

ORDINANCE No. 118605

we

INDEXED

COUNCIL BILL No. 111714

The City

AN ORDINANCE relating to Seattle Public Utilities and the Department of Housing and Human Services; providing for certification and funding of certain water and sewer infrastructure extensions that serve residences of very low-income households; adding a new section to the municipal code; and amending SMC 21.04.060.B and 21.16.270.B.

Honorable President:

Your Committee on _____

to which was referred the within Council report that we have considered the same

COMPTROLLER FILE No. _____

Introduced: <u>APR 21 1997</u>	By: <u>CHOW</u>
Referred: <u>APR 21 1997</u>	To: <u>COMMITTEE OF WHOLE</u>
Referred:	To:
Referred:	To:
Reported: <u>JUN 2 1997</u>	Second Reading: <u>JUN 2 1997</u>
Third Reading: <u>JUN 2 1997</u>	Signed: <u>JUN 2 1997</u>
Presented to Mayor: <u>JUN 3 1997</u>	Approved: <u>6-4-97</u>
Returned to City Clerk: <u>6-9-97</u>	Published: <u>Full 4 pp.</u>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

*6-2-97 T
Pass As*

Do Not T

Full Council



The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

able President:

committee on

ch was referred the within Council Bill No.

that we have considered the same and respectfully recommed that the same:

6-2-97 Divided Report
Pass As Amended
Choe, Chow, Donaldson,
Drago, McIver, Pagele
Podlowski
Do Not Pass: Chong

Full Council vote 7-1 Chong

Committee Chair

ORDINANCE 118605

1
2
3 AN ORDINANCE relating to Seattle Public Utilities and the Department of Housing and Human
4 Services; providing for certification and funding of certain water and sewer infrastructure
5 extensions that serve residences of very low-income households; adding a new section to the
6 municipal code; and amending SMC 21.04.060.B and 21.16.270.B.

7 WHEREAS, the City of Seattle supports affordable housing efforts and providing assistance to low-
8 income customers; and

9 WHEREAS, the cost of extending public water and sewer infrastructure can be a significant element of
10 the cost of housing developments that serve very low-income persons; and

11 WHEREAS, under current City law developers of housing pay the costs of constructing public water
12 and sewer infrastructure, regardless of the income level of persons occupying that housing; and

13 WHEREAS, the City has full authority under State law to set rates and charges for its water and sewer
14 services, systems and facilities; and

15 WHEREAS, pursuant to SMC Chapter 21.76, Seattle Public Utilities currently provides water and
16 sewer rate credits to qualified low-income households, but does not provide such credits to low-
17 income households that receive utility allowances from the United States Department of Housing
18 and Urban Development ("HUD") to public housing authorities; and

19 WHEREAS, the City desires to expand the scope of utility assistance to low-income households by
20 participating in payment of the costs of extending public water and sewer infrastructure in
21 projects that receive HUD utility allowances and serve very low-income households; and

22 WHEREAS, the City desires to add a new Municipal Code section 21.04.280 and amend SMC
23 21.04.060.B and SMC 21.16.270.B to effectuate such infrastructure assistance; Now, Therefore,

24 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new section 21.04.280 is added to the Municipal Code to read as follows:

A. As used in this section, the following words shall have the following meanings:

"Eligible Project" means any housing development or redevelopment project in the City of
Seattle that receives a HUD utility allowance, in which at least 50% of the dwelling units will be

1 affordable to and will be occupied by households with aggregate annual incomes no higher than fifty
2 percent (50%) of median income.

3 "Median Income" means annual median income for the Seattle-Everett Metropolitan Statistical
4 Area, adjusted for household size, as provided from time to time by the U.S. Department of Housing
5 and Urban Development ("HUD"). If HUD ceases to provide such estimates no less frequently than
6 annually, then "Median Income" shall mean such comparable figure for the Seattle area or an area
7 including Seattle, published or reported by a federal, state, or local agency, as the City shall select in its
8 sole discretion.

9 "Public Infrastructure" means the water, wastewater and/or drainage infrastructure that is
10 required to be (i) constructed or installed under SMC 21.04.060.B, SMC 21.16.270.B and/or SMC
11 chapter 23.53, respectively, and any rules or policies that may be promulgated thereunder, and (ii)
12 transferred to the City upon completion of construction.

13 B. For housing development or redevelopment projects certified by the Department of Housing
14 and Human Services as Eligible Projects and that are required to construct Public Infrastructure, Seattle
15 Public Utilities shall fund the actual cost of the Public Infrastructure prorated according to the
16 percentage of dwelling units that will serve households with aggregate annual incomes no higher than
17 fifty percent (50%) of median income; provided that the property owner installs water and electric
18 meters (or submeters, as applicable) in the Eligible Project and that all Public Infrastructure and all
19 meter work is performed in a manner acceptable to Seattle Public Utilities. An amount equal to such
20 funding shall be recovered through increased water, wastewater and drainage charges established by
21 ordinance. The Department of Housing and Human Services shall certify only those projects that meet
22 the criteria of Eligible Projects and that also demonstrate to the satisfaction of the Department that the
23
24

1 property owner will comply with all applicable State law, including without limitation public bidding
2 and prevailing wage laws, and with all applicable City law, including without limitation laws pertaining
3 to the prevention of discrimination and women and minority business enterprises. The Department of
4 Housing and Human Services, in agreement with Seattle Public Utilities, is hereby authorized to
5 develop rules and procedures for certification of, and follow-up reporting by Eligible Projects to ensure
6 that they satisfy the intent of this ordinance.

7 Section 2. The Seattle Municipal Code subsection 21.04.060.B is hereby amended to read as
8 follows:

9 B. In case of application for water service to supply premises not abutting upon a street in which there
10 is a standard City water main, the Director will require construction of a standard water main abutting
11 the property before a connection is made: ~~provided((-))~~; that under certain conditions, a temporary
12 connection may be provided for the property, or a service to the property of the applicant may be placed
13 along and beneath any public street or avenue((-)); and provided further, that in the case of certain
14 housing development or redevelopment projects for households with aggregate annual incomes no
15 higher than fifty percent (50%) of median income, the Director shall, prior to December 31, 1999, in
16 accordance with SMC 21.04.280 fund a portion of the costs of construction of a standard water main.

17 Section 3. The Seattle Municipal Code subsection 21.16.270.B is hereby amended to read as
18 follows:

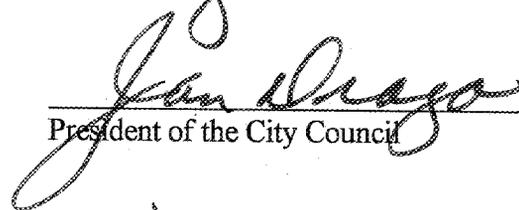
19 B. Unless authorized by the Director of Seattle Public Utilities, an owner or occupant who is required,
20 or wishes, to connect to a public sewer shall be required to build a main sewer line extension if a public
21 sewer is not accessible within an abutting public area, or if the building, habitable structure, plumbing
22 outlet or source of polluted water is more than two hundred feet (200') from the public sewer. In the
23
24

1 case of certain housing development or redevelopment projects for households with aggregate annual
2 incomes no higher than fifty percent (50%) of median income, the Director shall, prior to December 31,
3 1999, in accordance with SMC 21.04.280 fund a portion of the costs of construction of a main sewer
4 line extension.

5 Section 4. This ordinance shall expire on December 31, 1999.

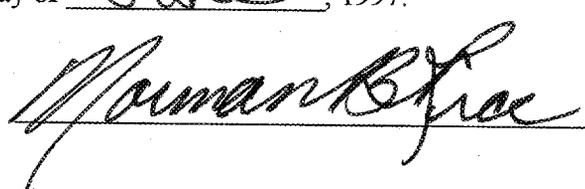
6 Section 5. This ordinance shall take effect and be in force thirty (30) days from and after its approval
7 by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall
8 take effect as provided by Municipal Code Section 1.04.020.

9 Passed by the City Council the 2 day of June, 1997, and signed by me in open session
10 in authentication of its passage this 2 day of June, 1997.

11
12 

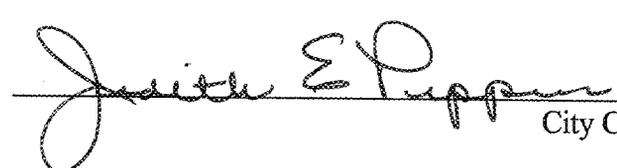
President of the City Council

13 Approved by me this 4 day of June, 1997.

14
15 

Mayor

16
17 Filed by me this 5th day of June, 1997.

18
19 

City Clerk

20 (Seal)

ORDINANCE _____

AN ORDINANCE relating to Seattle Public Utilities and the Department of Housing and Human Services; providing for certification and funding of certain water and sewer infrastructure extensions that serve residences of very low-income households; adding a new section to the municipal code; and amending SMC 21.04.060.B and 21.16.270.B.

WHEREAS, the City of Seattle supports affordable housing efforts and providing assistance to low-income customers; and

WHEREAS, the cost of extending public water and sewer infrastructure can be a significant element of the cost of housing developments that serve very low-income persons; and

WHEREAS, under current City law developers of housing pay the costs of constructing public water and sewer infrastructure, regardless of the income level of persons occupying that housing; and

WHEREAS, the City has full authority under State law to set rates and charges for its water and sewer services, systems and facilities; and

WHEREAS, pursuant to SMC Chapter 21.76, Seattle Public Utilities currently provides water and sewer rate credits to qualified low income households; and

WHEREAS, the City desires to expand the scope of utility assistance to low income households by providing for payment or reimbursement of a portion of the costs of extending public water and sewer infrastructure to serve residences for certain very low-income households;

WHEREAS, the City desires to add a new Municipal Code section 21.04.280 and amend SMC 21.04.060.B and SMC 21.16.270.B to effectuate such infrastructure assistance: Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new section 21.04.280 is added to the Municipal Code to read as follows:

A. As used in this section, the following words shall have the following meanings:

“Eligible Project” means any housing development or redevelopment project in the City of Seattle in which at least 50% of the dwelling units will be affordable and will be occupied by Very Low-Income Households.

1 "Median Income" means annual median income for the Seattle-Everett Metropolitan Statistical
2 Area, adjusted for household size, as provided from time to time by the U.S. Department of Housing and
3 Urban Development ("HUD"). If HUD ceases to provide such estimates no less frequently than
4 annually, then "Median Income" shall mean such comparable figure for the Seattle area or an area
5 including Seattle, published or reported by a federal, state, or local agency, as the City shall select in its
6 sole discretion.

7 "Public Water and Sewer Infrastructure" means the extension of a main City sanitary , storm
8 water or combined sewer line or a standard City water main or both required to serve an Eligible Project,
9 but the term does not include meters, side sewers or service laterals.

10 "Very Low-Income Households" means households with annual incomes no higher than fifty
11 percent (50%) of Median Income.

12 B. For housing development or redevelopment projects certified by the Department of Housing
13 and Human as Eligible Projects, Seattle Public Utilities shall pay, or shall reimburse the developer for,
14 fifty percent (50%) of the actual cost of the Public Water and Sewer Infrastructure prorated according to
15 the percentage of dwelling units that will serve Very Low-Income Households; provided that the work is
16 performed in a manner acceptable to SPU. The Department of Housing and Human Services shall certify
17 only those projects that meet the criteria of Eligible Projects and that also demonstrate to the satisfaction
18 of the Department that the developer will comply with all applicable State law, including without
19 limitation public bidding and prevailing wage laws, and with all applicable City law, including without
20 limitation laws pertaining to the prevention of discrimination and women and minority business
21 enterprises. Department of Housing and Human Services, in agreement with SPU, is hereby authorized
22
23
24

1 to develop rules and procedures for certification to ensure that Eligible Projects satisfy the intent of this
2 ordinance.

3 Section 2. The Seattle Municipal Code subsection 21.04.060.B is hereby amended to read as
4 follows:

5 B. In case of application for water service to supply premises not abutting upon a street in which there is
6 a standard City water main, the Director will require construction of a standard water main abutting the
7 property before a connection is made: provided((:)) ; that under certain conditions, a temporary
8 connection may be provided for the property, or a service to the property of the applicant may be placed
9 along and beneath any public street or avenue((-)); and provided further, that in the case of certain
10 housing development or redevelopment projects for households of very low income, the Director shall
11 pay or reimburse a portion of the costs of construction of a standard water main in accordance with SMC
12 21.04.280. The Director, pursuant to the Administrative Code (Chapter 3.02), shall establish criteria and
13 procedures for making the aforementioned exceptions.

14 Section 3. The Seattle Municipal Code subsection 21.16.270.B is hereby amended to read as
15 follows:

16 B. Unless authorized by the Director of Seattle Public Utilities, an owner or occupant who is required,
17 or wishes, to connect to a public sewer shall be required to build a main sewer line extension if a public
18 sewer is not accessible within an abutting public area, or if the building, habitable structure, plumbing
19 outlet or source of polluted water is more than two hundred feet (200') from the public sewer. In the
20 case of certain housing development or redevelopment projects for persons of very low income, the
21 Director shall pay or reimburse a portion of the costs of construction of a main sewer line in accordance
22
23
24

1 with SMC 21.04.280. The Director of Seattle Public Utilities shall establish criteria and procedures for
2 developers to make application for such funding.

3 Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its
4 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
5 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

6 Passed by the City Council the ____ day of _____, 1997, and signed by me in open
7 session in authentication of its passage this ____ day of _____, 1997.

8
9 _____
President of the City Council

10 Approved by me this ____ day of _____, 1997.

11
12 _____
Mayor

13
14 Filed by me this ____ day of _____, 1997.

15
16 _____
City Clerk

17 (Seal)

18
19
20
21
22
23
24

City of Seattle

Executive Department—Office of Management and Planning

Thomas M. Tierney, Director
Norman B. Rice, Mayor



April 15, 1997

Honorable Jan Drago, President
Seattle City Council
City of Seattle
Seattle, WA 98104

**RE: Holly Park Ordinance Regarding Utilities Contributions for Very Low
Income Projects**

Dear Council President Drago:

I have attached an Ordinance for your consideration that providing for certification and funding of certain water and sewer infrastructure extensions that serve residences of very low-income households, and making associated amendments to the Municipal Code. This is one of the ordinances intended to accomplish the Holly Park Finance Plan. The proposed financial plan spreads the funding burden among nine different sources, including housing funds, general fund, utilities and economic development funds.

This Ordinance is part of a larger package of legislation regarding Holly Park being submitted for Council consideration. An Executive Report and Recommendations fully explaining the Holly Park project and detailing issues and legislation will accompany the legislation.

If you have any questions regarding the attached Ordinance, or would like more information, please feel free to call me at x48363.

Sincerely,


Tom Tierney
Director, Office of Management and Planning

g:\projects\hollyprk\415cltr7.doc

City of Seattle

Executive Department—Office of Management and Planning

Thomas M. Tierney, Director
Norman B. Rice, Mayor

April 15, 1997

The Honorable Mark Sidran
City Attorney
City of Seattle

OK as to form to MKD 4/15/97



Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING
DEPARTMENT:

Management and Planning

SUBJECT:

AN ORDINANCE relating to Seattle Public Utilities and the Department of Housing and Human Services; providing for certification and funding of certain water and sewer infrastructure extensions that serve residences of very low-income households; adding a new section to the municipal code; and amending SMC 21.04.060.B and 21.16.270.B.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMP. Any specific questions regarding the legislation can be directed to Theresa Cherniak at 684-8573.

Sincerely,

Norman B. Rice
Mayor

by

for 
TOM TIERNEY
Director

h:\admin\legis\lawtr\chern8

Enclosure

TIME AND DATE STAMP

Clay Chow

SPONSORSHIP

CDW - Holly Park

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

_____	_____
_____	_____
_____	_____
_____	_____

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

STATE OF WASHINGTON - KING COUNTY

81757
City of Seattle, City Clerk

--ss.

No. IN FULL

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORD 118605

was published on

06/16/97

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

Subscribed and sworn to before me on

06/16/97

Notary Public for the State of Washington,
residing in Seattle

v. of Seattle

ANCE 118806

File to
City of
Seattle
Public
Utilities
Commission

relating to Seattle and the Department of Human Services; providing for the construction and funding of certain sewer infrastructure extensions to serve residences of very low-income households; adding a new section to the Municipal Code; and amending SMC 21.04.060.B and 21.16.270.B.

WHEREAS, the City of Seattle supports affordable housing efforts and providing assistance to low-income customers; and

WHEREAS, the cost of extending public water and sewer infrastructure can be a significant element of the cost of housing developments that serve very low-income persons; and

WHEREAS, under current City law developers of housing pay the costs of constructing public water and sewer infrastructure, regardless of the income level of persons occupying that housing; and

WHEREAS, the City has full authority under State law to set rates and charges for its water and sewer services, systems and facilities; and

WHEREAS, pursuant to SMC Chapter 21.76, Seattle Public Utilities currently provides water and sewer rate credits to qualified low-income households, but does not provide such credits to low-income households that receive utility allowances from the United States Department of Housing and Urban Development ("HUD") to public housing authorities; and

WHEREAS, the City desires to expand the scope of utility assistance to low-income households by participating in payment of the costs of extending public water and sewer infrastructure in projects that receive HUD utility allowances and serve very low-income households; and

WHEREAS, the City desires to add a new Municipal Code section 21.04.280 and amend SMC 21.04.060.B and SMC 21.16.270.B to effectuate such infrastructure assistance; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new section 21.04.280 is added to the Municipal Code to read as follows:

A. As used in this section, the following words shall have the following meanings:

"Eligible Project" means any housing development or redevelopment project in the City of Seattle that receives a HUD utility allowance, in which at least 50% of the dwelling units will be affordable to and will be occupied by households with aggregate annual incomes no higher than fifty percent (50%) of median income.

"Median Income" means annual median income for the Seattle-Everett Metropolitan Statistical Area, adjusted for household size, as provided from time to time by the U. S. Department of Housing and Urban Development ("HUD"). If HUD ceases to provide such estimates no less frequently than annually, then "Median Income" shall mean such comparable figure for the Seattle area or an area including Seattle, published or reported by a federal, state, or local agency, as the City shall select in its sole discretion.

"Public Infrastructure" means the water, wastewater and/or drainage infrastructure that is required to be (i) constructed or installed under SMC 21.04.060.B, SMC 21.16.270.B and/or SMC chapter 23.53, respectively, and any rules or policies that may be promulgated thereunder, and (ii) transferred to the City upon completion of construction.

B. For housing development or redevelopment projects certified by the Department of Housing and Human Services as Eligible Projects and that are required to construct Public Infrastructure, Seattle Public Utilities shall fund the actual cost of the Public Infrastructure prorated according to the percentage of dwelling units that will serve households with aggregate annual incomes no higher than fifty percent (50%) of median income, provided that the property owner installs water and elec