



NORTHWEST RESOURCE
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November 23, 2020

Via email: cityclerk@rentonwa.gov; jmedzegian@rentonwa.gov and supplemental to public testimony provided during the meeting of the Renton City Council, November 23, 2020

Re: Comments on Emergency Ordinance Adopting Interim Zoning Controls

To Renton City Council:

We represent Downtown Emergency Service Center (“DESC”). We submit these comments on its behalf on the City of Renton’s proposal to adopt interim zoning controls through an emergency ordinance. The ordinance governs two topics: a COVID-19 facility and a “homeless services use” land use type. Because we first saw the draft ordinance less than one week prior to the hearing on this matter, we have not had an opportunity to prepare a detailed critique of all portions of the ordinance.

The first topic of the ordinance defines a “COVID-19 Deintensification Shelter,” but does nothing to reduce the spread of COVID-19. Through this definition, the City attempts to moot the decision of the City Hearing Examiner on the City’s Notice of Violation. The City issued this violation to try to terminate DESC’s use of the Renton Red Lion Hotel. DESC currently uses the hotel for temporary housing of individuals previously housed at its downtown Seattle Morrison Hotel Shelter. The ordinance will not moot the appeal of the Hearing Examiner’s decision and would likely be set aside by a court if adopted.

The second subject of the ordinance purports to establish a process for permitting future homeless services uses in the City of Renton. Although we assume the ordinance was drafted as a good faith effort to support DESC’s work, the City imposes conditions that are so onerous that no homeless services provider could ever meet them. Regardless of the City’s intent, the result of the ordinance will be that no homeless services will ever be established in Renton. If the City actually hopes to create an ordinance that protects its citizens’ interests while allowing for the establishment of homeless services, DESC would be happy to work with the City to craft an ordinance that achieves those objectives. But there is no basis for adopting any such ordinance on an emergency basis. Until a legitimate legislative process can be undertaken, DESC urges the Council to reject the emergency ordinance.

About DESC

DESC is one of the Northwest's largest providers of emergency shelter, supportive housing, and integrated services to support people who have experienced chronic homelessness. It is recognized nationally as one of the foremost leaders in the field, having pioneered the concept of "housing first." It currently owns and operates 1100 units of supportive permanent housing for people leaving lives of chronic homelessness in facilities spread throughout King County neighborhoods. DESC primarily works with individuals living with mental illness, substance use disorders, and/or chronic health conditions, all of which are major contributors to homelessness. DESC's supportive housing allows individuals to stabilize their lives and improve their health status. As a result, DESC's clients are able to live more satisfying lives and rely less on public services.

DESC also operates the only crisis diversion center in King County, serving up to 46 individuals at a time. Finally, DESC operates five shelters, including its Main Shelter, located at The Morrison Hotel in downtown Seattle. At the Main Shelter, DESC provided emergency housing to approximately 250 people who would otherwise sleep outside. With the onset of the COVID-19 emergency, Local Health Officer Dr. Jeffrey Duchin, determined that congregate shelters, where people sleep in communal spaces, risked the rampant spread of COVID-19. He authorized and ordered shelter de-intensification. DESC's Main Shelter clients therefore had to be temporarily moved to a COVID-safe facility, such as a hotel or motel with private sleeping rooms.

Much of DESC's supportive housing is successfully established in residential neighborhoods. To accomplish this, DESC works with the neighborhoods where its facilities are located. It consistently reaches out to the community before beginning the permitting of new facilities and maintains contact with the leaders of the neighborhoods once the facility is open. (DESC would like to clarify a factual error in the ordinance's recitals. On page 2, the proposed ordinance states that DESC began using the Red Lion "without coordinating with City official or staff . . ." This is inaccurate. Despite being in the midst of a public health emergency requiring DESC to act quickly, Daniel Malone, Executive Director of DESC, personally communicated with Renton's mayor, fire chief, and police chief prior to operating at the Red Lion.)

DESC establishes rules of conduct for its residents that encourage them to be good neighbors. DESC's comprehensive approach results in its projects settling comfortably into the neighborhoods where they are located, to the satisfaction of its neighbors. DESC will be happy to provide neighborhood references for its various facilities.

Using the Red Lion for shelter de-intensification has proved immensely successful, with no COVID-19 outbreaks. With rooms of their own and a quiet space to spend time, many of the residents have also shown measurable improvements in their overall health and wellbeing since moving from the congregate shelter environment. This has translated into less demand for emergency services, as well as more stability in the lives of the residents.

The “COVID-19 Deintensification Shelter” Definition

The “COVID-19 Deintensification Shelter” definition is presumably what the City wants to call DESC’s current, temporary use of the Red Lion Hotel. The definition allows only one of these facilities in the Commercial Arterial zone authorized by a temporary use permit. The new definition requires that within six months of the effective date of the proposed ordinance, any operating deintensification shelter must reduce to serving 100 individuals. Beyond the 100-person cap, it is unclear how long the ordinance allows our clients to stay at the Red Lion. This parcel-specific zoning applies specifically—and only—to DESC’s use of the Red Lion in Renton, which is a crucial component of King County’s shelter de-intensification strategy to combat the spread of COVID-19.

DESC joins the City in hoping that the COVID-19 emergency will be over within six months. But it can make no guarantees. The City’s timeline and population cap are arbitrary, wasteful, and if implemented before the COVID-19 emergency is over, would put at risk not just the residents of the Red Lion, but the City of Renton as a whole. The proposed ordinance would require DESC to reduce its facility’s population by almost two-thirds, forcing 130 homeless individuals out of safe housing and on to the streets of Renton during an unprecedented public health crisis. Resources exist to house people during the COVID-19 crisis, but Renton has asserted that those resources should sit empty while people suffer.

Under the best of circumstances, DESC will need some time, once the emergency is over, to relocate the people currently living in the Red Lion. Any artificial timeline risks further spread of COVID-19. The Council should reject this definition of a COVID-19 facility and collaborate with DESC to create a workable solution.

The “Homeless Services Use” Land Use

The new land use, “homeless services use,” articulates the City’s intention to “expressly allow for homeless services land uses within the City” to “help combat the homelessness crisis that predated the COVID-19 pandemic.” We commend these efforts. However, the requirements outlined in the approval process for a homeless services use would prevent DESC and other qualified homeless services providers from operating in Renton.

The following is a preliminary list of the homeless services use provisions to which DESC objects:

- The use is limited to 100 residents and 100 beds. These numbers are entirely arbitrary. To establish a homeless services facility in Renton, a homeless services provider would be more likely to acquire an existing facility to convert to a homeless services use than build a new facility. Under this proposed ordinance, homeless services providers would be required to waste the capacity of a preexisting facility over 100 people. While a homelessness crisis

rages on, as the City has recognized, a facility should be used to capacity. In the case of a reuse, any limitation on the number of people served should be determined by the size of the facility.

- The use excludes housing for individuals staying for an “indefinite period . . . in response to a single event such as a disaster.” The possible causes for any individual’s experience of homelessness are numerous. DESC does not exclude clients based on what event resulted in their lack of housing. The City has no right to impose such restraints on homeless services providers’ discretion.
- Some of the requirements of the application process appear to require that homeless services providers manage the lawful behaviors of their clients when the clients are away from the facility. DESC’s clients are entitled to travel the streets of the city just like anyone else. And DESC cannot manage them when they do so. It can encourage its residents to be good neighbors and specify behaviors that are not acceptable, but DESC cannot usurp its clients’ rights or police their behaviors when they are not at a DESC facility. The specific terms that are unacceptable include:
 - The homeless services provider creating a “plan for managing loitering, panhandling, and unpermitted camping in the perimeter area of the homeless services use . . . and a plan to address behavior that is inconsistent with the code of conduct and Renton Municipal Code” at public areas such as “greenbelts, parks, libraries, [and] transit facilities.” As written, it appears these provisions do not apply only to the clients of the homeless services provider but apply to any potentially homeless person anywhere in Renton. While it may be reasonable to require that a provider assess sanctions on its clients’ behavior in the immediate neighborhood that may be unlawful or that violates reasonable codes of civility, such regulations must be reasonable in terms of the behaviors and the geography covered.
 - The homeless services provider suggesting routes through the city that clients of homeless services should take to get to the facility.
 - The homeless services provider must create “a plan for managing individuals excluded from accessing the proposed homeless services,” i.e., a plan to manage the people that the provider is not serving.
- The proposed ordinance requires that the homeless services provider manage its clients’ compliance with sex offender laws and conditions of parole, probation, or community custody—tasks typically reserved for police. DESC has no more ability to do this than a hotel owner. Indeed, one must ask if there is any basis other than prejudice or stereotyping in attempting to impose such requirements on a homeless services provider but not a hotelier.

In numerous provisions, the requirements of the proposed homeless services use appear to equate homelessness with dangerousness and present homeless people as a risk to public safety. Examples of such provisions include requiring video surveillance of entrance and exit points and separate entrances and elevators for any traditional residential tenants. These provisions would needlessly complicate any effort to establish a homeless services facility in Renton and would ensure that no one would try. DESC urges the Council to reject the proposed ordinance and to

direct staff to work with DESC to draft a respectful and effective homeless services land use code provision.

Finally, the substance of the ordinance is not that of an “emergency” and therefore the process the City has employed to adopt the ordinance lacks appropriate and required procedural and substantive due process. The recitals acknowledge that “the homelessness crisis in King County is a serious regional challenge . . . that predates the COVID-19 pandemic.” This new use comprises the majority of the proposed ordinance, though it is expressly not related to the ongoing health crisis that would justify an emergency ordinance. Even the provisions related to COVID-19 in the proposed ordinance are not justified by such a process, as these do nothing to prevent the spread of the disease.

This letter is not a complete analysis of the proposed ordinance, as the City has provided extremely limited time to the public for comment. DESC and its counsel were given notice on the afternoon of November 17 that the Council would be holding a public hearing on this matter on Monday, November 23. The agenda packet with the materials for the hearing was posted late in the day on Thursday, November 20.

People experiencing homelessness are some of the most vulnerable people in our communities. Many are living with disabilities and all are going through extremely difficult and traumatic experiences. They require safe places to stay and support services. Zoning codes that make providing this critically needed help more difficult, work against true regional solutions to homelessness.

As the proposed ordinance is clearly intended to direct DESC in its current and future operations, the City should have consulted with DESC and collaborated through a traditional legislative process to create a workable ordinance. DESC nonetheless stands ready to work with the City to achieve an effective ordinance—if the Council, as it should, puts this ordinance aside and directs staff to work with us.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Lisa Chaiet Rahman".

Lisa Chaiet Rahman