



NUMBER 81

Newsletter

MAY-JUNE 1979

GOVERNOR RAY VETOES "SNEAK" MEASURE

The protections accorded Seattle's floating home community under the city's Equity Ordinance, barely survived a well financed, well greased covert manipulation of customary legislative procedures. Although finally exposed and denounced by many members, the legislators found themselves helpless and it went to the desk of Governor Ray who vetoed it as an "inappropriate action for the state to take."

Masterminded by a professional lobbyist and a compliant committee chairman, the measure which they hoped would preempt the local ordinance was carefully hidden in other bills as an "amendment." The objective, Governor Ray said in her veto message, would be to "remove the controls on evictions of floating homes who have no place to go."

Legislators from outlying areas of the state, who could hardly be expected to know a houseboat from a boathouse, were assured by the lobbyist that floating homes in Seattle needed the "protection" of the "amendment." It would require moorage owners to offer floating home owners a one year rental agreement. However, the home owner would first have to sign the "moorage regulations" drafted by a moorage owner and accept whatever moorage fee was demanded. Failure to sign such an agreement, or violation of any provision of the "regulations," could result in eviction on 15 days notice. Eviction could also come at the termination of the one year agreement. While the measure said the mandatory moorage regulations should be "reasonable," Section 2 of Section 22 says that "door-to-door solicitation in the floating home moorage may be restricted in the moorage agreement." Mobile home owners, who have successfully rebelled against such a restriction, say it was used to harrass them and even evict them for asking neighbors to attend a meeting to discuss grievances.

The lobbyist responsible for this caper is Bill Fritz who operates his Public Affairs Associates out of his floating home at Mallard Cove Village, 2600 Fairview E. Fritz posed as a concerned Seattle floating home owner but never mentioned that his floating home is protected by a 35 year lease, provisions for periodic

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BULLETIN

As we go to press it has been revealed that the Lake Union Drydock, 1515 Fairview E., provides no sewer discharge facilities for the vessels in for repairs. It has been assumed that the discharge of sewage into the lake had been stopped by shoreside facilities more than a decade ago. The situation came to light when it was found that a Coast Guard vessel with a crew of 150 was dumping raw sewage. The skipper said it had to be done as holding tanks were full and no discharge facilities were provided by the company.

Applauded at Meeting



Councilmember Paul Kraabel, who chaired the Council Committee which drafted the Floating Homes Equity Ordinance, received a standing round of applause at the 17th annual membership meeting April 24th.

Equity Ordinance
Constitutional Pg. 2

More on "Sneak" Attack

moorage increases and with a binding arbitration clause to handle any disagreement over the provisions of the lease. Some legislators accused Fritz of outright misrepresentation. Among them are Senators Phil Talmadge and James McDermot and House members Irv Greengo, Bill Burns and Jeff Douthwaite. (For an account of how "special interests" can operate, see Times reprint of Richard W. Larsen's article on Pages 4 & 5.)

Fritz is registered as a lobbyist for the Lake Union Association. However, his actual clients consists of a group of moorage owners long in opposition to the Equity Ordinance. These include: Frank Granat who operates moorages at 2201 and 2321 Fairview E.; Joseph Henderson, 2910 Fuhrman Ave. E.; Jean Lunstead, 2822 Boyer, Robert Skarperud, 2420 Westlake N.; H. Joel Watkins and David D. Webber, 2351 Fairview E. and Gordon Jeffrey, 2021 and 2219-2235 Fairview E.

The tactic devised by Fritz was to prepare a counterfeit which would be slipped onto other measures. This would enable it to slither through the legislature without detection. One of the two bills he selected was the old and discredited Mobile Home Act. All this required was to strike the word "mobile" and substitute "floating." His first draft was a sloppy job as the measure said "floating homes" in some sections and "mobile homes" in others. It also contained some curious provisions such as providing for overnight accommodations for floating homes and exempting those places where "floating homes are taken for repairs." Obviously Fritz is not paid for his abilities as a bill writer.

The compliant partner is Senator Dan Marsh (D) of Vancouver, chairman of the Senate Judiciary Committee. Marsh tacked Fritz's handiwork, the first time around, on Substitute Senate Bill 3044 to regulate barges on Lake Washington. It slithered through the Senate without detection, and got through the House Commerce Committee without a public hearing. "It was a well greased bill," Rep. Greengo said. By then the alarm bells were sounding and at the request of Councilman Paul Kraabel Rep. Greengo pulled the measure out of the Rules Committee for one day. It was enough. The next day it died due to the diligent work of Reps. Burns, Douthwaite, and others.

Undaunted Fritz hurried back to Senator Marsh who promptly tacked the resurrected measure onto Substitute House Bill 1308, which was the new Mobile Home Bill strongly supported by the powerful senior citizens lobby headed by Norm Schutt. It has passed the House virtually without opposition. As amended by Marsh it got through the Senate by a voice vote with only a few dissents including McDermott and Talmadge. By then our Association, the City of Seattle and the senior citizens lobby were alerted and alarmed. Due to the 49-49 division in the House the usual conference committee could not be used to iron out the difference by junking the Fritz-Marsh "amendment." The House had to vote the contradictory "package" up or down. The only way to get the good Mobile Home bill and eliminate the phoney amendment would be a veto. Governor Ray provided that.

* * *

In 1886 the Seattle Street Railway extended a horse car line from 8th & Pike to the south end of Lake Union to connect with the small steamer which traveled to a dock at the foot of Stone Way.

Official publication of the Floating Homes Association, founded in 1962. Office, 2329 Fairview Ave. E., Seattle, WA 98102. Officers: Julie North, president; Larry Clifton, vice president; Jonathan Ezekiel, recording secretary; Dixie Pintler, treasurer; Terry Pettus, administrative secretary; Jack MacIntyre, organizational director. Trustees: Susan Drum, Eileen MacIntyre Greg Smith, Richard Wagner, Todd Warmington. Executive Committee At Large: Ellen Hansen, Elizabeth Johnson, Roger Johnson, Ann LeVasseur, Sandra Oellien.

NEWSLETTER STAFF: Terry Pettus, Eileen MacIntyre, Marilyn Perry, Jonathan Ezekiel. Published bimonthly.

Superior Court Rules Equity Constitutional

Seattle floating home Equity Ordinance meets the tests of constitutionality, it was ruled in superior court here April 23rd by Judge Robert M. Elston. The matter was heard on cross motions for declaratory judgments filed by Martin D. Fox and Martin Jaffee, attorneys for Kenneth Kennedy, and Assistant City Attorney James Fearn and Association Attorney Bruce Corker.

"This is obviously a case with compelling equities on both sides," Judge Elston said in his oral decisions following arguments. "The ordinance that is involved is one that attempts to deal with a serious problem and the constitutionality of the ordinance, like the constitutionality of any other statutory type law, is not determined in a vacuum. It is determined according to application of the facts in the particular case. The facts in this case are represented by the affidavits presented and I have read and considered the affidavits as well as the briefs and the supporting authorities that have been cited."

In responding to the argument that the ordinance constitutes "taking" of a moorage owners' property, the court said: "It does not do that. It does provide for other uses, alternative uses, and provides procedures by which the property can be used by the owner for his own purposes. It provides for ownership determination as to another use of the property if the requirements of the ordinance are met. It provides protection for the moorage owner in the event of conduct by a floating home owner is detrimental to the interests of the moorage owner. So, it is not the kind of ordinance that represents taking in a constitutional sense and therefore the argument that it is unconstitutional because it is in essence confiscatory has not been met."

It was argued that the ordinance was invalid because it did not apply to all rental property. The court said "in this case the showing is that floating home owners and moorage owners are persons within a category that justified legislative recognition of those people as constituting a class that permits treatment different from treatment of the population generally.

"With respect to the argument that the ordinance is unconstitutional because the State has preempted the field," the court continued, "this is not one of those situations where the State has preempted the field; this is not one of those situations where the State has enacted legislation which clearly establishes its preeminence and its determination that it will not admit of lawmaking by inferior bodies. It is a situation where the State has provided for general landlord-tenant law and the City has in effect built upon that and supplemented that law by enacting an ordinance which applies to a particular situation that is not state-wide in scope but is local and which can be reconciled with legislation. No, the ordinance is not invalid on the basis that the state law has preempted the field.

"With respect to the contention that the ordinance is invalid because it is constitutionally infirm for being vague, it does not have that infirmity. The ordinance read reasonably does not represent a vague enactment but is the kind of statement which gives notice to persons of normal understanding of what kind of conduct is permitted or prohibited by the ordinance."

40% Moorage Hike Withdrawn

Immediately following the appointment of Sally Pasette by Mayor Charles Royer as the fact finder in the case, H. Joel Watkins and David D. Webber, operator of the Phoenix moorage, 2351 Fairview E., officially withdrew proposed monthly increases of some 40%. The partners do business as J.&D. Investments. The request for fact finding was made by all the owner-occupied floating homes at the moorage.

Victory Celebration Marks Membership Meeting



An attentive and near capacity audience.



Ellen Hansen, Assistant City Attorney James Fear, Association Attorney Bruce Corker, City Attorney Doug Jewett.



Doug Jewett, Terry Pettus, James Fearn.



Social hour a lively affair.

Julie North Re-Elected Association President

The 17th annual membership meeting April 24th turned out to be a lively victory celebration as the result of the decision by Superior Court Judge Robert Elston that the Equity Ordinance is constitutional. The legal team, which defended the measure, City Attorney Doug Jewett, Assistant City Attorney James Fearn and Association Attorney Bruce Corker were speakers.

City Councilman Paul Kraabel received a standing round of applause when he took the microphone. Kraabel played a leading role in defeating the first "sneak attack" and in the later successful campaign urging Governor Dixy Lee Ray to veto the second measure. Administrative Secretary Terry Pettus reported for the Executive Committee.

Officers and executive committee members re-elected were: Julie North, president, 2339 Fairview E.; Larry Clifton, vice president, 2818 Boyer E.; Jonathan Ezekiel, recording secretary, 2331 Fairview E.; Richard Wagner, trustee, 2770 Westlake N.; Ellen Hansen, 2035 Fairview E.; Roger Johnson, 2017 Fairview E.; Ann LeVasseur, 2031 Fairview E.; and Sandra Oellian, 2464 Westlake N., executive committee. A new member on the committee is Elizabeth Johnson, 2600 Fairview E. The collection of \$756.00 went to the Legal & Sustaining Fund. The meeting was followed by a social hour.



Councilmember Kraabel makes a point.

(Meeting photos by Todd Warmington)

A 16 The Seattle Times

Sunday, April 29, 1979

House 'surrenders' to s

OLYMPIA — There was really nothing left to do, but go along.

But "procedurally, it was arrogant," grumbled Representative Jeff Douthwaite, Seattle Democrat.

He was referring to the "surrender" Friday on an issue which provoked anger among many state legislators — the surprise movement through the Legislature of, as one described it, "a greaser bill."

Those kinds of measures — slyly timed, special-interest bills, pushed by a lobbyist who effectively uses a legislator or two — can slip through the Legislature in its rush to adjourn.

The latest example: Substitute House Bill 1308.

The essence of that measure is a strengthening of tenant rights to occupants of mobile homes. Its support included the senior-citizen lobby. From the beginning, its chances of passage were good.

There was less hope for another bill — the one backed by the owners of houseboat moorages around Seattle's lakefronts. They were angered by the extra rights extended to houseboat tenants by the City of Seattle's "equity ordinance."

Representing many moorage owners, banded into the Lake Union Association, was Bill Fritz, a longtime lobbyist around the Legislature.

"When it happened, it just slipped right past me," confesses one senator.

What happened was that, when many legislators were looking the other way, Fritz, using State Senator Dan Marsh, Vancouver Democrat, and others, tacked "his" lakefront-landlord bill onto the mobile-home bill.

It happened April 16. The Senate was considering the House-passed mobile-home landlord-tenant measure. A series of amendments, all earlier agreed upon, was being adopted.

Suddenly, in the middle of all that, Marsh was proposing a 12th amendment which hadn't been agreed upon.

Senator Phil Talmadge, West Seattle Democrat, a lawyer, was closely following the tedious routine. He blinked. "It ticked me off," said Talmadge, that an entire new piece of legislation was being added to a popular measure.

In the rush-rush proceedings, that amendment passed the Senate by a voice vote. (Talmadge and Senator James McDermott, Seattle Democrat, were among the few who voted no.)

Thus the popular rights bill," now back to the House the lakefront landl

Fritz, the lobbyist, good measure, "provide more s tenants..."

There were among others, Do sented Fritz' po measure as some people who pay boats.

It would offer security for the countered.

Seattle City C Kraabel, a forme jected strongly. said, had we ed l its "equity ordina tect houseboat ow evicted without ju.

Now, in a sud Legislature was g that.

When Fritz' through the Sen practically uncha present operating would have to a had happened in lose the highly homes legislation.

TWO HOUSEBOAT FIRES IN 1978: The Seattle Fire Department reports two floating home fires in 1978. At 2019 Fairview an overheated wok caused damages estimated at \$900.00 and at 2331 Fairview hot ashes from a barbecue resulted in damages estimated at \$100.00.

Our floating home community is part of the 73% of the Seattle population who live in single family homes. Suppose that is why nationally we are number one in cat population and number two for dogs?

OUR COMMUNITY MADE THE TODAY SHOW: Seattle's houseboat colony was featured on the NBC Today Show March 23rd. Earlier in the week Jack Perkins and a crew from the Los Angeles bureau spent a day in Seattle photographing at 2770 Westlake, Mallard Cove, 2600 Fairview and Portage-At-Bay, 1214 E. Hamlin. Participants on camera included Dick and Colleen Wagner and sons Michael 12, and David 8; Mrs. Elizabeth Johnson and Mrs. Garnet Drager. Arrangements for the program were made through the Association.

Special interest

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bill whipped ate, it became ngeable. Under rules, the House gree with what the Senate or popular mobile-

"It's an excellent example of what you can do if you're a well-heeled lobbyist," said Councilman Kraabel. "I've known Fritz for a long time, and I have no use for him."

So on Friday, as Douthwaite portrayed it, the House had to capitulate: It accepted the special-interest-amended bill in order to get the more desired measure.

What makes no sense, he noted, is that "the folks in Seattle worked with the City Council for six months before the (equity) ordinance was passed."

Suddenly, he added, all that was undone by an overriding action in the Legislature — "a quickie effort," with scant discussion — a violation of proper legislative procedures.

"It's only a procedural problem if you don't understand the legislative process," countered the cheerful lobbyist, Fritz.

What next?

"Veto," Douthwaite says. Maybe Gov. Dixy Lee Ray can be persuaded to veto the moorage-owners' section out of the bill when she signs it.

Senior citizens probably will ask her to do that. So will other tenants.



Politics

Richard W. Larsen

Times staff writer

"I think the governor feels that this is needed to protect private property rights," countered the confident Fritz.

Within hours after the House agreed it was forced to "take" the measure, the Seattle City Council sent a telegram to Governor Ray, urging a veto, pointing out that:

— Since Seattle has practically all the houseboat tenants in the state, it is "legitimately a local issue which should be addressed and resolved by local government . . ."

— Homeowners never really had a chance to offer a viewpoint in the Legislature.

— Seattle's ordinance has been court-tested and found to be constitutional.

Said the Council's wire: "We spent a total of seven months and many, many meetings with both moorage and homeowners represented, hammering out what we considered to be a fair compromise and one which is working well in our city.

"The amendments to House Bill 1308 totally undo all of that work . . ."

THE PERIL IN PREPARING LISTS: Two lists of names in the January-February Newsletter were sadly deficient. In saying "thank you" to those who worked hard on the Holiday Cruise we failed to mention Rachael Emery, Norton & June Fauchalt and Philip Kranz. In recording the charter members still with us, Jim Wandesforde, Mrs. Gladys Mattson, Mrs. Carrie Stafford and Betty Smith somehow were omitted.



GREATER VANCOUVER PLANS FOR FLOAT HOMES: Uniform regulations for jurisdictions planning Float Home (houseboat) and live aboard vessel communities have been drafted by a sub-committee of the Greater Vancouver (B.C.) Re-

gional District headed by Mayor Don Bell of the District of North Vancouver. The regulations cover siting, sanitary, taxation and other matters pertaining to the creation of floating residential communities. The sub-committee visited Seattle last year.



Association Mailbag



To The Association:

Thought you might be interested in some local Indian houseboats. I found these photographs in the National Archives in Washington, D.C. They are identified as being moored on the Swinomish Reservation across the channel from LaConner, circa 1930. The Reservation was too small to give each family an allotment of land and as a result some families constructed houseboats in which to live. **Mike Taylor**, 449 Don Miguel, Santa Fe, New Mexico.

To The Association:

I'd like to express my appreciation to all the floating home people who responded so quickly to our cries for help during the recent Olympia emergency. Over the past four years I have called around the lake for everything from hams and turkeys to money. But never have I felt such a strength and unity as I did during this crisis. It's refreshing in this day and age to know that people will stand together in a time of need. **Dixie Pintler**. (Dixie was one of those who responded to the emergency by, in the short space of 24 hours, turning in 700 names for the first telegram sent to the State Legislature. This was followed up by literally hundreds of telegrams and letters to Gov. Ray urging a veto.)

To The Association:

Life seems to be a constant battle nowadays. I have received a call from the "Save Lake Washington" organization. This is the citizen group spearheading the drive to keep the large, white NOAA ships (up to 300 feet) out of Lake Washington. Their attorney, Roger Leed, feels the organization has a good cause for an appeal from the recent unfavorable federal court decisions. There is an urgent need for funds. Those who feel as I do that the NOAA ships and support facilities complex have no business being located in the residential area of Lake Washington and that they will create a potentially dangerous navigational hazard maneuvering through the relatively narrow Ship Canal can send a contribution to "Save Lake Washington," P.O. Box 21632, Seattle, 98111. Has the Association taken a position on this? **Gary Oman**.

(The Association has not. Floating Home residents in the Fairview area generally regard the NOAA ships as good neighbors and would like to keep the installation in its present site. However, the Association has strongly opposed the Lake Union alternative to the Lake Washington site. This would mean the elimination of all floating homes on Fairview E. between Boston and Newton St.s (80 homes) as well as commercial buildings south of Newton St. between Fairview and Eastlake E.)

The Veto Message

OFFICE OF THE GOVERNOR

To the Honorable, The House of Representatives
of the State of Washington
Ladies and Gentlemen:

I am returning herewith without my approval as to several section Substitute House Bill No. 1308 entitled:

"AN ACT Relating to Landlords and tenants:"

I am in support of Sections 1-15 of this act that consist of revisions and additions to the mobile home landlord-tenant act.

Sections 16-29 of the Substitute House Bill No. 1308 would establish a floating home landlord-tenant act as is modeled after the 1977 mobile home act. Nearly all of the floating homes covered by the act are in Seattle. There, the demand for moorage sites and the difficulties in obtaining new sites have created a situation that Seattle brought under control by Ordinance in 1977. Two major objectives of that Ordinance are to protect tenants from exorbitant rent increases and arbitrary evictions.

The floating home act portion of Substitute House Bill No. 1308 would preempt certain portions of the Seattle Ordinance and would remove controls on evictions. As a result, tenants with no alternative sites for their homes could be evicted at the termination or conclusion of a rental agreement; this is specifically contrary to the intent of the Seattle Ordinance and inappropriate in an act whose purpose is to refine and clarify the rights of both landlords and tenants of mobile homes. Consequently, I think a decision to decontrol this uniquely local situation is an inappropriate action for the state to take. It may be that some redress for the landlord is in order, but if changes need to be made in the Seattle Ordinance, they would be undertaken by the City of Seattle.

For the forgoing reasons, I have chosen to veto Sections 16-29 of Substitute House Bill No. 1308. The remainder of the bill is approved.

Respectfully submitted,
Dixy Lee Ray
Governor.

Wooden Boat Show July 6-8

The third annual Seattle Wooden Boat Show will be held on July 6-8 at the U.S. Naval Reserve Base at the south end of Lake Union. Admission is free and the hours will be from 10 a.m. to 6 p.m. Sponsors say that as in the past the show will be a "rich mixture of good boats, and a sharing experience from masters in boat building, tool making, design, sailing and knotwork."

Aim of the show, sponsors say, is to provide a gathering of wooden boats of good design and craftsmanship both old and new as well as restorations and replicas. There will be rowing and sailing races each of the three days as well as speakers, films, an auction of maritime gear, a toy boat-building shop and chantey singers.



President Julie North with Organization Director Jack MacIntyre going over plans for the annual membership check-up now under way. (Jonathan Ezekiel photo.)

Roanoke Reef Dispute Now in Holding Pattern

A city financed consultant report which suggests that the best legal use of the Roanoke Reef property would be a combination of floating homes and open boat moorages. The consultant worked with representatives of the Eastlake Community Council, Floating Homes Association, Roanoke Reef Associates and the city for the past year.

Some ten alternatives were explored. At the heart of the issue is the platform, which covers an entire city block of submerged land. In no way can such water coverage be made to conform to the State Shorelines Act and the Seattle Master Program. The combined use proposed in the study is approved by the Eastlake Council and the Floating Homes Association as one which will meet the shoreline requirements and have the least adverse impact on the community. The position of the developers is reported to be negative and they have proposed such uses as town houses on the platform.

Some observers believe that the real problem is not the asserted cost of removing the enormous concrete platform (the study estimates \$821,000) but the insistence on the part of the developers that they be allowed to use it. It is an illegal structure. The supreme court ruled that it was built without a legal permit and the developers collected \$2.8 million in damages from the city in a subsequent action.

The "reef" is built on the site of the original Boeing Bldg. It was from here that William Boeing flew his first plane in 1916. For years the property was a marina and boat sales, until it was purchased by the Associates in 1969 for \$200,000.00. Construction of a 112 unit high-rise condominium was halted in 1972 as the result of the suit brought by the two community organizations and the State Department of Ecology.

In 1977 the Department of Community Development issued a permit to use the platform in connection with 46 boat slips on adjacent state leased land. This is being opposed by the community groups and the Department of Ecology. This opposition led to the joint agreement to employ a consultant.

Optimists hope this will resolve the eight year dispute. Realists believe that it will continue until the developers are convinced they will not be able to get around the shoreline law and either accept the consultant's proposal or sell to someone who will.

City Council Defends Ordinances: Asks Veto

The Seattle City Council, which adopted the Equity Ordinance by a unanimous vote in December, 1977, came strongly to its defense in a letter urging Governor Dixy Lee Ray to veto the measure which was twice covertly attached to other bills in the hopes that it could be sneaked through without detection. The letter was prepared and circulated by Councilman Paul Kraabel, who chaired the committee which drafted the ordinance.

The letter to Governor Ray said: "We spent a total of seven months and many, many meetings with both moorage and home owners represented, hammering out what we considered to be a fair compromise and one which is working well in our city. The amendments to House Bill 1308 would totally undo all of this work." The letter then cited the following reasons for requesting veto:

"1. The city of Seattle has in excess of 95% of all houseboats in the state which are occupied as a full time residence. We believe this is legitimately a local issue which should be addressed and resolved by local government and that state legislation is not warranted or necessary in this instance.

"2. No meaningful opportunity to affect this legislation was offered anyone representing the home owners' point of view. If state legislation is felt necessary, we feel strongly that the subject matter should be discussed in the interim so that all affected parties may have an opportunity to present their views before state legislation is enacted.

"3. Our ordinance has been tested in court and deemed both constitutional and an appropriate subject for local jurisdiction by Superior Court Judge Elston. A copy of this opinion is being forwarded to your office."

We're Trying to Say:

THANK YOU!

It was an unusual experience, and certainly a frightening one, to find our small community in the eye of a legislative storm. So this is an attempt to express our appreciation to those who, not only came to our defense, but in a real sense defended the integrity of the legislative process.

TO: Governor Dixy Lee Ray, a big bouquet, for that perceptive veto. (We wired some and hope Western Union did not let us down.)

TO: Mayor Charles Royer and his staff who knew what to do and did it. A special thank you to Wally Johnson, City legislative representative, responsible for a critical early warning that something was amiss.

TO: The City Council which did not wait to be asked. And a big one for Paul Kraabel for that decisive crack of dawn emergency trip to Olympia. Also to Bruce Corker and Dig Wagner who joined him.

TO: Norm Schutt and the senior citizens' lobby. Their prompt action probably tipped the scale. And to the Seattle King Co. Elderly Coalition.

TO: Our "floor champions" Bill Burns and Jeff Douthwaite and to the nineteen members of the Seattle-King Co. House delegation who found a way to cast protest votes without jeopardizing the fine Mobile Home Act. To those many other members in both Houses whom we do not know but wish we did.

AND TO THE MEMBERSHIP: Incredible as it sounds they procured (within 24 hours) more than 700 names on our first telegram to the Legislature. This was followed up by hundreds of individual telegrams, messages and phone calls urging a veto. An inspiring performance.

THE EXECUTIVE COMMITTEE



Fact Finder Philip Burton is seen questioning witness Terry Pettus at the second such proceedings regarding disputed moorage fees held under the Equity Ordinance enacted in December 1977. In foreground is Ken Kennedy, who has had a long standing dispute with floating home owner Dr. Linda McGuire. (Jonathan Exekiel photo.)

The March 27th hearing before Fact Finder Philip Burton resulted in another rambling and rather confusing chapter in the three-year dispute between Kenneth Kennedy and Dr. Linda McGuire involving her floating home at 3212 Portage Bay Place E. Matters started to get complicated when Kennedy refused to be sworn or be cross-examined, so it became difficult to determine just what was at issue.

The case started with Kennedy's demand for \$150.00 a month moorage plus \$40.00 for a parking site on which no rent had previously been charged. But during the hearing he said he really should get \$300.00 a month as a fair return on his investment. He purchased the property in Dec. 1974 for \$30,000.00 Besides the McGuire floating home the property included a non-conforming rental duplex. Since then Kennedy has added a boat moorage alongside the McGuire houseboat where he rents out three spaces.

It also became unclear whether the moorage fee he wanted was \$300.00 or one-half of the rental price plus \$40.00 for parking.

When it was brought out that he had also demanded 10 per cent of the sales price (Dr. McGuire has tried to sell) he interjected saying he actually ought to get half.

Fact Finder Burton in a subsequent written decision set the moorage fee at \$150.00 a month, made no mention of the parking issue and added that Kennedy "values his floating home moorage at \$300.00 a month based on its value as a moorage for sail boats or other commercial ventures not permitted under present zoning classifications and steadfastly refused to submit evidence or an opinion as to its value on a houseboat moorage."

Kennedy did say he really wanted the McGuire spot for his float plane illegally moored in an adjacent city waterway.

* * *

Seattle was the first city in the U.S. (probably the world) where floating homes (houseboats) were connected to a sewer system.

Here Is The "Security Blanket" For Your Home



MEMBERSHIP APPLICATION

Annual Household Dues, \$16

- Dues covers all adults (18 years or over) in the household. If more than one membership card is needed, list names below.
- Dues payment covers the 12 months following the time of joining.
- Make checks payable to the Floating Homes Assn. and send to 2329 Fairview Ave. E., 98102.

Name _____ Address _____ Zip _____

Name _____ Moorage No. _____ Phone _____

"To protect the interests of Seattle's old and colorful Houseboat Colony."