

Seattle City Council Rejects Emergency Legislation That Would Have Facilitated Permit Processing During COVID-19

Legal Alert
April 21, 2020

Bill fails to garner the necessary seven votes; reconsideration possible within the next week

At its April 20, 2020 meeting, the Seattle City Council rejected [Council Bill 119769](#) on a 6-3 vote (that's six votes in favor and three against). Emergency legislation requires a seven-vote majority, so the three dissenting Councilmembers carried the day. The Mayor of Seattle had proposed the emergency ordinance on April 3, with the goal of keeping the land use permitting process moving forward during the COVID-19 emergency (see our previous e-alert [here](#)), in the hopes that fully-entitled projects would produce construction jobs and facilitate economic recovery after the health crisis passes.

At the invitation of Council President Lorena Gonzales, Councilmember Lisa Herbold—one of the no votes—immediately moved to reconsider the vote, but the Clerk interjected that the Charter prohibits reconsideration of a failed bill at the same Council meeting. See [Charter, Art. IV, s. 10](#).

The main obstacle to passage appears to be treatment of affordable housing projects. Currently subject to administrative design review, the bill would exempt such projects from design review entirely. Councilmember Herbold believed that change exceeds the City's authority to act during the Governor's proclamation of the COVID-19 emergency, which she interprets as requiring local governments to delay actions not directly related to COVID-19. Her proposed amendment striking that exemption failed on a 4-5 vote.

We anticipate Council will reconsider the bill at its next Council meeting on April 27. Councilmember Herbold's motion for reconsideration raises the possibility that she would vote to approve the emergency legislation if Council adopts her

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amendment.

Review a copy of the updated [draft ordinance](#). Foster Garvey land use attorney [Steve Gillespie](#) is tracking this bill through Council, so if you have questions about how this ordinance could affect the processing of your permit, or how you can provide Council with your opinions about the bill, please contact him.

For additional resources on how to navigate the business disruptions caused by COVID-19, please visit our [COVID-19 Resource Center](#) and reach out to the Foster Garvey team with any questions.