

ORDINANCE No. 118839

Law Department

COUNCIL BILL No. 111989

The City

AN ORDINANCE relating to the Tenant Relocation Assistance Ordinance, amending Sections 22.210.060, 22.210.090, 22.210.100, 22.210.120, 22.210.130, 22.210.140, and 22.210.150 to clarify that property owner payment of a share of relocation assistance is required prior to issuance of a relocation license; to clarify the timing of the issuance of a 90-day notice; to provide the process for property owner appeals of eligibility decisions; to provide the process for refund of unused portions of the owner's share of relocation assistance; to correct references to amended provisions of the just cause eviction provisions of the Housing and Building Maintenance Ordinance (SMC 22.206.160C); to allow an owner to comply with an emergency order to vacate issued pursuant to 22.206.260, consistent with existing provisions of the just cause eviction provisions of the Housing and Building Maintenance Code; and repealing Sections 22.210.190 and 22.210.200 concerning transition rules.

Honorable President:

Your Committee on _____

to which was referred the within Council report that we have considered the same

COMPTROLLER FILE No.

| | | | |
|-------------------------|--------------|-----------------|--|
| Introduced: | DEC - 1 1997 | By: | DRAGO |
| Referred: | DEC - 1 1997 | To: | Business, Economic & Community Development |
| Referred: | | To: | Law |
| Referred: | | To: | |
| Reported: | | Second Reading: | |
| Third Reading: | DEC - 8 1997 | Signed: | DEC - 8 1997 |
| Presented to Mayor: | DEC - 8 1997 | Approved: | DEC 15 1997 |
| Returned to City Clerk: | DEC 18 1997 | Published: | Full 5pp |
| Vetted by Mayor: | | Veto Published: | |
| Passed over Veto: | | Veto Sustained: | |

Full Council



Department

OK

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

able President:

committee on

h was referred the within Council Bill No.

that we have considered the same and respectfully recommend that the same:

BECC to pass 30

Full Council 7-0 (Excused: Chang, Chow)

Committee Chair

ORDINANCE 118839

AN ORDINANCE relating to the Tenant Relocation Assistance Ordinance, amending Sections 22.210.060, 22.210.090, 22.210.100, 22.210.120, 22.210.130, 22.210.140, and 22.210.150 to clarify that property owner payment of a share of relocation assistance is required prior to issuance of a relocation license; to clarify the timing of the issuance of a 90-day notice; to provide the process for property owner appeals of eligibility decisions; to provide the process for refund of unused portions of the owner's share of relocation assistance; to correct references to amended provisions of the just cause eviction provisions of the Housing and Building Maintenance Ordinance (SMC 22.206.160C); to allow an owner to comply with an emergency order to vacate issued pursuant to 22.206.260, consistent with existing provisions of the just cause eviction provisions of the Housing and Building Maintenance Code; and repealing Sections 22.210.190 and 22.210.200 concerning transition rules.

Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.210.060 of the Seattle Municipal Code (SMC), which Section was last amended by Ordinance 117094, is further amended as follows:

22.210.060 Issuance of tenant relocation license.

The Director shall issue a tenant relocation license when the owner has completed all of the following:

A. Submitted an application for a tenant relocation license as provided in Section 22.210.070;

B. Delivered relocation information packets to tenants and submitted proof of delivery as required by Section 22.210.080; ~~((and))~~

C. Paid the owner's share of tenant relocation assistance as required by Section 22.210.110; and

~~((C))~~ D. Complied with the ninety (90) day tenant notice provisions as required by Section 22.210.120.

Section 2. Subsection A of Section 22.210.090 of the SMC, which Section was last amended by Ordinance 117094, is further amended as follows:

22.210.090 Tenant income verification.

A. Within thirty (30) days after the date of delivery of the tenant relocation information packet, each tenant of a dwelling unit to be demolished, changed in use, substantially rehabilitated or from which use restrictions are to be removed, shall submit to the Director a signed and completed relocation assistance certification form certifying the names and addresses of all occupants of the dwelling unit, the total combined annual income of the occupants of the dwelling unit for the previous calendar year, and the total combined income of the occupants for the current calendar year:

1. Provided that, a tenant ~~((s))~~ who, with good cause, is unable to return the certification form within thirty (30) days may, within thirty (30) days after the date of delivery of the tenant relocation information packet, submit to the Director a written request for an extension of time, which details the facts supporting the claim of "good cause." If the request is submitted within the thirty (30) day period and the facts constitute good cause in accordance with the rules adopted pursuant to this chapter, the

1 deadline for submission of the tenant certification form shall be extended thirty (30) days.
2 When an extension has been granted, the Director shall notify the tenant and the owner of
3 the extension. ~~((When an extension has been granted, the Director shall issue notices of
4 tenant eligibility for relocation assistance to the owner and tenants, as provided in Section
5 22.210.100(C) within five (5) days instead of fifteen (15) days of receiving the signed
6 relocation assistance certification forms from all tenants)).~~

7
8 * * *

9
10
11 **Section 3.** Subsections C and D of Section 22.210.100 of the SMC, which Section
12 was last amended by Ordinance 117094, are further amended as follows:

13
14 **22.210.100 Tenant eligibility for relocation assistance.**

15
16 * * *

17 C. Within fifteen (15) days of the Director's receipt of the signed relocation
18 assistance certification forms from all tenants listed in the tenant relocation license
19 application or within fifteen (15) days of the expiration of the tenants' thirty (30) day
20 period for submitting signed relocation assistance certification forms to the Director,
21 whichever occurs first, the Director shall send to each tenant household who submitted a
22 signed certification form and to the owner, by both regular United States mail and
23 certified mail, return receipt requested, a notice stating whether the tenant household's
24 certification form indicates eligibility for relocation assistance. For those tenants who
25 have been granted an extension pursuant to Section 22.210.090(A)(1), the Director shall
26 issue a notice concerning tenant eligibility for relocation assistance to the owner and
27 tenants within five (5) days instead of within fifteen (15) days of receiving the signed and
28 completed relocation assistance certification forms.

29 D. Either the ((The)) tenant or the owner may file an appeal with the Hearing
30 Examiner, pursuant to Section 22.210.150, of the Director's determination of the tenant's
31 eligibility for relocation assistance.

32
33
34 **Section 4.** Section 22.210.120 of the SMC, which Section was last amended by
35 Ordinance 117094, is further amended as follows:

36
37 **22.210.120 Ninety-day tenant notice.**

38
39 A. Requirement of Notice. ((At any time after the expiration of ten (10) days from
40 the owner's receipt of the Director's notices of tenant eligibility for relocation assistance
41 pursuant to Section 22.210.100 or 22.210.150, the)) The owner shall deliver to each
42 tenant in each dwelling unit to be demolished, changed in use, substantially rehabilitated,
43 or from which use restrictions are to be removed, a ninety (90) day notice of the owner's
44 intention to demolish, substantially rehabilitate, change the use of or remove use
45 restrictions from the dwelling unit. In addition, a copy of the notice shall be posted at
46 every entrance to any building containing dwelling units to be demolished, changed in use,
47 substantially rehabilitated, or from which use restrictions will be removed.

48 B. Timing of Notice. The owner may deliver the ninety (90) day notice any time
49 after the expiration of ten (10) days after the owner's receipt of the Director's notices of
50 tenant eligibility for relocation assistance pursuant to Section 22.210.100, so long as the
51 owner has already paid the owner's share of relocation assistance pursuant to SMC
52 22.210.110(B)(1). Exceptions to this rule are:

53 1. If a Director's determination of eligibility is appealed to the Hearing
54 Examiner pursuant to Section 22.210.150, the owner may not deliver the ninety (90) day
55 notice to any tenant whose eligibility decision was appealed until the issuance of any final
56 unappealed decision on such tenant's eligibility, unless the owner has paid the owner's
57 share of relocation assistance to the Director pursuant to SMC 22.210.110(B)(2) for the

1 tenant whose eligibility decision is being appealed, in which case the ninety (90) day
2 notice may be delivered after the later of:

3 a) the date ten (10) days after receipt of the Director's original
4 notice of eligibility or:

5 b) the date the owner's share of relocation assistance was paid to the
6 Director for the tenant(s) pursuant to SMC 22.210.110(B)(2);

7 2. If the actual date of payment of the owner's share of relocation
8 assistance pursuant to SMC 22.210.110(B)(1) is more than ten (10) days after receipt of
9 the Director's notices of tenant eligibility, then the ninety (90) day notice may not be
10 delivered until after payment of the owner's share of relocation assistance; and

11 3. If a tenant has been granted an extension pursuant to SMC
12 22.210.090(A)(1), the owner may deliver the ninety (90) day notice to a tenant either:

13 a) any time after expiration of ten (10) days after the owner's
14 receipt of the Director's notice of eligibility for a tenant with an extension, so long as the
15 owner has already paid the owner's share of relocation assistance pursuant to SMC
16 22.210.110(B)(1), or

17 b) the later of:

18 1) the same date the owner would have been able to deliver
19 the ninety (90) day notice to that tenant or any tenant, had no such extension been granted,
20 so long as the owner has paid the owner's share of relocation assistance for all tenants
21 pursuant to SMC 22.210.110, or

22 2) the actual date that the owner pays the owner's share of
23 relocation assistance pursuant to Section 22.210.110 for a tenant with an extension.

24 C. The ninety (90) day notice shall be on a form provided by the Director and
25 shall describe the relocation benefits available to eligible tenants and explain the tenant's
26 right to remain in possession unless evicted for cause as provided in Section 22.210.140
27 of this chapter.

28 ((C))D. The ninety (90) day tenant notice shall be delivered to the ((each)) tenants
29 personally or by registered or certified mail with return receipt requested. If personally
30 delivered, an affidavit of service must be completed by the owner.

31 ((D))E. Concurrently with issuance of the ninety (90) day tenant notice, the owner
32 shall provide the Director with a copy of the notice, a list of current tenants in the affected
33 units, and for each tenant who has moved into a unit since the date of application for the
34 earlier of the tenant relocation license application, master use permit application, or
35 building permit application necessary for the demolition, change of use, substantial
36 rehabilitation or removal of use restrictions, proof of delivery of either the tenant
37 relocation information packet or the written notice provided in Section 22.210.100(A)(2).

38 ((E))F. Within twenty (20) days of delivery of the ninety (90) day notice to the
39 tenants, the owner shall provide the Director with proof of delivery of the notice to a
40 tenant of each dwelling unit to be demolished, changed in use, substantially rehabilitated
41 or for which use restrictions will be removed.

42 ((F))G. No tenant relocation license may be issued by the Director until the
43 expiration of ninety (90) days from the date of delivery of the ninety (90) day notice to all
44 affected tenants.

45
46
47 **Section 5.** A new subsection F to be added to Section 22.210.130 of the SMC,
48 which Section was last amended by Ordinance 117290, to read as follows:

49
50 **22.210.130 Relocation assistance payments.**

51
52 * * *

53
54 F. Any money remaining in either the cash deposit or the letter of credit which the
55 owner submitted to the Director as the owner's share of relocation assistance pursuant to
56 Section 22.210.110 for tenants whose eligibility was appealed or for tenants who have not
57 claimed the relocation payment, shall be refunded to the owner as follows:

1 1. If there was an appeal of a tenant's eligibility and the tenant was found
2 to be not eligible, the owner's share of the relocation assistance for that tenant shall be
3 returned to the owner within thirty (30) days of a final unappealed decision; or

4 2. If a tenant has not claimed his or her relocation assistance payment
5 within one hundred eighty (180) days after vacating the dwelling unit, the owner's share
6 of the relocation assistance for that tenant shall be refunded to the owner.
7
8

9 **Section 6.** Subsection A of Section 22.210.140 of the SMC, which Section was
10 last amended by Ordinance 117094, is further amended as follows:
11

12 **22.210.140 Eviction protection.**
13

14 A. After the earlier of (1) the owner's application for a tenant relocation license,
15 (2) the owner's application for a master use permit necessary for demolition, change of
16 use, substantial rehabilitation, or removal of use restrictions from a dwelling unit, or (3)
17 the owner's application for a building permit necessary for demolition, change of use,
18 substantial rehabilitation, or removal of use restrictions from a dwelling unit, the owner
19 shall not evict any tenant except for good cause as defined in Section 22.206.160C,
20 subsections 1a, 1b, 1c, ~~((1f))~~, 1g, 1h, 1i, 1n, and ~~((1k))~~ 1p, of the Seattle Municipal
21 Code, and shall not, for the purpose of avoiding or diminishing the application of this
22 chapter, reduce the services to any tenant, or materially increase or change the obligations
23 (apart from the obligation to pay rent) of any tenant.
24

25 * * *

26
27
28 **Section 7.** Subsection A of Section 22.210.150 of the SMC, which Section was
29 last amended by Ordinance 117094, is further amended as follows:
30

31 **22.210.150 Administrative appeals.**
32

33 A. Either an owner or a ((A)) tenant may request a hearing before the
34 ~~((h))~~Hearing ~~((e))~~Examiner to appeal a determination concerning ~~((of))~~ a tenant's
35 eligibility for a relocation assistance payment. Either an ((A)) owner or a tenant may
36 request a hearing before the ~~((h))~~Hearing ~~((e))~~Examiner to resolve a dispute concerning
37 the authority to institute unlawful detainer actions during the ninety (90) day period after
38 service of the notice required by Section 22.210.120 of this chapter.
39

40 * * *

41
42
43 **Section 8.** Sections 22.210.190 and 22.210.200, concerning transition rules, are
44 hereby repealed.
45

46
47 **Section 9.** The several provisions of this ordinance are declared to be separate and
48 severable and the invalidity of any clause, sentence, paragraph, subdivision, section,
49 subsection, or portion of this ordinance, or the invalidity of the application thereof to any
50 person or circumstances, shall not affect the validity of the remainder of this ordinance of
51 the validity of its application to other persons or circumstances.
52

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Section 10. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by SMC Section 1.04.020.

Passed by the City Council the 8th day of Dec, 1997 and signed by me in open session in authentication of its passage this 8th day of Dec, 1997

Jan Drago
President of City Council

Approved by me this 15th day of December, 1997

Monroe Rice
Mayor

Filed by me this 16 day of December, 1997

Jessica E. Ryan
City Clerk

(Seal)


Seattle
Department of Construction and Land Use



R. F. Krochalis, Director
Norman B. Rice, Mayor

MEMORANDUM

TO: Councilmember Jan Drago, Chair
Business, Economic and Community Development Committee
Councilmember Margaret Pageler
Councilmember Tina Podlodowski

FROM: 
Karen White

DATE: November 24, 1997

SUBJECT: Proposed Amendment to the Tenant Relocation Assistance Ordinance
BECD Committee Meeting, December 2, 1997

At the December 2, 1997 meeting of the Business, Economic and Community Development Committee, we will be presenting our recommended amendments to the Tenant Relocation Assistance Ordinance (TRAO; please see attachment). The proposed changes are procedural in nature and are intended to correct internal inconsistencies in City code language, correct references to other City codes, clarify ordinance language, and restore language that did not automatically return when the suspension of the owner payment requirement lapsed. The amendments include such things as grammar changes, correcting references to provisions of the Just Cause Eviction Ordinance that were changed when that ordinance was last amended, and restoring language that describes the process for property owner appeals to the Hearing Examiner of tenant eligibility determinations. The only change that is not merely technical would allow owners who have started the TRAO process to evict tenants when DCLU has issued an emergency order to vacate. The Just Cause Eviction Ordinance was amended two years ago to allow such an eviction. Adding this provision to TRAO is not controversial and is needed to avoid a "Catch 22" where an owner cannot comply with an emergency order because the owner cannot ask the tenants to leave without violating the TRAO.

These amendments are important to clarify administration of the ordinance, especially the procedures for resolving eligibility disputes. This ordinance, however, does not address policy issues that interested parties, such as the Tenants Union, have raised in the past. We expect to address those issues during the coming year.

We would be glad to provide you with a briefing prior to the December 2 Committee meeting. Please call me (684-7979) if you would like to schedule a briefing, or if you have any questions. Thank you for your consideration of this important issue.

Attachment

An equal employment opportunity - affirmative action employer
Seattle Department of Construction and Land Use, 710 - 2nd Avenue, Ste. 200, Seattle, WA 98104-1703
DCLU complies with the Americans with Disabilities Act. Accommodations for people with disabilities provided on request.

Seattle
Department of Construction and Land Use



R. F. Krochalis, Director
Norman B. Rice, Mayor

TO: Jan Drago, Council President
Via: Judy Bunnell, Acting Director, Office of Management and Budget
Att: Pascal St. Gerard
Pascal St. Gerard
FROM: Rick Krochalis, Director
DATE: November 18, 1997
RE: Tenant Relocation Assistance Ordinance Amendments

Attached are proposed amendments to the Tenant Relocation Assistance Ordinance, Chapter 22.210 of the Seattle Municipal Code. We are proposing these amendments primarily in order to restore those provisions relating to the payment of the owner's share of relocation assistance which were removed when the owner requirement to pay relocation assistance was suspended. Other changes make the ordinance consistent with other legislation (Just Cause Eviction Ordinance) or are editorial in nature.

Because these amendments are procedural, no environmental (SEPA) review is required.

If you have any questions or would like additional information, please call Karen White at 684-7979.



City of Seattle

Norman B. Rice, Mayor

Executive Department - Office of Management and Planning

Judy Bunnell, Director

November 19, 1997

The Honorable Mark Sidran

City Attorney

City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING
DEPARTMENT:

Construction and Land Use

SUBJECT

AN ORDINANCE relating to the Tenant Relocation Assistance Ordinance, amending Sections 22.210.060, 22.210.090, 22.210.100, 22.210.120, 22.210.130, 22.210.140, and 22.210.150 to clarify that the property owner of a share of relocation assistance is required prior to issuance of a relocation license; to allow property owners to issue a 90-day notice when a tenant has been granted an extension and to clarify the timing of the issuance of a 90-day notice; to provide the process for property owner appeals of eligibility decisions; to provide the process for refund of unused portions of the owner's share of relocation assistance; to correct references to amended provisions of the just cause eviction provisions of the Housing and Building Maintenance Ordinance (SMC22.206.160C); to allow an owner to comply with an emergency order to vacate issued pursuant to 22.206.260 consistent with existing provisions of the just cause eviction provisions of the Housing and Building Maintenance Code (SMC 22.206.160C); and repealing Sections 22.210.190 and 22.210.200 concerning transition rules.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMP. Any specific questions regarding the legislation can be directed to Pascal St. Gerard at 684-8085.

Sincerely,

Norman B. Rice
Mayor

by

JUDY BUNNELL
Director

h:\legis\lawltr\gerard28

Seattle Municipal Building, 600 Fourth Avenue, Seattle, WA 98104-1826

Enclosure

Tel: (206) 684-8080, TDD (206) 684-8118, FAX: (206) 233-0085

An equal-employment opportunity, affirmative action employer. Accommodations for people with disabilities provided on request.

97-336

COPY RECEIVED

97 NOV 19 PM 12:13

SEATTLE CITY ATTORNEY

OK Snow
11/20/97



STATE OF WASHINGTON - KING COUNTY

87894

-ss.

City of Seattle, City Clerk

No. ORDINANCE IN

City of Seattle

ORDINANCE 118839

AN ORDINANCE relating to the Tenant Relocation Assistance Ordinance, amending Sections 22.210.060, 22.210.090, 22.210.100, 22.210.120, 22.210.150, 22.210.140, and 22.210.150 to clarify that property owner payment of a share of relocation assistance is required prior to issuance of a relocation license...

Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.210.060 of the Seattle Municipal Code (SMC), which Section was last amended by Ordinance 117094, is further amended as follows:

22.210.060 ISSUANCE OF TENANT RELOCATION LICENSE.

The Director shall issue a tenant relocation license when the owner has completed all of the following:

A. Submitted an application for a tenant relocation license as provided in Section 22.210.070;

B. Delivered relocation information packets to tenants and submitted proof of delivery as required by Section 22.210.080; (and)

C. Paid the owner's share of tenant relocation assistance as required by Section 22.210.110; and

(C) D. Complied with the ninety (90) day tenant notice provisions as required by Section 22.210.120.

SECTION 2. Subsection A of Section 22.210.090 of the SMC, which Section was last amended by Ordinance 117094, is further amended as follows:

22.210.090 TENANT INCOME VERIFICATION.

A. Within thirty (30) days after the date of delivery of the tenant relocation information packet, each tenant of a dwelling unit to be demolished, changed in use, substantially rehabilitated or from which use restrictions are to be removed, shall submit to the Director a signed and completed relocation assistance certification form certifying the names and addresses of all occupants of the dwelling unit, the total combined annual income of the occupants of the dwelling unit for the previous calendar year, and the total combined income of the occupants for the current calendar year.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORD 118839

was published on

12/22/97

The amount of the fee charged for the foregoing publication is the sum of \$, which amount has been paid in full.

[Signature]

Subscribed and sworn to before me on

[Signature]

Notary Public for the State of Washington, residing in Seattle