

**CITY OF MONROE  
ORDINANCE NO. 006/2019(SUB)**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING MONROE MUNICIPAL CODE CHAPTER 13.04, WATER REGULATIONS, RATES AND CHARGES, AND CHAPTER 13.08, SEWER SYSTEM REGULATIONS; PROVIDING FOR REDUCED SYSTEM DEVELOPMENT CHARGES FOR AFFORDABLE HOUSING IN THE DOWNTOWN COMMERCIAL ZONE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

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WHEREAS, the City of Monroe wishes to encourage the construction of affordable housing for low income persons within the City's Downtown Commercial zone; and

WHEREAS, RCW 35.92.380 recognizes the authority of cities to waive or delay utility connection and hookup fees for low income persons based upon a local program established by ordinance; and

WHEREAS, the Monroe City Council has determined it would be in the best interest of the City to establish a program providing for a reduction in the otherwise-applicable water system development charge and sewer system development charge for affordable housing that serves low income persons in the Downtown Commercial zone;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE DO ORDAIN AS FOLLOWS:

Section 1. Adoption of MMC 13.04.027, Reduction of water system development charge for affordable housing - Downtown Commercial zoning district. A new Section 13.04.027 of the Monroe Municipal Code is hereby added to provide as follows:

**13.04.027 Reduction of water system development charge for affordable housing - Downtown Commercial zoning district.**

A. The water system development charge imposed by MMC 13.04.025 shall be reduced by eighty percent for affordable housing located in the Downtown Commercial zoning district. For purposes of this section, "affordable housing" shall mean residential units: (i) that are occupied by renters having an annual household income of sixty percent or less of the Snohomish County area median income estimate for the Seattle-Bellevue, WA HUD Metro FMR Area as published by the Department of Housing and Urban Development, and (ii) for which the monthly rental amount is no more than thirty percent of the household income.

B. As a condition of qualifying for the affordable housing reduction authorized by this section, the property owner shall record an instrument prepared by the city attorney,

which shall contain the following content, in addition to any other provisions deemed necessary and appropriate by the public works director:

1. The amount of the water system development charge that would apply pursuant to MMC 13.04.025 without the affordable housing reduction authorized under this section.
2. The amount of the affordable housing reduction authorized by this section.
3. A restrictive covenant limiting the use of the underlying property to affordable housing.
4. A requirement that if the use of the underlying property is changed in a manner that no longer qualifies for the affordable housing reduction, the property owner shall immediately remit payment to the city of the difference between the amounts of subsection (B)(1) and subsection (B)(2), respectively, together with interest calculated at twelve percent per annum, or the highest legally available amount, whichever is greater, beginning on the date of execution of the covenant.
5. A requirement that the covenant will run with the title of the property and bind future owners thereof.
6. A provision allowing for specific enforcement of the restrictive covenant required pursuant to subsection (B)(3) until the payment required pursuant to subsection (B)(4) has been remitted in full.
7. Appropriate provisions for jurisdiction, venue, governing law, and attorneys' fees recoupment for the prevailing party in any litigation arising out of the covenant.

C. There is no requirement for the reduced portion of the water system development charge to be paid or otherwise reimbursed from public funds.

Section 2. Adoption of MMC 13.08.276, Reduction of sewer system development charge for affordable housing - Downtown Commercial zoning district.  
A new Section 13.08.276 of the Monroe Municipal Code is hereby added to provide as follows:

**13.08.276 Reduction of sewer system development charge for affordable housing - Downtown Commercial zoning district.**

A. The sewer system development charge imposed by MMC 13.08.270 shall be reduced by eighty percent for affordable housing located in the Downtown Commercial zoning district. For purposes of this section, "affordable housing" shall mean residential units: (i) that are occupied by renters having an annual household income of sixty percent or less of the area median income for Snohomish County, as published by the Washington State Office of Financial Management, and (ii) for which the monthly rental amount is no more than thirty percent of the household income.

B. As a condition of qualifying for the affordable housing reduction authorized by this section, the property owner shall record an instrument prepared by the city attorney, which shall contain the following content, in addition to any other provisions deemed necessary and appropriate by the public works director:

1. The amount of the sewer system development charge that would apply pursuant to MMC 13.08.270 without the affordable housing reduction authorized under this section.
2. The amount of the affordable housing reduction authorized by this section.
3. A restrictive covenant limiting the use of the underlying property to affordable housing.
4. A requirement that if the use of the underlying property is changed in a manner that no longer qualifies for the affordable housing reduction, the property owner shall immediately remit payment to the city of the difference between the amounts of subsection (B)(1) and subsection (B)(2), respectively, together with interest calculated at twelve percent per annum, or the highest legally available amount, whichever is greater, beginning on the date of execution of the covenant.
5. A requirement that the covenant will run with the title of the property and bind future owners thereof.
6. A provision allowing for specific enforcement of the restrictive covenant required pursuant to subsection (B)(3) until the payment required pursuant to subsection (B)(4) has been remitted in full.
7. Appropriate provisions for jurisdiction, venue, governing law, and attorneys' fees recoupment for the prevailing party in any litigation arising out of the covenant.

C. There is no requirement for the reduced portion of the sewer system development charge to be paid or otherwise reimbursed from public funds.

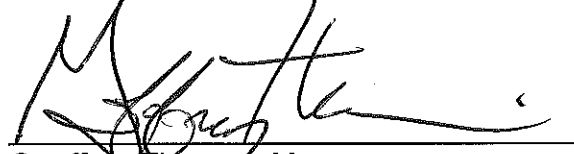
Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five days after the date of publication.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe,  
at a regular meeting held this 7<sup>th</sup> day of April, 2019.

First Reading: April 9, 2019  
Final Reading: April 23, 2019  
Published: April 26, 2019  
Effective: May 1, 2019

CITY OF MONROE, WASHINGTON:

  
\_\_\_\_\_  
Geoffrey Thomas, Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:

  
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Elizabeth M. Adkisson, MMC, City Clerk  
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J. Zachary Lell, City Attorney