide more help.
- Support all mobile home park communities to keep their homes.

7000 NE 181st St, 7021 NE 181st St and 6837 NE 182nd St: Lake Terrace, Lakewood

- If there is an opportunity groups would work together to buy the park but it would need to be affordable.
- There are still a lot of questions.
- Scenario #1 is the most viable option.
- Want options and in advance to include supporting movement of property close by or within Kenmore.
- Need time to prepare and opportunities to save money for ownership or other viable options.
- Need to provide reasonable costs and comparable costs.
- Support all residents regardless of immigration status.
- Allow options that would allow students to stay in their schools.
- Residents want to remain, this is their home.

Planning Commission Meeting 1/30/18: Meeting with Mobile Home Park Community Residents (Staff Notes: Debbie Bent; Planning Commissioners: Carol Baker and Scott McDonald)

7301 NE 175th Street (Lakewood Villa) Group Discussion

55-and-over community located on Sammamish River.

1) Interest in park purchase by residents or non-profit

- Interest only if financially feasible, would need help from outside agency to qualify for financing.
- Concern about ability to buy the property and then pay for the mortgage for residents with low or fixed income, unless money was given to buy the property.
- If the owners aren't interested in selling the park then keep the park as is.
- Need to distinguish affordable housing for apartments from home ownership. Want to live in a home they own where residents can make investments which they can't do in an apartment.
- If residents have to leave they can't transfer title ownership of the home to get their investment back.
- Rezone to a senior park to protect the park from development, there is still benefit to sell to another owner for the same use.
- Concern that infrastructure has not been adequately maintained and no improvements made by the park owners so there may not be an opportunity to get an entity to help with park purchase.
- If the City is concerned about the environment and preservation, then why doesn't the City build or allow new parks with small LEED certified affordable housing.
- Provide financial incentives for taxes that then go back to the residents or rent control.
- Scenario 1 is the only fair and equitable solution; Scenario 2 means residents are displaced and Scenario 3 is dependent on funding.

2) Ideas that would make relocation acceptable if park developed

- If the City rezones for higher densities there are no options for displaced residents. Residents want to stay in Kenmore, in a home they own and they also don't want to move to a condo or an apartment.
- Residents would be displaced there are no comparable rental options.
- City should build more affordable units not luxury units.
- Adding density means people are pushed out of their homes.
- People bought their homes because they were affordable. It is not possible to relocate the home to a comparable location. Homes are too old to move or no-one wants them. Investment would be lost.
- Financial relocation assistance should be available regardless of income.

- It takes about \$18,000 to move a home plus all the other set up fees. Who is going to pay for this, the developer? The relocation assistance is not enough, only covers crushing the home.
- Residents can't afford to wait for a new building and they want to keep their nest egg and retirement and their investment in their home.
- There is no way to legally separate the resident's name from the title of the home.

3) Other ideas to balance preservation of existing housing with providing more new units

- Adding density creates overpopulation, more traffic and parking problems and this also displaces residents.
- Why doesn't the city move out the industrial area and use that for high rise, not the mobile home parks.
- The new high-rise buildings, rents are too high even for businesses.
- Provide tax incentives.
- Why displace existing residents to bring in new residents from outside Kenmore.
- Look at vacant lots to allow new parks or affordable housing and allow tiny lot and tiny housing as rents may be more affordable.

4) Ideas for financial assistance to preserve existing housing or minimize residents' costs/fees

- Tax incentives to park owners that are then passed down to residents.
- Assistance or loans to park owners so they can improve infrastructure including utilities. Preserve the park as a commitment if loans given.
- Rezone to mobile home parks as the #1 choice and provide money for infrastructure improvements.
- New affordable units have a higher affordability than tenants can afford who are fixed income or very low income.

Planning Commission Meeting 1/30/18: Meeting with Mobile Home Park Community Residents (Staff Notes: Mike Stanger; Planning Commissioner: Dennis Olson)

7031 NE 175th Street (Inglewood East) Group Discussion

40 to 45 participants.

55-and-over community located on Sammamish River.

1) Interest in park purchase by residents or non-profit:

- About half of the participants raised their hands when asked if they would be interested, if opportunity arises.
- Residents have an HOA, which some members said they would try to use to gather information and participation and determine feasibility (noting that present owners say they have no interest in selling at this time.
- Would want full shares in equity.

2) Ideas that would make relocation acceptable if park developed:

- Buy out full value of their homes.
- First and last months' rent and deposits.
- State's present relocation program doesn't help, except to get rid of their home.
- There's no place else available nearby they can afford to live. Some, even in their 70s and 80s, work in order to make ends meet. Others aren't physically able to work.
- For one homeowner, pad rents have risen from \$525 to \$680. Another said \$500 to \$800. (No timelines given.)
- Nearly everyone indicated Kenmore would be the first choice for relocation. Many social and economic ties: family, jobs, doctors, churches. Many have lived in Kenmore more than a decade.
- Relocation discussion has created a lot of stress for some residents.

3) Other ideas to balance preservation of existing housing with providing more new units:

4) Ideas for financial assistance to preserve existing housing or minimize residents' costs/fees:

- Kenmore has an opportunity to show other communities how to care for each other.
- If city council members believe \$1.2 million is not that much to pay for a pedestrian and bike bridge on 68th, what are they willing to spend to keep manufactured home owners in their homes?
- Provide financial incentives for taxes that then go back to the residents or rent control.

5) Scenario 1:

- Only feasible alternative to present situation.
- Millards do a good job maintaining the park.
- How would affordability be maintained?

6) Scenario 2:

- Need to distinguish affordable housing for apartments from home ownership. Want to live in a home they own where residents can make investments which they can't do in an apartment.
- Residents invested in Kenmore and in homes they own. They don't want to move to a condo or an apartment.

Planning Commission Meeting 1/30/18: Meeting with Mobile Home Park Community Residents (Staff Notes: Arthur Sullivan; Planning Commissioner: Mike Mulcare)

7614 NE Bothell Way (Kenmore Village) Group Discussion

Approximately 20 participants.

General comment:

- Residents are mostly families. Many have children (2 -3). Also a few seniors.
- I have dealt with all the improvements to my home, have storage for all my stuff.
- Are Latinos welcome? Latinos want to be treated equally and fair.
- Are some seniors living on the property. What would they do if closes?
- Residents have been compliant.
- Limited communication with owner/property manager. No improvements by owner.
- Many have reinvested in remodeling their home. That is where their investment has gone and would lose that money.
- The lower rent they pay on land allows them to cover other expenses to take care of their family. If my wife has to also work because have to pay higher rents, impacts my family.

Question 1: Preserve through purchase

- Owner has neglected the property – not made any improvements.
- Would love to buy because it's our home and our place. Our kids love to play outside. the way it is today. If it would be apartment living, it would not be the same, we would not know everyone. We like the families and we all help each other. Our children have grown up here and would be emotional if had to leave.

Question 2: Relocation/Priority for new housing

- If provisions to allow existing residents to move into new apartments; how deal with the time between closing parks and new units available.
- What is available to help fund residents to move, or pay rent?
- If you were in our shoes, would you want this to be your option?
- I grew up in 'affordable' housing and was branded; I am not raising my kids in that situation.
- Apartments: What would be the rent levels? Would rent be based on income or would it be based on what paying now?
- If income increases, the rent would increase instead of being able to save money for things like a car or insurance.
- How would it make the situation better?
 - o If relocation provides \$2,000, all or most of that used just to get rid of home. Nothing to help with moving costs or move-in, or increased rent.
 - o So if relocated, should be real help and not a small amount (\$2,000). That amount doesn't help in the long run (e.g. moving costs, first and last month, deposit, cover higher rent).

- What happens if we have to move to another home? Would likely have the same situation occur there and then have to move again and again.
- Might have some information from SeaTac about costs to move.
- Longer than one year notice.
 - Some made investments only a year or two ago, so there would be no return.

Other ideas to make better

- Goal is to stay in our homes.
- Help us maintain our home.
 - Loans to help with maintenance
- Can be hard to get permits for some type of improvements (e.g. wanted to replace metal roof with regular roof, but couldn't get permit).
- If we don't like how the general grounds are looking, give residents an opportunity to fix it up.
- Thought there was a park in another city (Kirkland?) where removed the old units and replaced with more modern units.

Note in Spanish translated to English:

I would like for you to consider that it is not the same to live in an apartment than in a house, due to there not being the same freedoms of living. It is not the same in regard to payments either. We have a better life in our mobile home, we lead better lives and it helps our children and families.

Planning Commission Meeting 1/30/18: Meeting with Mobile Home Park Community Residents (Staff Notes: Bridgit Baker; Planning Commissioners: Douglas Nugent and Mark Ohrenschall; Interpreter: Eliana Rey)

6837 NE 182nd Street (Lakewood), and 7000 and 7021 NE 181st Street (Lake Terrace)
Group Discussion

1) Park residents option to buy as a group?

- Yes, would the city offer to help?
- If there are too many issues with the park or purchase would the city also be willing to help?
- If the MHP community decides to move forward with the purchase of the park, would the city be willing to facilitate with the legal backing?
- The group would need to elect someone to represent the group in the purchase.
- Lakewood MHP received a letter from the owner stating that they have no plans to develop the land.
- The residents were interested in purchasing, but wanted to know the approximate assessed value of the land. It currently was 3.2 million, but it could go higher.

2) Ideas that would make relocation acceptable if park was developed?

- Concerned that the city is interested in purchasing the park.
- Residents wanted to know if the city would pay for their trailers
- The MHP is a private party aside from the moratorium. They could have sold at any time and the Planning Commission is trying to protect property rights at the same time help either stay there or find another place.
- An idea would be for the city to pay/cover relocation costs.
- Concern for moving the trailers because most of them can't be moved.
- Is there a possibility that the City could arrange to buy out the trailers?
- There is a difference because some residents own and others rent their trailer.
- Some would be interested in an option to be first to rent other apartments nearby if they could afford. Those that were not interested in that said it was because of costs. "Do you think we would live in the park if we could afford it".
- If owners did sell, would they allow them to live rent free for that year?

Planning Commission Meeting 1/30/18: Meeting with Mobile Home Park Community Residents (Staff Notes: Tela Whiteman; Planning Commissioners: Douglas Nugent and Mark Ohrenschall; Interpreter: Eliana Rey)

6837 NE 182nd Street (Lakewood), and 7000 and 7021 NE 181st Street (Lake Terrace)
Group Discussion

1) Park residents option to buy as a group?

- Yes, but how can the City help aid this process?
- Per commissioners, process will be very difficult and costly as they would need to elect a representative who could spend the time on the project
- Questions about what assistance the City could offer residents, i.e. legal assistance or financial assistance
- A letter from the owner of Lakewood MHP stating they have no interest in developing the land was presented by a resident of the park; all residents received this letter
- The approximate assessed value of the land was currently \$3.2 million which does not reflect market value which would be higher

2) Ideas that would make relocation acceptable if park was developed?

- Questions and concerns were raised from residents about how the costs would lay out – would the rent be the same as they pay now?
- Would the City pay for the trailers? Some trailers are too old for relocation but residents have invested money and own the trailers
- Would the City buy land as a place for relocation?
- From Commissioners: would residents be interested in first right to rent/buy the newly developed property? For the residents, this scenario presents two problems, that they cannot afford to purchase or rent in the new development even with affordable rates, and many residents would not be eligible due to immigration status and therefore lack of credit report
- Would the City be willing to pay rent so residents could save for relocation?
- Residents were in favor of a notification period longer than 1 year
- Disadvantages to relocation would also include moving students away from their school district
- There was confusion from many residents regarding the purpose of these discussions who believed all the questions point to the City knowing that MHP owners are going to sell

Lauri Anderson

From: Lauri Anderson
Sent: Tuesday, November 21, 2017 10:09 AM
To: Lauri Anderson
Subject: FW: Inglewood East MHP

Mobile home park at 7301 NE 175th Street

From: Jeremy Millard [mailto:jeremy@parkpreservations.com]
Sent: Tuesday, November 07, 2017 4:30 PM
To: Lauri Anderson <landerson@kenmorewa.gov>
Subject: Inglewood East MHP

Lauri,

I am in receipt of your letter dated October 27, 2017. Within this letter you are asking a series of questions that I will attempt to answer:

1. Are the mobile homes in your park generally for rent or for sale?

The homes in our park are all for sale. The homes are all owner occupied. The park owns the land to which the tenants pay a monthly space rent.

2. Are the tenants in your park age-restricted?

Yes. The tenants are all 55 or older.

3. Do you have an estimate of the total number of people living in the park?

There are 78 homes and about half are married couples. Hence, we have just over 115 tenants.

4. What are your long-term plans for the property?

We would like to work with the City to create more affordable homes and apartments on the property.

If you have any additional questions just call or email.

Is the City interested in our property?

Thanks,

J.W.Millard, MBA
Property Manager
(c) 206-941-1001
(f) 206-337-0635

"Preserving and Enhancing One Park at a Time!"



November 29th, 2017

City of Kenmore Planning Commission

RECEIVED
CITY OF KENMORE

I noticed that you are reviewing the issue of mobile home parks in Kenmore. One option was to retain the parks because they provided the most affordable housing in the city. While I agree that affordability is critical to our community there are some important quality and safety issues that should be considered.

Most of the single wide mobile homes in the downtown mobile home parks were constructed in the 1960's or before. These structures are substandard by today's standards and cannot be economically upgraded. The building code for mobile homes changed significantly after the U.S. Department of Housing and Urban Development began regulating these structures in 1974.

The structures do not meet current energy conservation codes. The 1 ½" exterior walls, 2" x 3" ceiling and floor construction, single pane windows etc. are very inefficient.

These older structures are fire hazards because of the materials used in the construction, the egress restrictions and old electrical wiring systems. Additional hazard factors include the use of electrical baseboard and space heaters and old propane cooking and heating fixtures. Fires in older mobile homes burn hotter, spread faster and create more toxic gases than a standard home. Fatalities in mobile older mobile home fires are 3 to 5 times higher than post 1977 mobile homes or stick built homes¹. Fighting fires in mobile homes is especially dangerous² this is compounded by the close proximity of the structures and narrow access for fire apparatus.

Additionally, livability and safety hazards have been created by the deterioration of these structures over time. Illegal and improper modifications have been made, water damage, rot, mold and other structural and mechanical damage has occurred. As these structures age they will only deteriorate further.

I believe there are strategies that can increase the housing density for the existing mobile park properties, which is a goal of the downtown plan, while creating safe dwellings that are affordable even for our lower income families. I believe that retaining substandard housing simply because it is cheap seems short sighted.

I encourage you to speak with the Northshore Fire Department's Fire Marshall Jeff LaFlam. He is very familiar with this topic and the specifics of the mobile home parks in our city.

Thank you for working to make Kenmore a better community.

Sincerely,

David Maehren
6316 NE 196th Street
Kenmore, WA
425 481-7199

References.

* MOBILE HOME FIRE STUDIES: SUMMARY AND RECOMMENDATIONS; Edward K. Budnick and David P. Klein Center for Fire Research National Engineering Laboratory U.S. Department of Commerce National Bureau of Standards Washington, D.C. 20234 March 1979

"A key area identified as a potential problem in mobile homes was fire safety. Various statistical sources indicated that while the incidence rate was approximately the same, the injury and life hazard and the extent of property damage per incident were three to five times greater than for conventional residences."

<http://fire.nist.gov/bfrlpubs/fire79/PDF/f79011.pdf>

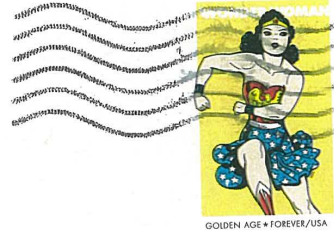
**THE DANGERS OF MOBILE HOME FIRES. Fire Engineering.com - 05/01/2002 BY JAY LOWRY

<http://www.fireengineering.com/articles/print/volume-155/issue-5/features/the-dangers-of-mobile-home-fires.html>

David Machren
6316 NE 196th St.
Kenmore, WA 98028

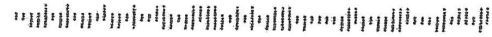
SEATTLE WA 980

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City of Kenmore
Planning Commission
P.O. Box 82607
Kenmore, WA 98028

98028-060707



Attachment 3

Lauri Anderson

From: Jeff LaFlam <jlaflam@northshorefire.com>
Sent: Monday, December 18, 2017 11:37 AM
To: Lauri Anderson
Cc: Jim Torpin
Subject: Mobile Home safety

Lauri,

As Fire Marshal and designated "Fire Code Official" my role is to provide the city with expertise and advice regarding the interpretation and application of the fire code within the City of Kenmore. The City of Kenmore is ultimately responsible for the enforcement and implementation of the provisions of the Fire Code.

I do agree with Bryan Hampson that changes to the building and fire codes over time has improved the level of safety through safety related restrictions that have improved construction practices used for contemporary structures. However, except for in a few limited cases, the fire code does not require older structures to be brought up to current standards. Therefore, I would agree with the premise that replacing or retrofitting an older structure with a newer one based on current codes would improve safety. The feasibility of such is for the Planning Department to decide.

If the Planning Department has specific questions regarding the fire code as it pertains to mobile homes, I would be more than happy to provide an opinion to assist them in developing their long term vision for the city.

Sincerely,

Jeff LaFlam
Fire Marshal
Northshore Fire Department
jlaflam@northshorefire.com
425-354-1741

Lauri Anderson

From: Lauri Anderson
Sent: Wednesday, January 17, 2018 8:03 AM
To: Lauri Anderson
Subject: Service Request: 14567

CITY OF KENMORE**SERVICE REQUEST**

Service Request ID	14567
Problem Description	DS INQUIRY
Priority	Medium
Has caller been responded to	N
Date that caller was responded to	
Need to contact caller by this date	1/30/2018 11:10:27 AM
Incident Address	MULTIPLE LOCATIONS/CITYWIDE
Incident Apt Number	
Incident Location	All six mobile home parks
Incident City	
Incident State	
Incident Zip	
Service Request Initiated By	QUINN, JANET
Date & Time Service Request Initiated	1/16/2018 11:10:27 AM
Submit To	BENT, DEBBIE
Submit To Date	1/16/2018 11:10:33 AM
Submit To Open By	
Date SR Was Opened By Submit To	
Dispatch To	BAKER, BRIDGIT
Dispatch To Date	1/16/2018 11:10:35 AM
Dispatch Open By	
Dispatch To Open Date	
Status	Open
Closed By	
Closed Date	
Service Request Incident Info	Concerns about potential rezoning
Existing Service Request Comments	By QUINN, JANET: 1/16/2018 11:10:52 AM Please remember that residents of mobile home parks are not units but humans.If you rezone and owners sell where do these people go?A paltry few would get affordable housing in the new buildings and where do upwards of 400 humans go while they are built.There is absolutely no need to rezone until you have addressed their displacement.The sum listed to move them is nowhere near the amount needed.I feel that this is a move to remove the poor from the community.
Code Compliance Case Number	
LFP Work Order Number	

King County Discretionary Req Number	
Historical Number	

CALLER INFORMATION

First Name	Last Name	Address	Apt. #
CHRISTINE	LINK	7052 NE 145th St.	

City	Zip	Home Phone	Work Phone	Other Phone
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Customer Comments	Caller Problem Details
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Customer Email	Cell Phone
CLLINK@ROADRUNNER.COM	

OLSEN LAW FIRM PLLC

WALTER H. OLSEN, JR., ATTORNEY
B. TONY BRANSON, ATTORNEY
MICHAEL D. McLAUGHLIN, ATTORNEY

DOUG SCHARNHORST, CONTROLLER/PARALEGAL
JANICE MUNSON, PARALEGAL
LIGIA PARKER, PARALEGAL
KELLEY GILBERTSON, LEGAL ASSISTANT

January 2, 2018

City of Kenmore Planning Commission
18120 68th Ave. N.E.
Kenmore, Washington 98028

Re: Lakewood Villa Mobile Home Park
7031 N.E. 175th Street
Kenmore, WA 98028

Dear Commissioners:

I represent the owner of Lakewood Villa with regard to the City of Kenmore's consideration of its Housing Strategy Plan. I have reviewed the Planning Commission Minutes for its meeting on December 5, 2017, as well as the Memorandum from the Community Development Department dated December 22, 2017 (the "Memo").

Lakewood Villa intends to continue operating as manufactured housing community for older persons age 55 or older for the foreseeable future, but its investment backed expectation is to sell Lakewood Villa to a future purchaser who may have other long-term plans for the property that are inconsistent with the new MHP zone that is described in Scenario 1 of the Memo. My client's investment backed expectation is a property right which remains constitutionally protected under our state and federal constitution.

While the 9th Circuit of our federal Court of Appeals ruled in 2012 that three mobile home parks in Tumwater were unable to prove sufficient economic impact from Tumwater's MHP zone, that ruling is limited to the unique facts in the case of *Laurel Park v. City of Tumwater*. The federal court did not rule that "mobile home park zoning placed over existing mobile home parks was constitutional" in all cases as implied in paragraph "1" on page 4 of the Memo. Given the right case in which a mobile home park owner suffers sufficient economic impact from a MHP zone, a federal or state court could decide differently. For example, Lakewood Villa is on waterfront property (the Lake Washington Slough), and its resulting higher property value and unique facts could very well demonstrate a sufficient economic impact to satisfy federal and state case law.

Accordingly, Lakewood Villa favors the Relocation Report and Plan requirements as described in Scenario 2 of the Memo. Other cities have successfully implemented ordinances which require that any manufactured housing community owner first apply for and obtain an approved Relocation Report and Plan ("RRP") *before* any tenant receives a written notice of community closure. For example, the City of Seattle's attached ordinance requires that any RRP include the below information:

A. The relocation report and plan shall describe how the mobile home park owner intends to comply with chapters 59.20 and 59.21 RCW, relating to mobile home relocation

205 S. MERIDIAN • PUYALLUP • WASHINGTON • 98371 • PHONE • 253-200-2288 • FAX • 253-200-2289

January 2, 2018
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assistance, and with Sections 22.904.400 through 22.904.480. The relocation report and plan must provide that the mobile home park owner will assist each mobile home park tenant household to relocate; in addition to making State-required relocation payments, such assistance must include providing tenants an inventory of relocation resources, referring tenants to alternative public and private subsidized housing resources, helping tenants obtain and complete the necessary application forms for State-required relocation assistance; and helping tenants to move the mobile homes from the mobile home park. Further, the relocation report and plan shall contain the following information:

1. The name, address, and family composition for each mobile home park tenant household;
2. The condition, size, ownership status and probable mobility of each mobile home occupying a mobile home lot;
3. Copies of all lease or rental agreement forms the mobile home park owner used both before and during the change of use or closure process;
4. To the extent mobile home park tenants voluntarily make such information available, a confidential listing of current monthly housing costs, including rent or mortgage payments and utilities, for each mobile home park tenant household;
5. To the extent mobile home park tenants voluntarily make such information available, a confidential listing of net annual income for each mobile home park tenant household;
6. Specific actions the mobile home park owner will take to assist each mobile home park tenant household to relocate, in addition to making State-required relocation payments to mobile home owners;
7. An inventory of relocation resources, including available mobile home spaces in King, Snohomish, Kitsap, and Pierce Counties;
8. Actions the mobile home park owner will take to refer mobile home park tenants to alternative public and private subsidized housing resources;
9. Actions the mobile home park owner will take to assist mobile home park tenants to move the mobile homes from the mobile home park; and
10. Other actions the owner will take to minimize the hardship mobile home park tenant households suffer as a result of the closure or conversion of the mobile home park.

See attached SMC 22.904.410-.460. The City of SeaTac has a similar RRP ordinance. See attached.

Scenario 2 would result in a better balance between preserving affordability and protecting new future density in Kenmore as contemplated by both the Growth Management Act and paragraph 4 of the Planning Commission's Meeting Minutes for December 5, 2017. Scenario 1 offers no balance between affordability and the City's future density requirements. Therefore, Lakewood Villa respectfully requests that the Planning Commission continue to consider Scenario 2, and remove Scenario 1 from its future consideration.

Sincerely,



Walter H. Olsen, Jr.

Seattle, WA Municipal Code

Page 1 of 4

22.904.400 - Reservation of mobile home lots.

All mobile home park lots shall be reserved for use by mobile homes. No recreational vehicle may displace or replace a mobile home in any mobile home lot; provided, that nothing in this chapter shall be construed to require displacement of any recreational vehicle occupying a mobile home lot on the effective date of the ordinance codified herein; ^[22] and further provided, that when a mobile home lot becomes vacant for any reason, it may not be occupied by a recreational vehicle unless the vacant mobile home lot, because of its size, irregular configuration, or inadequate utilities or facilities, cannot accommodate a mobile home.

(Ord. 115183 § 2(part), 1990.)

22.904.410 - Eviction notices for change of use or closure of a mobile home park.

- A. Before a mobile home park owner may issue eviction notices pursuant to a closure or change of use under chapter 59.21 RCW, the mobile home park owner must first submit to the Seattle Department of Construction and Inspections a relocation report and plan that meets the requirements of Section 22.904.420. If applying for a change of use, the mobile home park owner shall submit the relocation report and plan together with the master use permit application. Once the Director of the Seattle Department of Construction and Inspections determines that the relocation report and plan meets the requirements of Section 22.904.420, the Director shall stamp approval on the relocation report and plan and return a copy of the approved plan to the mobile home park owner. If the Director of the Seattle Department of Construction and Inspections determines that the relocation report and plan does not meet the requirements of Section 22.904.420, the Director may require the mobile home park owner to amend or supplement the relocation report and plan as necessary to comply with this Chapter 22.904 before approving it.
- B. No sooner than upon approval of the relocation report and plan, the owner of the mobile home park may issue the 12 month eviction notice to the mobile home park tenants. The eviction notice shall comply with RCW 59.20.080 and RCW 59.21.030. No mobile home park tenant who rents the mobile home in which the tenant resides may be evicted until the 12 month notice period expires, except for good cause as defined in Section 22.206.160. No mobile home owner who rents a mobile home lot may be evicted until the 12 month notice period expires, except pursuant to the Manufactured Mobile Home Landlord-Tenant Act, chapter 59.20 RCW.

Seattle, WA Municipal Code

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(Ord. 124919, § 127, 2015; Ord. 115183 § 2(part), 1990.)

22.904.420 - Relocation report and plan.

A. The relocation report and plan shall describe how the mobile home park owner intends to comply with chapters 59.20 and 59.21 RCW, relating to mobile home relocation assistance, and with Sections 22.904.400 through 22.904.480. The relocation report and plan must provide that the mobile home park owner will assist each mobile home park tenant household to relocate; in addition to making State-required relocation payments, such assistance must include providing tenants an inventory of relocation resources, referring tenants to alternative public and private subsidized housing resources, helping tenants obtain and complete the necessary application forms for State-required relocation assistance; and helping tenants to move the mobile homes from the mobile home park. Further, the relocation report and plan shall contain the following information:

1. The name, address, and family composition for each mobile home park tenant household;
2. The condition, size, ownership status and probable mobility of each mobile home occupying a mobile home lot;
3. Copies of all lease or rental agreement forms the mobile home park owner used both before and during the change of use or closure process;
4. To the extent mobile home park tenants voluntarily make such information available, a confidential listing of current monthly housing costs, including rent or mortgage payments and utilities, for each mobile home park tenant household;
5. To the extent mobile home park tenants voluntarily make such information available, a confidential listing of net annual income for each mobile home park tenant household;
6. Specific actions the mobile home park owner will take to assist each mobile home park tenant household to relocate, in addition to making State-required relocation payments to mobile home owners;
7. An inventory of relocation resources, including available mobile home spaces in King, Snohomish, Kitsap, and Pierce Counties;
8. Actions the mobile home park owner will take to refer mobile home park

tenants to alternative public and private subsidized housing resources;

9. Actions the mobile home park owner will take to assist mobile home park tenants to move the mobile homes from the mobile home park; and
 10. Other actions the owner will take to minimize the hardship mobile home park tenant households suffer as a result of the closure or conversion of the mobile home park.
- B. The Director of the Seattle Department of Construction and Inspections may require the mobile home park owner to designate a Relocation Coordinator to administer the provisions of the relocation report and plan and work with the mobile home park tenants and the Seattle Department of Construction and Inspections and other City and State offices to ensure compliance with the relocation report and plan and with state laws governing mobile home park relocation assistance, eviction notification, and landlord/tenant responsibilities.
- C. The owner shall make available to any mobile home park tenant residing in the mobile home park copies of the proposed relocation report and plan, with confidential information deleted. Once the Director of the Seattle Department of Construction and Inspections approves the relocation report and plan, a copy of the approved relocation report and plan shall be delivered to each mobile home park tenant with the required 12 month eviction notice.
- D. The mobile home park owner shall update the information required under this Section 22.904 to include any change of circumstances occurring after submission of the relocation report and plan that affects the relocation report and plan's implementation.

(Ord. 124919, § 128, 2015; Ord. 115183, § 2(part), 1990.)

22.904.430 - Certificate of completion of the relocation report and plan.

No mobile home park owner may close a mobile home park or establish a change of use of a mobile home park until the mobile home park owner obtains a certificate of completion from the Seattle Department of Construction and Inspections. The Director of the Seattle Department of Construction and Inspections shall issue a certificate of compliance only if satisfied that the owner has complied with the provisions of an approved relocation report and plan, with eviction notice requirements of RCW 59.20.080 and 59.21.030, with relocation assistance requirements of RCW 59.21.020, and any additional requirements imposed in connection with a master use permit application.

Seattle, WA Municipal Code

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(Ord. 124919, § 129, 2015; Ord. 115183 § 2(part), 1990.)

22.904.440 - Notice of provisions.

It is unlawful to sell, lease or rent any mobile home or mobile home park rental space without advising the prospective purchaser, lessee, or renter, in writing, of the provisions of Sections 22.904.400 through 22.904.460 of this chapter.

(Ord. 115183 § 2(part), 1990.)

22.904.450 - Administration.

The Director of the Seattle Department of Construction and Inspections shall administer and enforce Sections 22.904.400 through 22.904.460 and is authorized to adopt rules and regulations consistent with and necessary to carry out these sections. Whenever an owner or an owner's agent fails to comply with the provisions of Sections 22.904.400 through 22.904.470, the Director of the Seattle Department of Construction and Inspections may deny or revoke a master use permit and/or other permits or approvals, or may, in the Director's discretion, condition any permit upon the owner's successful completion of remedial actions that the Director of the Seattle Department of Construction and Inspections deems necessary to carry out the purposes of Sections 22.904.400 through 22.904.460.

(Ord. 124919, § 130, 2015; Ord. 115183, § 2(part), 1990.)

22.904.460 - Penalties—Sections 22.904.400 through 22.904.470.

In addition to any other sanction or remedial measure imposed under this chapter, any person who fails to comply with any provision of Sections 22.904.400 through 22.904.470 or any notice, decision or order issued by the Director of Construction and Land Use pursuant to Sections 22.904.400 through 22.904.470, shall be subject to a cumulative civil penalty in the amount of Five Hundred Dollars (\$500.00) per day for each day of noncompliance, measured from the date set for compliance until the person complies with the notice, decision or order, as determined by the Director of Construction and Land Use. The Director of Construction and Land Use shall notify the City Attorney in writing of the name of any person subject to the penalty, and shall assist the City Attorney to collect the penalty.

(Ord. 115183 § 2(part), 1990.)

Chapter 15.465, *SEATAC CODES*

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1. **Purpose.** To allow the economic use of perimeter areas in mobile home parks; to foster affordable housing options; to create designated areas for recreational vehicles; to allow alternative use of land within mobile home parks, yet protect existing and future mobile home units.

2. **Siting Standards of Recreational Vehicles in Existing Mobile/Manufactured Home Parks.**

a. A site plan shall be submitted with the following standards for review and approval by the Director.

b. **Recreational Vehicle Sites.** RVs may be located in a perimeter designated area. The designated area shall be a logically geometric shape, which does not encroach significantly into the area for mobile/manufactured home units.

It is provided, however, that once the owner of a mobile home park has given notice of intention to close the mobile home park pursuant to any applicable relocation plans, pending final closure of the mobile home park, and in keeping with the provisions of subsections (G)(2)(c), (d) and (e) of this section, the owner may site recreational vehicles in such mobile home spaces as may become vacant during the closure period without regard to the number of such recreational vehicles or their locations within the mobile home park. The closure period, which shall include the period of time from the date of the notice of the intention to close the mobile home park to the final closure of the mobile home park, shall not exceed one (1) year.

c. Recreational vehicles shall hook up to the utility hook-ups (under permits) and maintain the minimum standards on those utilities.

d. Recreational vehicles shall not remain on the leased space longer than one hundred eighty (180) days a year. The recreational vehicle must be physically detached from the utility hook-ups and out of the park for at least twenty-four (24) hours before hooking up again.

e. The recreational vehicles shall meet all applicable health and building standards.

f. The recreational vehicle section shall be screened from both the road and the mobile/manufactured home park with Type IV landscaping at a width of five (5) feet.

H. **Mobile Home Park Relocation Standards.** At such time as the owner of a mobile home park determines to close a mobile home park, or any portion thereof, or to change the use of the land on which a mobile home park is located, or any portion thereof, including conversion to a mobile home park subdivision, condominium or cooperative as discussed below, but prior to the date on which the owner gives notice to tenants of the change of land use pursuant to RCW 59.20.080(1)(e), the owner shall submit to the City a mobile home park relocation plan covering the park or portion of the park for which a change is proposed.

In the case of conversion to a mobile home park subdivision, condominium or cooperative, a relocation plan shall be required if and only if purchase of a share is necessary to remain in the park;

in such cases, the relocation plan shall be required only for tenants who are not purchasing a share and would be displaced by the conversion. Once the plan is approved in accordance with this section, the City shall issue a certificate of approval to the mobile home park owner. The mobile home relocation plan shall comply with the standards and procedures contained in this section.

If an eminent domain action of a Federal, State or local agency causes closure of a mobile home park and the procedures set forth in the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, 42 U.S.C. 4601 et seq., and the regulations of 49 CFR Part 24 or the Relocation Assistance – Real Property Acquisition Policy Act of Chapter 8.26 RCW and the regulations of Chapter 468-100 WAC are followed, the requirements of those acts and regulations will supersede the requirements of this section and the standards contained herein.

If a condemnation action of the City causes closure of a mobile home park, the City will be responsible for fulfilling the requirements of the standards contained herein and may provide additional relocation assistance in accordance with the provisions of the State act and regulations. If the City chooses to follow portions of the State act and the Director determines that there is a conflict or redundancy between the portions of the State act and regulations being followed by the City, and the standards contained herein, the State act shall take precedence in such areas of conflict or redundancy. If the State act is followed in all respects, such act will supersede the requirements of this section and the standards contained herein.

1. **Required Elements of the Mobile Home Park Relocation Plan.** The mobile home relocation plan shall include the following required elements:

a. **Inventory.** An inventory of park tenants and their mobile homes shall be prepared in a format established by the Department (hereinafter referred to as the "department"). The purpose of the inventory is to provide data for the State Environmental Policy Act (Chapter 43.21C RCW) checklist (hereinafter referred to as the "SEPA checklist"), which will analyze the impact of the park closure, and to establish a basis for identifying relocation/mitigation options. The inventory shall include:

- i. An inventory of park tenants (to include information as to age, income, number of years in the park);
- ii. An inventory of the age and conditions of the mobile homes; and
- iii. Costs of pad rental, park utility fees and other charges, personal utilities, insurance, personal property taxes, and mobile home security interests, if applicable.

The inventory request form shall clearly state to tenants that disclosure of age, income and housing cost information is voluntary, and that the purpose of requesting the information is to assess the impact of the proposed closure and the applicability of low-income housing assistance programs. If provided, this information shall be treated in a confidential manner and shall be made public only in statistical summary format.

b. **Environmental Conditions.** An analysis of environmental conditions in the park shall be conducted. The analysis shall include noise levels and other environmental factors

affecting the suitability of the park for various land uses, including mobile homes, other residential uses, and commercial uses. This information will be used to prepare the SEPA determination of environmental impacts of the proposed action. Noise measurements shall be taken on site by the property owner using an approved noise meter.

c. **Options.** A list of relocation options shall be prepared, including:

- i. A list of vacant mobile home park spaces in King and Pierce Counties, together with a description of each park's amenities, restrictions, rental rates and other costs charged;
- ii. A list of low cost apartments or other low cost housing options in King County;
- iii. Information from banks concerning first-time home buyer programs;
- iv. Information from the county or nonprofit entities concerning relocation park options; and
- v. Information from the Port of Seattle regarding the process for obtaining Port noise mitigation funds and "advisory assistance," if applicable, including a statement of whether or not the owner intends to participate in any available program and pass noise mitigation funds to tenants.

d. **Choices.** A statement of housing preference, based on the available options, shall be gathered from each mobile home tenant. The list of each participating tenant's preference shall provide a basis for tenants to coordinate their preferences with others in the park and with the available opportunities.

e. **Anticipated Timing.** The mobile home park owner shall provide a statement of anticipated timing for park closure.

f. **Coordination Plans or Actions.** The mobile home park owner shall provide a statement of any coordination plans or actions in addition to those stated above that the park owner intends to take in order to minimize the impacts of park closure on the tenants. The relocation plan shall identify an official relocation plan contact. The contact shall be responsible for providing the required relocation information to tenants and status information to the City.

2. **Required Process.** The timing and preparation of the mobile home relocation plan shall comply with the following process:

- a. The owner of the park shall initiate a preapplication meeting with the department to clarify the requirements of the relocation plan. If applicable, the applicant shall also meet with Port of Seattle staff to determine if relocation assistance is available.
- b. The owner of the park shall notify, in writing, all affected park tenants and the department that the owner is beginning the process of preparing a mobile home relocation plan. In such notification, the department shall schedule a meeting with tenants to inform

Chapter 15.465

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them of the owner's proposal for the property, the requirements of the mobile home relocation standards, as contained herein, and the proposed timeline for the process.

c. The mobile home park owner shall prepare a relocation plan, pursuant to the requirements of subsection (H)(1) of this section.

d. The mobile home park owner shall complete a SEPA checklist for the relocation plan. A copy of the SEPA checklist shall be sent to each tenant of the mobile home park. If the owner is proposing to redevelop the site, the owner may choose to have the site plan for the new development evaluated for environmental impacts concurrently with the relocation plan. If this option is chosen, the owner shall submit a site plan along with the SEPA checklist and relocation plan.

e. The department shall review the relocation plan to ensure compliance with the requirements of subsection (H)(1) of this section. If it is determined that the requirements have not been met, the department shall notify the mobile home park owner in writing of the identified deficiencies. The owner shall revise the plan to correct all of the identified deficiencies before resubmitting it to the City.

f. Once it is determined that the requirements of subsection (A) of this section have been met, the Director of the department shall issue a decision on the relocation plan based on the impacts of the proposed action. The decision may be to approve, deny, or require modification of the relocation plan. If the relocation plan is approved, the Director shall issue a certificate of approval.

g. The decision of the Director is appealable to the Hearing Examiner, in accordance with the procedures of SMC 15.115.070, Appeal Process. If the decision is appealed, the relocation plan process as set forth herein shall automatically be stayed until the appeal is resolved.

h. If approved, the relocation plan shall be delivered to all tenants by the mobile home park owner prior to or coincident with the minimum twelve (12) month notice of intent to close the park. The relocation plan shall be valid for delivery to tenants for three (3) months from the date of approval. If the relocation plan is not delivered in this time frame, or if park closure does not occur within two (2) years of approval of the plan, preparation of a new or updated plan may be required by the City.

i. The mobile home park owner shall provide to the City a statement confirming that all requirements of Chapter 59.23 RCW, if applicable, including notice and first right of refusal of tenants to purchase the park have been followed.

j. The park owner shall submit to the City a report on the relocation process which shall include: (a) a list of tenants remaining in the park, by space or address (rent roll); and (b) spaces which have been vacated together with a description of the destination of vacating tenants and the type of housing obtained. The report shall be submitted monthly, or more frequently if requested by the department, until the park is vacant.

k. Once the relocation plan has been deemed by the Director to be satisfactorily implemented, the City shall issue a certificate of satisfactory completion. The mobile home park shall not be closed prior to the issuance of said certificate. The relocation plan shall be deemed to be satisfactorily implemented when the plan's stated actions have been implemented and when all tenants have relocated.

3. **Alternative Plan and Process.** If the owner of a mobile home park negotiates a relocation agreement with tenants to the satisfaction of such tenants, the agreement, signed by all affected tenants, shall be submitted to the City in lieu of the relocation plan and process of subsections (H)(1) and (2) of this section. The following process shall then apply:

- a. The City Attorney shall review the agreement and attest to its legality as to form.
- b. The requirement of RCW 59.20.080(1)(e) with respect to a twelve (12) month notice of land use change must still be met. However, if all tenants have satisfactorily relocated prior to the statutory twelve (12) month period, the park, or portion thereof, may be closed sooner.
- c. Once the agreement has been determined to address the needs of the tenants, the Director shall issue a certificate of approval.
- d. The owner shall submit monthly reports in accordance with subsection (H)(2)(j) of this section.
- e. After all tenants have moved from the park, the Director shall issue a certificate of satisfactory completion and the park may be closed. (Ord. 15-1018 § 1)

The SeaTac Municipal Code is current through Ordinance 17-1024, passed December 21, 2017.

Disclaimer: The City Clerk's Office has the official version of the SeaTac Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.ci.seatac.wa.us/> (<http://www.ci.seatac.wa.us/>)
 City Telephone: (206) 973-4800
 Code Publishing Company (<http://www.codepublishing.com/>)

January 30, 2018

Kenmore City Council

Kenmore Planning Commission

I live in a manufactured home community in Kenmore Washington and feel that the options presented to our community are in direct opposition to RCW59.20 where the intent by the legislature is expressed as to 'encourage and facilitate the preservation of existing manufactured/mobile home communities...'

The options being offered for consideration do not seem to include preserving the existing communities. There seems to be an emphasis on 'moving' the communities and providing 'relocation' assistance. This is not a community of apartment dwellers but a community of people who PURCHASED their homes and in some cases are still making payments on the homes. As you know, these homes are not able to be moved, and even if they can physically be moved, there are no home parks to move them to. To basically take away a \$30-\$100,000 investment without adequate compensation is ludicrous. To top it off, these home parks are filled with primarily seniors who are on a fixed income as well as low income Hispanic families. Both of these communities are vulnerable and least likely to have financial alternatives or opportunities to legal council.

Is this what Kenmore is about? Kicking out the poor and elderly so developers can build 'luxury' apartments for new residents? What happened to helping and protecting the people who LIVE WORK and VOTE in Kenmore? I heard that there is a new bike path that will cost \$1.4 million dollars. How many citizens is that going to help and is that more important than helping the elderly and low income people that live in Kenmore? Do you know who votes the most? Elderly.

There needs to be more options discussed on this issue, such as the city partnering with the county to buy existing parks to preserve them as well as using city land to build new parks that are designated to stay parks for 30 years. Offering tax incentives to park owners and discounted utilities, and 0-no interest long term loans to pay for infrastructure repairs.

PLEASE, explore some of these alternative ideas.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vidal Bitton', with a long horizontal line extending from the end of the signature.

Vidal Bitton

Council members thank-you for hearing me tonight

I live at Inglewood East Shores 55 and older mobile home park. I want our mobile home park to be preserved as an affordable housing community.

My big concern is the word affordable. Affordable is no longer a word I use in our community. The land rent has gone up such that over 75% of the tenants are sincerely struggling and more than 85% of the residents are on fixed incomes. The land/Park owners continue to raise the land rent each year; I say land rent for we all own our units

SSI and SSDI did not give a cost of living increase the past 2 years but the owners didn't even take that into consideration for our senior citizen park and raised the land rent by 25% each year. So when you say that you are preserving our mobile home parks... Thank you very much by the way I really mean it... Who in City Hall or the Government will be responsible for keeping an eye on the rates to keep the rent so called affordable? So it can truly be affordable housing? Will there be a group, committee doing that? ~~Our~~ My mobile home rent and utilities (water sewer garbage) is 70% of what people get from SSI SSDI leaving 30% to live on and pay other costs with. I own not rent my unit which means rent should be way less than apartment rent. Why? I have the burden of the repair and up keep for my unit, unlike apartments which it is the managers job to do that. That is why apartments are more expensive they have to shell out those costs and get those cost through the high rents. So who will be in charge of keeping the owners in check of not continuously raising rent to the amount of what apartments are thus making the rent no longer affordable?

I take pride in my home, I bought my home because it was affordable and you preserving it will give me the ability to stay in my home that I bought with hard earned money... but how can it stay or be affordable if no one keeps an eye on the land rent rate? I am on a fixed income, I get \$1300 a month yet my rent and utilities alone are almost \$800 a month, I still have to pay the mortgage, power, food, insurance, prescriptions etc. 4 years ago rent/utilities were almost \$600 a month. So you can see the outrageous increases we are paying. Residents shouldn't have to pick and choose between eating or getting their medicine. The owner raise the rent each year knowing we are on fixed incomes even though SSI SSDI did not give us a cost of living increase. How am I or we supposed to afford their increased so called affordable rent?

After preserving our park please put a committee, group in place to keep the rent rates affordable especially at the 55+ communities. If you don't keep it affordable then all of these people that are here today will be forced out of their homes; making Kenmore the city of the homeless not Kenmore the city of beautiful mobile home communities.

Thanks for listening

Sharon Hawkins
7301 NE 175th St #308
Kenmore WA 98028

January 30, 2018

To: Kenmore City Council, Kenmore Planning Commission

From: Christine Suzuki

CREATING Homelessness – The housing displacement of elderly & low-income households in Kenmore Washington.

- Manufactured homes are homes, not apartments. Apartments are not a sufficient replacement of homes. When you own your own home you spend much of your spare time in repairs and upkeep, but you get to enjoy living independently, you enjoy having a garden, enjoy feeding the humming birds, enjoy painting your living room the color you always wanted. You can walk or roll (if in a wheel chair) without disturbing someone else.
- Residents purchased their homes from \$15-\$150,000 because they could not afford homes elsewhere. If the residents of the manufactured home parks could afford and qualify for loans to purchase regular homes in the area, they would. Manufactured home parks allow home ownership for residents that cannot afford more. The residents PURCHASE the homes, sometimes cash, sometimes with a bank loan. On top of their purchase payments, they pay a monthly fee to the park owner anywhere from \$600 - \$1500 month for maintenance of the common areas.
- Example of a typical homeowner in a manufactured home park: My friend had a financial disaster during the 2008 financial crash and lost his home to Wells Fargo. He could not afford or qualify to purchase another home, he had a house full of belongings, a car, two motorcycles and a cat. His options were few. He had a friend that suggested he look into purchasing a home in a manufactured home park. He found a home that had a fire, the entire interior had smoke damage. He purchased the home for a small amount and with the help of friends proceeded to gut the home adding new sheetrock, new kitchen cabinets and appliances and a remodeled bathroom. This was not the first choice for him to land after losing his house. But he was able to make his new purchase into a home that he loves. Every DAY he makes an improvement on the home. He is a proud home owner.
- \$2,000 suggested 'purchase price' of manufactured homes is insulting and degrading, knowing that this community does not have financial options to move to another similar location for that amount of money nor do they have the financial ability to hire legal counsel.
- Kenmore's goal of 'beautifying' the city includes encouraging redevelopment of manufactured home communities into high density buildings to provide housing for NEW people moving to Kenmore while forcing 257 LONG TERM KENMORE RESIDENTS to abandon their homes to become homeless.
- Many residents are elderly and many residents are ill and not physically able to 'move their homes' to another location nor have the financial ability to pay someone to move them to a location they cannot afford. They will literally be sent out into the streets to die.
- Kenmore has made an effort to build public facilities that are 'high design.' They have also taken leadership in building LEED certified buildings (Leadership in Energy & Environmental Design) (Program developed by USGBC) The city hall, the fire station and the library are all LEED Certified.
- It would be and act of Leadership if Kenmore allocated some of their public land to build a LEED certified small home park for fixed income and low income households. The park would be built to LEED standards, the infrastructure correctly designed, built & maintained, the small homes to be all LEED certified, the park to be located close to the downtown area so that residents could walk to grocery stores and access mass transit. The city of Kenmore would be APPLAUDED nationally for helping both the environment (with LEED Certification) and helping their long term residents remain living in Kenmore.

Bridgit Baker

From: janhite@remaxmc.com [<mailto:janhite@remaxmc.com>]

Sent: Wednesday, January 31, 2018 1:31 PM

To: Lauri Anderson <landerson@kenmorewa.gov>

Subject: Inglewood East MHP

Ms Anderson I am a resident of Inglewood East Mobile Home Park and attended the meeting last evening. Mr Olson and Mr Stanger were patient and lead the discussion as well as could be expected. It was unfortunate to have the meeting in one large room with all attendees from various parks talking at once. Hearing and speaking was a challenge.

That being said, we certainly appreciate the opportunity to voice our opinions. Since I work in home sales and in the past, commercial development, I am fully aware of community change and the possibilities of development to Kenmore. I appreciate the Planning Commission's approach to navigate through the changes with fact finding and transparency.

Inglewood East MHP is set apart from some parks as it is designated as a 55 and older park. The residents, if displaced, are not easily relocated. While some may have the financial resources, they may not have the physical or mental ability to lose their home. This fact needs to be addressed.

It is a great community of nice people who take care of each other. Life savings are in some of those homes. The owner of the park has taken effort to correct water pipe issues, resurfaced the dock, replaced the club house roof, and corrected the asphalt. The homes are nice and well maintained, the flora is especially beautiful.

Ideally, I would like to see this park receive some type of "55 and older" moratorium on change or at least a longer range time frame to vacate beyond a year (if it comes to that) 5-10 years makes more sense. The senior community is important, it is important to Kenmore and it is important for all ages to know that we take care of our seniors, not displace them during the years when appreciation for their contribution and compassion for aging is needed. Senior living is as forward thinking as new young (high income) people coming into the area, since we are all living longer. A good mix of all ages and income levels is desirable. It would be a very sad commentary on a community that rids itself of seniors for the sake of an increased tax revenue. I know Kenmore would not do that. There are many new living spaces being built in Kenmore, the commercial will follow. The community will boom without removing the senior park.

If the need arises, we have a resident with experience who can and will apply for a grant to aid the home owners for an opportunity to buy the park themselves. All residents (at last night's meeting) are willing to do that.

Obviously, being on the water makes it a desirable location. The Millard's say that they will not sell for at least 15 years however, that can change at any time..

Again, we appreciate the Planning Commission's full review of this situation. Please consider (worst case) extending the time frame for the land owner to give notice to the tenants to move and institute a directive that the tenant (home owner) will be paid enough for their home to make relocation a viable process.

Respectfully Submitted

Jan Hite

Jan Hite/ Broker/Realtor
Re/Max town Center

"master certified negotiation expert" MCNE
email: janhite@remaxmc.com

425 346-1501

Lakewood Villa MHP

I recently received a letter asking me to consider the following questions.

1. Would you be interested in/willing to help with the purchase of your park by the residents or a non-profit?

Yes, I would be interested in a resident owned community. I have several ideas for improving the property. One of my ideas is to refurbish and expand the Clubhouse on the property the expansion would allow for a bigger kitchen and a secure area for packages to be left by delivery personnel.

2. If the park were to be redeveloped, are there ideas that would make relocation more acceptable to you?

No, I cannot afford the rents in this area or the outlying areas. Rents are currently two to three times the amount that I pay out each month for my loan payment and space rent combined. Apartments are small (approximately half the size of my mobile home) and either prohibit pet ownership by rules or financially.

3. Do you have other ideas that would balance the City's desire to preserve existing affordable housing with the desire to provide more new housing units?

There are several acres of land in Kenmore city limits that are currently zoned as a park that the City is leaving largely overgrown and unusable as a park, the land was given to the City by the County. Why can't a portion of the land be turned into additional affordable housing? This city is being overrun with luxury apartments and houses that a lot of citizens can't afford.

Please consider the facts, some of us used our savings to buy our homes and others had to take out loans that we are still paying to buy our homes. If the property is sold, we will lose not only our homes but we will also lose the investment of our savings because a buyer isn't going to reimburse the 20% down, pay off the existing loan balance or give us the market value for our homes.

Bridgit Baker

From: Art Mannikko [<mailto:artm.08@hotmail.com>]
Sent: Tuesday, January 30, 2018 1:32 PM
To: Lauri Anderson <landerson@kenmorewa.gov>
Subject: MHP meeting tonight

Dear Ms. Anderson:

My name is Arthur Mannikko, I live at 7021 NE 181st st Unit 2. I can't make it to the meeting tonight, but wanted to give a little input.

1. I would be interested in participating in the group purchase of our MHP if that opportunity were to happen.

2. In case of redevelopment, I have heard of MHP owners giving relocation assistance to displaced homeowners. I've heard of \$15,000. Whether they do that by choice or by law/rule, I am unaware. I think that would be enough to relocate my home, although I am well aware that there is no place to move a home to for quite a distance. I suppose that cost would ultimately be reflected in the selling price of the land.

As far as the three proposed scenarios:

Scenario 1. Is it workable, and would it survive a court challenge over property rights?

Scenario 2. I don't like this idea, but at least I might be able to stay in Kenmore in an affordable unit.

Scenario 3. My favorite idea here, it might give my neighbors and I a chance to participate in the real estate economy if it is set up like a condominium association. I know that we don't tend to have high incomes here, and for those who can't afford the payments, perhaps purchase assistance in the form of second mortgages with no payments as liens on the property payable upon sale of the property.

I don't know the value of this land, but there are 20 units, and if it was \$2 million, the payment would be in the same ballpark as my current space rent.

Thanks for your ear,

Art

Bridgit Baker

From: Charles Gippe [<mailto:cjgippe@gmail.com>]
Sent: Thursday, February 01, 2018 9:48 PM
To: Lauri Anderson <landerson@kenmorewa.gov>
Subject: Mobile Home Zoning

Attn: Planning Commission

I've lived at Inglewood East for 30 years. Obviously, I like it there. In 2010 I replaced my solid, but aging double wide. If I had wanted to move I could have sold it for top dollar on it's waterfront lot, probably 40,000 to \$50,000 at the time, but I needed it gone. Having no luck selling it to be moved I listed it for free. With no park openings and it not being up to code for private property there were absolutely no takers, not one response. At that point I got the first bid for having it demolished, it was \$35,000! I got another bid, \$25,000. Both bids did not include dealing with anything toxic like asbestos.

Please keep these values and real cost factors in mind when deciding how to zone Kenmore's mobile homes parks.

Chuck Gippe
425 343 2813
Inglewood East #130

Bridgit Baker

From: City Works
Sent: Thursday, February 01, 2018 10:54 AM
Subject: Service Request: 14637

CITY OF KENMORE**SERVICE REQUEST**

Service Request ID	14637
Problem Description	DS INQUIRY
Priority	Medium
Has caller been responded to	N
Date that caller was responded to	
Need to contact caller by this date	2/15/2018 10:48:49 AM
Incident Address	7031 NE 175TH ST
Incident Apt Number	
Incident Location	
Incident City	
Incident State	
Incident Zip	98028
Service Request Initiated By	QUINN, JANET
Date & Time Service Request Initiated	2/1/2018 10:48:49 AM
Submit To	BENT, DEBBIE
Submit To Date	2/1/2018 10:50:13 AM
Submit To Open By	
Date SR Was Opened By Submit To	
Dispatch To	BAKER, BRIDGIT
Dispatch To Date	2/1/2018 10:50:17 AM
Dispatch Open By	
Dispatch To Open Date	
Status	Open
Closed By	
Closed Date	
Service Request Incident Info	Input on Mobile Home Park re-zoning proposal
Existing Service Request Comments	By QUINN, JANET: 2/1/2018 10:50:51 AM I am disabled, on a disability. I do not want to move out of Lakewood Villa MPH. The park is affordable at \$635 monthly. Where else can I live for this amount?????

Code Compliance Case Number	
LFP Work Order Number	
King County Discretionary Req Number	
Historical Number	

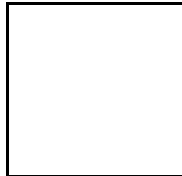
CALLER INFORMATION

First Name	Last Name	Address	Apt. #
CONNIE	JONES	7031 NE 175th, #4	

City	Zip	Home Phone	Work Phone	Other Phone
		206.226.9230 text only (DEAF)		

Customer Comments	Caller Problem Details
-------------------	------------------------

Customer Email	Cell Phone
CONNIEJONES5655@YAHOO.COM	



Creating Homelessness

Thursday, February 1, 2018 at 3:00PM

Christine Suzuki, ASID, LEED AP in Kenmore, MHC, Tiny Houses, healthy home, homelessness, housing crisis, housing displacement, manufactured home communities, tiny homes, tiny house

The housing displacement of elderly & low-income households in Kenmore Washington

Small homes or Tiny homes are the rage across the country, offering home ownership at an affordable price. Ironically, we developed this concept years ago – calling them manufactured homes or trailer homes. Manufactured home communities (MHCs) are sprinkled throughout our state and are usually inhabited by retirees or low-income families. Manufactured homes are HOMES, not apartments. Residents purchase their homes from \$15-\$150,000 because it is affordable home ownership. They also pay a monthly fee to the park owner. Most residents have used all their ‘nest egg’ to purchase these homes; they have made many repairs and upgrades to the home and expect to live there for many years.

There are six MHC communities in Kenmore Washington with 257 households. Some residents have lived in their community for over 30 years. Recently, residents of all six parks were surprised to receive a letter informing them that there was a Planning Commission that was making recommendations to the City Council regarding MHCs and housing density in Kenmore. Residents were invited to a meeting to learn about the *future plans* of their communities. The commission was exploring options to allow **development** (code word for tearing down your home with no compensation) of the parks but requiring that a % of future **apartments** being built be ‘affordable.’ *In return for losing their homes and a place to live, the residents would receive ‘first right’ of renting an apartment that would be built in the future.* This option satisfies both Kenmore’s density problem as well as their responsibility to provide low income housing.

WOW! (this is my commentary), **WOW**, so the solution to Kenmore’s density problem is to take the fixed income/low income population, the population with the lowest income, the lowest resources and the least ability to obtain legal counsel, and basically steal their homes (as home owner you have to remove your home, but there is nowhere to move it to so you have to demolish it to give back the land to the park owner ‘as it was prior to putting the home on it,’), again, steal their homes and forcing them out on the streets. MANY residents are seniors over 80 years old and being forced out of their homes will have adverse HEALTH implications. (They will die.) Many residents have children whose education will be disrupted, and mental health affected by becoming homeless. MARK MY WORDS, there are few people, if any, in this community who have the financial resources to move to another home. They have put all their savings and resources into the homes that they purchased. **There is no PLAN B.**

To be fair, there was another scenario that would trade development rights that the park owners had not heard of and did not think would work. There was also an option to have the residents buy the park. Again, the park owners pointed out that there was no way the residents could compete with the offers that they were receiving AND that the time for residents to go through the process of raising capital and financing could take years, and if the park owner wanted to sell, they would not want to wait years to do it. So those plans were pretty much dead in the water. They also asked the home owners what ideas they had to make ‘relocation acceptable’, and if they had any good ideas that the council had not explored to solve this problem.

In short, it looks like the only option appealing to both the park owners and the city (*the home owners don’t count*) is to develop manufactured home parks that will provide housing for NEW people moving to Kenmore *while forcing 257 long term Kenmore households into homelessness.*

Article originally appeared on Interior Designer Seattle | Christine Suzuki, ASID LEED AP (<http://www.christinesuzuki.com/>).
See website for complete article licensing information.

Bridgit Baker

Importance: High

From: Christine Suzuki [<mailto:christine@christinesuzuki.com>]

Sent: Tuesday, February 6, 2018 4:17 PM

To: Debbie Bent <Dbent@kenmorewa.gov>; Lauri Anderson <landerson@kenmorewa.gov>

Cc: 'Christine Suzuki' <christine@christinesuzuki.com>

Subject: affordable housing

Importance: High

Hi Debbie & Lauri,

I've been scheduled out and have not had a chance to call. I understand that Kenmore is trying to be proactive and that is good. My concern is that there are two park owners who have said that they intend on selling (stated in the meeting with the park owners and the planning council.) Although the remaining four park owners said they were not going to sell, all it takes is a personal or family crisis that may cause them to change their mind. These are some of my suggestions which may or may not have already been explored:

- a) Although the initial focus is on manufactured home parks, the solutions need to affect all areas of land/zoning.
- b) Kenmore can and should purchase the two mobile home parks that intend to sell. Kenmore should 'manage' the parks while Kenmore builds a new park (LEED certified with LEED certified small homes) for the current residents to move to. When the residents move to the new park, Kenmore can then sell the property to developers for high density housing. (King county and other government entities have purchased mobile home parks to preserve low income housing, why not Kenmore?)
- c) It was pointed out the manufactured home parks take up too much land (not high density.) However each one of those lots take up A LOT LESS land than a single residential lot in Kenmore.
- d) Kenmore should proactively assign a block of residential land and replot it into small plots specifically for small homes. (with normal side/safety setbacks) Then people can purchase the home AND the land (like 'normal' homes) and not have to worry about being kicked out. This should be located close to a community recreation center and grocery stores.
- e) Kenmore should put a zoning overlay (similar to Bothell) over the existing parks to make it difficult to remove the parks
- f) Kenmore should follow Seattle's lead and encourage and support mother in law apartments, back yard cottages, DADU's and ADU's on all residential lots.
- g) Kenmore (and other entities) fight to protect the environment and fight to protect wildlife through zoning and other land use restrictions, Kenmore should fight to protect housing for its' low income and elderly residents.
- h) Kenmore should offer low- 0% interest long term loans for infrastructure repair to existing park owners with a mandate of continuing the park for a minimum of 35 more years
- i) Kenmore should strongly encourage that ALL new commercial buildings be multi storied, mixed use and include a % of housing for low income residents.
- j) Kenmore should prioritize sidewalks for the safety of residents over bike lanes.

Thanks for listening, please forward this to the planning committee, I am not sure if I can attend tonight's meeting,
Christine

Christine Suzuki, ASID, LEED AP
Christine Suzuki Installations Inc.
www.christinesuzuki.com
#chrissi938pa



From: Debbie Bent [<mailto:Dbent@kenmorewa.gov>]
Sent: Monday, February 5, 2018 11:27 AM
To: christine@christinesuzuki.com
Subject: FW: comments for city council members and planning commission members

Hi Christine - I appreciate your interest in this issue. Current regulations would allow redevelopment of the mobile home parks into other multi-family or commercial uses without consideration of impacts to residents. Strategies to "preserve" affordable housing is the highest priority in the Affordable Housing Strategy the City Council adopted last year. The current focus is on mobile home parks as the Council recognizes that the six parks provide affordable housing for many residents. The City Council is being proactive and has put a moratorium in place restricting redevelopment of the parks to give the Planning Commission time to consider regulations that could increase the likelihood of preserving mobile homes or reduce impacts to the residents if a park is redeveloped. The City is not aware of any current redevelopment plans for the parks.

Lauri Anderson, Senior Planner tried to leave you a message earlier today but she is losing her voice so was unable to do so. Lauri and I are happy to meet or talk with you further about your concerns. The scenarios the Planning Commission are exploring are preliminary and could change before a recommendation is made to the Council. If there is a convenient time for you to meet or talk please let me know. Thanks – debbie

Deborah Bent

Community Development Director | City of Kenmore, WA
 18120 68th Ave NE | Kenmore, WA 98028
 Tel: 425.398.8900 | Fax: 425-481-3236
dbent@kenmorewa.gov | www.kenmorewa.gov



From: Christine Suzuki [<mailto:christine@christinesuzuki.com>]
Sent: Sunday, February 04, 2018 4:14 PM
To: City Hall <CityHall@kenmorewa.gov>
Cc: 'Christine Suzuki' <christine@christinesuzuki.com>
Subject: comments for city council members and planning commission members

Hi,
 Please see attached,
 Christine

Christine Suzuki, ASID, LEED AP
 Christine Suzuki Installations Inc.
www.christinesuzuki.com
 #chrissi938pa



Stacey Valenzuela
7031 NE 175th Street #8
Kenmore , WA. 98928

City of Kenmore
City Council and Planning Commission

Re: Response to Invitation to discuss Future plans for City's Manufactured Housing Communities

Let me first say I was so happy to find and move to the city of Kenmore. Most of the people are so welcoming and I find new friends everywhere I go in town. The senior centers have been so great with information, training, and prove often, why they are one of the best in the US. I hope to be able to stay in my Kenmore home. Kenmore the country retreat that is just over 6 miles long and home to the Seaplane Harbor.

1. I would be in support and interested in purchasing our park, Lakewood Villas Senior MHP with the help of a non- profit, if the monthly payment remained affordable and remained, where they are at now , low 30% affordable housing, or below.

We are already starting to organize our Lakewood Villa MHP HOA, and belong to AMHO.org.

We appreciate that the city has placed a Moratorium in place and hope the city of Kenmore steps forward and preserves the affordable housing already in place by designating zone change to protect the senior, veteran, disabled, low and fixed income affordable housing manufactured home Parks, i.e. Designate to preserve Bothell, Lynnwood, etc.

2. If the Manufactured Home park I reside in is relocated, over a hundred senior, vets, disabled, low and fixed income people would be displaced. If all 6 MHP's are relocated over 500-600 seniors, veterans, disabled, low and fixed income people will be displaced. Some will likely die from the stress, many are already getting sick from the stress of the thought of this tragedy. Likely to relocate or demolish the manufactured homes there are steps and additional cost of an asbestos test, asbestos removal if needed, then demolish or relocate cost.

Not one percent of the residents who live in these 250 plus homes would prefer to live in an apartment, condo, or similar, nor could they afford rent/ mortgage for these types of spaces. I paid 3 times the fair market value of this home to live at this park location, to have a yard, a quiet area for my pet and my own space with direct entry and flat walkability to downtown, local stores, transit.

This situation, hearing the possibility of development, permits, is such an overwhelming hardship. We bought these homes to live our senior years, some have lived here for generations, these are the only home ownership affordable housing in the area. The only conditions that I may consider relocating are;

1. if I am given ownership of a new updated manufactured home of same size, 6 room,(2 bed, 1 bath, tv room, living room, kitchen) in a comparative space with a yards, pets allowed, in Kenmore, at the same cost monthly, or 2. Be paid \$75,000.00-\$90,000.00 for single MHP owners/\$150,000.00-180,000.00 double wide. Plus Developer/city pay for any cost for removal of current mobile home, (approx \$5000.00 - 7000.00; no cost to homeowner). Paid additional \$31,500.00 or an average years rent affordable, in the city of Kenmore while attempting to find another home. As well as paid 10,000.00 moving, relocation and storage cost per unit.

Again, likely to relocate or demolish the manufactured homes there are steps and additional cost of an asbestos test, asbestos removal if needed, then demolish or relocate cost.

3. Yes I have other ideas for the city to preserve existing affordable housing as well as add additional units in some of the vacate buildings, lots throughout the city, (some on 181st, 182nd, 192nd, 80th, to just name a few) I hope these will be explored or inspire the council. 1st change the existing zoning of the 2 zoned R12 Senior 55 and over Manufactured Home Parks located on, NE 175th Street, Zone of "Senior Manufactured Home zone" I.e. Bothell, Lynnwood, Kent, Spokane, Tumwater.. The owners of these Parks stated they do not want to develop.. Adding incentives for the owners to keep these Parks with affordable housing, and improve infrastructure with tax credits, water and sewer discounts, affordable housing tax credit. Make this zone change to Kenmore Village as well.

There are 3 suggested options for the other 3 Parks that are in the main part of downtown, located on 181st and 182nd Street.

1. Designate Manufactured Home Zoning Design entry Fences that match the wood/ black steel of the hanger building to be place at 181st street to blend the outer details and also protect the homes from the ongoing vandalizing. The owner is responsible to upkeep the infrastructure. They are also responsible for overcrowding of the homes in the space. As some fail/ move they should not be replaced so park allows for more traffic flow. We appreciate the owners supporting low income housing. Facts are Owners collect hundreds of thousands of dollars in rents annually, to reinvest even 3% back into the infrastructure and upkeep is a necessity. We can help by asking legislators for low cost loans, tax incentives, discounted utilities, etc.

2. See if there is a new investor/owner that would retain the affordable housing and help maintain and support an affordable low/fixed income park. Only if and when there is absolutely no option...

3. Help buy and develop another MHP at the end of NE 175th near 80th. Relocate any homes from these parks with city funds or grant to this new lot.

Kenmore could also be more forward thinking... Add A few Senior Tiny House villages with low affordable (30%) monthly space rent, with 1st right to rent lot to any MHP resident from these Parks, then open applications to other residents already Living in Kenmore).Seniors can pay rent. But use builder whose quality is known at lower price \$30,000 or under base cost with grant funding. Add a few low income 30% affordable housing tiny villages as well for Kenmore residents.

The density is still on the rise with so many luxury condos, townhouses, apartments, that are still in the building or under construction stage, in the permit stage yet to be built, overpriced and unaffordable at the high or bonus market rate for the workers in Kenmore businesses. The lower level or commercial units of new mixed buildings are laying empty as Kenmore businesses cannot afford the high bonus rent.

If we, the residents of Kenmore are valued by you, build for the community that has supported the city. Kenmore is only 6 miles. We have already reached traffic and density capacity. Downtown parking is scarce. On the weekends, there is maybe one parking on the 68th at 181st block. There is no street parking to go to the library, city hall, or to park when there is an event at the Hanger building. The parking lot for Kenmore Camera, post office and other local businesses sits 80% unused with numerous towing signs to keep the spaces available to customers not taken by LINQ renters. The renters of these luxury LINQ apartments take up all the parking spots on both sides of street parking along 68th street. The renters from Spenser 68 take up the parking spots or rent parking from other homes in the area. The developers did not supply adequate parking. What a luxury!

More Ideas for the city to help improve Kenmore. Give Tax credits for developers allotting for 40% or more low affordable housing units in a project. An even higher tax credit for those allotting 80% for low (30%) affordable housing units. Add the requirement for multi-use high density development of 25% of total units must be low (30%) affordable housing when requesting permit. Rezone the vacant commercial building lots within the downtown as multi use, but keep the rents for both businesses and residents medium affordable housing. The current rent for a 2 bedroom unit is \$ 2150.00-3150.00. Too much for a person on a fixed income to afford. There are many other lots or acreage for sale or use in Kenmore, displacing Kenmore residents is not the answer. Also we have too many luxury high rental units, what's needed is low affordable housing, seek developers and work with ARCH to bring more low affordable housing to the lots remaining for workers and residents in Kenmore to live in Kenmore. Also prioritize the city funds; what has a bigger need a \$1.2 -1.8 million dollar (with construction delays and inflated final cost); a 16ft bicycle lane or low(30-40%) affordable housing for residents.

Put your support and money behind your words, invest in the residents and workers off this city. Businesses are starting to look elsewhere since their workers cannot afford the high luxury rents. It is only a matter of time then the boom passes.

We were not given the option of all 6 scenarios the city started with to preserve low affordable housing and would request that the Rezoning to manufactured Home Parks overlay, 2-3 with senior declaration to preserve and protect these Parks. I.e. Bothell, Lynnwood, Tumwater, Spokane, etc. Some of these 6 Manufactured Home parks are the original residential areas in Kenmore.

Scenario # 1 a. We would appreciate that the city control development by rezoning to designate MHP's as a permitted use and limiting other currently permitted land use. . This is the most fair and equitable long term option. B. How does this preserve the park with TDR's. What exactly is the process if the owner wants to developer or sell? Some owners stated they did not want to sell. How would this protect and preserve parks without the overlay? Owners of some of these parks received hundreds of thousands annually but some failed to put money back into infrastructure. I think added incentive and tax credits should be given to the owners to improve and maintain infrastructure, utilizes, water lines, etc.

Scenario #2 Rezone certain parks for greater density and only have some units stay affordable. How does this help when 85% of the home owners that live in the MHP's are on a low fixed income. Perhaps the zone should be reversed and rezone for 1% to be bonus market rate. State funding to relocate

homes only gives each homeowner 7,000.00 single wide and 14,000.00 double. Last year bid I saw was a cost of 18,000.00 to relocate and set up a new lot for a single wide if it went smoothly, any additional work to set up blocks, work with uneven ground, hook up water or electricity would be added to that. So home owners would face a large bill to relocate their homes, test for and remove asbestos, set up lot, and transportation. And that is if a spot to relocate at a reasonable price to can be found.

Scenario #3 This scenario is the only option close to keep ownership and preserve the parks. RockUSA, King County Housing, ARCH, may be able to help us apply for trust, but the failure of some owners to keep up the infrastructure may not allow for this option. Only if part of the package was that the owners need to improve and maintain the infrastructure, while the MHP HOA's and organizations are allowed time to apply for financial help is this even possible.

Infrastructure

Please feel free to contact me.

Thank you for including our ideas. We hope to be here, on NE 175th Street, supporting Kenmore for years to come!

Stacey Valenzuela

February 7, 2018

Kenmore Planning Commission
City of Kenmore

Re: Mobile Home Parks

Dear Commissioners:

Thank you for working on the problem of affordable housing in Kenmore. I am a disabled, low-income senior, but do not live in a MHP. I would like to make a few brief comments and possibly helpful suggestions.

First, we should house as many low-income seniors and disabled as possible now, but also with an eye to the future. There has been no discussion or evaluation of how many Kenmore residents may be on the verge of needing low-income housing as babyboomers mature. So the solution to the current MHP situation should be as expansive as possible, and not just centered on the possible displacement of the current mobile home owners.

After reading several neighborhood social media comments, I would agree that low-income apartments seem the most viable solution to house the largest number of people currently and in the future, and will last many years longer than mobile homes. In addition, maintenance and utility costs are cheaper in apartments compared to mobile homes. Also, from what I understand, most of the existing mobile homes cannot be moved, so new mobile homes would also have to be purchased if a new MHP were developed. Let's focus on efficiently increasing the number of affordable units, not just freezing the number of existing units.

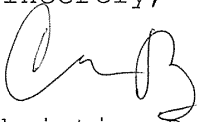
Second, let's expand the concept of TDRs, to allow developers to purchase existing condos or apartments in Kenmore (or the adjoining cities) instead of setting aside affordable units within their new developments. This concept could provide nearly immediate housing for any of the mobile home owners that might be displaced. For example, if a 400-unit apartment can be developed on one MHP property, and 40 of those units are to be set-aside for affordable housing, then developers can purchase 40 condos or entire apartment complexes that currently exist in Kenmore (or adjoining cities) as a substitute. Of course, these

purchased units would be subject to existing rental agreements expiring, and should not displace other low-income tenants. Not only does this scenario provide immediate housing, but developers can maximize their new developments without further concern for affordable housing accommodation. I would suggest any purchased housing under this scenario should be less than 10-20 years old, and have other restrictions on size and condition applied. The developers could retain ownership of these purchased units, or the units could be gifted to some housing authority or suitable non-profit for management. This should be a win-win situation for everyone, especially since new construction costs are usually far more expensive than the cost to purchase existing housing.

Lastly, the cost of living is far outpacing any increases in Social Security. This is another viewpoint to consider for the existing mobile home owners and other fixed income community members. How much longer will they be able to afford mobile home living, including utilities, maintenance, etc?

In closing, let's move away from mobile homes in this area as they have outlived their useful lives, and are not suitable for future long-term affordable housing needs for the larger community. Again, I am also a disabled, low-income senior who is very concerned that affordable housing may not be available for me in the future if/when I also need it.

Sincerely,



Christine Brown
PO Box 82873
Kenmore, WA 98028

PLANNING
COMMISSION
RECEIVED
FEB 07 2010
CITY OF KENMORE
RECEIVED

Bridgit Baker

From: Brittany Caldwell [<mailto:brittany@bothellchamber.com>]
Sent: Tuesday, February 13, 2018 12:18 PM
To: Nancy Meehan <NMeehan@kenmorewa.gov>
Subject: FW: Trailer park

Hi Nancy – Can you please forward the message below to the appropriate person at the City of Kenmore? Sorry, I wasn't sure where to send it.

Thank you for your help, as always!
Brittany

From: Brittany Caldwell [<mailto:brittany@bothellchamber.com>]
Sent: Tuesday, February 13, 2018 12:17 PM
To: 'Shannon Thompson' <sissy2smt@gmail.com>
Subject: RE: Trailer park

Hello Shannon,

Thank you for sharing your concerns. We appreciate your thoughtfulness and will be sure the City of Kenmore receives your feedback.

Have a great day,

Brittany Caldwell
Executive Director

Greater Bothell Chamber of Commerce
425.485.4353
brittany@bothellchamber.com
www.bothellchamber.com

Connect with us online!
[Facebook.com/BothellChamber](https://www.facebook.com/BothellChamber) | [Twitter.com/BothellChamber](https://twitter.com/BothellChamber)
[Facebook.com/KenmoreBusinessAlliance](https://www.facebook.com/KenmoreBusinessAlliance) | [Twitter.com/KenmoreBusiness](https://twitter.com/KenmoreBusiness)

From: Shannon Thompson [<mailto:sissy2smt@gmail.com>]
Sent: Thursday, February 8, 2018 1:45 PM
To: Brittany@bothellchamber.com
Subject: Trailer park

I hope I'm sending this to the right person.
I would like to make a comment about the trailer park.
I'm asking that you don't displace these families and take away their homes. Please don't be like Bothell and make money be more important than the members of our community. I understand Kenmore is growing and it's

already becoming over populated. Why would you take homes from these families that have been in our community for years? Why would you allow these families to be displaced? You are making it to where Kenmore is only for the rich like Bothell. It may not affect you personally but what if you and your family were in the same position, wouldn't you do everything possible to save your home? Put yourself in their shoes. You are all already making it hard on the lower class that live paycheck to paycheck and try to support their families in Kenmore, please don't make it worse by putting these families in the street and make the problem bigger.

Thanks,
Shannon Thompson

Bridgit Baker

From: rinneawynia@aol.com [<mailto:rinneawynia@aol.com>]
Sent: Thursday, February 08, 2018 1:16 PM
To: Lauri Anderson <landerson@kenmorewa.gov>
Subject: Inglewood East Shores MHP Planning Commission meeting of 1/30/2018

First, thank you for thinking of the MHP residents in this dire situation we are facing. The stress level for the residents is unbelievable!! We are not sure why the City of Kenmore is picking on it's elderly and low-income residents. It's as if they want to get rid of us! Actually, we were asked in the meeting, if the worst scenario (#2) would occur, what ties do we have here that would cause us to want to remain in Kenmore??

In answer to the Planning Commission's 4 questions:

#1 NO! Unless it doesn't cost us "one red cent" up front or any increase in monthly costs. As for us, my Husband and I are too old to assist with any portion of the needs associated with a park ownership.

#2 The only one we can think of is to be paid "full market value". In other words, the full amount for what we could sell (sales price), if we listed it for sale. Any of the ideas mentioned in the letter would only costs us lots of money and would not be acceptable. Our investments/equity would be totally wiped out & gone!!!!!!

#3 Zone these MHPs for mobile homes ONLY and not to be developed otherwise. Then build elsewhere - maybe on vacant land or where homes are condemned, or should be, and could be burned down by the fire department for their training. Seems these types of properties do exist in the area (rezone accordingly)

#4 Give tax incentives to the MHP owners to maintain & update parks with a condition that a certain percentage be passed on to residents in the form of lower rents.
Do a study as to why the utility costs are so high in Kenmore.....power, water, sewer and etc. The bills are way higher than other areas.

Then:

Scenario #1 - The only way to go!

Scenario #2 - Absolutely UNACCEPTABLE!

Scenario #3 - Only if absolutely NO COSTS to residents!

The above is in reply to your letter to the MPH residents regarding the January 30, 2018 Planning Commission meeting with the residents.

Sincerely,

Dale and Rinnea Wynia
7301 NE 175th St., #138
Kenmore, WA 98028

Bridgit Baker

Subject: FW: Service Request: 14683

From: Janet Quinn
Sent: Wednesday, February 14, 2018 11:21 AM
To: Lauri Anderson <landerson@kenmorewa.gov>
Subject: FW: Service Request: 14683

Hi Lauri,

Please see new Service Request below. Thanks.

Janet

Janet Quinn
Management Analyst
City of Kenmore
425-984-6191
jquinn@kenmorewa.gov

From: City Works
Sent: Wednesday, February 14, 2018 11:20 AM
Subject: Service Request: 14683

CITY OF KENMORE

SERVICE REQUEST

Service Request ID	14683
Problem Description	DS INQUIRY

Priority	Medium
Has caller been responded to	N
Date that caller was responded to	
Need to contact caller by this date	2/28/2018 11:13:59 AM
Incident Address	CITYWIDE / MULTIPLE LOCATIONS
Incident Apt Number	
Incident Location	
Incident City	
Incident State	
Incident Zip	
Service Request Initiated By	QUINN, JANET
Date & Time Service Request Initiated	2/14/2018 11:13:59 AM
Submit To	BENT, DEBBIE
Submit To Date	2/14/2018 11:14:42 AM
Submit To Open By	
Date SR Was Opened By Submit To	
Dispatch To	ANDERSON, LAURI
Dispatch To Date	2/14/2018 11:16:33 AM
Dispatch Open By	
Dispatch To Open Date	
Status	Open
Closed By	
Closed Date	
Service Request Incident Info	Request for retention and increase of affordable housing for seniors.
Existing Service Request Comments	By QUINN, JANET: 2/14/2018 11:14:06 AM Affordable Housing for Seniors. Need to keep what we have and increase low income housing. By QUINN, JANET: 2/14/2018 11:16:44 AM Emailed to Lauri
Code Compliance Case Number	
LFP Work Order Number	
King County Discretionary Req Number	
Historical Number	

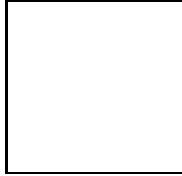
CALLER INFORMATION

First Name	Last Name	Address	Apt. #
GARRETH	JEFFERS	6910 NE 170th St.	

City	Zip	Home Phone	Work Phone	Other Phone
		425-489-0707		

Customer Comments	Caller Problem Details
-------------------	------------------------

Customer Email	Cell Phone
GARRETHJ@MYNORTHSHORE.ORG	



ATTACHMENT 12

Lauri Anderson

From: Walt Olsen <Walt@olsenlawfirm.com>
Sent: Monday, March 05, 2018 11:52 AM
To: Lauri Anderson
Subject: RE: Mobile Home Park information

Lauri,

For Puyallup, see <https://www.cityofpuyallup.org/1374/Affordable-Housing>.

I do not know of any upzoning ordinance at the City of Des Moines. But, another client acquired 3 parks in Des Moines for closure/redevelopment as a mixed use residential property which reserved low-income housing units, and the City required a relocation plan as part of its development approvals in which the developer voluntarily agreed to offer the park tenants an opportunity to rent the new affordable housing units (depending on the tenant's income) when construction was completed.

Walt Olsen
OLSEN LAW FIRM PLLC
[205 S. Meridian](#)
[Puyallup, WA 98371](#)
Phone: [\(253\) 200-2288](#)
Fax: [\(253\) 200-2289](#)

The contents of this message and any attachments may be protected by attorney-client privilege, work product doctrine or other applicable protection. If you are not the intended recipient, or have received this message in error, please notify the sender and promptly delete this message. Thank you.

From: Lauri Anderson [mailto:landerson@kenmorewa.gov]
Sent: Thursday, March 01, 2018 10:29 AM
To: Walt Olsen
Subject: Mobile Home Park information

Hi Walt-- In discussions with staff and the Planning Commission, you had mentioned a few approaches by different cities that might prove useful to Kenmore's discussion. In particular, you mentioned reduced taxes or utility charges in Puyallup and an upzoning ordinance from Des Moines that may have had a first right to rent standard. I have tried searching for these two items and have been unable to find information. Could you easily track down any background that might help me in my search? I can always call the cities, but it's always helpful to have something in hand before talking with staff.

Thanks!

Lauri

Lauri Anderson, AICP
Senior Planner | City of Kenmore, WA
18120 68th Ave NE | Kenmore, WA 98028
Tel: 425.398.8900 | Fax: 425-481-3236
landerson@kenmorewa.gov | www.kenmorewa.gov

Bridgit Baker

Subject: Service Request: 14740**From:** City Works**Sent:** Tuesday, March 13, 2018 12:11 PM**Subject:** Service Request: 14740**CITY OF KENMORE****SERVICE REQUEST**

Service Request ID	14740
Problem Description	DS INQUIRY
Priority	Medium
Has caller been responded to	N
Date that caller was responded to	
Need to contact caller by this date	3/27/2018 10:49:32 AM
Incident Address	MULTIPLE / CITYWIDE
Incident Apt Number	
Incident Location	Mobile Home Parks
Incident City	
Incident State	
Incident Zip	
Service Request Initiated By	QUINN, JANET
Date & Time Service Request Initiated	3/13/2018 10:49:32 AM
Submit To	BENT, DEBBIE

Submit To Date	3/13/2018 11:07:32 AM
Submit To Open By	
Date SR Was Opened By Submit To	
Dispatch To	ANDERSON, LAURI
Dispatch To Date	3/13/2018 11:07:37 AM
Dispatch Open By	BAKER, BRIDGIT
Dispatch To Open Date	3/13/2018 11:04:25 AM
Status	Open
Closed By	
Closed Date	
Service Request Incident Info	Request to preserve existing mobile home parks in Kenmore.
Existing Service Request Comments	By QUINN, JANET : 3/13/2018 10:50:16 AM Request to preserve and protect the only real low affordable housing in City of Kenmore- RE existing Manufactured/Mobile Home Parks in Kenmore. Seniors, Disable, Veterans Low and fixed income resi will be displaced if Kenmore allows these parks to be developed.. Displacing 500-600 residents... We need your help please see link for review See link for samples other cities have done Spokane https://my.spokanecity.org/projects/policy-re-manufactured-and-mobile-home-parks/ By QUINN, JANET : 3/13/2018 10:54:03 AM Emailed to Bridgit By QUINN, JANET : 3/13/2018 10:59:11 AM Additional info from citizen (also forwarded to Bridgit): Additional information Manufactured/Mobile Home Overlay to protect and preserve Low affordable housing City of Marysville, WA https://mail.google.com/mail/u/0/#inbox/1621b93c897eb5a4?projector=1&messagePartId=0.1 Please review to see if we can help preserve our Senior,Veteran, Disabled, low and fixed income low affordable housing By QUINN, JANET : 3/13/2018 11:00:49 AM 3rd add info from citizen: City of Spokane Zoning information to protect and preserve Manufactured/Mobile home parks https://mail.google.com/mail/u/0/#inbox/1621b582c94155e9?projector=1&messagePartId=0.1 Please help us save the City of Kenmore,s low affordable Housing for Seniors, Veterans, Disabled, low fixed income residents. By QUINN, JANET : 3/13/2018 11:02:22 AM 4th add info from citizen: Additional Information for Marysville,WA rezoning of Manufactured/Mobile Home Parks preservation http://www.codepublishing.com/WA/Marysville/html/Marysville22C/Marysville22C230.html#22C.23 Hope this helps to preserve our homes...Rezoning with Manufactured Park Overlay City of Kenmore to protect and preserve the Low affordable housing for Seniors, Veterans, Disabled, low and fixed income

	residents from development By QUINN, JANET : 3/13/2018 11:08:02 AM Forwarded to Lauri Anderson By QUINN, JANET : 3/13/2018 11:22:14 AM From citizen: Please ask planning commission to provide at the March 15th or 20th meeting the number of housing units in the permit and building stage. Luxury and each affordable percentage stage, as well as those in the finishing to be available in the next few months.
Code Compliance Case Number	
LFP Work Order Number	
King County Discretionary Req Number	
Historical Number	

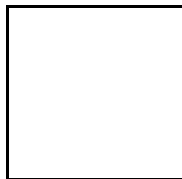
CALLER INFORMATION

First Name	Last Name	Address	Apt. #
STACEY	VALENZUELA	7031 NE 175th St.	

City	Zip	Home Phone	Work Phone	Other Phone
		650-580-1564		

Customer Comments	Caller Problem Details
	Request to preserve existing mobile home parks in Kenmore.

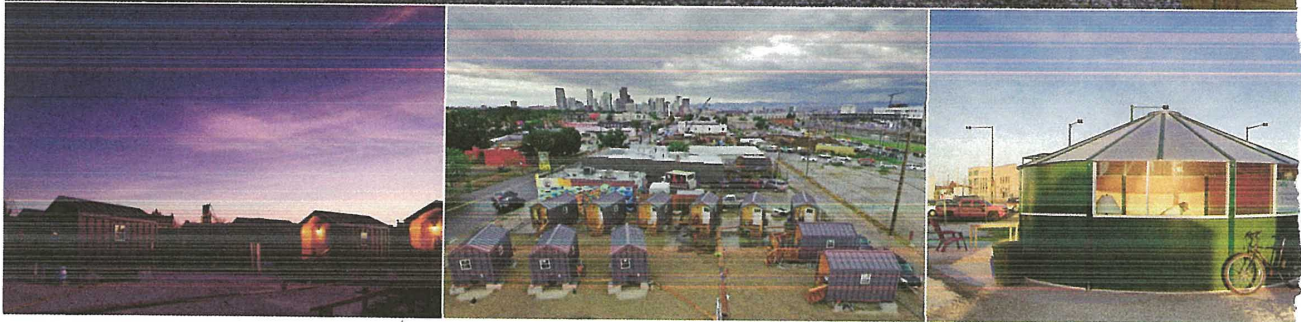
Customer Email	Cell Phone
SVALENZ229@GMAIL.COM	



it makes a village

Not everyone who's homeless has the option of going to a shelter. Couples, the transgender, and those with pets and certain disabilities may face obstacles in the traditional system. So Denver's Radian/Placematters came up with a solution in the form of tiny houses for temporary occupancy. For the first iteration, called Beloved Community Village, the design nonprofit's executive director, architect Tim Reinen, worked with the housing nonprofit Colorado Village Collaborative to house 15 people in a cluster of

"Materials were simple and implementation affordable, but we were delicate about the detailing"



11 units occupying $\frac{1}{3}$ acre. Each of the units has aluminum siding and roofing, a tidy pine porch, and a 100-square-foot interior with pine plywood paneling that residents are allowed to paint. A yurt contains the communal kitchen, while the restrooms and showers are in separate structures. Reinen even designed a mobile laundry truck.

Required by zoning regulations to be transportable without being on wheels, the units were attached to concrete foundations with angle brackets and carriage bolts. Once the six-month permit expired, the whole village was hoisted, via forklift, across an alley to the next site. An entirely new village is then coming to a historic district nearby, with units slated to house homeless women and transgender people. —Athena Waligore

GREATERgood

Clockwise from top: For Denver's homeless, Radian/Placematters worked for a reduced fee to design a temporary village. Its kitchen yurt. The $\frac{1}{3}$ -acre site. Standing-seam aluminum facades and concrete foundations.

Creating Homelessness

Thursday, February 1, 2018 at 3:00PM

Christine Suzuki, ASID, LEED AP in Kenmore, MHC, Tiny Houses, healthy home, homelessness, housing crisis, housing displacement, manufactured home communities, tiny homes, tiny house

The housing displacement of elderly & low-income households in Kenmore Washington

Small homes or Tiny homes are the rage across the country, offering home ownership at an affordable price. Ironically, we developed this concept years ago – calling them manufactured homes or trailer homes. Manufactured home communities (MHCs) are sprinkled throughout our state and are usually inhabited by retirees or low-income families. Manufactured homes are HOMES, not apartments. Residents purchase their homes from \$15-\$150,000 because it is affordable home ownership. They also pay a monthly fee to the park owner. Most residents have used all their ‘nest egg’ to purchase these homes; they have made many repairs and upgrades to the home and expect to live there for many years.

There are six MHC communities in Kenmore Washington with 257 households. Some residents have lived in their community for over 30 years. Recently, residents of all six parks were surprised to receive a letter informing them that there was a Planning Commission that was making recommendations to the City Council regarding MHCs and housing density in Kenmore. Residents were invited to a meeting to learn about the *future plans* of their communities. The commission was exploring options to allow **development** (code word for tearing down your home with no compensation) of the parks but requiring that a % of future **apartments** being built be ‘affordable.’ *In return for losing their homes and a place to live, the residents would receive ‘first right’ of renting an apartment that would be built in the future.* This option satisfies both Kenmore’s density problem as well as their responsibility to provide low income housing.

WOW! (this is my commentary), **WOW**, so the solution to Kenmore’s density problem is to take the fixed income/low income population, the population with the lowest income, the lowest resources and the least ability to obtain legal counsel, and basically steal their homes (as home owner you have to remove your home, but there is nowhere to move it to so you have to demolish it to give back the land to the park owner ‘as it was prior to putting the home on it,’), again, steal their homes and forcing them out on the streets. **MANY** residents are seniors over 80 years old and being forced out of their homes will have adverse **HEALTH** implications. (They will die.) Many residents have children whose education will be disrupted, and mental health affected by becoming homeless. **MARK MY WORDS**, there are few people, if any, in this community who have the financial resources to move to another home. They have put all their savings and resources into the homes that they purchased. **There is no PLAN B.**

To be fair, there was another scenario that would trade development rights that the park owners had not heard of and did not think would work. There was also an option to have the residents buy the park. Again, the park owners pointed out that there was no way the residents could compete with the offers that they were receiving **AND** that the time for residents to go through the process of raising capital and financing could take years, and if the park owner wanted to sell, they would not want to wait years to do it. So those plans were pretty much dead in the water. They also asked the home owners what ideas they had to make ‘relocation acceptable’, and if they had any good ideas that the council had not explored to solve this problem.

In short, it looks like the only option appealing to both the park owners and the city (*the home owners don’t count*) is to develop manufactured home parks that will provide housing for **NEW** people moving to Kenmore *while forcing 257 long term Kenmore households into homelessness.*

Bridgit Baker

From: beau <beau@detentemgmt.com>

Sent: Wednesday, March 21, 2018 9:00 PM

To: Doug Nugent; Mark Ohrenschall; Carol Baker; Scott McDonald; Mike Mulcare; Dennis Olson; Michael Vanderlinde

Cc: Craig Hillis; Daniel Stoner; Jeremy Millard; perkgolf@yahoo.com; Walt Olsen

Subject: Park Closure Public Hearings

Members of the Kenmore Planning Commission:

I was disappointed during last night's public hearing to see that what had been shaping up as a system of carrots to encourage the preservation of some of Kenmore's mobile home parks, while allowing others within the city's growth boundary to redevelop, turned into a series of bludgeons meant to coerce the park owners. The elephant in the room is longevity. Many of the homes in the communities with the underlying zoning conducive to redevelopment are 50 years old. These are homes dating from the period of mobile home living when parks were seen as a temporary use for a site on the outskirts of town- to be removed when a higher and better use became practicable. For a half century, these communities have provided affordable housing in Kenmore with no public benefit being given to the property owner other than the belief that as the city grew, they would eventually get to enjoy the side effects of that growth by either selling or personally redeveloping their land for a higher and denser use.

Homes of this vintage were not built with longevity in mind. They were a product of the 1950's post-war boom mentality of "Ah, you can just throw it away when you're done!" Most are at the end of their effective lives. They will not last another 15-20 years, much less 50 as discussed by some of the panelists. Have you all driven/walked through each of the communities in question? Many of the homes are at the point of using tarps for roofs due to leaks. Their electrical systems are nowhere near code, and upgrading them would cost about the same as the home. Carports and driveways are crammed with belongings as well as structures not likely built to code. There is little available sales data for these homes in particular, but from my experience in parks of similar age/quality, sales prices around \$6,000 and less are not uncommon. Even if someone were to supply the funds to move in a new home, why would someone pay \$50,000 or more to live next to a house worth a tenth of that price on a densely packed lot?

On that note, the point was raised last night about the value of these homes- the only way to measure that is by the market. To ask a landlord to pay a resident based on the perceived emotional value of the home is simply unsustainable. The truth is many of these homes have "negative" value. On the open market, someone may pay \$5-\$10K for the house, but to remove just the house, the costs are close to \$8K for a single-section home. Asbestos abatement is the primary cost driver for demolition work. Combined with dumping fees and other costs associated with prepping a former home site for development, the shell is worthless from an economic standpoint.

The proposals being discussed seem to be nuclear options which simply serve to shoot Kenmore in the foot with regards to future development. As pointed out by the park owners looking to redevelop, this cycle is not likely the one in which these parks are closed. The past seven years have been unprecedented for the Puget Sound region in terms of growth. If major privately-funded growth has not yet hit Kenmore, it's unlikely in the remaining time left to this bull market. Inevitably there will be a correction. This gives the city time to develop new approaches to housing affordability and keeping the lowest income residents of the city housed within its borders. Why is there no broader discussion of creating a housing fund to build permanently affordable housing on city-owned land? Why is the city not out looking to buy older properties in need of rehab? Why are these six parcels, representing a total of five private citizens, being looked to as the sole providers of a commodity that is a public service? Why are not all of Kenmore's taxpayers being asked to put

skin in the game? Why is the city not looking to itself for helping build part of the solution? When the next downturn occurs, there will be plenty of opportunities for the city to buy housing stock and small apartments that have fallen on hard times. Kenmore needs a longer-term plan which preserves its ability to develop a modern, dense, efficient civic core while respecting the property rights of the park owners, the decades of affordable housing they've already provided, and the needs of the residents of the four parks likely to be displaced. The plans as discussed would blow a hole in the city's redevelopment plan and leave it a hodgepodge of dense and not-so-dense residential zones.

I believe it was Chair Nugent who asked the question about how you get more market development in Kenmore. Employers. And employers come from commercially zoned parcels of land, and to lure big-name employers you will need newer buildings developed close to the city core and transit/services. At least three of the four mobile home parks fit that description. Permanently keeping these sites as low-quality housing does not serve the greater good of Kenmore, nor does it serve the residents currently residing in these mobile homes. You are essentially guaranteeing the creation of slums as the homes continue to fall victim to further functional obsolescence and physical deterioration.

The comment was made by numerous participants in last night's meeting that "we're getting too deep in the weeds". **Before** making policy is **exactly** the right time to get into the weeds. Discuss and figure out what the effects of your decisions might be before voting!!! The TDR program appears to be fraught with difficulty. Further, adding a longer park closure time frame is likely to spark a constitutionality debate. The twelve-month statute as it exists is already questionable as no other property class faces this type of discrimination. Adding that much uncertainty to the already risky development cycle is simply a backdoor method to depriving a property owner of their rights to develop their land to its highest and best use. A harsh re-zone of the properties could constitute a taking as you are consciously redefining the allowed uses of a piece of property in order to achieve a public good.

The best option appears to be some form of inducement to preserve the two communities along the slough while working over the next several years to find ways to soften the experience of residents in the parks likely to close. This may be working with the state legislature to develop a more robust housing relocation fund which can help shoulder more of the cost for residents when they are required to move. It may be helping bring newer homes into the communities that will remain, or helping existing residents in these communities upgrade to a new home. However, attaching an albatross like a first right of refusal for the city or the residents to any low or no-cost infrastructure loan, or any other inducement, will only serve to kill the incentive to participate. The reason no park owners took advantage of the inducements offered by Lynnwood several years ago was because they were too weak to be worth the owner's time. A long-term community owner would likely take a 20-year or 30-year loan on favorable terms or a property tax abatement to replace roads, water lines, and sewer lines. For the two communities most likely to remain in long-term operation, this could give them a significant increase to their useful lives.

Regarding recent legislation, HB 1884 was a piece of legislation worked on by both manufactured home community owners and residents which would have expanded the state's relocation assistance fund to include all forms of housing; as it stands, the funds can only be used to move/purchase a mobile/manufactured home in an existing park. We sought to change the law so that any type of housing would be supported to include apartments, single family residential, etc. The bill passed the House but died in the Senate due to a lack of time with the short session. It will return next year and we are looking at ways to make the program more robust and beneficial to all residents in manufactured/mobile home parks.

We respectfully ask that we be allowed some seats at the table during the upcoming hearings so that we may contribute and respond in real-time rather than in the opening public comment period. We do not believe that the interests of the property owners are being represented fairly and accurately during these hearings. Further, if the commissioners have any further questions they would like answered from an owner's/developer's point of view, please let us know and we can work on having responses ready for you all.

Thank you,
Beau Harer

Bridgit Baker

Subject: Cynthia Little Mobile Park

From: Beverly Hughes [<mailto:bahh99@hotmail.com>]

Sent: Thursday, March 29, 2018 8:52 AM

To: Lauri Anderson <landerson@kenmorewa.gov>

Subject: Cynthia Little Mobile Park

To Whom it My Concern:

Cynthia Little lives at the mobile park in Kenmore WA. 7031 NE 175 St #22, Kenmore, WA 98028.

Cynthia Little is on state aid and is on a strict budget and can't afford to move, plus she has health issues.

Her family is very concerned where she could live if she had to move.

Please don't make all these people move from their homes.

Sincerely,

Mrs. Beverly Hughes

Bridgit Baker

Subject: Lakewood Villa

-----Original Message-----

From: Kristen Little [mailto:kristenannlittle@yahoo.com]

Sent: Thursday, March 29, 2018 3:15 PM

To: Lauri Anderson <landerson@kenmorewa.gov>

Subject: Lakewood Villa

Hello,

My name is Kristen Little. I am the daughter of Cynthia Little who lives in the Lakewood Villa mobile home park at address 7031 NE 175 St. #22, Kenmore WA 98028.

I am writing to beg that you please not sell this mobile home park.... my mom is on state disability, she has mental health issues, and this home is all she can (barely) afford..... She will be on the streets if her home is taken away from her.

I beg you not to sell her home.

Best regards,
Kristen Little

Planning Commissioners
City of Kenmore
18120 68th Ave. NE
Kenmore WA 98028

April 9, 2018

Dear Chair Nugent and Members of the City of Kenmore's Planning Commission,

I am responding to the email sent to you by Mr. Beau Harer, on March 21, 2018.

I would like to provide another view of the situation, that perhaps will assist you as you consider the complexities of preserving an array of affordable housing options for the citizens of Kenmore.

Mr. Harer makes some bold assumptions about what the presumed end use would be of manufactured housing communities built in the 1960s. He implies that they were simply a temporary solution and that they would be replaced when no longer practicable. I assume, since they are still in existence, that the community owners continue to consider them a practical business operation. Indeed, given the income generated by the operation of manufactured housing communities, it must be obvious that they are practical, at least from the community owners' perspective, otherwise, they would be long gone. As for the home owners, they too find manufactured home living to be practical, if somewhat precarious. The home owners have pride of ownership – the fulfillment of the American dream – and the ability to upgrade their homes as finances and new styles dictate.

Mr. Harer goes on to state that community owners receive no public benefit from operating these profitable businesses. However, he neglects to mention that many communities, some of his own included, receive favorable loans from Freddie Mac and Fannie Mae – federal tax dollars that come without strings attached, in terms of consumer protections for the vulnerable households who live in these communities (indeed it ought to be noted, that while the federal government is willing to loan money at favorable rates to community owners, no such loan products exist to help home owners purchase their homes, largely because of the insecurity of tenure that comes with living in a manufactured housing community).

While there are no local ordinances requiring manufactured housing community owners to maintain and upgrade their infrastructure (a slumlord ordinance similar to that regulating apartment owners would go a long way to ensuring safe, habitable living conditions), home owners do continue to invest in and upgrade their homes on a regular basis. Although there comes a time when even the home owners wonder if it worth the time, money, and effort involved, since they have no guarantee that the community will even be open in 12 months' time (state law requires a community owner to provide a 12 month notice of closure. HB 1514 (Rep. Robinson) would have required 3 years' notice but the community owners opposed that idea vigorously).

A requirement that community owners upkeep and upgrade their communities as needed, could be met with an opportunity for financially eligible home owners to access weatherization money to repair leaking roofs and other structural defects. There are ways to ensure the long term viability of manufactured housing communities and thus comply with all elements of the Growth Management Plan: preservation of existing neighborhoods, and a variety of housing options for all economic segments of society, to name but a few.

It is also worth noting that there are energy-efficient, low carbon footprint manufactured homes on the market. These homes cost about 35% - 47% of a similarly sized site built home. Kenmore could be a leading light in the preservation of manufactured housing communities with innovative programs to support the replacement of aging homes with these new models.

As you consider the options under review, please note that the Ninth Circuit Court of Appeals, ruled that adoption of a local zoning ordinance is not a takings under either the State or Federal Constitution (see Laurel Park Community LLC, et al v. City of Tumwater, October 29, 2012)(Attached).

In addition, a local zoning ordinance does not restrict the community owners' ability to raise rents, change rules, or otherwise operate their business. They are also able to sell the community whenever they choose. This has been done in Tumwater, without any adverse impact to either the community owners or the home owners.

Furthermore, as Mr. Harer points out, HB 1884 (Rep. Ryu) was a bill that both community owners and home owners supported. However, this bill required nothing of the community owners. It simply allowed the state's relocation assistance funds (money paid into the fund only by home owners when they buy a home in a community) to be used to help someone who has lost their largest asset, their home, to find alternative housing. So if the home owner is lucky maybe there would be enough left (after paying for the removal and disposal of their home) for one month's rent on an apartment, since there will only be a paltry sum, if anything remaining out of their state relocation assistance allowance.

I applaud you for having such a robust public process. There is still some way to go, but the process has been fair and open. There are many experts in the room and available to staff, and the home owners' stories are worth hearing again and again. They own their homes, have invested in them and in the wider community, and desire nothing more than a fair return on their investments.

I would be more than happy to make myself available should any of you have questions or concerns.

Sincerely,



Ishbel Dickens, J.D.

(former Executive Director of the National Manufactured Home Owners Association).

CC: Debbie Bent and Lauri Anderson, Kenmore City Staff
Association of Manufactured Home Owners (AMHO)

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

LAUREL PARK COMMUNITY, LLC, a
Washington limited liability
company; TUMWATER ESTATES
INVESTORS, a California limited
partnership; VELKOMMEN MOBILE
PARK, LLC, a Washington limited
liability company; and
MANUFACTURED HOUSING
COMMUNITIES OF WASHINGTON, a
Washington nonprofit corporation,
Plaintiffs-Appellants,

v.

CITY OF TUMWATER, a municipal
corporation,
Defendant-Appellee.

No. 11-35466
D.C. No.
3:09-cv-05312-BHS
OPINION

Appeal from the United States District Court
for the Western District of Washington
Benjamin H. Settle, District Judge, Presiding

Argued and Submitted
August 8, 2012—Seattle, Washington

Filed October 29, 2012

Before: John T. Noonan, Susan P. Graber, and
Johnnie B. Rawlinson, Circuit Judges.

Opinion by Judge Graber

12955

LAUREL PARK COMMUNITY V. CITY OF TUMWATER 12959

COUNSEL

Philip A. Talmadge, Talmadge/Fitzpatrick PLLC, Tukwila, Washington, for the plaintiffs-appellants.

Jeffrey S. Myers, Law, Lyman, Daniel, Kamerrer & Bogdanovich, P.S., Olympia, Washington, for the defendant-appellee.

Daniel A. Himebaugh, Pacific Legal Foundation, Bellevue, Washington, for the amicus curiae.

OPINION

GRABER, Circuit Judge:

Defendant City of Tumwater enacted two ordinances that seek to preserve the existing stock of manufactured home

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parks within the municipality by limiting the uses of certain properties. Plaintiffs are three of the affected property owners—Laurel Park Community, LLC; Tumwater Estates Investors; and Velkommen Mobile Park, LLC—and a nonprofit entity, Manufactured Housing Communities of Washington. Plaintiffs allege that the ordinances, on their face, violate various constitutional provisions. The district court held that the facial constitutional challenges fail and granted summary judgment to Defendant. On de novo review, *Strategic Diversity, Inc. v. Alchemix Corp.*, 666 F.3d 1197, 1205 (9th Cir. 2012), we affirm.

FACTUAL AND PROCEDURAL HISTORY

A. *Manufactured Homes*

The term “manufactured homes” describes a type of housing that typically is not constructed at the installation site. See generally Werner Z. Hirsch & Joel G. Hirsch, *Legal-Economic Analysis of Rent Controls in a Mobile Home Context: Placement Values and Vacancy Decontrol*, 35 U.C.L.A. L. Rev. 399 (1988). Originally called “mobile homes,” early versions were no more than travel trailers hitched to the back of a car. Mobile homes can be moved from one site to another, allowing the owner to change locations without changing housing.

Over time, however, the predominant use of this type of housing began to shift toward a more fixed use. Occupants installed a “mobile” home in a fixed location and lived in it year-round. In 1974, recognizing that these homes were more akin to permanent dwellings than to travel trailers, Congress enacted the National Mobile Home Construction and Safety Standards Act of 1974, Pub. L. No. 93-383, 1974 S. 3066, §§ 601-628 (now codified at 42 U.S.C. §§ 5401-5426). That statute authorized the Department of Housing and Urban Development to regulate the construction and safety of mobile homes. In 1980, Congress replaced nearly all references to

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“mobile home” with “manufactured home.” Pub. L. No. 96-399, § 308(c).

As the Supreme Court has noted, “[t]he term ‘mobile home’ is somewhat misleading.” *Yee v. City of Escondido*, 503 U.S. 519, 523 (1992).

Mobile homes are largely immobile as a practical matter, because the cost of moving one is often a significant fraction of the value of the mobile home itself. They are generally placed permanently in parks; once in place, only about 1 in every 100 mobile homes is ever moved.

Id.; see also *Manufactured Hous. Cmty. of Wash. v. State*, 13 P.3d 183, 206 (Wash. 2000) (Talmadge, J., dissenting) (“Mobile homes are not mobile. The term is a vestige of earlier times when mobile homes were more like today’s recreational vehicles. Today mobile homes are designed to be placed permanently on a pad and maintained there for life.” (internal quotation marks omitted)).

The Supreme Court has described the typical arrangement between a mobile home’s owner and a mobile home park’s owner:

A mobile home owner typically rents a plot of land, called a “pad,” from the owner of a mobile home park. The park owner provides private roads within the park, common facilities such as washing machines or a swimming pool, and often utilities. The mobile home owner often invests in site-specific improvements such as a driveway, steps, walkways, porches, or landscaping.

Yee, 503 U.S. at 523; see also *Manufactured Hous.*, 13 P.3d at 206 (Talmadge, J., dissenting) (“In most instances a mobile home owner in a park is required to remove the wheels and

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anchor the home to the ground in order to facilitate connections with electricity, water and sewerage.” (internal quotation marks omitted)).

Given the “site-specific improvements,” *Yee*, 503 U.S. at 523, and the fact that “mobile homes are designed to be placed permanently on a pad and maintained there for life,” *Manufactured Hous.*, 13 P.3d at 206 (Talmadge, J., dissenting), it is not surprising that the costs of relocating a mobile home are very high. “Once ‘planted’ and ‘plugged in,’ [mobile homes] are not easily relocated.” *Id.* (internal quotation marks omitted). For example, “[p]hysically moving a double- or triple-wide mobile home involves unsealing; unroofing the roofed-over seams; mechanically separating the sections; disconnecting plumbing and other utilities; removing carports, porches, and similar fixtures; and lifting the home off its foundation or supports.” *Id.* (internal quotation marks omitted).

Because they cost less than traditional homes (less even than rental housing in some circumstances), manufactured homes are an attractive option for lower-income and poorer residents. “Mobile home residents are typically poorer than the average rental household, with incomes lower by one-third.” *Id.* at 207 (internal quotation marks omitted).

The combination of those factors—the “immobility of mobile homes,” *id.* at 206, the resulting high costs of relocation, the fact that mobile home owners typically do not own their pads, and the limited financial resources of many owners of mobile homes—has led to a well-documented problem when the owner of a mobile home park wants to convert the property to a different use:

The effects on mobile home owners . . . faced with moving because mobile home park owners . . . want to convert a mobile home park to another use can be devastating. A home owner owns the mobile home,

but only rents the land on which it sits. Closure and conversion of a mobile home park force the owner either to move, or to abandon what may be his most valuable equity investment, a mobile home, to the developer's bulldozer. Displacement from a mobile home park can mean economic ruin for a mobile home owner.

. . . .

. . . [Moreover,] there is a major shortage of space for mobile homes. Thus the owner who needs to rent a lot for his mobile home has no choice but to enter the "park owner's market" in which the demand for space far exceeds the supply of available lots.

Id. at 206-07 (citations and internal quotation marks omitted).

As a result, many states and municipalities have enacted laws aimed at protecting owners of manufactured homes. Those actions, though, often impinge on the property rights of the owners of mobile home parks, sometimes to such a degree that the legislation amounts to a constitutional violation.

In the state of Washington, an average of 5.8 mobile home parks closed every year between 1989 and 2002. That average rose to 14 park closures per year between 2003 and 2008. The number of closures is not surprising, given the high level of residential development during those years. As some of the Plaintiffs here candidly admit, one investment strategy for mobile home parks is to purchase land located in the path of development. The rental income from the mobile home pads provides steady income and, if the land's value rises as development surrounds the park, the park's owner can sell the land or convert it to other, more profitable uses, such as multi-family housing.

The Washington legislature responded to the large number of park closures by enacting, first, the Mobile Home Reloca-

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tion Assistance Act, Wash. Rev. Code § 59.21, 1989 Wash. Sess. Laws, ch. 201. “When a mobile home park is closed, this law requires the park owner to contribute money toward the tenants’ relocation costs.” *Guimont v. Clarke*, 854 P.2d 1, 3 (Wash. 1993). The Washington Supreme Court held that “the Act is unduly oppressive and violates substantive due process.” *Id.* at 16. The court invalidated the law in its entirety. *Id.* at 16-17.

Next, the Washington legislature enacted a law that “gives mobile home park tenants a right of first refusal when the park owner decides to sell a mobile home park.” *Manufactured Hous.*, 13 P.3d at 185 (citing Wash. Rev. Code § 59.23.025 (2000)). The Washington Supreme Court invalidated that law, too, this time holding that “the statutory grant of a right of first refusal to tenants of mobile home parks[] amounts to a taking and transfer of private property.” *Id.* at 196. Although some protections for owners of mobile homes remain on the books in Washington, they are mostly procedural, such as the requirement that, before closure of a mobile home park, the park’s owner must give at least 12 months’ notice to all residents of the park. Wash. Rev. Code § 59.21.030.

B. Tumwater’s Ordinances

Tumwater contains ten manufactured home parks. The parks are located throughout Tumwater, and none appears to border any other park. Three of the parks are very small and do not have a name apart from their respective addresses. The remaining seven are named Laurel Park, Tumwater Mobile Estates, Velkommen, Eagles Landing, Western Plaza, Thunderbird Villa, and Allimor Carriage Estates.

Against the backdrop of increasing closures of manufactured home parks in Washington and the limited constitutionally valid statutory protections, the Tumwater City Council began hearing concerns from residents that some of the own-

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ers of Tumwater manufactured home parks had plans to close. Tumwater residents expressed their views at several public meetings. Mobile home owners tended to seek protection from park closures, while park owners tended to emphasize respect for private property and the legal limits on property restrictions.

The City Council ultimately enacted two ordinances. Ordinance No. O2008-027 amended the Tumwater Comprehensive Plan and the Tumwater Zoning Map. Ordinance No. O2008-009 amended the Tumwater City Code. The ordinances create a new Manufactured Home Park land use designation (“MHP”) and a new Manufactured Home Park zone district.

The ordinances designate six of the ten existing Manufactured Home Parks—Laurel Park, Tumwater Mobile Estates, Velkommen, Eagles Landing, Western Plaza, and Thunderbird Villa—under the new land use designation and include those properties, and only those properties, as the new Manufactured Home Park zone district. Before the enactment of the ordinances, the zoning code permitted a wide range of uses on the properties, including multi-family residences and other dense types of development. The ordinances restrict those uses in the following relevant ways.

First, the ordinances specify certain “permitted uses,” which are allowed as of right: manufactured home parks, one single-family dwelling per lot, parks, trails, open spaces, other recreational uses, family child care homes, and child mini-day care centers. Second, the ordinances specify 11 “conditional uses,” which are allowed via a discretionary conditional use permit: churches, wireless communication facilities, cemeteries, child day care centers, schools, neighborhood community centers, neighborhood-oriented commercial centers, emergency communications towers, group foster homes, agriculture, and bed and breakfast establishments. Third, the ordinances permit still other uses if specified criteria are met:

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“The City Council may approve the property owner’s request for a use exception if the property owner demonstrates a. they do not have reasonable use of their property under the MHP zoning; or b. the uses authorized by the MHP zoning are not economically viable at the property’s location.”

The stated “intent” of the ordinances is: “The Manufactured Home Park (MHP) zone district is established to promote residential development that is high density, single family in character and developed to offer a choice in land tenancy. The MHP zone is intended to provide sufficient land for manufactured homes in manufactured home parks.”

The ordinances include many explanations for the creation of the new land use designation and zone district and the inclusion of existing manufactured home parks in the district. Most relevant here, the ordinances state that applying the new designation and zone district to existing manufactured home parks is consistent with a wide range of goals and policies included in various documents, such as the Tumwater Comprehensive Plan. They also state that:

- “applying the Manufactured Home Park land use designation and zone district to existing manufactured/mobile home parks will help to ensure a sufficient supply of land for these types of uses in the future”
- “manufactured home parks are a source of affordable single family and senior housing in Tumwater,” and “protecting manufactured home parks from the pressures of development will help to maintain the existing stock of manufactured housing provided by these ‘parks.’ ”
- “the manufactured/mobile home parks known as Eagles Landing, Laural [sic] Park, Tumwater Mobile Estates, Thunderbird Villa, Velkommen,

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and Western Plaza are located within residential neighborhoods and currently have residential zoning and are easily recognized as traditional manufactured housing communities.”

- “applying the Manufactured Home Park zone to the six traditional mobile/manufactured home parks . . . is consistent with [a stated policy] to support healthy residential neighborhoods which continue to reflect a high degree of pride in ownership or residency” and “is consistent with [a stated policy] to support the stability of established residential neighborhoods”

The ordinances exclude the three small, unnamed parks, in part because “the small size of these three ‘parks’ does not foster a sense of community or neighborhood, and the owners of these three small ‘parks’ appear to own all of the dwellings located on the properties which contrasts sharply with the rest of the more traditional mobile/manufactured home parks in Tumwater where the majority of dwellings are not owned by the land owner.” The ordinances excluded the seventh named park—Allimor Carriage Estates (“Allimor”)—because it “is currently the only mobile/manufactured home park within Tumwater that is zoned General Commercial, the only ‘park’ that is almost completely surrounded by General Commercial zoning, and the only ‘park’ that abuts intensive commercial development in the form of commercial strip development and intensive large scale commercial retail including Albertsons, Costco, and Fred Meyer.”

C. *Procedural History*

The owners of three of the six newly designated Manufactured Home Parks—Laurel Park, Tumwater Estates, and Velkommen—along with the nonprofit Manufactured Housing Communities of Washington, filed this action in federal

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district court.¹ Plaintiffs allege that the enactment of the ordinances violated their constitutional rights under several theories. The district court granted summary judgment to Defendant on all claims and entered final judgment. Plaintiffs timely appeal.

DISCUSSION

Although Plaintiffs raised a number of theories before the district court, they have limited their appeal to three claims: (1) a federal takings claim, (2) a state takings claim, and (3) a state substantive due process claim.²

A. Federal Takings Claim

The Fifth Amendment provides, “nor shall private property be taken for public use, without just compensation.” There are two types of “per se” takings: (1) permanent physical invasion of the property, *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419, 426 (1982); and (2) a deprivation of all economically beneficial use of the property, *Lucas v. S.C. Coastal Council*, 505 U.S. 1003, 1015-16 (1992). Plaintiffs do not contend that the ordinances constitute a “per se” taking. They argue, instead, that the ordinances constitute a regulatory taking because the ordinances go “too far.” *Pa. Coal Co. v. Mahon*, 260 U.S. 393, 415 (1922).

¹Plaintiffs also filed a petition for review with the state administrative agency, alleging certain state-law violations. The agency found that Defendant had violated certain state-law provisions but declined to reach, for lack of jurisdiction, the constitutional issues. Those administrative proceedings are not part of this appeal.

²Plaintiffs also argue that the district court abused its discretion by granting a motion to quash certain notices of deposition filed by Plaintiffs. See *Mattel Inc. v. Walking Mountain Prods.*, 353 F.3d 792, 813 (9th Cir. 2003) (holding that we review for abuse of discretion a district court’s decision on a motion to quash). We hold that the district court did not abuse its discretion. The evidence sought is either known to Plaintiffs or is irrelevant to the facial challenges.

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[1] As a general rule, zoning laws do not constitute a taking, even though they affect real property interests: “[T]his Court has upheld land-use regulations that destroyed or adversely affected recognized real property interests. Zoning laws are, of course, the classic example, which have been viewed as permissible governmental action even when prohibiting the most beneficial use of the property.” *Penn Cent. Transp. Co. v. City of New York*, 438 U.S. 104, 125 (1978) (citations omitted); see *Pa. Coal*, 260 U.S. at 413 (“Government hardly could go on if to some extent values incident to property could not be diminished without paying for every such change in the general law.”); see also *Lingle v. Chevron U.S.A. Inc.*, 544 U.S. 528, 538 (2005) (holding that, in considering a regulatory taking case, “we must remain cognizant that ‘government regulation—by definition—involves the adjustment of rights for the public good’ ” (quoting *Andrus v. Allard*, 444 U.S. 51, 65 (1979))).

[2] Nevertheless, as noted, regulations that go “too far” constitute a taking. Determining whether a regulation goes too far requires a court to engage in “essentially ad hoc, factual inquiries.” *Penn Cent.*, 438 U.S. at 124. “[R]egulatory takings challenges are governed by the standards set forth in [*Penn Central*].” *Lingle*, 544 U.S. at 538. “Primary among [the relevant] factors are [1] the economic impact of the regulation on the claimant and, particularly, [2] the extent to which the regulation has interfered with distinct investment-backed expectations. In addition, [3] the character of the governmental action . . . may be relevant in discerning whether a taking has occurred.” *Id.* at 538-39 (citation, internal quotation marks, and brackets omitted). “[T]hese three inquiries . . . share a common touchstone. Each aims to identify regulatory actions that are functionally equivalent to the classic taking in which government directly appropriates private property or ousts the owner from his domain.” *Id.* at 539.

At the outset, we note that Plaintiffs bring a *facial* challenge. It is not clear that a facial challenge can be made under

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Penn Central. Guggenheim v. City of Goleta, 638 F.3d 1111, 1118 & n.32 (9th Cir. 2010) (en banc), *cert. denied*, 131 S. Ct. 2455 (2011). As we did in *Guggenheim*, we will “assume, without deciding, that a facial challenge can be made under *Penn Central*.” *Id.* at 1118. We turn, then, to the three *Penn Central* factors.

1. “Economic Impact of the Regulation on the Claimant”

[3] Plaintiffs offer very little evidence of economic effect resulting from enactment of the ordinances. At best, Plaintiffs have presented information that reflects an economic loss of less than 15% with respect to one of the three Plaintiff properties and *no effect* on the other two Plaintiff properties or the properties of the remaining affected MHP parks.³ Although there is no precise minimum threshold, Plaintiffs’ evidence is of very little persuasive value in the context of a federal takings challenge. *See, e.g., Cienega Gardens v. United States*, 331 F.3d 1319, 1343 (Fed. Cir. 2003) (holding that a taking occurred when a regulation effected a 96% loss of return on equity). A small decrease in value, for only one affected property, falls comfortably within the range of permissible land-use regulations that fall far short of a constitutional taking. *See Penn Cent.*, 438 U.S. at 125 (“[T]his Court has upheld land-use regulations that destroyed or adversely affected recognized real property interests.”). The Supreme Court cases “uniformly reject the proposition that diminution in property value, standing alone, can establish a ‘taking,’ see *Euclid v.*

³The one Plaintiff property that showed a decrease in value was Velkommen. Various reports and assessments—operating under different background assumptions—valued the park: One report assigned a pre-ordinance value of \$2.7M and a post-ordinance value of \$2.4M (11.1% decrease); one assessment assigned a pre-ordinance value of \$1.8M and a post-ordinance value of \$1.6M (11.1% decrease); and a final report assigned a pre-ordinance value of \$1.675M and a post-ordinance value of \$1.45M (13.4% decrease). The other two Plaintiff properties showed no change pre-ordinance and post-ordinance (with appraised values of \$6.3M and \$4.37M, respectively).

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Ambler Realty Co., 272 U.S. 365 (1926) (75% diminution in value caused by zoning law); *Hadacheck v. Sebastian*, 239 U.S. 394 (1915) (87 1/2% diminution in value).” *Penn Central*, 438 U.S. at 131.

[4] In sum, the minimal economic effect of the ordinances does not support a takings claim.

2. “*Distinct Investment-backed Expectations*”

[5] When Plaintiffs bought the properties, they had the expectation that, when they desired or when market conditions made it attractive, they could convert to a more profitable use, such as multi-family housing or housing developments. The zoning laws previously allowed such development, and the ordinances now foreclose that option (at least until Plaintiffs show that there are no economically viable options available under the other uses expressly permitted by the ordinances). But those facts are no different than the assertions that could be made by property owners adversely affected by any zoning law. As the Supreme Court wrote in *Penn Central*, “the submission that [the plaintiffs] may establish a ‘taking’ simply by showing that they have been denied the ability to exploit a property interest that they heretofore had believed was available for development is quite simply untenable. Were this the rule, this Court would have erred [in many of its previous takings cases].” *Id.* at 130. Of most importance, Plaintiffs retain the ability to continue operating the properties as manufactured home parks. “So the law does not interfere with what must be regarded as [Plaintiffs’] primary expectation concerning the use of the parcel.” *Id.* at 136. In other words, although the ordinances affected one of Plaintiffs’ expectations—that at some indefinite time in the future they could convert their properties to some other specific uses—the ordinances did not affect Plaintiffs’ “primary expectation.”

In *Guggenheim*, we held that “[d]istinct investment-backed expectations’ implies reasonable probability, like

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expecting rent to be paid, not starry eyed hope of winning the jackpot if the law changes.” 638 F.3d at 1120. In our view, the ordinances at issue here fall between the two poles used in that example. Plaintiffs’ expectation of converting their properties is speculative to a degree, because it depends on future events (chief among them, market forces making conversion economically attractive). But it is not as speculative as “winning the jackpot if the law changes,” because it depends only on unknown future economic trends, not an outright change in law. Our clarification later in the same paragraph provides a means of assessing Plaintiffs’ expectations here: “Speculative possibilities of windfalls do not amount to ‘distinct investment-backed expectations,’ unless they are shown to be probable enough materially to affect the price.” *Id.* at 1120-21. As discussed above, the speculative possibility of converting the properties to another use had *little to no effect* on price.

[6] This factor, too, fails to support a takings claim.

3. “*The Character of the Governmental Action*”

“[T]he character of the governmental action—for instance whether it amounts to a physical invasion or instead merely affects property interests through some public program adjusting the benefits and burdens of economic life to promote the common good—may be relevant in discerning whether a taking has occurred.” *Lingle*, 544 U.S. at 539 (internal quotation marks omitted). The government generally cannot “‘forc[e] some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole.’” *Id.* at 537 (quoting *Armstrong v. United States*, 364 U.S. 40, 49 (1960)).

[7] Although it is a close call, we agree with Plaintiffs that the character of the governmental action here slightly favors their takings claim. The intent and effect of the ordinances are to require only Plaintiffs and the other affected owners of

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manufactured home parks to continue to provide the public benefit (manufactured home parks), when the benefit could be distributed more widely (for example, by providing relocation assistance to owners of manufactured homes or a larger MHP zone district). The ordinances do allow many other uses but, at least at the moment, those other uses do not appear to provide truly economically attractive alternatives to the existing manufactured home parks. As a practical matter, Plaintiffs must continue to use their properties as manufactured home parks. Indeed, that was the intended effect of the ordinances.

[8] That analysis goes only so far, however. Unlike in other cases where the challenged law *required* continued operation of an existing use, *e.g.*, *Cienega Gardens*, 331 F.3d at 1338-39, the ordinances here do not *force* Plaintiffs to continue operating their properties as manufactured home parks. *See Lingle*, 544 U.S. at 537 (holding that the government cannot “forc[e] some people alone to bear public burdens”). As just a few examples, Plaintiffs could decide to close their parks, to convert their properties to other allowed uses, or to sell the properties, and the ordinances have no effect on those possibilities.

4. Conclusion

[9] Because the first two factors weigh strongly against a takings claim and the third factor weighs only slightly in favor of a takings claim, we conclude that, on their face, the ordinances do not constitute a taking under the Fifth and Fourteenth Amendments. *See also Guggenheim*, 638 F.3d at 1120 (holding that the first two factors are the “primary” factors to consider; the character of the governmental action is not on equal footing).

B. State Takings Claim

Plaintiffs next argue that, even if the ordinances do not constitute a taking under the Federal Constitution, the ordinances

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nevertheless effect a taking under the state constitution.⁴ Article I, section 16 of the Washington Constitution provides, in relevant part: “No private property shall be taken or damaged for public or private use without just compensation having been first made”

Commentators have asserted that the Washington Supreme Court cases that interpret that provision are confusing and that discerning the applicable analytical framework is difficult. Roger D. Wynne, *The Path Out of Washington’s Takings Quagmire: The Case for Adopting the Federal Takings Analysis*, 86 Wash. L. Rev. 125 (2011); Jill M. Teutsch, Comment, *Taking Issue with Takings: Has the Washington State Supreme Court Gone Too Far?*, 66 Wash. L. Rev. 545 (1991); Richard L. Settle, *Regulatory Taking Doctrine in Washington: Now You See It, Now You Don’t*, 12 U. Puget Sound L. Rev. 339 (1989); *see also* *Guimont v. City of Seattle*, 896 P.2d 70, 75-76 (Wash. Ct. App. 1995) (describing the doctrine as “the complex, confusing and often-ethereal realm of theoretical law that has developed in Washington under the taking clause”). Quagmire or not, we need not wade far into this area of Washington law, because Plaintiffs advance only two specific arguments—both leaning heavily on the Washington Supreme Court’s decision in *Manufactured Housing*—concerning state takings law. We turn to that case.

[10] In *Manufactured Housing*, 13 P.3d at 185, the Washington Supreme Court considered the constitutionality of a state law that “[g]ave] qualified tenants a right of first refusal to purchase a mobile home park.”⁵ The court held that “a right

⁴The district court did not analyze this issue. Because this is a pure issue of law that the parties have briefed fully, we decide it on the merits. *Bibeau v. Pac. Nw. Research Found. Inc.*, 188 F.3d 1105, 1111 n.5 (9th Cir. 1999).

⁵The court described the act as follows:

To exercise a right of first refusal, the tenants must organize into a “qualified tenant organization” and give the park owner

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of first refusal, even one created by statute, can create an interest in property.” *Id.* at 192. The court reasoned that “[a] right of first refusal to purchase is a valuable prerogative, limiting the owner’s right to freely dispose of his property by compelling him to offer it first to the party who has the first right to buy.” *Id.* (internal quotation marks omitted). Citing a treatise, the court concluded that “the right to grant first refusal is a part of ‘the bundle of sticks’ which the owner enjoys as a vested incident of ownership.” *Id.* at 193 (footnote omitted). “Property is not one single right, but is composed of several distinct rights, which each may be subject to regulation. The right of property includes four particulars: (1) right of occupation; (2) right of excluding others; (3) right of disposition, or the right of transfer in the integral right to other persons; (4) right of transmission.” *Id.* (internal quotation marks and brackets omitted). Accordingly, “the statute deprives park owners of a fundamental attribute of ownership.” *Id.* at 194; *see also id.* (“The instant case falls within the rule that would generally find a taking where a regulation deprives the owner of a fundamental attribute of property ownership.”).

written notice of “a present and continuing desire to purchase the mobile home park.” Once the park owner has received such notice, the park owner must notify the tenants of any agreement to sell the park to a third party, as well as disclose the agreement’s terms. If the park owner fails to properly notify the qualified tenant organization, a pending third party sale is voidable.

Upon receiving proper notice, the tenants have 30 days in which to pay the park owner two percent of the third party’s agreed purchase price and to tender a purchase and sale agreement as financially favorable as the agreement between the owner and the third party. If the tenants meet these requirements within the 30-day period, the park owner must sell them the park. If, however, the tenants fail to meet these requirements or if, in the case of seller financing, the owner determines selling the park to the tenants would create a greater financial risk than selling to the third party, the owner may proceed with the sale to the third party.

Manufactured Hous., 13 P.3d at 185 (citations and footnotes omitted).

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[11] The court held, additionally, that “we are persuaded that a taking has occurred in this case not only because an owner is deprived of a fundamental attribute of ownership, but also because this property right is statutorily *transferred*” to the park residents, who can exercise the right of first refusal. *Id.* “[T]he actual effect of [the statute] is more closely akin to the exercise of eminent domain . . . because the property right is not only taken, but it is statutorily transferred to a private party for an alleged public use.” *Id.*

[12] Plaintiffs first argue that the ordinances have destroyed one of the sticks in the bundle representing a fundamental property right, by depriving the parks’ owners of the right to dispose of their property as they choose and effectively conferring control of that right on the tenants. We disagree. As an initial matter, the ordinances here do not at all limit the owners’ ability freely to *dispose* of the property. Indeed, one owner appears to have sold his property.

[13] The ordinances restrict to some extent the owners’ ability to *use* their properties, because they can no longer build multi-family housing, for example. But imposing *use* restrictions on property—as distinct from restrictions on alienation—is the essence of zoning. The Washington Supreme Court consistently has defined the fundamental attributes of property rights by reference to rights that do *not* include the free use of the property. *See id.* at 193 (identifying the fundamental rights of occupation, excluding others, disposition, and transmission); *see also Guimont*, 854 P.2d at 10 (“[T]he court must first ask whether the regulation destroys or derogates any fundamental attribute of property ownership: including the right to possess; to exclude others; or to dispose of property.”); *Presbytery of Seattle v. King County*, 787 P.2d 907, 912 (Wash. 1990) (“[T]he court should ask whether the regulation destroys one or more of the fundamental attributes of ownership—the right to possess, to exclude others and to dispose of property.”). Indeed, concerning *use*, the court has defined a fundamental attribute of property only with respect

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to being able to make *some economically viable use* of the property. See, e.g., *Guimont*, 854 P.2d at 10 (“[A]nother ‘fundamental attribute of property’ appears to be the right to make *some economically viable use* of the property.”). Plaintiffs do not argue, of course, that the ordinances deprive them of all economically viable uses; they are instead being encouraged to continue the economically viable use that they freely chose. In sum, the ordinances do not destroy or limit any fundamental property right as defined by the Washington Supreme Court.

Plaintiffs’ other argument is that a taking has occurred because some property right has been transferred to the parks’ residents. As an initial matter, it is unclear whether this alternative argument is viable. The court’s discussion of the statutory transfer issue in *Manufactured Housing* appears to be premised on its finding of a fundamental property right: “[W]e are persuaded that a taking has occurred in this case not only because an owner is deprived of a *fundamental* attribute of ownership, but also because *this* property right is statutorily *transferred*.” 13 P.3d at 194 (first emphasis added). In any event, Plaintiffs’ argument fails on its own terms.

In *Manufactured Housing*, the statute granted the right of first refusal *to the parks’ residents*. Accordingly, the residents—and only the residents—could exercise that valuable property right. Here, the residents have no ability—now or in the future—to require the parks’ owners to perform any act. Nothing prohibits the owners from converting their properties to one of the many permitted uses under the ordinances (such as a cemetery, bed and breakfast, day care center, recreational facility, or single-family dwelling) or from selling to a third party. If a park owner so chose, the residents would be powerless to affect that decision.

[14] We therefore hold that the ordinances do not constitute a taking under the Washington Constitution.

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C. *State Substantive Due Process Claim*

[15] Finally, Plaintiffs argue that the ordinances violate their state substantive due process rights. Article I, section 3 of the Washington Constitution states: “No person shall be deprived of life, liberty, or property, without due process of law.”

To determine whether the regulation violates due process, the court should engage in the classic 3-prong due process test and ask: (1) whether the regulation is aimed at achieving a legitimate public purpose; (2) whether it uses means that are reasonably necessary to achieve that purpose; and (3) whether it is unduly oppressive on the land owner. In other words, 1) there must be a public problem or “evil,” 2) the regulation must tend to solve this problem, and 3) the regulation must not be unduly oppressive upon the person regulated. The third inquiry will usually be the difficult and determinative one.

Presbytery, 787 P.2d at 913 (footnotes and some internal quotation marks omitted).

The first prong is “whether the regulation is aimed at achieving a legitimate public purpose.” *Id.* The stated “intent” of the ordinances is: “The Manufactured Home Park zone district is established to promote residential development that is high density, single family in character and developed to offer a choice in land tenancy. The MHP zone is intended to provide sufficient land for manufactured homes in manufactured home parks.” That stated purpose is quintessentially legitimate: the organization of land uses to promote the public goals of “high density, single family” development and a “choice in land tenancy.” This prong is easily met. *See, e.g., Guimont*, 854 P.2d at 14 (concluding, with little discussion, that “aid[ing] mobile home owners with relocation expenses

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when a mobile home park is closed” is a legitimate public purpose).

The second prong is “whether [the law] uses means that are reasonably necessary to achieve that purpose.” *Presbytery*, 787 P.2d at 913. In *Guimont*, the Washington Supreme Court held:

Certainly, providing mobile home owners with relocation assistance would be a reasonably necessary step in achieving the Act’s purpose. The more difficult issue here is whether it is reasonably necessary to require the assistance to be paid by the closing park owner. To assist in determining whether these means used by the Act are reasonably necessary in all regards, we must turn to the third due process question, that of undue oppression.

854 P.2d at 14.

[16] A similar analysis applies here. The zoning changes encourage the continued provision of manufactured home parks, which is “[c]ertainly” a reasonably necessary step in achieving the ordinances’ purpose. “The more difficult issue here is whether it is reasonably necessary to require” that development to be provided only by some of the present-day park owners. *Id.* Plaintiffs have a point that the provision of certain types of housing may be considered a burden that should be borne more generally by the public. As in *Guimont*, the answer to the reasonableness of the law depends on “the third due process question, that of undue oppression.” *Id.*; see also *Presbytery*, 787 P.2d at 913 (“The third inquiry will usually be the difficult and determinative one.”).

We determine if a statute is unduly oppressive by examining a number of nonexclusive factors to weigh the fairness of the burden being placed on the property owner:

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On the public's side, the seriousness of the public problem, the extent to which the owner's land contributes to it, the degree to which the proposed regulation solves it and the feasibility of less oppressive solutions would all be relevant. On the owner's side, the amount and percentage of value loss, the extent of remaining uses, past, present and future uses, temporary or permanent nature of the regulation, the extent to which the owner should have anticipated such regulation and how feasible it is for the owner to alter present or currently planned uses.

Guimont, 854 P.2d at 14-15 (internal quotation marks omitted).

[17] Here, we conclude that the two most important factors are the fact that the present-day effect on Plaintiffs' property values is little to none and the fact that Plaintiffs may continue to use their properties as they have been used for decades. It is true that Tumwater's solution is not necessarily the most efficient and that it concentrates the economic burden on a relatively small number of property owners. It is also true that the regulation is permanent (at least until future speculative amendments). But, when all is said and done, the amount of harm is very small or nonexistent. In each case described by Plaintiffs in which the Washington Supreme Court has found a due process violation, the amount of measurable harm has been great. *See Guimont*, 854 P.2d at 15-16 (concluding that the relocation-assistance statute violated substantive due process because it imposed a fee of \$7,500 per pad on a park owner who wished to close, which would amount to \$750,000 for a park with 100 pads); *Sintra, Inc. v. City of Seattle*, 829 P.2d 765, 776-77 (Wash. 1992) (holding that imposition of a \$218,000 fee to develop a \$670,000 property was unduly oppressive).

[18] In this regard, we consider it important that Plaintiffs have chosen to raise a *facial* challenge. If a particular Plaintiff

could show a significant diminution in value of a particular parcel of property, then the weighing of the factors might be different. As it stands, however, the fact that Plaintiffs have presented no evidence of diminution of value, apart from one park that suffered a loss in value of less than 15%, severely undermines their claim that, *on their face*, the ordinances are unduly oppressive. It would be odd to conclude that an ordinance that had no economic effect on most properties was oppressive at all, let alone unduly oppressive. For those reasons, we hold that the ordinances do not violate Washington principles of substantive due process.

Under the heading of substantive due process, Plaintiffs also argue that the ordinance is illegal “spot zoning”: “that an individual piece of property was singled out for zoning incompatible with neighboring property.” *Buckles v. King County*, 191 F.3d 1127, 1137 (9th Cir. 1999).⁶ As an initial matter, it is unclear whether a party can raise a “spot zoning” challenge in the context of a facial challenge to ordinances; we have found no Washington cases that involve a *facial* “spot zoning” challenge. We assume, without deciding, that a facial “spot zoning” challenge is viable.

[19] “Spot zoning has been consistently defined to be zoning action by which a smaller area is singled out of a larger area or district and specially zoned for a use classification totally different from and inconsistent with the classification of surrounding land, and not in accordance with the comprehensive plan.” *Save Our Rural Env’t v. Snohomish County*, 662 P.2d 816, 819 (Wash. 1983). There is no “hard and fast rule that all spot zoning is illegal.” *Id.* “[T]he main inquiry of the court is whether the zoning action bears a substantial rela-

⁶“Spot zoning” “is variously characterized as a substantive due process violation, a taking, or even an equal protection violation; spot zoning does not neatly fit into one category.” *Buckles*, 191 F.3d at 1137. In the absence of any objection, we accept, for purposes of analysis, Plaintiffs’ characterization of their spot zoning claim.

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tionship to the general welfare of the affected community.” *Id.* For all the reasons discussed above, there is little doubt that the ordinances bear a substantial relationship to the general welfare of the community. Other than the original Washington “spot zoning” decision in 1969, *Smith v. Skagit County*, 453 P.2d 832 (Wash. 1969), in which the court held that placing an aluminum processing plant on an island constituted illegal spot zoning, Plaintiffs cite no case in which the Washington courts have found illegal spot zoning. *See Save Our Rural Env’t*, 662 P.2d at 819 (holding that no illegal spot zoning occurred where a new “business park zoning classification provides a flexible means to broaden the industrial base of the region and to produce energy and travel time savings for employees”); *Bassani v. Bd. of Cnty. Comm’rs*, 853 P.2d 945, 951 (Wash. Ct. App. 1993) (holding that there was no illegal spot zoning where the zoning was “generally consistent” with the relevant plans and was “good for the county, and good for one of the county’s major employers”). We thus reject Plaintiffs’ spot zoning challenge.

CONCLUSION

Plaintiffs cannot establish that the Tumwater ordinances, on their face, effect a taking or constitute undue oppression. The most fundamental reason why that is so is that the enactment of the ordinances had nearly no effect on the value of their properties. They can continue to use the properties just as they have chosen to do for years; the new zoning ordinances allow many alternative uses; and the new zoning ordinances contain a “safety valve” pursuant to which Plaintiffs may pursue other uses if the presently authorized uses are not economically viable.

AFFIRMED.

April 10, 2018

To: Laurie Anderson, City of Kenmore City Planner

From: Christine Suzuki

RE: Manufactured Homes in Kenmore

Hi Laurie,

Please forward the following comments/suggestions to the planning committee for their review:

- *Kenmore should be a place for ALL people, including middle class, upper class, low income, fixed income, seniors, families and young workers.
- *People live in different types of housing depending on their stage in life.
- *Young people usually live in apartments or condos which are inherently high density
- *As people advance in their careers, they get married, have families and then they move out of the city to the suburbs into single family residential housing which is the lowest density
- *At a certain point, the children grow up and move out and the parents look at downsizing. They usually want to move into a space that has at least 3 bedrooms and if possible all one level. They start thinking about the next 15 years and want to purchase something that they can live in throughout retirement. They usually either opt for a townhouse (housing that is attached to another house sharing the land), a large condo, or a manufactured home either in a park or on a small piece of land. Both the town house and the manufactured home options would be considered mid density, less dense than apartments by definitely more dense than single family homes.
- *At retirement, people have stopped working, they are on fixed incomes. If they have not already done so, retirees are looking for housing that they can afford and still be able to buy food, housing that is all one level, housing that still allows for their independence, housing that they want to live in for the rest of their lives. The choices they make are the same as above, mid density.
- *Age people age, they may need help walking, cooking, etc. Many people move into Adult Family Homes, which are privately owned homes in residential neighborhoods. Each adult family home can accommodate up to 8 clients. Housing eight households on one piece of residential property is similar in density to manufactured home parks, mid density.
- *Sometimes health issues require full time assisted living facilities with on staff nurses & doctors. Facilities such as Foss in Greenwood area of Seattle are large facilities and are often located in residential neighborhoods. This is high density living in low density neighborhoods = mid density?
- *Of the above household stages four of the six are MID DENSITY yet the city of Kenmore is comprised almost exclusively of low density residential or high density apartment housing, excluding a good

portion of the residents that are older than 50 or on fixed incomes who need or want to live in mid density housing.

*At this point in time, Kenmore should have 3 plans, plan a for the immediate protection of mid density housing. Plan b for the long term creation and preservation of mid density housing and Plan c for the transition from the plan a to plan b.

*Zoning is one way to accomplish change. 1) Restructure all residential zoning to allow duplexes, town homes, adult family homes, mother in law apartments and back yard cottages. Encourage creation/development of this type of housing through tax incentives. 2) Create a permanent zoning overlay over existing mfh parks protecting the parks from development. 3) Create single small plots that for manufactured homes (see below)

*City planning determines roads and the utilities that go into the roads, through the roads, the city determines areas (downtown core, industrial, residential neighborhoods, business centers.) The city provides water sewer and electrical to businesses and home owners. The city should create small residential plots of land that are serviced with electricity, water and sewer from the street and sell the land for specifically manufactured home placement. The city would bill the homeowners for utilities same as they bill all other residents/businesses. This would create a permanent long term solution for residents who need mid density housing.

Thanks for listening to my comments.



Christine Suzuki – christine@christinesuzuki.com

Bridgit Baker

Subject: FW: Manufactured Home Permit Question

From: Samantha Loyuk
Sent: Thursday, April 05, 2018 1:18 PM
To: beau <beau@detentemgmt.com>
Cc: Bryan Hampson <bhampson@kenmorewa.gov>; Tela Whiteman <twhiteman@kenmorewa.gov>; Doug Nugent <dnugent@kenmorewa.gov>; Lauri Anderson <landerson@kenmorewa.gov>; craighillis@mhcw.org; rusmillard@yahoo.com; daniel@parkstonenw.com
Subject: RE: Manufactured Home Permit Question

Hi Beau,

I clarified your request with our department director and he determined that you can apply for a new mobile home during the moratorium. The intent of the moratorium is to protect existing affordable housing within mobile home parks, not limit affordable housing options. To discuss permit requirements, please send me a conceptual site plan. This will help determine if the property is within the shoreline. If you'd like to meet to discuss, I'm available most Tuesday and Thursday afternoons. Just let me know what day and time works for you and I'll do my best to accommodate your request. Thank you.

Samantha Loyuk, Associate Planner
Development Services | City of Kenmore, WA
18120 68th Ave NE Kenmore, WA 98028
E: sloyuk@kenmorewa.gov | P: 425-398-8900
Planning counter hours are available online at <http://kenmorewa.gov/developmentservices>

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From: Bryan Hampson
Sent: Thursday, April 05, 2018 1:08 PM
To: Samantha Loyuk <sloyuk@kenmorewa.gov>
Subject: RE: FW: RE: Manufactured Home Permit Question

Sam- Yes, this is considered maintenance and is allowed during the moratorium. I can see how this could be confusing. Thanks!

-Bryan

From: Samantha Loyuk
Sent: Thursday, April 5, 2018 12:08 PM
To: Bryan Hampson <bhampson@kenmorewa.gov>
Subject: FW: Manufactured Home Permit Question

Bryan,

In this instance, is a new mobile home within an existing mobile home park considered maintenance and allowed under the moratorium?

Samantha Loyuk, Associate Planner
Development Services | City of Kenmore, WA
18120 68th Ave NE Kenmore, WA 98028
E: sloyuk@kenmorewa.gov | P: 425-398-8900

From: Samantha Loyuk
Sent: Wednesday, April 04, 2018 10:52 AM
To: 'beau' <beau@detentemgmt.com>
Cc: Tela Whiteman <twhiteman@kenmorewa.gov>
Subject: RE: Manufactured Home Permit Question

Hi Beau,

Currently we have a moratorium on development permits for mobile home parks (see attachment). Excepted from this moratorium are applications for repair or maintenance. The moratorium is effective through May 11, 2018. The City cannot accept a permit application for a new unit within a mobile home park, until the moratorium is over.

Section 2. Moratorium. Pursuant to the City's police powers under Article XI, Section 11 of the State Constitution and RCW 35A.63.220 and RCW 36.70A.390, the City Council hereby adopts and enacts a moratorium prohibiting the filing and acceptance of applications for development permits relating to mobile home parks, as defined in KMC 18.20.1760. For purposes of this moratorium, "development permits" mean: permits as defined in KMC 18.20.735 (any permit issued by the City, or other authorized agency, for construction, land use, or the alteration of land); variances; conditional use permits; special use permits; zone reclassification permits; or any other permits the development services director is authorized to receive, including for demolition pursuant to KMC 15.30.135. Excepted from this moratorium are applications for repair or maintenance of mobile home parks and any other applications necessary for public health and safety as determined by the development services director.

Once the moratorium is over, the City will need more information on the proposed manufactured home:

1. What lot ("pad") is vacant? The City shows 53 pads within the development. Will this be using one of the 53, or adding an additional pad (for a total of 54 pads)?
2. You will need to provide a site plan as part of the permit application. The site plan will need to show the pad *and* the entire community (all units).
3. Is the pad within 200 feet of the shoreline? If yes, you will need to apply for a shoreline exemption or shoreline substantial development permit. If no, this will need to be shown on your site plan.

Samantha Loyuk, Associate Planner
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From: beau [<mailto:beau@detentemgmt.com>]
Sent: Monday, April 02, 2018 10:22 AM
To: Samantha Loyuk <sloyuk@kenmorewa.gov>; Tela Whiteman <twhiteman@kenmorewa.gov>
Subject: Manufactured Home Permit Question

Good morning!

I stopped by the permit desk on Friday to ask about bringing in a new manufactured home into a currently vacant site in the existing Lakewood Villa Mobile Home Park along the slough. Tela said that given its proximity to the water that there might be a few extra steps in the process to permit a new home.

The home lot in question has been vacant for a few years; the owners of the community hired my company in March to manage their property and are looking at the long-term maintenance and preservation of the community, and bringing in homes to fill vacancies is a big part of the puzzle. The site measures approximately 50' wide by 80' long; there are some shrubs which have overgrown the back part of the lot which would need to be cleared, perhaps giving more possible length to the house. However, we're looking at bringing in a newer single section manufactured home- here's an example of an elevation of a modern home: <https://www.palmharbor.com/model-center/homesdirectwashington/floorplan/fp-20-nw-paradise-4H40S94/#photos-videos>

What further process is necessary to get permits ready? The builder (located in Oregon) is rather busy, so even if we ordered the home this week it wouldn't likely arrive until near the end of summer, hence why we'd like to get the process started sooner vs later.

Thank you!

Beau



Beau Harer
Asset Management
Détente Management, Inc.
206.772.3000

Bridgit Baker

Subject: FW: Kenmore MHC Moratorium

From: beau [<mailto:beau@detentemgmt.com>]
Sent: Thursday, April 05, 2018 10:53 AM
To: Doug Nugent <dnugent@kenmorewa.gov>
Cc: Lauri Anderson <landerson@kenmorewa.gov>; craighillis@mhcw.org; Russell Millard <rusmillard@yahoo.com>; Daniel Stoner <daniel@parkstonenw.com>
Subject: Kenmore MHC Moratorium

Good morning-

Thank you for the hearing this past Monday; it is a difficult discussion to have, especially when peoples' homes are involved. We appreciate the Commission's attempt to keep the discussion and decision-making process fair. However, I believe that more harm than good is coming from this process. During most of the hearings, it has largely been residents from the two communities least likely to ever be redeveloped who have been testifying to their alarm and concern about something that is not happening. Further, the implementation of the moratorium has had, what I suspect, is the unintended consequence of making any expansion of this form of affordable housing impossible. Per the below email, we cannot fill a vacant home site in Lakewood Villa. Further, we will be impacted by the shoreline setback. As I mentioned during my brief testimony on Monday, the commission should consider relaxing such rules when it comes to installing a new manufactured home on a previously occupied home site. Unlike building a new home on a foundation, the new manufactured home would be placed on blocks- a much less impactful form of development so close to the slough. Below is a concept for a "tiny home" style MH which could fit on this site in Lakewood:

<https://www.palmharbor.com/model-center/homesdirectwashington/floorplan/fp-20-nw-paradise-4H40S94/#.WsZW5ExFw2w>

*As an aside, my measurement quoted in the email below was off- it should have been 40' by 80'.

My company has been hired for management services by the owner of Lakewood Villa; as of March 1 we have been working with a new team of site managers and the resident HOA to understand the needs of the community. We have discovered a squatter living in the home of a deceased resident and have already arranged for their eviction by the sheriff, after which we will most likely need to remove the home given its very rough condition. Should the moratorium be extended and no relaxation of the shoreline requirements be implemented, we will have a derelict home in the community for at least another six months. That makes two potential affordable housing units for seniors lost.

We have begun to obtain bids for the replacement of the streets at several older MHCs, and for Lakewood Villa, to remove the existing failed streets and replace with 3" deep new asphalt would cost north of \$215,000. That does not include replacement of any of the underground utilities. It is still unclear as to what further zoning or regulatory requirements would come into play should we proceed with this project. Will we have to provide on-site storm water retention and thus lose more housing?

This brings us back to the comments made by Daniel Stoner and Russ Millard- the Commission should be considering more meaningful carrots to encourage the owners of the communities least likely to redevelop to reinvest in their properties. Remove as many barriers as the city can to allow new homes to be placed as old homes wear out or are removed by other means. Treat the existing home sites as grandfathered developments with no impact fees, no new storm water considerations, or new setback guidelines.

Thank you for your time and consideration.

Beau Harer

Begin forwarded email:

From: Samantha Loyuk <sloyuk@kenmorewa.gov>
Sent: Wednesday, April 4, 2018 10:53 AM
To: beau <beau@detentemgmt.com>
Cc: Tela Whiteman <twhiteman@kenmorewa.gov>
Subject: RE: Manufactured Home Permit Question

Hi Beau,

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Once the moratorium is over, the City will need more information on the proposed manufactured home:

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3. Is the pad within 200 feet of the shoreline? If yes, you will need to apply for a shoreline exemption or shoreline substantial development permit. If no, this will need to be shown on your site plan.

Samantha Loyuk, Associate Planner

Development Services | City of Kenmore, WA

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From: beau [<mailto:beau@detentemgmt.com>]

Sent: Monday, April 02, 2018 10:22 AM

To: Samantha Loyuk <sloyuk@kenmorewa.gov>; Tela Whiteman <twhiteman@kenmorewa.gov>

Subject: Manufactured Home Permit Question

Good morning!

I stopped by the permit desk on Friday to ask about bringing in a new manufactured home into a currently vacant site in the existing Lakewood Villa Mobile Home Park along the slough. Tela said that given its proximity to the water that there might be a few extra steps in the process to permit a new home.

The home lot in question has been vacant for a few years; the owners of the community hired my company in March to manage their property and are looking at the long-term maintenance and preservation of the community, and bringing in homes to fill vacancies is a big part of the puzzle. The site measures approximately 50' wide by 80' long; there are some shrubs which have overgrown the back part of the lot which would need to be cleared, perhaps giving more possible length to the house. However, we're looking at bringing in a newer single section manufactured home- here's an example of an elevation of a modern home: <https://www.palmharbor.com/model-center/homesdirectwashington/floorplan/fp-20-nw-paradise-4H40S94/#photos-videos>

What further process is necessary to get permits ready? The builder (located in Oregon) is rather busy, so even if we ordered the home this week it wouldn't likely arrive until near the end of summer, hence why we'd like to get the process started sooner vs later.

Thank you!

Beau

4/17/2018

View The Paradise floor plan for a 580 Sq Ft Palm Harbor Manufactured Home in Mount Vernon, Washington.



**Homes Direct of Washington
Mount Vernon, WA**



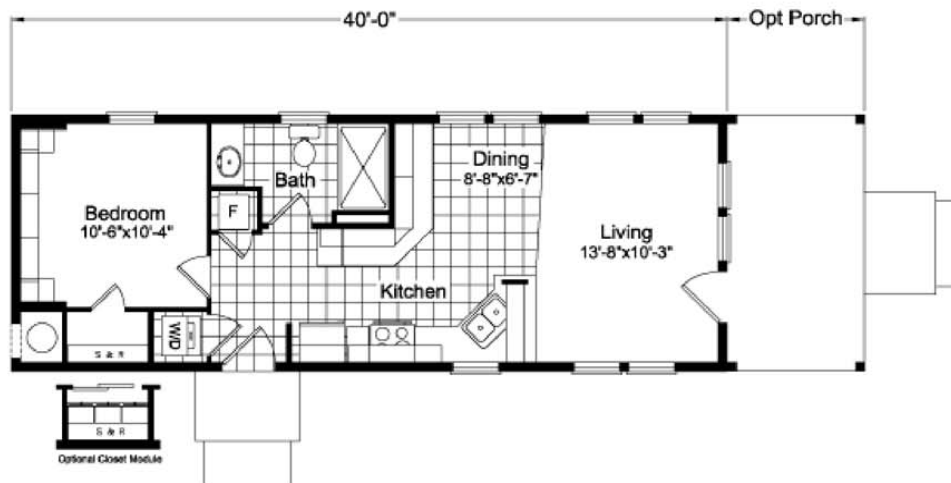
Photos: 6 Videos: 1

Floor Plan: The Paradise 4H40S94 or PL15401A

1 Bedrooms, 1 Baths, 580 Sq. Ft.

- Exterior Dimensions: 14'8" x 48" (with Porch)
- Floor Plans >>
- Video Tour >>
- More Details >>

Floor Plans



Paradise 40S94

Photos / Videos

4/17/2018

View The Paradise floor plan for a 580 Sq Ft Palm Harbor Manufactured Home in Mount Vernon, Washington.



The Paradise - exterior view from the front entry



Details

Model Details

Square Footage: 580
Bedrooms: 1
Bathrooms: 1
Living Areas: 1
Dining Areas: 1
Stories: 1
Exterior Dimensions: 14'8 x 48 (with Porch)
Sections: Single-wide
Building Method: Manufactured

Features

- A guest retreat, fishing cabin, vacation home, or ski chalet

Available From

<https://www.palmharbor.com/model-center/homesdirectwashington/floorplan/fp-20-nw-paradise-4H40S94/#.WtZCGdTwaUI>

2/3

4/17/2018

View The Paradise floor plan for a 580 Sq Ft Palm Harbor Manufactured Home in Mount Vernon, Washington.

Homes Direct of Washington[<https://www.palmharbor.com/model-center/homesdirectwashington/>]
3256 Cedardale Road
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Bridgit Baker

Subject: FW: DOC_7769 (1).PDF
Attachments: DOC_7769 (1).PDF

From: Stacey Valenz [<mailto:svalenz229@gmail.com>]
Sent: Wednesday, April 11, 2018 8:31 AM
To: Lauri Anderson <landerson@kenmorewa.gov>
Subject: DOC_7769 (1).PDF

Hi Laurie, attached please find the HOPA pdf that explains occupancy of 80% over 55, up to 20% can be under 55. This is a benefit for the property owner, as well as the home owner, and community.
Thanks so much,
Stacey Valenzuela

**Questions and Answers
Concerning the Final Rule Implementing
the Housing for Older Persons Act of 1995 (HOPA)**

Title VIII of the Civil Rights Act of 1968 (the Federal Fair Housing Act), as amended by the Fair Housing Amendments Act of 1988 (the Fair Housing Act), prohibits discrimination in housing and real estate-related transactions based on race, color, religion, sex, national origin, handicap and familial status (in general, the presence of children under the age of 18 in the household). The prohibition against discrimination based on familial status became effective March 12, 1989. The Act contained a provision exempting "senior" housing from the prohibition against familial status discrimination.

The Housing for Older Persons Act (HOPA), signed into law by President Clinton on December 28, 1995, amended the housing for older persons exemption against familial status discrimination. The HOPA modified the statutory definition of housing for older persons as housing intended and operated for occupancy by at least one person 55 years of age or older per unit. It eliminated the requirement that housing for older persons have significant services and facilities specifically designed for its elderly residents. It required that facilities or communities claiming the exemption establish age verification procedures. It established a good faith reliance defense or exemption against monetary damages for persons who illegally act in good faith to exclude children based on a legitimate belief that the housing facility or community was entitled to the exemption.

Question 1

**For the purpose of HOPA, what is a housing community or facility?
What are some typical examples of a housing, community or facility?**

Answer

A housing community or facility is any dwelling or group of dwelling units governed by a common set of rules, regulations or restrictions. A portion of a single building may not be considered a housing facility or community. Typical examples include: a condominium association; a cooperative; a property governed by homeowners or resident association; a municipally zoned area; a leased property under common private ownership; a manufactured housing community, a mobile home park.

** HUD INTERNET VERSION **

Question 2

May an owner of single family houses that are dispersed throughout a geographical area, and who is not otherwise exempt under the Fair Housing Act, qualify as a "housing community or facility" and claim the exemption?

Answer

No. The common use of the terms "housing community" and "facility" applies to dwelling units which are in the same location and have some relationship to each other. The dwelling units in a housing community or facility must share a common set of rules, policies, and procedures, that is applied to all of the dwellings in the community or facility. Further, although there is no required stated minimum number of dwelling units that must be present for the exemption to apply, there must be a sufficient number of dwelling units to constitute a "community" or "facility" in the common meaning of those terms. One single family dwelling or a duplex would not qualify as a "housing community or facility."

Question 3

What must a housing community or facility do to qualify for the 55 or older housing for older persons exemption?

Answer

In order to qualify for the exemption, the housing community/facility must satisfy each of the following requirements:

- a) at least 80 percent of the occupied units must be occupied by at least one person 55 years of age or older per unit;
- b) the owner or management of the housing facility/community must publish and adhere to policies and procedures that demonstrate an intent to provide housing for persons 55 years or older; and
- c) the facility/community must comply with rules issued by the Secretary for verification of occupancy through reliable surveys and affidavits.

Question 4

** HUD INTERNET VERSION **

What are some examples of the types of policies and procedures that would demonstrate an intent to provide housing for persons 55 years of age or older?

Answer

Examples include:

- a) the written rules, regulations, lease provisions, deed or other restrictions,
- b) the actual practices of the owner/management of the housing facility/community used in the enforcement of the rules;
- c) the kind of advertising used to attract prospective residents to the housing facility/community as well as the manner in which the facility/community is described to prospective residents;
- d) the housing community's/facility's age verification procedures, and its ability to produce, in response to a familial status complaint, verification of required occupancy.

Question 5

May a housing facility or community advertise as "adult" housing and still demonstrate the intent to be housing for older persons?

Answer

Use of the word "adult" or "adult community" in an advertisement, sign or other informational material, or when describing the facility or community to prospective renters or purchasers or members of the public, does not demonstrate an intent to be housing for older persons as defined by the final rule. The use of these terms, on the other hand, does not destroy the intent requirement of HOPA. If a facility or community has clearly shown in other ways that it intends to operate as housing for older persons, and meets the 80% requirement, and has in place age verification procedures, the intent requirement can be met even if the term "adult" is occasionally used to describe it. The Department will look at the totality of the circumstances in the investigation of a complaint alleging that the facility or community does not qualify as housing for older persons.

** HUD INTERNET VERSION **

Question 6

How many days after the effective date of the final rule implementing HOPA does a facility/community have to develop routine procedures for determining the occupancy of each unit, including age verification?

Answer

The housing community/facility has 180 days after the effective date of the rule, May 3, 1999, to develop the appropriate procedures that should constitute a part of its normal leasing and purchasing procedures. However, if a housing facility or community is not now but intends to become eligible for the exemption, it should not delay development of appropriate procedures.

Question 7

What information should a housing provider include in its survey of residents in order to calculate whether the community or facility meets the 80% requirement of HOPA?

Answer

The owner or manager should obtain the total number of units in the housing community or facility. From that number, the following units should be excluded from the calculation of the 80% requirement:

- a) the number of units that have been continuously occupied by the same household since September 13, 1988, and the household did not contain and does not currently contain at least one person over the age of 55;
- b) the number of unoccupied units (see question 22);
- c) the number of units occupied by employees of the housing facility or community who are under 55 years of age, and who provide substantial management and maintenance services to the housing facility or community
- d) the number of units occupied solely by persons who are necessary or essential to provide medical and/or health and nursing care services as a reasonable accommodation to residents.

** HUD INTERNET VERSION **

The owner or management then should calculate the percentage of the remaining number of units that are occupied by at least one person age 55 or over as of the date of the survey or the alleged date of violation of the Act.

Question 8

What is considered reliable age verification documentation?

Answer

The following documents are considered to be reliable for age verification: birth certificate, drivers license, passport, immigration card, military identification, or any other state, local, national or international documentation, provided it contains current information about the age or birth of the possessor.

Question 9

Is there any other documentation that would be considered reliable for age verification?

Answer

Yes. A self certification in a lease, application affidavit, or other document signed by an adult member of the household asserting that at least one occupant in the unit is 55 years of age or older will satisfy this requirement.

Question 10

What recourse is there for the owner or management of the housing community or facility if the occupants in the household refuse to cooperate in providing documentation regarding their age?

Answer

The housing/community facility may, if it has sufficient evidence, consider the household to be occupied by at least one person who is 55 years or older. Statements made under penalty of perjury from third party individuals who have knowledge of the age of the occupants of a household may be used when the household itself refuses to cooperate by providing age verification. Other information, such as statements indicating age in prior applications may be acceptable. In addition, the facility/community may base its decision on government documents such as census data. The census data referred to is household censuses that are conducted by many cities and towns.

Question 11

How frequently should a housing/community provider update its lists of occupants to be in compliance with the age verification requirements of HOPA? Are there any consequences if a housing provider fails to update its list of residents?

Answer

HOPA requires that a housing facility/community re-survey its lists of residents every two years to ensure that the 80% requirement is met. A housing community's or facility's failure to survey or re-survey its list of occupants in accordance with its age verification procedures does not demonstrate intent to housing for older persons, and could jeopardize the housing community's status as 55 or older housing.

Question 12

How long should a housing community/facility retain its records of survey information that show it meets the 80 percent requirement?

Answer

The records referred to in Answer 9 above need to be kept as long as the housing community/facility intends to proffer its exempt status.

Question 13

Are the surveys and affidavits used to gather information about the facility's/community's residents admissible in an administrative or judicial proceeding under the Fair Housing Act?

Answer

Yes.

Question 14

What does the ratio or percentage of 80/20 portion of housing mean?

Answer

HOPA requires that at least 80 percent of the occupied units must be occupied by at least one person 55 or older. The remaining 20 percent of the units may be occupied by persons under 55, and the community/facility may still qualify for the exemption.

** HUD INTERNET VERSION **

Question 15

Is it lawful to advertise or market the 20 percent portion of the units not required to be occupied by at least one person 55 years of age or older to prospective tenants/purchasers under age 55 and to families with children?

Answer

Yes. However, the marketing must be done in a way that identifies the facility/community as housing intended for older persons. Advertising and marketing must not be inconsistent with the intent. Further, the facility/community needs to plan with care any attempt to sell or rent the entire 20 percent portion of the remaining units to incoming households under age 55, because it could risk losing the exemption if some occupants over 55 die, with surviving spouses or heirs who are under 55 years of age. Such planning should address notice to incoming households under the age of 55 regarding how the housing provider will proceed in the event that the 80% requirement is endangered.

Question 16

May a housing facility/community impose an age limitation more restrictive than that required by HOPA and qualify for the 55 or older exemption?

Answer

Yes. For example, the housing facility/community may require that at least 80 percent of the units be occupied by at least one person 60 years of age or older. The housing facility/community may require that 100% of the units are occupied by at least one person 55 years of age or older, or that 80% of the units be occupied exclusively by persons aged 55 or older. However, the facility/community should review other state and local laws, including fair housing laws that may prohibit discrimination based on age, before establishing policies and procedures restricting occupancy based on age, or affecting survivors' rights to property, that are not covered under HOPA.

** HUD INTERNET VERSION **

Question 17

If a housing facility or community meets the requirements of HOPA but permits up to 20 percent of the units to be occupied by families with children, may the facility/community impose different terms and conditions of residency on those families with children who reside there?

Answer

Yes. If a housing community/facility qualifies under HOPA as housing for older persons, the community/facility is exempt from the Act's prohibition against discrimination on the basis of familial status. The housing community/facility may restrict families with children from benefits of the community, or otherwise treat family households differently than senior households, as long as those actions do not violate any other state or local law. However, the community/facility is not exempt from the provisions of the Act that prohibit discrimination against any resident or potential resident on the basis of race, color, religion, national origin, sex, or disability.

Question 18

If a 55 or older occupant dies and leaves his/her property to a surviving spouse or heir(s) under the age of 55, what rights, if any, do the survivors have to possession?

Answer

The right to possession by a surviving spouse or heir is not governed by the HOPA or the Fair Housing Act. Whether an underage heir or surviving spouse can occupy the unit upon the death of the 55 or older occupant is a matter of state/local law or custom, and generally is governed by private contractual agreements between senior housing developers and the individuals who purchased or rented the dwelling. The provision in the Act permitting 20 percent of the units to be occupied by persons under 55 is intended, in part, to prevent a housing facility/community from losing the exemption due to situations where there are surviving spouses and underage heirs when the 55 or older occupant dies.

Question 19

** HUD INTERNET VERSION **

In the event that the sole 55 or older occupant dies, and a surviving spouse or heir remains in the unit, is the surviving occupant counted in the 80 percent or the 20 percent portion of the units needed to meet the criteria for housing for older persons?

Answer

The surviving occupant must be counted in the 20 percent portion.

Question 20

How should a housing provider count, for the purpose of meeting the 80/20 occupancy requirement, attendants or health care providers needed for the reasonable accommodation of the disability of an occupant (including family members under the age of 18)?

Answer

The attendant or health care provider or family care provider is excluded from the calculation in its entirety. This is true whether the live-in person resides in the same unit with the disabled occupant or in a separate unit. Neither circumstance adversely affects the exemption of the housing facility/community.

Question 21

How is the calculation for the 80/20 percent requirement affected if a 55 or older individual purchases a dwelling in a senior housing facility/community, vacates the unit, and allows an underage adult relative to move in for an indefinite length of time?

Answer

In calculating whether a community/facility meets the 80 percent requirement, it is the occupants of the dwelling units who are counted, not the owners. In this example, the current resident, the underage adult relative, would be counted in the 20 percent portion. Similarly, if a 55 or older owner/occupant decided to vacate a unit for an indefinite period of time and rent to an underage individual, the current occupant would be counted in the 20 percent portion.

** HUD INTERNET VERSION **

Question 22

Are there circumstances under which a 55 or older owner/tenant might be temporarily absent from a dwelling without affecting the exemption status of the community/dwelling?

Answer

Yes. For example, the 55 or older occupant may be on vacation, hospitalized, or absent for a season without affecting the exempt status of the community. The resident may, if he/she wishes, allow a younger relative or a house sitter under 55 years of age to live in the unit during this absence. In either event, the unit would be included in the calculation of the 80 percent occupancy requirement as long as the dwelling is not rented out, the owner/tenant returns on a periodic basis, and maintains legal and financial responsibility for the upkeep of the dwelling.

Question 23

Can a housing community/facility that does not now meet the 80 percent occupancy requirement take any action to become eligible?

Answer

Yes. For a period of one year after the rule became effective (May 3, 1999), a housing provider may reserve all new, vacant and/or unoccupied units/dwellings for occupancy until 80 percent of the units/dwellings are occupied by at least one person 55 years of age or older. This does not mean that the dwellings/units must be held off the market; indeed, marketing the units as 55 and over units during the transition period may be done as those units become vacant.

Question 24

During this transition period, may a facility/community refuse to rent or sell to families with children in its effort to qualify as housing for older persons?

Answer

Yes. If, during the one year period the facility/community demonstrates its intent to be housing for older persons through advertising and revisions to or development of rules and procedures, and adopts age verification procedures, it may refuse to rent or sell to applicants based on their familial status. Of course, the facility/community may have to meet the requirements of state and local laws with respect to making the changes required for the transition in its covenants or other instruments binding on the property.

** HUD INTERNET VERSION **

Question 25

Can the facility/community evict families with children during the transition period for the purpose of becoming housing for older persons?

Answer

No. However, the housing facility/community can renew or not renew leases for families with children if doing so does not represent a change in its practices or does not violate state or local landlord tenant law. Additionally, while the facility/community may not take any measures deliberately designed to discourage families with children from continuing to reside in the community, nothing prevents the offering of positive incentives that might lead some families to seek housing elsewhere.

Question 26

What if a 55 or older housing provider, at the end of the transition period, does not succeed in meeting the 80 percent occupancy requirement?

Answer

At the expiration of the one year period, all units/dwellings must be marketed and made available to the public in general, including families with children. Additionally, all restrictive operations policies which may impact negatively on families with children must be rescinded.

Question 27

When does HUD become involved in determining whether a 55 or older housing community or facility is in compliance with HOPA requirements?

Answer

HUD's involvement begins in one of two ways: 1) when a person allegedly injured on the basis of familial status files a complaint against a housing facility/community and the respondent claims the exemption as a defense; or 2) when HUD commences a Secretary-initiated investigation or files a complaint based on information it has that indicates the need for an investigation.

** HUD INTERNET VERSION **

Question 28

When must a person claiming to be injured by a housing community/facility because of familial status file a complaint with the Department in order for the complaint to be timely?

Answer

The complaint must be filed no later than one year after the alleged discriminatory act occurred or was terminated.

Question 29

Can a household which does not fall within the Fair Housing Act's definition of familial status file a complaint challenging a housing provider's attempt to provide housing for older persons?

Answer

No. The family cannot file a familial status complaint because it does not meet the definition of familial status.

Question 30

Can an owner of a dwelling file a complaint based on familial status if the owner is being impeded in the ability to sell or rent the dwelling because the housing facility/community is claiming to be 55 and over housing but does not meet the requirements for the exemption?

Answer

Yes, if the owner has affirmatively undertaken to rent or sell his property and can establish that the housing community/facility illegally (is not qualified housing for older persons) interfered with the owner's ability to do so, he/she can file a familial status complaint. Other complainant parties could include the family with children seeking to rent or buy but was denied the opportunity, as well as any real estate agent involved in the transaction.

** HUD INTERNET VERSION **

Question 31

If an individual files a complaint based on familial status and the housing community/facility claims the exemption as a defense, who has the burden of proving, that the community/facility is in compliance with HOPA requirements?

Answer

The community/facility housing provider has the burden of proving that it was in compliance with HOPA requirements on the date of occurrence of the alleged act or incident of discrimination.

Question 32

Can a corporate entity avail itself of the good faith reliance against monetary damages if the housing community/facility is found not to be in compliance with the HOPA requirements?

Answer

No. The governing board, management company, or corporate entity of the housing facility/community is liable if the facility/community fails to meet the requirements, and cannot claim a good faith reliance defense against monetary damages. The legislative history of HOPA shows that in creating the good faith reliance defense, Congress intended to protect **individual persons**, such as individual members of boards of governing homeowners associations and real estate agents relying on information provided by the housing providers of senior housing.

Question 33

Since individuals, including individual members of a homeowners association or a board of directors, can use the good faith reliance against monetary damages, under what conditions might that occur?

Answer

An individual is not liable for monetary damages if the person acted with a good faith belief that the housing facility/community qualified for a housing for older persons exemption. Such a person must have knowledge, from an authorized representative, that the facility/community asserted in writing that it qualified for the older persons exemption before the date on which the alleged discrimination occurred. An authorized representative may be an

individual, committee, management company, listing agent, owner or other entity.

Question 34

Under what circumstances may an individual not use the good faith reliance defense?

Answer

An individual is not entitled to the good faith defense if he or she has actual knowledge that the facility/community does not or will not qualify as housing for older persons, despite the fact that he/she received written assurances to the contrary from an authorized representative of the housing provider.

Question 35

Is an individual insulated from a liability claim for disseminating information to others regarding the facility's/community's exemption claim?

Answer

An individual who claims the good faith reliance defense based on his/her actual knowledge and a written assertion from an authorized representative of the facility/community may disseminate such information to others. Those others may include real estate agents, multiple listing services, advertisers and other print media who may, in turn, rely on the assertions of the individual from whom they received the information, unless they have actual knowledge that information is not accurate.

Question 36

Is a publisher (newspaper or other print media) liable for damages under the Fair Housing Act for accepting for publication an advertisement for 55 and older housing if the community/facility is found not to be in compliance with HOPA?

Answer

No. Newspaper publishers and other print media that rely on the assertions of the housing provider are not liable unless they have actual knowledge that the housing does not qualify for the exemption.

** HUD INTERNET VERSION **

Question 37

Does HUD certify that a housing, facility/community is housing for older persons?

Answer

No. Neither the Fair Housing Act nor HOPA authorizes the Department to certify whether a particular housing facility or community meets the qualifications for housing for older persons.

Question 38

If a developer is building new housing that is intended to be for persons 55 and over, how should the new units be marketed and occupied as the facility/community is being developed?

Answer

Newly constructed housing for first occupancy after March 12, 1989 (including a facility or community that has not been occupied in its entirety for at least 90 days prior to re-occupancy due to renovation or rehabilitation), must be marketed as housing intended for older persons. It does not have to have at least one occupant in each occupied unit who is age 55 and over until at least 25 percent of the units are occupied.

Question 39

How are state and federal fair housing laws that prohibit age discrimination affected by HOPA?

Answer

Neither the Fair Housing Act nor HOPA covers age discrimination. Neither of these federal laws supersede or otherwise affect state or local laws that prohibit age discrimination. Housing community/facilities always should check all relevant state, local and federal laws, and any requirements imposed as a term of governmental financial assistance before implementing policies and procedures that limit the eligibility of its residents.

** HUD INTERNET VERSION **

Question 40

Must state or local governments that have been determined to have substantially equivalent laws to the Fair Housing Act change the laws under which they operate in order to be identical to HOPA?

Answer

No. States and local governments with fair housing laws that have been determined to be substantially equivalent to the federal law may have no exemption from familial status discrimination for housing for older persons, or may have more stringent requirements to meet an exemption than does HOPA.

Question 41

Must a housing community/facility file or register a declaration of intent with the state or local unit of government in order to claim its exemption as housing for older persons?

Answer

HOPA does not require this. However, the state or local government might require the housing community/facility to register its intent to be housing for older persons. The facility/community should consult the appropriate governmental body for requirements in this regard.

Question 42

Must a resident of a 55 or older housing community/facility join the homeowner's association?

Answer

The Fair Housing Act does not require this. HOPA does not require this. This is an example of an issue or aspect of senior housing communities that is generally governed by independent law, deed restriction, or other legally enforceable documents.

** HUD INTERNET VERSION **

Question 43

Would HUD apply HOPA retroactively to a familial status claim of discrimination that occurred prior to December 28, 1995, when HOPA was signed into law?

Answer

No. If the alleged violation occurred prior to December 28, 1995, the Department's investigation of a pending complaint will determine whether the community/facility met the requirements for the housing for older persons exemption, based on the regulations that were in effect at the time of the alleged violation.

Question 44

How does the Fair Housing Amendments Act senior housing, exemption, and HOPA, affect eligibility requirements for federally funded housing programs.

Answer

The Act and HOPA do not affect statutory or regulatory provisions of federally assisted housing programs. For example, neither HOPA nor the Act change the definition of "elderly family" in federally assisted housing programs. HOPA does not permit a HUD funded public housing provider to designate a project as an "elderly project" without HUD review and approval as mandated by existing regulations. HUD funded housing that is designated as elderly housing may not, because of HOPA, admit households that are not statutorily eligible for the housing. No public housing development that is not designated as an elderly development by statute or program regulation may exclude families with children even if at least 80% of the units are occupied by at least one person age 55 or older. Federally assisted housing providers should continue look to existing program statutory and regulatory requirements to determine tenancy of those developments.

** HUD INTERNET VERSION **

Bridgit Baker

Subject: FW: From Stigma to Housing Fix | Lincoln Institute of Land Policy

-----Original Message-----

From: Bill Garza [mailto:garzagraphics@yahoo.com]

Sent: Friday, April 13, 2018 9:17 AM

To: Lauri Anderson <landerson@kenmorewa.gov>

Subject: From Stigma to Housing Fix | Lincoln Institute of Land Policy

Hi Laurie,

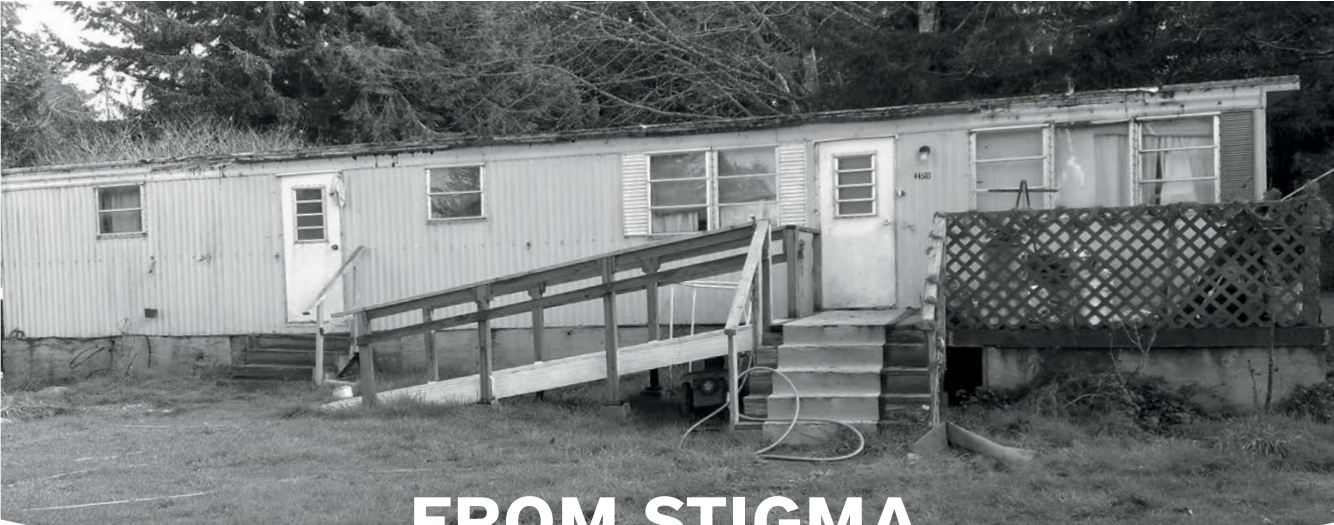
It may be too late to consider but I thought you might take a look at this article covering ownership of land by previous tenants living in manufactured homes.

Sincerely

Bill Garza

<https://www.lincolninst.edu/publications/articles/stigma-housing-fix>

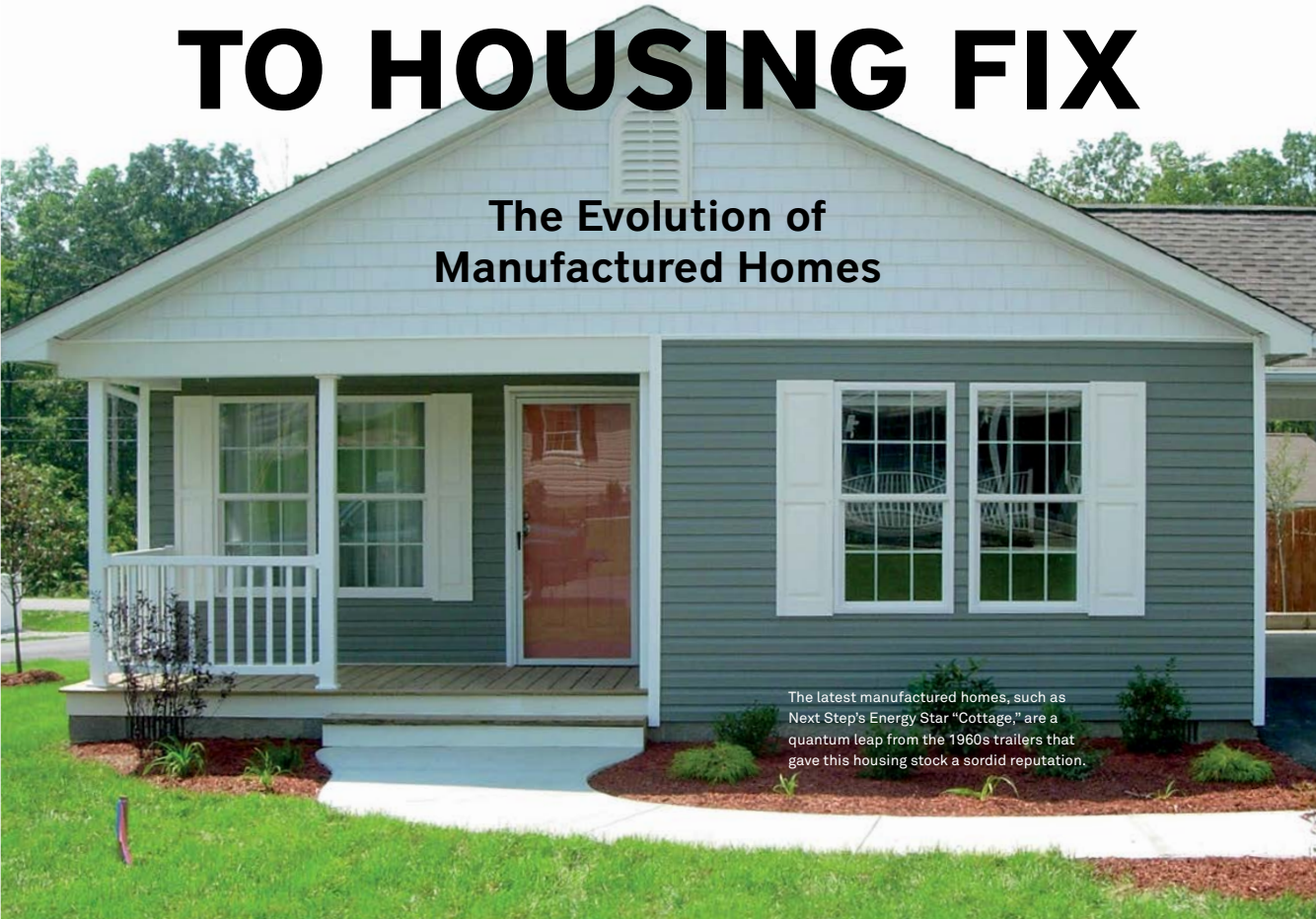
Sent from my iPhone



FROM STIGMA

TO HOUSING FIX

The Evolution of Manufactured Homes



The latest manufactured homes, such as Next Step's Energy Star "Cottage," are a quantum leap from the 1960s trailers that gave this housing stock a sordid reputation.

By Loren Berlin

LIZ WOOD WANTED TO BUY A HOUSE. IT WAS 2006, SHE HAD BEEN RENTING FOR A DECADE, AND HER MONTHLY PAYMENTS WERE GETTING HIGH. She was 43 and steadily employed, earning \$34,000 annually plus benefits as a family educator. She didn't want anything fancy, just a place where she could "gather love and bring stability." She would stay within her means.

Nonetheless, the math was tricky. Wood lives in Duvall, Washington, a town of roughly 7,500 in the foothills of the Cascade Mountains. Steeped in lush forest, Duvall is about 30 miles from Seattle and a mere eight miles from the City of Redmond, the headquarters for Microsoft. The median income in Duvall is nearly twice that of the state of Washington, and homes in this area are expensive. In 2010, the median value of owner-occupied homes in Duvall was \$373,500, compared to \$262,100 for the state, according to the U.S. Census Bureau.

With few options, Wood eventually decided on a used factory-built home (also known as manufactured housing) for \$55,000 in Duvall Riverside Village, a four-acre community of 25 manufactured homes in the middle of downtown Duvall. "It's amazing here," she says. "I live on riverfront property, so when I walk out my door I see water, pine trees, and a walking trail that goes from my house to the next town. I wake up in the morning hearing birds. I know all my neighbors; I'm connected to my community. I'm a block from the police station. I feel safe."

But it was still difficult. Wood owned her house, but not the land on which it sits. Instead, she rented the plot for \$450 a month, plus water and utilities, as did the other residents of Duvall Riverside Village. As a result, Wood and her neighbors remained largely at the mercy of the property owner, their landlord, and forfeited much of the autonomy and security associated with more traditional home ownership models.

Their landlord prohibited garages, leaving residents limited storage options. He charged them \$25 a month per additional car or adult beyond those registered at the time of move-in.



Liz Wood is president of Duvall Riverside Village in Duvall, Washington—a resident-owned manufactured housing community between an artsy downtown Main Street and the Snoqualmie River. Credit: ROC USA PHOTO / Mike Bullard

He charged \$5 a month for every pet and required dogs to be leashed at all times. There was a \$5 monthly fee for every extra half-cord of firewood, which Wood needed to fuel her stove. Though he employed a groundskeeper, he didn't install outdoor lights, nor did he maintain the community roads, which were pocked and cracked.

Today's manufactured homes are robust, efficient, and inviting, with the potential to help alleviate the nation's shortage of safe, affordable housing.

In 2012, Wood and her neighbors received a written notice that the owner was selling the land. Unlike many owners, who prefer to sell their properties to a developer, this landlord was open to selling to residents. He had agreed to host a meeting between the tenants, a real estate broker, and the Northwest Cooperative Development Center, a nonprofit that supports cooperatives. The parties discussed the possibility of establishing a nonprofit, resident-owned cooperative to purchase the property. In doing so, they would conserve the land for manufactured housing, continue living there as a community, and collectively manage it to guarantee a safe, affordable, high-quality experience.

The residents voted to go for it. The landlord had two demands. He wanted fair market



David Bissaillion tinkers in the greenhouse addition of his home in Wheel Estates, a resident-owned manufactured housing community in North Adams, Massachusetts. Credit: ROC USA PHOTO / Mike Bullard

value, and he wanted to complete the sale by the end of the year. It was already August. They had five months.

In addition to the collaboration with Northwest Cooperative Development Center, the residents also began working with ROC USA, a New Hampshire-based nonprofit organization that offers residents of manufactured housing communities a mix of technical assistance and affordable financing to purchase their rented land when it becomes available for sale. Since its establishment in 2008, ROC USA has successfully facilitated 80 of these transactions nationally and secured more than \$175 million in financing for them.

ROC USA works with a network of eight regional affiliates, including the Northwest Cooperative Development Center. In Duvall, the nonprofits worked together with the residents to assess the economics of a possible deal and to confirm that the community was a good fit for resident ownership. Next, the organizations helped the residents to hire a third-party lawyer and establish their cooperative, which would operate as a democracy with residents elected into leadership positions by fellow residents. ROC USA assisted the residents to hire an independent engineer and conduct due diligence of the property; secure financing through ROC USA's lending subsidiary, ROC USA Capital, to purchase the property and undertake critical repairs; and organize the real estate transfer.

On December 27 of that year, the newly

formed cooperative bought the Duvall Riverside Village with \$1.3 million in purchase financing from ROC USA Capital, granting Wood and her fellow home owners control over their living arrangements, and permanently preserving 25 affordable homes in a town where such housing stock is scarce.

The residents continue to pay \$450 a month to rent the land, but now they vote to determine community rules, and use the rent to make improvements and to pay the community's mortgage, taxes, and expenses.

"Now, you can have a garage if you want," explains Wood, who is president of the Duvall residents' cooperative and a ROC USA board member. "And we spent \$35,000 to fix the roads. We don't have to live in fear anymore, so people are willing to invest in their homes. We have annual meetings to vote in projects. We can lower the monthly rent if we are over-budgeting for things we don't need. The bottom line is that we are in control of our own destiny."

Upon completing the sale, ROC USA and the Northwest Cooperative Development Center have continued providing the residents with technical support to ensure smooth operations.

"If they had just lent us the money and said, 'these are the guidelines, here's what you need to do, have at it,' we would have failed," explains Wood. "But they are an ongoing resource. They help us with tough situations, or when we don't know how to do something legally. The goal is for us to become independent and to be able to run our community like a business. Pay your bills, and your house can stay where it is. Period. Forever."

Benefits

Across the United States, more than 18 million Americans live in factory-built homes, which represent 5 percent of the nation's housing stock in metro areas, and 15 percent in rural communities. They range significantly in quality. Roughly 25 percent of today's manufactured housing stock is the stereotyped, rickety trailers of the 1960s and early 1970s, produced before the federal government introduced quality controls in 1976. The remaining 75 percent complies with the

federal standards, and includes charming, energy-efficient homes, indistinguishable to the untrained eye from their site-built counterparts. Though manufactured homes have long been cast aside as a housing choice of last resort, today's models are robust, efficient, and inviting, with the potential to help alleviate the nation's shortage of safe, affordable housing.

Modern manufactured homes cost approximately half as much as their site-built counterparts and can be built five times faster, making them a genuinely viable option for low-income consumers. The production process is less wasteful, and models that comply with the federal government's Energy Star standards offer home owners meaningful energy savings. And they are durable. Whereas manufactured homes built prior to the 1976 regulations were made to be portable, like recreational vehicles, modern models are built with stronger materials and designed to be permanent. Today's manufactured homes can sit on any foundation that would otherwise accommodate a site-built structure, creating the flexibility to use the housing in a wide range of geographies and environments.

"The manufactured housing stock is a critical component of the nation's affordable housing," says George McCarthy, president and CEO of the Lincoln Institute of Land Policy. "It easily outnumbers our subsidized stock two or three times in almost every market."

Manufactured homes are cheaper to produce than site-built houses because of the manufacturing process. As Andrea Levere, president of the Corporation for Enterprise Development, writes in the *Huffington Post*, the "term 'manufactured housing' itself has less to do with quality and more to do with the production process, which is a derivative of Ford's assembly lines. This model allows manufactured homes to be built in a more controlled work environment, translating into predictable costs, increased efficiencies, and reduced waste" (Levere 2013).

In 2013, a new, energy-efficient manufactured home cost \$64,000, compared to \$324,500 for a new, site-built one, according to the U.S. Census, though the price for the latter includes the land. Even after stripping out the land costs,

manufactured homes are still significantly less expensive, averaging \$44 per square foot, versus \$94 per square foot for site-built homes. And they are unsubsidized, which is a boon given the extremely short supply of subsidized housing compared to demand. Currently, only one in four income-qualified families receives a housing subsidy according to the Bipartisan Policy Commission, leaving the remaining 75 percent in need of an affordable, unsubsidized alternative. By helping to fill that gap, manufactured housing can relieve some of the demand for subsidized housing that state and federal governments are struggling to supply in the face of shrinking budgets. "The majority of families who live in manufactured housing would qualify for subsidized housing, but instead they choose this less expensive and unsubsidized option," says McCarthy.

"During the immediate aftermath of Hurricane Sandy, recovery workers got 17 manufactured homes on the ground in New Jersey within weeks of the hurricane—before most organizations even had a housing plan," says McCarthy.

The stock is also very versatile, argues McCarthy, who cites its role in housing people during the immediate aftermath of Hurricane Sandy. "Recovery workers got 17 manufactured homes on the ground in New Jersey within weeks of the hurricane—permanent homes for displaced renters, not the problematic 'Katrina trailers.' And they did it before most organizations even had a housing plan. This speaks to the efficiency and nimbleness of building manufactured housing. The production times are about 80 percent shorter than for site-built homes, making them the best housing option for disaster response."

Nevertheless, manufactured housing often gets a bad rap, due largely to the widespread misperception that today's models are the same as the earliest generations of mobile homes built prior to the introduction of quality control

standards by the U.S. Department of Housing and Urban Development in 1976. Today, there are roughly 2 million of these pre-1976 homes; many are barely hanging together and house the nation's most vulnerable populations, including the elderly and disabled. Though the pre-1976 stock is virtually unrelated to its present-day counterpart, these older, dilapidated dwellings dominate the general public perception of manufactured homes in the United States.

The housing stock's reputation is further diminished by the vulnerabilities facing home owners who do not own the land on which they live. Roughly 3 million people live in one of the nation's 50,000 manufactured housing communities, while another 3 million rent on private property. There are manufactured housing communities in every state in the country. Like Duvall Riverside Village, many of them are on prime real estate, and the landowners routinely receive purchase offers from developers.

Advocates working to improve the manufactured home ownership experience, and to promote the stock's viability as affordable housing, are focusing on three critical areas of innovation: conserving mobile-home parks; replacing pre-1976 units with modern, energy-efficient homes; and increasing access to affordable financing for potential buyers, which is virtually unavailable in the current market and is imperative to building equity and preserving a home's resale value.

Conserving Manufactured Housing Communities

The conversion of Duvall Riverside Village from a privately owned mobile home community to a resident-owned cooperative is not common. For every community available for purchase that is successfully preserved as affordable housing, there are many more that end up sold for redevelopment, displacing residents who may lack good alternatives.

"It's not as simple as just moving the home," says Ishbel Dickens, president of the National Manufactured Home Owners Association. "First,

there's the question of whether the home can even be moved. It may be too old or unstable to survive a move. And even if it can be moved, it's expensive to do so, and very hard to find a space in another community. In most instances, when a park closes, the residents are probably going to lose the home and all their equity in it. In all likelihood, they will never own a home again. They'll likely end up on a wait list for subsidized housing, or may even end up homeless."

To some degree, it's an accident of history that so many of today's mobile home parks occupy plots of coveted real estate, says Paul Bradley, president of ROC USA. As he explains it, in the late 1950s and 1960s, Americans began to embrace transportable trailers and campers, in part because of a cultural shift toward outdoor recreation, and in part because post-World War II factories began producing them to utilize excess manufacturing capacity, making them widely available and affordable. As the units grew in popularity, they transitioned from temporary structures to permanent ones, and people began adding makeshift carports and sunrooms. At the time, urban planners accepted the evolution toward permanency. As they saw it, most of the trailers were on land that no one else was using in outer-circle developments. Why not let these campers stay for awhile, until the cities expanded to meet them, at which point the land would be redeveloped?

"These original communities were built with a plan to close them," says Bradley. "Back then, no one contemplated the full implications of creating a housing stock for which home owners lacked control of the underlying land. No one anticipated that these communities would be full of low- and moderate-income home owners who spent their own money to buy these homes and had few alternatives. And that's what we are still grappling with today. That lack of control of the land means that home owners live with a deep sense of insecurity and the feeling that it's irrational to make investments in their properties because they won't get it back. What's the implication for home owners who cannot rationally argue for investing in their home? What does that mean for the housing stock? For neighborhoods?"

Short-sighted land use policies are not the only challenge to preserving manufactured housing communities. An equally onerous obstacle is the lack of legal protections afforded to residents. In 34 states and the District of Columbia, the landowner can sell the property without giving residents the opportunity to purchase it. In fact, in most states, the landowner doesn't have to notify residents that the community is for sale; the landowner can wait until the property has been sold to inform residents of the transaction, suddenly leaving them in a tenuous position.

Even the 16 states that require the owner of a manufactured housing community to provide residents advance notice of a sale do not necessarily afford tenants the necessary protections. "In most of the states with advance notice, there are so many limitations on the notice requirements that it is rarely of any use to residents," says Carolyn Carter, director of advocacy at the National Consumer Law Center.

To better protect residents, advocates support legislative reforms to state laws and tax incentives for landowners who sell to residents. The most effective of these strategies are state laws requiring a landowner to give residents both advance notice of the sale—ideally 60 days—and the opportunity to purchase the property, argues Carter. According to her, there are six states with laws that "work on the ground and provide effective opportunities for residents to purchase their communities," including New Hampshire, Massachusetts, Rhode Island, Florida, Vermont, and Delaware. She says Oregon passed promising legislation in January 2015. "In those states with effective notice and opportunity to purchase laws, resident ownership takes off," Carter explains. Roughly 46 percent of the 80 communities that ROC USA supports are in either New Hampshire or Massachusetts—two small states with some of the nation's strongest resident protections. There are an additional 89 resident-owned cooperatives in New Hampshire that predate ROC USA's launch.

To understand the value of strong consumer laws for residents, consider the story of Ryder Woods, a 174-unit mobile home park in Milford, Connecticut, 11 miles south of New Haven, just



A resident of Prairie Lake Estates in Kenosha, Wisconsin, paddles along the shore of this resident-owned community on Lake Michigan. Credit: ROC USA PHOTO / Mike Bullard

off a major thoroughfare. Connecticut is one of 19 states that either offer tax incentives or provide residents "some" protections when a community is sold, but also contain "significant gaps," according to Carter.

In 1998, Ryder Woods' landowner sold the property to developers. He informed the residents via eviction notices, in violation of state laws requiring him both to give them advance notice of the pending sale and to provide them the right of first refusal to purchase the land. Ryder Woods had an active home owners association, and very quickly they organized protests and petitions and lobbied the state legislature to reverse the sale. Eventually, the local news picked up their story, at which point a Milford-based attorney volunteered her services to help them. As she dug into the case, she realized that the law was on the side of the residents and that the community needed more legal support than she alone could offer. She enlisted help from a friend and fellow attorney—a partner at a prominent, Hartford-based firm—who agreed to take the case pro bono and assigned it a team of attorneys. The case ended up going to trial, eventually making its way to the state's highest court. Uninterested in the unfolding legal headache, the original buyer resold the property to a second developer.

Four years after the original sale, the courts ruled in favor of the residents. In an unprecedented deal, and as required as part of the settlement, the second developer purchased a new piece of land a mile from the original parcel and completely rebuilt the community there. The developer purchased 174 new mobile homes and

CONTINUED ON P. 32

From Stigma to Housing Fix
CONTINUED FROM P. 13

sold them to the residents at significantly reduced prices with more favorable mortgage terms than any available in the conventional financing market. He built a community center and a pond, complete with swans. And, as required by their agreement, he provided the residents the opportunity to form a cooperative and buy the land, which they did in 2009 with \$5.4 million in purchase financing from ROC USA Capital. They closed on their purchase in the offices of the Hartford firm, which had continued to volunteer its services to the residents through the sale's completion. Today, there is a Walmart on the land that housed the original Ryder Woods community.

“Sometimes, when we look back, we think it was crazy. We chartered a bus, went to Hartford, spoke to the legislature, and just fought it. We stuck together and won against two big-time, billion-dollar developers,” explains Lynn Nugent, 68, a part-time merchandise associate at Sears, and one of the residents who helped organize the campaign, along with her husband, a retired locksmith. “Now I always say, ‘Somebody else used to own us, and now we own ourselves.’”

Improving Access to Quality, Affordable Manufactured Homes

Unlike the residents of Ryder Woods, many owners of manufactured homes struggle to secure a quality unit with affordable financing. Here again, legislation is a primary culprit. Under federal law, manufactured homes are considered personal property, like a car or a boat, opposed to the real property designation assigned to traditional

homes. Consequently, buyers cannot access mortgage loans. Instead, financing is available in the form of personal “chattel” loans. More expensive than mortgage loans, they average an additional 50 to 500 basis points and provide fewer consumer protections. More than 70 percent of purchase loans for manufactured homes are these higher-cost loans, which are considered a proxy for subprime products.

“This second-tier status is one of the biggest limitations to increasing the stock of permanently affordable manufactured homes,” says McCarthy. “It makes financing the homes more challenging and expensive than it should be, and it diminishes the homes’ wealth-building potential because it reduces effective demand for existing units.”

While the dream fix would be to change federal titling laws, such revisions are not forthcoming. Instead, Next Step, a Kentucky-based nonprofit organization, has established “Manufactured Housing Done Right (MHDR).” This innovative strategy works to make high-quality, affordable manufactured homes—and financing—available to low- and moderate-income consumers through a combination of energy-efficient homes, home buyer education, and affordable financing. Here's how it works.

First, Next Step gives low-income buyers access to high-quality manufactured homes. The organization created a portfolio of models that are both robust and affordable. Each Next Step home meets or exceeds Energy Star standards, reducing utility costs for the home owner and shrinking the environmental footprint. According to Next Step, testing has shown these homes to be 30 percent more efficient than a baseline code home and 10 to 15 percent more efficient than a baseline Energy Star home. On average, this results in \$1,800 in energy savings each year for every pre-1976 mobile home

replacement and \$360 each year for every new home placement.

Additionally, Next Step homes are “value engineered to ensure affordability while upholding quality standards.” They are installed on permanent foundations, providing for greater structural support against wind and reducing settling issues. The homes contain high-quality flooring and insulation, which helps to increase durability and reduce energy costs. And because water is the number one problem for foundations, Next Step homes contain additional safeguards to protect against moisture.

Improving Access to Sustainable Financing

Next Step also makes sure the home buyers can secure sustainable, affordable financing. “One of the problems facing the industry is that the capital markets don’t participate in a big way,” explains Stacey Epperson, CEO of Next Step. “The secondary market is not there in any meaningful way, so there are very few lenders in this marketplace and very few options for buyers. Our solution is to prepare our borrowers for home ownership, and then bring them good loans.”

Next Step works with a mix of nonprofit and for-profit lenders, vetted by the organization, to provide safe, reasonably priced financing. In return, Next Step reduces the lenders’ risk. The homes are designed to meet the lenders’ requirements, and the home buyers receive comprehensive financial education so that they are equipped to succeed as home buyers. Consequently, Next Step home buyers not only secure a better initial mortgage, but also have the capacity to build equity and obtain a good resale price for the home should they decide to sell it one day.

Importantly, each Next Step home is placed on a permanent foundation in

order to qualify the home owner for certain government-backed mortgage programs, which are less expensive than a chattel product. Next Step estimates it has saved its 173 home buyers approximately \$16.1 million in interest payments.

“Right now, close to 75 percent of all financing for manufactured housing is going out as chattel. But 70 percent of new manufactured homes are going out on private land where, in many cases, the home could be put on a permanent foundation, and the owner could get a mortgage with a lower interest rate and a longer term,” says Epperson.

The MHDR model is innovative in part because it is scalable. Next Step trains and relies on a membership network of nonprofit organizations to implement the model in their respective communities. Next Step sells the homes to members at competitive prices, and then member organizations oversee the process of identifying and educating buyers, assisting them to secure the loan, and managing the installation.

“The way the industry works, there has never really been a way for a nonprofit to buy a manufactured home at wholesale prices. That’s what we’ve engineered, and that’s what makes these homes a lot more affordable than if the nonprofit or home owner tried to buy them on their own,” explains Kevin Clayton, president and CEO of Clayton Homes, one of the nation’s largest producers of manufactured housing, and one of Next Step’s long-time supporters.

“The Next Step program works because it sets people up for success,” says Clayton. “Next Step takes them through home ownership counseling, and supports home owners if they have a hardship down the road. They get to buy the house for a lot less than they otherwise could have, build equity in the home, and have a low monthly loan payment and energy costs.”

Cyndee Curtis, a Next Step

home owner, agrees. Curtis was 27, single, and pregnant when she purchased a used, 1971 Fleetwood mobile home for \$5,000 in 2001. She put it on the lot she owned just outside the town of Great Falls, Montana.

“I didn’t have money, I didn’t have a degree, and I didn’t have choices,” says Curtis. “The old steel septic tank was a ticking time bomb, with rust holes. The carpet was worn through, the linoleum underneath had burn spots on it, and the ceiling leaked where an addition had been added. Every year, I would buy construction books, go to Home Depot, and ask how to fix that leak. And every year I ended up there by myself, trying to fix it. There was mold on the doorway from that leak, and I had a newborn in there.”

In 2005, Curtis went back to school for two years, obtained her nursing degree, and began working as a licensed practical nurse, earning \$28,500 a year. “I figured now I am earning a livable wage and can explore my options,” says the single mother of two. “I wanted something that my kids could grow up in and be proud of, and to make the most of owning the lot I lived on.”

But her credit was poor, and eventually she ended up at NeighborWorks Montana, a nonprofit Next Step Network member that told her about the Next Step program. Over the next two and a half years, Curtis worked with the staff of NeighborWorks Montana to repair her credit. With their assistance, she secured a mortgage and purchased a Next Step home for \$102,000, which included not only the house but also the removal, disposal, and replacement of her old septic system. Because the Next Step home is on a permanent foundation that meets certain qualifications—and because of Curtis’s improved credit history, income, and geography—she qualified for a mortgage from the U.S. Department of Agriculture’s Rural

Development program, which was significantly less expensive than the more common chattel products. Additionally, whereas Curtis’s previous mobile home was titled like a car, her Next Step home is deeded like a site-built house. Consequently, a future buyer will also be eligible to apply for a traditional mortgage.

Curtis says her Next Step home has provided her significant energy savings. “I have 400 square feet more now than I had previously. I went from having one bathroom to two. And still both my gas and power bills have been cut by about two-thirds.”

She continues. “My house is a thousand percent better than what I lived in before. If a person goes inside my house, they can’t tell it’s a manufactured home. It has nice doorways, nice walls that are textured. It looks like any new home you would want to live in.”

“Sometimes people think they have to suffer with poor housing conditions. I know how it is, and I want them to know that if you put in some hard work, you can make a difference for yourself and your family.” ☑

Loren Berlin is a writer and communications consultant based in Greater Chicago. She can be reached at loren@lorenberlin.com.

REFERENCES

Levere, Andrea. 2013. “Hurricane Sandy and the Merits of Manufactured Housing.” *Huffington Post*. January 8. http://www.huffingtonpost.com/andrea-levere/hurricane-sandy-manufactured-housing_b_2426797.html

Bridgit Baker

From: Connie Jones [<mailto:conniejones5655@yahoo.com>]

Sent: Friday, April 13, 2018 7:30 PM

To: Lauri Anderson <landerson@kenmorewa.gov>

Subject: Lakewood Villa Mobile Home Park

I am Connie Jones, residing in Lakewood Villa #4. I have lived here 14 years, and I really try to maintain my home and my space. I am proud of my efforts to keep my home and space very nicely and attractive. This home is the ONLY one I will ever own.

I am on a disability, which pays for space rent, PSE, insurances and groceries. The reminder of my money goes to medical bills and prescriptions. I have 8 medical issues and 5 doctors.

I cannot move anywhere! I will be homeless!
I can stay in my home and be independent.

Please! Let me and my neighbors stay here
at Lakewood Villa!!

Connie Marie Jones

[Sent from Yahoo Mail on Android](#)

Bridgit Baker

Subject: FW: Two-Bedroom Housing Wage by Zip Code | National Low Income Housing Coalition

From: Stacey Valenz [<mailto:svalenz229@gmail.com>]

Sent: Friday, April 13, 2018 9:13 PM

To: Lauri Anderson <landerson@kenmorewa.gov>

Subject: Fwd: Two-Bedroom Housing Wage by Zip Code | National Low Income Housing Coalition

How are people on a fixed income suppose to qualify for this?

----- Forwarded message -----

From: "Stacey Valenz" <svalenz229@gmail.com>

Date: Apr 13, 2018 8:48 PM

Subject: Two-Bedroom Housing Wage by Zip Code | National Low Income Housing Coalition

To: <svalenz229@gmail.com>

Cc:

| <http://nlihc.org/oor/zip?code=98028>

4/17/2018

Two-Bedroom Housing Wage by Zip Code | National Low Income Housing Coalition

National Low Income Housing Coalition



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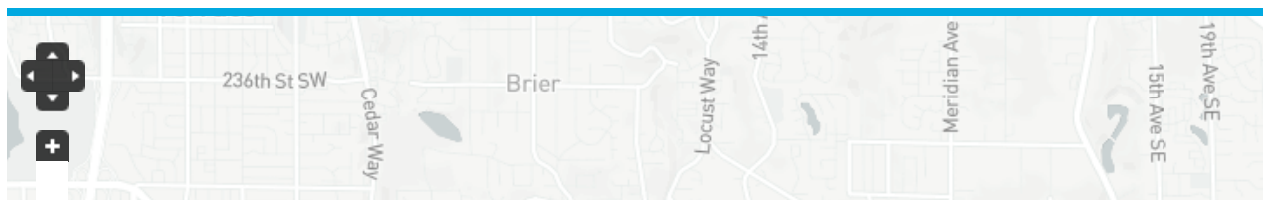
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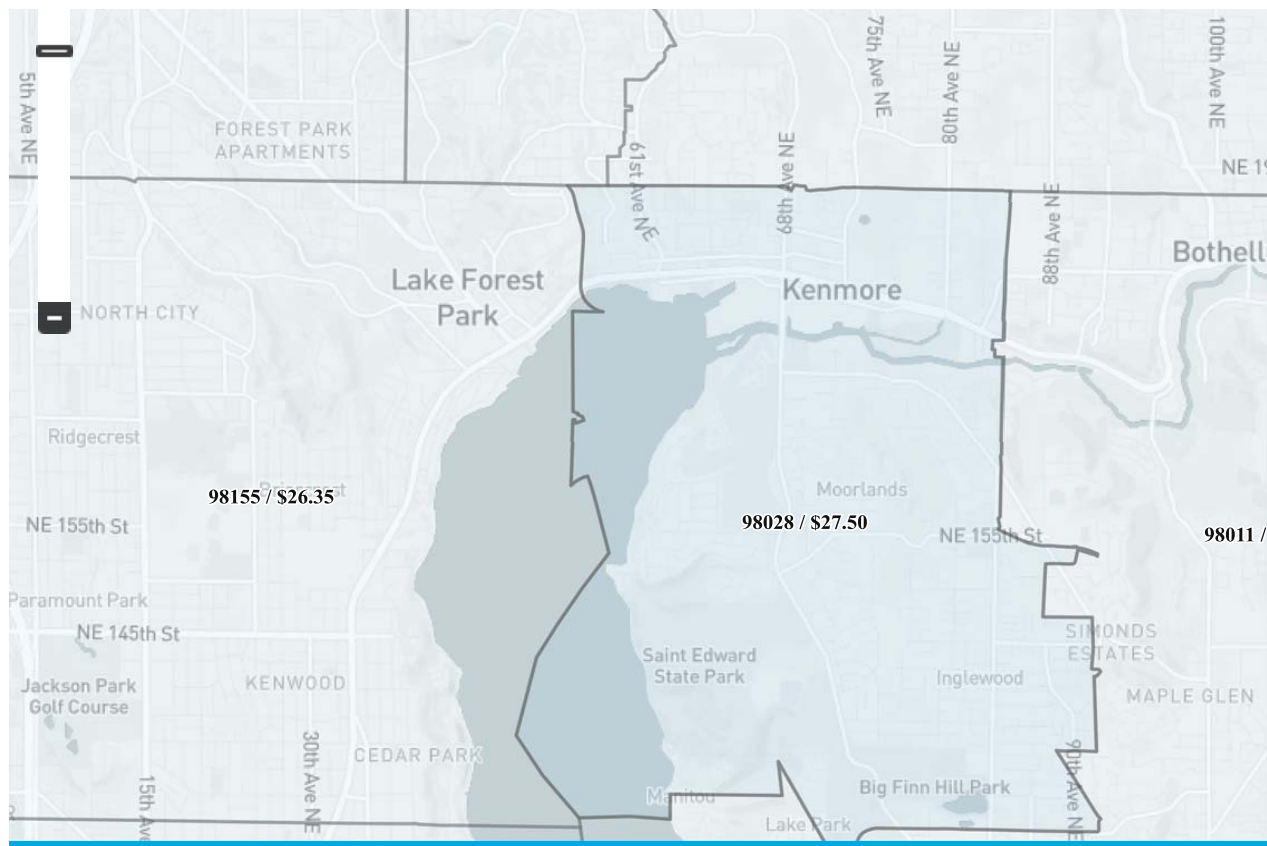


<http://nlihc.org/oor/zip?code=98028>

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Two-Bedroom Housing Wage by Zip Code | National Low Income Housing Coalition



The dollar amount shown for each zip code is the two-bedroom Housing Wage. Given the number of zip codes, they will appear on the map only while you are zoomed-in past a certain level. If zip codes are not showing or are too difficult to read, please zoom in further. New zip codes may take some time to load on the map.

You can pan across the map by clicking on the arrows in the top left corner of the map.

Zip code Housing Wages are based on HUD's Small Area Fair Market Rents (FMRs), while the other zip code estimates are from the 5-year (2011-2015) American Community Survey (ACS). This is the first year NLIHC included zip code Housing Wages as part of Out of Reach. We would appreciate feedback about how well they (and Small Area FMRs) reflect local rent conditions. To share feedback or receive more detailed information about the data, please contact the NLIHC research team at research@nlihc.org.



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Two-Bedroom Housing Wage by Zip Code | National Low Income Housing Coalition

- Phone +1 (202) 662 1530
- Fax +1 (202) 393 1973

Bridgit Baker

Subject: FW: Moratorium on Mobile Home Parks and the Proposed Development of Affordable Housing in Kenmore WA

-----Original Message-----

From: Vsmythe [mailto:2.ginjer@gmail.com]

Sent: Saturday, April 14, 2018 1:23 PM

To: Lauri Anderson <landerson@kenmorewa.gov>

Subject: Moratorium on Mobile Home Parks and the Proposed Development of Affordable Housing in Kenmore WA

Dear Ms. Anderson.

I am the 80+year old mother of a daughter, who with her disabled husband of 48 years, resides in a MHP in your city.

I am greatly concerned about what may happen to this family if you decide to close the Mobile Home Park. They will not only lose their home, at a critical time of their lives, but their investment, as well!

This family have been very responsible citizens; and while my son-in-law was forced to retire, as a result of a health condition that nearly cost him his life, my daughter continues to be a productive small business owner in Kirkland, awaiting her day of retirement in two years. She works hard to supplement her husband's social security, which is their principal source of income.

I would appreciate it very much if you would allow me to offer my thoughts regarding your proposed plan of action.

To close or prevent Mobile Home Parks seems to me to work against your desire to develop affordable Housing. Mobile Home Parks ARE Affordable Housing!

Every strong community has learned that retired folk contribute a wide range of services to the economy of their community. Their volunteer activities fill so many needed services which would otherwise be a very real financial burden for all citizens in that community.

If you close or prevent MHP's or fail to develop additional AH then, what is the result for your community?

Having senior and low income populations wandering your streets is a huge financial burden no City has found a way to combat! The cost to your infrastructure is worthy of consideration as you make this decision.

Who cleans up the garbage and waste generated by wandering citizens? Who bears the cost of increased medical treatment, hospitalization, medications and sky rocketing insurance? There is also the matter of increasing crime and policing to think about. Finally there is the cost of burying those who die on the streets.

Supportive Housing (AF) gives peace of mind to everyone. It allows communities to utilize the talents that their retired citizens possess and which they had no time for during their "productive years"!

Not providing for the basic needs of aged and low income citizens is, in reality, a form of genocide. At least, that is my opinion.

Thank you for taking the time to consider all aspects of the issues before making your decision, for one cannot un-ring a bell!

Virginia Smythe

Sent from my iPhone

Bridgit Baker

Subject: FW: Benefits of manufactured home community and aging in place

From: Stacey Valenz [<mailto:svalenz229@gmail.com>]

Sent: Saturday, April 14, 2018 3:02 PM

To: Lauri Anderson <landerson@kenmorewa.gov>

Subject: Fwd: Benefits of manufactured home community and aging in place

----- Forwarded message -----

From: **Stacey Valenz** <svalenz229@gmail.com>

Date: Wed, Apr 11, 2018 at 8:00 AM

Subject: Benefits of manufactured home community and aging in place

To: svalenz229@gmail.com

https://shelterforce.org/2015/05/30/the_benefits_of_aging_in_manufactured_housing_communities/

4/17/2018

The Benefits of Aging in Manufactured Housing Communities - Shelterforce

The Benefits of Aging in Manufactured Housing Communities

As places for low- and moderate-income Americans to age in place, manufactured housing communities present an impressive array of advantages—and some financial risks.

Andrée Tremoulet - May 30, 2015



Pismo Dunes Senior Park on the Central Coast of California. Photo courtesy of Arnaldo Abba

As large numbers of baby boomers reach retirement age, their interest in aging in place has grown. According to a 2010 study by AARP, nearly 90 percent of Americans over age 65 want to remain in their own homes as long as they can, and 80 percent believe that they will always live in their current residence.

However widespread the desire, questions remain about who will be able to achieve it. Is aging in place a luxury to be enjoyed primarily by a privileged few, or is it within the means of many? Are there models that work for those with limited incomes?

One option hiding in plain sight for older adults heading into retirement with modest financial resources is the manufactured housing community. These are investor-owned neighborhoods where residents generally own their own factory-built homes and rent the land (sometimes called pads) on which their homes are placed. As part of my research in this area, I spoke with many of these residents, many of whom are quoted throughout this article.

A homeowner in a community in Oregon describes her living experience this way: “We live very comfortably here, like if we were a community, better than any house and any apartment.”

Some of these homeowners have worked all their lives in blue or pink collar jobs, raised a family in a traditional home, and then retired without a pension and with limited savings. As relatively “young” seniors, they cashed in their homes, tucked the savings away to supplement Social Security payments, and bought a manufactured home in a community with the intention of staying there for the rest of their lives. For some, it is the first and only home they have been able to afford to purchase.

“I want to be here forever. I mean, [if I] have to go, I want to take my home with me. And that can’t be done, so I am here to stay,” one homeowner commented.

Contrary to stereotype, not all older adults who live in manufactured housing communities have low incomes; some choose it for the lifestyle. While many are modest, some manufactured housing communities feature indoor swimming pools, lakes, and elegant clubhouses that rival the amenities of country clubs. They are a way of maximizing quality of life while staying within one’s means.

“Whatever we make in the month is enough to live well here,” a resident said.

The Costs of Living in a Manufactured Housing Community

A manufactured home costs a fraction of a traditionally constructed, “site-built” home. According to the industry-funded Manufactured Housing Institute, the cost per square foot for a manufactured home is 10 to 35 percent lower than that of a comparable site-built home, excluding the cost of land.

Besides home financing costs, manufactured housing community members also pay monthly rent for their space. Ishbel Dickens, executive director of the National Manufactured Home Owners Association (NMHOA), says, “In general, pad rent is less expensive than renting an apartment, but

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The Benefits of Aging in Manufactured Housing Communities - Shelterforce

the costs become more comparable if someone is still paying off the home as well as paying pad rent.”

CFED, a national asset-building advocacy organization, compared housing costs for three housing types in nine metropolitan areas in 2012–2013. It found, for example, in the 28-county Atlanta Metropolitan Statistical Area, the average housing cost for manufactured housing is just over \$500 per month, compared to just under \$1,000 per month for rentals, and \$1,500 for site-built homes. This puts 55 percent of the area’s manufactured homes within the affordable range (costing no more than 30 percent of household income) for households earning 50 percent of area median income. In the Denver Metropolitan Statistical Area, comparable housing costs are around \$700 for manufactured housing, \$900 for rentals, and \$1,500 for site-built homes. Approximately 60 percent of Denver-area manufactured housing is affordable to low-income households, compared to 27 percent of other housing types.

Designed for Aging in Community

Regardless of how swanky they are, most manufactured housing communities share common features that support healthy aging in place: a safe setting, a physical and social environment that encourages an active and engaged lifestyle, and a network of neighbors who keep a helpful eye out for each other.

Top on the list of benefits is the feeling of safety that homeowners feel. One commented, “I’ve lived in a [traditional site-built] home for 45 years in a very nice neighborhood. Would I have sat in the living room with my front door and my back door open and unlocked? Not a bit, but I do it here.”

Ironically, some of the physical design features that make manufactured housing communities feel like alien territory to outsiders are the same features that make them feel safe to residents: limited entrances and exits, an internal network of narrow roads that don’t connect to public streets, and perimeter fences or screening. Some have called them “gated communities for the working class.”

Community residents generally know the faces and vehicles of other residents and frequent visitors. Outsiders are not unwelcome, but they are likely to be observed. Narrow, safe streets mean that residents get out and walk—to the community mailbox, to the clubhouse for events, or just to get exercise. Along the way, they are likely to chat with neighbors working in their gardens or sitting on their front porches.

“I can walk my dog after dark, and I wouldn’t do that if I was in a stick-built,” a homeowner said.

Often the clubhouse serves as a hub, with the resident association scheduling a range of activities. Movie nights, bingo, potlucks, coffees, holiday celebrations, and clubs for everything from knitting to poker are common. It’s a busy lifestyle with many social connections, which is what gerontologists recommend for healthy aging.

One woman said, “We sold our home and we looked into an apartment and decided that he [her husband] wouldn’t have anything to do besides watch TV, and he needed something to do.”

Neighbors who know each other are quicker to help each other routinely, and in times of need. One homeowner said, “Everybody knows your business. If you usually do something at 8 o’clock, but you don’t want to do it at 8 o’clock today, somebody is calling you.” She continued. “You know certain people in the community you live in, and, God forbid, you get sick or hurt, or something happens. . .” Her friend jumped in to finish her sentence, “Then they’re there if you need somebody.”

Stretching the Limits

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While a helping hand can accomplish a lot, there are limits to what community members can do to support each other on a voluntary basis. Sometimes residents need more intensive care than can be provided by neighbors, or they need assistance on an ongoing basis. Taking care of a pet during a hospital stay or helping a neighbor put in eye drops daily may be manageable; providing help with ongoing bathing needs is another matter. But even then, there are ways that manufactured housing communities can help.

A number of communities have organized to get information on available services and invited outside agencies to speak to residents at monthly programs. Some communities have organized "aging in place" fairs in their clubhouses, at which agencies and businesses come and talk to residents about their services.

A more aggressive approach could involve borrowing a page from the "village" model, in which members join a formal network of other older adults and volunteers who live in the same general area to help each other out. This is similar to the way neighbors in manufactured housing communities often already assist one another, but the village model goes a step further. Members can get assistance with their more advanced or ongoing needs from vetted, outside vendors who provide services at reduced prices negotiated by the village. These additional services are paid for only by those who use them. Manufactured housing communities, with such a head start on these kinds of interactions organically, would be an ideal place to deploy the village model.

Other strategies could include using a portion of the clubhouse for licensed adult day care a few days per week to provide predictable and affordable respite for care-giving family members, or converting an existing manufactured home into an adult foster care facility, with a licensed service provider/homeowner, enabling residents to stay in the community even if they can't remain in their own home (and providing others with additional income). Some states pay for Medicaid-eligible residents who would otherwise qualify for nursing homes to live in adult foster care, so this option may be feasible even in lower income communities. These strategies would require the cooperation of landowners, but they may well be amenable to options that keep spaces rented and people in the community.

Preserving the Option

Ultimately, the greatest challenges to aging in place in manufactured housing communities are the threat of community closure and the risk of what Dickens calls "economic eviction"—rents rising beyond what homeowners can afford. "Root shock" is a term that has been used to describe the experience of suddenly losing one's whole way of life due to displacement, and the consequences can be dire. At the November 2014 NMHOA annual meeting, one attendee recalled the story of her neighbor who was forced to move because the space rent rose beyond what he could afford on Social Security income. He died within six months.

A few states, such as California, permit local jurisdictions to adopt rent control ordinances that limit rent increases. It is then up to cities or counties to develop and adopt local laws, but not all do. Other states, such as Oregon, have preemptive prohibitions that prevent local jurisdictions from adopting local rent control laws, leaving homeowners subject to whatever their individual leases stipulate regarding the frequency and amount of rent and fee increases.

During the real estate boom of the early 2000s, hundreds of manufactured housing communities were closed by landowners to make way for more remunerative uses, such as high-end condos or shopping malls. This sent shock waves through manufactured housing communities nationwide, and the memory of these closures is still fresh in the minds of community residents. As the real estate market recovers, the gnawing uncertainty caused by the threat of losing one's home and community is slowly rising again.

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Community residents and advocates are working on strategies to make manufactured housing communities a less risky housing option. The most permanent are those that take the land out of the speculative real estate market.

Resident Owned Communities USA (ROC USA) and its nonprofit affiliates help residents purchase their communities from willing sellers and take over management themselves as a cooperative. In some places, nonprofits, land trusts, and housing authorities have stepped up and purchased manufactured housing communities to preserve them.

Twenty-eight states have adopted laws that require landowners to provide notice to residents before closing. While most states require 9 to 18 months notice, a few require just 6 months, and one, Massachusetts, requires two years. Fifteen states provide some relocation assistance either from the state, the property owner, or a combination of both. In Oregon, property owners are required to provide a year's notice and pay displaced homeowners between \$3,000 and \$9,000 based on the size of their home, and the state provides a \$5,000 refundable tax credit to displaced lower income homeowners. However helpful, these payments do not begin to cover actual home moving costs. In many cases, the home cannot be moved, and in other cases, no spaces can be found to move the home onto. Former homeowners can find themselves without shelter, without community, and without what had been their largest financial asset—root shock, indeed. An additional strategy being pursued by NMHOA is zoning. In the state of Washington, NMHOA has helped localities develop zoning ordinances that preserve manufactured housing communities.

Lessons Learned

For agencies and businesses seeking to help older adults age in place, manufactured housing communities with high concentrations of older residents provide an opportunity to deliver services efficiently, yet few currently seize this opportunity. In sparsely populated areas, manufactured housing communities can be excellent venues for providing flu shots, meal programs, health education information, and a host of other services.

Manufactured housing communities can provide a cost-effective way for people with limited resources to prolong the period of time they can comfortably and independently remain in their communities. The strength of this option comes from an environment that enables residents to use their own human assets to help themselves and each other. Its stability can be strengthened by resident, nonprofit, and public agency purchases of communities, and government protections from unwarranted rent increases and closures. Quality can be improved by partnerships with community-minded service partners.

Andrée Tremoulet

Bridgit Baker

Subject: FW: Time article Home of the future please read

From: Stacey Valenz [<mailto:svalenz229@gmail.com>]

Sent: Saturday, April 14, 2018 7:26 AM

To: Lauri Anderson <landerson@kenmorewa.gov>

Subject: Time article Home of the future please read

<http://time.com/4710619/the-home-of-the-future/>

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Spanish Trails is among more than 700 Florida trailer parks owned by their residents. Christopher Morris—VII for TIME

U.S.

The Home of the Future

Karl Vick / Zephyrhills, Fla.

Mar 23, 2017



For feeling good while getting around, it's pretty hard to beat the mild glide of a golf cart.

But the residents of Sleepy Hollow Mobile Estates wake each day determined to try.

"Good morning!"

"It's a great one, isn't it?"

"It's a great one."

Every soul Larry Myott encounters on a scoot around Lazy Loop, the narrow main drag of the 154-home trailer park, has a hand raised in welcome and a hello as warm and clear as

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the sky overhead. On the January morning I rode shotgun, the chipper well-wishers included the guy who, the night before, lost the election for the park's highest elected office ... and lost it to Myott. It is as if the entire enclave--the pool, the smooth black pathways, the clubhouse, all devoted to the exclusive use of residents at least 55 years of age--glides on a thin film of some invisible and frictionless fluid. Maybe cooking oil. Possibly BS.

"Oh, it's bullsh-t," says Myott, who at 73 has given the matter some thought. Resolute good cheer is a conscious choice, he believes, grounded in the reality that physically looms in front of the residents: a miniature lighthouse at the park entrance, its base paved with bricks bearing the names of neighbors who have died (11 last year). Forget it's there and the road outside takes you past a hospital, a nursing home ("with memory care"), a hospice and, off First Avenue, a cemetery.

Life, in other words, is to be embraced while it still hugs back. Not everything has to be absolutely perfect.

"Nobody says, 'I'm going to retire to Florida and live in a trailer park,'" says Bill Gorman, who manages business affairs for Sleepy Hollow and 10 other parks. "They say, 'I'm going to move to Florida and play golf, go to the beach, enjoy life.'" The trailer? The trailer is what makes everything else possible. Even if you've never saved for retirement, equity in a "stick house" (as trailer folk call ordinary homes) means you can sell it and pick up a mobile home for a fraction of the price. Peggy and Don Shriner paid \$6,000 for a fixer-upper 16 years ago and now spend half the year in Sleepy Hollow, one of 150 trailer parks for seniors in just the eastern half of Pasco County, a formerly rural section of central Florida that lately is playing the role once performed by California: showcase for the future.

How will we live in our golden years? As well as we can, for as long as we can, which at the bare minimum means avoiding institutional care--nursing homes, assisted living, hospitals--as long as possible. The goal is what gerontologists call "aging in place," and in a world that still holds a few happy surprises, one of the happiest is that trailer-park life turns out to be a superior way to achieve it.

Neighbors are close and look after one another. Asphalt paths invite strolling. The cribbage tourneys, bingo and potluck dinners that cram page after page of the park newsletter shift loneliness from a default of old age to a conscious decision.

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"And no stairs!" exults Hank Vandergeld, 70, chalking his cue stick at the Sleepy Hollow clubhouse, a modest affair in a modest park populated by retirees who insist they could not be happier to be there. "Save your money," says Vandergeld. "When you're 55-plus, you can come live in one of these places."

"That's the trouble," he adds, after sinking the eight ball, which makes him laugh. "People don't save."

They do not. The queasy-making economic reality of most U.S. households is almost too dire to face. Social Security is good for only so much. Pensions are nearly a thing of the past. And left to themselves to provide for their retirement, most Americans have proved unequal to the task. One in three has not put aside a thin dime toward retirement, according to a 2016 survey. Nearly 6 in 10 have saved less than \$10,000.

But all is not lost. About 60% of U.S. households own a home. And the sale of a home opens the door to the possibility of trailer-park life. If that possibility happens not to be one a lot of people have in mind for themselves, what is aging except acceptance of the less-than-foreseen? In a series of accommodations to the inevitable, a mobile home may be just one, albeit the kind that actually keeps a roof over your head. And by the accounts of those already living, quite happily, in the parks, they may turn out to have more going on than is readily apparent to outsiders, sort of like aging.

"It's coming, one way or the other," says Dan Soliman, housing specialist at the AARP Foundation, where experts spend a great deal of time looking hard at the collective reality that individuals may be loath to face. Some 10,000 baby boomers turn 65 every day, a "silver tsunami" of demography that will be followed, before anyone knows it, by millennials, whose prospects are even tougher. "We can either ride this wave and have a lot of fun," says Soliman, "or crash onto the rocks."

Somehow the advantages of senior trailer parks have remained obvious almost exclusively to their residents. It is a success story without official ambassadors, all but unstudied by academics. "Honestly, I think it's because very few people in the academy, especially in business schools, are familiar with parks," says Charles M. Becker, an economics professor at Duke University whose own point of entry was some of his wife's relatives. Their story, by the numbers: sold home for \$180,000, bought a used double-wide for \$24,000, put \$5,000 into fixing it up "and walked away with a pile of cash." Some of the windfall they wisely set

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aside (an annuity is wise, Becker says) for utilities, taxes and payments on the piece of land the trailer would sit on. But the bottom line shines bright and clear through the gloom.

"You can't buy \$30,000 worth of house in a stick-built house without being afraid of the neighborhood you live in," Becker observes. "Trailer parks can be thought of as gated communities for people who aren't so wealthy."

It's certainly a whole new way of thinking about them. The old way everybody already knows. Trailer parks are "the last acceptable prejudice in America," says Andrea Levere, who studies issues of financial security and class as president of the Corporation for Enterprise Development. There may be some basis for the stigma in many of the nation's 44,000 parks. They tend to be operated not by the residents (like the seniors of Sleepy Hollow) but by landlords exploiting the traditional model. The park owners rent tiny patches of land to the people who own the homes perched on it and charge pretty much whatever they like. Landlords have the upper hand because mobile homes tend to be mobile in name only; moving one can cost from \$5,000 to many times that. The typical mobile home arrives on wheels and stays put forever, poor people paying the rich.

"It's like owning a Waffle House where the customers are chained to the booths," in the words of Frank Rolfe, who co-owns more than 250 parks across the U.S., while also operating Mobile Home University. The "school," which conducts occasional seminars in hotel conference rooms, advises people looking to invest in parks. Rolfe boasts that mobile-home parks provide the steadiest income stream of any form of commercial real estate, and the highest rate of return. And trends are running their way.

"As America gets poorer, mobile-home parks are the only form of housing devoted to this demographic," Rolfe points out. What's more, the stigma actually works to the advantage of investors. Because local authorities seldom approve new parks, supply remains constant even as demand grows and grows. In the past half-decade, Wall Street has caught the scent. A former **Goldman Sachs** associate and a Harvard graduate started buying parks, riffing about methamphetamine and SWAT teams. In 2013, private-equity giant Carlyle Group "made a play." Explaining his decision to invest, billionaire Sam Zell declared, "We like the oligopoly nature of our business."

This is where the old folks come in. With a bit of ready cash--in Florida, usually between \$20,000 and \$40,000 per lot--park residents can throw in together and buy the park they live in. And if the cash is not ready, loans are available, either from banks or from nonprofit

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Resident Owned Communities USA, based in New Hampshire. The reasons to do this are excellent. In most states, a mobile home is taxed as a vehicle, and loses value the same way a car does. It becomes a "home," however, once its owner buys the land it stands on. And at that point, its value can appreciate.

The transformation is instant and almost magical, like slipping a shoe on Cinderella. Trailer parks immediately go from being nominal clusters of transients to being communities of owners deeply invested in where they live. The legal mechanics are the same as when tenants buy their apartment building, forming a co-op or condominium. Residents then hold their fate in their hands and assess themselves only what fees are necessary for upkeep. In Florida parks, the monthly fee runs \$100 to \$150 a month. Today more than 700 of the state's 5,000 mobile-home parks are resident-owned, almost all of them by seniors.

After the housing market crash of 2008, when the bursting bubble reduced the value of some traditional homes by half or more, mobile homes in resident-owned parks held far more of their value, dropping by only about 30%. Think about that. Manufactured homes, the "tin cans" or "wobbly boxes" of yore, proved sturdier in the marketplace than homes built with concrete blocks or pressure-treated pine. It made sense only to those who live in them. "It's not the house that held up the value," says Brian Heidman, who retired from a career in real estate to a resident-owned park. "It's the community."

Size doesn't really matter. Nor does income. I spent time at three Zephyrhills senior parks--one rich, one huge, one not very rich at all. Same story everywhere.

In Sleepy Hollow, Peggy Shriner, 75, glances out her window each morning at 8:30, by which time her neighbor, who is in her 80s, usually raises her blinds. The morning the blinds stayed down, Shriner went over. Turns out the neighbor had forgotten to raise her blinds, but her daughter, six hours away, was deeply thankful for Shriner's checking in. "We take care of each other," Shriner explains in the clubhouse, where the afternoon activity is portrait photographs. The park publishes a member guide, not that people don't know everyone already and whom to inquire after.

[Click here for more articles](#) from Time Inc.'s Looking Forward series.

"You O.K., Linda?" Shriner asks a woman stepping outside a screen door. Recently widowed, Linda pauses for a beat in the doorway, registering what she's being asked. Her answering nod communicates both affirmation--yes, I'm O.K.--and appreciation at being looked after.

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Park living reminds Beth Palmer of her years in Africa; she was a missionary in a village of 300 in Sierra Leone. "You'd walk outside, and there was your neighbor," she says. "You had that comfort of someone always being there." For snowbirds, the comparison is with their summer lives in Michigan or Pennsylvania. "Dropping by? Not in Ohio!" says Barb Stein, who has been coming to Sleepy Hollow since the 1980s. "But here people are constantly dropping by."

There may be an element of social leveling at work in trailer parks--the welcome kind. Not everyone comes from the same background, but there is a unity in what they now share. Mobile homes have been built at a higher grade since a federal standard was imposed in the late 1970s, and the 8.5 million units the Census Bureau counts as mobile homes (also called "manufactured housing") run the gamut, from single-wide "park models" to \$200,000 modular ranches.

But any will answer the senior urge to downsize an empty nest and to stretch a fixed income. A 2014 Harvard report found a third of the nation's "older adult" population, or nearly 20 million households, spend over 30% of their income on housing (the threshold for "overburdened"). In 9.6 million of those households, spending on housing reaches more than 50% of income.

At Sleepy Hollow residents take a certain pride in frugality--it's possible to spend less than \$1,000 a month--and joke about the airs put on at other parks. You hear about Betmar Acres, with its Spanish moss, two swimming pools, new courts for pickleball (a game played at close quarters across a net) and 1,700 homes.

"It's big enough that you don't get to know everybody, so everybody doesn't know your business," says Judi Gearsbeck, on a park tour that, at every turn, puts the lie to her statement. "Here comes pretty much the man-boy of the park," she announces as a fit man in shorts strides past Memory Lane, Betmar's memorial to deceased residents. "He's not quite 60."

Calvin Hall, 59, pauses to brightly explain that he and his husband first bought a lake house in Floral City 15 years ago. But their apprehension about the isolation of living so remotely proved greater than their apprehensions about living in a mobile home ("It was the stigma") and coming out as a same-sex couple. There was acceptance all around. "I would live here year-round," Hall says.

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Gearsbeck resumes the tour, pointing out the park's one and only overgrown property, her own corner lot, and the swimming pool a couple put in "for their dogs." She slows to hail a man on an adult tricycle ("Pete recognizes everyone by their voice, because he doesn't see very well") and makes her first ever visit to the park's library. Behind the counter is a familiar face. "Rita has a sister," Gearsbeck notes. "Sometimes she'll wander. I found her one day in the park."

"Yeah, we're looking into a home," Rita says, with no air of complaint, "because my husband is the same way. He doesn't wander yet. I'm the only one who's stable." Rita crosses her fingers. "Let's hope it holds." Back in the golf cart, Gearsbeck confides that Rita "just went through a whole bout of cancer. So we stopped in with the sister, as we do."

Failing health is simply a fact of life, and as with other challenges, from parenthood to combat, shared adversity tends to create a web that in moments of need can be leaned upon.

"You live in a normal community, and you don't really know anybody," says Heidman, in the clubhouse of Grand Horizons, the most upscale park in Zephyrhills. It feels like a subdivision, with homes selling for about \$150,000. There's a parking area for the (smaller) motor homes that residents take on trips, but you can't live in one here. Not even single-wides are allowed. Homes must be double-wides; several are made from three pieces, most at a factory an hour away, which residents typically visit to select the features they want.

A home takes three days to make and at least six weeks to install. Heidman took the \$1.4 million he got for his waterfront home in Bonita Springs and bought five lots, plus one for his own house. It has a fireplace, spa tub and walls made of Sheetrock, none of that Plasticine finish. There's no escaping the spring in the floor that tells you it's a trailer, but it's a fair trade for what comes with it: neighbors he's sure about from the background checks all residents must pass, and a full schedule of activities to fight boredom, which is what he dreads most about retirement.

"That's it: Companionship. Fellowship. Whatever you want to call it," says Heidman. "Safety," adds Jim Leitzke, who is next to him in the clubhouse, which fills up as midday approaches with the smell of tacos. There's a defibrillator on the wall. "When that ambulance pulls up," Leitzke says, "there's going to be someone around to look after my place while I'm gone."

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He knows because he's done it for others. "We don't all have both oars in the water, and we're not all rowing in the same direction," says Heidman. "But we are all aging. That's the one thing we have in common. Of the five lots that I have sold in the past year, three of the buyers have been in the hospital. So we all are well aware that the grim reaper is very close to us. We're all in it together."

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Bridgit Baker

Subject: FW: 2017 affordable housing

From: Stacey Valenz [<mailto:svalenz229@gmail.com>]

Sent: Saturday, April 14, 2018 7:25 AM

To: Lauri Anderson <landerson@kenmorewa.gov>

Subject: 2017 affordable housing

<http://mrsc.org/Home/Stay-Informed/MRSC-Insight/December-2017/Mobile-Home-Parks-As-Affordable-Housing.aspx>



Mobile Home Parks: The Newest Front for Housing Affordability

December 18, 2017 by [Lynn Nordby](#)
 Category: [Housing](#)



“Trailer parks are the largest segment of non-subsidized affordable housing in the United States, but they are on the radar of few policymakers, says Esther Sullivan, a sociologist at the University of Colorado Denver.”

One under-recognized inventory of affordable housing is the mobile home park. Typically thought of as a transitional land use that will one day be given over to a 'higher' use, many of these residential neighborhoods have quietly existed for decades,

providing an affordable housing alternative at no public, capital cost. As one such neighborhood in SeaTac recently experienced, however, the transitional notion of the park couldn't resist the economics of rising land value and sale, resulting in the loss of housing for approximately 200 people.

The situation in SeaTac points to one of the dilemmas in keeping mobile home parks a viable part of the affordable housing inventory. Residents don't own the underlying land and if rental costs on that land becomes too high they can still be priced out of the market. This is compounded by the expense and difficulty of finding a new place for a 'mobile' home. It can cost thousands of dollars to move to a mobile unit to a new location, and even if an owner can afford these costs, many parks refuse to accept older homes.

In attempting to paint a comprehensive picture of the true cost of homelessness, a recent report by the Puget Sound Business Journal documented the impact of rapidly rising rent as one of the causes of a significant segment of the homeless population: people with jobs but those who earn low-to-moderate incomes. This segment is composed of employed people that are essentially evicted when rising rents aren't matched by a comparable rise in incomes.

Once that occurs, the expense of attaining new lodging becomes a nearly insurmountable obstacle. Low-income mobile home residents who face eviction (due to rising rents or the sale of park property) may find that the economic and legal barriers to moving their not-so-mobile homes places them in very real jeopardy of becoming homeless.

Mobile or manufactured home owners living in a park that's closing here in Washington may qualify for reimbursement of eligible relocation expenses (see the Resources section for more information). Reimbursement may be provided to eligible, low-income households on a first-come, first-served basis. Residents in parks closing due to health and safety issues or due to park-owner fraud are given first priority.

More than 50 manufactured housing developments have closed in Washington in the last several years displacing more than 2,000 households, according to Ishbel Dickens, a manufactured housing consultant.

Across the country, including here in Washington, some communities are slowing the loss of this affordable housing resource.

Washington

In 2003, the City of Bainbridge Island, the Kitsap Consolidated Housing Authority (now Housing Kitsap), and residents of the Islander Mobile Home Park struck a deal with the park's owner to purchase the property using a combination of local funds and HUD grant money. Tucked in behind city hall, the park is home to retirees and many employed with Bainbridge Island local businesses. Rather than being owned by a single individual, the park is now owned by the nonprofit Islander Residents Association.

More recently, the King County Housing Authority purchased the Friendly Village Mobile Home Park, a 224-unit development devoted to fixed-income senior housing. Those residents won't be displaced and will benefit from continued access to nearby shops and services.

Oregon

Near Cottage Grove, the St. Vincent de Paul Society of Lane County has purchased a half dozen mobile home parks since 2004 in an ongoing effort to preserve this source of affordable housing and to upgrade some parks when necessary.

Many of the older units in its most recently purchased park need replacement and the organization plans to remove and replace these units without displacing any of the residents. St. Vincent's will also make infrastructure improvements, such as paving the roads and installing much-needed storm and sanitary sewer systems.

St. Vincent also coordinates social services in the mobile home parks it owns. It works with residents on issues such as alcohol and drug addiction, health care needs, and financial management.

In Portland, the city's housing authority saved a 35-unit mobile home park from being sold to a developer. The park houses a number of seniors, veterans, and people with disabilities.

California

The City of San Marcos faced a situation in the 1990s where its manufactured home spaces were being converted to private ownership. Various sources of government financing was used to purchase manufactured home spaces during the conversion and the city now protects the affordability of these units through deed (resale) restrictions to low- and moderate-income households.

A recorded deed restriction serves as an affordability covenant that restricts the income level of a household occupying the property, and ensures the property will remain available for low- and moderate-income households throughout the 30-year term of the deed restriction.

In Palo Alto, the Santa Clara County Housing Authority purchased the Buena Vista Mobile Home Park, concluding a long and hard-fought effort to preserve one of the city's last and largest sources of affordable housing.

Colorado

In Boulder, the city has purchased the Ponderosa Mobile Home Park, which it hopes will ensure the park's long-term affordability and allow the city to address concerns about the park's infrastructure. More than half of \$3.5 million in funding came from federal, disaster-relief grant dollars stemming from the 2013 floods that had impacted the park. The remainder came from the city's affordable housing fund.

Pitkin County, which is close to Denver and home to many ski resorts, has preserved four mobile home parks since the 1980s and designated these as housing for local workers. Working through the Aspen Pitkin County Housing Authority's employee housing program, the county has subdivided the parks, sold individual lots to the people living there, and imposing deed restrictions on these lots to keep them affordable. Funding comes, in part, from a tax on real estate transfers in Aspen.

New Hampshire

In New Hampshire, nearly a quarter of the state's 450 manufactured home communities are owned by resident co-ops.

Resources

Here are some additional resources in addition to the previously mentioned housing authorities, HUD funds, local and state housing trust funds, and nonprofits.

- Millennium Housing is a non-profit [501(c)(3)] corporation created to provide affordable housing through the acquisition and rehabilitation of mobile home communities.
- NextStep puts low-to moderate-income families in touch with manufactured home builders. NextStep's partners help people get into nonprofit-owned communities or build on their own land.
- Mobile Home Relocation Assistance - Washington State Department of Commerce

Questions? Comments?

If you have questions about this or other local government issues, please use our Ask MRSC form or call us at (206) 625-1300 or (800) 933-6772. If you have comments about this blog post, please comment below or email me at lnordby@mrsc.org.

**This article was updated on December 21 to include information about the Mobile Home Relocation Assistance program in Washington State*



About Lynn Nordby

Lynn's public sector career includes 30 years in local government management and experience in virtually all municipal services including the operations of a wide variety of municipal utilities. He is a Credentialed Manager through the ICMA Voluntary Credentialing program.

[VIEW ALL POSTS BY LYNN NORDBY](#) ▶

Comments

2 comments on Mobile Home Parks: The Newest Front for Housing Affordability

""Guest," my intent in writing this article was to highlight existing mobile home parks as an underappreciated stock of affordable housing worthy of recognition and potential preservation. I think mobile homes and "tiny homes" appeal to different people but both certainly offer an affordable alternative to what we typically think of as more conventional site built housing."

Lynn Nordby on Dec 28, 2017 10:31 AM

"What do you think of mobile home parks vs. tiny home parks?"

Guest on Dec 28, 2017 9:19 AM

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Bridgit Baker

Subject: FW: Mobile Home Zoning

From: Charles Gippe [<mailto:cjgippe@gmail.com>]

Sent: Sunday, April 15, 2018 11:40 PM

To: Lauri Anderson <landerson@kenmorewa.gov>

Subject: Mobile Home Zoning

The solution to save Kenmore's mobile/manufactured home communities is simple. It would maintain unsubsidized affordable "affordable housing" in Kenmore. Tenant/homeowners could stop worrying about losing their homes. All Kenmore residents would enjoy lower taxes and fewer franchise fees. First we fire the zoning commission and the council members. Then we dissolve Kenmore's incorporation as a city. I understand it only takes a vote to get started. We could even provide for homeless by converting city hall into a shelter.

Thank you for your consideration,

Chuck Gippe
Inglewood East
425 343 2813

Bridgit Baker

Subject: FW: Values on Mobile Homes in park

From: Dennis Linda Hughes [<mailto:dehughes1@msn.com>]

Sent: Sunday, April 15, 2018 7:25 PM

To: Lauri Anderson <landerson@kenmorewa.gov>

Subject: Values on Mobile Homes in park

Good Evening,

My name is Linda Hughes, I am a mobile home dealer who has been doing in-park mobile home sales since 1981. Prior to that I had a dealership called the Farm Mobile Home Sales in King County.

I have seen our mobile home values triple in value in the in-park sales. They are in high demand for people who are on a fixed income or disabled. Also our retiring population look for the Affordable value of having a reasonable price home in a safe community.

Our website is a good source to compare prices and value. We list homes that are for sale and we show homes that have sold recently. I have a very large data base dating back to 1981.

Also you can compare prices & sales with the King County Assessors office. Every sale is recorded on the personal property tax for each home in a park.

Our website is www.affordablelivings.com

Please save our parks!

Linda Hughes

Mobile Home Dealer

Linda Hughes

Affordable Living

425-903-4625

www.affordablelivings.com

Bridgit Baker

Subject: FW: In regards to Lake Terrace Court Mobilehome Park in Kenmore Wa April 17th meeting.

From: wesley62@frontier.com [<mailto:resops1b@frontier.com>]

Sent: Monday, April 16, 2018 12:24 PM

To: Lauri Anderson <landerson@kenmorewa.gov>

Subject: In regards to Lake Terrace Court Mobilehome Park in Kenmore Wa April 17th meeting.

From: Clifford Braden

To: Laurie Anderson

Greetings to the Kenmore Planning Commission... My name is Clifford Braden. I currently live at the Lake Terrace Mobilehome park in Kenmore Wa. It has been my place of residence since 2005. Lake Terrace Court has provided me with an affordable place to live. Now with all the rising rents in Kenmore and building going on it seems it is the only affordable housing left. Jim Perkins our landowner seems to neglected us. It is not our fault that the park has not had any up keep. But his... I have always paid my rent on time. Have kept my home and yard in standard with park rules. Anytime I have had a complaint and called Mr. Perkins he has just turned a deaf hear to me and would never return my calls. This how we are treated for being mobilehome owners in his park. Most that live in the park are afraid to speak up for reasons unkown. I hope Kenmore City Council would consider saving our park. It is the only affordable housing left for us. We would love to take more pride in our park if it could be under different ownership. Most of us at Lake Terrace Court have become victims of our landlord. We love to have an opportunity for home ownership and Lake Terrace Court would provide that. All tenants in here if Lake Terrace Court was removed would be on section 8 housing or become homeless as most of us could not afford Kenmores high apt rents. The City of Kenmore seems is looking for a solution to affordable housing when the answer is right in front of them. The mobilehome parks in Kenmore Wa. It seems it is not right we are being forced out because of new development and the city does not want mobilehome parks to become part of it. We ask that Lake Terrace Court stay in Kenmore. Our park has a lot of potential if the city of Kenmore gives us a chance.

Sincerely,

Clifford Braden

Lake Terrace Court Mobilehome Park in Kenmore Wa

Bridgit Baker

Subject: FW: By the numbers curbed article supporting manufactured home communities

From: Stacey Valenz [<mailto:svalenz229@gmail.com>]

Sent: Monday, April 16, 2018 2:55 PM

To: Lauri Anderson <landerson@kenmorewa.gov>

Subject: By the numbers curbed article supporting manufactured home communities

----- Forwarded message -----

From: "Stacey Valenz" <svalenz229@gmail.com>

Date: Apr 14, 2018 3:15 PM

Subject:

To: "Stacey Valenz" <svalenz229@gmail.com>

Cc:

By the numbers

- The majority of mobile-home residents (23 percent) are between the ages of 18 and 29. The second-largest group are baby boomers ages 50 to 59 (22 percent).
- Fifteen percent of manufactured-home residents are unable to work or disabled.
- Sixteen percent are homemakers.
- Slightly less than 5 percent of manufactured-home residents make more than \$100,000 per year. The average household income is \$28,400.
- In 2015, the average sales price for a new manufactured home was approximately \$292,600 less than a site-built home.
- Between 2011 and 2015, the average price of manufactured homes increased about \$7,500, while the average square footage has fallen.
- Of the occupied manufactured-/mobile-home units in the U.S., 13 percent of residents received food stamps.
- Texas gets the lion's share of the nation's new manufactured homes, with Louisiana, Florida, Michigan, and Alabama rounding out the top five.
- According to reports, 81,136 new manufactured homes were shipped in 2016, a 15 percent increase from the previous year.
- Manufactured-home parks are of particular importance for Latino communities nationwide, and in areas like Southern Minnesota are the leading source of independent housing for Latinos.
- Pre-1980 manufactured homes consume an average of 84,316 BTUs per square foot—53 percent more than all other types of homes.
- Manufactured-home fires have decreased by two-thirds since 1980, thanks in large part to the introduction of the HUD Code in 1976.
- Almost 18 million Americans lived in manufactured housing in 2015.

What's more, getting a traditional mortgage as a low-income individual right now is practically impossible. This means that manufactured homes—which on average, cost about \$292,600 less than a site-built home and have [different financing models](#)—are perhaps the final means of homeownership for a staggeringly large percentage of working-class

American families. And they seem to be catching on once again. According to reports, 81,169 new manufactured homes were shipped in 2016—a 15 percent increase from the previous year. Over 400 mobile-home parks have shuttered in the past 20 years across California as developers look to repurpose the land for more lucrative projects. Those parks that remain have become of ever-increasing importance for families in need of affordable housing, and are prime opportunities for potential park owners looking to keep the communities intact.

Whether they're marketing individual manufactured houses or entire parks, what developers are really selling is a vision of the future: a community, a sense of safety—maybe some family traditions of your own

Particularly across the Southeast and Midwest, where these stereotypes seem to persist most viciously, it's not uncommon to hear snobbery, if not outright vitriol, against the manufactured-home communities in a town. Like so many other terms aimed at low-income families and individuals, "trailer park" and "mobile home lot" have long skewed negative.

But scratch the stereotyped surface, and an entirely different picture of mobile home parks begins to reveal itself. Dig even deeper, and it quickly becomes clear that, in their highest form, the social fiber of these communities is everything a more traditional neighborhood wishes it could be.

For starters, the majority of trailer parks are uniquely safe. A [2014 study by the department of criminal justice at the University of Nevada](#) found that "trailer park sites showed the lowest rate of violent crime calls for service" compared to similar non-manufactured dwellings. What's more, the physical layout of the communities themselves actually works to protect residents.

"Designing housing layouts to create 'sight lines' which allow neighbors to have a direct view of the nearby homes is invaluable in reducing property crime," the study notes, "and the close housing proximity [in manufactured-home communities] creates a community of guardians, making illegal activity much easier to detect."

In well-managed manufactured-home communities, the rules and regulations regarding exterior maintenance and cleanliness are typically robust, and often result in fines if the rules are broken.

More often than not, these residents aren't going anywhere, and in states like Vermont, [people live an average of 11 years](#) in a single manufactured-home community, with many staying for decades.

Manufactured-home parks are a two-part scenario: there's the land the home sits on—complete with water and sewer hookups, a foundation, trash service, and more—and the home itself. Individuals usually own the home, but not the land, which is leased from the park. This leads outsiders to believe folks are going to pack up and hit the road at a moment's notice because they're not perceived as being rooted in the land.

Manufactured homes have been the largest source of unsubsidized affordable housing in the country since the late 1990s, offering up the dream of homeownership for millions of Americans. Contrary to what one might imagine, though, the majority of the properties (almost two-thirds) sit on privately owned land—not in a community setting. This means that the mobile homes are standalone dwellings or clustered in multigenerational family estates in rural areas, not unlike more traditional site-built houses.

But for those manufactured-home owners who opt in to a community scenario, whether by choice or because they live in a densely populated region, the social and emotional benefits of such a network can be extraordinary.

"For the 55-plus communities, people really like that sense of a neighborhood. Everyone is close by and working together to maintain the community," says Patricia Boerger of the Manufactured Housing Institute. "The park owners and people are all aging, but have good neighbors that look after them, so they're able to age in place, and more often than not, on a single story, which is important for those with mobility issues."

Points from : <https://www.curbed.com/2017/9/13/16275948/mobile-manufactured-homes-clayton-trailers>

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LONGFORM

Mobile homeland

Whatever you call it—mobile home, trailer park, manufactured housing—the retro living module is undergoing a renaissance

By **Sarah Baird** Sep 13, 2017, 8:00am EDT

Illustrations by **Paige Vickers**

The country music I grew up with loves to wax poetic about family traditions.

There's Hank Williams Jr., whose warbling, smoke-tinged voice explains away his drinking and smoking as a simple hazard of the bloodline. There's Garth Brooks, who justifies showing up in boots to a posh cocktail party by blaming it “all on his roots.”

But if I ever penned a tune inspired by my rural upbringing, my family's legacy would sound a little bit different: We know a thing or two about buying and selling mobile homes.

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My dad, David, spent the better part of his teenage years working on a Clayton Homes lot in Richmond, Kentucky: setting up the new arrivals, hauling the units, getting down into the nuts and bolts of the houses. He was a high school student when he began at the company during the mid-1970s, and continued on as he put himself through Eastern Kentucky University as a first-generation college student. The “Clayton era” is a distinctive epoch in his personal, and our family, history.

Years earlier, his older brother, Randy, purchased a mobile home when he [returned from service](#) in the Korean War. Randy had a new wife, a young daughter, and no real credit, so a traditional home loan was impossible. They set up the unit in my grandparents' backyard, where the foundation and water hookups jut out of the ground to this day.

And the sales lot where my dad worked also still exists—conveniently catty-corner to my grandparents' home. As a child, I'd walk between the models on my way to more interesting destinations (the Dairy Queen, the bowling alley), hopping over axels and jumping up to peek in the empty windows of the For Sale units. I'd watch interested customers do walk-throughs and tap the vinyl siding of their potential futures, trying to imagine themselves inside.

Today, as we creep ever deeper into an affordable-housing crisis, my desire to understand this massive housing market seems more pressing than ever: structurally, socially, environmentally, politically.

[Creating community](#) | [Designing the manufactured home](#) | [Creating the eco-friendly manufactured home](#) | [Preserving mobile homes](#) | [Glossary](#)

“I just now threw away all my paystubs from back then,” my dad laughed when I told him I was working on a series of stories about manufactured homes. “Maybe I should’ve kept them another 40 years.”



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Selling factory-made homes today requires linguistic and branding dexterity on several levels, but perhaps the most important is this: Never, ever call them mobile homes.

Those within the sales and production side of the industry are dogged about ensuring that any model created or sold after the adoption of the 1976 HUD Code is not discussed with the same lingo as those units made before federal regulations kicked in. The stigma that's attached to the term "mobile home" is a kind of housing scarlet letter in the eyes of the industry, and one that many advocates have been hell-bent on shaking for decades. *No matter how nice it is, people don't want to buy a mobile home, their collective wisdom seems to dictate, but call it something different and they'll leap at the occasion.* Hm.

By the numbers

- The majority of mobile-home residents (23 percent) are between the ages of 18 and 29. The second-largest group are baby boomers ages 50 to 59 (22 percent).
- Fifteen percent of manufactured-home residents are unable to work or disabled.
- Sixteen percent are homemakers.

<https://www.curbed.com/2017/9/13/16275948/mobile-manufactured-homes-clayton-trailers>

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- Slightly less than 5 percent of manufactured-home residents make more than \$100,000 per year. The average household income is \$28,400.
- In 2015, the average sales price for a new manufactured home was approximately \$292,600 less than a site-built home.
- Between 2011 and 2015, the average price of manufactured homes increased about \$7,500, while the average square footage has fallen.
- Of the occupied manufactured-/mobile-home units in the U.S., 13 percent of residents received food stamps.
- Texas gets the lion's share of the nation's new manufactured homes, with Louisiana, Florida, Michigan, and Alabama rounding out the top five.
- According to reports, 81,136 new manufactured homes were shipped in 2016, a 15 percent increase from the previous year.
- Manufactured-home parks are of particular importance for Latino communities nationwide, and in areas like Southern Minnesota are the leading source of independent housing for Latinos.
- Pre-1980 manufactured homes consume an average of 84,316 BTUs per square foot—53 percent more than all other types of homes.
- Manufactured-home fires have decreased by two-thirds since 1980, thanks in large part to the introduction of the HUD Code in 1976.
- Almost 18 million Americans lived in manufactured housing in 2015.

“Mobile homes in the 1960s were for young people who were starting out and making their place in the world. Anything after 1976, though, can’t be called a mobile home,” says Patricia Boerger of the Manufactured Housing Institute, an organization for manufacturers. “But people still think the quality isn’t good, and that they’re going to get blown away in a tornado or something. That’s just not true. Every manufactured home today has been through vigorous wind safety tests.”

She pauses. “But don’t be foolish! You’re still above ground. A tornado isn’t going to discriminate.” (Nor will a hurricane—particularly in Florida, manufactured homes are at risk in major storms.)

My dad worked on the lot through the HUD adoption, but he mainly noticed the technical differences in the models. Ask him about it and he’ll point out the elimination

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of aluminum wiring, the improvements in generators—not the shifted sales push of the industry. Mostly, he says, people still called them mobile homes.

And, decades later, many advocates still do—if for no other reason than simplicity's sake.

“My issue with all this name changing is simple: You cannot change how people talk and you cannot change a product's reputation by calling it a different name. I've called these awesome adobes ‘mobile homes’ my entire life and I'm not stopping now,” writes Crystal Adkins, the blogger behind [Mobile Home Living](#). “The industry needs to focus on improving themselves and offering the best product at the best price possible and stop worrying about a term used by the people living in them or buying them. We only want to enjoy our homes.”

And within the factory-made housing industry, there's ever-increasing competition for what kind of prefab homes a family can buy and enjoy. The most popular kissing cousin to the manufactured home is the modular home, which is made in a factory but assembled on site—not hauled there. Then there are tiny houses, which have struck an eco-friendly, minimalist chord with millennials, but technically fall more in the recreational home (RV) family than manufactured homes. Ask anyone in the manufactured-housing industry about the other branches of their family tree, and you're sure to be met with the verbal equivalent of an eye roll.

“Tiny houses are different, because they're built to the RV code,” says Boerger. “It's a different demographic than [those] who want manufactured homes, typically. But we find some of our members are building much smaller homes to appeal to that group.”

It's a complicated web of terms: Mobile homes aren't manufactured homes, and modular homes aren't mobile, and tiny houses aren't either (whew). But one thing's for sure: In a world where affordable housing stock is growing scarcer by the day, prefab homes, manufactured and modular alike, are gaining serious steam for the first time since Richard Nixon was elected president.



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Courtesy of [Clayton](#)

When my dad decided to attend law school in the late 1970s, Jim Clayton, founder of Clayton Homes, wrote a letter of recommendation on his behalf.

This wasn't particularly jaw-dropping at the time. Clayton's outfit was still just a midsize player in the industry, perhaps most charmingly known for the minuscule, revolving mobile home that twirled around on the official sign at each lot. Folks in the company's hometown of Knoxville could still remember when Jim produced and starred in a local TV show, [playing the likes of "Foggy Mountain Breakdown" with his twanging band](#).

Today, though, Clayton's connection to the lives of lower-level employees seems downright nutty. In 2003, Clayton sold his operation to [Berkshire Hathaway](#) for \$1.3 billion, and since then, the Warren Buffett-backed company has gobbled up the majority of new manufactured home sales in the U.S.

Clayton's operation is now both a behemoth and a pacesetter.

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“The future of the [manufactured home] industry will resemble Clayton Homes,” Derek Thompson [wrote in a 2011 piece for *The Atlantic*](#). “Clayton started as a retailer, but they've expanding into manufacturing, financing, leasing, and insuring mobile homes. Now the company is a do-it-all industry leader that even serves as a distribution center for other manufacturer's homes. Thus sounds the death knell for private mobile home retailers.”



Courtesy of [Clayton](#)

While the death knell prophecy hasn't proven quite true (there are dozens of private mobile-home retailers still today), Clayton has changed how other companies approach manufactured-home sales over the past decade—and generated quite a few copycat efforts. Being a kind of manufactured-home “one stop shop” is par for the course these days, with retailers not only selling the model itself, but doing their fair share of handholding by providing a package deal for home buyers (insurance, financing, the works) who might be leery of such a large investment.

<https://www.curbed.com/2017/9/13/16275948/mobile-manufactured-homes-clayton-trailers>

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And if the past 15 years are any indication, people are leery for good reason. According to industry experts, manufactured-home sales suffered during the housing bubble of the early 2000s because loans for traditional, site-built homes were so readily available—even for those with poor credit. We all know how disastrously that turned out, leaving families underwater with massive mortgages and homes that wouldn't sell. Far too many people saw friends and loved ones lose everything in the crisis, and don't want history to be repeated.

What's more, getting a traditional mortgage as a low-income individual right now is practically impossible. This means that manufactured homes—which on average, cost about \$292,600 less than a site-built home and have different financing models—are perhaps the final means of homeownership for a staggeringly large percentage of working-class American families.

And they seem to be catching on once again. According to reports, 81,169 new manufactured homes were shipped in 2016—a 15 percent increase from the previous year.



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Courtesy of [Clayton](#)

Perhaps the most surprising disruption in the manufactured housing industry since the Great Recession, though, hasn't been in the wheeling and dealing of the units themselves: It's the sale of mobile-home parks.

At first blush, the whole notion of buying mobile-home parks might seem more like a "get rich quick" 4 a.m. infomercial than a concrete business pursuit. These parks range from a half dozen to over 100 units, and the thought of that seems, well, a little ridiculous. But under the tutelage of Frank Rolfe, Dave Reynolds, and their company, [Mobile Home University](#), students have been drawn en masse to a curriculum that makes the thought of purchasing a park not only seem like a stellar investment, but also downright practical.

For over a decade now, Rolfe and Reynolds (who own more than 250 manufactured-home communities in the U.S.) have been schooling wannabe owners on the good, bad, and ugly of park life so that they can "successfully identify, evaluate, negotiate, perform due diligence on, renegotiate, finance, turn around and operate mobile home parks." Through books, articles, weekly call-in programs, and even a three-day live immersive bootcamp, MHU is adding a new dimension to the discussion about affordable housing in the U.S.

"We don't have any one kind of person who comes to the bootcamp, or is interested in MHU," Rolfe explains. "It's all different kinds of people: guys in their 20s, doctors, retirees."

MHU operates off of several key principles: Affordable housing is scarce. New mobile-home parks aren't being built. And the likelihood that residents of a mobile-home park can afford to pack up and move their mobile home is practically none. (Doing so costs, on average, about \$5,000.) Put in a little bit of elbow grease to make some modest improvements, and purchasing a mobile-home park means that rent can be raised, and a profit turned, with little likelihood of residents looking for greener pastures. And Rolfe's program shows no signs of slowing anytime soon.

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Just a cursory look at the [MHU message boards](#) paints a picture of a park-purchasing community that's burgeoning:

"Looking to buy a small park in Wyoming or surrounding states!" one poster announces.

"Is building a community center a good investment?" asks another.

And, sometimes, the board is used to seek advice in a crisis: "Homeowner burns down home. How to get him to pay for demolition?"

One of the biggest points of discussion is the importance of targeting the right geographic region for your park purchase.

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“Markets like the Southeast aren’t good for buying mobile home parks, because there isn’t a huge gap in the price of site-built homes and manufactured homes,” says Rolfe. “Places like California are where we’re really concentrating, because site-built homes are so much more expensive.”

Over 400 mobile-home parks have shuttered in the past 20 years across California as developers look to repurpose the land for more lucrative projects. Those parks that remain have become of ever-increasing importance for families in need of affordable housing, and are prime opportunities for potential park owners looking to keep the communities intact.

Whether they’re marketing individual manufactured houses or entire parks, what developers are really selling is a vision of the future: a community, a sense of safety—maybe some family traditions of your own. ■

Creating community

What’s in a name when it comes to manufactured-home communities?

Whether people call them trailer parks, trailer courts, mobile home parks, or—for those in high-end areas—land-lease communities, there’s a certain stigma that persists about what it means to live in a neighborhood built for manufactured housing or (older) mobile homes.

Particularly across the Southeast and Midwest, where these stereotypes seem to persist most viciously, it’s not uncommon to hear snobbery, if not outright vitriol, against the manufactured-home communities in a town. Like so many other terms aimed at low-income families and individuals, “trailer park” and “mobile home lot” have long skewed negative.

But scratch the stereotyped surface, and an entirely different picture of mobile home parks begins to reveal itself. Dig even deeper, and it quickly becomes clear that, in their highest form, the social fiber of these communities is everything a more traditional neighborhood wishes it could be.

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For starters, the majority of trailer parks are uniquely safe. A [2014 study by the department of criminal justice at the University of Nevada](#) found that “trailer park sites showed the lowest rate of violent crime calls for service” compared to similar non-manufactured dwellings. What’s more, the physical layout of the communities themselves actually works to protect residents.

“Designing housing layouts to create ‘sight lines’ which allow neighbors to have a direct view of the nearby homes is invaluable in reducing property crime,” the study notes, “and the close housing proximity [in manufactured-home communities] creates a community of guardians, making illegal activity much easier to detect.”



They are also places with fairly strict aesthetic guidelines. In well-managed manufactured-home communities, the rules and regulations regarding exterior maintenance and cleanliness are typically robust, and often result in fines if the rules are broken.

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Sundial Mobile Home Park in Salem, Oregon, even gives a blow-by-blow of what paint colors residents can use on their homes: “Each tenant shall be responsible for maintaining and keeping clean and in good repair the exterior of their mobile home as well as all structures such as decks, steps, carports and fences at all times. Homes must be washed and painted as needed with colors pre-approved by landlord. Neutral or light colors are acceptable and may be trimmed with a contrasting color.”

Tell that to the guy down the street who hasn't mowed his grass for three months, or the woman with her lawn gnome collection displayed like a small army.

And, perhaps most importantly, the term “mobile” home is misleading: Most park residents spend years (if not a lifetime) in the same spot.

Manufactured-home parks are a two-part scenario: there's the land the home sits on—complete with water and sewer hookups, a foundation, trash service, and more—and the home itself. Individuals usually own the home, but not the land, which is leased from the park. This leads outsiders to believe folks are going to pack up and hit the road at a moment's notice because they're not perceived as being rooted in the land. Not so.

More often than not, these residents aren't going anywhere, and in states like Vermont, people live an average of 11 years in a single manufactured-home community, with many staying for decades.



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Mobile homes jammed together. | Denver Post via Getty Images

Manufactured homes have been the largest source of unsubsidized affordable housing in the country since the late 1990s, offering up the dream of homeownership for millions of Americans. Contrary to what one might imagine, though, the majority of the properties (almost two-thirds) sit on privately owned land—not in a community setting. This means that the mobile homes are standalone dwellings or clustered in multigenerational family estates in rural areas, not unlike more traditional site-built houses.

But for those manufactured-home owners who opt in to a community scenario, whether by choice or because they live in a densely populated region, the social and emotional benefits of such a network can be extraordinary.

One of the first advocates for the potential of manufactured homes as models of community and social support was landscape design expert J.B. Jackson. Writing about Jackson in his 1999 book, *Country of Exiles, William Leach praises Jackson's ahead-of-its-era vision:*

<https://www.curbed.com/2017/9/13/16275948/mobile-manufactured-homes-clayton-trailers>

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"Jackson ... claimed that many of the new trailer parks actually represented new kinds of blue-collar 'villages' that fostered openness and hospitality among people. They encouraged people to 'go outside' rather than to stay inside and to rely on one another in the public square for pleasure and comfort. Such villages, Jackson argued, compared favorably with middle-class dwellings, which were divided into discrete spaces to ensure isolation, privacy and limited interaction with neighbors. Mobile homes, on the other hand ... brought people together into something of an organic community, into a 'super family' or an 'us.'"

Gloria Steinem, who traversed the country in a trailer as a child, discusses being smitten with the air of camaraderie at a women-only park in the Southwest. Much like Jackson, she is particularly taken with how the park makes use of public, communal space.

"In 2001, I discovered an all-female trailer park near Tucson, Arizona. After being let through a double gate with a security code that changed daily, I found myself on streets named for admired women in history," Steinem writes in *My Life on the Road*.

"Suddenly, I could imagine living on the corner of Emma Goldman and Gertrude Stein, or following Dorothy Height to Eleanor Roosevelt. At the center of all the neat rows of trailers was a clubhouse where women could gather for everything from book clubs to gambling."

Mobile- and manufactured-home parks have also long attracted—and proven to be a safe haven for—the LGBT community. The Resort on Carefree Boulevard, a lesbian manufactured-home community in Fort Myers, Florida, for example, has amassed such popularity since opening in 1994 that the founders recently broke ground on a [second \(woodsier-themed\) location in North Carolina](#).

For those looking to be more permanently on the road with their homes, there's also an extensive network of queer-friendly RV parks. Cataloged online under the masthead [RainbowRV](#), communities range from [male-only and clothing-optional spots with a volleyball court](#) in New York to a place in Michigan for [female-identifying individuals interested in watersports](#).



Weekend Reads

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Using collective identity and (relative) close proximity as a communal safety net is a key feature of manufactured-home parks, and one that's particularly important for a burgeoning demographic: older Americans. Mobile home communities that cater to 55-plus populations provide a means of maintaining independence while offering necessary social (and, occasionally, medical) support.

“For the 55-plus communities, people really like that sense of a neighborhood. Everyone is close by and working together to maintain the community,” says Patricia Boerger of the Manufactured Housing Institute. “The park owners and people are all aging, but have good neighbors that look after them, so they’re able to age in place, and more often than not, on a single story, which is important for those with mobility issues.”

They also know how to have fun. One look at the [monthly newsletter](#) from a 55-plus community—like Jet Mobile Home Park in Palmetto, Florida—and you’ll likely start wishing your golden years would get here a little faster: Activities include cook-offs, shuffleboard, choirs, movie nights, and formal dances.

“Say, ‘Howdy!’ to the folks you meet, Meeting some on every street, Sometimes, it just makes your day complete, at Jet Park,” reads a chipper limerick from the March edition.

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Recreational vehicles, as far as the eye can see. | Bill Peters/The Denver Post/via Getty Images

Of course, not all manufactured-home communities are flanked with swimming pools and collectively tended gardens. For parks with neglectful landlords, infrastructure can swiftly fall into serious disrepair, resulting in everything from poorly maintained water systems to cracking driveways and foundations to trash overflow.

Other times, a more dire situation emerges. If a landlord receives an offer to sell a park to a different management company, residents are often left stuck in limbo, unsure whether the new ownership will actually maintain the property, raise rents significantly, or even force evictions.

And most of the time, residents are trapped. They have little recourse to fight back in these situations, revealing that a trailer park's most defining element is also one of its most fraught: the divergence between home and land ownership. This means an unscrupulous new management company can boost rent through the roof, knowing that

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the likelihood the resident will be able to move his or her home—due to both physical and monetary constraints—is practically none.

But those facing the sale (or foreclosure) of their park can work together to take back their communities.

Since 2008, Resident Owned Communities (ROC) USA—a New Hampshire-based nonprofit—has been helping mobile-home park residents form co-ops and collectively purchase their communities from private owners. Through a special means of financing that, ROC president Paul Bradley says, “allows low- and middle-income families to act like deep-pocket investors,” ROC USA works with community residents to navigate the process of unifying and purchasing the park, ultimately providing a new level of comfort and stability by removing the threat of having their land quite literally taken out from underneath them.



ROC USA’s model—which is now being replicated in 14 states through partner non-profits—might be the most radical, and potentially beneficial, development for

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manufactured-home residents since the updated HUD Code of 1994, which strengthened regulations surrounding manufactured-home construction.

“When you look at the outside view of what a manufactured-home park means, you have so much prejudice that exists. A resident who lives at Park Plaza Co-op [in Fridley, Minnesota] said, ‘People called us trailer trash before,’” Bradley notes. “But you work in these neighborhoods, and find amazing capacity, commitment, and smart, hardworking people. And the contrast of the prejudice and the reality has inspired me to get on the side of helping these homeowners.”

Currently, there are 200 Resident Owned Communities across the U.S. representing 12,150 homes, and a network of partner nonprofits are working to replicate the model in eight new states.

“There’s a community in Meadow Valley, New York, that was up for foreclosure, and we helped them through the process,” Bradley says. “They purchased the community—it was a courthouse auction—and one of the early presidents of the co-op told us almost immediately, ‘People are now fixing up their homes and paving driveways because we own it now. There’s an inherent vulnerability with trailer parks, but once you have landownership, there’s the confidence to invest in your own home and property.’”

And Bradley isn’t afraid to practice what he preaches: His mother recently moved into a manufactured-home community (an ROC, of course) for people 55 and older.

“My mom downsized, and it was absolutely the most affordable thing she could do,” he says. “She moved into a single-floor living space so that she could age in place, and when we walked into it, she said, ‘I like this one. It feels like a house to me.’ Now, she’s getting her hair done at the community center once a week with her neighbors.” ■

Designing the manufactured home

Single-wide. Double-wide. Triple-wide.

For those unfamiliar with the world of manufactured homes, these terms might be the only ones that spring to mind when someone mentions “design” within the industry. Long, rectangular shipping container-like bodies; narrow halls; and oatmeal-colored

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paint jobs are all too often the picture that's been stock photo-ed into the collective consciousness.

But in fact, manufactured-home design has come far.

Today, there are some beauts out there—and no shortage of resources for those ready to plunge into the trenches of modern manufactured-home design. Whether you're looking to comb through the (often wacky) styles of the past to get the juices flowing, tinker in the present with a fixer-upper, or aspire toward ownership of a brand-new model, there's a subsection of the manufactured-home design community geared toward you.

If you're a nostalgia buff itching to ogle some of the (truly mesmerizing) Technicolor structures from yesteryear, it's the midcentury models that will likely lure you in with their charms.

There's the Stewart bi-level mobile home, with its White Out paint job, oddly scattershot windows, and cartoon-looking split-level design. There's the Henslee High Style that's been dolled up with color blocks of pink, cobalt, and robin's-egg blue. There are wood-paneled interiors galore, off-the-wall mustard and orange wallpaper, and even one design, the Kropf Eldorado, which boasted a butterfly roof.

If you're looking to take the plunge into more modern ownership, there's [The Grissim Ratings Guide to Manufactured Homes](#), which helps newbie shoppers weigh the pros and cons of various models on the market today. Authored by journalist-turned-mobile-home-scholar [John Grissim](#) (who has a head of snowy hair that would put Kenny Rogers to shame), the guide not only rates all manufactured homes on a scale of 1 to 10, but provides lengthy profiles of each company, examples of popular models, and a blow-by-blow of what each manufacturer offers, designwise, over the competition. (The guide is also, inexplicably, written in Comic Sans.)

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Red and white travel trailer. | Found Image Holdings/Corbis/Getty Images

For a manufactured home to receive a top score in the Grissim Guide, it must provide—among other things—an “excellent” floorplan, high ceilings, 30-year-durable architectural shingles, and options for customization. Those on the lowest end of the scale, by contrast, provide no options for upgrade, and have small rooms, low ceilings, and interior molding that’s simply vinyl or paper on particleboard.

And while newfangled gadgets have always been used to some degree to woo potential mobile-home buyers—like the Lazy Susan in the 1950s—the push to increase aesthetic appeal while maintaining affordability is a more recent priority.

Driven largely by a desire to shake off the persistent stigma of manufactured homes as barebones options that value function over form, producers are inching ever closer toward making manufactured homes indistinguishable from site-built houses. Much like putting toppings on an ice-cream sundae, buyers of newer models now have the option to trick out their homes with an ever-expanding roster of add-ons. Want sliding barn-style doors inside your doublewide? Not a problem. Looking for an exterior that’s stucco or

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rock instead of the stereotypical vinyl (or, in decades past, aluminum) siding? That's on the menu now.

"The option to move the home is no longer a leading priority for our customers, which allows for a greater focus on design and styling," notes a Clayton Homes representative via email. When a home doesn't need to be ready for uprooting at a moment's notice, the interior can be decidedly more complex (and heavier). "One of our Clayton specialties is our ability to provide modern high-end amenities at a more affordable cost. This could include stand-alone Jacuzzis, a stone fireplace, tile showers, granite and quartz countertops, stainless steel appliances, and all-wood cabinets."

Even architects on the cutting edge of innovation are now embracing the versatility of manufactured home design. The leader in this movement is Jennifer Siegal, who has been showcasing the malleability of manufactured homes—or as she describes it, "mobile architecture"—since 1998 with her Southern California-based company, [Office of Mobile Design](#).

"When I launched OMD, it was during the rise of the internet, and people were beginning to work in more distant or disparate locations without being tied to a particular office," she says. "That seemed to go hand in hand with manufactured housing, because it could be more flexible than traditional homes. All of that is even more relevant now."

Siegal sees the recent rise in appreciation for pre-fabricated design as a boon for the manufactured-home industry.

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Small travel trailer, Aristocrat. | Found Image Holdings/Corbis/Getty Images

“I definitely feel like Americans have a very preconceived concept of what their home should look like, and a lot of it goes back to the home they grew up in,” Siegal says. “When something’s built out in a factory, it’s actually good, because you have a lot more control over it and a lot less material waste. When I educate people about off-site construction, I like to compare it to cars: We don’t build our automobiles in our garages, but you can make changes to them and plug different things in and out. It’s the same with manufactured homes. The change in attitude can also be attributed to the growth of places like Ikea. People are starting to embrace design off the shelf.”

But the most interesting group redefining what mobile-home design looks like today are the amateurs. These manufactured- (or mobile-) homeowners are passionate about making unique DIY upgrades and—armed with page after page of Pinterest hacks and a lot of elbow grease—have demonstrated just how malleable the homes can be once they roll off the factory line.

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West Virginia native Crystal Adkins has been spearheading the community's DIY movement for almost a decade with her blog, [Mobile Home Living](#).

"When we bought our mobile home [a 1978 model], my husband got a computer for me around the same time, and I'd never had one before," Adkins explains. "I definitely didn't know anything about starting a blog, but I knew that I had a lot of questions about how to change and repair things in my home, like plumbing, and the resources just weren't out there. I figured if I had questions, other people did, too. I decided to write about it."

And the questions poured in. Fifteen thousand [Facebook fans](#) later, Mobile Home Living has become the leading online resource for all things manufactured housing, covering how to upgrade vinyl walls, make low ceilings seem higher, and build external additions on a budget. There's also a slew of home tours, a section for buying and selling, and plenty of manufactured-home-related inspirational quotes. "I would rather sit on a pumpkin all to myself than be crowded on a velvet cushion," one image reads, and "It's OK to live a life others don't understand," proclaims another, with a stylized photo of a traditional-looking mobile home in the background.

"Now, the cool thing is to be debt-free," said Adkins. "I think that manufactured homes really play into that, and will only get more popular because you can do so much with them."

Whether souped up with glamorous additions—like [Betsey Johnson's \\$1.95 million-dollar mobile home in Malibu](#)—or a pared-down version straight off the factory line, there is one design feature that won't be going anywhere on manufactured homes: the chassis, a reminder that the homes are, first and foremost, built to move. ■

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Blue trailer in trailer park. | Found Image Holdings/Corbis/Getty Images

Creating the eco-friendly manufactured home

When Patricia Boerger talks about the efficiency of today's manufactured homes, she gets a little gushy.

Preserving mobile homes

A home is a home.

That's the mantra of [Next Step](#), a pioneering organization working to replace the remaining 2 million mobile homes in the U.S. built prior to 1976 with energy-efficient options. Founded by longtime affordable-housing advocate Stacey Epperson, Next Step has partnered with a network of nonprofits everywhere from Montana to Virginia in support of this mission of on-the-ground service and advocacy. It has helped over 450 families since launching in 2010 and preserved 1,425 affordable homes in manufactured-housing communities.

Below, Epperson discusses the importance of maintaining mobile-home communities, how to tackle housing stereotypes in persistent-poverty regions, and the ever-increasing interest in factory-made houses.

Curbed: What's the origin story for Next Step?

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Stacey Epperson: I grew up in rural Hart County, Kentucky, which is about an hour and a half outside of Louisville. But I had never been to eastern Kentucky until after college when I was working for the Kentucky Housing Corporation. As a kid, I used to count mailboxes to pass the time on the school bus, and as we were driving through the backroads on that trip, I started doing the same thing—only with trailers. And the number got so high, it just flabbergasted me.

About 17 years ago, I was working for Frontier Housing [which eventually incubated Next Step] and we were going into older manufactured homes, and they just needed so much work. So I paused, and thought about what it would take to make these homes right. And I knew we needed to get everything on a good foundation—both the family and the house itself—by having a higher-quality, efficient home, reducing the total cost of homeownership, and securing fair and good loans.

Next Step officially kicked off in December 2010, and we were only in Kentucky at first. But everyone was very supportive, so a lot of other Appalachian groups wanted access to what we were doing. And it just continues to spread more and more across the country.

What's the response been like from within the affordable-housing community?

In 2004, you couldn't get enough interested nonprofits in the room to talk about it. Over time, that started to shift, and now there is more interest than ever from affordable-housing providers. They're seeing the need to preserve these communities, because manufactured homes are the last affordable housing stock that's been under the radar. Today, we're working with 50 community-oriented nonprofits in 29 states.

What about the persistent stigma?

The attitudes toward manufactured homes are changing, but in the Southeast, it's a harder conversation. Stigma has persisted because of income. Builders are building at a level where people can afford, and because it's a persistent-poverty region, there's so much of the old stuff. People don't have the income to trade up.

But in the Pacific Northwest, it's a different story. The stigma isn't the same. People embrace manufactured homes in a different way, particularly in Oregon and Washington, and the language around the homes changes when people talk about it. The Southwest is a market, too, where people have a really positive attitude.

Is there a divide between working with solo mobile-home replacement versus replacement within communities?

Most of our work started out with rural, scattered sites and those families. But when it comes to policy, you definitely get more focus on mobile homes that are in communities, because there's that desire for preservation there.

Are there regions where your work has been concentrated?

We've been working on some advanced research around mobile-home replacement in persistent-poverty regions, like the Mississippi Delta and native lands. This year, we hired Virginia Tech to do a Central Appalachian mobile-home study, and we found that more than 70,000 households there allocated 30 percent of their income toward utilities alone. We've heard from rural co-ops that, in the wintertime, some families face utility bills upward of 800 bucks a month. When we do replace one of these homes, the energy savings are modeled at 65 percent.

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In a lot of mobile homes, there are so many problems, but the income to replace them isn't there. Especially with elderly populations who live in mobile homes, they may not owe anything on it, so to ask them to take on a loan is really a lot. There's definitely some pushback there, and financing is still a big issue. We've been working on a lot of ways to help with that.

Is there any particular story that stands out?

The very first Next Step home we provided, actually, still resonates with me. Lee and Lucille Allen are an elderly couple in rural Wolfe County, Kentucky, and at the time I met them, they were living in a really old mobile home. It was so upsetting to see how cold and how sick they were all the time because of mold that was in the house. They're just the greatest people: Lee is a bluegrass musician who played with people like Dr. Ralph Stanley, and they truly believe that getting a new manufactured home saved their lives because of how sick they were before. They've just been the sweetest in their home.

“Manufactured homes are some of the most eco-friendly out there, because they make good use of every inch of space,” she explains excitedly. Boerger is new to the business—she just joined the [Manufactured Housing Institute](#) last year—and still seems genuinely thrilled by what she's discovering.

“If you think of how they're built in a factory, people are inspecting every home each step of the way. It's all gotten down to a science: There's no weather interfering with the process, like a site-built home, and no wasted materials. Every movement that goes into making them, and every inch of the home, is accounted for.”

Manufactured housing has long been one of the most reliable and affordable options for low-income families, allowing people to achieve the dream of homeownership at a fraction of a more “traditional” home's cost.

It hasn't always been the most ecologically sound choice, however. Prior to the adoption of the federal HUD code in 1976—which put into place regulations, however meager, for mobile home construction quality—speed and penny-pinching, not environmental or health concerns, were the primary driving factors in construction. Mobile homes were not only constructed with chemical-rich materials, like formaldehyde, but in a manner that's led to problems over time, including the development of mold and the decomposition of floors.

“In the early '70s, when a mobile home would come into the lot from the factory, you'd have to air it out because the fumes would be so bad on the inside,” noted a former

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salesman. “If you went into one on a hot day without any of the windows open, it would sting your eyes like tear gas.”

What’s more, those pre-1976 homes still in use today—all 2 million of them—often saddle residents with painfully high energy bills each month, thanks to problems like poor insulation and duct work.

“In terms of rehabbing these older, inefficient homes, there is only a little bit of money and a whole lot of need,” says Timothy Peters of Otsego Rural Housing Assistance in Otsego, New York. “When we repair these mobile homes from the ’50s and ’60s, it isn’t just incidental repairs, but entire home systems: roofing, flooring, heating, septic, and things like that within the budget that’s available.”

Even manufactured homes built throughout the ’80s have proven to be less than stellar for the environment, with 10.8 percent of those built between 1985 and 1990 noted as being in “inadequate condition.”

But since the mid-1990s, after significant updates to the HUD Code in 1994, eco-friendliness has become increasingly important. Companies like Champion are now producing energy-efficient models with heating and cooling systems 20 to 30 percent more efficient than standard homes. Clayton, which controls the majority of the market, has been experimenting with greening practices for almost a decade, beginning with the introduction of the (now-obsolete) Clayton iHouse—a model that tested out high-efficiency appliances, insulation, and solar panels—in 2008.

“Within all of our homes, we have made incredible progress toward delivering eco-conscious manufacturing processes and durable materials that increase the sustainability of our homes,” Clayton representatives noted in an email. “Our goal is to merge thoughtful, smart design with eco-friendly materials that allow our customers to take their commitment to lowering energy consumption further.”

Beyond PR speak, this means features like programmable thermostats, upgraded insulation, and high-performance windows, in addition to diverting 16,544 tons of landfill waste and reducing factory dust output by 31 percent since 2015.

And as of 2016, all 36 Clayton production facilities are now compliant with ISO 14001, an international standard that seeks to help companies minimize how their operations

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negatively affect the environment.

The push to make manufactured homes more eco-friendly over the past 10 years has also resulted in a number of federal incentive programs, both for the construction of new models and upgrades to existing homes. Most notably, the Energy Policy Act of 2005 established tax credits of up to \$2,000 for builders of new manufactured homes who comply with, or exceed, federal energy-saving requirements. And it's been working. Since the tax credit went into effect, the number of Energy Star manufactured homes increased from 25 to 20,000, and credits for homeowners who swap out older appliances for new energy-efficient models have helped encourage even eco-skeptics to take the plunge in the name of cost savings.

States are also taking up the charge. Initiatives aimed at increasing the number of eco-friendly manufactured homes are gaining ground in places like South Carolina, where a \$750 tax credit is awarded to anyone purchasing an energy-efficient model. Perhaps the most ambitious effort is the SmartMH program in Kentucky, which seeks to increase the percentage of Energy Star manufactured homes from 1 percent to 50 percent.

Individual designers have embraced efficiency, too. Currently, OMD's Jennifer Siegal is working on a 2,000-square-foot, completely off-the-grid manufactured home, which deals with all its own waste and supplies its own water, among other bells and whistles.



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Courtesy of [Clayton](#)

Still, according to many in the prefab world, there remains room for improvement when it comes to making manufactured homes more environmentally sound. Since the construction of manufactured homes is regulated by the industry-specific federal HUD code instead of the federal- and state-based laws that oversee site-built (and modular) homes, producers aren't required to meet the same energy standards and building codes, leaving some companies to play fast and loose with the quality of their products.

"I wish I understood the mindset within the manufactured-home industry as a whole," says Peter Schneider of [Vermod](#), an energy-efficient modular home company based in Wilder, Vermont. "Why do they not, by their own choice, build better homes that use less energy? That have quieter furnaces? Will they ever come along? This isn't futuristic stuff."

Vermod is a key player in a statewide initiative known as the [Mobile Home Replacement Program](#), which seeks to provide individuals living in substandard manufactured homes with an affordable, energy-efficient modular model. Properly sized for a standard mobile

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home lot and constructed using sustainable building practices, Vermod homes include a host of high-performance features, including advanced insulation, triple-pane windows, zero energy and top-of-the-line HVAC systems.



Courtesy of [Clayton](#)

“Changes within the manufactured-home industry also come back to the federal government recognizing that affordable housing isn’t just about first cost,” says Schneider. “It also involves things like ongoing energy costs and, ultimately, the health outcomes for the people living there.”

Energy efficiency is particularly important in a place like Vermont, where a manufactured home with thin walls and poor insulation can mean an astronomical—and, more often than not, unaffordable—heating bill in the winter.

“I was part of a working group with the Department of Energy along with leaders from several big manufactured-home producers, and when we were all at the table there was

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some willingness to say that adopting ISO 14001 [the international environmental standard] across the board was a good idea,” says Schneider. “But afterward, publicly, there was a lot of resistance.”

Ultimately, though, Schneider believes that eco-friendly homes will soon lose their niche status thanks to the simple laws of supply and demand. They’re what the people want. ■



Courtesy of [Clayton](#)

Glossary

Trailer: A form of on-the-road housing hauled behind a vehicle. Trailers (aka caravans, travel trailers, house trailers, etc.) arrived in the 1910s as a means of increased, livable mobility for people looking for employment or relocating cross-country, and continued to grow in popularity throughout the 1930s and '40s as a fixture of recreational traveling. Today, this term is also used erroneously to describe manufactured and mobile homes, often in a derogatory context.

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Mobile Home: A factory-built housing structure constructed *before* 1976 that is able to be moved—typically via towing to a permanent location—on a chassis.

Manufactured Home: A factory-built housing structure constructed *after* 1976 that is able to be moved—typically via towing to a permanent location—on a chassis. (Formerly known as mobile homes, pre-HUD Code.)

RV (Recreational Vehicle): A trailer or motor vehicle with basic home-like amenities meant for on-the-road, largely recreational travel. RVs can range from more classic, Winnebago-style designs to a “skoolie” (converted school bus). While mobile/manufactured housing and RVs share historic DNA, they are not synonymous terms today.



Site-Built Home: A house that is completely constructed on the lot where it will reside, as compared to manufactured homes, which are built in a factory and then transported to their location.

Stick-Built Home: A somewhat outdated, but still occasionally used, term for site-built homes.

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Modular Home: A prefabricated dwelling constructed in a factory setting (much like manufactured homes) then transported to a location in pieces and installed on-site (more like a site-built home). Modular homes must conform to the same local, state, and regional building codes as site-built homes.

1976 HUD Code: The HUD Code—officially known as the National Manufactured Housing Construction and Safety Standards Act of 1974—became law in June 1976, and set national standards with regards to energy efficiency, quality, durability, fire safety, and transportability for all manufactured homes built after this date. Prior to this, factory-built homes had no uniform regulations surrounding construction practices. The HUD Code is the only federally regulated national building code. This means that manufactured homes in Montana and Maine both have to be built to the same quality standards, while comparable site-built homes in these states follow different, local laws. Technically, any structure built after 1976 shouldn't be referred to as a "mobile home" due to the official terminology change that went into effect along with the federal law. Always use "manufactured home" as a catchall term.

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1994 HUD Code Update: This update provided serious overhauls to the efficiency and environmental requirements of the original HUD Code, resulting in marked improvements in the quality of manufactured homes. See the [1994 HUD Code Update here](#). The [Manufactured Housing Improvement Act of 2000](#) followed.

Single-Wide: The most easily recognizable mobile home/manufactured home size, the single-wide is typically what one imagines when “mobile home” comes to mind. They are officially measured at 18 feet or less in width and 90 feet or less in length.

Double-Wide: As you might imagine, this model is two times the size of a single-wide, and made to somewhat resemble the structure of a traditional ranch home. It is also the most referenced model in pop culture. (See: “[Queen of My Double Wide Trailer](#)” by Sammy Kershaw, etc.)

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Triple-Wide: Yes, triple-wide—just right for the “go big or go home” crowd. These are fairly uncommon.

Land-Lease Communities: Another name for a manufactured-home community, which could also potentially include amenities like a clubhouse, swimming pool, dance lessons, etc. ■

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April 17, 2018 Citizen Comment

Name: Sharon HawkinsAddress: 7301 NE 175th St # 308 Kenmore WA 98028

Comments: Why can't the planning/zoning committees zone
our park as mobile home only? Our owners don't
intend to sell so why not make at least one ~~one~~ ^{or} more
than one park zoned as mobile home only?

Doing such a type of zoning would show that you
are truly wanting to PRESERVE the parks.

Closing parks or not rezoning the park(s) that
have no intention to sell would be harmful to all
of the existing owners living there and increase the
amount of homeless people living in Kenmore

I don't think Kenmore wants to be known
as the city of homeless Senior Citizens but
the city of beautiful affordable housing communities
such as the one I live in.

Thank-you very much
Sharon Hawkins

P.S. We NEEDED a group or committee to help
enforce the Affordable rent amount. Where I
live my rent is more than 1/2 of my income
proving the rent amount is getting to be NOT
AFFORDABLE!!

Bridgit Baker

Subject: Two-Bedroom Housing Wage by Zip Code | National Low Income Housing Coalition

From: Stacey Valenz [<mailto:svalenz229@gmail.com>]

Sent: Tuesday, April 17, 2018 4:58 PM

To: Lauri Anderson <landerson@kenmorewa.gov>

Subject: Two-Bedroom Housing Wage by Zip Code | National Low Income Housing Coalition

<http://nlihc.org/oor/zip?code=98028>

I don't think any of our residents on low or fixed housing even come close. Most are able to pay the low affordable housing at the manufactured home parks..if the rent, pse, and water are kept affordable, the seniors, veterans, and disabled on fixed income can likely age in place with minimal assistance.

Thanks so much
Stacey Valenzuela

4/18/2018

Two-Bedroom Housing Wage by Zip Code | National Low Income Housing Coalition

National Low Income Housing Coalition



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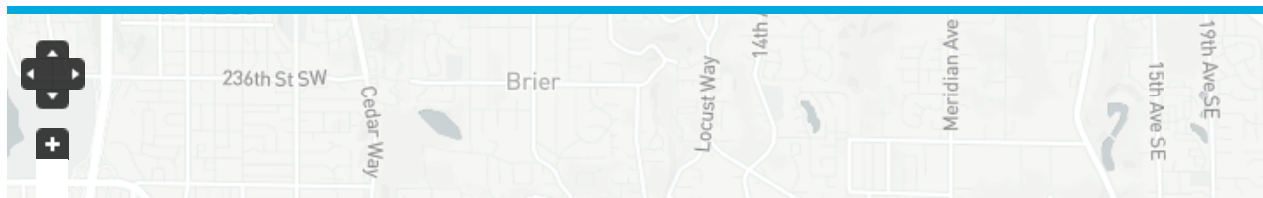
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Two-Bedroom Housing Wage by Zip Code

Enter Your Zip Code to Explore Data for Your Community

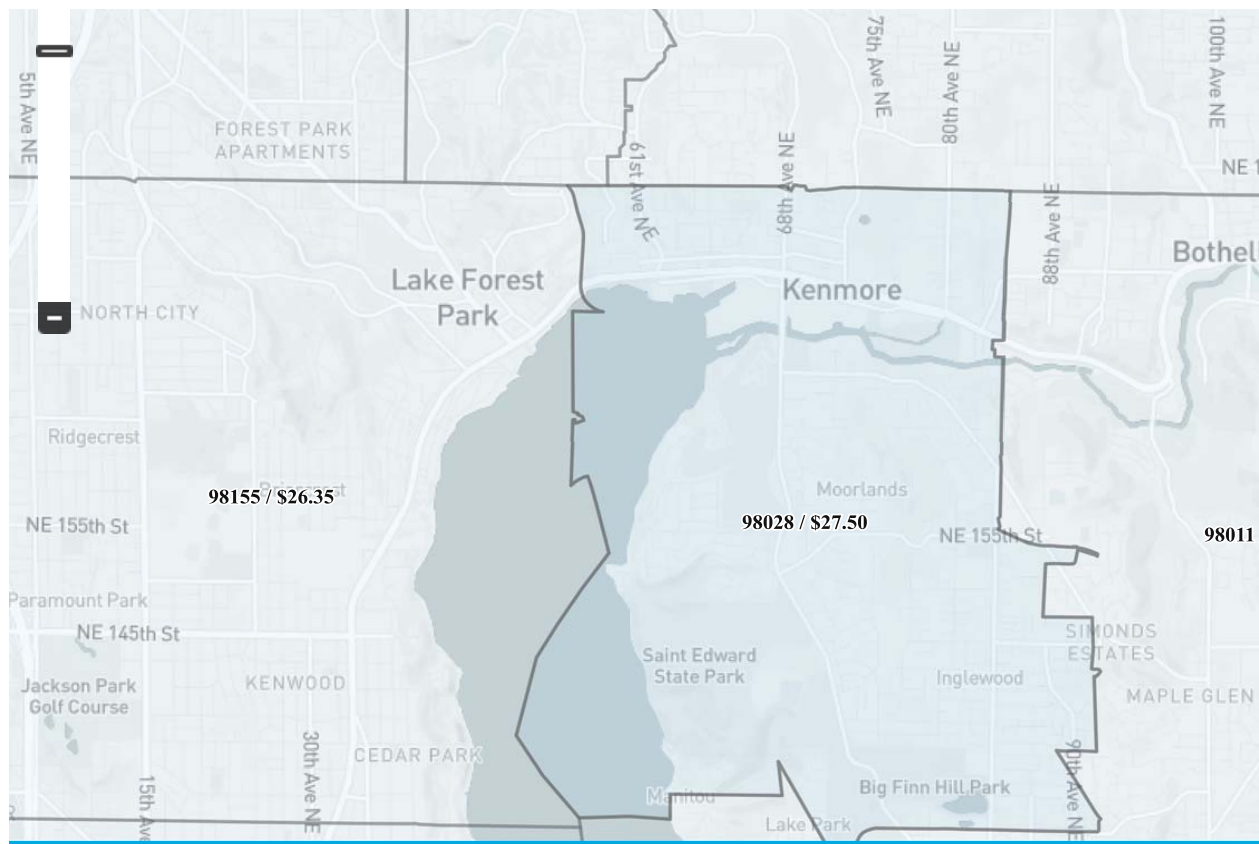


<http://nlihc.org/oor/zip?code=98028>

1/3

4/18/2018

Two-Bedroom Housing Wage by Zip Code | National Low Income Housing Coalition



The dollar amount shown for each zip code is the two-bedroom Housing Wage. Given the number of zip codes, they will appear on the map only while you are zoomed-in past a certain level. If zip codes are not showing or are too difficult to read, please zoom in further. New zip codes may take some time to load on the map.

You can pan across the map by clicking on the arrows in the top left corner of the map.

Zip code Housing Wages are based on HUD's Small Area Fair Market Rents (FMRs), while the other zip code estimates are from the 5-year (2011-2015) American Community Survey (ACS). This is the first year NLIHC included zip code Housing Wages as part of Out of Reach. We would appreciate feedback about how well they (and Small Area FMRs) reflect local rent conditions. To share feedback or receive more detailed information about the data, please contact the NLIHC research team at research@nlihc.org.



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- 1000 Vermont Avenue, Suite 500, Washington, DC 20005

<http://nlihc.org/oor/zip?code=98028>

2/3

4/18/2018

Two-Bedroom Housing Wage by Zip Code | National Low Income Housing Coalition

- Phone +1 (202) 662 1530
- Fax +1 (202) 393 1973

Tues. May
15th, 2018

To Whom it May Concern:

I Have lived at The Inglewood East Mobil Park for over 19 Years, at 7301 N.E. 175th St. Kenmore AKA Inglewood East Shores. I am currently under Dr's care for Breast Cancer just finished Radiation, This is the second time Cancer has attacked my body. My only income is Disability, even before the Cancer hit I had to watch Every Penny in order to pay my Rent. There is no way I could afford an apartment and when I moved here I planned on it being the last place I would live. I don't go to the Movies, or out to Lunch or Dinner, just the Hospital, Dr's offices and sometimes to Church. I don't buy new clothes and I can't even afford a Goldfish.. Please Please Do Not zone out Inglewood East Mobil Park, it is near the water. I don't have any place to go and I would be Homeless. I can't move my Mobil because it was built in 1970. I PRAY you folks spare the Mobil Park I Call Home. Arlene

ARLENE MC ALEY- BARE
7301 N.E. 175th ST. #203
Kenmore, WA 98028-3536
425-485-8581

ORIGINAL

Harry L. Perfater Jr.'s Statement to the Kenmore Planning Commission

RE: Mobile Home Zoning Issues - decisions
7002 NE 181st St., Unit #4
Kenmore Washington 98028

The above "Lake Terrace Park" place is where I (Harry L. Perfater Jr.) have lived in for 25 years in a 1969 Broadmore 12'x64' mobile home. I am 71.5 years old.. It is said that truth can be stranger than fiction, nonetheless, I certify that the following information is true and correct under the threat of perjury (though these days that does not seem like much of a threat anymore).

In 1991, I was divorced and admitted to practice law in Washington after graduating from the University of Montana Law School. I had the best year financially I ever had as a lawyer in 2000. I was looking forward to better years. In that same year I filed suit for a client named Kay Kettel, against Rite Aid. That case became a "life changer" after trial court and Court of Appeals decisions in it. That life change likely would not be described by most people as "for the better."

Essentially in that case an attorney (Timothy Redford - a reputed FBI agent) as well as his client were cumulatively fined for an amount of slightly over \$5,000 for what amounted to dishonesty (for extreme discovery abuse) in or about March 2001. After that fine, I conclusively proved (with court documents from other cases that were indelibly indisputable), subsequent violation of violation of the court's order that included the original fine; that violation directly and personally involved both attorney and client. See attachment "*Kettel's Game Changers For Perfater*" NOTE: all attachments hereto are on file at the Washington State Supreme court (WSSC) See infra.

My client was then fined \$1,500 for filing a Motion for Contempt despite that egregious violation of a court order. That was upheld on appeal. At all times proximate to those decisions there was not one precedent that I could find in the entire body of state and federal jurisprudence that could lend sort of realistic support to the trial and 2004 appellate court decisions. There was much more "strange" about that case; its particulars are more fully described in the "*Kettel*" attachment.

My intent afterwards gradually evolved to leave the practice of the law -- how could I ever make a recommendation to a client to proceed in a case I handled. I had lost faith in the judicial system. The last several years of practice I was basically not taking new cases just trying to finish up what I had.

I continued to practice in my "physical office" in Bothell until February 2009 - where I had been a sole practitioner for fifteen years at the same location /office -in the midst of a deep depression and life crisis that resulted after the *Kettel* appellate decision.. I moved my office into my mobile home, with years of accumulated clients files, office furnishings and equipment. It was chaos.

I had two active pending cases. I had several other clients whose cases were resolved with third parties but for whom I held monies in my trust account as I fulfilled my intent to leave my practice of the law. The words "fix", "influence", "connections", "corruption" and "abuse" permeate my thoughts then and now about that case and what has seemingly manifested for me in a very personal manner since then.

A bar complaint was filed in March, 2009 after I failed to send a notice to one of my two remaining existing clients. The reason I failed to send notice? I was wrapped up in a very contentious litigation in the other unresolved third party case client's case - I had explained my state of mind to that client but they wanted me not some other attorney (WHY? they told me my candor, honesty, and evident genuine concern). In February 2009 I was diagnosed with severe cataracts just after closing my physical office in the midst of that contentious case.

RECEIVED
MAY 15 2018

RECEIVED
CITY OF KENMORE

In July 2009 I suffered a severe heart attack requiring two emergency surgeries in less than 24 hours. I had no health insurance. My credit was and is absolutely atrocious. I am not at all proud of that and regard it shamefully. If I am ever able to pay any creditor despite the lapsing of the Statutes of Limitations, I will do so.

I had readily admitted fault to the WSBA in a March, 2009 letter for not contacting the bar complaint client. Subsequently I readily admitted to the WSBA that I was suffering from severe depression and that it stemmed from the *Kettel* case. As soon as the bar complaint was filed I did nothing on unresolved trust fund matters /cases but for the contentious one that settled.

The WSBA subsequently noted my deposition in December, 2009. The WSBA then converted the case to a disability matter. An attorney was appointed due to that disability, and my financial, status. There were absolutely no issues related to any form of dishonest mishandling client' trust monies at any time.

Prior to admission to the WSBA, it required a statement from a treating mental health provider. That treatment provider diagnosed me in July, 1990 as having Post Traumatic Stress Syndrome - stemming from an abusive dysfunctional childhood. See attachment, this and another - "*Kettel's Game Changers For Perfater*." are on file at the WSSC for a Interim Suspension hearing in February, 2012. My lawyer in the disability case then pressured me to agree to a (a easy less expensive disposition) Stipulation that I was "paranoid and delusion." I refused- I was not, have never been and am not delusional. No witness was ever interviewed, as promised by appointed attorneys, that knew me for a longtime though that of course is very relevant. No one I have ever spoke with about this thinks I am delusional - I readily admit to "grounded" paranoia - but even paranoids have enemies, n'est pas? The failure to get those crucially relevant promised witness statements for consideration by the evaluator, was my basis for refusal to be evaluated and then the February, 2012 Interim Suspension hearing. In it WSSC Justice Fairhurst stated

"my perception from reading his declaration and that of Randall Karstetter's declaration is that Mr. Perfater believes that something serious did happen to him [as a basis for his] ...perception that the FBI or someone was coming in and tampering with his computer... Isn't there a concern that counsel appointed by the Bar for missing deadlines and not doing what, at least whether he needed to or not needed to, he'd agreed to in preparation for this hearing is that a concern about the representation [he] is receiving?"

www.tvw.org, In Re Harry L. Perfater Jr. Docket No. 201,025-3 (February 28, 2012), at 15:55 minutes,

This is the first public statement I have made about my life, and the significant relevant circumstances affecting it, to the general public. Justice Fairhurst was referencing a situation involving illicit access to my office computer and then cutting edge technology for file deletion at various times in August 2001.

I have devoted my life to getting this situation involving "fix", "corruption", and "abuse" out to the public, a disclosure if you will. The "abuse" is current, near daily if not daily, and involves all forms of electronic interference with my life (eg. I refuse to own a "smart" phone, if I did it should be named a "stupid" phone) as well as filled with untoward uncommon events of the type described as "gangstalking." See "<https://fightgangstalking.com/what-is-gang-stalking>", hereinafter cited as "*Gangstalking*".¹ Note that another term of art used to describe this victimization is "targeted individuals" See also "*Guinea Pigs*" by John Hall, MD. Why have I devoted my life to this? What better use of a life than to thwart Hitleresque and Stalinist types of power abuses?

One of the primary objectives of gangstalking is disruption - disruption to cause personal dysfunction for the victim. See "*Gangstalking*", and "*Guinea Pigs*" both describe the abusive use of COINTELPRO, MKUltra, as psychological warfare type weapons. Since the time of the *Kettel* case I have been

¹ This well written and cited site is 180 pages plus in length with credible sources (Washington Post, NY Times, Forbes etc).

variously subject to nefarious intrusive acts to my person, home and office (while practicing) as well as other acts of "gangstalking." See "*Gangstalking*," and "*Guinea Pigs*" for a more complete statement of the many forms such harassment takes. I attribute those intrusive circumstances to the *Kettel* case and the rogue retaliatory element likely associated with the FBI reacting to my disclosure and documentation attempts to expose. I have contemporaneous documentation, mostly circumstantial, for many events. If you are going to violate the law, the FBI in particular knows how to do it to avoid detection.

Furthermore, from what I have read and seen about it appears I *may* be a "smart dust" victim. See "*Smart Dust – The Future of Involuntary Treatment of the Public*," January 18, 2017, <http://www.wakingtimes.com/2017/01/18/smart-dust-future-involuntary-treatment-public/>. I believe I am a victim. Proof of smart dust in a body is near impossible as far as I my research has discerned. And, I am an ideal non-consensual victim as a "poor" person rebuffed by state courts for trying to get a reputed FBI agent held accountable for deceit and perjury in three ways: the local county trial, and state appellate, courts; and retaliation for adverse disclosures about a reputed *federal* agent. So where do I go for recourse in justice if when local and state courts may be involved in corruption, as well as federal law enforcement?

I started arising from my severely depressed state when I started fighting for my uphill rights in my disability case. Fighting for my rights and against wrongdoing buoyed me out of depression. The people of such power abusing it don't want someone fighting for rights necessitating disclosure of their abuses. They have position, power, good incomes and they have a deep trough of funding. NOTE: the 178-page "black budget" for NSA's 2013 fiscal year allocated a "slush" (a discretionary fund with no oversight or accountability - a use as you please and as you see fit) fund of \$52.6 billion. See "*Gangstalking*," citing <https://www.theverge.com/2013/8/29/4672414/leaked-snowden-documents-reveal-details-of-surveillance-budget>.

If you think there are not real and significant abuses by federal law enforcement supporting illegality by (surveillance) agencies, See:

Violent criminal on federal payroll as informant, 05.13.12 Seattle Times

<http://old.seattletimes.com/text/2018198043.html>

A 911 call by a federal informant stating "federal agent needs help" caused a massive police response leading to "A Times review of nearly 800 pages of prison and prosecution documents revealed the Bronx, N.Y., native [the informant] had been jailed in 43 states. His convictions date to the 1990s and include breaking and entering, robbery and larceny... [assault charges]...and... "cyberstalking that included death threats."

Federal Jury Convicts James 'Whitey' Bulger

<http://www.fbi.gov/boston/press-releases/2013/federal-jury-convicts-james-whitey-bulger>

U.S. Attorney's Office August 12, 2013

Bulger was on the FBI payroll as an informant while being investigated by the FBI as head of the Irish Mafia in Boston and for multiple murders and other serious felonies that he was ultimately convicted of. He was found guilty of 11 murders and multiple felonies.

But just try to prove any form of misconduct against the FBI. My Freedom of Information Act requests to multiple (overlap with data sharing) relevant federal "surveillance" agencies have all been denied on "national security" and "criminal investigation" grounds.

As to those denials, I am no terrorist but for those in power who have abused their power: my terror for them is disclosure (as Edward Snowden so vividly stated about his disclosures - disclosure is what this type of wrongdoer fears), not bodily harm; so I am not at all a threat to national security. But interestingly enough, the definition of national security in the FOIA has been interpreted to protect the mere methods used in wrongful, bad purpose surveillance even if the reasons for the FOIA requests are not invalid, or misbegotten of an untoward nature. Nor is there any valid basis whatsoever for any type of "felonious conduct" of mine to justify a federal criminal investigation.

Harry L. Perfater Jr.'s Statement
to the Kenmore Planning Commission
p. 3 of 4

Nearly every act I take associated with disclosure is nearly always accompanied some form of "thwarting" reaction. For instance, while writing this document I at times received left sided head pain (commonly associated with clicks in my walls, as today, likely transceivers - *See generally* Google: "TSCM"), tinnitus and for a time I lost the "Save As" ability to name this document in Word Only - when I did a Ctrl A-C and copying contents to Word Perfect, saving there and then tried to return to WORD and then successfully used "Save As".

Currently I live off a net Social Security Check of about \$1,121 monthly. My net worth after debts is significantly negative. The people who live in mobile home parks have not been blessed with the attributes associated with a prosperous American Middle Class life. Most of the people live here out of necessity not necessarily choice. They are up against it to begin with. Each resident has a likely unique story about why they came to live where they live as opposed to a country mansion on a hill surrounded by acreage and servants that folks fantasize about. Except mobile home residents fantasize about just owning a simple small single family home that minimally costs hundreds of thousands of dollars. This is why they face genuine adversity with any decision of the planning commission about their current lives and living situation. It is why I wanted to tell my story. The pending decision is of great significance and impact for the persons here. Some of these people, maybe me, may be left homeless.

My understanding is that likely apartment rent (if I would qualify after a credit check) will be somewhere in the neighborhood about of \$1,000 minimally. Trying to find a place to live for \$510 per month (Lake Terrace Park's owner - Jim Perkins' current lot rent for my home) to say the least would be "trying" especially for a person diagnosed with PTSD (such a condition does not go away but a person can live to cope with it better, but nonetheless it constantly reasserts itself /is aggravated with ongoing harassment / "gangstalking.") and a mere \$1,121 monthly income.

My understanding is that my mobile home (as well as others built before 1976) essentially can not be moved anywhere because of strictures with housing codes. Even if it could be, I can not afford to spend about \$10,000 - \$15,000 to get it moved. It is likely worth less than \$5,000.

I ask that consideration for my situation, as well as my fellow residents, be given in some manner particularly that time be extended to allow my co-residents as well as myself to be required to move ; this will allow people with minimal incomes time to find very scarce affordable housing in our area . Also, that I be given relocation assistance to move and future consideration for low income housing.

I was reticent in letting deeply personal information "all hang out" but it is about time I did and it is truly my first public statement. Thank you for taking the time to read this.

Sincerely,



Harry L. Perfater Jr.

Dated May 15, 2018

Enc. July, 1990 Letter to WSBA from Betty Miller RE: PTSD diagnosis;
"Kettel's Game Changers For Perfater"

Harry L. Perfater Jr.'s Statement
to the Kenmore Planning Commission
p. 4 of 4

KETTEL'S PERSONAL GAME CHANGERS FOR PERFATER

08-07-00 A premises liability action (Kettel v. Thrifty Pay Less/Rite Aid (TRA) was filed by Perfater, served with Interrogatories and RFP the following day.

12-06-00 Deposition of only Defendant Thrifty Pay Less/Rite Aid (TRA) employee identified as working on incident date (which was a mid afternoon weekday) taken after seriously deficient discovery responses. Perfater demands supplementation of such employees, and continues deposition. Perfater later same day gets an "intimidation" call from Francis Floyd (of Floyd and Pfueger) about 7 PM. advising that the defendant's attorney (Tim Redford, [TRR]) is an FBI agent, then abruptly "hung up."

04-03-01 Trial court orders sanctions of for over \$5,000 on Kettel's Second Motion to Compel after finding defendant (and their counsel) willfully violated the spirit and intent of discovery.

06-15-01 Kettel filed a Motion for Contempt on May 25, 2001¹ after Defendant only provided *employees working during third fiscal quarter* in which the incident occurred, placing a severe unjustified burden on plaintiff. The Motion cited RCW 49.46.070, which subjected defendant to statutory fines and penalties for improper employee time record keeping. *This motion ALSO brought to the court's attention that TRR, despite the previous order and sanctions which required response about discoverable lawsuits, failed to disclose a case in which HE was counsel of record with an adverse jury verdict to defendant in another premises case just before Kettel filed. Yet, the court sanctioned Kettel \$1,500 on 06-15-01 for filing the Contempt Motion.*

The Superior Court "loses" The Motion for Contempt. This Motion was about two inches thick.

07-27-02 Kettel timely filed a Motion for Discretionary Review. See unauthorized intrusions for apparent unauthorized invasive and intrusive activity in Perfater's office.

¹ The two inch thick Contempt Motion was "lost" by King County Superior Court.

01-14-02

Kettel's Motion for Discretionary Review, decided on 01-14-02. The Commissioner at oral argument describes the case as "pedestrian." YET NO OTHER DISCOVERY RULING INVOLVED, at that time to the best of Perfater's belief via much research, disclosure with statute based criminal penalties for an employer's time record keeping failures for employees; and where counsel failed, AFTER sanctions, to truthfully respond to a valid discovery request of which HE directly and very personally had knowledge.

02-28-03

Perfater appeared at a Appeals court non-compliance hearing after trial court finally granted a CR 60 motion to "lost brief" and more importantly the court made an oral ruling that Kettel's' brief could be amended to include a very relevant recent first impression case on discovery conferencing. The written ruling didn't contradict the express ORAL grant to amend to include that case in amendment. Defendant moved to strike the amended brief, requested RAP 18.9 sanctions for violating the written order for amendment.

02-28-04

Appellate decision rendered upholding all trial court decisions, authoring RAP 18.9 sanctions. Kettel then moved to reconsider with a verbatim transcription copy of the 02-28-03 hearing which nearly reflected word for word the court's oral grant to file an amended brief. That motion was denied.

This is the only case in the United States common law (after then contemporaneous extensive all states and federal research at least at that time), where:

___ denying discovery request for disclosure of precise employees at the time of an incident made of defendant employer, which would make employer in violation of statutory obligations for employee record keeping was upheld by appellate court. A reader of appeals court's Kettel opinion would not be able to discern this fact.

___ an attorney was given oral authority by an appellate court to amend a brief to include a new case, and then be fined for amending the brief especially after moving in reconsideration with a verbatim transcription copy of oral hearing.

11-30-04

Kettel files a late Petition for Review with Motion to Extend Time on or about 11-30-04 after Perfater's August, 2004 suicide attempt. Perfater does not acknowledge his suicide attempt as a reason for the late filing.

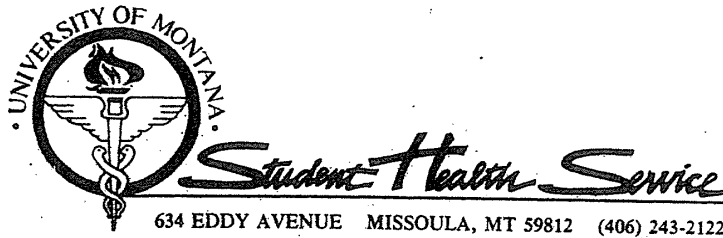
KETTEL'S PERSONAL GAME CHANGERS
FOR PERFATER, Page 2

Perfater cites in the Petition a recently discovered case showing (that less than a year before Kettel filed her action) that Rite-Aid had about \$10,000,000 punitive damages jury award (see Hundley v. Rite Aid of South Carolina, Inc., 339 S.C. 285, 529 S.E.2d 45, 49, (2000)) that had significant discovery abuse sanctions component (I believe it is correct to say in the millions, but I have never been able to read that case again).

2000-2004

Perfater learns in about 2009 via the internet that during the active stages of *Kettel* during 2000-2004:

- At least three Rite Aid executives fined and actually jailed for fraud related charges; and,
- Rite Aid fined \$5,000,000 by FDA for violations related to dispensing controlled substances without complying with FDA regulations.



Washington State Bar Authority

Re: Harry L. Perfater,

Your Honor:

Due to a request by you, Mr. Perfater has asked that I write a statement concerning his mental health treatment here at the University of Montana Student Health Service. The following is a summary of this therapy along with the diagnosis and a prognosis statement.

Mr. Perfater was initially seen here in October 1987, with a presenting complaint regarding trust and control issues. His marriage was troubled and he had, in the not so distant past, been dealt the blow of the death of his eldest son who had been born with congenital anomaly.

His history revealed an abusive, insecure and unhappy childhood and he had received both in-patient and out-patient treatment during his early adult years for psychiatric problems precipitated by trouble with his girl friend and lack of support by his abusive and dysfunctional family. He viewed that treatment as having been a positive experience for him and he went on to complete college, marry his present wife and take responsibility for his growing family.

Since he believed that therapy had been helpful in the past, he was eager to make this contact and to begin working in his behalf. I saw him on a weekly and sometimes bi-weekly basis during his freshman year in law school. During his second year, I saw him less frequently, however during Spring Semester of that year I arranged for him to be involved in our group for abused men, where he actively worked on issues of powerlessness and gained insight into his own self-defeating behaviors. I did not see him again until Spring Semester 1990, his senior year, when he came in for a recap of his work accomplished here.

The therapeutic focus was on raising his sense of self esteem dealing with issues of perceived powerlessness via reality oriented therapy and the use of relaxation/stress reduction techniques.

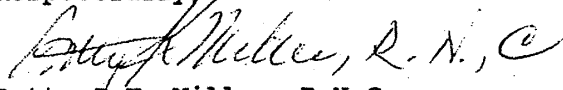
July 17, 1990
page 2

He worked hard and his progress was continual and significant. An issue which was never resolved was his disintegrating marriage. He was amenable to marital/family therapy, but his wife consistently refused intervention by me or anyone else.

At no time during these years did Mr. Perfater exhibit psychotic, anti-social or other emotionally disabling disorder. He was not treated with medication. Alcohol or other drug use/abuse was never an issue here.

During his final session in May 1990, he expressed his gratitude for this respite from the pressures of the past three years. His terminating diagnosis was the same as on admission: Post Traumatic Stress Disorder, chronic; prognosis good with further therapy. I discussed this with him and I am confident that he will seek help when needed.

Respectfully,



Betty J.K. Miller, R.N.C.,
Coordinator of Mental Health Services
Student Health Service
University of Montana

BJKM/pm

cc: chart

First I Want To Thank The City Council
and The Planning Commission for giving
The Residents of The Kenmore Mobile Home Communities
an opportunity To Express Our Deepest Concerns.
I impore Both The City Council and The Planning
Commission To TRULY Review any Preservation
Paperwork With a fine tooth Comb. The Reason
for This Request is that at least one of The Mobile
Home Parks is owned By one or more attorneys, whom as
you know are Experts at finding "GRAY AREAS" and or
"Loop-Holes" that could be interpreted as to be more advantageous
to The Mobile Home Park owner or owners than to The
folks that live There:

Just A Thought... Mobile Home Park Residents
pay To such entities as City Franchise Fees
and Property Taxes.

Please Please Preserve Inglewood East
Mobile Home Park for many years to come.
With Respect Thank You.

ARLENE McALEY-BARK
7301 N.E. 175th St. #203
Kenmore Wa. 98028-3536
425-485-8581



P.S. Sorry about some of the writing, I'm fighting Cancer and I
get real bad Headaches so I may have mis-spelled some words. I
Thank You for Your Compassion.

Lauri Anderson

18120 68th AVE. N.E.

Kenmore, WA

98028

"Thank You For Your Help."

Bridgit Baker

Subject: FW: Manufactured Housing Community zoning

From: Ishbel Dickens [<mailto:ishbeldickens@outlook.com>]

Sent: Thursday, May 24, 2018 12:13 PM

To: Lauri Anderson <landerson@kenmorewa.gov>; MStanger@bellevuewa.gov

Cc: 'Kylin Parks' <kylinparks@gmail.com>

Subject: Manufactured Housing Community zoning

Dear Lauri and Mike,

I thought you might find the link below of interest to you. It outlines the process the City of Portland is undertaking to help preserve manufactured housing communities.

Best,

Ishbel

206.851.6385

<https://www.portlandoregon.gov/bps/article/682451>

Manufactured dwelling parks might get a zone change to help park residents stay in their homes

www.portlandoregon.gov

Read about proposals for a new base zone for mobile home parks, then testify to the Planning and Sustainability Commission.

6/5/18

My name is Sharon Hawkins I live at Inglewood East Shores
7301 NE 175th St #308 Kenmore WA 98028.

I have been coming to a lot of these meeting regarding the preservation of mobile home parks. I realize we live in a State where we do not have rent control BUT there has to be some kind of a RCW or law that protects Senior citizens and the elderly in general when it comes to the amount of rent when the community is deemed a 55 and older community.

Places like SHAG and other senior citizen apartment, condos, communities regulate their rents knowing the occupants are on fixed incomes which prevents the residents from being pushed out due to the rents.

If the owners are allowed to get right offs with HUD when a resident is 55 or older then that tell you there has to be something out there to protect 55 and older communities, and I am addressing only 55 and older parks. The only other thing I would like to ask is what is your definition of the word AFFORDABLE? This has been asked over and over and if you cant define it then maybe that word should be removed from all context. For having rent that takes 80% of a person's fixed income is NOT in any way shape or form affordable. Our community doesn't allow room-mates so if you are single the rent is deffinatly a burden and not in the definition of affordable. I know you cant control the rent but there has to be an over looked initiative or law that can ~~assist~~ assist in maintaining the rate a senior citizen parks rent can go.

Thanks for everything you have been doing for us
I truely appreciate your time and efforts.

Summary of Public Hearing Comments

Following is a summary of the public comments made at the May 15 and May 16 public hearing. Many of the homeowners and property owners expressed their appreciation for the conversation the Planning Commission was having and for being provided an opportunity for input, and understood the challenges the Commission faced on this topic. The main points of the testimony were:

Homeowners/Representatives

- All of the mobile home parks (MHP) should be protected
- Overlay zoning has worked in other cities
- MHPs are communities, and many living there have been residents for a long time
- Residents own their homes and have invested substantial amounts in their homes. For a number of the homeowners, the mobile home represents essentially all or a large portion of their savings
- Owners should be using a portion of the rent paid to fix Infrastructure in the parks
- Rents continue to climb
- Need displacement help if redevelopment is permitted

Property-owners/Representatives

- Affordable housing is a community-wide responsibility, not just the responsibility of the property-owners
- Need details of the incentives to know if they are adequate
- Onerous redevelopment restrictions will prevent redevelopment
- Need more housing to make Kenmore a walkable community
- Several property-owners said they had no plan to redevelop for a long time

Name	Mobile Home Park (MHP)	Comments
Jim Fry, AMHO		Four properties are not protected by the Planning Commission's recommendations. This means that 47% of the mobile home park units would not be protected under the recommendations; 121 homes potentially would be eliminated. MHPs earn a lot of money for their owners. Removing the parks would lead to a density increase with impacts such as increased traffic. Give those who are at highest risk for displacement the most protection.
Kylin Parks, AMHO (spoke both nights)		The Planning Commission has made some difficult recommendations. We know that the owners' plans can change even though they may say now that they won't redevelop. Many of the people living in these parks are in poverty. If displaced, the homeless population will increase. MHP properties are a people business. The infrastructure problems are the fault of the owners

Attachment 4 to ATTACHMENT 4

		who have not used a portion of the rents to take care of maintenance. Don't allow residents to lose everything.
Ishbel Dickens		Under the Planning Commission's recommendations, none of the communities have any long term guarantees they will be preserved. The Commission should reconsider MHP zoning. Other cities have. Landlords have been able to continue to make their living, to increase their rents and sell their properties. She doesn't see that residents' concerns have been taken into account. Give the homeowners some hope.
Nadia Reigna Silver		Amazed that there is no rent cap in Kenmore. (Staff explained that rent control is illegal in Washington State.)
Sharon Hawkins	Inglewood East	All residents own their units and rent their land. The park is a community. Concerned about rent increases over time (many of us pay more than half of our income for land rent) and defining what's "affordable." Need to make rent affordable and protect against rent increases.
Arlene McAley-Bare	Inglewood East	Her only income is disability and a rent cap is important. She used her savings to purchase her home and won't have any place to go. She thought this would be the last place she would live. Please do not zone out her MHP.
John Krumwiede	Inglewood East	Rents have gone up and the owners have increased the utility charges and shifted other costs to the homeowners. Need rent control.
Joanna Crocker	Inglewood East	Understand that some of what has been discussed is impacted by what is allowed in state legislation. Will be going to the State legislature to ask for change. True wealth is about abundance; in our MHP we have an abundance of diversity and community, and having a community like that in the MHP makes a person rich.
Russ Millard	Inglewood East	He is one of the owners of the MHP. Is in favor of incentives because it motivates the owners. They want to develop more MHPs. For existing parks, the measures should be voluntary. Would be happy to give input and help develop incentives.
Deborah Bartos	Lakewood Villa	Traveled to Seattle to see newly developed neighborhoods—they're all the same design. What is the heart of Kenmore? The people. Why can't the MHPs stay and be improved? Make the community work for everyone. Compassion brings hope. Want a diverse community.
Walt Olsen	Lakewood Villa	He is the attorney representing the Lakewood Villa owner. Who should bear the burden of affordable

Attachment 4 to ATTACHMENT 4

		housing? All are collectively responsible for this. The property owner should not be deprived of his rights; consider this when discussing mandatory requirements. Should look to incentives. The incentives in Lynnwood failed because the incentives were not adequate. The devil is in the details.
Daniel Stoner	Lakewood	He owns the park. Would like to discuss incentives. The devil is in the details. If redevelopment restrictions are onerous (for example, requiring 2 bedrooms at a low affordability level), it will kill the redevelopment. There is a trade-off between preservation and the City vision. If Kenmore wants a walkable community, it needs more housing units. No plan to redevelop soon.
Silvia Narciso	Kenmore Village	Everyone agrees that affordable housing should be supported. It is very stressful thinking that the park could be closed. Let us keep our community of mobile homes; want to continue living here. Put yourself in our shoes. If the owner wants to sell, no rent should be charged for two years so the homeowners can save money to relocate. Should receive fair market value for our homes as we have invested in them. We need help; we are trying to keep our home safe.
Paula Pena	Kenmore Village	We ask for your support; listen to us. Don't allow anything to happen. Her 3 kids go to school. They know what's going on and that they may have to move to a different school far away. Have invested a lot of money in their home; wouldn't be fair to take it away. Asking for 2 years of rent and enough notice to relocate. Also want to know the value of their home and a fair payment for their home. Have all struggled to have what we have and it doesn't feel good to lose it.
Robert Spurlock	NE 181 st Street	Have lived in the MHP for 31 years. If high density housing is proposed, must consider impacts of displacement. Afraid he and other homeowners will lose their investments. Help those who can't move their homes.
Harry Perfater	NE 181 st Street	The Planning Commission needs to consider the residents. Has lived in the park for 20 years. Currently living off Social Security. Minimum apartment rent in the area is \$1,000. This would take 90% of his Social Security check. Need to take this problem seriously. This is about people not dollars.

ANALYSIS OF PRESERVATION OF EXISTING PARKS

The purpose of this table is to estimate the potential impact on land value resulting from applying a manufactured housing zoning overlay, and then to evaluate the amount of affordable housing or TDR “credit” needed to offset the resulting change in value. This credit is the amount of money needed to keep a property owner whole as a result of limiting use of the property to manufactured housing, expressed as how many ‘in-lieu’ affordable units or density bonus units would be needed to mitigate the zoning change. The analysis looks at two options: (1) TDR to increase densities on another property, or (2) payment of a fee in lieu to satisfy affordable housing requirements on another site, thereby obtaining increased densities.

The table is organized as follows:

- Column C indicates the amount of housing allowed under the base zoning for each site. Column B shows the assumed density per acre.
- Column E calculates the land value based on the site’s current zoning. (see comment below under assumptions)
- Column F calculates the property value based on the site’s existing use as manufactured housing (see comment below under assumptions)
- Column G calculates the difference in value between the zoned use of the property and its current use.
- Column H-1 estimates the number of in-lieu payments for affordable housing units that would be needed to offset the difference in value between the existing use and the zoned use (Column G). That is, for a developer required to provide on-site affordable housing in exchange for added density, if they had the option to make an in-lieu payment (TDR purchase) rather than providing the on-site affordable housing, how many in-lieu affordable housing units would be needed to provide the MHP property owner enough funding to offset the change in value (Column G). (see comments under assumptions)
- Column H-2 estimates the number of ‘TDR bonus’ units that would need to be available to each property that could be sold to developers in targeted receiving areas (e.g. TOD Overlay, etc.) Developers in these ‘receiving’ areas would be allowed to achieve greater density through the purchase of these bonus units.

Assumptions: There are several key variables that, depending on the assumptions used, impact the results of this analysis.

- The first is land value per allowed unit (Column D). The figures in the table are based on analysis of some recent sales in North King County. The values differ for different sites due to the different densities allowed.
- Second, is the property value for the existing manufactured housing use on a ‘per pad’ basis. Based on analysis of assessor data this is estimated at \$60,000 per pad.
- Third, is the amount a developer using local density incentives would be required to pay in-lieu of providing an affordable unit on site. This is based on estimating the capitalized value of the increased rent the developer would receive by being allowed to receive market rent on a unit that would have otherwise been affordable at 70% of median income.
- Fourth, is the amount a developer wanting to increase their density would be willing to pay for each additional unit (i.e. TDR value). This is estimated to be equal to the land value per unit in the receiving areas (see Column D).

If requested, staff is able to show the impact of changing assumptions for any of these variables.

Conclusions:

While this chart shows two different approaches for providing compensation to land owners for preserving existing manufactured housing communities (Column H-1: In-lieu affordable housing payments, Column H-2: TDR credits), they are both trying to generate comparable value to the existing land owner equal to the amount shown in Column G. One reason for showing the In-lieu affordable housing fee approach is that it is more commonly used in affordable housing programs, so may be easier to administer.

Given the relatively small number of units that would need to be transferred under either approach, there appears to be enough potential capacity within the City to absorb these units.

ANALYSIS: PRESERVATION OF EXISTING PARKS

MHC Location	A. Existing Homes	B. Zoning Dist. (Density)	C. Unit Estimate (Existing Zoning)	D. Land Value Per Unit	E. Land Value (Existing Zoning) (C * D)	F. Value with Existing use	G. Gap (E - F)	H. 1	H.2
								Comparable 'In- Lieu Aff. Units'	Comparable 'TDR Units'
7031 NE 175 th St	57	R-12	65	\$100,000	\$6,500,000	\$3,420,000	\$3,080,000	29	88
7301 NE 175 th St	78	R-12	93	\$100,000	\$9,300,000	\$4,680,000	\$4,620,000	44	132
7000 NE 181 st St	11	DT Comm/Res (48)	51	\$35,000	\$1,785,000	\$660,000	\$1,125,000	11	32
7021 NE 181 st St	20	DT Comm (48)	67	\$35,000	\$2,345,000	\$1,200,000	\$1,145,000	11	33
7614 NE Bothell Way	27	TOD Overlay (24)	72	\$35,000	\$2,520,000	\$1,620,000	\$900,000	9	26
6837 NE 182 nd Street	63	DT Res (48)	158	\$35,000	\$5,530,000	\$3,780,000	\$1,750,000	17	50
Sub-Total	256						\$12,620,000	120	361

Note: Cells shaded in blue are described under 'assumptions' in narrative

Value of each manufactured housing pad	\$60,000
Value of each in-lieu affordable unit	\$105,000
Value of each TDR unit	\$35,000

ANALYSIS OF REDEVELOPMENT / REPLACEMENT AFFORDABLE HOUSING

The purpose of the table on the following page is to show the amount of increased density that would be required for a new development to include a number of affordable units equal to the current number of manufactured homes in a given manufactured housing community. Two different scenarios are covered. First is if the new affordable units are affordable at 70% of median income. Second is if the new affordable units are affordable at 50% of median income.

The table is organized as follows:

- Column C indicates the amount of housing units allowed under the base zoning (without triggering any affordability requirement).
- Columns D and E estimate how many bonus units would be needed to create a number of affordable units in a new development equal to the number of existing manufactured homes. The amount of bonus is based on using the bonus ratios provided in the city's current TOD Overlay zoning. Using a different ratio would impact the amount of bonus needed
- Column D is based on the affordable units being affordable at 70% of median income and Column E affordable at 50% of median income. The next column indicates the total number of units that would need to be built (base zoning plus bonus units) and the resulting density per acre. The next column indicates what percentage of the total units in the project would be affordable units.

Conclusions:

For the moderate-income scenario, a relatively high percentage of affordable units would be required in the overall development, which could be a concern with some private developers. In the low-income scenario, relatively high project densities would be needed--above 80 units per acre for all properties, and over 120 units per acre for three properties.

ANALYSIS OF REDEVELOPMENT / REPLACEMENT AFFORDABLE HOUSING

MHC Location	A. Existing Homes	B. Zoning Dist. (Density)	C. Unit Estimate (Existing Zoning)	Moderate Income (70% Median)			Low Income (50% median)		
				D. Estimate of Bonus Units *	Total Units (C + D) (Density)	Aff Units as % of Total Units	E. Estimate of Bonus Units *	Total Units (C + E) (Density)	Aff Units as % of Total Units
7031 NE 175 th St	57	R-12	65	171	236 (44)	24%	342	407 (75)	14%
7301 NE 175 th St	78	R-12	93	234	327 (42)	24%	468	561 (72)	14%
7000 NE 181 st St	11	DT Comm/Res (48)	51	33	84 (79)	13%	66	117 (110)	9%
7021 NE 181 st St	20	DT Comm (48)	67	60	127 (91)	16%	120	187 (134)	11%
7614 NE Bothell Way	27	TOD Overlay (24)	72	81	153 (51)	18%	162	234 (78)	12%
6837 NE 182 nd Street	63	DT Res (48)	158	189	347 (105)	18%	378	536 (163)	12%

* Number of bonus units needed to provide a number of affordable units equal to existing homes
Number of Bonus Units for Each Moderate Affordable Unit: 3
(Two market rate units, one Affordable unit)
Number of Bonus Units for Each 'Low; Affordable Unit: 6

Lauri Anderson

From: Jacob J. Stillwell <jstillwell@insleebest.com>
Sent: Wednesday, February 07, 2018 2:09 PM
To: Lauri Anderson
Cc: Rod P. Kaseguma
Subject: Legal issues - planning commission's work on affordable housing prevention

Lauri,

You asked us to research the legality of four strategies the city can take to mitigate the potential displacement of mobile home park renters caused by new development. I understand that the planning commission has already considered some of these strategies – sorry, there was a mix up on our end on whether we had already sent you this analysis.

1. Can the city rezone for greater density and require any new development to include affordable housing that replaces the eliminated MHP units? The city can rezone the property to increase base or maximum density. The city also can provide a density incentive for providing affordable housing. The number of units of affordable housing to earn a density incentive need not be tied expressly to the number of MHP units lost; however, the City could fix the number of affordable housing units based on the number of MHP units lost through development. Even though the density incentive need not be tied to the number of MHP units lost, it would be a good idea to include in the ordinance for the rezone recitals that mention the lack of affordable housing in the region, the status of MHP's as affordable housing, the current use of the property as a MHP, the occupancy the units in the MHP by low-income residents (or mostly low-income residents, whichever is true).
2. Can the city require developers to give displaced residents the "right of first opportunity to rent"? Under the city's police power and Article 8 section 7 of the state Constitution (No ... city ... shall ... give any money ... or credit to or in aid of any individual ... except for the necessary support of the poor and infirm), the city can provide special rights and benefits to the "poor and infirm," which includes low-income people. So, displaced low-income MPH residents can be given the right of first opportunity to rent (this is different from a "first right to buy" addressed below). The city has discretion to determine eligibility for low income status (see, e.g., KMC 18.80.040, which uses "no greater than 30 percent of gross income for households at or below 50 percent of King County median income).
3. Can the city provide relocation assistance to displaced residents who choose not to move into the new units? As with the above analysis, the city is authorized under Article 8 section 7 to provide relocation assistance to low income people.
4. Can the city can give displaced MHP residents the "first right to buy"? As you highlighted in your January 18 email, the issue of whether the residents can be given a first right to purchase a MHP has been addressed by the state Supreme Court in the cases you forwarded. Under those cases, the city is not allowed to give MHP residents a first right to buy, because that would effectively condemn the property by eliminating the property owner's right to choose his or her buyers, without just compensation.

Please let me know if there are any other issues the city would like us to explore relating to the MHP's and their residents.

Jake

INSLEE BEST Jacob J. Stillwell | Attorney
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Kelly Chelin

From: Jacob J. Stillwell <jstillwell@insleebest.com>
Sent: Tuesday, April 17, 2018 3:37 PM
To: Lauri Anderson
Cc: Rod P. Kaseguma
Subject: Mobile home park analysis

Hi Lauri,

Below is a summary of the points you, me, and Rod discussed on the phone earlier today regarding manufactured housing communities recommendations. For ease of reference, I've connected my comments to options listed in the worksheet included in the planning commission's agenda packet for tonight. I apologize for the length – I intended to give you a quicker snapshot of our analysis. But I think that providing thorough answers now may help prepare the staff, commissioners, and councilmembers for questions that may arise during upcoming discussions. That said, please let me know if you'd like me to condense anything for tonight's meeting, or if you have any follow up questions.

- **Worksheet Option 1, city code/regulatory action bullet point 1: Overlay zoning or covenant.**

We understand the question to be whether the city can rezone mobile home parks as “mobile home park zones” that restrict land use to mobile home parks, or similar uses, that are currently zoned as Downtown Commercial or Downtown Residential. Our opinion is that the city can rezone mobile home parks as described above, so long as the zone regulations include a “safety valve” that allows property owners to apply for a use exception if he or she can demonstrate that they do not have reasonable use of their property under the mobile home park zoning, or that the uses authorized by the mobile home park zoning are not economically viable at the property's location.

In *Laurel Park v. Tumwater*, the Ninth Circuit upheld city ordinances that rezoned some mobile home parks as mobile home park zones, which were located on properties that had allowed for a variety of uses. The mobile home park owners argued that they could have developed more profitable housing under the previous zoning designation, and were deprived of this right through an unreasonable restriction requiring the land to remain mobile home parks. The Ninth Circuit ruled for the city, holding that reasonable restrictions on land use do not deprive property owners of their fundamental rights just because they can no longer pursue land uses that had once been available:

“When [the mobile home park owners] bought the properties, they had the expectation that, when they desired or when market conditions made it attractive, they could convert to a more profitable use, such as multi-family housing or housing developments. The zoning laws previously allowed such development, and the ordinances now foreclose that option ... But those facts are no different than the assertions that could be made by property owners adversely affected by any zoning law... Of most importance, Plaintiffs retain the ability to continue operating the properties as manufactured home parks. So the law does not interfere with what must be regarded as [Plaintiffs'] primary expectation concerning the use of the parcel. In other words, although the ordinances affected one of [the owners'] expectations – that at some indefinite time in the future they could convert their properties to some other specific use – the ordinance did not affect [the owners'] primary expectation ... like expecting rent to be paid ... The ordinances restrict to some extent the owners' ability to use their properties, because they can no longer build multi-family housing, for example. But imposing use restrictions on property – as distinct from restrictions on alienation – is the essence of zoning.”

Clearly, a mobile home park zone is a valid land use designation. Our opinion is that this kind of zone designation is not invalidated just because the mobile home parks are located in areas that allow for some commercial activity. Downtown Commercial allows for development consistent with “a small-town feel” that is “pedestrian-friendly” and permits uses

such as small scale commercial and retail, locally oriented professional and personal services, and high-density housing. These uses are not so commercially robust that a mobile home park rezone deprives park owners of their fundamental property rights. By contrast, in *Tumwater*, the city did not rezone a mobile home park that was zoned as General Commercial that allowed for highly intensive commercial development and included major retail such as Fred Meyer and Costco. That mobile home park owner may have had a better argument that due to their location, the mobile home park zone unreasonably deprived him or her of expected use. But, that is not the case with properties in Kenmore zoned as Downtown Commercial. In fact, Downtown Commercial specifically prohibits development requiring service bays, wide curb cuts, and other uses consistent with more intensive commercial activity. Therefore, the park owners in Kenmore are more like the unsuccessful litigants in *Tumwater*. This analysis also applies to mobile home parks currently zoned as Downtown Residential. This designation primarily allows for residential use, with some limited business and commercial activity. Since we believe the mobile home park zone could apply to Downtown Commercial, we think it could also apply to Downtown Residential.

A final key factor the court looked to in *Tumwater* was the fact that the mobile home park zone allowed property owners to apply for a use exception if they could demonstrate that they do not have reasonable use of their property under the mobile home park zoning, or that the uses authorized by the mobile home park zoning are not economically viable at the property's location.

Kenmore can rezone mobile home parks currently zoned as Downtown Commercial or Downtown Residential, and restrict use to mobile home parks, since these zones are not so commercially intense that property owners are being deprived of their fundamental rights. The legality of this rezone would be further strengthened by a provision allowing property owners to seek a use exception based on a showing of economic need, as described above.

- **Worksheet Option 3b, city code/regulatory action bullet point 1: Time limited overlay zoning, followed by up zone (phased zoning).**

We do not believe that phased zoning, per se, raises any red flags. The issue with phased zoning is that the first phase will impose the mobile home park zone restrictions. Therefore, the analysis above applies to this question as well.

- **Worksheet Option 4, city code/regulatory action bullet point 3: Provide "right of first opportunity" to rent and Worksheet Option 5, city code/regulatory action bullet point 2: Give MH owners preference in new restricted affordable units in Kenmore.**

Given the recent King County Superior Court ruling in *Yim v. Seattle*, we believe these options raise red flags because it deprives landlords of their discretion in choosing whom they can rent units to. In *Yim*, Seattle passed the "first in time" ordinance, which required landlords to establish screening criteria and offer tenancy to the first applicant meeting them regardless of other discretionary factors. The court invalidated the ordinance, ruling that it infringed upon property owner's fundamental property right to decide whom to rent to. The court found that *Manufactured Housing Communities of Washington v. State* controlled the case outcome. In *Manufactured Housing*, the WA Supreme Court invalidated a state law that required mobile home park owners to offer a "first right to buy" to the park residents upon sale. Comparing Seattle's ordinance with *Manufactured Housing*, the court held:

"Choosing a tenant is a fundamental attribute of property ownership. Like a sale of fee interest, a lease is a disposition of a property interest. *Manufactured Housing* held that selecting a buyer to purchase a property interest is a fundamental attribute of property ownership. Similarly, the right to grant a right of first refusal in the context of a leasehold is just as fundamental as the right to sell the fee title in *Manufactured Housing*."

Given this ruling, a new developer/owner could argue that the city is depriving him or her of a fundamental attribute of property ownership by requiring him or her to prioritize renting to people displaced from mobile home parks. This is a recent trial court opinion, so the case law in this area is still evolving. But we believe it raises red flags. You can read the

opinion here: <https://www.documentcloud.org/documents/4425875-King-County-Superior-Court-ruling-first-in-time.html>

- **Spot zoning issues.**

The Washington Supreme Court has defined spot zoning as a zoning action by which a smaller area is singled out of a larger area or district and specially zoned for a use classification totally different from, and inconsistent with, the classification of surrounding land and not in accordance with the comprehensive plan. When faced with a rezone challenge, the main inquiry is whether the zoning action bears a substantial relationship to the general welfare of the affected community. In *Tumwater*, the Ninth Circuit specifically rejected the park owners' argument that singling out existing mobile home parks for the mobile home park zone was spot zoning. In *Save a Neighborhood Environment v. Seattle*, the WA Supreme Court allowed Seattle to rezone a single property in order to build a large housing project for the elderly, finding that the project "presented a unique opportunity to allow elderly residents the chance to remain in a residential neighborhood in affordable housing."

Apart from *Tumwater*, most of the cases analyzing spot zoning deal with the government up zoning property for increased development. Here, Kenmore would be essentially down zoning or at least not permitting increased densities. In *Jones v. King County*, the county down zoned Jones' property from urban to rural for environmental protection purposes. Jones argued the down zone was an illegal regulatory taking of his property without compensation and a violation of due process. These are practically the same arguments one would make in a spot zoning claim. The Court of Appeals ruled that the down zone was valid. It was not a regulatory taking because despite being down zoned "Jones still maintains all the rights of ownership and can still develop the land, even if not to the extent previously desired. Thus, the property still has economic value."

Regarding a due process violation, the court held that when a government burdens private property for public interest, there is a possibility that the regulation becomes so burdensome that the property owner is in essence being required to remedy a public problem, which is a violation of due process. The court pointed to *Guimont*, the WA Supreme Court case in which the court invalidated a state law requiring mobile home park owners who close their parks to pay for the tenants' relocation costs. There, by forcing mobile home park owners to pay for relocation, the state had overly burdened park owners with the responsibility of helping displaced residents. Additionally, there are a few WA Supreme Court cases striking down a Seattle ordinance that required developers to pay large fees after razing affordable housing units. Again, by requiring developers to pay costs, the government was forcing private parties to remedy a public issue. But that is much different than a rezone in which the property owner is losing no property rights. Yes, the property owner is being regulated to some degree, but the court ruled that reasonable land use restrictions are not unduly burdensome just because development has been restricted. In light of *Tumwater* and related cases, we do not believe Kenmore's proposed mobile home park zone would be illegal spot zoning.

- **Protection for senior mobile home parks.**

Finally, you had asked if there are any red flags if Kenmore wants to provide increased protections to the senior mobile home park. The legal issue would be whether the city is violating equal protect laws by "favoring" low income seniors. Programs that benefit seniors must be rationally related to a legitimate government interest. This is a very low standard and gives local governments the freedom to enact a wide range of laws to assist vulnerable citizens. I did not find any local cases directly on point. However, there is a Colorado federal case, *Knutzen v. Eben Ezer Lutheran Housing Center*, in which the court ruled that a housing program funded by HUD that prioritized elderly and disabled tenants "is rationally related to the legitimate government interest in affordable housing which is tailored to the distinct and varied needs of the elderly and handicapped." Therefore, at this point, we believe assisting low income seniors is permissible.

Again, please let me know if you have any follow up questions or would like me to prepare any additional materials for tonight's meeting.

Jake



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Kelly Chelin

From: Jacob J. Stillwell <jstillwell@insleebest.com>
Sent: Tuesday, April 17, 2018 4:29 PM
To: Lauri Anderson
Cc: Rod P. Kaseguma; Debbie Bent
Subject: RE: Mobile home park analysis

Glad it helps!

I'd be happy to do a fuller summary by May 15 of the "first right to rent" issue after spending some more time reviewing the King County decision and related cases. Based on my initial review of that decision and the *Manufactured Housing* case it relies on, I think it's generally safe to say that city can encourage action through incentives, or make them conditions of covenants that property owners can voluntarily enter into. In fact, the judge's order in the King County case notes that a "first in time" lease policy is an industry-recommended best practice. The fatal flaw of the ordinance was that the city mandated compliance with the industry standard. Incentives versus mandates is an important distinction in this area of the law.

Jake

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From: Lauri Anderson [mailto:landerson@kenmorewa.gov]
Sent: Tuesday, April 17, 2018 4:13 PM
To: Jacob J. Stillwell <jstillwell@insleebest.com>
Cc: Rod P. Kaseguma <RKASEGUMA@insleebest.com>; Debbie Bent <Dbent@kenmorewa.gov>
Subject: RE: Mobile home park analysis

Jake-- Thanks so much! This is exactly what I needed.

I'll look forward to more info. on the "first right to rent" proposal since that is an integral component of a couple of the Planning Commission's options. Do you think you'll have a more definitive recommendation by the public hearing (May 15)? Would there be a way to ask the property-owner to do this voluntarily in Option 4 or to make this a condition of new affordable housing covenants for Option 5?

Lauri

Lauri Anderson, AICP
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From: Jacob J. Stillwell [<mailto:jstillwell@insleebest.com>]

Sent: Tuesday, April 17, 2018 3:37 PM

To: Lauri Anderson <landerson@kenmorewa.gov>

Cc: Rod P. Kaseguma <RKASEGUMA@insleebest.com>

Subject: Mobile home park analysis

Hi Lauri,

Below is a summary of the points you, me, and Rod discussed on the phone earlier today regarding manufactured housing communities recommendations. For ease of reference, I've connected my comments to options listed in the worksheet included in the planning commission's agenda packet for tonight. I apologize for the length – I intended to give you a quicker snapshot of our analysis. But I think that providing thorough answers now may help prepare the staff, commissioners, and councilmembers for questions that may arise during upcoming discussions. That said, please let me know if you'd like me to condense anything for tonight's meeting, or if you have any follow up questions.

- **Worksheet Option 1, city code/regulatory action bullet point 1: Overlay zoning or covenant.**

We understand the question to be whether the city can rezone mobile home parks as “mobile home park zones” that restrict land use to mobile home parks, or similar uses, that are currently zoned as Downtown Commercial or Downtown Residential. Our opinion is that the city can rezone mobile home parks as described above, so long as the zone regulations include a “safety valve” that allows property owners to apply for a use exception if he or she can demonstrate that they do not have reasonable use of their property under the mobile home park zoning, or that the uses authorized by the mobile home park zoning are not economically viable at the property's location.

In *Laurel Park v. Tumwater*, the Ninth Circuit upheld city ordinances that rezoned some mobile home parks as mobile home park zones, which were located on properties that had allowed for a variety of uses. The mobile home park owners argued that they could have developed more profitable housing under the previous zoning designation, and were deprived of this right through an unreasonable restriction requiring the land to remain mobile home parks. The Ninth Circuit ruled for the city, holding that reasonable restrictions on land use do not deprive property owners of their fundamental rights just because they can no longer pursue land uses that had once been available:

“When [the mobile home park owners] bought the properties, they had the expectation that, when they desired or when market conditions made it attractive, they could convert to a more profitable use, such as multi-family housing or housing developments. The zoning laws previously allowed such development, and the ordinances now foreclose that option ... But those facts are no different than the assertions that could be made by property owners adversely affected by any zoning law... Of most importance, Plaintiffs retain the ability to continue operating the properties as manufactured home parks. So the law does not interfere with what must be regarded as [Plaintiffs'] primary expectation concerning the use of the parcel. In other words, although the ordinances affected one of [the owners'] expectations – that at some indefinite time in the future they could convert their properties to some other specific use – the ordinance did not affect [the owners'] primary expectation ... like expecting rent to be paid ... The ordinances restrict to some extent the owners' ability to use their properties, because they can no longer build multi-family housing, for example. But imposing use restrictions on property – as distinct from restrictions on alienation – is the essence of zoning.”

Clearly, a mobile home park zone is a valid land use designation. Our opinion is that this kind of zone designation is not invalidated just because the mobile home parks are located in areas that allow for some commercial activity. Downtown Commercial allows for development consistent with “a small-town feel” that is “pedestrian-friendly” and permits uses such as small scale commercial and retail, locally oriented professional and personal services, and high-density housing. These uses are not so commercially robust that a mobile home park rezone deprives park owners of their fundamental property rights. By contrast, in *Tumwater*, the city did not rezone a mobile home park that was zoned as General Commercial that allowed for highly intensive commercial development and included major retail such as Fred Meyer

and Costco. That mobile home park owner may have had a better argument that due to their location, the mobile home park zone unreasonably deprived him or her of expected use. But, that is not the case with properties in Kenmore zoned as Downtown Commercial. In fact, Downtown Commercial specifically prohibits development requiring service bays, wide curb cuts, and other uses consistent with more intensive commercial activity. Therefore, the park owners in Kenmore are more like the unsuccessful litigants in *Tumwater*. This analysis also applies to mobile home parks currently zoned as Downtown Residential. This designation primarily allows for residential use, with some limited business and commercial activity. Since we believe the mobile home park zone could apply to Downtown Commercial, we think it could also apply to Downtown Residential.

A final key factor the court looked to in *Tumwater* was the fact that the mobile home park zone allowed property owners to apply for a use exception if they could demonstrate that they do not have reasonable use of their property under the mobile home park zoning, or that the uses authorized by the mobile home park zoning are not economically viable at the property's location.

Kenmore can rezone mobile home parks currently zoned as Downtown Commercial or Downtown Residential, and restrict use to mobile home parks, since these zones are not so commercially intense that property owners are being deprived of their fundamental rights. The legality of this rezone would be further strengthened by a provision allowing property owners to seek a use exception based on a showing of economic need, as described above.

- **Worksheet Option 3b, city code/regulatory action bullet point 1: Time limited overlay zoning, followed by up zone (phased zoning).**

We do not believe that phased zoning, per se, raises any red flags. The issue with phased zoning is that the first phase will impose the mobile home park zone restrictions. Therefore, the analysis above applies to this question as well.

- **Worksheet Option 4, city code/regulatory action bullet point 3: Provide "right of first opportunity" to rent and Worksheet Option 5, city code/regulatory action bullet point 2: Give MH owners preference in new restricted affordable units in Kenmore.**

Given the recent King County Superior Court ruling in *Yim v. Seattle*, we believe these options raise red flags because it deprives landlords of their discretion in choosing whom they can rent units to. In *Yim*, Seattle passed the "first in time" ordinance, which required landlords to establish screening criteria and offer tenancy to the first applicant meeting them regardless of other discretionary factors. The court invalidated the ordinance, ruling that it infringed upon property owner's fundamental property right to decide whom to rent to. The court found that *Manufactured Housing Communities of Washington v. State* controlled the case outcome. In *Manufactured Housing*, the WA Supreme Court invalidated a state law that required mobile home park owners to offer a "first right to buy" to the park residents upon sale. Comparing Seattle's ordinance with *Manufactured Housing*, the court held:

"Choosing a tenant is a fundamental attribute of property ownership. Like a sale of fee interest, a lease is a disposition of a property interest. *Manufactured Housing* held that selecting a buyer to purchase a property interest is a fundamental attribute of property ownership. Similarly, the right to grant a right of first refusal in the context of a leasehold is just as fundamental as the right to sell the fee title in *Manufactured Housing*."

Given this ruling, a new developer/owner could argue that the city is depriving him or her of a fundamental attribute of property ownership by requiring him or her to prioritize renting to people displaced from mobile home parks. This is a recent trial court opinion, so the case law in this area is still evolving. But we believe it raises red flags. You can read the opinion here: <https://www.documentcloud.org/documents/4425875-King-County-Superior-Court-ruling-first-in-time.html>

- **Spot zoning issues.**

The Washington Supreme Court has defined spot zoning as a zoning action by which a smaller area is singled out of a larger area or district and specially zoned for a use classification totally different from, and inconsistent with, the classification of surrounding land and not in accordance with the comprehensive plan. When faced with a rezone challenge, the main inquiry is whether the zoning action bears a substantial relationship to the general welfare of the affected community. In *Tumwater*, the Ninth Circuit specifically rejected the park owners' argument that singling out existing mobile home parks for the mobile home park zone was spot zoning. In *Save a Neighborhood Environment v. Seattle*, the WA Supreme Court allowed Seattle to rezone a single property in order to build a large housing project for the elderly, finding that the project "presented a unique opportunity to allow elderly residents the chance to remain in a residential neighborhood in affordable housing."

Apart from *Tumwater*, most of the cases analyzing spot zoning deal with the government up zoning property for increased development. Here, Kenmore would be essentially down zoning or at least not permitting increased densities. In *Jones v. King County*, the county down zoned Jones' property from urban to rural for environmental protection purposes. Jones argued the down zone was an illegal regulatory taking of his property without compensation and a violation of due process. These are practically the same arguments one would make in a spot zoning claim. The Court of Appeals ruled that the down zone was valid. It was not a regulatory taking because despite being down zoned "Jones still maintains all the rights of ownership and can still develop the land, even if not to the extent previously desired. Thus, the property still has economic value."

Regarding a due process violation, the court held that when a government burdens private property for public interest, there is a possibility that the regulation becomes so burdensome that the property owner is in essence being required to remedy a public problem, which is a violation of due process. The court pointed to *Guimont*, the WA Supreme Court case in which the court invalidated a state law requiring mobile home park owners who close their parks to pay for the tenants' relocation costs. There, by forcing mobile home park owners to pay for relocation, the state had overly burdened park owners with the responsibility of helping displaced residents. Additionally, there are a few WA Supreme Court cases striking down a Seattle ordinance that required developers to pay large fees after razing affordable housing units. Again, by requiring developers to pay costs, the government was forcing private parties to remedy a public issue. But that is much different than a rezone in which the property owner is losing no property rights. Yes, the property owner is being regulated to some degree, but the court ruled that reasonable land use restrictions are not unduly burdensome just because development has been restricted. In light of *Tumwater* and related cases, we do not believe Kenmore's proposed mobile home park zone would be illegal spot zoning.

- **Protection for senior mobile home parks.**

Finally, you had asked if there are any red flags if Kenmore wants to provide increased protections to the senior mobile home park. The legal issue would be whether the city is violating equal protect laws by "favoring" low income seniors. Programs that benefit seniors must be rationally related to a legitimate government interest. This is a very low standard and gives local governments the freedom to enact a wide range of laws to assist vulnerable citizens. I did not find any local cases directly on point. However, there is a Colorado federal case, *Knutzen v. Eben Ezer Lutheran Housing Center*, in which the court ruled that a housing program funded by HUD that prioritized elderly and disabled tenants "is rationally related to the legitimate government interest in affordable housing which is tailored to the distinct and varied needs of the elderly and handicapped." Therefore, at this point, we believe assisting low income seniors is permissible.

Again, please let me know if you have any follow up questions or would like me to prepare any additional materials for tonight's meeting.

Jake

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Kelly Chelin

From: Jacob J. Stillwell <jstillwell@insleebest.com>
Sent: Wednesday, June 20, 2018 4:06 PM
To: Lauri Anderson
Subject: RE: Mobile home park/ Seattle first in time analysis

Hi Lauri – thanks for refreshing my memory! Yes, a property owner can choose to take advantage of increased densities in exchange for those kinds of affordable housing restrictions. The voluntary nature of that arrangement makes it fundamentally different from the Seattle first in time litigation (incentivizing vs. mandating). I haven't seen any policies where developers are incentivized to rent to specific people, versus to set aside affordable units generally, in exchange for certain benefits. This wouldn't be an unlawful taking of private property for private benefit because the developer would be voluntarily entering into this arrangement. However, to avoid a "gifting of public funds" challenge, the city would want to make sure to highlight the public function being served by this policy – i.e., preserving affordable housing, mitigating displacement, etc.

I hope that clarifies things – thanks!

Jake

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From: Lauri Anderson [mailto:landerson@kenmorewa.gov]
Sent: Wednesday, June 20, 2018 3:45 PM
To: Jacob J. Stillwell <jstillwell@insleebest.com>
Subject: RE: Mobile home park/ Seattle first in time analysis

Hi Jake-- I think we agreed earlier that the City could require the first right to rent in exchange for giving the property owner a benefit. For example, we will increase your density and in exchange you must provide affordable units and rent them to the folks currently living on your property. Is this still a problem?

Lauri

From: Jacob J. Stillwell [<mailto:jstillwell@insleebest.com>]
Sent: Wednesday, June 20, 2018 3:37 PM
To: Lauri Anderson <landerson@kenmorewa.gov>
Subject: Mobile home park/ Seattle first in time analysis

Hi Lauri,

I apologize for the delay in providing an analysis of the recent Seattle "first in time" case as it relates to the mobile home park options. I was waiting to see if I could access the parties' appellate briefs, but they haven't been submitted yet.

The King County Superior Court’s decision in *Chong, et. al. v. City of Seattle* likely prohibits a city law requiring a property owner developer to rent new units to displaced mobile home park residents. In *Chong*, Seattle passed a “first in time” ordinance, which required landlords to rent apartments to the first applicant meeting the rental criteria. Relying on *Manufactured Housing Communities of Washington v. State*, in which the Supreme Court invalidated a state law giving mobile home park tenants the right of first refusal to buy the mobile home in which they lived, the superior court held: “Choosing a tenant is a fundamental attribute of property ownership. Like a sale of a fee interest, a lease is a disposition of a property interest. *Manufactured Housing* held that selecting a buyer to purchase a property interest is a fundamental attribute of property ownership. Similarly, the right to grant a right of first refusal in the context of a leasehold is just as fundamental as the right to sell fee title in *Manufactured Housing*.”

Also citing *Manufactured Housing*, the court held that the Seattle ordinance was an unlawful government taking of private property for private use: “The state in *Manufactured Housing* defended the right-of-first-refusal law by lauding its public benefits: preserving housing stock for the poor. The Court held that such benefits could not transform the private nature of the taking into a public one. Similarly, the FIT rule is a taking for private use, regardless of any public benefit.”

Property owners of new developments that displaced mobile home park tenants could make a similar argument that any city law requiring them to rent to displaced residents 1) deprives them of their right to dispose of their own property, and 2) is a public taking of private property for private use. Now, the city could always encourage such activity through, for example, inclusionary zoning at affordable rates. But a rental requirement would likely face legal challenges. That said, Seattle did appeal this ruling. However, as I mentioned, we aren’t able to review the appellate arguments just yet. I’ll be sure to keep an eye on this case as it progresses. Please let me know if you have any questions.

Thanks,

Jake

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Voucher Certification and Approval

City of Kenmore

DATE RANGE:

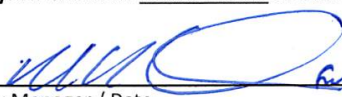
006/16/2018 - 06/29/2018

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and the the claim is a just, due and unpaid obligation against the City of Kenmore and that I am authorized to authenticate and certify to said claim. The following

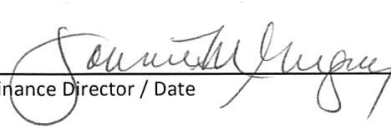
Total Check #s 40070 through 40160: \$411,220.57

Total Payroll/Taxes/Flexible Spending & Health Savings Acct. Electronic Deposits Dated: 06/22/2018: \$ 95,717.77

Payroll Check #s 10093-10095 totalling: \$2,062.78


City Manager / Date

R.K. 29 June 2018


Finance Director / Date

6/29/18

Vendor Name	Check #	Date	Description	Amount
AFLAC	40070	06/22/2018	Employee Medical/Disability Plans	172.38
AFLAC	40070	06/22/2018	Employee Medical/Disability Plans	154.72
AMERICAN GENERAL LIFE GPO-400S	40071	06/22/2018	Life Insurance	203.27
AMERICAN GENERAL LIFE GPO-400S	40071	06/22/2018	Life Insurance	67.37
AMERICAN GENERAL LIFE GPO-400S	40071	06/22/2018	Life Insurance	37.63
AWC EMPLOYEE BENEFITS	40072	06/22/2018	Employee Health Insurance	13.24
AWC EMPLOYEE BENEFITS	40072	06/22/2018	Employee Health Insurance	3,268.56
AWC EMPLOYEE BENEFITS	40072	06/22/2018	Employee Health Insurance	436.96
AWC EMPLOYEE BENEFITS	40072	06/22/2018	Employee Health Insurance	374.29
AWC EMPLOYEE BENEFITS	40072	06/22/2018	Employee Health Ins Contributions	858.62
AWC EMPLOYEE BENEFITS	40072	06/22/2018	Employee Health Ins Contributions	108.72
AWC EMPLOYEE BENEFITS	40072	06/22/2018	Employee Health Ins Contributions	77.14
AWC EMPLOYEE BENEFITS	40072	06/22/2018	Employee Health Insurance	3,247.39
AWC EMPLOYEE BENEFITS	40072	06/22/2018	Employee Health Insurance	(0.07)
AWC EMPLOYEE BENEFITS	40072	06/22/2018	Employee Health Insurance	28,684.22
AWC EMPLOYEE BENEFITS	40072	06/22/2018	Employee Health Insurance	3,683.55
AWC EMPLOYEE BENEFITS	40072	06/22/2018	Employee Health Insurance	3,256.91
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AWC EMPLOYEE BENEFITS	40072	06/22/2018	Employee Health Insurance	1.99
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AWC EMPLOYEE BENEFITS	40072	06/22/2018	Employee Health Insurance	50.15
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DEPARTMENT OF LABOR AND INDUSTRIES	40074	06/22/2018	City of Kenmore	190.48
DEPARTMENT OF LABOR AND INDUSTRIES	40074	06/22/2018	City of Kenmore	3.64

DEPARTMENT OF LABOR AND INDUSTRIES	40074	06/22/2018	City of Kenmore	1.36
DEPARTMENT OF RETIREMENT SYSTEMS	40075	06/22/2018	Public Employees Retirement	1,993.33
DEPARTMENT OF RETIREMENT SYSTEMS	40075	06/22/2018	Public Employees Retirement	15,113.95
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DEPARTMENT OF RETIREMENT SYSTEMS	40075	06/22/2018	Public Employees Retirement	1,436.46
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ICMA RETIREMENT TRUST 457 - 304745	40077	06/22/2018	ICMA 457 Deferred Comp	3,428.80
ICMA RETIREMENT TRUST 457 - 304745	40077	06/22/2018	ICMA 457 Deferred Comp	692.08
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LINCOLN NATIONAL LIFE INSURANCE	40078	06/22/2018	Life Ins/ADD & LTD	36.49
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A+ CONFERENCING	40086	06/29/2018	6/13 Lakepoint Conference Call	29.20
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ARTS OF KENMORE	40089	06/29/2018	18-C1865 Hispanic & Cultural Juried Exhibition	950.00
ASSOCIATION OF WA CITIES	40090	06/29/2018	Mayor's Annual Conference Registration	475.00
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BANNER BANK	RK	40099	06/29/2018	Registration/Webinar/Mtg. Expense	34.62
BANNER BANK	RK	40099	06/29/2018	Registration/Webinar/Mtg. Expense	35.00
BANNER BANK	SKROGH	40100	06/29/2018	Social Media/Advertising/Supplies	412.99
BANNER BANK	SKROGH	40100	06/29/2018	Social Media/Advertising/Supplies	41.13
BANNER BANK	SKROGH	40100	06/29/2018	Social Media/Advertising/Supplies	76.84
BANNER BANK	SKROGH	40100	06/29/2018	Social Media/Advertising/Supplies	69.90
BLUE FLAME HEATING, AIR & ELECTRIC		40101	06/29/2018	Refund Cancelled Permit Rec. #85832 MBP	243.00
BLUE FLAME HEATING, AIR & ELECTRIC		40101	06/29/2018	Refund Cancelled Permit Rec. #85832 MBP	12.15
CADMAN MATERIALS, INC.		40102	06/29/2018	Asphalt for Catch Basin Repairs 8218 SR522	115.50
CADMAN MATERIALS, INC.		40102	06/29/2018	Asphalt for 6717 NE 181st Catch Basin Repair	77.00
CADMAN MATERIALS, INC.		40102	06/29/2018	Asphalt for 62nd/Arrowhead Road Repair	137.50
CADMAN MATERIALS, INC.		40102	06/29/2018	Asphalt for 62nd/Arrowhead Road Repair	60.50
CAHALAN MORRISON		40103	06/29/2018	18-C1880 Summer Concert Performance	1,250.00
COMCAST BUSINESS		40104	06/29/2018	6/19-7/18 Hangar Bldg. Cable	94.15
CROSSROAD SIGN		40105	06/29/2018	Arrowhead Elementary Utility Cabinet Wrap	1,516.90
CROWN PRODUCTS LLC		40106	06/29/2018	Dog Waste Bags for Parks	1,125.07
DFR LAW GROUP, LLC		40107	06/29/2018	May Conflict Defense Svcs	600.00
FIRE PROTECTION, INC		40108	06/29/2018	Hangar Bldg. Fire Alarm Service	561.00
FRUHLING SAND & TOPSOIL		40109	06/29/2018	Vegetation & Asphalt Disposal	60.00

FRUHLING SAND & TOPSOIL	40109	06/29/2018	Vegetation & Asphalt Disposal	35.00
GRAINGER	40110	06/29/2018	Parks Equipment/Tools	194.20
HONEY BUCKET	40111	06/29/2018	6/16-7/13 Squire's Landing Rental	215.05
HORIZON DISTRIBUTORS INC	40112	06/29/2018	Parks/ROW Irrigation Parts	228.44
INSLEE, BEST, DOEZIE & RYDER, P.S.	40113	06/29/2018	April Legal Svcs - General	3,100.00
INSLEE, BEST, DOEZIE & RYDER, P.S.	40113	06/29/2018	April Legal Svcs - Executive	3,652.27
INSLEE, BEST, DOEZIE & RYDER, P.S.	40113	06/29/2018	April Legal Svcs - Public Works	1,838.70
INSLEE, BEST, DOEZIE & RYDER, P.S.	40113	06/29/2018	April Legal Svcs - Community Development	4,718.80
INSLEE, BEST, DOEZIE & RYDER, P.S.	40113	06/29/2018	April Legal Svcs - Records Requests	641.50
INSLEE, BEST, DOEZIE & RYDER, P.S.	40113	06/29/2018	April Legal Svcs - LakePointe	807.50
INSLEE, BEST, DOEZIE & RYDER, P.S.	40113	06/29/2018	April Legal Svcs - Development Services	2,538.63
INSLEE, BEST, DOEZIE & RYDER, P.S.	40113	06/29/2018	April Legal Svcs - Kenmore Town Green	102.50
INSLEE, BEST, DOEZIE & RYDER, P.S.	40113	06/29/2018	April Legal Svcs - David Thompson IV	1,606.50
J3 ARCHITECTS LLC	40114	06/29/2018	Lakepoint Concept Sketches	850.00
JET CITY PRINTING	40115	06/29/2018	4th of July & Movie Posters	359.70
JET CITY PRINTING	40115	06/29/2018	Summer Concert & 4th of July Posters	158.95
JRW ENTERPRISES	40116	06/29/2018	Moorland Park Restroom Door Repairs	151.25
KENMORE COMMERCIAL LLC	40117	06/29/2018	July Incubator Bldg. Lease Payment	3,291.66
KING COUNTY FINANCE	40118	06/29/2018	May Road Svcs/Signs	194.97
KING COUNTY FINANCE	40119	06/29/2018	April ROW Community Work Program	9,642.50
KING COUNTY FINANCE	40120	06/29/2018	April Road Svcs - Overlay	1,183.32
KING COUNTY FINANCE	40121	06/29/2018	May Personnel Coverage for ROW Inspector	511.47
KING COUNTY FINANCE	40122	06/29/2018	April Road Svcs/Signs/Signals	2,347.18
KING COUNTY FINANCE	40122	06/29/2018	April Road Svcs/Signs/Signals	879.29
KING COUNTY FINANCE	40123	06/29/2018	May Dump Fees - Furniture Dumped in ROW	24.25
KING COUNTY FINANCE	40124	06/29/2018	May Road Svcs - Overlay	619.72
KING COUNTY FINANCE	40125	06/29/2018	May Road Svcs/Signs/Signals/Street Maint.	57.13
KING COUNTY FINANCE	40125	06/29/2018	May Road Svcs/Signs/Signals/Street Maint.	7,407.97
KING COUNTY FINANCE	40125	06/29/2018	May Road Svcs/Signs/Signals/Street Maint.	6,159.17
KING COUNTY RADIO COMM SERVICES	40126	06/29/2018	4/29-7/31/18 Emergency Telecommunications	300.30
KING COUNTY TREASURY	40127	06/29/2018	Property Tax for 6728 NE 181st/Hangar	972.17
KING COUNTY TREASURY	40127	06/29/2018	Property Tax for 6700 NE 181st/Post Office	2,546.49
LOCAL PROS PAINTING	40128	06/29/2018	Painting of Senior Center Bldg.	8,789.00
MACLEOD RECKORD	40129	06/29/2018	16-C1502 Moorlands Park Apr/May	8,975.89
MOBILE MINI, INC.	40130	06/29/2018	6/15-7/12 Rhododendron Park Container Rental	137.10
MOTT MACDONALD GROUP, INC.	40131	06/29/2018	17-C1656 Log Boom Park Design/Permitting	24,603.99
MOTT MACDONALD GROUP, INC.	40132	06/29/2018	17-C1861 Log Boom Underwater Pile Exploration	1,891.90
MOTT MACDONALD GROUP, INC.	40133	06/29/2018	17-C1657 Squire's Landing Design & Permitting	18,703.99
NORTH COAST ELECTRIC COMPANY	40134	06/29/2018	Light Bulbs	6.81
NORTHSHORE UTILITY DIST	40135	06/29/2018	3/31-5/31 Moorlands Park Irrigation	6,611.00
OFFICE TEAM	40136	06/29/2018	Temporary Svcs - Reception Week Ending 6/15	1,022.00
OFFICE TEAM	40136	06/29/2018	Temporary Svcs - Receptionist Week Ending 6/22	1,022.00

OUSLEY, NANCY	40137	06/29/2018	Mileage & Toll Charge Reimbursement	208.98
PERFORMANCE SYSTEMS INTEGRATION LLC	40138	06/29/2018	Fire Panel Repairs	407.00
PETTY CASH CUSTODIAN	40139	06/29/2018	Replenish Petty Cash Fund	13.20
PETTY CASH CUSTODIAN	40139	06/29/2018	Replenish Petty Cash Fund	20.19
PETTY CASH CUSTODIAN	40139	06/29/2018	Replenish Petty Cash Fund	7.25
PETTY CASH CUSTODIAN	40139	06/29/2018	Replenish Petty Cash Fund	56.08
PETTY CASH CUSTODIAN	40139	06/29/2018	Replenish Petty Cash Fund	40.70
PETTY CASH CUSTODIAN	40139	06/29/2018	Replenish Petty Cash Fund	60.04
PETTY CASH CUSTODIAN	40139	06/29/2018	Replenish Petty Cash Fund	34.59
PETTY CASH CUSTODIAN	40139	06/29/2018	Replenish Petty Cash Fund	13.88
PETTY CASH CUSTODIAN	40139	06/29/2018	Replenish Petty Cash Fund	26.00
PETTY CASH CUSTODIAN	40139	06/29/2018	Replenish Petty Cash Fund	1.15
PETTY CASH CUSTODIAN	40139	06/29/2018	Replenish Petty Cash Fund	17.00
PETTY CASH CUSTODIAN	40139	06/29/2018	Replenish Petty Cash Fund	14.71
PETTY CASH CUSTODIAN	40139	06/29/2018	Replenish Petty Cash Fund	22.72
PETTY CASH CUSTODIAN	40139	06/29/2018	Replenish Petty Cash Fund	8.78
PETTY CASH CUSTODIAN	40139	06/29/2018	Replenish Petty Cash Fund	16.49
PETTY CASH CUSTODIAN	40139	06/29/2018	Replenish Petty Cash Fund	11.04
PETTY CASH CUSTODIAN	40139	06/29/2018	Replenish Petty Cash Fund	11.04
PETTY CASH CUSTODIAN	40140	06/29/2018	Void	-
PHSI PURE HEALTH SOLUTIONS INC.	40141	06/29/2018	July City Hall Filtered Water Systems	110.28
PUGET SOUND ENERGY	40142	06/29/2018	5/14-6/13 City Hall Gas Charges	146.85
PUGET SOUND ENERGY	40142	06/29/2018	May City Hall Electric Charges	2,186.75
PUGET SOUND ENERGY	40142	06/29/2018	5/14-6/13 Incubator Bldg. Electric/Gas	411.69
PUGET SOUND ENERGY	40142	06/29/2018	5/14-6/13 Town Square & Hangar Electricity	527.13
PUGET SOUND ENERGY	40142	06/29/2018	5/14-6/13 Town Square/Hangar Gas Charges	33.55
PUGET SOUND ENERGY	40142	06/29/2018	5/14-6/13 Street Lights	48.10
PUGET SOUND ENERGY	40142	06/29/2018	5/2-5/31 Street Lights	9,266.53
PUGET SOUND ENERGY	40142	06/29/2018	5/14-6/13 Parks Collective Charges	397.28
PUGET SOUND ENERGY	40142	06/29/2018	5/14-6/13 Traffic Signals	346.51
PUGET SOUND ENERGY	40142	06/29/2018	5/14-6/13 School/Crosswalks	61.72
PUGET SOUND ENERGY	40142	06/29/2018	5/14-6/13 Radar Speed Signs	84.06
PUGET SOUND ENERGY	40142	06/29/2018	5/14-6/13 Tree Receptacles	75.36
QUALITY BUSINESS SYSTEMS/WELLS FARGO	40143	06/29/2018	6/5-7/4 1st Floor Copier	675.53
RFI ENTERPRISES INC.	40144	06/29/2018	City Hall - NE Exterior Door Repair	453.75
RFI ENTERPRISES INC.	40144	06/29/2018	City Hall Door Wiring Repair	371.25
SAUVE, GAYLEN	40145	06/29/2018	MC Services for 4th of July Event	400.00
SCHINDLER ELEVATOR CORPORATION	40146	06/29/2018	Elevator Repairs	1,536.70
SEATTLE TIMES	40147	06/29/2018	6/21 Legal Ad Ord. Summary 18-0464	75.82
SHRED-IT USA LLC	40148	06/29/2018	Monthly Shredding Service	69.75
SITTS & HILL ENGINEERS, INC.	40149	06/29/2018	15-C1464 May Rhododendron Park Prof. Svcs	437.50
SMS CLEANING, INC.	40150	06/29/2018	City Hall & Hangar Bldg. June Janitorial Svcs	3,900.00
SMS CLEANING, INC.	40150	06/29/2018	City Hall & Hangar Bldg. June Janitorial Svcs	1,800.00
STAPLES ADVANTAGE	40151	06/29/2018	Parks Supplies	313.65
STAPLES ADVANTAGE	40152	06/29/2018	Parks Materials	291.01
STAPLES ADVANTAGE	40153	06/29/2018	Broom for Parks	29.88
STAPLES ADVANTAGE	40154	06/29/2018	Parks Supplies	94.51
TOTAL LANDSCAPE CORP	40155	06/29/2018	June City Hall & Parks Landscaping	880.00
TOTAL LANDSCAPE CORP	40155	06/29/2018	June City Hall & Parks Landscaping	4,145.45
TOTAL LANDSCAPE CORP	40156	06/29/2018	May Northshore Summit & Squire's Landscaping	1,738.00
TOWN CENTER HARDWARE	40157	06/29/2018	May Purchases - Tools/Equipment/Supplies	55.17

TOWN CENTER HARDWARE	40157	06/29/2018	May Purchases - Tools/Equipment/Supplies	76.93
TOWN CENTER HARDWARE	40157	06/29/2018	May Purchases - Tools/Equipment/Supplies	10.89
WA STATE DEPT OF TRANSPORTATION	40158	06/29/2018	68th/175th & 68th/181st Traffic Signal Maint.	437.18
WILLIAMS, KASTNER & GIBBS PLLC	40159	06/29/2018	May Professional Svcs - El-Sharawy	4,760.50
WIRTHLIN CONSULTING GROUP LLC	40160	06/29/2018	18-C1887 June Lakepointe Consulting	4,489.00
CHRISTOPHER LANE	10093	06/22/2018	Payroll	514.80
NICOLE SUAREZ	10093	06/22/2018	Payroll	386.42
JACKSON URQUHART	10093	06/22/2018	Payroll	1,161.56
NAVIA	DFT0000155	06/22/2018	Employee Flexible Spending Account	153.85
NAVIA	DFT0000155	06/22/2018	Employee Flexible Spending Account	173.50
NAVIA	DFT0000155	06/22/2018	Employee Flexible Spending Account	85.38
NAVIA	DFT0000155	06/22/2018	Employee Flexible Spending Account	96.15
BANK OF AMERICA 941	DFT0000156	06/22/2018	Federal Taxes	2,955.40
BANK OF AMERICA 941	DFT0000156	06/22/2018	Federal Taxes	8,959.18
BANK OF AMERICA 941	DFT0000156	06/22/2018	Federal Taxes	1,046.78
BANK OF AMERICA 941	DFT0000156	06/22/2018	Federal Taxes	240.58
BANK OF AMERICA 941	DFT0000156	06/22/2018	Federal Taxes	599.45
BANK OF AMERICA 941	DFT0000156	06/22/2018	Federal Taxes	269.04
BANK OF AMERICA 941	DFT0000156	06/22/2018	Federal Taxes	837.70
PAYROLL		6/15/2018	Direct Deposit	80,300.76
				<u><u>509,001.12</u></u>

Vendor Purchasing Report

For Date Range 01/01/2018 - 06/29/2018

Vendor Set: Vendor Set 01

Vendor	Name	Volume
2003	INNOVATIVE COMFORT SYSTEMS, INC.	255.15
2004	RED BARN ENGINEERING, INC.	291.77
2005	VAN DYK, JOE .	850.00
2006	SOMOL HAMASAKI, KRIS	36.75
2007	HYDROPOINT DATA SYSTEMS, INC.	517.01
2008	MEAD GILMAN & ASSOCIATES	40.00
2009	O'CONNOR CONSULTING GROUP, LLC	20,000.00
2010	JUDHA OF LION LANDSCAPING	274,927.07
2011	PLAN TO PERMIT, LLC	3,932.50
2012	DDK DESIGNS, LLC	35.38
2013	THE POTTING SHED	1,787.50
2015	INGLEWOOD VILLAGE III CONDOMINIUMS	973.80
2017	DARRELL THOMSON	5,781.00
2018	LAKE HARRISON ESTATES	7,500.00
2019	EMERALD CITY STATEWIDE	2,046.00
2020	KELLY ATKINSON	1,180.00
2021	GEOTERRA, INC.	2,024.00
2022	JA BRENNAN ASSOCIATES, PLLC	2,274.00
2023	HR&A ADVISORS, INC	108,625.00
2024	DFR LAW GROUP, LLC	3,300.00
2025	LOCAL PROS PAINTING	8,789.00
2026	HEAT FLOW MECHANICAL LLC	113.40
2027	MERIT HOMES, INC.	7,747.90
2028	PRIDE ELECTRIC INC.	4,292.48
2029	HAWTHORNE GLEN 12, LLC	7,500.00
2030	ZEP SALES & SERVICE	869.44
2031	ANDREW POGUE PHOTOGRAPHY LLC	2,050.00
2032	DOOR PROS INC.	971.85
2033	DUGAN, GERALD & GAIL	3,000.00
2034	GEO GROUP NORTHWEST INC.	10.60
2035	JURASSIC PARLIAMENT	1,458.35
2037	PRO-LONG ROOF CARE & GUTTERS	1,097.80
2038	SKEFFINGTON, ELAINE	300.00
2039	ATTORNEY & NOTARY SUPPLY, INC.	80.30
2040	SEAPLANE LLC	96.25
2041	LAKE UNION SEA RAY	14,740.15
2042	CRITERION PICTURES USA	940.00
2043	LIGHTING GROUP NORTHWEST	2,431.19
2044	THE PART WORKS, INC.	67.12
2045	PERFORMANCE JOURNEYS, INC.	9,000.00
2047	PUGET SOUND PLANTS	16,558.85
2048	SMS CLEANING, INC.	11,400.00
2049	SUNBELT RENTALS	952.39
2050	NORCAN-OSINT	280.00
2051	PANTAC, LLC	128.57
2052	J. A. BRENNAN ASSOCIATES, PLLC	17,549.50
2053	WINDOW COVERINGS USA	1,463.00
2054	BLUE FLAME HEATING, AIR & ELECTRIC	255.15
2055	CAHALAN MORRISON	1,250.00
2056	J3 ARCHITECTS LLC	850.00
2057	WIRTHLIN CONSULTING GROUP LLC	4,489.00
Vendor Set Vendor Set 01 Total:		7,320,806.76

Vendor Purchasing Report

For Date Range 01/01/2018 - 06/29/2018

Vendor Set: Vendor Set 01

Vendor	Name	Volume
1774	OWEN EQUIPMENT COMPANY	1,591.70
1782	SWANK MOTION PICTURES, INC.	1,128.60
1785	ECOSS	5,963.06
1786	TYLER TECHNOLOGIES, INC.	137.50
1796	EXPONENT, INC.	6,027.50
1798	OLBRECHTS & ASSOCIATES, PLLC	1,072.50
1806	RYCO EQUIPMENT, INC.	1,155.00
1810	ABBEY PARTY RENTS OF WA, INC.	885.49
1814	YSI INCORPORATED, A XYLEM BRAND	1,417.82
1816	NAVIA	7,540.44
1819	COSTTREE, LLC	3,000.00
1822	ECO-COUNTER	840.00
1824	URBAN FORESTRY SERVICES, INC.	842.47
1826	MCCLURE AND SONS, INC.	5,794.00
1828	QUALITY BUSINESS SYSTEMS - WELLS FARGO	4,237.91
1829	SHI INTERNATIONAL CORP.	351.81
1843	TUFF SHED, INC	6,046.70
1848	STANLEY PATRICK STRIPING COMPANY	23,417.50
1852	STANTON, ANN	57.77
1859	IRON CREEK CONSTRUCTION LLC	1,820.63
1863	HAULAWAY STORAGE CONTAINERS, INC.	462.00
1864	INTERNATIONAL SOC. OF ARBORICULTURE	185.00
1873	ENGINEERING/REMEDIATION RES. GROUP	12,276.05
1879	HOLMBERG COMPANY	12,575.10
1884	CADMAN MATERIALS, INC.	2,108.43
1889	WILLIAMS, KASTNER & GIBBS PLLC	13,457.89
1900	ASPECT CONSULTING LLC	3,337.47
1901	NORTH COAST ELECTRIC COMPANY	920.71
1908	VAUGHAN, KENT	300.00
1920	BERGER PARTNERSHIP	12,270.82
1926	GUARDIAN SECURITY SYSTEMS, INC.	339.91
1930	T-MOBILE USA, INC.	295.83
1932	U.S. BANK N.A. - CUSTODY	272.00
1936	SUPERION, LLC	2,249.21
1944	OHNO CONSTRUCTION	10,812.80
1946	FALL PROZ INC	3,886.00
1960	WALTER E. NELSON CO.	426.35
1961	WESTERN ENTRANCE TECHNOLOGY, LLC	605.00
1962	BANNER BANK SKROGH	4,433.15
1964	EARTHWORKS	28,335.30
1970	CROSSROAD SIGN	1,516.90
1975	COMMUNITY ATTRIBUTES INC.	20,006.50
1980	HRA VEBa TRUST	13,950.00
1982	CRAWFORD ELECTRIC	366.55
1985	CONTRACT LAND STAFF LLC	4,511.23
1987	KITSAP CONFERENCE CENTER	124.69
1989	WA TRAFFIC SAFETY COMMISSION	103.49
1990	GLOCK PROFESSIONAL, INC.	500.00
1991	WASHINGTON STATE TREASURER	6,570.28
1994	LAKE CITY PARTNERS ENDING HOMELESSNESS	2,000.00
1995	REY TRANSLATIONS	4,207.53
1996	SEQUOYAH ELECTRIC LLC	7,477.80
1997	BARCLAY DEAN ARCHITECTURAL PRODUCTS, LLC	115.50
1998	JOHNSTON GROUP, LLC	12,802.50
1999	KING COUNTY POLICE CHIEFS ASSOCIATION	20.00
2000	WILLIAMS MECHANICAL, INC.	2,931.50
2001	PETERSEN BROTHERS, INC.	1,994.16
2002	GHORBANI, FARIBA	472.00

Vendor Purchasing Report

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Vendor	Name	Volume
1377	D.R. HORTON	7,500.00
1383	CHICAGO TITLE	50,000.00
1385	CITYWORKS/ AZTECA SYSTEMS INC.	22,000.00
1390	UTILITIES UNDERGROUND LOCATION CTR	1,133.91
1402	NORTHWEST MARINE TRADE ASSOCIATION	450.00
1403	OSBORN CONSULTING INC.	20,180.83
1412	SKAGIT GARDENS	3,159.97
1416	MOBILE MINI, INC.	959.75
1420	SAUVE, GAYLEN	400.00
1431	BRIEN, GAYLYNN	300.00
1437	VOLGISTICS, INC	540.00
1452	CITY OF KENT	500.00
1456	HESTON VISUAL ARTS	863.50
1457	LANGUAGE LINE SERVICES, INC.	18.37
1459	FLEMINGS HOLIDAY LIGHTING LLC	5,768.62
1478	HERBIG, NIGEL	64.25
1479	A V CAPTURE ALL	4,740.12
1480	VERTICAL VISUAL SOLUTIONS INC.	11,811.25
1485	WA ASSOC OF PUBLIC RECORDS OFFICERS	175.00
1500	MARINE FLOATS CORPORATION	3,568.40
1504	SCORE	106,518.11
1540	A-1 LANDSCAPING AND CONSTRUCTION, INC	90,359.82
1541	HEWITT	2,255.00
1544	METROPOLITAN TRANS. COMMISSION	1,500.00
1550	HANSEN, COREY	28,600.00
1552	DENUSKI, STACEY	46.70
1555	LINCOLN NATIONAL LIFE INSURANCE	6,229.95
1577	MUMMA, RYAN	459.15
1580	NORTHWEST TROPHY	361.59
1581	STARDOM SERVICES, INC.	2,550.00
1590	HERMANSON COMPANY, LLP	5,916.90
1596	NW ENVIRONMENTAL TRAINING CENTER	700.00
1598	HELMETS R US INC	208.97
1606	GALLATIN PUBLIC AFFAIRS	17,500.00
1607	SCHOCK, BRETT	829.47
1609	MARSHBANK CONSTRUCTION	31,952.47
1634	SREBNIK, DEBRA	314.42
1657	STEWART TITLE COMPANY	7,855.10
1661	WHITEMAN, TELA	400.43
1673	KPFF CONSULTING ENGINEERS	104,744.20
1678	VICENTE, JOHN	522.07
1689	MOTT MACDONALD GROUP, INC.	261,269.86
1690	SITTS & HILL ENGINEERS, INC.	5,756.47
1704	BANNER BANK RK	6,350.92
1711	SOFTWAREONE, INC.	8,925.18
1715	THE WIDE FORMAT COMPANY	770.00
1718	RESOURCE EXPLORATION, LLC	20,000.00
1719	SALTER, JON	333.50
1721	GOOD TO GO	44.50
1726	UNITED STATES TREASURY	30.30
1731	NORTHWEST ARBORICULTURE LLC	16,119.94
1732	PERFORMANCE SYSTEMS INTEGRATION LLC	407.00
1733	BELMARK, LLC	7,832.80
1734	TOP TO BOTTOM JANITORIAL, INC.	21,447.00
1738	MUNIMANAGE, LLC	74,760.00
1739	FIX AUTO	2,875.38
1754	RFI ENTERPRISES INC.	8,984.25
1762	BAKER, BRIDGIT	149.16

Vendor Purchasing Report

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Vendor	Name	Volume
0817	GRAINGER	705.66
0834	BANNER BANK KENMORE	17,105.21
0852	GREGORY, JOANNE	404.60
0858	A+ CONFERENCING	275.19
0868	JAYMARC - AV	8,990.29
0869	BANNER BANK JGORDON	5,397.92
0892	JACOBS ENGINEERING GROUP	473,351.51
0898	ZONAR SYSTEMS	527.73
0899	SHRED-IT USA LLC	695.82
0912	ALCALDE & FAY	25,387.11
0913	KENMORE ELEMENTARY PTA	2,500.00
0937	ZUMAR	388.01
0981	COMCAST BUSINESS	14,976.38
0983	PASSPORT TRAVEL AND TOURS	1,832.60
0994	GORDON THOMAS HONEYWELL	19,842.98
1000	JRW ENTERPRISES	3,017.43
1003	IWORQ SYSTEMS	2,800.00
1010	TOWN CENTER HARDWARE	597.14
1034	EMERALD FIRE LLC	393.80
1045	HORIZON DISTRIBUTORS INC	974.86
1047	SARAH ROBERTS	55,805.85
1052	FIRE PROTECTION, INC	5,362.78
1068	WA STATE DEPT OF LABOR & INDUSTRIES	141.60
1114	PHSI PURE HEALTH SOLUTIONS INC.	505.45
1116	FRONTIER	5,287.73
1123	AM TEST, INC	900.00
1131	SUSSMAN/PREJZA & CO, INC	1,350.00
1140	PAWS	1,674.00
1152	WASHINGTON ENERGY SERVICES CO. LLC	36.75
1161	INDEPENDENT STATIONERS	166.01
1168	SCHINDLER ELEVATOR CORPORATION	3,310.38
1177	WELLS FARGO FINANCIAL	3,225.89
1181	BANNER BANK BH	4,026.62
1192	HOPKINS, CRAIG	281.79
1193	DEVRIES, DENIS	154.80
1197	MILLER STEPHENS, MARY	6,250.00
1215	STATE OF FLORIDA DISBURSEMENT UNIT	3,575.00
1216	ADVANCE TESTING & SERVICE INC	1,188.00
1222	OLSON BROTHERS PRO-VAC	9,681.10
1259	PERTEET INC.	69,750.28
1266	AAA FLAG & BANNER MFG. CO., INC.	3,022.34
1269	KAMINS CONSTRUCTION INC.	8,802.72
1291	SCHNEE, CARLA	661.96
1299	VERIZON WIRELESS	2,771.21
1309	BANNER BANK BAKER	9,424.55
1311	WASHINGTON STATE PATROL	1,528.25
1313	GREATER BOTHELL CHAMBER OF COMMERCE	2,900.00
1322	AABCO BARRICADE COMPANY INC.	1,848.00
1326	JOYCE ZIKER PARKINSON	692.50
1327	HWA GEOSCIENCES INC.	1,120.44
1333	WELWEST CONSTRUCTION INC.	2,148.81
1337	STATE OF WA DEPT. OF LICENSING	7.52
1339	STATE OF WA DEPARTMENT OF LICENSING	30.00
1342	PETERSON, JANET	350.00
1357	KENMORE COMMERCIAL LLC	16,536.71
1358	ALPHAGRAPHICS	1,016.53
1363	INNOVAC	21,143.78
1370	WINTERBOURNE LANDSCAPE	1,206.99

Vendor Purchasing Report

For Date Range 01/01/2018 - 06/29/2018

Vendor Set: Vendor Set 01

Vendor	Name	Volume
0345	SEATTLE TIMES	3,164.89
0355	STAPLES ADVANTAGE	4,025.78
0356	STATE AUDITOR'S OFFICE	673.20
0357	STEWART MACNICHOLS HARMELL, INC.	30,000.00
0359	SOUND CITIES ASSOC	45.00
0365	TOTAL LANDSCAPE CORP	36,670.20
0371	UNITED STATES POSTMASTER	8,233.79
0374	URBAN LAND INSTITUTE	440.00
0375	US POSTAL SERVICE (HASLER)	5,008.86
0386	WA ASSOC OF CODE ENFORCEMENT	40.00
0387	WA CITIES INSURANCE AUTHORITY	274,278.00
0389	WASHINGTON CITY/COUNTY MGMT ASSOC	630.00
0390	WA FINANCE OFFICERS ASSOCIATION	150.00
0391	WASHINGTON MUNICIPAL CLERKS ASSOC	75.00
0401	WA STATE DEPT OF TRANSPORTATION	2,198.84
0412	COLUMBIA RIDGE LANDFILL	3,201.15
0419	WONDERLAND DEVELOPMENT	2,500.00
0422	NATIONWIDE FINANCIAL 401a	174,278.10
0423	NATIONWIDE RETIREMENT SOLUTIONS 457	4,225.00
0424	ICMA RETIREMENT TRUST 457 - 304745	54,941.62
0425	DRS 457	7,000.00
0426	AFLAC	1,962.60
0428	BANK OF AMERICA 941	205,025.41
0429	AWC EMPLOYEE BENEFITS	277,656.31
0431	DEPARTMENT OF RETIREMENT SYSTEMS	296,320.17
0432	DEPARTMENT OF LABOR AND INDUSTRIES	19,074.59
0434	UNITED WAY OF KING COUNTY	969.93
0436	NATIONAL LIFE OF VERMONT	739.02
0448	UPS STORE	167.34
0449	ACF WEST INC	1,113.75
0450	AURORA RENTS	259.35
0473	ARTS OF KENMORE	5,900.00
0484	CITY WIDE FENCE COMPANY, INC	1,172.60
0494	SECRETARY OF STATE	3,818.83
0497	DAY WIRELESS SYSTEMS	76.79
0501	MACLEOD RECKORD	12,332.49
0550	KING COUNTY RECORDER'S OFFICE	39.00
0558	SNOHOMISH COUNTY	4,179.00
0564	AMERICAN PUBLIC WORKS ASSOCIATION	120.00
0586	MAIL FINANCE	1,412.40
0588	ENVIRONMENTAL SYSTEMS RESEARCH INST	5,720.00
0594	RANDALL, BRIAN	811.05
0617	KING COUNTY FINANCE	210.82
0639	KONICA MINOLTA BUSINESS SOLUTIONS	1,353.33
0641	TELESYSTEMS WEST	137.51
0675	BANNER BANK CS	612.44
0685	PACE ENGINEERS, INC.	212,982.16
0689	DIGITAL REPROGRAPHICS SERVICES INC.	241.18
0690	BUILDERS EXCHANGE OF WASHINGTON INC	90.00
0692	HDR ENGINEERING, INC	313,458.42
0696	AMERICAN GENERAL LIFE GPO-400S	2,031.26
0699	BANNER BANK DB	716.03
0743	BANNER BANK NO	7,535.12
0764	OUSLEY, NANCY	971.64
0781	QUALITY BUSINESS SYSTEMS INC.	6,206.01
0788	CURTIS, DR. MILTON	59.43
0791	NORTHSHORE ROTARY CLUB	220.00
0800	BANNER BANK JG	10,326.39



City of Kenmore

Vendor Purchasing Report

For Date Range 01/01/2018 - 06/29/2018

Vendor Set: Vendor Set 01

Vendor	Name	Volume
0002	ACTION ENTERTAINMENT	500.00
0014	AMERICAN PLANNING ASSOCIATION	1,778.00
0022	ASSOCIATION OF WA CITIES	16,590.00
0024	BAKER, DAVID	2,382.32
0037	BASTYR UNIVERSITY	200.00
0047	BRAVO ENVIRONMENTAL, NW INC.	96.00
0054	BULGER SAFE & LOCK, INC.	721.71
0064	CASCADE PEST CONTROL	715.00
0067	CENTER FOR HUMAN SERVICES	10,500.00
0076	CITY OF BELLEVUE	83,006.50
0083	CITY OF LAKE FOREST PARK	489,603.35
0092	CODE PUBLISHING COMPANY	2,767.69
0099	CONSOLIDATED PRESS	8,275.05
0106	CROWN PRODUCTS LLC	2,106.12
0111	DEPARTMENT OF ECOLOGY	190.00
0121	REPUBLIC SERVICES	5,559.53
0137	FERGUSON ENTERPRISES INC #1539	1,946.93
0145	FRUHLING SAND & TOPSOIL	1,145.00
0151	CALPORTLAND COMPANY	1,002.93
0152	GOVERNMENT FINANCE OFFICERS ASSOC	190.00
0173	HOME DEPOT CREDIT SERVICES	637.95
0184	INSLEE, BEST, DOEZIE & RYDER, P.S.	90,494.97
0197	JET CITY PRINTING	1,909.06
0201	KCDA PURCHASING COOP	16,919.77
0206	KENMORE MIDDLE SCHOOL	4,963.62
0213	KING COUNTY ANIMAL SVCS	1,945.00
0218	KING COUNTY FINANCE	3,019.71
0219	KING COUNTY FINANCE	142,591.20
0224	SOUND PUBLISHING, INC.	3,387.80
0229	KING COUNTY OFFICE OF FINANCE	1,681.19
0230	KING COUNTY RADIO COMM SERVICES	600.60
0233	KING COUNTY SHERIFF	1,480,481.34
0235	KING COUNTY TREASURY	24,269.72
0246	LAKE CITY PICTURE FRAMING	257.85
0251	LIGHTHOUSE CONSULTING INC	32,173.77
0261	MICHAEL PENDLETON	6,038.50
0267	MR. T'S TROPHIES	263.57
0285	NORTHSHORE FIRE DEPT	3,898.96
0287	NORTHSHORE SENIOR CENTER	15,800.00
0288	NORTHSHORE UTILITY DIST	68,175.28
0289	NORTHSHORE YMCA	3,250.00
0290	NORTHSHORE YOUTH & FAMILY SERVICES	8,000.00
0292	HONEY BUCKET	1,290.30
0299	EBIX, INC./ TOPHEALTH	118.27
0300	OFFICE DEPOT	3,964.94
0302	OFFICE TEAM	12,476.74
0304	OLYMPIC ENVIRONMENTAL RESOURCES INC	13,793.47
0310	PACIFIC TOPSOILS	1,131.83
0314	PETTY CASH CUSTODIAN	766.98
0327	PUGET SOUND CLEAN AIR AGENCY	18,341.00
0328	PUGET SOUND ENERGY	93,313.01
0329	PUGET SOUND FINANCE OFFICERS ASSOC	50.00



City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Ordinance #18-0465 "Plastic Bag Policy" Proposed Council Action/Motion: Direct staff to present Ordinance #18-0465 for Council consideration on July 23, 2018.	For Council Meeting Agenda of: July 9, 2018 Department: City Manager's Office Prepared by: Jack Urquhart, Management Intern <u>Initial & Date</u> Approved by Department Head: _____ Approved by City Attorney: ✓ reviewed by Jake Stillwell Approved by Finance Director: ✓ <i>[Signature]</i> Approved by City Manager: <i>[Signature]</i> 6-21-18 Exhibits/Attachments: Ordinance #18-0465 Policy Memo
<u>INFORMATION/BACKGROUND:</u> Due to concerns of plastic waste, the City Council directed staff to write a policy memo (attached) and present at the Council meeting on June 11. In response to the presentation, the Council directed staff to write an ordinance. The ordinance, prohibiting retailers from providing plastic bags and requiring a 5-cent charge for recycled paper bags, would be the 19th of its kind in Washington jurisdictions. Zero Waste Washington, a nonprofit focused on responsible production and consumption, provided insight into current best practices for encouraging reusable bag use. The ordinance as proposed would go into effect on January 1, 2019. City staff will send out a letter to retailers to notify them of the public hearing, and if adopted, materials will be provided by staff to inform retailers and customers of the regulations and compliance date. At the July 9 Council meeting, Council may direct staff to present Ordinance #18-0465 on July 23 for consideration and potential adoption.	
<u>FISCAL CONSIDERATION:</u> \$300-\$500 for communication materials (flyers, information packets for businesses) Staff time spent on implementation and enforcement. Enforcement in other cities has been minimal, as retailers have typically complied with the plastic bag ordinance, and if not, retailers are simply contacted through a letter and/or phone call.	
<u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u> 2018-2019 City Council Goals, item No. 8: To protect and enhance the water, air and forest environment. Kenmore 20-year Vision, item No. 3: protects natural and environmentally sensitive areas, significant open space, trees, and air and water quality.	

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 18-0465**

**AN ORDINANCE OF THE CITY OF KENMORE,
WASHINGTON ADOPTING A PLASTIC BAG POLICY;
AND ADOPTING A NEW CHAPTER 8.50 OF THE
KENMORE MUNICIPAL CODE.**

WHEREAS the Washington State Legislature ("Legislature"), in RCW 70.95.010(4), established waste reduction as the first priority for the collection, handling, and management of solid waste, and

WHEREAS the Legislature, in RCW 70.95.010(4), found that it is "necessary to change manufacturing and purchasing practices and waste generation behaviors to reduce the amount of waste that becomes a governmental responsibility," and

WHEREAS the Legislature, in RCW 70.95.010(6)(c), found that it is the responsibility of city governments "to assume primary responsibility for solid waste management and to develop and implement aggressive and effective waste reduction and source separation strategies," and

WHEREAS, it is the City's desire to conserve resources, reduce greenhouse gas emissions, waste, litter, and marine pollution, and to protect the public health and welfare, including wildlife, all of which increase the quality of life for the City's residents, and

WHEREAS less reliance on single-use carryout bags contributes toward the goals of conserving energy and natural resources while reducing greenhouse gases and litter, and

WHEREAS plastic bags are made of nonrenewable resources and never biodegrade; they photo-degrade and can take hundreds of years to break down into tiny toxic bits which can seep into the soil, waterways, lakes, and bays, posing a threat to animal life and the natural food chain, and

WHEREAS the Ocean Conservancy cited plastic bags as within the 12 most collected items in the 2017 Coastal Cleanup in Washington State, and

WHEREAS the Washington State Department of Ecology's "Beyond the Curb" study of commingled residential recyclables from the Southwest Region estimates that it takes \$700-\$1,000 per ton for recycling centers to remove plastic films from other recyclables, and

WHEREAS, the City finds that composting is threatened because of contamination by confusingly colored, marked and look-alike materials, including some non-compostable plastic film bags; and

WHEREAS, it is in the City's interest that contamination in local compost be reduced to ensure local compost is marketable and viable for use in local gardens, farms, landscaping, and surface water and transportation projects; and

WHEREAS, in order to reduce the use of single-use plastic and paper carryout bags in the City, it is necessary to regulate such use, and

WHEREAS regulations that prohibit the use of single-use plastic carryout bags and require a pass-through charge on all carryout bags will encourage shoppers to bring their own reusable carryout bags, reduce the cost of solid waste disposal by the City, and protect the environment, and

WHEREAS the City Council finds that it is in the best interest of the health, safety, and welfare of the citizens of the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Adoption. A new City of Kenmore Municipal Code Chapter 8.50 is hereby created and adopted to read as follows:

**Chapter 8.50
PLASTIC BAG POLICY**

8.50.010 Definitions.

A. "Compostable" means that the product completely breaks down into a stable product due to the action of microorganisms in a controlled, aerobic commercial process that results in a material safe and desirable as a soil amendment meeting the compost quality standards found under WAC 173-350-220 for metals, physical 1 parameters, pathogens, manufactured inert material, and other testing parameters set by the local Health Department, has been found to degrade satisfactorily at the composting facility receiving the material, meets standard specification ASTM D6400, and has been certified as compostable by the Biodegradable Products Institute or similar national or international certification authority.

B. "Carryout bag" means any bag that is provided by a retail establishment at the check stand, cash register, point of sale or other point of departure to a customer for use to transport or carry away purchases such as merchandise, goods or food from the retail establishment. This also includes bags provided for home delivery. Carryout bags do not include:

1. Bags used by consumers inside stores to package bulk items, such as fruit, vegetables, nuts, grains, candy, greeting cards or small hardware items such as nails, bolts or screws, contain or wrap frozen foods, meat or fish

regardless of whether they are prepackaged, contain or wrap flowers, potted plants or other items where dampness may be a problem, contain unwrapped prepared foods or bakery goods, contain prescription drugs; or

2. A bag used to protect a purchased item from damaging or contaminating other purchased items when placed in a recycled paper bag or reusable bag, such as prepared take-out foods or prepared liquids intended for consumption away from the retail establishment; or

3. Newspaper bags, door-hanger bags, tire bags, laundry-dry cleaning bags or bags sold in packages containing multiple bags for uses such as food storage, garbage, pet waste or yard waste.

C. "Recycled paper carryout bag" means a paper carryout bag provided by a store to a customer at the point-of-sale that meets all of the following requirements:

1. Except as provided in subsection 2 of this subsection (C), the paper carryout bag contains an average of 40% postconsumer recycled materials;

2. An eight-pound or smaller recycled paper bag shall contain a minimum of 20% postconsumer recycled material;

3. The paper carryout bag is accepted for recycling in curbside programs in a majority of households that have access to curbside recycling programs in the City;

4. The paper carryout bag is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Material (ASTM) Standard D6400, as published in Master Environmental Assessment on Single Use and Reusable Bags, March 2010; and

5. Printed on the paper carryout bag is the minimum percentage of postconsumer content.

D. "Retail establishment" means any person, corporation, partnership, business, facility, vender, organization or individual that sells or provides merchandise, goods, or materials, including, without limitation, clothing, food, or personal items of any kind, directly to a customer: retail establishment includes, by way of example, and not limitation, any grocery store, department store, hardware store, pharmacy, liquor store, restaurant, catering truck, convenience store, and any other retail store or vendor, including temporary ones at farmers markets, street fairs, and festivals.

E. “Reusable carryout bag” means a bag made of cloth or other material with handles that is specifically designed and manufactured for long term multiple reuse and meets all of the following requirements:

1. Is machine washable or made from a material that can be cleaned or disinfected, and
2. If made of film plastic, in a minimum of at least 2.25 mils thick.

F. “Single-use plastic carryout bag” means any bag that is less than 2.25 mils thick and is made from plastic or any nonrenewable resource.

G. “Pass-through charge” means a charge to be collected by retailers from their customers when providing plastic or recycled paper carryout bags, and retained by retailers to offset the cost of bags and other costs related to the pass-through charge.

8.50.020 Regulations.

A. No retail establishment in the City shall provide a carryout bag to a customer unless otherwise permitted pursuant to this chapter.

B. No retail establishment shall distribute a carryout bag at any City facility, City-managed concession, City-sponsored event, or City-permitted event unless otherwise permitted pursuant to this chapter.

C. Retail establishments in the City may, subject to Chapter 8.50 KMC, provide to a customer at the point-of-sale a reusable carryout bag or a recycled paper carryout bag.

D. No retail establishment in the City shall provide a paper carryout bag with a manufacturer’s stated capacity of one-eighth barrel (882 cubic inches) or larger that is not a recycled paper carryout bag

E. A retail establishment may make reusable carryout bags available to customers through sale.

F. No retail establishment in the City shall use or provide polyethylene or other non-compostable plastic film bags tinted green or brown for customers to bag products in stores, as carryout bags, or for home delivery.

G. Any film bags meeting the definition of compostable that retail establishments provide to customers for food or other products, such as vegetables bagged in stores prior to checkout, must be tinted green or brown and shall be clearly labeled “COMPOSTABLE,” including language following the Federal Trade Commission’s “Green Guides.”

H. No film bag that retail establishments provide to customers to bag products in stores, as carryout bags, or for home delivery may be labeled with the term "biodegradable," "degradable," "decomposable," or any similar terms, or in any way imply that the product will break down, fragment, biodegrade, or decompose in a landfill or other environment.

I. Each retail establishment that provides a customer with a reusable carryout bag or a recycled paper carryout bag shall collect a pass-through charge of not less than \$0.05 for each reusable or recycled paper carryout bag provided.

8.50.030 Exemptions.

A. Notwithstanding the requirements contained in Chapter 8.50 KMC, retailer may not collect a pass-through charge from anyone with a voucher or electronic benefits card issued under programs including, but not limited to, Women Infants and Children (WIC); Temporary Assistance to Needy Families (TANF); Federal Supplemental Nutrition Assistance Program (SNAP), also known as Basic Food; and the Washington State Food Assistance Program (FAP).

B. Food banks and other food assistance programs are exempt from the requirements for this chapter.

C. The city manager or designee may exempt a retail establishment from the requirements of this chapter for up to a one-year period, upon a request by the retail establishment showing that the conditions of this chapter would cause undue hardship. An "undue hardship shall only be found in:

1. Circumstances or situations unique to the particular retail establishment, such that there are no reasonable alternatives to single-use plastic carryout bags or a pass-through charge cannot be collected; or

2. Circumstances or situations unique to the retail establishment, such that compliance with the requirements of this chapter would deprive a person of a legally protected right.

D. If a retail establishment requires an exemption beyond the initial exemption period, the retail establishment must reapply prior to the end of the exemption period and must demonstrate continued undue hardship if it wished to have the exemption extended. Extensions may only be granted for intervals not to exceed one year.

E. An exemption request shall include all information necessary for the City to make its decision, including, but not limited to, documentation showing the factual support for the claimed exemption. The city manager or designee may

require the applicant to provide additional information to permit the City to determine facts regarding the exemption request.

F. The city manager or designee may approve the exemption request, in whole or in part, with or without conditions.

G. Exemption decisions are effective immediately. A party aggrieved by a final decision may appeal or seek review of the decision in accordance with applicable law. Unless another period of time applies under applicable law or court rule, an appeal of the decision must be filed within 21 calendar days from the date the final decision was served personally or placed in the United States mail, postage prepaid and properly addressed.

H. The city council may, by resolution, establish a fee for exemption requests. The fee shall be sufficient to cover the costs of processing the exemption request.

8.50.040 Violations.

A. Upon a first violation of any part of this chapter, the code enforcement officer may issue a notice of violation to the offending person or business. The notice of violation shall contain the date of and alleged type of violation. The notice of violation shall be regarded as a warning and no other sanctions shall be implemented. Notice shall be served upon the premises to the highest ranking employee currently on duty at the time of delivery.

B. If after the issuance of a notice of violation the code enforcement officer becomes aware of subsequent noncompliance, he or she has the authority to issue a civil infraction. Any subsequent violation of this chapter shall be designated as a Class 1 civil infraction. Each day of any such violation is a separate civil infraction; a notice of infraction may be issued for each day of any such violation. Civil infractions shall be heard and determined according to Chapter 7.80 RCW as amended, and any applicable court rules.

C. It shall be a violation of this chapter for any retail establishment to penalize, discipline, or discriminate against any employee for performing any duty necessary to comply with this chapter.

Section 2. Effective Date. This Ordinance shall take effect and be in full force starting January 1, 2019.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE _____ DAY OF _____, 2018.

CITY OF KENMORE

David Baker, Mayor

ATTEST/AUTHENTICATED:

Kelly Chelin, City Clerk

Approved as to form:

Rod Kaseguma, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
ORDINANCE NO.:
DATE OF PUBLICATION:
EFFECTIVE DATE:



City of Kenmore, Washington

Memorandum

Date: May 31, 2018
To: Rob Karlinsey, City Manager
From: Jack Urquhart, Management Intern
Re: Plastic Bag Reduction Policy

Recommendation

Staff recommends that the City Council reviews data and examples of plastic bag ordinances contained in this memo and discusses whether to direct staff in drafting a policy ordinance.

Problem and History

American families use an average of 1,500 single-use plastic bags per year.¹ Waste Management reported that only 1 percent are recycled.² Bags that aren't recycled end up in landfills (where they don't degrade), storm drains, trees and the ocean. In 2015, plastic grocery bags were the fifth most common item collected during the Ocean Conservancy's International Coastal Cleanup.³

Waste Management cites that plastic bags are used for an average of 12 minutes.⁴ Despite their limited use, the amount of plastic bags used in the U.S. annually require 12 million barrels of oil to produce.⁵ They are responsible for killing 100,000 marine animals each year, with 46,000 bags per square mile of ocean.⁶

Due to the problems associated with single-use plastic bags, 18 jurisdictions in Washington have implemented carryout bag ordinances dating back to 2011.⁷ A bill (SB 5432) prohibiting plastic bags at retail stores statewide has been introduced multiple times to the Washington legislature. Plastic bag bans exist in more than 90 California cities and hundreds of U.S. jurisdictions.⁸

Effectiveness

The effectiveness of plastic bag bans is evident in a few studies. In San Jose, California, a plastic bag ban led to a 62 percent reduction in the number of plastic bags winding up in the city's storm drains and a 59 percent reduction of plastic bags in the streets.⁹ A year after implementation of California's statewide ban, plastic bags accounted for less than half of the percentage of litter collected on Coastal Cleanup Day (3.1 percent) than in

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2010 (7.4 percent).¹⁰ Thurston County reported six months after implementing its ban that only 3 percent of residents said they used single-use carryout bags, compared to 63 percent before the ban. Reusable bag use increased from 20 percent to 53 percent.¹¹

Drawbacks

The solution is not simple. Alternatives to single-use plastic carryout bags also come with drawbacks. Paper bags take more energy to manufacture, and thus come with a higher carbon footprint.¹² However, a big difference is the fact that paper bags naturally degrade, while single-use plastic bags do not. Reusable bags are much more costly in terms of manufacturing energy, and some scientists estimate that a reusable bag needs to be used more than 100 times to make up for its high energy and waste cost compared to a plastic bag.¹³

Opponents of plastic bag bans also point to adverse effects on local businesses and U.S. industry, compliance issues and limited environmental impact as reasons to not implement bag ordinances.¹⁴

Alternatives

The following examples of plastic bag regulations in other municipalities may be helpful, should the council decide to pursue an ordinance:

1. Ban on plastic carryout bags; fee on recycled paper bags

Common in other Washington cities, this type of regulation would ban retail stores from providing single-use plastic carryout bags at checkout. Customers would be able to either provide their own bags, purchase reusable bags (if available in store) or use store-provided recyclable paper bags for a pass-through fee (typically five (5) or 10 cents per bag), which is retained by the retailer.

Example: Kirkland

2. Ban on plastic carryout bags; no fee on recycled paper bags

In this variation of No. 1, stores would provide recyclable paper bags to customers without a mandatory fee.

Example: Edmonds

3. Ban on all single-use carryout bags

This type of regulation would ban retail stores from providing all single-use carryout bags (paper or plastic) at checkout. Customers would need to provide their own bag.

Example: Austin, Texas

Of note: The first of its kind (there have been several since), Austin's ban on all single-use carryout bags has been controversial, as some researchers believe Austin has greatly raised its carbon footprint since implementation due to impacts from manufacturing reusable bags.¹⁵

4. *Fee on all single-use carryout bags*

This type of regulation would allow stores to provide single-use carryout bags with associated fees per bag type (i.e., 10 cents per plastic single-use carryout bag and five (5) cents per paper single-use carryout bag).

Example: New York City

Potential Exemptions

The following are potential cases for exemption to the bag ban, in response to councilmembers' questions and examples from other jurisdictions:

Exempted plastic bags

Many jurisdictions have used 2.25 millimeters as a bag thickness cutoff point for plastic bags, contending that bags thicker than 2.25 millimeters are potentially reusable, and therefore permissible. More recent ordinances also stipulate that permissible plastic bags be designed and manufactured for long-term use. Zero Waste Washington, a non-profit organization focused on sustainable and responsible consumption and production, includes in their model ordinance (Appendix D) that in order for a bag to be "reusable," it must have a lifetime of 125 uses (can carry 22 pounds 175 feet 125 times).

Also, while cities with bag ordinances define "retail store" as any entity that directly provides goods to customers, several types of bags are typically exempted from plastic bag bans. They are as follows:

- In-store bags for specific items
 - Bulk foods
 - Produce
 - Meat
- Takeout bags for prepared foods (restaurant bags)
- Laundry dry-cleaning bags
- Newspaper bags
- Pet waste bags
- Bags for items where dampness could be an issue, such as flowers
- Garbage bags

Small stores

Some jurisdictions establish exemptions from bag bans based on size of store. For example, Portland's policy applies to grocery stores (defined as "any business in the City with gross annual receipts of \$2,000,000 or greater, offering for sale items of food and perishable items as well as other household goods and supplies") or retail establishments of more than 10,000 square feet.

Issaquah didn't exempt small stores, but gave them one year longer to become compliant.

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Compostable bags

Some jurisdictions with bag bans, such as Seattle, allow single-use plastic carryout bags if they are compostable. However, most Washington municipalities have passed ordinances that ban all single-use plastic bags, without distinction.

Another important consideration is an amendment to Seattle's ordinance that addresses composting confusion due to the color of bags. Seattle has banned retailers from providing brown or green in-store plastic bags unless they are labeled as compostable. (Appendix G).

Low-income customers

Several codes exempt food banks and other food assistance programs. Customers using vouchers or electronic benefits cards (WIC, TANF, SNAP, FAP) are typically exempted from the five-cent pass-through charge.

Compliance Date and Notice

Approved ordinances typically give retail stores a period ranging from three (3) months to one (1) year to become compliant. The council may establish minimum notice from city staff to residents prior to the compliance date. Ten (10) months before implementation, Kirkland produced an information packet (Appendix E) for businesses that would be affected by the ordinance.

Enforcement and Enforcement Time

In existing ordinances, violation of the ordinance results in a civil violation or infraction. Some ordinances provide for a verbal or written warning before any violations are reported. Edmonds attaches a \$100 fine for the first offense and \$250 for subsequent offenses.

Zero Waste Washington actually advocates minimal enforcement. They said that businesses typically comply, with higher rates of compliance over time, and a heavy-handed approach would not be favorable. They insisted that cities have typically responded to non-compliance from citizens by sending a letter to the retailer, and that has usually resolved the non-compliance.

Name of Policy

Early-adopting jurisdictions commonly named their policies "Carryout Bag Regulation" or "Plastic Reduction Policy" in their municipal codes. However, Zero Waste Washington uses the term "Reusable Bag Policy," to shift the focus to what is being promoted, rather than what is being banned. Tacoma's bag regulations are a section of its code titled "Bring Your Own Bag."

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Conclusion

Staff recommends that the City Council reviews this memo and discusses whether to move forward in directing staff in drafting a policy ordinance.

Notes

1. "Bags by the Numbers," Waste Management, accessed May 29, 2018, <http://www.wmnorthwest.com/guidelines/plasticvspaper.htm#>
2. Waste Management, "Bags by the Numbers"
3. "International Coastal Cleanup 2017 Report," Ocean Conservancy, accessed May 29, 2018, https://oceanconservancy.org/wp-content/uploads/2017/06/International-Coastal-Cleanup_2017-Report.pdf/
4. Waste Management, "Bags by the Numbers"
5. Waste Management, "Bags by the Numbers"
6. Waste Management, "Bags by the Numbers"
7. "Washington – Bag Legislation," Bag Laws, accessed May 29, 2018
8. "Plastic and Paper Bag Bans in the United States," accessed May 29, 2018, https://reason.org/wp-content/uploads/2014/06/plastic_bag_bans-1.pdf
9. "Do Plastic Bag Bans Work?" accessed May 29, 2018, <https://www.scientificamerican.com/article/do-plastic-bag-bans-work/>
10. "California Coastal Cleanup Day – Litter Data Summary 2010-2017," accessed May 29, 2018, <https://static1.squarespace.com/static/54d3a62be4b068e9347ca880/t/5a0237d7652deae895d2df1c/1510094808473/California+Coastal+Cleanup+Data+2010.2016.2017.pdf>
11. "Thurston County Solid Waste Releases Six-Month Plastic Bag Ban Report," accessed May 29, 2018, <http://www.thurstontalk.com/2015/02/19/plastic-bag-ban/>
12. "Do Plastic Bag Bans Work?"
13. "Do Plastic Bag Bans Work?"
14. "Learn the Facts," Bag the Ban, accessed May 29, 2018, <http://www.bagtheban.com/learn-the-facts>
15. "Austin Bag Ban Study Finds Reusable Plastic Bag Use on the Rise," accessed May 29, 2018, <http://kut.org/post/austin-bag-ban-study-finds-reusable-plastic-bag-use-rise>

Supplemental Information: Comparing Environmental Costs of Bag Types

Tables comparing environmental costs

A [helpful study](#)¹, conducted by the United Kingdom's Environment Agency in 2011, and used frequently by opponents of bag ordinances, responds to Councilmember Smith's request. The study examines the environmental cost of several types of bags. You can review the study to learn about how bag types and impact categories are defined, but included is a table that speaks directly to the question about the environmental cost of a paper bag compared to a plastic one (HDPE, as defined by the study, is the typical lightweight carryout bag provided by supermarkets, and other bags are compared against it; LDPE is a plastic "bag for life" that is more heavy-duty and intended for reuse):

Table A.2.2. The results of the study over 8 indicators (>1 equals worse than HDPE bag, <1 equals superior to HDPE bag)

Impact categories	HDPE bag	LDPE bag			Paper bag	Bio-degradable bag
		Used 2x	Used 4x	Used 20x		
Consumption of non-renewable energy sources	1	1.4	0.7	0.1	1.1	0.9
Consumption of water	1	1.3	0.6	0.1	4	1
Emission of greenhouse gases	1	1.3	0.6	0.1	3.3	1.5
Atmospheric acidification	1	1.5	0.7	0.1	1.9	1.8
Formation of photochemical oxidants	1	0.7	0.3	0.1	1.3	0.5
Eutrophication of water	1	1.4	0.7	0.1	14	12
Production of solid waste	1	1.4	0.7	0.1	2.7	1.1
Risk of littering	High	Average to low			Low	Average to low

This next table shows how many times paper bags, LDPE bags, non-woven PP bags (this is the heaviest-duty plastic bag for reuse, view study for further description and photos of bag examples) and cotton bags, respectively, must be used to match the global warming potential impact of one standard HDPE bag:

Type of carrier	HDPE bag (No secondary reuse)	HDPE bag (40.3% reused as bin liners)	HDPE bag (100% reused as bin liners)	HDPE bag (Used 3 times)
Paper bag	3	4	7	9
LDPE bag	4	5	9	12
Non-woven PP bag	11	14	26	33
Cotton bag	131	173	327	393

The amount of primary use required to take reusable bags below the global warming potential of HDPE bags with and without secondary reuse

Counterpoints

While the conclusion bag opponents arrive at is the high environmental cost of a plastic bag compared to a paper one (and heavier-duty plastic and cotton bags), there is still much to be considered. For instance, the great benefits of reusable plastic bags are hard to ignore. Important questions that I haven't seen data for are as follows:

- How many times on average are reusable bags used?
- Does a pass-through charge influence customers to use less paper bags than they would have used of plastic bags?
- What other impact categories are not being considered?

To that third question, proponents of plastic bag bans would point to the simple fact that scientists now say plastic bags take anywhere from 500 years to never² to decompose. On the other hand, paper bags take only one month³. Plastic bags end up and stay in the ocean and in storm drains and landfills, while paper bags eventually decompose. Additionally, paper bags are produced from a renewable resource (trees), while plastic bags are produced from a nonrenewable⁴ resource (polyethylene). Furthermore, paper bags easier to recycle and are therefore recycled much more often than plastic bags.

Balanced comparisons of plastic and paper bags

The following stories contain balanced comparisons of the advantages of both plastic and paper, with links to studies:

<https://science.howstuffworks.com/environmental/green-science/paper-plastic1.htm>

Pro Plastic

- Manufacturing paper emits 80 percent more greenhouse gases
- Paper bag process results in 50 times more water pollutants than making plastic bags
- Making a paper bag consumes four times as much energy as making a plastic bag
- According to some measures, paper bags generate 80 percent more solid waste

Pro Paper

- Plastic waste is deceptive for birds and other wildlife, who mistake it for food
- Plastic waste is more likely to make its way to marine life and sea birds
- Light breaks plastic down so it photodegrades rather than biodegrades. Estimates say that this process can take up to 500 or even 1000 years in landfills
- Although for the most part, plastic takes less energy to recycle than paper, plastic bags are a frustrating recycling dilemma

https://alumni.stanford.edu/get/page/magazine/article/?article_id=95690

Pro Plastic

- It takes three reuses of a paper bag to neutralize its environmental impact, relative to plastic
- Manufacturing a paper bag requires about four times as much water as a plastic bag
- The fertilizers and other chemicals used in tree farming and paper manufacturing contribute to acid rain and eutrophication of waterways at higher rates

Pro Paper

- There is no way around the fact that plastic is derived from petroleum. Petroleum is a finite resource, and as it becomes increasingly limited, obtaining it becomes increasingly damaging to the environment
- Many cities do not accept them in the municipal recycling stream
- Plastic can be reincarnated a limited number of times before it is too costly to revive

https://www.huffingtonpost.com/2008/07/08/paper-or-plastic-a-look-a_n_111547.html

Pro Plastic

- Plastic creates 9.1 cubic pounds of solid waste vs. 45.8 cubic pounds for paper; plastic creates 17.9 pounds of atmospheric emissions vs. 64.2 pounds for paper; plastic creates 1.8 pounds of waterborne waste vs. 31.2 pounds for paper
- Plastic bags require 9.7 million Btus (British thermal units (energy)), vs. 16.3 for paper bags at zero percent recycling; even at 100% recycling rates, plastic bags still require less — 7.0 to paper's 9.1

Pro Paper

- Paper bags can hold more stuff per bag — anywhere from 50 percent to 400 percent more, depending on how they're packed

Conclusion

Determining whether plastic or paper bags (or any other kind of bags) are more environmentally friendly is difficult, because it requires the comparison of environmental values.

Questions such as the following illustrate the complexity of weighing environmental factors:

- Is the cheaper carbon footprint cost of a plastic bag enough to compensate for the fact that it never decomposes?
- Is it more important to reduce emissions or protect marine life?
- How much production energy is worth not seeing plastic bags stuck in fences and trees?
- How much will pass-through fees for paper bags and environmental campaigns cut down on the use of paper bags?
- How optimistic are you that Kenmore residents will be encouraged by new policy to switch to reusable bags?

To that last question, a representative of Zero Waste Washington told me that while a five-cent pass-through fee does encourage reusable bag use, the five-cent fee is common because it's politically feasible. Kenmore could float the idea of a higher (10-cent?) pass-through fee, if it believes paper bag use can be further diminished as a consequence.

Notes

1. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/291023/scho0711buan-e-e.pdf
2. http://www.slate.com/articles/news_and_politics/explainer/2007/06/will_my_plastic_bag_still_be_here_in_2507.html
3. <https://abcnews.go.com/Technology/story?id=97476&page=1>
4. <https://abcnews.go.com/Technology/story?id=97476&page=1>

Subject/Topic:
Ordinance #18-0466 "Temporary Homeless
Shelters"

Policy Memo

X. B. Ordinance #18-0466 Temporary Shelters Land Use - Jack Urquhart, Ma...

CITY OF KENMORE

WASHINGTON

ORDINANCE NO. 18-0466

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON
RELATING TO ZONING AND LAND USE CONTROLS AND
TEMPORARY HOMELESS SHELTERS; AND ADDING A NEW
SECTION 18.100.200 TO THE KENMORE MUNICIPAL CODE TO
ENACT REGULATIONS FOR TEMPORARY HOMELESS
SHELTERS.**

WHEREAS, the City Council desires to “provide access to adequate housing options and access to services to meet the basic needs of all income levels,” in order to foster a “connected, involved and family-oriented community that values diversity,” as established in its priority-based budgeting process; and

WHEREAS, as declared by Seattle and King County in a state of emergency in 2015 and reported in The Seattle Times in December 2017, King County has the third-largest concentration of homeless persons in the United States; and

WHEREAS, the City Council directed staff to report to the City Council possible amendments to the City code to establish a consistent and not burdensome permitting process for temporary homeless shelters; and

WHEREAS, to prepare the report, City staff worked with interested members of the public, churches, and human service organizations and reviewed regulations of other municipalities on this topic; and

WHEREAS, on July 9, 2018, the City Council held a public hearing on amendments to the City code proposed by City staff on this topic and received public testimony on the proposed amendments and on this topic; and

WHEREAS RCW 35.21.915(1) states that “a religious organization may host temporary encampments for the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings;” and

WHEREAS RCW 35.21.915(2) states that “a city or town may not enact an ordinance or regulation or take any other action that imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter for homeless persons on property owned by the religious organization;” and

WHEREAS, in its 20-year Vision Statement adopted in 2015, the City Council envisions a community that “supports the safety, health, and welfare of all of its citizens;” and

WHEREAS, KMC 18.100.125 states that an applicant for a temporary use must demonstrate that the proposed temporary use “will not be materially detrimental to the public welfare;”

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DO ORDAIN that a new Section 18.100.200 is added to the Kenmore Municipal Code as set forth in the attached Exhibit “A.”

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _____ DAY OF _____, 2018.

CITY OF KENMORE

David Baker, Mayor

ATTEST/AUTHENTICATED:

Kelly Chelin, City Clerk

Approved as to form:

Rod Kaseguma, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
ORDINANCE NO.:
DATE OF PUBLICATION:
EFFECTIVE DATE:

EXHIBIT "A"

Chapter 18.100

GENERAL PROVISIONS – NONCONFORMANCE, EXISTING LEGAL USES, AND TEMPORARY USES

18.100.100 Temporary use permits.

A temporary use permit is a mechanism by which the *City* may permit a *use* to locate within the *City* on an interim basis, without requiring full compliance with the development standards, or by which the *City* may permit seasonal or transient *uses* not otherwise permitted.

Except as provided by KMC 18.100.110, a temporary use permit shall be required for:

- A. *Uses* not otherwise permitted in the zone that can be made compatible for periods of limited duration and/or frequency;
- B. *Uses* permitted in a zone which do not meet all of the required development standards but that can be made compatible for periods of limited duration and/or frequency; or
- C. Limited expansion of any *use* that is otherwise allowed in the zone but which exceeds the intended scope of the original land use approval. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.110 Temporary use permits – Exemptions to permit requirement.

- A. Any *use* not exceeding a cumulative total of two days each calendar year shall be exempt from requirements for a temporary use permit.
- B. The following *uses* shall be exempt from requirements for a temporary use permit when located in the RB, WC, UC, CB, DC, PSP, P, or NB zone for the time period specified below:
 - 1. *Uses* not to exceed a total of 30 days each calendar year:
 - a. Christmas tree lots; and
 - b. Produce stands.
 - 2. *Uses* not to exceed a total of 14 days each calendar year:
 - a. Amusement rides, carnivals, or circuses;
 - b. Community festivals; and
 - c. Parking lot sales.
- C. Any community event held in a *park* and not exceeding a period of seven days shall be exempt from requirements for a temporary use permit.

D. Temporary uses or activities, conducted during an *emergency* event, or training exercises conducted at emergency sites, designated pursuant to an emergency management plan, shall not be subject to the provisions of this title. [Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

18.100.120 Temporary use permits – Duration and frequency.

Temporary use permits shall be limited in duration and frequency as follows:

- A. The temporary use permit shall be effective for up to 365 days after issuance by the *city manager*;
- B. The temporary use shall not exceed a total of 90 days or as otherwise provided in this title; provided, that this requirement applies only to the days that the event(s) authorized by the permit actually takes place. This time limit may be extended by the *city council* following a public hearing on the proposal;
- C. The temporary use permit shall specify a date upon which the *use* shall be terminated and removed; and
- D. A temporary use permit shall not be granted for the same temporary use on a property more than once per calendar year; provided, that a temporary use permit may be granted for multiple events during the approval period. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.125 Temporary use permits – Decision criteria.

A temporary use permit shall be granted by the *City* only if the *applicant* demonstrates that:

- A. The proposed temporary use will not be materially detrimental to the public welfare;
- B. The proposed temporary use is compatible with existing land *uses* in the immediate vicinity in terms of noise and hours of operation; and
- C. Adequate public off-street parking and traffic control for the exclusive use of the proposed temporary use can be provided in a safe manner. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.130 Temporary use permits – Parking.

Parking and access for proposed temporary *uses* shall be approved by the *City*. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.140 Temporary use permits – Traffic control.

The *applicant* for a proposed temporary use shall provide any parking/traffic control attendants as specified by the *department*. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.150 Temporary construction buildings.

Temporary *structures* for storage of tools and equipment, or for supervisory offices, may be permitted for construction projects; provided, that such *structures* are:

- A. Allowed only during periods of active construction; and
- B. Removed within 30 days of project completion or cessation of work. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.160 Temporary construction residence.

A. A *mobile home*, motor home, travel trailer, or truck camper may be permitted on a *lot* as a temporary dwelling for the property owner, provided a building permit for a permanent dwelling on the *site* has been obtained and adequate provisions are made for utility services, including potable water and waste water disposal.

B. The temporary construction residence permit shall be effective as long as the building permit for the permanent dwelling on the *site* is active.

C. The temporary construction residence shall be removed within 90 days of:

1. The expiration of the building permit for the permanent dwelling on the site; or
2. The issuance of a certificate of occupancy for the permanent residence, whichever occurs first. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.170 Temporary mobile home for medical hardship.

A. A *mobile home* may be permitted as a temporary dwelling on the same *lot* as a permanent dwelling, provided:

1. The *mobile home* together with the permanent residence shall meet the *setback*, height, building footprint, and lot coverage provisions of the applicable zone; and
2. The *applicant* submits with the permit application a notarized affidavit that contains the following:
 - a. Certification that the temporary dwelling is necessary to provide *daily care*, as defined in Chapter 18.20 KMC;
 - b. Certification that the primary provider of such *daily care* will reside on-site;
 - c. Certification that the *applicant* understands the temporary nature of the permit, subject to the limitations outlined in subsections B and C of this section;
 - d. Certification that the physician's signature is both current and valid; and
 - e. Certification signed by a physician that a resident of the subject property requires *daily care*, as defined in Chapter 18.20 KMC.

B. Temporary mobile home permits for medical hardships shall be effective for 12 months. Extensions of the temporary mobile home permit may be approved in 12-month increments subject to demonstration of continuing medical hardship in accordance with the procedures and standards set forth in subsection A of this section.

C. The *mobile home* shall be removed within 90 days of:

1. The expiration of the temporary mobile home permit; or
2. The cessation of provision of *daily care*. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.180 Temporary real estate offices.

One temporary real estate office may be located on any new residential *development*; provided, that activities are limited to the initial sale or rental of property or units within the *development*. The

office use shall be discontinued within one year of recording of a short subdivision of four lots or less or issuance of a final certificate of occupancy for an *apartment development*, and within two years of the recording of a formal subdivision or short subdivision of more than four lots. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.190 Temporary school facilities.

Temporary school *structures* may be permitted during construction of new school facilities or during remodeling of existing facilities; provided, that such *structures*:

- A. Are allowed only during periods of active construction or remodeling;
- B. Do not expand the student capacity beyond the capacity under construction or remodeling; and
- C. Are removed within 30 days of project completion or cessation of work. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.200 Temporary homeless shelters.

A. In recognition of the need for temporary housing for homeless persons, it is the purpose of this section to allow sponsoring religious, non-profit, and governmental organizations (hereafter, "sponsoring organizations") to use property owned or controlled by them for temporary homeless shelters, while preventing harmful effects associated with such uses, including but not limited to the use of open flames, the possibility of impediments to emergency services, the possibility of environmental degradation, the use of improper sanitary facilities, and the possibility of any other factors that would be considered a nuisance under applicable laws.

B. Temporary homeless shelters may be permitted in accordance with the following procedures, requirements and standards, which shall apply instead of KMC 18.100.120 through 18.100.140:

1. The city manager is authorized to issue temporary use permits for temporary homeless shelters only upon demonstration by the sponsoring organization that all public health and safety requirements of this section have been satisfied or adequately addressed. The city manager may administratively adjust such requirements upon entry of findings and conclusions to support the adjustment. The city manager may terminate a permit upon a determination that the shelter site is unfit for human habitation due to safety concerns, bad sanitary conditions or health related concerns, or disorderly or disorganized activities that adversely impact the safety, health, and welfare of the neighborhood adjacent to the shelter site.

2. An application for a temporary homeless shelter shall include the following:

- a. The dates of the start and termination of the shelter;
- b. The maximum number of residents proposed;
- c. The location, including parcel number(s) and address(es);
- d. The name(s) of the sponsoring organization(s);
- e. A proposed plan regarding self-management;

e. A site plan, demonstrating provision for adequate sanitary facilities and conformance to all safety and health requirements of this section, which shall be reviewed by the city manager and may be revised to incorporate best practices;

f. A transportation plan, containing details of how residents will arrive at the shelter upon commencement and depart from the shelter at termination, and containing a general day-to-day transportation plan and the location of nearby transit stops.

g. A code of conduct, which shall include a provision that the residents will agree to the code prior to being permitted to dwell on site, and which shall at a minimum prohibit or require, as applicable, the following:

i. Drugs or alcohol;

ii. Weapons;

iii. Violence;

iv. Open flames;

v. Loitering in the area surrounding the site; and

vi. Observance of quiet hours.

C. A temporary homeless shelter shall be subject to and satisfy the following health and safety standards at all times:

1. Have a maximum of 50 residents. The City may further limit the number of residents as site conditions dictate.

2. Have a total site area of at least 150 square feet per resident.

3. Have a maximum duration of 125 consecutive days. At approximately the 60-day mark, the sponsoring organization must file a report with the city manager prior to and summarize the report at a City Council meeting.

4. Return to the same site only after 180 days have lapsed from the end date of the previous shelter.

5. Enclose outdoor shelters on all sides with a minimum six-foot tall, sight-obscuring fence. No fence is required if the site is out of view of adjacent properties.

6. Not construct permanent structures within the shelter site. May use existing permanent structures for sheltering or service provision.

7. Identify and have a point of contact who can be reached by phone at any time.

10. Prohibit children under the age of 18 from staying overnight unless accompanied by a parent or guardian.

11. Screen each potential resident before admission to the shelter for active warrants and sex offender status. The sponsoring organization shall notify the City Police immediately if a sex offender or person with an active warrant is identified.

12. Provide adequate sanitary facilities and satisfy all applicable public health requirements.

13. Allow Inspections by City and King County Health, Fire, and Police Departments at any reasonable time and without notice.

14. Provide a minimum of two off-street parking spaces per 25 residents, except for cold-weather shelters with a fluctuating number of residents, which require a minimum of four off-street parking spaces. Any required parking for the principal/existing use on-site shall not be displaced as a result of the shelter.

15. Restrict smoking to a designated smoking area, which must be a minimum of 25 feet from adjacent properties.

16. Observe quiet hours in accordance with KMC 8.05.025.

D. The sponsoring organization applicant shall accomplish the following:

1. A minimum of 30 days before submittal of the application, mail notice by first class mail to owners, residents, and tenants of all property within 1,000 feet of the subject property. The notice at a minimum shall inform the surrounding community of the proposed duration and operation of the shelter, the applicable standards and requirements of this section, the provisions of the proposed code of conduct, and mechanisms for obtaining information regarding shelters in general and the proposed shelter in particular. At least two business days before mailing the notice, the sponsoring organization shall submit a copy of the draft notice to the city manager.

2. A minimum of 14 calendar days before the city manager's decision on the application, mail notice by first class mail of the date, time and location of a public informational meeting regarding the application. The notice shall be mailed by first class mail to owners of property within 500 feet of the subject property and residents and tenants adjacent to the subject property. At least two business days before mailing the notice, the sponsoring organization shall submit a copy of the draft notice to the city manager. At the meeting, the sponsoring organization shall provide the information of the proposed duration and operation of the shelter, conditions that will likely be placed on the operation of the shelter and the provisions of the code of conduct, and to answer questions regarding the proposed shelter.

3. A minimum of 14 calendar days before the city manager's decision on the application, the City shall update the City's website with the date of the application, shelter location, and proposed duration and operation of the shelter.

E. The following conditions shall apply to all temporary homeless shelters:

1. In no event shall more than one shelter be in operation within the City at any given time.

2. Shelters are prohibited in critical areas and their buffers.



City of Kenmore, Washington

Memorandum

Date: June 8, 2018
To: Rob Karlinsey, City Manager
From: Jack Urquhart, Management Intern
Re: Temporary Shelter Policy

Recommendation

Staff recommends that the City Council reviews data and examples of temporary shelter ordinances contained in this memo and discusses whether to direct staff in drafting a policy ordinance.

Problem and History

Over the last year, Kenmore has received multiple requests to use sites as temporary shelters and/or resource centers. The City has appropriately conditioned applications through its Temporary Use Permit process. However, the question has been raised as to whether Kenmore should have specific code for temporary shelter regulations to address concerns of safety and security. At the January 2018 retreat, the City Council directed staff to produce a policy memo in summer 2018 with research and recommendations for a temporary shelter ordinance.

Current Conditioning

The Kenmore Code currently establishes general regulations for Temporary Use Permits. Kenmore's Temporary Use code is included in this packet as Appendix A.

Two Types of Shelters

A potential new policy could address two different types of homeless shelters: 1) temporary shelters and 2) low-barrier temporary shelters.

Definitions

For the purpose of this memo and policy matrix (Appendix B), staff will define temporary shelters as barrier-based indoor and outdoor shelters, including outdoor encampments.

Low-barrier temporary shelters are indoor shelters with minimum expectations from tenants. They often will not reject residents for things such as drugs, alcohol, and pets. Many do not require identification for sex offender or active warrant checks. However, staff proposes that low-barrier temporary shelters as defined by Kenmore can include shelters with sex offender and warrant checks, so long as other barriers are absent.

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Staff proposes that the City Manager or designee issuing Temporary Use Permits will classify applicant shelters as temporary shelters or low-barrier temporary shelters depending on their barrier characteristics, and corresponding regulations will apply.

Regulation Areas

Refer to the attached matrix with comparisons of temporary shelter policies from Shoreline, Kirkland, and Bothell. The matrix shows details of each city's policy per regulation area, with a proposed Kenmore policy in the highlighted columns for both types of shelter. The Kenmore proposal is a launching point for the City Council to consider each regulation area and make its own determinations.

Key regulations areas are as follows:

Application Requirements and Permit Fee

Jurisdictions require varying amounts of information from applicants. Many call for plans to ensure the managing and or/sponsoring organization's consideration of safety, health, site impacts, security, transportation, and parking. Ultimately, a designated staff member will review applications and grant permits based on meeting application requirements and public health and safety requirements.

The permit fee for a recent homeless encampment's temporary use permit in Woodinville was \$976 and was paid by the sponsoring church. Bothell's transitory accommodation permit fee was \$2,842, including a 5 percent technology fee. In Redmond's research, they found the average fee to be \$1,135. A chairman for Camp Unity said their permit fees have normally ranged from \$300-\$2,000 and have occasionally been waived. He described high permit fees as "onerous" for Camp Unity and its sponsoring organizations.

When Kenmore issued temporary use permits for encampments and emergency shelters in the past year, no permit fee was applied.

Of note: Redmond is quite different than other cities surveyed. Its code allows for permits that can be granted for five years and allow three stays over that period of time, as long as encampment plan and conditions remain unchanged. Therefore, its fee of \$2,652.53 is divided over three possible stays. Though it was not adopted, Redmond also explored permitting five stays on one five-year permit, and lowering the fee to \$1000 (\$200 per stay).

The City Council will establish an appropriate permit fee.

Location

A buffer of 20 ft. from abutting properties is a common standard for required separation. Jurisdictions typically prohibit critical areas and their buffers for shelter sites.

The City Council will likely address concerns regarding a separation distance for low-barrier temporary shelters from surrounding properties or specific types of properties, such as schools and public areas. Staff proposes discretion in the Temporary Use application process to determine whether the site's location and condition meet the requirement of not being in conflict with the health and safety of the community (see KMC 18.115.40 E for language that will be applied).

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If the City Council determines a specific separation distance from certain types of properties should be required, staff seeks direction from the City Council in determining regulations.

Maximum Occupancy

Typical maximum occupancy per city ordinance is 100. Camp Unity has changed its maximum occupancy to 40, based on the difficulty of managing a site with more residents. A separate maximum occupancy for indoor, cold-weather emergency shelters may not be necessary. A few other jurisdictions in the state require a minimum of 150 square feet per resident for outdoor encampments.

Duration

Temporary shelters: Typical duration limits for temporary encampments are around 90 days. In Tacoma's newer temporary shelter policy, shelters can be permitted for a 185-day stay, with the possibility of extending to one (1) year. The Camp Unity chairman said that 90 days is difficult, because set up and take down both require one week apiece. Camp Unity would prefer a duration limit of 120 days, so as to have three (3) locations over the course of a year, instead of four (4), although 125 days would actually ensure only three annual sites.

Low-barrier temporary shelters: Organizations such as Lake City Partners Ending Homelessness typically rotate from church to church one month at a time during the coldest months of the year.

Frequency

Other municipalities have commonly opted for six (6) months to one (1) year for the amount of time that needs to transpire before requesting a new permit on a vacated site.

In Kenmore's case, Northlake Lutheran Church has been the site of an outdoor homeless encampment and an indoor, low-barrier temporary shelter. A decision can be made on whether the two separate types of shelters can be hosted concurrently or successively on the same site. For instance, code could regulate that one site can only host one temporary shelter at the same time, and a specified amount of time must transpire between permits for the same site unless successive shelters are of different types (i.e., an encampment followed shortly thereafter by a low-barrier temporary shelter).

Concurrence

Some cities opt to regulate how many encampments or other temporary shelters can operate at the same time. Tacoma has a limit of six (6), with extra stipulations on where they can be located. Lynwood has a limit of one (1).

Pre-screening of Residents

Temporary shelters: Other jurisdictions commonly obtain identification of residents and perform checks for sex offenders and active warrants. If sex offenders or persons with active warrants are identified, police is immediately notified.

Low-barrier temporary shelters: Low-barrier shelter organizations often don't require identification from residents, as their funding depends on it. Mark Ellerbrook from the King County Department of Community and Human services confirmed that King County's funding of

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Lake City Partners Ending Homelessness is contingent upon its low-barrier status, and that no screening is a fundamental component of that status.

Code of Conduct

Codes of conduct are commonly required from sponsoring or managing organizations. Jurisdictions vary in their codes of conduct requirements, with Kirkland's being one of the most comprehensive (see matrix).

Notice

If desired, a minimum notice for surrounding property owners and/or the public before the beginning of operation for a temporary homeless shelter. For instance, Kirkland requires that all owners of all properties within 500 ft. of the site be notified by mail at least 14 days prior to beginning of operation. Furthermore, notice must be published in the city newspaper and on the city website. Sumner requires that owners of properties within 500 ft. be invited by the managing or sponsoring agency to an information meeting, which must be held at least 30 days before submitting the application.

Supervision

Outdoor encampments: Some jurisdictions require that a representative of the sponsoring or managing agency be on site at all times.

Indoor, cold-weather emergency shelters: Lake City Partners Ending Homelessness requires that two monitors be on site during operating hours. A regulation for minimum supervision should be established.

Enforcement

Enforcement comes through 1) issuing permits based on applicants meeting all requirements, 2) inspecting sites as stipulated in the ordinance, and 3) sending notice of non-compliance and, if necessary, revoking the Temporary Use Permit. Other jurisdictions typically send violation notices and give a reasonable period of time for compliance. If the Temporary Use Permit must be revoked, all temporary shelter activities on the site must cease.

Conclusion

Staff recommends that the City Council reviews data and examples of temporary shelter ordinances contained in this memo and discusses whether to direct staff to move forward in drafting a policy ordinance.

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Explanation of Appendices

Appendix A: The current Kenmore Temporary Use code.

Appendix B: A policy matrix comparing neighboring codes for temporary encampments and a proposal for Kenmore regulations, with columns for temporary shelters and low-barrier temporary shelters.

Appendix C: The Shoreline Temporary Use code with a section addressing “transitional encampments.” Shoreline’s code is characteristic of neighboring codes, with language for regulations that staff proposes be influential in Kenmore’s regulations.

Appendix D: The Tacoma Temporary Use code, with a section addressing “temporary shelters.” City Attorney Rod Kaseguma favors the setup of the Tacoma code, insisting that Kenmore’s code could follow a similar order in addressing regulation areas.

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Appendix A: Kenmore Temporary Use Code

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Chapter 18.100 GENERAL PROVISIONS – NONCONFORMANCE, EXISTING LEGAL USES, AND TEMPORARY USES

18.100.100 Temporary use permits.

A temporary use permit is a mechanism by which the *City* may permit a *use* to locate within the *City* on an interim basis, without requiring full compliance with the development standards, or by which the *City* may permit seasonal or transient *uses* not otherwise permitted.

Except as provided by KMC 18.100.110, a temporary use permit shall be required for:

A. *Uses* not otherwise permitted in the zone that can be made compatible for periods of limited duration and/or frequency;

B. *Uses* permitted in a zone which do not meet all of the required development standards but that can be made compatible for periods of limited duration and/or frequency; or

C. Limited expansion of any *use* that is otherwise allowed in the zone but which exceeds the intended scope of the original land use approval. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.110 Temporary use permits – Exemptions to permit requirement.

A. Any *use* not exceeding a cumulative total of two days each calendar year shall be exempt from requirements for a temporary use permit.

B. The following *uses* shall be exempt from requirements for a temporary use permit when located in the RB, WC, UC, CB, DC, PSP, P, or NB zone for the time period specified below:

1. *Uses* not to exceed a total of 30 days each calendar year:

a. Christmas tree lots; and

b. Produce stands.

2. *Uses* not to exceed a total of 14 days each calendar year:

a. Amusement rides, carnivals, or circuses;

b. Community festivals; and

c. Parking lot sales.

C. Any community event held in a *park* and not exceeding a period of seven days shall be exempt from requirements for a temporary use permit.

D. Temporary uses or activities, conducted during an *emergency* event, or training exercises conducted at emergency sites, designated pursuant to an emergency management plan, shall not be subject to the provisions of this title. [Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

18.100.120 Temporary use permits – Duration and frequency.

Temporary use permits shall be limited in duration and frequency as follows:

A. The temporary use permit shall be effective for up to 365 days after issuance by the *city manager*;

B. The temporary use shall not exceed a total of 90 days or as otherwise provided in this title; provided, that this requirement applies only to the days that the event(s) authorized by the permit actually takes place. This time limit may be extended by the *city council* following a public hearing on the proposal;

C. The temporary use permit shall specify a date upon which the *uses* shall be terminated and removed; and

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Chapter 18.100 GENERAL PROVISIONS – NONCONFORMANCE, EXISTING LEGAL USES, AND TEMPORARY USES

D. A temporary use permit shall not be granted for the same temporary use on a property more than once per calendar year; provided, that a temporary use permit may be granted for multiple events during the approval period. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.125 Temporary use permits – Decision criteria.

A temporary use permit shall be granted by the *City* only if the *applicant* demonstrates that:

- A. The proposed temporary use will not be materially detrimental to the public welfare;
- B. The proposed temporary use is compatible with existing land *uses* in the immediate vicinity in terms of noise and hours of operation; and
- C. Adequate public off-street parking and traffic control for the exclusive use of the proposed temporary use can be provided in a safe manner. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.130 Temporary use permits – Parking.

Parking and access for proposed temporary *uses* shall be approved by the *City*. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.140 Temporary use permits – Traffic control.

The *applicant* for a proposed temporary use shall provide any parking/traffic control attendants as specified by the *department*. [Ord. 11-0329 § 3 (Exh. 1).]

Appendix B: Policy Comparison Matrix with Kenmore Proposal

Type of Permit	Shoreline	Kirkland	Bothell	Additional Notes	Kenmore Proposal	
					Temporary Shelters	Low-barrier Shelters
Permit Fee	Temporary Use: Transitional Encampments Fee waived	Temporary Use: Encampments \$231 plus technology fee	Transitory Accommodation \$2842 including 5 percent technology fee	Woodinville: \$976, paid by sponsoring church Camp Unity said that some cities require an onerous application fee anywhere from \$300-\$2,000. In some cases they can get it waived	Temporary Use: Temporary Shelters No fee	Temporary Use: Low-barrier Shelters
Permitted Locations					Prohibited in critical areas and their buffers Not detrimental to the public welfare, compatible with existing uses in the immediate vicinity in terms of noise and hours of operation, adequate parking and traffic control provided in a safe manner Not in conflict with health and safety of the community Low-barrier shelters must be indoors	
Application	Permit issued by Director based on: Mitigated impacts on safety, health and parking Hours of operations specified Noise, light, and glare don't negatively affect surrounding area	Application provided by Planning and Building Department Reviewed and decided upon by planning official Transportation plan required with application	Permits issued by Community Development Director based on adequate impact mitigation Permit fee established by City Council Impact mitigation plan Code of conduct		City manager or designee authorizes permits based on public health and safety requirements being addressed and consideration of application's conformance to regulations	
Operating Hours					Open between the hours of 7:30 p.m. and 7:30 a.m.	
Maximum Occupancy	100 maximum; 7,500 sq. ft. required for up to 50 first residents, 150 sq. ft. per resident after that	100 maximum		Camp Unity limit is 40	100 maximum Outdoor shelters: 150 sq. ft. required per resident Indoor shelters: Compliance with building code for safety	
Duration	90 days, with possible extension for 90 more days based on meeting site requirements	92 days	90 days	Camp Unity said that the common 90-day limit is difficult, due to preparations to move and moving. Much prefers 120 days	125 days (causes temporary shelter to only need 3 sites per year)	31 days

	Shoreline	Kirkland	Bothell	Additional Notes	Kenmore Proposal	
					Temporary Shelters	Low-barrier Shelters
Frequency	Once vacated, site not authorized for new permit for 180 days	Once per 365 day period on same site	Permit for 90 days per site in 12-month period, cumulatively or consecutively		Once vacated, site not authorized for new permit for 180 days for a shelter of the same type (i.e., a low-barrier shelter cannot be followed by another low-barrier shelter on the same site until 180 days have transpired)	Once vacated, site not authorized for new permit for 180 days for a shelter of the same type (i.e., a low-barrier shelter cannot be followed by another low-barrier shelter on the same site until 180 days have transpired)
Concurrence				Some jurisdictions, such as Lynwood, stipulate that only one temporary homeless shelter can operate at a time	A permit for a different shelter type on the same site can be issued with no required buffer time (i.e., a low-barrier shelter can come in December to a church that hosted an outdoor encampment from September to November)	A permit for a different shelter type on the same site can be issued with no required buffer time (i.e., a low-barrier shelter can come in December to a church that hosted an outdoor encampment from September to November)
Exterior boundary	10 ft. setbacks from neighboring properties, 5 ft. setback from right-of-way lines	Must be located a minimum of 20 ft. from property lines of abutting residential properties	No less than 20 ft. from adjacent property lines unless property gives consent		If outdoors, must be located a minimum of 20 ft. from property lines of abutting properties	If outdoors, must be located a minimum of 20 ft. from property lines of abutting properties
Sight-obscuring Fence	Six-foot sight-obscuring screen. Screen can't be black.	Sight-obscuring fence required around perimeter unless out of view of adjacent properties	Sight-obscuring fence required around perimeter unless out of view of adjacent properties		If outdoors, a six-foot-tall sight-obscuring fence required, unless site is out of view of adjacent properties	If outdoors, a six-foot-tall sight-obscuring fence required, unless site is out of view of adjacent properties
Lighting		Exterior lighting must face downward and contained within encampment	Compliant with city light and glare regulations		If outdoors, exterior lighting must face downward and be contained within encampment	If outdoors, exterior lighting must face downward and be contained within encampment
Children		No children under 18 allowed in encampment			Persons under 18 only allowed if accompanied by a guardian or part of organization providing a meal	No children under 18 allowed in shelter
Pre-screening of Residents	Sex offender and warrant checks Identification list sent to King County Sheriff's Office Communication Center	Sex offender and warrant checks All police requirements for offenders met	Sex offender and warrant checks Police immediately notified if sex offender or person with active warrant identified	Lake City Partners Ending Homelessness has King County as its primary funder, and the county's funding is contingent upon low-barrier (no-screening) status	Sex offender and warrant checks Police immediately notified if sex offender or person with active warrant identified	Sex offender and warrant checks Police immediately notified if sex offender or person with active warrant identified UNLESS Funding agency's grant contingent upon no screening

	Shoreline	Kirkland	Bothell	Additional Notes	Kenmore Proposal	
					Temporary Shelters	Low-barrier Shelters
Transportation		Transportation plan required with application	Temporary shelter must be located within one-half mile of a regular public transportation stop		Transportation plan required with application	Sponsoring organization provides bus tickets or other transportation for daytime hours when shelter is not operating
Adequate Facilities and Inspections	"Provide adequate sanitary facilities" Permit inspections by City and King County Health and Fire Departments at any reasonable time without notice Inspection by Fire Department first week of operation	"... compliance with Washington State and City codes concerning but not limited to drinking water connections, human waste, solid waste disposal, electrical systems and fire-resistant materials"	"All applicable city, county and state regulations pertaining to public health shall be met." Adequate toilet facilities as determined by Public Works Director Inspections permitted by the City to ensure public health at any time without notice	Camp Unity claims Tacoma's code overreaches. CUE has one shower for 40 residents and says it's adequate	Provide adequate sanitary facilities Permit inspections by City and King County Health, Fire and Police Departments at any reasonable time without notice Adequate access for emergency vehicles	
Parking		Parking for five vehicles shall be provided	Adequate parking will be provided so as to not reduce parking utilized by existing surrounding uses Proposed parking plan		Minimum of two (2) off-street parking spaces per 25 residents unless shelter is cold-weather shelter where amount of residents cannot be anticipated. In that case, a minimum of eight (8) off-street parking spaces is required Required parking for principal/existing use on-site shall not be displaced	
Code of Conduct	Code of conduct includes: -No drugs, alcohol, violence -Exclusion of sex offenders	Managing agency provides and enforces code of conduct containing the following as a minimum: -No drugs or alcohol -No weapons -No violence -No open flames -No loitering in surrounding neighborhood -Quiet hours	Required with names and phone numbers of persons comprising the applicant		Code of conduct required and submitted with application for review Includes at a minimum: -No drugs or alcohol -No weapons -No violence -No open flames -No loitering in surrounding neighborhood -Quiet hours	Code of conduct required and submitted with application for review Includes at a minimum: -No violence -No open flames -No loitering in surrounding neighborhood -Quiet hours
Supervision and Security					One representative of managing/sponsoring agency on site at all times	Two monitors required on site during operating hours

	Shoreline	Kirkland	Bothell	Additional Notes	Kenmore Proposal	
					Temporary Shelters	Low-barrier Shelters
Smoking	Smoking only in designated area, must be 25 feet from neighboring properties				Smoking only in designated area, must be 25 feet from neighboring properties	
Quiet Hours					For outdoor encampments, quiet hours must be observed from 9:00 p.m. to 9:00 a.m.	
Notice	Neighborhood meeting and written summary before application is submitted	14 days before anticipated start, mailed notice to owners of property within 500 ft. and residents and tenants adjacent to property Published in city newspaper and posted on city web site	Comments sought from any public or private schools within 600 ft. of boundaries Mediation through city if necessary		30 days before application is submitted, property owners and residents within 500 ft. of site and the City must be mailed a notice by managing/sponsoring agency At least two weeks before application is submitted, a public information meeting must be held by managing/sponsoring agency	

Appendix C: Shoreline Temporary Use Code

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Chapter 20.30 Procedures and Administration

20.30.295 Temporary use.

A. A temporary use permit is a mechanism by which the City may permit a use to locate within the City (on private property or on the public rights-of-way) on an interim basis, without requiring full compliance with the Development Code standards or by which the City may permit seasonal or transient uses not otherwise permitted.

B. The Director may approve or modify and approve an application for a temporary use permit if:

1. The temporary use will not be materially detrimental to public health, safety, or welfare, nor injurious to property and improvements in the immediate vicinity of the subject temporary use;
2. The temporary use is not incompatible in intensity and appearance with existing land uses in the immediate vicinity of the temporary use;
3. Adequate parking is provided for the temporary use and, if applicable, the temporary use does not create a parking shortage for the existing uses on the site;
4. Hours of operation of the temporary use are specified;
5. The temporary use will not create noise, light, or glare which would adversely impact surrounding uses and properties; and
6. The temporary use is not in conflict with the standards of the critical areas regulations, Chapter [20.80](#) SMC, Critical Areas, and is located outside the shoreline jurisdiction regulated by the Shoreline Master Program, SMC Title [20](#), Division II.

C. Except for transitional encampments, a temporary use permit is valid for up to 60 calendar days from the effective date of the permit, except that the Director may establish a shorter time frame or extend a temporary use permit for up to one year.

D. Additional Criteria for Transitional Encampment.

1. The site must be owned or leased by either a host or managing agency.
2. The application fee for a temporary use permit (TUP) for a transitional encampment is waived.
3. Prior to application submittal, the applicant is required to hold a neighborhood meeting and provide a written summary as set forth in SMC [20.30.045](#) and [20.30.090](#).
4. The applicant shall utilize only government-issued identification such as a State or tribal issued identification card, driver's license, military identification card, or passport from prospective encampment residents to develop a list for the purpose of obtaining sex offender and warrant checks. The applicant shall submit the identification list to the King County Sheriff's Office Communications Center.
5. The applicant shall have a code of conduct that articulates the rules and regulation of the encampment. These rules shall include, at a minimum, prohibitions against alcohol and/or drug use and violence; and exclusion of sex offenders. The applicant shall keep a cumulative list of all residents who stay overnight in the encampment, including names and dates. The list shall be kept on site for the duration of the encampment. The applicant shall provide an affidavit of assurance with the permit submittal package that this procedure is being met and will continue to be updated during the duration of the encampment.
6. The maximum number of residents at a transitional encampment site shall be determined taking into consideration site conditions, but shall in no case be greater than 100 residents at any one time. Any proposed site

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shall meet the site requirements in subsection (D)(7) of this section and be of sufficient size to support the activities of the transitional encampment without overcrowding of residents.

7. Site Requirements.

- a. The minimum useable site area for a transitional encampment shall be: 7,500 square feet for the first 50 residents, plus 150 square feet for each additional resident, up to the maximum allowable of 100 residents. The useable site area may be a combination of contiguous parcels in the same ownership of the host or managing agency.
- b. Tents and supporting facilities within an encampment must meet 10-foot setbacks from neighboring property lines, not including right-of-way lines or properties under the same ownership as the host agency. Setback from rights-of-way must be a minimum of five feet. Additional setback from rights-of-way may be imposed based on the City's Traffic Engineer's analysis of what is required for safety. Setbacks to neighboring property lines may be reduced by the Director to a minimum of five feet if it can be determined that the reduction will result in no adverse impact on the neighboring properties, taking into account site conditions that extend along the entire encampment area, including but not limited to:
 - i. Topography changes from adjoining property;
 - ii. Visually solid, minimum six-foot height, intervening structures;
 - iii. Distance from nearest structure on neighboring property;
 - iv. Vegetation that creates a visual screen.
- c. The transitional encampment shall be screened. The screening shall meet setbacks except screening or structures that act as screening that are already in existence. The color of the screening shall not be black.
- d. A fire permit is required for all tents over 400 square feet. Fire permit fees are waived.
- e. All tents must be made of fire resistant materials and labeled as such.
- f. Provide adequate number of 2A-10BC rated fire extinguishers so that they are not more than 75 feet travel distance from any portion of the complex. Recommend additional extinguishers in cooking area and approved smoking area.
- g. Smoking in designated areas only; these areas must be a minimum of 25 feet from any neighboring residential property. Provide ashtrays in areas approved for smoking.
- h. Emergency vehicle access to the site must be maintained at all times.
- i. Members of the transitional encampment shall monitor entry points at all times. A working telephone shall be available to ensure the safety and security of the transitional encampment at all times.
- j. Provide adequate sanitary facilities.

8. The encampment shall permit inspections by City, King County Health Department, and Fire Department inspectors at reasonable times during the permit period without prior notice to ensure compliance with the conditions of the permit.

9. The encampment shall allow for an inspection by the Shoreline Fire Department during the initial week of the encampment's occupancy.

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10. Encampments may be allowed to stay under the temporary use permit for up to 90 days. A TUP extension may be granted for a total of 180 days, on sites where agencies in good standing have shown to be compliant with all regulations and requirements of the TUP process, with no record of rules violations. The extension request must be made to the City, but does not require an additional neighborhood meeting or additional application materials or fees.
11. Host or managing agencies may not host a transitional encampment on the same site within 180 days of the expiration date of the TUP for a transitional encampment.
12. At expiration of the permit, the host or managing agency shall restore the property to the same or similar condition as at permit issuance. (Ord. 762 § 1 (Exh. A), 2017; Ord. 724 § 1 (Exh. A), 2015; Ord. 425 § 1, 2006).

Appendix D: Tacoma Temporary Shelter Code

Tacoma Municipal Code

a valid building permit for which a complete application is submitted within 18 months following said damage, which permit must be actively pursued to completion.

J. Nonconforming signs. Nonconforming signs shall be subject to the regulations found in Section 13.06.521.N. Signs for nonconforming commercial and/or industrial uses in a residential district shall be limited to the signage which existed at the time it became nonconforming or, in the event the sign is destroyed or removed, it may be replaced by a sign not to exceed 32 square feet.

(Ord. 28376 Ex. E; passed Aug. 16, 2016; Ord. 28336 Ex. C; passed Dec. 1, 2015; Ord. 28230 Ex. D; passed Jul. 22, 2014; Ord. 28077 Ex. C; passed Jun. 12, 2012; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27771 Ex. C; passed Dec. 9, 2008; Ord. 27539 § 18; passed Oct. 31, 2006; Ord. 27431 § 11; passed Nov. 15, 2005; Ord. 27079 § 47; passed Apr. 29, 2003; Ord. 26933 § 1; passed Mar. 5, 2002)

13.06.635 Temporary use.

A. Purpose. The purpose of this section is to allow listed temporary uses which:

1. Are not contrary to the various purposes of this chapter;
2. Will not impede the orderly development of the immediate surrounding area, as provided for in the Comprehensive Plan and the zoning district in which the area is located; and
3. Will not endanger the health, safety, or general welfare of adjacent residences or the general public.

B. Temporary uses.

1. General. A temporary use shall be subject to the standards of development specified in this section.
2. Duration and/or frequency. Where permitted as a temporary use, the following uses may be authorized for the time specified in Table 1, and subject to Section 13.06.635.B.

Table #1: TEMPORARY USES ALLOWED – NUMBER OF DAYS ALLOWED	
Temporary Use Type	Days Allowed Per Year
Seasonal sales	45
Carnival	14
Temporary housing	See Section 13.06.635.B.3.a
Temporary office space	See Section 13.06.635.B.3.b
Temporary storage	See Section 13.06.635.B.3.d
Temporary shelters	See Section 13.06.635.B.4

a. The duration of the temporary use shall include the days the use is being set up and established, when the event actually takes place, and when the use is being removed.

b. A parcel may be used for no more than three temporary uses within a calendar year; provided, the time periods specified in Table 1 are not exceeded. Multiple temporary uses may occur on a parcel concurrently; provided, the time periods in Table 1 are not exceeded.

3. Temporary structure standards.

a. Temporary housing.

- (1) Such use shall be placed on a lot, tract, or parcel of land upon which a main building is being in fact constructed. The applicant shall have a valid building permit approved by Planning and Development Services;
- (2) Such uses are of a temporary nature not involving permanent installations, including structures and utilities;
- (3) That such a house trailer or mobile home shall be located at least 25 feet away from any existing residences;
- (4) That conformance with all applicable health, sanitary, and fire regulations occasioned by the parking and occupancy of said house trailer or mobile home shall be observed.
- (5) The temporary housing shall be removed within 30 days after final inspection of the project, or within one year from the date the unit is first moved to the site, whichever may occur sooner.

b. Temporary office space.

- (1) Such use shall be in accordance with the use regulations of the zoning district within which the temporary office is located.

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- (2) Such use is appropriate due to the construction or reconstruction of a main building or the temporary nature of the use.
- (3) Such use is of a temporary nature not involving permanent installations, including structures, utilities, and other improvements, unless such improvements are to be used in conjunction with a permanent structure, plans for which have been approved by Planning and Development Services. This provision shall not be construed to prohibit the installation of utilities necessary to serve the temporary use or the requiring of improvements necessary to eliminate or mitigate nuisances or adverse environmental impacts resulting from the temporary use.
- (4) Such a temporary building shall be located at least 25 feet away from any existing structure or structures under construction unless it can be demonstrated that a lesser distance will be adequate to safeguard adjacent properties and provide a safe distance from any construction occurring on the site.
- (5) Such temporary building shall not be required to comply with the design standards found in Section 13.06.501.
- (6) That conformance with all applicable health, sanitary, and fire regulations occasioned by the parking and occupancy of said temporary building shall be observed.
- (7) The temporary office shall be removed within 30 days after final inspection of the project, or within one year from the date the unit is first moved to the site, whichever occur sooner.

c. Carnival.

- (1) Such uses are of a temporary nature not involving permanent installations, including both structures and utility services, except those already existing on the premises.
- (2) Proper regard shall be given to the controlling of traffic generated by the use with respect to ingress and egress to the given site and the off-street parking of automobiles attracted by the use.
- (3) That any structures, buildings, tents, or incidental equipment shall be located at least 200 feet from existing residences;
- (4) That off-street parking for the primary use on the site shall not be reduced below the required parking for that use.

d. Temporary storage. Temporary storage units are transportable units designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis. Temporary storage units, where allowed, shall be subject to the following standards:

- (1) Temporary storage units shall be allowed as part of an active construction project or active moving process.
- (2) In residential zoning districts, the maximum duration of temporary storage shall be 180-days in any two-year period, with up to one 60-day extension allowed at the discretion of Planning and Development Services.
- (3) In commercial, mixed-use or industrial zoning districts, temporary storage units shall be removed within 30 days after final inspection of the project.
- (4) Temporary storage units shall be placed in the least conspicuous location available to minimize disturbance to any adjoining properties and shall be located in accordance with all applicable building, health and fire safety ordinances and regulations. Units shall provide a minimum 5-foot setback from all exterior property lines and shall not be located within required buffer areas. Units shall not block, impair, or otherwise unduly inconvenience pedestrian or vehicular traffic patterns, emergency access, access points to the site, parking lots, or adjacent uses.
- (5) Such use is of a temporary nature not involving permanent installations, including structures, utilities, and other improvements, unless such improvements are to be used in conjunction with a permanent structure, plans for which have been approved by Planning and Development Services. This provision shall not be construed to prohibit the installation of utilities necessary to serve the temporary use or the requiring of improvements necessary to eliminate or mitigate nuisances or adverse environmental impacts resulting from the temporary use.
- (6) Such temporary building shall not be required to comply with the standard locational, bulk and area requirements or the design, landscaping, parking and other standards found in Sections 13.06.500-.522.
- (7) Planning and Development Services shall have full discretion to stipulate additional limitations or conditions on such temporary use to ensure that it does not unduly affect the health, safety, or general welfare of adjacent properties or residences or the general public.

4. Temporary Shelters.

a. Purpose. In recognition of the need for temporary housing for homeless persons, it is the purpose of this section to allow sponsoring religious, non-profit, and governmental organizations to use property owned or controlled by them for temporary homeless shelters, while preventing harmful effects associated with such uses, including the use of open flames, the possibility

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of impediments to emergency services, the possibility of environmental degradation, the use of improper sanitary facilities, and the possibility of any other factors that would be considered a nuisance under applicable laws.

b. Application. In order to allow sponsoring religious, non-profit, and governmental organizations to establish a temporary shelter on qualifying property, a permit must be obtained from Planning and Development Services in accordance with TMC 13.05, Land Use Permit Procedures, and the following:

(1) The Director of Planning and Development Services is authorized to issue permits for temporary shelters only upon demonstration that all public health and safety considerations have been adequately addressed, and may administratively adjust standards upon providing findings and conclusions that justify the requirements. A permit allowing a temporary shelter site may be terminated if the City determines the site is unfit for human habitation based on safety, sanitary conditions or health related concerns or activities have become disorderly or disorganized so as to impact the safety, health, and welfare of the neighborhood adjacent to the site.

(2) An application for a temporary shelter shall include the following:

- (a) The dates of the start and termination of the temporary shelter;
- (b) The maximum number of residents proposed;
- (c) The location, including parcel number(s) and address(es);
- (d) The names of the managing agency, proposed self-management plan (the self-management plan would require consultation with the sponsor and oversight by City staff and meetings with neighboring property owners, businesses, Safe Streets organizations, Neighborhood Councils, and/or similar organizations), or manager and sponsor;
- (e) A site plan showing the following shall be prepared and reviewed by staff, which will make recommendations for best practices, including Crime Prevention through Environmental Design ("CPTED") principles:
 - (i) Property lines;
 - (ii) Property dimensions;
 - (iii) Location and type of fencing/screening (must be a minimum of ten feet from property lines);
 - (iv) Location of all support structures (administrative, security, kitchen, and dining areas) or planned space to be used inside an on-site structure;
 - (v) Method of providing and location of potable water;
 - (vi) Method of providing and location of waste receptacles;
 - (vii) Location of required sanitary stations (latrines, showers, hygiene, hand washing stations);
 - (viii) Location of vehicular access and parking;
 - (ix) Location of dwellings for each person (must meet Tacoma-Pierce County Health Department requirements);
 - (x) Entry/exit control points;
 - (xi) Internal pathways, and access routes for emergency services.
- (f) A statement from the sponsoring religious, non-profit, or governmental organization regarding its commitment to maintain liability insurance in types and amounts sufficient to cover the liability exposures inherent in the permitted activity during the existence of any sponsored temporary shelter;
- (g) a signed trespass order filed with the Tacoma Police Department;
- (h) a mandatory preapplication meeting to be attended by city representatives, such as agents from Planning and Development Services and Neighborhood and Community Services, as deemed appropriate;
- (i) transition plan for assisting residents in moving to another location.

c. Safety and health requirements. A temporary shelter shall be established in accordance with the following standards:

- (1) No more than 100 residents shall be allowed per shelter location. The City may further limit the number of residents as site conditions dictate.
- (2) A minimum of 7,500 square feet of site area shall be required for shelters serving up to 50 people. The minimum site area may be proportionally reduced if adjacent existing buildings are used for sleeping or support facilities such as kitchen, dining hall, showers, and latrines.

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(3) For a shelter serving more than 50 residents, the minimum 7,500 square-foot site area shall be increased by 150 square feet for each additional resident, up to a total of 100 residents.

(4) The maximum duration of a temporary shelter shall be 185 consecutive days, except as provided below:

(a) The Director may extend the permit once for up to 40 days if unforeseen problems arise regarding shelter relocation. An extension must be requested before the last 30 days of the temporary permit and will not be granted if any violation of the temporary shelter permit has occurred. Notice of such an extension shall be provided to the same notification list required for the original permit application, as well as any other individuals who commented on the original request.

(b) The Director may extend the permit once when inclement weather, natural disaster, or other emergency necessitates the continued use of the shelter location. The Director may extend the permit until the event necessitating the extension has ended but no longer than 90 days. An extension must be requested prior to the event or when reasonable given the circumstances of the event. Notice of such an extension shall be provided to the same notification list required for the original permit application, as well as any other individuals who commented on the original request.

(c) The Director may extend the temporary permit for a longer period, up to 180 days, if the shelter has demonstrated continuing need and demonstrated compliance with this chapter. An extension must be requested before the last 60 days of the existing temporary permit. As indicated in Section 13.05.020.H, the maximum duration for this type of temporary permit is one year, however, successive permits for one shelter facility can also be approved under this section. If an extension is approved, the decision shall address any appropriate modifications to conditions of approval. This type of long-term extension, or successive long-term permits, shall be processed in the same manner required for the original Temporary Shelters Permit (as outlined in Section 13.05), including the same level of community notification, community meeting, and comment period. The Director's decision regarding this type of extension shall require periodic monitoring not less than every 45 days. An extension shall not be granted if any violation of the existing temporary shelter permit has occurred. In considering whether to grant this type of long-term extension, the Director shall consider factors such as:

- i. The number of code compliance cases.
- ii. The number of calls placed to police due to disruptions on-site by residents.
- iii. The number of community engagements, which may include meetings or volunteer opportunities.
- iv. A report documenting the status of resident jobs, skills, or behavioral trainings.
- v. A report documenting efforts, up to and including, transitioning of residents into other temporary, long-term, or more stable housing.

(5) A temporary shelter may only return to the same site after six-months has lapsed since the end date of the previous temporary shelter.

(6) In no event shall more than six temporary shelter sites be permitted within the City at any given time. Additionally, a maximum of two (2) shelters should be allowed in any single Police Sector at any given time and a minimum of one mile must separate each temporary shelter site. Prior to approving a request for a second temporary shelter location within a sector, all other sectors shall have a temporary shelter location. As part of process for approving a second location within a sector, the City shall determine whether there are adequate City services to support the second location in a sector.

(7) Outdoor shelters shall be enclosed on all sides with a minimum six-foot tall, sight-obscuring fence. No fence will be required if the site is out of view of adjacent properties.

(8) Permanent structures are prohibited from being constructed within the temporary shelter site. Existing permanent structures may be used for sheltering or service provision.

(9) Temporary shelters are prohibited in Shoreline Districts, critical areas, and their buffers.

(10) The sponsoring religious, non-profit, or governmental organization shall work with Neighborhood and Community Services and other agencies to find more permanent housing solutions for the inhabitants of the shelter during its operation.

(11) One security/office/operations structure shall be provided for the site manager. The manager must be on site at all times. Persons who are acting as the on-site manager must be awake while on shift to monitor the security of the shelter and be ready and able to alert police and/or other emergency responders if the need arises.

(12) The minimum age for unaccompanied shelter residents is 18 years of age. Individuals under the age of 18 will only be allowed if accompanied by a guardian.

(13) Each resident shall be pre-screened for warrants and a background check shall be completed by the sponsor religious, non-profit, or governmental organization. No sex offenders will be permitted as shelter residents.

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(14) The temporary shelter must be located within one-half mile of a transit stop that is in service seven days per week.

(15) The following facilities and provisions must be made available on-site and approved for adequacy and location by the Tacoma-Pierce County Health Department prior to occupancy:

(a) Potable water as approved or provided by local utilities. Estimated usage is four to five gallons per day, per resident.

(b) Provide sanitary toilets as provided in the following table:

Number of residents	1-20	21-40	41-60	61-80	81-100
Number of toilets required	1	2	3	4	5

(c) Provide hand washing stations with warm water, soap, paper towels and covered garbage cans and recycling containers at the following locations:

(i) Hand washing stations next to toilets provided in the following manner:

Number of residents	1-15	16-30	31-45	46-60	61-75	76-90	91-100
Number of stations required	1	2	3	4	5	6	7

(d) Showering facilities are required as provided in the following table:

Number of residents	1-33	34-66	67-100
Number of showers required	1	2	3

(e) At least one food preparation area with refrigeration, sinks, and cooking equipment. If food is prepared on-site, adequate dishwashing facilities must be available.

(f) Food preparation, storage, and serving. No children under the age of ten shall be allowed in food preparation or storage areas.

(g) An adequate water source must be made available to the site.

(h) Indoor sleeping facilities must meet the following standards:

(i) Must comply with all life safety and building code requirements.

(i) Outdoor sleeping facilities must meet the following standards:

(i) Appropriate spacing is required between all temporary, semi-permanent, and permanent sleeping structures of all types, materials, and sizes. Appropriate spacing will be specified during application intake and review.

(j) Waste water disposal, which drains to sanitary sewer.

(k) Solid waste: Garbage and recycling removal by local utilities. Adequate scheduled dumping to prevent overflow. Infectious waste/sharps disposal shall be made available.

(l) Premises must be maintained to control insects, rodents, and other pests.

(16) Premises must be maintained as approved by the Tacoma Fire Department ("TFD"), including:

(a) Approval letter from the TFD, should the shelter site contain structures in excess of 200 square feet or canopies in excess of 400 square feet.

(b) Provide fire extinguishers in quantity and locations as specified by TFD.

(c) Adequate access for fire and emergency services, with a minimum of two access points, shall be maintained.

(d) No smoking or open flames shall be allowed in sleeping or food prep structures. Smoking within the shelter site will be within designated smoking areas only.

(e) Electrical inspections, in coordination with a Planning and Development Services electrical inspector, shall occur to ensure safe installation of power, if provided, including to support facilities (administration, security, kitchen, dining, shower, hygiene, and latrine facilities) and any sleeping structures.

(f) Security Plan. The security plan shall:

(i) List the contact name and phone number of the on-site manager;

(ii) Contain an evacuation plan for the temporary shelter;

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- (iii) Contain a controlled access plan for residents; and
- (iv) Contain a fire suppression and emergency access plan.

(17) Parking standards.

- (a) Parking spaces, layouts, and configuration shall be designed in accordance with TMC 13.06.510.
- (b) A minimum of two off-street parking spaces per 25 residents are required for all temporary shelters.
- (c) Any required parking for the principal/existing use on-site shall not be displaced as a result of the temporary shelter.

(18) Refuse and recycling containers shall be provided on-site, with service provided by Solid Waste Management and paid for by the applicant.

(Ord. 28498 Ex. A; passed Apr. 10, 2018; Ord. 28460 Ex. A; passed Oct. 17, 2017; Ord. 28216 Ex. C; passed Apr. 22, 2014; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27079 § 48; passed Apr. 29, 2003; Ord. 26933 § 1; passed Mar. 5, 2002)

13.06.640 Conditional use permit.

A. Purpose. In many zones there are uses that may be compatible but because of their size, operating characteristics, potential off-site impacts and/or other similar reasons warrant special review on a case-by-case basis. The purpose of the conditional use permit review process is to determine if such a use is appropriate at the proposed location and, if appropriate, to identify any additional conditions of approval necessary to mitigate potential adverse impacts and ensure compatibility between the conditional use and other existing and allowed uses in the same zoning district and in the vicinity of the subject property. The zoning district use tables identify which uses require a conditional use permit (see Sections 13.06.100, -.200, -.300, and -.400). These uses may be authorized by the Director or Hearing Examiner in accordance with the procedures established in TMC 13.05 and the applicable criteria outlined below.

B. Conditional uses and height. Since certain conditional uses have intrinsic characteristics related to the function or operation of such uses, which may necessitate buildings or other structures associated with such uses to exceed the height limits of the zoning districts in which the conditional uses may be located, the Director or Hearing Examiner may authorize the height of buildings or other structures associated with the following conditional uses to exceed the height limit set forth in the zoning district in which such uses are located; provided, such height is consistent with the criteria contained in subsection C of this section:

1. Airports.
2. Religious assembly.
3. Schools, public or private.
4. Public safety and public services facilities.
5. Hospitals.
6. Wireless communication towers or wireless facilities, subject to the requirements set forth in Section 13.06.545, and the time limitations set forth in Chapter 13.05, Table G.
7. Utilities.
8. Park and recreation.
9. Surface Mining, and subject to the requirements of Section 13.06.540.

In order to ensure that the location and character of these uses will be compatible with the Comprehensive Plan, a review and decision by the Director or Hearing Examiner are required prior to the issuance of any conditional use permit.

C. Conditional Use Permits and Historic Properties. For proposals affecting properties that are listed individually on the Tacoma Register of Historic Places, or are within historic special review or conservation districts, the Director shall refer the complete application to the Landmarks Preservation Commission for comment regarding whether the proposal appears to meet applicable historic guidelines and standards.

D. Criteria. A conditional use permit shall be subject to the following criteria:

1. There shall be a demonstrated need for the use within the community at large which shall not be contrary to the public interest.