

HOUSE BILL REPORT

SHB 1724

As Amended by the Senate

Title: An act relating to local government responsibility and accountability in mitigating impacts of public facilities on certain surrounding neighborhoods with high poverty and concentrations of persons of color.

Brief Description: Concerning the mitigation of public facilities in certain cities.

Sponsors: House Committee on Local Government (originally sponsored by Representative Santos).

Brief History:

Committee Activity:

Local Government: 2/15/19, 2/22/19 [DPS].

Floor Activity:

Passed House: 3/4/19, 88-8.

Senate Amended.

Passed Senate: 4/12/19, 41-0.

Brief Summary of Substitute Bill

- Requires a city with a population greater than 550,000 that permits, constructs, or operates a public facility in a neighborhood with a high poverty level and high rate of ethnic diversity to request the entity (local government agency, transit authority, or public facility district) operating or constructing the facility to assess and mitigate the negative impacts that the facility has had, or may have, on the surrounding neighborhood.
- Requires the entity operating or constructing the facility to develop a mitigation plan and consider the potential or actual disparate racial, social, and economic impacts of the public facility on nearby residents, including paying for residential parking necessitated by the facility causing the impact.
- Authorizes an entity to negotiate with other local jurisdictions who have a direct interest in having created the negative impacts, but the residents must be held harmless.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Pollet, Chair; Peterson, Vice Chair; Kraft, Ranking Minority Member; Appleton, Goehner and Senn.

Staff: Yvonne Walker (786-7841).

Background:

Population.

According to the most recent population estimates by the Office of Financial Management, the City of Seattle is the only city in the state with a population greater than 550,000.

Community Reporting Areas.

The City of Seattle Office of Planning and Community Development established Community Reporting Areas (CRAs) as a standard citywide geography for the purpose of reporting census information. There are 53 CRAs composed from one to six census tracts.

Census tracts are used by the United States Census Bureau (Bureau) and established for the purpose of providing a stable set of geographic units for the presentation of statistical data. Census tracts are small statistical subdivisions of a county or equivalent entity that generally have a population size between 1,200 and 8,000 people. Census tracts are updated by local participants prior to each decennial census, but the Bureau determines census tracts in situations where no local participant existed or where state, local, or tribal governments declined to participate.

American Community Survey.

The American Community Survey (ACS) is a nationwide survey from the Bureau that is part of the Decennial Census Program. The ACS collects detailed information on demographic, socioeconomic, and housing characteristics of the population. The Bureau sends the ACS to a small percentage of the population on a rotating basis throughout the decade, but no household will receive the survey more often than once every five years. The Bureau combines the data over different time periods and publishes it in two different data sets as follows:

- a one-year estimate, which is data collected over a 12-month period and available for all types of geographic areas with a population greater than 60,000; and
- a five-year estimate, which is data collected over a 60-month period and available for all geographic areas, including areas with a population of less than 60,000.

Summary of Substitute Bill:

A city with a population greater than 550,000 that permits a public facility to be constructed or operated by another entity (local government agency, transit authority, or public facility district) in a neighborhood with a high poverty level and a high rate of ethnic diversity must formally request that the entity that is constructing or is operating the facility to assess and mitigate the negative impacts that the public facility has had, or may have, on the surrounding neighborhood.

A neighborhood has a high poverty level if 12 percent or more of the population is below the poverty level according to the most recent ACS five-year estimate. In addition, a neighborhood has a high rate of ethnic diversity if 40 percent or more of the population identifies as persons of color according to the most recent ACS five-year estimate. The CRA boundaries define the neighborhood boundaries.

The entity operating or constructing the public facility must: (1) consider the potential or actual disparate racial, social, and economic impacts of the public facility on nearby residents; and (2) develop a mitigation plan, including paying for the costs of any residential parking zone necessitated by the facility causing the impact. Residents of the impacted neighborhood must be kept whole for the costs of the mitigation plan. In addition, the entity may negotiate with other local jurisdictions who have a direct interest in having created the negative impacts, but the residents must be held harmless.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment: (1) requires applicable cities to formally request the entity constructing or operating the public facility to assess and mitigate the negative impacts that the facility has had on parking in the surrounding neighborhood, instead of the negative impacts that the facility has had or "might have" on the surrounding neighborhood; and (2) defines "public facility" as a project that was completed by December 31, 2014.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Many times statewide policies that are adopted have unintended consequences. The construction of Sound Transit bifurcated some neighborhoods in south Seattle. In an effort to promote fast economic transportation and discourage traffic, a train system was built but park-and-ride lots and garages were not. The problem is that train commuters have created their own park-and-ride lots in the middle of residential neighborhoods. In order to rectify the problem, residential parking zones were created, but the burden of the cost of creating those zones falls to the residents.

In the city of Seattle and many affluent neighborhoods, there is no cost for residents to park in an RPZ residential parking zone but in working class neighborhoods, where people of color and people with low incomes reside, the charge for residents to park in their own neighborhood is \$60 per vehicle.

This bill will fix some unintended consequences of an adopted state policy.

(Opposed) None.

Persons Testifying: Representative Santos, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.