Affordable Housing and the Impact of Short-Term Rentals  |  page 3

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Municipal Research Services Center (MRSC) is a nonprofit organization dedicated to proactively supporting the success of local governments through one-on-one consultation, research tools, online and in-person training, and timely, unbiased information on issues impacting all aspects of local governments.

For more than 80 years, local governments in Washington State have turned to MRSC for assistance. Our trusted staff attorneys, policy consultants, and finance experts have decades of experience and provide personalized guidance through Ask MRSC and our extensive online resources. Every year we help thousands of staff and elected officials research policies, comply with state and federal laws, and improve day-to-day operations through best practices.

Municipal Research News is published quarterly to inform, engage, and educate readers about ongoing and emerging issues. In print and online at the MRSC Insight blog, we cover major topics as the Growth Management Act, the legalization of recreational marijuana, and the ever-evolving complexities of the Public Records Act, to name a few. When the legal landscape changes, we are here to clarify the issues and help local government leaders make the right decisions for their communities.

New Resources to Reduce Climate Impacts, Build Resilient Communities

MRSC HIGHLIGHTS

Environmental health hazards (e.g., diesel emissions, potential lead exposure, proximity to toxic waste).

CLIMATE ACTION PLANS WEBPAGE

Several Washington agencies have already or are planning to adopt CAPs that target GHG emissions reduction goals. This webpage includes examples of CAPs, GHG inventories and targets, and more. Sample CAPs include King County’s Strategic Climate Action Plan, which integrates climate action into all areas of county operations for a five-year timespan; and Methow Valley’s Climate Action Plan, which was developed through an intensive community engagement effort and includes area jurisdictions throughout the Methow Valley.

GREENHOUSE GAS EMISSION REDUCTION STRATEGIES WEBPAGE

This webpage focuses on GHG reduction strategies from across sectors, including municipal operations, buildings, land use and transportation planning, urban forestry, and waste. Some sample documents include Redmond’s Environmental Sustainability Action Plan, which calls for protecting and enhancing equitably accessible native habitats and open space, supporting local agriculture, enhancing resilience of natural areas and systems to climate change, expanding green infrastructure and associated services, and increasing citywide tree canopy.

CLIMATE IMPACT PREPAREDNESS, ADAPTATION, AND RESILIENCE WEBPAGE

This webpage is focused on helping local governments prepare for, adapt to, and become more resilient to climate impacts. It includes vulnerability and risk assessments, adaptation plans, and other resources, such as Everett’s Hazard Inventory and Vulnerability Analysis, which identifies known hazards (e.g., landslides and flooding) but also climate-change-related secondary hazards, such as heat waves. Also featured is Olympia’s Sea Level Rise Response Plan, which focuses on flood damage, the most pressing climate impact threat to the city.

We hope these new topic pages are a useful resource to local governments in their climate action planning efforts. If you have feedback, suggestions for additional resources, or any questions about these new webpages, contact us at climatesources@mrsc.org.
The worry is not about a homeowner renting out a room or two to help with monthly mortgage payments. Rather, there is a concern that investors will purchase existing residential units and turn these into STRs, thereby taking those units out of the long-term rental housing market.

The growth of home-sharing through Airbnb contributes to about one-fifth of the average annual increase in U.S. rents and about one-seventh of the average annual increase in U.S. housing prices. Rather, there is a concern that investors will purchase existing residential units and turn these into STRs, thereby taking those units out of the long-term rental market.

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Can you recommend incentive-based electric vehicle (EV) infrastructure-related code examples that are particularly noteworthy, have been appealed and upheld, or have been in place long enough to have good data on their effectiveness?

Many Washington agencies have code provisions that create standards and regulations for electric vehicle charging stations. The following codes are examples of the two often-seen tactics to increase or incentivize charging stations by either (1) creating more leniency for compliance to parking requirements or (2) providing a minimum number of EV charging stations for developments.

- **Mountlake Terrace** Municipal Code Ch. 19.126.040 – Enforces a minimum number of electric vehicle charging stations for each land use type
- **Walla Walla** Municipal Code Ch. 20.156 – Allows an electric vehicle charging station space to be included in the calculation for minimum required parking spaces that are required in a development

In addition, here are documents within which local governments have incorporated the idea of incentivizing EV charging stations in their transportation or sustainability plans, including:

- **Bainbridge Island** Community Based Strategies to Reduce GHG Emissions (2019): The city will pilot an electric vehicle charging infrastructure program that partners with Puget Sound Energy in order to provide residential and commercial customers with rebates for EV supply equipment and installations.
- **Bellevue** Environmental Stewardship Plan 2021-2025 – See Strategy M.3.2, which calls for the review of existing incentives available from Puget Sound Energy, the state, or other sources and seeks to either help building owners and tenants access these incentives or provide additional incentives to accelerate the installation of EV charging infrastructure in multi-family and commercial buildings.
- **Kirkland** Sustainability Master Plan (2020) – See Action ES-4.2, which enacts local code and programs to create incentives or require EV charging station retrofits in existing buildings or on development sites.

Could you provide examples of local governments that encourage residential solar installations?

Below are examples of local governments employing various tools (e.g. permitting, education and incentives) to encourage residential solar power.

- **Bellevue**’s solar panel permitting webpage page includes a checklist for residential photovoltaic systems and several other resources.
- **Bellingham** created the first solar panel building permit exemption program in the state, eliminating permitting and engineering requirements for almost all residential installations.
- **Edmonds** is a Northwest Solar Community, which means it works to promote solar energy and reduce some of the costs associated with solar installations. The program includes a flat fee and height exemptions for rooftop solar installations, among other elements.
- **Issaquah** no longer requires building permits for certain residential solar installations.
- **Langley** no longer requires building permits for small roof-mounted systems less than 15kW.
- **Mercer Island** is part of the Solarize Northwest program that provides discounts from participating installers. The Solarize Mercer Island campaign has been in place since 2014.

Finally, as part of a federal Department of Energy grant, grant partners Kirkland, Seattle, Bellevue have developed a streamlined process for permitting small-scale rooftop mounted solar installations for single-family residential customers.

Have a Question? Ask MRSC. Call us at (206) 625-1300 or (800) 933-6772 or submit your question online at mrcs.org
NEW RECORDING AND DISCLOSURE REQUIREMENTS for Certain Law Enforcement Interrogations

BY STEVE GROSS, MRSC LEGAL CONSULTANT

RECORDING REQUIREMENT

The Act requires law enforcement officers to electronically record certain “custodial interrogations” that occur at a “place of detention” as defined in the Act, which includes traditional locations, such as police interrogation rooms, but also police vehicles and in the case of juveniles, schools. The recording can be made by audio or video, depending on where the interrogation takes place. To comply with this requirement, local agencies will need to install or expand the use of recording equipment within these locations and retain any recordings of custodial interrogations that take place there.

RECORDS RETENTION REQUIREMENT

Section 14 of the Act, codified as RCW 10.122.140, requires each law enforcement agency to establish and enforce procedures to ensure that electronic recordings are “identified, accessible, and preserved throughout the length of any resulting sentence, including any period of community custody extending through final discharge.”

As expressly stated in subsection 14, the exemption is discretionary — except for subsection 14. One thing to remember is that the exemptions in section RCW 42.56.240 are largely discretionary — except for subsection 14. As expressly stated in subsection 14, the exemption is mandatory, and nondisclosure is required if the agency concludes that the recording meets both parts of the privacy test.

In addition to these other exemptions or prohibitions, dashcam videos and associated sound recordings get their own specific treatment in RCW 9.73.0901(c(e), which prohibits public disclosure of an in-car video if there is actual, pending litigation arising from the recorded event. In these cases, the videos may only be disclosed to the public after final disposition (see Fisher Broadcasting v. City of Seattle).

Other law enforcement videos may be covered by other exemptions or prohibitions; for instance:

- Videos that are part of an open investigation; or
- Videos that are part of an investigative record and nondisclosure of the video footage is essential to effective law enforcement or the protection of any person’s right to privacy under RCW 42.56.240(1); or
- Videos in which a witness requesting anonymity appears. See, for example, Jane Does 1 through 15 v. King County, in which a university’s private surveillance videos were released after redacting witness and victim identity by both pixelation of the faces and black boxes.

In addition to these other exemptions or prohibitions, dashcam videos and associated sound recordings get their own specific treatment in RCW 9.73.0901(c(e), which prohibits public disclosure of an in-car video if there is actual, pending litigation arising from the recorded event. In these cases, the videos may only be disclosed to the public after final disposition (see Fisher Broadcasting v. City of Seattle).

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The ABCs of Piggybacking

BY JOSH KLIKA, MRSC PROCUREMENT & CONTRACTING CONSULTANT

ARNE THE PROCUREMENT PROCESS. Let’s look at each item.

1. ARE THE PRODUCTS/SERVICES ADAPTABLE FOR YOUR AGENCY?
The very first thing to confirm is whether the contract you are considering for piggybacking was awarded by a public agency, which is defined by statute. In RCW 39.34.020 (1), “public agency” is defined as “any agency of the United States; any Native American tribe recognized as such by the federal government; and any political subdivision of another state.” This means contracts from outside the state can be considered unless these contracts involve the federal government. You are not piggybacking under the exception to competitive bidding in RCW 39.34.030 when purchasing from the federal government because those purchases are exempt from bidding per RCW 39.32.090.

Next, verify that the awarding public agency has met the requirements of RCW 39.34.030, which are to comply with its own statutory contracting requirements and to post the solicitation online.

As a final check for adaptability, review whether your agency’s needs match the specifications and scope of the awarded contract. The intent of piggybacking is acquiring “like” products or services already available under contract. If your agency requires features or services not addressed in the awarded contract, you may be outside of the contract scope and need to source independently though your public bidding requirements.

2. IS THE CONTRACT AWARD PROCESS COMPLIANT?
Depending on which type of contract you intend to use, compliance can occur in multiple ways:

1. When the decision has been made to piggyback on a contract from another public agency, the host agency and the piggybacking agency must sign an interlocal agreement and file it with the county auditor or post it online by subject (see RCW 39.34.040).

2. When deciding to use contracts awarded by the State of Washington, local governments are compliant by signing the one-time Master Contracts Usage Agreement, at no cost.

3. If you have made the decision to use a national or state cooperative, then your agency would complete the membership application, and this would potentially be similar to an interlocal agreement and meet the requirements of RCW 39.34.030. As each cooperative membership agreement is different, consider consulting with your legal counsel to ensure it satisfies all interlocal agreement act requirements.

If you are using any federal funds on a procurement, the procurement process must follow the strictest requirements from either the local, state, or federal source. There is an option for piggybacking in the Uniform Guidance, 2 CFR §200.318(e).

Utilizing piggybacking as an exception to public bidding can be a great tool for local governments in many situations. Following the ABCs will help determine when this tool fits the specific situation. For additional information, including sample documents related to interlocal procurement and piggybacking, please visit MRSC’s Interlocal Procurement and ‘Piggybacking’ webpage.

Josh Klika, Procurement & Contracting Consultant, has a broad public procurement background with over 20 years in state and local governments. jklika@mrsc.org

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