

(GENERAL)

COMPTROLLER FILE NUMBER 289717

OR

INITIATIVE MEASURE NO. 24 "to address the impact of the shortage of rental housing through a program to limit rent increases for most rental units."

FILED (4-16-80) 7-18-80

~~TIM HILL~~ TIM HILL
COMPTROLLER AND CITY CLERK

BY G.C. Geisert DEPUTY

ACTION OF THE COUNCIL

REFERRED SEP 8 1980	TO URBAN DEVELOPMENT & HOUSING
REFERRED	TO
REFERRED	TO
REPORTED SEP 8 1980	DISPOSITION REJECTED
RE-REFERRED	TO
REPORTED	DISPOSITION

REPORT OF COMMITTEE

Mr. President:

Your Committee

to which was referred the within.....

would respectfully report that we have considered the same and respectfully recommend that.....

be rejected

The same

CHAIRMAN

CHAIRMAN

City of Seattle

OFFICE OF THE COMPTROLLER

101 Municipal Building
Seattle, Washington 98104



COPY OF WITHIN RECEIVED Hill
CITY COMPTROLLER

AUG 15 1980 E. J. RICE
DEPUTY COMPTROLLER

Douglas N. Jewett
CITY ATTORNEY

August 13, 1980

City Council
City of Seattle

Honorable Members:

Transmitted herewith is Initiative Petition No. 24 (Comptroller File No. 289717) "to address the impact of the shortage of rental housing through a program to limit rent increases for most rental units."

Said Initiative Petition No. 24 was forwarded to the Records and Elections Division of King county for checking.

A total of 17,626 valid signatures are required pursuant to the provisions of the Charter of the City of Seattle, Article IV, Section 1 (B).

Certification from Mr. Donald R. Perrin, Superintendent of Elections was received on August 12, 1980. He states that a total of 31,521 signatures were received. A random sample of 6,500 signatures was checked as provided for in State Law (R.C.W. 29.79.200), and as a result of such examination, were found to be sufficient under provisions of Article IV, Section 1 (B) of the City Charter.

Attached also for your information and consideration, are copies of Mr. Perrin's letter and his certification as it relates to the subject Initiative Petition, and a copy of Initiative Petition No. 24.

Sincerely yours,

Tim Hill
Comptroller and City Clerk

TH:et

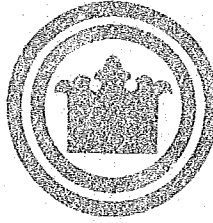
Enc. Copy of Initiative Petition
Two communications from the Superintendent of Elections

cc: Law Department - Jorgen Bader
Assistant City Clerk

CF # 259717

King County, State of Washington
D. Spellman, County Executive

Department of Executive Administration
Shani Taha, Director



Records & Elections Division
Clint G. Elsom, Manager

553 King County Administration Building
500 Fourth Avenue
Seattle, Washington 98104

(206) 344-4200 - Manager
(206) 344-2565 - Elections
(206) 344-5282 - Voter Registration

August 12, 1980

COMPTROLLER AND CITY CLERK

'80 AUG 12 PM 3:06

FILED
CITY OF SEATTLE

Mr. Tim Hill, Comptroller
City of Seattle
Municipal Building
Seattle, Washington 98104

Dear Mr. Hill,

We are returning to you 1753 pages of Initiative Petition No. 24 containing a total of 31,521 signatures.

We used a random sample as approved by the State of Washington checking 6,500 signatures and found the petition to be sufficient.

Enclosed is a Certificate of Sufficiency.

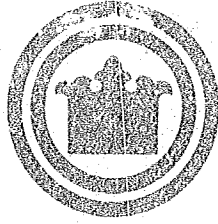
Sincerely yours,

Donald R. Perrin
Superintendent of Elections

DRP/j
Enc.

King County, State of Washington
John D. Spellman, County Executive

Department of Executive Administration
Shani Taha, Director



Records & Elections Division
Clint G. Elsom, Manager

553 King County Administration Building
500 Fourth Avenue
Seattle, Washington 98104

(206) 344-4200 - Manager
(206) 344-2565 - Elections
(206) 344-5282 - Voter Registration

August 12, 1980

This is to certify that the petitions for City of Seattle Initiative No. 24, submitted to the King County Election Department on July 30, 1980, have been examined by this office in compliance with the terms of R.C.W. 29.79.200, and as a result of such examination are found to be sufficient under the provisions of Article IV, Section 1(B) of the City of Seattle Charter.

Dated at Seattle, Washington, this 12th day of August, 1980.

A handwritten signature in cursive script, reading "Donald R. Perrin", is written over a horizontal line.

Donald R. Perrin
Superintendent of Elections

WASHINGTON COALITION for AFFORDABLE HOUSING



July 31, 1980

Seattle City Council
1106 Municipal Building

Dear Council Member:

The Washington Coalition for Affordable Housing would like to take this opportunity to urge you to reject the suggestion for a special election on Initiative 24 this November. The Seattle City Attorney (through deputy Sue Sampson), the King County Elections Superintendent, Don Perrin; and the Seattle Comptroller's office (through Clerk Virginia Miller) have all confirmed to us that an initiative petition containing approximately 17,600 valid signatures would only qualify for the next regular election. According to City Attorney opinion #6979 (attached) dated 2/14/80, regular elections are held only in odd-numbered years. The next regular election, therefore, is in November 1981. These three offices also tell us that in order to qualify Initiative 24 for an immediate special election, the proponents would have had to collect more than 35,000 valid signatures and present them by July 31. With only 31,000 total signatures presented (and only an unknown percentage of those actually valid) it is obvious that the proponents are not entitled to a special election.

Since the proponents of Initiative 24 have not legally qualified it through the signature-gathering process for a special election, we will not, at this time, address the inherent weaknesses of the Initiative itself. We are concerned now with the possibility that the Council will fly in the face of the public will and call an expensive and divisive special election even in the absence of demonstrated public interest in such an election. The citizens of Seattle have already rejected it by their lack of support during qualification. For the City Council to authorize this election would be a politically charged act which could be interpreted as support for rent control and Initiative 24 itself.

The people of Seattle have resisted the emotional and often irrational voices who have called for a bitter and divisive election confrontation this fall. Despite months of carefully orchestrated efforts to gather the 35,000 valid signatures required by law to force an expensive special election, the proponents of Initiative 24 have failed.

The Washington Coalition for Affordable Housing is in agreement with the voters' refusal to destroy the constructive and cooperative efforts of the past few months. The forces of reason, on all sides of the housing issue, are bringing together public and private efforts for effective action. We regret that some of Initiative 24's most zealous supporters have not yet joined this fight, preferring confrontation to long-term solutions. While we continue to hope these proponents will soon add

their enthusiasm to our positive efforts, both the public and the private sectors must continue their work. We cite the following recent steps which have formed a basis for this positive approach:

- 1) Everyone admits that more housing is the only true long-term solution. To that end, the private sector has formed the Seattle Housing Resources Group, a private, non-profit corporation committed to producing low- and moderate-income housing now. This corporation has a budget of more than \$250,000 per year for the next three years, with every dollar raised from private sources.
- 2) The recent passage by the City Council of the Just Cause Eviction ordinance. This renters' Bill of Rights would be immediately superseded by Initiative 24.
- 3) Passage of the Demolition Ordinance last week, which would also be invalidated by Initiative 24.

In addition to these constructive steps which must be given an opportunity to work, we are witnessing other powerful and positive forces on Seattle's housing market:

- 1) The rental vacancy factor has been rising in recent months, a fact confirmed by such diverse sources as the United States Census Bureau (in its preliminary report) and local newspapers, which are witnessing a dramatic increase in the number of residential rental offerings in their classified sections (almost double the number offered at this same time last year).
- 2) The number of condominium conversions is down dramatically in the first half of 1980.
- 3) At the same time, cost increases for rental housing have slowed. According to Bureau of Labor Statistics figures available for the latest two-month period, the rental cost component of the Seattle-Everett Consumer Price Index has risen only .7% for that period for an annualized rate of rental increase on only 4.2% (the Seattle-Everett C.P.I. increase figures are valid enough to be mandated as the official figures by the proponents of Initiative 24, in Section 4.01 of that measure).

It appears that the combination of active efforts by Seattle citizens and the natural forces of the marketplace have already begun to alleviate pressure and move Seattle toward long-term solutions to housing problems. The job is only beginning, and we believe we are on the road to real solutions to these chronic problems. We don't need an expensive and cumbersome new big-government bureaucracy which can only promote polarization of our city. And we don't need the divisiveness which will be the legacy of a bitter campaign at this time.

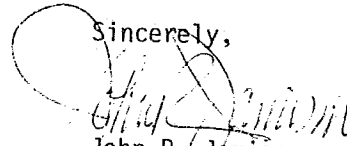
Seattle City Council

-3-

July 31, 1980

Again, let us urge you to consider these factors before you take action to call an expensive and unnecessary special election for November. If we can provide further factual information, please do not hesitate to contact the Coalition.

Sincerely,



John R. Jamison
President

JRJ/jdp

Enclosures: City Attorney Opinion #6979
Copy of Seattle Sun article

cc: Mayor Charles Royer
Sue Sampson, Seattle City Attorney's Office
Don Perrin, County Elections Division
Virginia Miller, Seattle City Comptroller's Office
Seattle Times
Seattle Post Intelligencer
KOMO TV
KING TV
KIRO TV
KIRO Radio
Seattle Sun
Other Seattle Media Outlets

City of Seattle

OFFICE OF THE COMPTROLLER

101 Municipal Building
Seattle, Washington 98104



TIM HILL

E. J. RICE

1980 JUL 30 PM 3:44

KING COUNTY RECORDS
& ELECTIONS DEPT.

RECEIVED

July 30, 1980

Mr. Clint Elsom, Manager
Department of Records and Elections
County of King
553 King County Administration Building
Seattle, Washington 98104

Attention: Donald L. Perrin

Dear Mr. Elsom:

Transmitted herewith are petitions containing signatures for an initiative entitled:

"Shall the City regulate residential rent increases through a new board; and restrict certain evictions, condominium sales, and housing demolitions."

They are being forwarded to your office for checking as to sufficiency of signatures.

Article IV, Section 1 (B) of the City Charter, as amended November 6, 1973, provides:

"B. INITIATIVES AND REFERENDUMS; HOW EXERCISED;; PETITIONS; COMPTROLLER TO VERIFY SIGNATURES; COMPLETION OF PETITIONS, CONSIDERATION IN COUNCIL:

The first power reserved by the people is the initiative. It may be exercised on petition of a number of registered voters equal to not less than ten (10) percent of the total number of votes cast for the Office of Mayor at the last preceding municipal election, proposed and asking for the enactment as an ordinance of a bill or measure, the full text of which shall be included in the petition. Prior to circulation for signatures such petition shall be filed with the City Comptroller in the form prescribed by ordinance, and by such officer assigned a serial number, dated, and approved or rejected as to form, and the petitioner so notified within five (5) days after such filing. Signed petitions shall be filed with the City Comptroller within one hundred eighty (180) days after the date of approval of the form of such petitions. Upon such filing, the City Comptroller shall verify the sufficiency of the signatures to the petition, and transmit it, together with his report thereon to the Council at a regular meeting

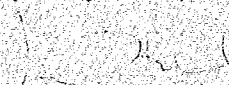
not more than twenty (20) days after the filing of such signed petitions, and such transmission shall be the introduction of the initiative bill or measure in the City Council. If the Comptroller shall find any petition to be insufficient in signatures, he shall notify the principle petitioners, and an additional twenty (20) days shall be allowed them in which to complete such petition to the required percentage, provided, however, that in no event shall the time for procuring signatures exceed two hundred (200) days from the date of approval of the form of such petitions. Consideration of such initiative petition shall take precedence over all other business before the City Council, except appropriation bills and emergency measures."

Said petition was filed and approved as to form on April 21, 1980 and was designated as "Initiative Petition No. 24." As stated in the Charter amendment, signed petitions shall be filed within 180 days after the approval of the form of said petition, which makes the deadline October 18, 1980.

Petitioners have stated they have approximately 32,000 signatures. Necessary signatures for validation are 17,626. The Charter provides that the Comptroller shall verify the sufficiency of signatures at a regular meeting of the City Council not more than twenty (20) days after the filing of said petitions, which would be August 20, 1980.

Your immediate attention to the validation signatures on these petitions will be appreciated.

Very Truly Yours,


Tim Hill
Comptroller and City Clerk

TH:euu
Encl. Petitions
cc: Assistant City Clerk

LAW OFFICES
DIAMOND & SYLVESTER
FOURTH FLOOR HOGE BUILDING
SEATTLE 98104
(AREA 206) 623-1330

JOHN P. LYCETTE (1965)

JOSEF DIAMOND
JOHN N. SYLVESTER
EARLE W. ZINN
LYLE L. IVERSEN
SIMON WAMPOLD
ALBERT O. PRINCE
RICHARD M. FOREMAN
MICHEL P. STERN
CRAIG S. STERNBERG
EDWIN J. SNOOK
JOHN T. PETRIE

WILLIAM J. CRUZEN
F. DOUGLAS RUUD
JOHN W. HEMPELMANN
O. J. (BUZ) HUMPHREY III
GAY DIAMOND
ALAN D. JUDY
JAMES M. THOMAS
TERRY E. THOMSON
ASHER B. WILSON
ROBERT E. HIBBS
PAUL SIKORA

July 30, 1980

CITY OF SEATTLE
FILED
JUL 31 1980

CITY COMPTROLLER
AND CITY CLERK

Mr. Donald Perrin
King County Elections Superintendent
Room 553
500 Fourth Avenue
Seattle, Washington 98104

Mr. Tim Hill
City Comptroller
101 Municipal Building
Seattle, Washington 98104

Re: Initiative 24;
Seattle City Attorney Opinion No. 6979

Gentlemen:

We are attorneys for the Washington Coalition for Affordable Housing and have just been advised that supporters of Initiative 24 have presented the City Comptroller's office with 27,000 signatures in support of placing Initiative 24 on the ballot. We further understand that the King County Elections Superintendent supervises the actual verification of signatures on the petition.

The referenced City Attorney Opinion No. 6979 dated February 14, 1980 concerned Initiative No. 21 but was the City Attorney's opinion concerning the number of qualified voters which must sign a petition in order to qualify it for either a regular election or a special election. Briefly stated, the opinion requires signatures by a number of qualified voters equal to at least 20% of the votes cast for the office of mayor at the last preceding municipal election in order to qualify for the November 4, 1980, City of Seattle election. We understand that this 20% number would be approximately 35,000 signatures. Furthermore, the opinion requires signatures by a number of qualified voters in an amount equal to at least 10% of the votes cast for the office of mayor at the last preceding municipal election in order to qualify for the November, 1981 City of Seattle ballot.

7/31/80 Talked to Don Perrin who said that there are obviously enough signatures for Initiative 24 to qualify under the 10% provision but not enough for the 20% provision (which would be the matter on the Nov. 1980 ballot). Also spoke with John Petrie. He said if it is true that there aren't enough

Mr. Donald Perrin
Mr. Tim Hill
July 30, 1980
Page Two

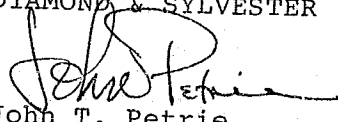
LYCETTE, DIAMOND & SYLVESTER

Obviously the 27,000 unverified signatures would not be sufficient even to place this matter on the November 4, 1980 ballot without City Council approval. See City of Seattle Charter, Art. IV, Sec. 1.D. and E.

We are all presently unaware of the number of valid signatures among the 27,000 signatures submitted with Initiative 24 by its supporters. We understand that, pursuant to Art. IV, Sec. 1.B. of the City of Seattle Charter, the City Comptroller must verify the sufficiency of the signatures to the petition. As previously mentioned, this verification is supervised by the County Elections Superintendent. Our client, the Washington Coalition for Affordable Housing, is a coalition consisting of various people within the City of Seattle who perceive passage of Initiative 24 as potentially damaging to the City. Accordingly, we hereby request that the verification of the sufficiency of the signatures be completed by checking each one of the signatures on the petition against the list of registered voters.

Very truly yours,

DIAMOND & SYLVESTER


John T. Petrie

JTP:ee

cc: Washington Coalition for
Affordable Housing
Jorgen G. Bader,
Assistant City Attorney
Susan Rae Sampson,
Assistant City Attorney

P06 4911208

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

SENT TO	
Sharon Feigon-ROOF	
STREET AND NO.	
1133 - 23 rd Ave	
P.O., STATE AND ZIP CODE	
Sua. Va. 98122	
POSTAGE	\$ 15
CERTIFIED FEE	80 ¢
CONSULT POSTMASTER FOR FEES	
OPTIONAL SERVICES	
SPECIAL DELIVERY	
RESTRICTED DELIVERY	
RETURN RECEIPT SERVICE	45 ¢
SHOW TO WHOM AND DATE DELIVERED	
SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	
SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	
TOTAL POSTAGE AND FEES	\$ 140
POSTMARK OR METEOR	
APR 20 1980 FIRST ST	

PS Form 3800, Apr. 1976

PS Form 3811, Jan. 1979

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)

Show to whom and date delivered..... ¢

Show to whom, date and address of delivery..... ¢

RESTRICTED DELIVERY

Show to whom and date delivered..... ¢

RESTRICTED DELIVERY.

Show to whom, date, and address of delivery. \$

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

ROOF Sharon Feigon

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURER NO.

4911208

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURES Addressee Authorized agent

Harriet Feigon

DATE OF DELIVERY

APR 20 1980

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

APR 20 1980

INITIATIVE 24 SCHEDULE

Ballot Title Approved April ²¹~~22~~, 1980

180 days to gather signatures allowed which would be October 18, 1980

BUT: If the sponsors want it on the November 4, 1980 ballot.

SCHEDULE:

November 4, 1980 Election

Minus 45 days -- September 19th (Notification of placement on the ballot must be given King County Elections 45 days in advance)

Minus 30 days -- August 20th (City Council has 30 days to consider what action they will take.)

Minus 20 days -- August 1st (King County Elections has 20 days to verify signatures.)

THUS -- To be assured of placement on the Nov. 4, 1980 ballot - Signatures should be filed with the City Clerk by the 31st day of July, 1980.

289717

City of Seattle

OFFICE OF THE COMPTROLLER

101 Municipal Building
Seattle, Washington 98104



Tim Hill
CITY COMPTROLLER

April 21, 1980

E. J. RICE
CHIEF DEPUTY COMPTROLLER

Mr. Clint Elsom, Manager
Department of Records and Elections
County of King
553 King County Administration Building

Attention: Mr. Donald R. Perrin

Dear Mr. Elsom:

City of Seattle Ordinance 103892, approved October 21, 1974, relates to initiative petitions. Section 2 provides that upon receipt of a concise statement from the City Attorney posed as a question not to exceed twenty (20) words, bearing the serial number of the measure, shall be filed by the City Comptroller with the King County Director of Records and Elections; a reprint of Ordinance 103892 is attached for your further information.

Accordingly, you are advised that an initiative petition was filed on April 16, 1980, and was designated as Initiative Measure No. 24. A ballot title was received from the City Attorney on April 21, 1980 as follows:

INITIATIVE MEASURE NO. 24

"Shall the City regulate residential rent increases through a new board; and restrict certain evictions, condominium sales, and housing demolitions?"

The petition has been approved as to form as of today, April 21, 1980. As stated in the City Charter, signed petitions shall be filed with the City Comptroller within 180 days after the date of approval of the form of the petition which would make the deadline date 180 days from this date, April 21, 1980, or October 18, 1980.

This information is submitted to you in compliance with provisions of said Ordinance 103892.

Very truly yours,

Tim Hill

Comptroller and City Clerk

KING COUNTY RECORDS & ELECTIONS DEPT.

TH:jg

Enc: 1 (One)

cc: Jerry Gelsert
City Clerk's Office

RECEIVED

FILED
CITY OF SEATTLE
APR 21 PM 1:37
COMPTROLLER AND CITY CLERK

THE CITY OF SEATTLE

LAW DEPARTMENT

MUNICIPAL BUILDING . SEATTLE, WASHINGTON 98104

AREA CODE 206 TELEPHONE 625-2402

DOUGLAS N. JEWETT, CITY ATTORNEY

CITY OF SEATTLE
FILED

APR 21 1980

CITY COMPTROLLER
AND CITY CLERK

April 18, 1980

Honorable Tim Hill
Comptroller and City Clerk
The City of Seattle

Re: Initiative Measure No. 23 & 24

Dear Mr. Hill:

By letter of April 11, 1980, you forwarded "Initiative No. 23" to the Law Department for preparation of a ballot title. Subsequently, proponents of the initiative prepared a substitute text, correcting certain typographical errors and errors of form brought to their attention and adding a title to the original text. The substitute bill was designated "Initiative No. 24" and was forwarded to the Law Department on April 17, 1980 for preparation of a ballot title.

As we have previously informed you, without objection from the proponents, and in order to avoid confusion between the two texts, the Law Department recommends that you reject Initiative No. 23 for errors in form.

Pursuant to Article IV §1 of the City Charter, Ordinance 103892 and RCW 29.27.050, for Initiative Measure No. 24, we have prepared the following ballot title:

Shall the City regulate residential rent increases through a new board; and restrict certain evictions, condominium sales, and housing demolitions?

4-21-80 - Ballot Title read to ROOF representative over phone

4-22-80 - Letter mailed by certified mail.

Hon. Tim Hill
April 18, 1980
Page 2

Preparation of this ballot title does not constitute the City Attorney's comment upon the specific terms and provisions of the proposed ballot measure.

Very truly yours,

DOUGLAS N. JEWETT
City Attorney

By *Susan Rae Sampson*
SUSAN RAE SAMPSON
Assistant

SRS:ne

cc: Renters and Owners Organized
For Fairness (ROOF)
1133 23rd Avenue
Seattle, Washington 98122

City of Seattle

OFFICE OF THE COMPTROLLER

101 Municipal Building
Seattle, Washington 98104



TIM HILL
CITY COMPTROLLER

E. J. RICE
CHIEF DEPUTY COMPTROLLER

April 16, 1980

The Honorable Doug Jewett
City Attorney
City of Seattle

*Rec'd by
DHS
10:17AM
4-17-80*

Dear Mr. Jewett:

In accordance with the provisions of Ordinance 103892, transmitted herewith is an Initiative Measure concerning fair rents.

Said Initiative Petition was filed as of 3:55 p.m. today, Wednesday, April 16, 1980, and was designated as Initiative Measure 24.

Section 2 of Ordinance 103892 provides, in part, "Upon receipt of such Initiative measure, the City Attorney shall prepare and transmit to the City Comptroller, within six (6) business days after the filing of an Initiative Measure with the City Comptroller, a concise statement posed as a question and not to exceed twenty (20) words, bearing the serial number of the measure, which shall be filed by the City Comptroller with the King County Director of Records and Elections."

Very truly yours,

A handwritten signature in dark ink, appearing to read "Tim Hill", written over a faint printed name.

TIM HILL
Comptroller and City Clerk

TH:dm

Enc.

cc: Jerry Geisert
City Clerk's Office

FILED
CITY OF SEATTLE

1980 APR 16 PM 3:55

COMPTROLLER AND CITY CLERK

RENTERS AND OWNERS ORGANIZED FOR FAIRNESS
(ROOF)

1133 23rd Avenue, Seattle, WA
98122

(206) 322-6545

April 16, 1980

Mr. Tim Hill
Comptroller of the City of Seattle
Municipal Building
Seattle, WA 98104

Dear Mr. Hill:

Submitted herewith are five copies of an initiative measure concerning fair rents. On April 11, 1980, we filed an initiative on the same subject which contained a typographical error at Section 3.01 (b).

The April 11 initiative erroneously stated that the Mayor would be required to make initial appointments to the Rental Housing Board by January 1, 1980. This provision should have read January 1, 1981.

The text we submit today corrects that typographical error. In addition, we have corrected a reference to a date in Section 2.02 (f) from April 11, 1980, the date of original filing, to April 16, today's date, to meet any problems regarding constructive notice to those seeking demolition permits.

Finally, we have added prior to the text a descriptive title summarizing the provisions of the ordinance. We have been advised by staff at the City Attorney's office that this might be more stylistically preferable, although it is not clear whether such a title is necessary in the case of an initiative.

These are the only changes in the April 11 initiative made in the text we submit today. None are substantive changes. We are, therefore, uncertain whether any legal requirement exists to give what we submit today a new ballot initiative number or whether, considering the non-substantive nature of the changes, the original designation of Initiative 23 can properly be applied to this revised version. We are also uncertain whether the City Attorney will now have an additional six days to approve or reject as to form.

Since we are uncertain as to these two questions, we leave their decision to the City and request that we be contacted at the earliest opportunity with an answer. Please contact Sharon Feigon, ROOF Coordinator at the above address or telephone number.

As with the initiative filed on April 11, 1980, the sponsoring organization for the attached measure is Renters and Owners Organized for Fairness (ROOF), 1133 23rd Avenue, Seattle, WA 98122, telephone 322-6545. Its coordinator is Sharon Feigon, at the same address and phone number.

Thank you for your attention to this matter.

Yours truly,

Sharon Feigon
Sharon Feigon

INITIATIVE NO. 24

COMPTROLLER AND CITY CLERK

'88 APR 16 PM 3:55

FILED
CITY OF SEATTLE

AN ORDINANCE to address the impact of the shortage of rental housing through a program to limit rent increases for most rental units, and, in aid thereof, to provide for a Rental Housing Board to administer the program, to provide for the financing of the program, to establish standards and procedures for rent adjustments, to maintain the protections of the program by prohibiting unjust evictions, to limit further reductions in the rental housing stock by restrictions on demolitions and sale as condominiums of rental units, to provide standards for the Board to recommend ending of the program when circumstances no longer warrant its existence and to establish enforcement mechanisms and penalties for the violation of this ordinance.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

289717

PART I

Section 1. Purpose.

A growing shortage of housing units in Seattle, caused by demolition of structurally sound housing, conversion of rental units to condominiums, population influx due to the desirability of the Seattle area as a place to live, and the lack of new construction, has resulted in an extremely low vacancy rate in rental housing. These factors, together with speculation in existing units have caused rents to rise so rapidly as to constitute a serious housing problem adversely affecting the lives of a substantial portion of Seattle residents. These conditions endanger the public health and welfare, and especially endanger the health and welfare of the poor, minorities, young families and senior citizens.

This ordinance will address these housing problems in a unified and comprehensive manner, reduce the hardship caused by these serious housing problems, preserve the character of the existing housing stock, assure that rental housing costs are at fair and reasonable levels which allow landlords the opportunity to make a fair and reasonable return on investment, and provide for prompt resolution of disputes.

PART II

Definitions

Section 2.01. Rental unit means any structure, or part thereof, rented or offered for rent for residential use as a single habitable unit, or, which when last occupied, was so rented, together with all land, structures and services connected with such use.

Section 2.02. Controlled rental unit means any rental unit, except a rental unit:

(a) in any convent, monastery, hospital, extended medical or congregate care facility, asylum, or dormitory owned and operated by an educational institution exclusively for the housing of its students and their families;

(b) in a non-profit stock cooperative which is occupied by a shareholder whose share of cooperative stock is substantially equivalent to the share of total building space occupied by the shareholder's unit;

(c) which is governmentally owned, operated or managed, or in which a governmentally subsidized tenant resides, if state or federal laws or regulations exempt that unit from municipal rent control and an actual conflict with the operation of this ordinance exists;

(d) in an owner occupied building or complex of no more than four dwelling units;

(e) in a hotel, motel, inn or tourist home operated primarily for transient guests staying less than thirty days; but once the tenant lawfully resides in the building for more than sixty consecutive days, no exemption from controls may result under this subsection for the unit while it is so occupied;

(f) whose construction is completed, and which is first occupied after the effective date of this ordinance, except for replacement units constructed under Section 8.03(c) of this ordinance; but if a rental unit has been demolished pursuant to a permit applied for after April 16, 1980, but prior to the effective date of this ordinance, or demolished illegally, and new rental units are constructed on land where the demolished unit stood, the landlord may only claim exemption from controls by this subsection for rental units in excess of the number of demolished units;

(g) which is the primary residence of the landlord and is being temporarily rented for a period not to exceed 18 consecutive months, due to the temporary absence of the landlord for that period.

Section 2.03. Services means any benefits, privileges, or facilities connected with the use or occupancy of a rental unit, including a proportionate part of services shared by the tenant in common with others.

Section 2.04. Landlord means any owner, lessor, assignor, sublessor or other person entitled to receive rent, or any agent or successor thereof; but an assignor or sublessor shall not be considered the landlord of a rental unit under this ordinance unless the assignor or sublessor rents out the unit at a greater rate than that lawfully charged by his or her landlord.

Section 2.05. Tenant means any person entitled to the use and occupancy of a rental unit.

Section 2.06. Rent means the periodic consideration, including any periodic bonus, benefit or gratuity, demanded, accepted or retained for, or in connection with, the use or occupancy of a rental unit, including, but not limited to, periodic consideration for parking, utilities, pets, keys, furniture and subletting.

Section 2.07. Rental agreement means any oral, written or implied agreement between a landlord and a tenant for the use and occupancy of a rental unit.

PART III

Rental Housing Board

Section 3.01. Composition and Appointment

(a) There shall be a Rental Housing Board (Board) in the City of Seattle consisting of seven members appointed

by the Mayor and confirmed by the City Council. All members of the Board shall be residents of the City of Seattle. Two shall be landlords, two shall be tenants, and the remaining three neither landlords nor tenants. The non-landlord members shall not be involved in the ownership, management, appraisal, sale, leasing, or financing of real estate, except for their personal use, and such involvement shall result in his or her removal from the Board.

(b) The initial appointments to the Board shall be made by the Mayor no later than January 1, 1981, and such Board members shall act temporarily for a period of sixty days, without confirmation, and for successive sixty day periods thereafter with the approval of the City Council, until the Board's membership has been confirmed by the City Council.

Section 3.02. Term of Office and Vacancy

The Board members shall each serve a term of three years, except that, of the first appointed Board, two shall be appointed to serve an initial term of one year, two shall be appointed to serve an initial term of two years and at least one landlord and one tenant of the remaining three shall be appointed to serve the full three year term. No Board member shall serve more than two consecutive terms. Vacancies on the Board shall be treated as provided in this ordinance and in Article XIX of the City Charter. Within thirty days of the vacancy, the Mayor shall fill it for the remainder of the unexpired term, subject to City Council confirmation.

Section 3.03. Meetings

(a) The Board shall meet as often as necessary, in public, except as provided by law, according to a published schedule. A substantial portion of the meetings shall be on weekends and evenings.

(b) A quorum shall be four members of the Board. The Board members shall be compensated at the rate of \$50.00

per meeting but each Board member shall receive no more than \$3,750.00 annually.

Section 3.04. Financing

The Board shall finance its expenses by charging landlords reasonable annual registration fees per unit and by charging reasonable fees for rent adjustment petitions. Such fees may be adjusted annually according to the needs of the Board. Petition fees may be waived if substantial hardship is shown. The City Council shall appropriate funds to finance the initial establishment of the Board and advance funds for the Board's first year of operation. These funds shall be repaid by the Board.

Section 3.05. Powers and duties

The Board shall have all powers necessary and proper for carrying out the provisions of this ordinance, including, but not limited to:

- (a) hiring of necessary staff for the administration of the ordinance, including hearing examiners to conduct hearings pursuant to this ordinance, to whom it may delegate such powers as are appropriate;
- (b) administration of oaths or affirmations and issuance of subpoenas;
- (c) making such studies, surveys, investigations, and conducting of such hearings as are necessary to carry out its responsibilities;
- (d) promulgating rules and regulations necessary to effectuate the purposes of this ordinance; and
- (e) all duties specified or implied by this ordinance.

PART IV

Rent Stabilization

Section 4.01. Consumer Price Index (CPI) means the Consumer Price Index of All Items for All Urban Consumers in the Seattle-Everett Metropolitan Statistical Area issued

by the United States Department of Labor, Bureau of Labor Statistics. The change in the CPI for a given time period shall be the percentage change between the most recent index issued before the beginning of the time period and the most recent index issued before the end of the time period.

Section 4.02. Base Rent.

Base Rent means rent for a controlled rental unit as of July 1, 1979, plus that percentage amount of the rent equal to one-half of the percentage change in the CPI from July 1, 1979 to February 28, 1981, per the following example:

July 1, 1979 rent	=	\$100.00
July 1, 1979 CPI	=	150
February 28, 1981 CPI	=	165
Percentage increase in CPI	=	10%
One-half of CPI increase	=	5%
Base rent	=	\$105.00

(b) If no rent was in effect on July 1, 1979, the base rent means the rent first in effect after that date, plus a percentage increase, calculated in the same manner as in subsection (a), from the date of the first rent to February 28, 1981.

(c) If the unit becomes a controlled rental unit after February 28, 1981, the base rent means the rent first in effect after that date.

Section 4.03. Temporary Rent Stabilization

Rents, fees and deposits for controlled rental units shall not be increased in any manner, including by reduction in services, between the effective date of this ordinance and February 28, 1981.

Section 4.04. Registration

(a) The landlord of a controlled rental unit shall register it with the Board, on a form provided by the Board,

by February 28, 1981. The initial registration shall include the amount and type of rent, services, fees and deposits in effect currently and as of July 1, 1979, the address of the controlled unit, the name and address of the landlord and tenants, and if the landlord is not a resident of the City of Seattle, the name and address of the local agent designated by the landlord to accept service of process and other legal notices, together with any other information the Board requires for the enforcement of the ordinance. The form shall be accompanied by the registration fee.

(b) Each controlled unit shall be registered annually in accordance with regulations adopted by the Board.

(c) No landlord may obtain a rent adjustment for any controlled unit until it has been registered as required by this ordinance. In the event of a late registration, no rent adjustment may be initiated for sixty days following such late registration.

Section 4.05. Maximum rent

Beginning on March 1, 1981, the maximum rent on any controlled rental unit shall be the base rent, plus any adjustments under this ordinance. No landlord may demand, accept or retain rent in excess of the maximum rent authorized by the ordinance for that unit; however, the parties may agree to a lesser rent.

Section 4.06. Maximum fees and deposits

(a) No fee or deposit not chargeable as of the base rent date may be demanded, accepted or retained by the landlord of a controlled rental unit after the effective date of this ordinance.

(b) From the effective date of this ordinance through February 28, 1981, no landlord of a controlled rental unit

may demand, accept or retain fees or deposits in amounts greater than those lawfully demanded prior to the effective date of the ordinance.

(c) On and after March 1, 1981, no landlord of a controlled rental unit may demand, accept or retain fees or deposits in any amount greater than that chargeable on the base rent date, plus an annual percentage increase equal to that allowed by Section 4.07 of this ordinance.

(d) This section applies to non-periodic fees and deposits. Periodic fees and deposits are considered rent.

(e) Any Board decision on a rent adjustment may adjust the maximum fees and deposits chargeable under this ordinance.

Section 4.07. General Rent Adjustment

(a) After March 1, 1981, the maximum rent may be increased annually to cover past net cost increases by an amount not more than one-half of the percentage increase in the CPI since March 1, 1981, or the date of any other adjustment under this ordinance, whichever is later. Rents may be adjusted under this section only once in twelve months. If a landlord claiming hardship wishes to increase rent by more than the amount allowed in this section, the landlord may request a special rent adjustment under Section 4.08.

(b) Rents may be increased under this section only after the tenant and the Board are given at least thirty days written notice of the increase on a written form specified by the Board, and only after the landlord's compliance with the requirements of the notice. The notice shall contain

- (1) the name and address of the tenant;
- (2) the base rent, current rent, proposed adjustment, plus similar information on fees and deposits;
- (3) the nature and amount of net cost increases;
- (4) the date of registration and the date of last

- adjustment;
- (5) a statement that within ten days of the tenant's written request, the landlord shall make available for inspection and copying, at a reasonable time and place, documentary evidence of the net cost increases;
 - (6) a statement of the tenant's right to petition the Board under Section 4.08 of this ordinance to contest the landlord's **general adjustment** or petition for special adjustment;
 - (7) a statement of the percentage increase in the CPI since the last adjustment of rent under this ordinance, as provided by the Board;
 - (8) a statement that no rent increase is permitted in the absence of substantial compliance with the Seattle Housing Code.

(c) Notices required in Section 4.07(b) shall be given simultaneously to any controlled rental units in the building or complex for which the landlord seeks general adjustments in the coming twelve months. Failure to give such notice shall operate as a waiver of any right to an adjustment within that year for any unit not so notified.

Section 4.08. Special Rent Adjustment and Tenant Challenge to Adjustment

On and

(a) after March 1, 1981, a landlord claiming hardship may petition the Board for a special rent adjustment when a general adjustment would not allow him or her the opportunity to make a fair and reasonable return on investment.

A tenant may petition the Board to deny any adjustment under Section 4.07 or challenge the landlord's petition under this section. Notice of a petition for a special adjustment by a landlord shall be made in the manner required by Section 4.07, except that the Board may by regulation require the landlord to provide such additional information as may be necessary to determine a fair and reasonable return to the landlord. No landlord may apply for a special adjustment more than once in any twelve month period, except that upon a showing of substantial change in circumstances from the time of the last special adjustment hearing, the Board may, in its discretion, schedule another special adjustment hearing.

A tenant shall file his or her petition to deny a rent adjustment under Section 4.07 within thirty days of receipt of the notice under Section 4.07(b).

(b) In making such an adjustment, the Board shall provide the landlord with the opportunity to make a fair and reasonable return on his or her investment in the building or complex. In making a special rent adjustment, the Board may consider, but is not limited to, the following factors, except as limited by Section 4.10:

- (1) the purposes of this ordinance;
- (2) the amount of property taxes;
- (3) operating, maintenance, utility and financing expenses;
- (4) capital improvements;
- (5) the amount of living space and services;
- (6) the condition of the unit, and the level of compliance with the Seattle Housing Code;
- (7) the extent to which the building is being efficiently operated and managed;
- (8) whether the property has been purchased and is being held as a speculative investment as opposed to a long term cash flow investment;
- (9) income tax shelter benefits accruing to the landlord;
- (10) the frequency and amount of past rent increases imposed by the same landlord and
- (11) any other relevant factors.

The Board need not consider all of the listed factors in each individual rent adjustment, but, on its own motion, or the motion of a party, it shall consider any or all of the listed factors.

(c) All hearings shall be consolidated on a building-wide or complex-wide basis.

Section 4.09. Effective Date of Rent Adjustment

(a) Proposed general adjustments shall not be stayed by a tenant's petition to deny, but if the Board denies any portion of the proposed adjustment, the tenant may deduct the excess rent paid from subsequent rent payments, or recover it by other legal means.

(b) The Board may grant retroactive effect for a special adjustment to the date the adjustment petition was filed upon showing by the landlord of substantial hardship outweighing any hardship to affected tenants. The impact of such a retroactive grant may

be ordered spread over not more than six monthly rental payments.

Section 4.10. Costs not passed on to tenants

The following costs may not be passed on to tenants in any rent adjustment:

(a) increased costs due to refinancing, except to the extent the proceeds of the refinancing were used to make repairs or improvements on the premises or to pay a legally enforceable obligation arising out of the purchase of the premises;

(b) increased financing costs for controlled rental units purchased after the effective date of this ordinance and within three years of the previous sale except as follows: only one-fourth of such increased costs may be taken into account in the first adjustment following such purchase, and additional one-fourth increments may be taken into account in adjustments during the next three years;

(c) costs for which the landlord has been or reasonably expects to be reimbursed by insurance payments or other compensation or fund;

(d) capital improvements not amortized over the useful life of the improvement or luxury capital improvements; but any improvement necessary to maintain a fully habitable or energy efficient dwelling shall not be considered a luxury improvement;

(e) fines or penalties, including interest, for violation of this ordinance or any law dealing with the controlled rental unit's operation or late payment of taxes;

(f) depreciation claimed as a federal income tax deduction;

(g) judgments or settlements paid for claims concerning the landlord's willful knowing, /reckless or negligent act or omission;

(h) registration or petition fees under this ordinance;

(i) attorney's fees for evictions in which a tenant has

prevailed;

(j) attorney's fees for other hearings, trials or suits where the landlord does not prevail;

(k) any cost not reasonably related to the operation of the premises;

(l) costs whose payment or amount is commercially unreasonable.

Section 4.11. Rent Increase Stay for Code Violation

(a) The hearing examiner shall stay the effective date of rent adjustment if it is determined at the rent adjustment hearing that there exists on the premises any substantial violation of the Seattle Housing Code. The adjustment shall not take effect until the landlord has filed with the Board a copy of the appropriate certificate of compliance issued by the City of Seattle, and shall not be retroactive.

(b) Notwithstanding the above, the rent adjustment shall be given immediate effect if the hearing examiner finds that

- (1) the code defect was the result of the tenant's willful or negligent act or omission; or,
- (2) the code defect was not the result of the landlord's willful or negligent act or omission, and there exists no other source of funds, available to the landlord within a reasonable time period, to remedy the defect.

Section 4.12. Binding Opinions on Capital Improvements

The Board shall provide by regulation for issuance of binding opinions regarding whether and to what extent the cost of any proposed capital improvement may be passed on to tenants of a controlled rental unit through a rent adjustment. If a hearing is required under these regulations, such hearings shall be governed by Part V of this ordinance.

PART V

Procedure

Section 5.01. Reference to Administrative Code

Except as provided herein, the administrative procedures of the Board shall be consistent with the Administrative Code of the City of Seattle.

Section 5.02. Hearing Examiners

The Board shall delegate to its hearing examiners power to conduct hearings under this ordinance, except where such hearings are specifically delegated to a separate department, and to make all decisions, orders and rulings in such cases.

Section 5.03. Notice of Petition, Public Hearing

The Board shall send a notice to all interested parties of the filing of a petition for a hearing before the Rental Housing Board or hearing examiners appointed by such Board, together with a copy of the petition and the date, time and location of the hearing. All such hearings shall be public.

Section 5.04. Accelerated hearing

Upon a showing of substantial injury requiring an early hearing, the hearing examiner may schedule a hearing to take place within less than twenty days from the date of filing of a petition.

Section 5.05. Quantum of proof

No rent adjustment may be granted nor any opinion issued pursuant to Sections 4.08 or 4.12 unless supported by a preponderance of the evidence.

Section 5.06. Time for decision

The decision on any rent adjustment or other hearing shall be rendered within ninety days of the filing of the petition for a building or complex of six controlled rental units or less, or within one hundred twenty days of the filing of other petitions. A party shall be deemed to have waived any right to obtaining

a decision within the above time limits if he or she has requested delays or continuances in the proceedings or has failed to timely provide testimony or documents necessary to a decision.

Section 5.07. Hearing record

The hearing examiner shall compile an official record of any contested case, which shall include: all exhibits, papers and documents required to be filed or which were accepted into evidence; an electronic recording of the hearing; a statement of materials officially noticed; findings of fact, conclusions of law and the decisions, orders or rulings in the case.

Section 5.08. Notice of decision

The hearing examiner shall immediately mail a copy of any decision to all parties.

Section 5.09. Appeal

Any aggrieved person may appeal final decisions of the hearing examiner to the Board, but decisions shall not be stayed pending appeal. An appeal shall be filed no later than twenty days after notice of the decision. The Board shall delegate the power to decide the appeal to a three member panel of the Board, containing no more than one landlord and one tenant member. The sole record for appeal shall be the record prepared by the hearing examiner, written arguments by the parties and, if the panel desires, oral argument.

In the event that the appeal panel reverses or modifies the decision, the parties shall be restored to the position they would have occupied had the examiner's decision been the same as the panel's. The appeal shall be decided no later than ninety days after its filing.

PART VI

Just Cause Eviction

Section 6.01. Reasons for Eviction

No landlord may evict or threaten to evict any tenant of a controlled rental unit unless:

- (a) the tenant has failed to pay rent lawfully owed;
- (b) the tenant has permitted the unit to be used for any illegal business, permitted a nuisance or committed waste on the premises;
- (c) the tenant has intentionally or negligently caused substantial damage to the premises or allowed any member of ^{or her} his/family, invitee, licensee or any person acting under his control to do so;
- (d) the tenant has continued to breach any reasonable rules of tenancy, or duties imposed by law;
- (e) the tenant has created an unreasonable interference with the comfort, safety or enjoyment of the other residents of the same or any nearby building;
- (f) the tenancy was conditioned on employment of the tenant by the landlord and that employment has lawfully terminated;
- (g) the owner seeks in good faith to recover possession for his or her own use or occupancy or for the occupancy of his or her child, parent, grandparent, brother, sister, or parents-in-law, provided that no substantially equivalent unit is vacant and available in the same building;
- (h) the owner of a single-family dwelling has accepted a bona fide offer of purchase for such dwelling from a purchaser who intends to use or occupy such dwelling and who requires eviction of the tenant as a condition of closing the sale;

(i) the landlord, after having obtained all required permits, intends to undertake substantial rehabilitation which cannot be done while the premises are occupied, provided that the landlord notifies the tenant that the tenant shall have the right to reoccupy the unit after rehabilitation is completed;

(j) the landlord, after having obtained all required permits, intends to demolish the unit, or to sell it as a condominium.

This section is intended to provide tenants of controlled units with the substantive affirmative defense that an eviction has been undertaken in the absence of the just causes enumerated above. It is not intended to interfere with the initiation of such an eviction by a landlord. The affected tenant may also bring a civil action for damages under Section 10.02 for violation of this section.

PART VII

Sale of Condominium Units

Section 7.01. Conditions of removal from rental market

No landlord shall remove a controlled rental unit from the rental market by offering it for sale to the public as a condominium unit unless he or she has obtained a certificate of compliance with this part from the Superintendent of Buildings. The Superintendent shall not issue the certificate unless he or she certifies that:

(a) at least one hundred and twenty days before the unit is to be offered for sale to the public, the landlord has delivered to each tenant written notice of intention to sell, a written offer of sale to the tenant, and a statement of the tenant's rights under this part;

- (b) the offer of sale has included on its face a provision that it is conditioned upon tenants in at least fifty percent of the total controlled rental units in the building or complex accepting the offer and depositing a commercially reasonable down payment into an escrow account; and
- (c) tenants in at least fifty percent of the total controlled units have accepted the offer and made the deposit as set forth above. The deposit shall not be provided from funds under the control of the landlord.

Section 7.02. When certificate shall not issue

Notwithstanding the above provisions, the Superintendent of Buildings shall not issue the certificate of compliance if he or she finds that the landlord has, within the previous twelve months, engaged in misrepresentation, or harassment of tenants, illegally raised rents, reduced services or evicted tenants without just cause, for the purpose of preparing for the sale of the units as condominium units.

Section 7.03. Appeal

The issuance or denial of the certificate of compliance shall be subject to review by the Office of Hearing Examiner created by the Administrative Code. No certificate of compliance shall be finally issued until the time for notice of appeal has expired, or if an appeal is taken, until the appeal has been decided in the landlord's favor.

PART VIII

Demolition

Section 8.01. Notice

The owner of a controlled rental unit shall give written notice to all tenants thereof of his or her intent to apply for

a demolition permit for the building in which the unit is located. The notice shall be given at least ninety days prior to filing the application and shall include the following information:

- (a) owner's intent to apply for the demolition permit;
- (b) tenant's right not be evicted without good cause, as set forth in Part VI of this ordinance;
- (c) owner's obligation to offer tenants the right to occupy replacement units, if any are to be built under Section 8.03(c) of this ordinance, before offering the units to the general public;
- (d) owner's obligation to provide relocation assistance to the tenants; and
- (e) tenant's rights of enforcement under this ordinance.

Section 8.02. Permit Application

Any application for such a demolition permit shall be filed with the Superintendent of Buildings and shall include the following:

- (a) copies of written notices given to tenants pursuant to Section 8.01;
- (b) an itemized estimate of the cost required to bring the building up to a decent, safe and sanitary condition by rehabilitation and an itemized estimate of the cost of replacing the building on-site with a residential building which would contain an equal number of comparably-sized controlled rental units, if the owner seeks a finding under Section 8.03(a); and
- (c) all documentation necessary to assess the factors identified in Section 4.08 to determine a fair and

reasonable return, if the owner seeks a finding under Section 8.03(b).

Section 8.03. Conditions for issuance of a permit

The Superintendent of Buildings shall not issue a permit to demolish a building containing one or more controlled rental units unless he or she finds that the owner has complied with the provisions of Sections 8.01 and 8.02 and that any one of the following conditions have been met:

- (a) the owner establishes that the building is not structurally sound, that is, the cost of bringing the building up to a decent, safe and sanitary condition by rehabilitation exceeds the cost of replacing the building on-site with a residential structure containing at least an equal number of comparably-sized controlled rental units;
- (b) the owner establishes that he or she has owned the building for at least three consecutive years prior to the date of application for the permit and is unable to realize a fair and reasonable return on his or her investment in the building; or
- (c) the owner has:
 - (1) signed a contract with the City which includes the following provisions:
 - (A) owner will replace the existing controlled rental units with the same or a greater number of comparably-sized and comparably-priced controlled rental units;
 - (B) replacement units will be located within a two mile radius of the demolition site;
 - (C) replacement units will be completed within two years of the issuance of the demolition

permit;

- (D) tenants displaced by the demolition will be offered the right to occupy the replacement units before the units are offered to the public;
 - (E) the contract shall be binding on subsequent purchasers of the land, enforceable by the City or by any such displaced tenant, and publicly recorded by the owner; and
- (2) submitted to the Superintendent of Buildings all plans, permit applications and proof of availability of financing for the replacement units.

Section 8.04. Appeal

The issuance, suspension or denial of the demolition permit or failure to suspend such permit shall be subject to review by the Office of Hearing Examiner, as provided in the Administrative Code. The Superintendent shall not issue the permit until the time for appeal has expired or until any appeal is finally decided in favor of the owner.

Section 8.05. Administration

The Superintendent of Buildings shall adopt, amend or rescind such rules and regulations as are necessary to carry out the duties imposed by this ordinance.

Section 8.06. Relocation assistance.

The owner shall pay relocation assistance of one thousand dollars per controlled rental unit to tenants thereof who have vacated the building after receipt of the notice required by Section 8.01. The owner shall pay the relocation assistance on or before ^{date that} the tenants of a unit vacate the premises. The payment shall be in addition to any

security deposit or other compensation or refund to which the tenants may be entitled. The Superintendent of Buildings shall suspend the permit if he or she has reasonable grounds to believe that any such payment has not been made.

PART IX

Decontrol

Section 9.01. Decontrol

Within two years of the effective date of this ordinance, and on an annual basis thereafter, the Board shall conduct a vacancy survey of a valid sampling of rental units. If two successive annual surveys find a vacancy rate of greater than five percent, and if the Board, after public hearings, finds that the serious housing problems addressed by this ordinance are no longer present to a significant degree, the Board shall recommend to the City Council that this ordinance be repealed.

PART X

Enforcement

Section 10.01. Civil Penalty

A violation of any provision of this ordinance or of any Board regulation, decision or order shall be punishable by a civil penalty of no less than \$100 and no more than \$500. A violation affecting more than one controlled rental unit or concerning more than one payment period shall be considered a separate violation as to each unit and as to each payment period. The penalty shall be paid to the Board.

Section 10.02. Private Civil Remedies

Any landlord who violates this ordinance or any Board regulation, decision or order, shall be liable to any affected tenant in the amount of \$500, or three times the amount of actual damages, whichever is greater, plus costs and a reasonable attorney's fee. A tenant may assert any rights under this ordinance, or under any Board regulation, decision or order, in any answer, set-off, affirmative defense or counterclaim, and may deduct any excess rent previously paid from his or her rent. A tenant may also bring any other civil action to enforce his or her rights under this ordinance, or under any Board regulation, decision or order, in a court of appropriate jurisdiction. Remedies provided in this section are in addition to any other legal or equitable remedies and are not intended to be exclusive.

PART XI

Miscellaneous Provisions

Section 11.01 Sham Transactions

Sham transactions shall be disregarded in determining whether or not a rental unit is controlled, in considering rent adjustments, in finding whether a violation of this ordinance, or of any Board regulation, decision or order, has occurred or in any other appropriate circumstances.

Section 11.02. Waiver of rights

No landlord may impose as a condition of tenancy of a controlled rental unit a waiver of the tenant's rights under this ordinance or under any Board regulation, decision or order, and any such waiver is void and against public policy.

Section 11.03. Interference with exercise of rights

No landlord may restrain, coerce, interfere with, or retaliate against his or her tenants, or any person acting in concert with them, in any lawful exercise, either individually or collectively, of rights under this ordinance, or under any Board regulation, decision or order.

Section 11.04 Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such decision shall not effect the validity of the remaining portions thereof.

Section 11.05. Liberal Construction

This ordinance shall be liberally construed to achieve its purpose and preserve its validity.