



**CITY OF KIRKLAND**  
**City Manager's Office**  
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www.kirklandwa.gov

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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Lorrie McKay, Intergovernmental Relations Manager  
Andreana Campbell, Management Analyst

**Date:** January 8, 2021

**Subject:** 2021 STATE LEGISLATIVE PRIORITIES UPDATE #1

### **RECOMMENDATION:**

It is recommended that the City Council receive its first update on the City's 2021 State Legislative Priorities (Attachment A).

### **BACKGROUND DISCUSSION:**

At its November 4, 2019 regular meeting, Council amended and adopted the City's State Legislative Priorities for the 2021 legislative session. Council added a new segment to the City's legislative agenda called the Priority Coalition Advocacy agenda, which elevates a limited number of key issues that are critical to Kirkland but that are prioritized and championed by other organizations. For these items, the City may provide support as part of a coalition but, does not take the lead. Council identified issues for this segment going into the 2021 session, which is a long 105-day session that officially opened Monday, January 11.

The City Council's Legislative Workgroup, consisting of Mayor Sweet, Deputy Mayor Arnold and Councilmember Curtis, is staffed by the City Manager, the Intergovernmental Relations & Economic Development Manager and Management Analyst Andreana Campbell, with participation from Waypoint Consulting Group, the City's contracted lobbyist. Deputy Mayor Arnold is the Chair the Legislative Workgroup, which meets weekly to track the status of the City's priorities and it provides support and oversight of strategies for achieving the priorities.

#### 2021 – Will Be a Legislative Session Like No Other

Because of the ongoing pandemic, the COVID constrained environment and continued financial uncertainties, legislative leadership has signaled for months that a very limited set of bills will be considered in 2021. Leadership has cautioned members against running companion bills. The themes emerging for the 2021 session from the Governor and legislative leadership include combatting COVID-19, investing in economic relief & recovery, and equity & social justice.

Restrictions imposed to prevent spread of the COVID-19 virus have required legislative leadership and state employees to plan for how the legislature's business will be conducted safely and transparently in 2021. Given the complexities of the legislative process, even under normal circumstances, this is an enormous task, with Open Public Meetings Act requirements, two chambers (49 members of the Senate and 98 House members), bill draft amendments, committee hearings; committee caucusing; floor action, chamber caucusing and roll call procedures. Because lawmakers rely on continuous review and feedback on proposed legislation, if the legislature does not convene in person, then that feedback loop is strained significantly.

The legislature convened in person Monday the 11<sup>th</sup> in order to adopt the rules to allow for it to conduct its business remotely. Testimony at hearings will be taken via Zoom or Microsoft Teams and despite the obvious technical challenges, this change offers increased access for parties who wish to testify.

#### Priorities Status Update

Since adopting the 2021 priorities, the Legislative Workgroup spent November and December meeting with the nine members of the City's state delegation. The purpose of these conversations is to vet the City's priorities to identify concerns and to identify support. Where the Workgroup finds support, it determines willingness of lawmakers to champion the city's priorities. Where the Workgroup finds concerns, it endeavors to address those in order to move forward.

While staff will provide an update on the status (Attachment B) of the City's priorities during the first full week of the 2021 session at Council's meeting on the 19<sup>th</sup>, one update to communicate in this memo is that the City's priority to advocate for amendments to remove barriers to transit oriented development on WSDOT-owned properties will not move forward in 2021. The priority statement will remain on the City's agenda. Deputy Mayor Arnold brought this recommendation forward, on behalf of Council's Legislative Workgroup, during Council Reports at the January 5 regular meeting. The recommendation was based on several developments:

- The workgroup had secured legislative sponsorship in the House and the Senate for two amendments to 1) authorize TOD as a use on WSDOT property that is not declared surplus and 2) enable its sale or lease at below market value to build more affordable housing. As WSDOT has engaged at higher levels in the draft bill, they advocated for expanding the legislation beyond what the sponsors had expressed a willingness to consider this session.
- WSDOT's attorney communicated to the City's attorney that our proposed amendments are not needed for TOD at Kingsgate to move forward.
- While complicated further by current economic conditions, WSDOT communicated its intention to move forward on a Request For Proposals this year for the Kingsgate TOD, in concert with Sound Transit's parking garage being built there through existing authority for "surplus" of land.

Councilmembers supported the Workgroup's recommendation to pull back from advancing legislation this session and it supported the Workgroup's further recommendation that the City continue to work on general TOD legislation that would support Kingsgate, 85th Street Station, and interests of other cities in the region. Staff and the lobbyists will continue to work with WSDOT on developing a future proposal, ideally as WSDOT agency-request legislation.

#### **KIRKLAND'S BILL REVIEW PROCESS:**

State bill drafts are introduced daily in Olympia by lawmakers in the Senate and House, beginning in mid-December with "pre-filed" bills. The City's review process is initiated at that point, relevant bills are flagged for the City to review. These bills are assigned to department(s) and subject-matter experts for review and analysis to determine potential impacts to the City. This process also includes staff making an initial assessment and recommendation on what the City's position should be on a given bill (Support/Oppose/Neutral/Monitor). Intergovernmental staff then provide reviewed bills, their Analysis and Recommendations Report (Attachment C) to Council's Legislative Workgroup. The Workgroup, whose activities are guided by the adopted legislative agenda's general principles, as well as the City Council's Goals, discusses, confirms or adjusts staffs' recommendations.

The "Bill Status and Position Tracker" Report is also reviewed by the Legislative Workgroup at its weekly Fridays and represents a tool by which the City's lobbyists make certain the City's interests are reflected at bill hearings. The Bill Tracker Report is provided to Council within the legislative update memo, prepared for each council meeting. (Attachment D)

If, during the session, a proposed bill (of concern to the City) is determined to be beyond the scope of the legislative agenda's general principles, or not in sync with the Council Goals, then the Legislative Workgroup will bring the bill proposal before the full Council for consideration and discussion at its next regular council meeting.

**AWC'S ANNUAL CITY ACTION DAYS CONFERENCE (February 10-11 virtual)**

The Association of Washington Cities (AWC) will host its annual City Action Days Conference on-line this year. Wednesday, February 10 and Thursday the 11. (See the link to the [schedule](https://wacities.org/events-education/conferences/city-action-days/schedule) at <https://wacities.org/events-education/conferences/city-action-days/schedule>)

Attachments: Attachment A – Amended and Adopted 2021 Legislative Priorities  
Attachment B – 1/8/21 Status update on the City's 2021 State Legislative Priorities  
Attachment C – 1/8/21 Bill Analysis & Recommendation Report (1/2 - 1/8)  
Attachment D – 1/8/21 DRAFT Bill Status & Position Tracker Report (1/2 - 1/8)  
Attachment E – King County Assessor's Press Release on HB 1035  
Attachment F – Media Advisory: Washington Coalition for Police Accountability Joins House Policing Policy Leadership Team to Introduce Police Accountability Agenda



## **CITY OF KIRKLAND 2021 LEGISLATIVE AGENDA**

### **General Principles**

Kirkland supports legislation to promote the City Council's goals and protect the City's ability to provide basic municipal services to its citizens.

- Protect shared state revenue sources available to the City and provide new revenue options and flexibility in the use of existing revenues.
- Support long-term sustainability efforts related to City financial, environmental and transportation goals.
- Support reestablishing the partnership between cities and the State to ensure that critical mandates are funded, and vital services are provided to all of the residents of the state.

### **City of Kirkland 2021 Legislative Priorities**

- Kirkland supports legislative actions that facilitate Transit-Oriented Development (TOD) for the Kingsgate Park and Ride TOD Pilot project, the I-405 & NE 85<sup>th</sup> Street Station Area and future TOD projects at other WSDOT-owned properties. Action such as:
  - Amend RCWs 47.12.080, .063, .120 by removing the requirements that WSDOT must declare the property unused, no longer required for transportation purposes, or held for highway purposes, but not presently needed, prior to allowing the disposal or leasing of such property.
  - Amend RCW 47.04.295 and RCWs 47.12.080, .063, and .120 to grant WSDOT discretion in whether or not to charge fair market value for the lease or disposal of park and ride real property when the lease or disposal is for the purpose of providing affordable housing or multimodal transportation infrastructure
- Kirkland supports allowing Code Cities to complete local residential street maintenance projects in-house if no contractors enter a project bid
- Kirkland supports capital budget funding for prioritized local infrastructure projects

### **Proposed City of Kirkland 2021 Priority Coalition Advocacy Agenda**

The City Council will evaluate support for proposed legislative agendas from the following organizations:

- ❖ Washington Low Income Housing Alliance's efforts for new local funding and policy tools to address homelessness and create more affordable housing.
- ❖ Alliance for Gun Responsibility's recommendations for gun safety measures that promote safe and responsible gun ownership and reduce gun violence.
  - Include a Kirkland focus on amending state law as necessary, consistent with the Washington State Constitution, to prevent the visible presence of firearms from intimidating those exercising rights to assembly.
- ❖ Association of Washington Cities' (AWC) Statewide Policing Reforms priority.

**City of Kirkland 2021 Legislative Priorities – Status**  
**Updated: January 8, 2021**

|              |
|--------------|
| Attachment B |
|--------------|

| 2021 Legislative Priority   | Bill # | Prime Sponsor | Status  |
|---|--------|---------------|---|
| Support facilitating TOD at Kingsgate, NE 85/405 and other WSDOT-owned properties                                     |        |               | 1/5 - City Council agreed to pull back from bill. Sen. Stanford & Rep. Slatter notified. City of Renton notified. WSDOT notified. |
| Support allowing Code Cities to complete local residential street maintenance projects in-house if no contractors bid |        |               | Pending CPARB recommendations   |
| Support capital budget funding for prioritized local infrastructure projects  |        |               | House & Senate Local Project Form being completed for PKCC & KTUB Generators and PKCC New Roof PKCC                               |

| 2021 Priority Coalition Advocacy   | Bill #                                   | Prime Sponsor   | Status  |
|--|--|---|---|
| Support WA Low Income Housing Alliance’s efforts for new local funding and policy tools to address homelessness and create more affordable housing   | HB 1035                                  | Rep. Kloba  | 1/14 – 1:30 Hearing scheduled in Housing, Hmn Srvcs & Vets  |
| Support Alliance for Gun Responsibility’s recommendations for gun safety measures that promote safe and responsible gun ownership and reduce gun violence <ul style="list-style-type: none"> <li>o Including amending state law as necessary, consistent with the Washington State Constitution, to prevent the visible presence of firearms from intimidating those exercising rights to assembly.</li> </ul> | SB 5038                                  | Sen. Kuderer  | 12/24 – Pre-filed   |
| Support Association of Washington Cities’ Statewide Policing Reforms priority.   | HB 1054<br>HB 1082<br>SB 5051<br>HB 1092 | Rep Johnson<br>Rep Goodman<br>Sen Pederson<br>Rep Lovic | 1/12 – 8am Hearing scheduled in Public Safety<br>1/15 – 10am Hearing scheduled in Public Safety<br>1/14 – 1:30 Hearing scheduled in Public Safety |

\* No HIGHLIGHTS = No change in status from last update.

**Reviewer Analysis & Position Recommendation Report (12/31/20-01/07/21)**  
**City of Kirkland**

| Bill #  | Short Description   | Sponsor    | Date Completed | City Priority | Summary   | Rec. Position |
|---------|---|------------|----------------|---------------|---|---------------|
| HB 1000 | Expanding mental health support for law enforcement officers.   | Maycumber  | 01/03/2021     |               | No analysis offered.  | Support       |
| HB 1012 | Providing a business and occupation tax credit to address the economic impacts of the COVID-19 pandemic on businesses in the state. | MacEwen    | 01/04/2021     |               | Bill is likely to have minimal impact on the City of Kirkland.Â   | Support       |
| HB 1026 | Concerning the restoration of the right to possess a firearm.   | Walen      | 01/03/2021     | Yes           | Legislative Workgroup recommends priority support under AGR priority coalition advocacy. PD offered no analysis   | Support       |
| HB 1035 | Providing local governments with options to grant rent relief and preserve affordable housing in their communities.                 | Kloba      | 01/07/2021     | Yes           | Allows for local governments to control and support affordable housing in the community.<br><br>Implementation of affordable housing incentive program<br>Property tax exemptions for 6 years for qualifying properties (eligibility requirements listed in Sections 6, 7, 8)<br>City/County Incentive program must have established documented standards for program application<br>Properties must be inspected prior to program approval by the city/county<br>City/County must issue tax-exempt certificate to property owner<br>City/County may issue application fee to cover costs of program implementation<br>Program grantees are required to submit annual report to city/county | Support       |
| HB 1036 | Reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel.  | Fitzgibbon | 01/06/2021     |               | While PW offered no analysis, the Legislative Workgroup recommends 'support' "support" given "Action ES 1.5 Support state or regional clean fuel standard" in Sustainability Master Plan.   | Support       |
| HB 1038 | Prohibiting the possession of firearms by persons convicted of certain criminal offenses.   | Walen      | 01/03/2021     | Yes           | Legislative Workgroup recommends priority support under AGR priority coalition advocacy. PD offered no analysis   | Support       |

|         |  |         |            |     |   |         |
|---------|--|---------|------------|-----|---|---------|
| HB 1054 | Establishing requirements for tactics and equipment used by peace officers.  | Johnson | 01/05/2021 |     | <p>KPD already eliminated LVNR and has never allowed a choke hold.</p> <p>K-9 - PD doesn't believe that the use of a leash impacts the number of bites by a police dog. Canine contacts are based on a variety of factors, such as terrain, environmental conditions, handlers training and control of the dog, and most importantly the suspects actions at the end of the track. There is a belief that a circle and bark dog is a safer alternative. There is extensive research to support that circle and bark dogs result in more unintended K9 bites when compared to bite and hold. (More)</p> <p>Chemical munitions (tear gas) when used correctly during barricaded situations are relatively safe without long lasting effects. Eliminating the use of chemical munitions during SWAT operations puts the community, officers, and suspects at risk. The longer a SWAT operating lasts, the more likely it is that an officer or suspect is going to sustain an injury. The decision to use chemical agents is completely dependent upon the actions and decisions of the suspect. (More)</p> <p>"Military equipment" -A key component to de-escalation is using cover and concealment. Eliminating armored vehicles reduces our ability to de-escalate a situation involving an armed suspect because we are eliminating cover and concealment.</p> <p>Badge numbers- it would seem that requiring name tags would be smarter?</p> <p>No knock warrants - PD believes this is already the law? KPD conducts "surround and call out" warrants. (More)</p> <p>Pursuits - KPD is already in compliance with most of this section. However, receiving authority from a supervisor when it's a serious felony is not always practicable. Supervisors take "control" of the pursuit as soon as practicable. Reporting pursuits is new language.</p> | Monitor |
| HB 1058 | Modifying the sales and use tax for cultural access programs by allowing the tax to be imposed by a councilmanic or commission authority and defining timelines and priorities for action. | Bateman | 01/04/2021 |     | This could provide revenue to Kirkland (if Council chooses) for cultural access programs only if King County does not impose this tax first.  | Support |
| HB 1069 | Concerning local government fiscal flexibility.  | Pollet  | 01/06/2021 |     | The bill may have some positive impact for Kirkland, primarily in utility liens. The impact to Criminal Justice Sales tax to Kirkland will not be changed.  | Support |
| HB 1070 | Modifying allowed uses of local tax revenue for affordable housing and related services to include the acquisition and construction of affordable housing and facilities.                  | Ryu     | 01/06/2021 | Yes | Positive impact for City of Kirkland, providing more opportunities to use revenues for affordable housing.  | Support |

|         |  |           |            |     |  |         |
|---------|--|-----------|------------|-----|--|---------|
| SB 5012 | Providing a local government option for the funding of essential affordable housing programs.                                    | Lovelett  | 12/30/2020 | Yes | Planning and Building believes this bill would allow jurisdictions to collect a special excise tax of up to 10% on short-term rentals that are facilitated through an internet based platform. The proceeds of the tax must be used for the operating and capital costs of affordable housing programs including, but not limited to, homeless housing assistance, temporary shelters, and other related services. The jurisdiction may retain up to 5% of the money each year to pay direct and indirect costs in administration.<br><br>No analysis offered from Community Services. | Support |
| SB 5028 | Limiting state and local taxes, fees, and other charges relating to vehicles.  | Fortunato | 01/04/2021 |     | Finance - While the current impact may be low, the future impact to potential revenues for the City of Kirkland could be significant.  | Oppose  |
| SB 5032 | Concerning the reauthorization and improvements to alternative public works contracting procedures.                              | Hasegawa  | 01/06/2021 |     | This bill includes greater language about inclusion for disadvantaged business enterprises. Kirkland has not used GCCM as a procurement method previously, but we could utilize this in the future.  | Support |
| SB 5033 | Limiting the property tax exemption for improvements to single-family dwellings to the construction of accessory dwelling units. | Kuderer   | 12/31/2020 |     | Planning - Seeks to limit the three year tax exemption for single-family homes granted by RCW 84.36.400 to only allow the exemption for the construction of an accessory dwelling unit.  | Neutral |
| SB 5054 | Concerning impaired driving.   | Padden    | 01/06/2021 |     | No analysis offered  | Support |
| SB 5066 | Concerning a peace officer's duty to intervene.  | Dhingra   | 01/06/2021 | Yes | KPD is already compliant with this bill and this issue is in alignment with R-5434. Legislative Workgroup recommends "support" under AWC priority coalition advocacy item of police reforms.   | Support |



Updated: January 9, 2021

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|---|
| <b>Bill Status and Position Tracker Report<br/>City of Kirkland</b> |
|---|

| Bill #  | Abbrev. Title                | Leg. Status | Sponsor    | Position | City Priority |
|---------|------------------------------|-------------|------------|----------|---------------|
| HB 1000 | Law enf. mental health       | H Prefiled  | Maycumber  | Support  |               |
| HB 1012 | B&O tax credit/COVID-19      | H Prefiled  | MacEwen    | Support  |               |
| HB 1026 | Firearm rights restoration   | H Prefiled  | Walen      | Support  | Yes           |
| HB 1035 | Rent relief & housing        | H Prefiled  | Kloba      | Support  | Yes           |
| HB 1036 | Transportation fuel/carbon   | H Prefiled  | Fitzgibbon | Support  |               |
| HB 1038 | Firearm possession/crimes    | H Prefiled  | Walen      | Support  | Yes           |
| HB 1054 | Peace officer tactics, equip | H Prefiled  | Johnson    | Monitor  |               |
| HB 1058 | Cultural access programs/tax | H Prefiled  | Bateman    | Support  |               |
| HB 1069 | Local gov fiscal flexibility | H Prefiled  | Pollet     | Support  |               |
| HB 1070 | Housing/local tax revenue    | H Prefiled  | Ryu        | Support  | Yes           |
| SB 5012 | Affordable housing funding   | S Prefiled  | Lovelett   | Support  | Yes           |
| SB 5028 | Vehicle taxes & fees         | S Prefiled  | Fortunato  | Oppose   |               |
| SB 5032 | Alt public works contracting | S Prefiled  | Hasegawa   | Support  |               |
| SB 5054 | Impaired driving             | S Prefiled  | Padden     | Support  |               |
| SB 5066 | Officer duty to intervene    | S Prefiled  | Dhingra    | Support  | Yes           |

*\* Staff recommendations may change as issues in Olympia evolve.]*

*Other NOTES: Bills with an "Oppose\*" position recommendation - The Legislative Workgroup's approach with bills identified with "Oppose" is to check-in with AWC, and monitor while continuing to analyze and evaluate from there. In other words, the City is not taking action (not signing-in or testifying) on these bills at this time.*

## **News Release**

January 7, 2021

For Immediate Release

Contact: Assessor John Wilson 206-369-7677

Rep. Shelley Kloba 360-786-7900

### ***Assessor John Wilson Thanks Rep. Shelley Kloba for Introducing Bill to Help Preserve Affordable Housing***

#### ***Bill Would Provide Property Tax Relief for Property Owners for Charging Below Market Rents***

-

King County Assessor John Wilson today thanked Rep. Shelley Kloba (D 1<sup>st</sup> District) for introducing HB 1035, a bill to help protect existing affordable housing by providing a property tax exemption (building and land) to property owners in exchange for charging below-market rents to tenants of certain residential properties.

“Our region needs more housing of all types. One smart strategy is to protect the affordable rental housing that we already have. This bill will help us do that,” said Wilson. “I want to thank Rep. Kloba for her leadership on this issue, and for working with us to draft this bill.”

“Disheartened by watching neighbors get pushed out of communities by rising rents, I was looking for a way to keep rents stable and help landlords cope with rising property taxes. I am so pleased to be working with Assessor Wilson on this proposal,” said Kloba. “Successful passage will mean that city and county governments will have an additional tool in their toolbox that helps them meet their affordable housing goals, property owners will get a break on their property tax bill, and renters will have more stable rents. This bill creates a win-win-win situation.”

House 1035 will grant a property tax exemption to multifamily buildings at least 25 years old, accessory dwelling units to single-family homes, and rented spaces dedicated for mobile homes or manufactured homes if they house tenants earning up to 50% of area median income for multi-family and mobile/manufactured home spaces, and up to 80% of area median income for accessory dwelling units.

The bill has been pre-filed and will be referred to a committee when the legislative session convenes on January 11<sup>th</sup>.



## Media Advisory: Washington Coalition for Police Accountability Joins House Policing Policy Leadership Team to Introduce Police Accountability Agenda

**WHO:** The Policing Policy Leadership Team (PPLT), composed of House Public Safety Committee Chair Rep. Roger Goodman; Black Member Caucus members Reps. Debra Entenman, Jesse Johnson, and John Lovick; and Members of Color Caucus Reps. My-Linh Thai, Debra Lekanoff, and Bill Ramos, will be joined by Fred and Annalesa Thomas (parents of Leonard Thomas), DeVitta Briscoe (sister of Che Taylor), Sonia Joseph (cousin of Giovonn Joseph McDade), and Katrina Johnson (cousin of Charleena Lyles) of the Washington Coalition for Police Accountability (WCPA).

**WHAT:** Together with the WCPA, the House Policing Policy Leadership Team will roll out its main legislative agenda and take questions from the media at a press teleconference. The House Public Safety Committee will hear four bills on police accountability during the first week of session.

**WHEN:** Press Teleconference: Tuesday, January 12, 2:00 P.M.

Week 1 House Public Safety Committee Hearings on Police Accountability legislation:

HB 1054: Police tactics: Tuesday, January 12, 8:00 A.M.

HB 1092: Data collection on use of force: Thursday, January 14, 1:30 P.M.

HB 1089: I-940 requirements audit: Thursday, January 14, 1:30 P.M.

HB 1082: State oversight and accountability: Friday, January 15, 10:00 A.M.

Hearings are available to watch on [TVW.org](http://TVW.org).

**WHERE:** Press teleconference: Zoom meeting info: <https://leg-wa-gov.zoom.us/j/97065728878?pwd=cFdwQWtSNGxpU2NGaWdNeG9LK2xhZz09>

Meeting ID: 970 6572 8878

Passcode: 720593

+12532158782,,97065728878# US (Tacoma)

+13462487799,,97065728878# US (Houston)

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington D.C)

+1 312 626 6799 US (Chicago)

Meeting ID: 970 6572 8878

Find your local number: <https://leg-wa-gov.zoom.us/j/97065728878>

Join by SIP

[97065728878@zoomcrc.com](mailto:97065728878@zoomcrc.com)

- Please make sure you have your name/affiliation and not just a phone number posted when you join us on Zoom.
- **Please RSVP to me** ([Peter.Kitchen@leg.wa.gov](mailto:Peter.Kitchen@leg.wa.gov)) so we know who will be attending and if you

**want to ask a question.** There is no chat feature so please email me during the event if you have an additional question or if you need to follow up with a member after.

- You'll have the ability to ask a follow-up question.
- Please be on time.

**WHY:** The Policing Policy Leadership Team has been working since June with stakeholders across the state on legislation to strengthen police accountability, limit questionable police tactics and use of force, and increase transparency of police activity. In conjunction with the Washington Coalition for Police Accountability, a community coalition that is working to center the voices of families affected by police violence and achieve meaningful changes to policing in Washington State, the PPLT will introduce its legislative agenda for the 2021 session.

###