SEATTLE CITY COUNCIL

Legislative Summary

CB 118403

Record No.: CB 118403 **Type:** Ordinance (Ord) **Status:** Passed

Version: 1 124862 **In Control:** City Clerk

File Created: 05/18/2015

Final Action: 09/29/2015

Title: AN ORDINANCE related to rental housing; and amending Seattle Municipal Code subsection 22.206.160.C to require the owners of rental housing units to provide additional advance written notice to tenants prior to eviction.

Notes:

Date

Filed with City Clerk:

Mayor's Signature:

Sponsors: Burgess,Okamoto

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: patrick.wigren@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File **Legal Notice Published:** ☐ Yes ☐ No

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Clerk	05/20/2015	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office **Notes:**						
1	Council President's Office	05/20/2015	sent for review.	Committee on Housing Affordability, Human Services, and Economic Resiliency			
	Action Text: The Council Bill (CB) was sent for review. to the Committee on Housing Affordability, Human Services, and Economic Resiliency **Notes:**						
1	Full Council	05/26/2015	referred	Committee on Housing Affordability, Human Services, and Economic Resiliency			

Action Text: The Council Bill (CB) was referred. to the Committee on Housing Affordability, Human Services, and Economic Resiliency
Notes:

1 Committee on Housing Affordability, Human Services, and Economic Resiliency 06/04/2015
Notes: The Committee only discussed the item.

1 Committee on Housing Affordability, Human Services, and Economic Resiliency 09/17/2015

1 Committee on Housing Affordability, Human Services, and Economic Resiliency 09/17/2015 pass Pass
Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
Notes:
In Favor: 5 Chair Okamoto, Member Sawant, Alternate O'Brien, Burgess, Licata
Opposed: 0

1 Full Council 09/21/2015 passed Pass
Action Text: The Council Bill (CB) was passed by the following vote and the President signed the Bill:
Notes:
In Favor: 9 Councilmember Bagshaw, Council President Burgess, Councilmember Godden, Councilmember Harrell, Councilmember Licata, Councilmember O'Brien, Councilmember Okamoto, Councilmember Rasmussen, Councilmember Sawant
Opposed: 0

1 City Clerk 09/22/2015 submitted for Mayor's signature Mayor
Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor
Notes:

1 Mayor 09/29/2015 Signed
Action Text: The Council Bill (CB) was Signed.
Notes:

1 Mayor 09/29/2015 returned City Clerk
Action Text: The Council Bill (CB) was returned. to the City Clerk
Notes:

1 City Clerk 09/29/2015 attested by City Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:

CITY OF SEATTLE

ORDINANCE 124862

COUNCIL BILL 118403

AN ORDINANCE related to rental housing; and amending Seattle Municipal Code subsection 22.206.160.C to require the owners of rental housing units to provide additional advance written notice to tenants prior to eviction.

WHEREAS, an owner of rental housing is currently required to provide 20 days' notice to a tenant when the owner decides to evict a tenant to allow the owner or a member of the owner's immediate family to occupy a unit; and

WHEREAS, similarly, an owner of a single family dwelling unit is currently required to provide 60 days' notice to a tenant when the owner elects to evict the tenant and sell the dwelling unit; and

WHEREAS, the vacancy rate for rental housing in Seattle is currently under 5 percent, making it difficult for tenants to obtain housing in a short time period; and

WHEREAS, providing additional time for a tenant to find new housing in the circumstances described above will help tenants obtain new housing; NOW, THEREFORE;

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection 22.206.160.C of the Seattle Municipal Code, which section was last amended by Ordinance 123564, is amended as follows:

C. Just Cause Eviction((-))

1. Pursuant to provisions of the state Residential Landlord-Tenant Act (RCW 59.18.290), owners may not evict residential tenants without a court order, which can be issued by a court only after the tenant has an opportunity in a show cause hearing to contest the eviction

(RCW 59.18.380). In addition, owners of housing units shall not evict or attempt to evict any tenant, or otherwise terminate or attempt to terminate the tenancy of any tenant unless the owner can prove in court that just cause exists. The reasons for termination of tenancy listed below, and no others, shall constitute just cause under this ((~~s~~))Section 22.206.160:

a. The tenant fails to comply with a three day notice to pay rent or vacate pursuant to RCW 59.12.030(3); a ten day notice to comply or vacate pursuant to RCW 59.12.030(4); or a three day notice to vacate for waste, nuisance (including a drug-related activity nuisance pursuant to ((~~RCW~~))Chapter 7.43 RCW), or maintenance of an unlawful business or conduct pursuant to RCW 59.12.030(5);

b. The tenant habitually fails to pay rent when due which causes the owner to notify the tenant in writing of late rent four or more times in a 12 month period;

c. The tenant fails to comply with a ten day notice to comply or vacate that requires compliance with a material term of the rental agreement or that requires compliance with a material obligation under ((~~RCW~~))Chapter 59.18 RCW;

d. The tenant habitually fails to comply with the material terms of the rental agreement which causes the owner to serve a ten day notice to comply or vacate three or more times in a 12 month period;

e. The owner seeks possession so that the owner or a member of his or her immediate family may occupy the unit as that person's principal residence and no substantially equivalent unit is vacant and available in the same building, and the owner has given the tenant at least 90 days' advance written notice of the date the tenant's possession is to end. The Director may reduce the time required to give notice to no less than 20 days if the Director determines that delaying occupancy will result in a personal hardship to the owner or to

the owner's immediate family. Personal hardship may include but is not limited to hardship caused by illness or accident, unemployment, or job relocation. For the purposes of this Section 22.206.160, "Immediate family" ((~~shall~~)) includes the owner's domestic partner registered pursuant to Section 1 of Ordinance 117244[12] or the owner's spouse, parents, grandparents, children, brothers and sisters of the owner, of the owner's spouse, or of the owner's domestic partner. There is ((~~shall be~~)) a rebuttable presumption of a violation of this subsection 22.206.160.C.1.((~~a~~))e if the owner or a member of the owner's immediate family fails to occupy the unit as that person's principal residence for at least 60 consecutive days during the 90 days immediately after the tenant vacated the unit pursuant to a notice of termination or eviction using this subparagraph as the cause for eviction;

f. The owner elects to sell a single-family dwelling unit and gives the tenant at least ((~~60~~))90 days' written notice prior to the date set for vacating, which date shall coincide with the end of the term of a rental agreement, or if the agreement is month to month, with the last day of a monthly period. The Director may reduce the time required to give notice to no less than 60 days if the Director determines that providing 90 days' notice will result in a personal hardship to the owner. Personal hardship may include but is not limited to hardship caused by illness or accident, unemployment, or job relocation. For the purposes of this ((s))Section 22.206.160, an owner "elects to sell" when the owner makes reasonable attempts to sell the dwelling within 30 days after the tenant has vacated, including, at a minimum, listing it for sale at a reasonable price with a realty agency or advertising it for sale at a reasonable price in a newspaper of general circulation. There shall be a rebuttable presumption that the owner did not intend to sell the unit if:

1) Within 30 days after the tenant has vacated, the owner does not list the single-family dwelling unit for sale at a reasonable price with a realty agency or advertise it for sale at a reasonable price in a newspaper of general circulation, or

2) Within 90 days after the date the tenant vacated or the date the property was listed for sale, whichever is later, the owner withdraws the rental unit from the market, rents the unit to someone other than the former tenant, or otherwise indicates that the owner does not intend to sell the unit;

g. The tenant's occupancy is conditioned upon employment on the property and the employment relationship is terminated;

h. The owner seeks to do substantial rehabilitation in the building; provided that, the owner must obtain a tenant relocation license if required by Chapter 22.210 and at least one permit necessary for the rehabilitation, other than a Master Use Permit, before terminating the tenancy;

i. The owner (i) elects to demolish the building, convert it to a cooperative, or convert it to a nonresidential use; provided that, the owner must obtain a tenant relocation license if required by Chapter 22.210 and a permit necessary to demolish or change the use before terminating any tenancy, or (ii) converts the building to a condominium provided the owner complies with the provisions of Sections 22.903.030 and 22.903.035;

j. The owner seeks to discontinue use of a housing unit unauthorized by Title 23 after receipt of a notice of violation((~~thereof~~)). The owner is required to pay relocation assistance to the tenant(s) of each such unit at least two weeks prior to the date set for termination of the tenancy, at the rate of:

1) $2,000 for a tenant household with an income during the past 12 months at or below 50 percent of the County median income, or

2) Two months' rent for a tenant household with an income during the past 12 months above 50 percent of the County median income;

k. The owner seeks to reduce the number of individuals residing in a dwelling unit to comply with the maximum limit of individuals allowed to occupy one dwelling unit, as required by Title 23, and:

1) a) The number of such individuals was more than is lawful under the current version of Title 23 or Title 24 but was lawful under Title 23 or Title 24 on August 10, 1994;

b) That number has not increased with the knowledge or consent of the owner at any time after August 10, 1994; and

c) The owner is either unwilling or unable to obtain a permit to allow the unit with that number of residents.

2) The owner has served the tenants with a 30 day notice, informing the tenants that the number of tenants exceeds the legal limit and must be reduced to the legal limit,

3) After expiration of the 30 day notice, the owner has served the tenants with and the tenants have failed to comply with a ten day notice to comply with the limit on the number of occupants or vacate, and

4) If there is more than one rental agreement for the unit, the owner may choose which agreements to terminate; provided that, the owner may either terminate no more than the minimum number of rental agreements necessary to comply with

the legal limit on the number of occupants, or, at the owner's option, terminate only those agreements involving the minimum number of occupants necessary to comply with the legal limit;

1. 1) The owner seeks to reduce the number of individuals who reside in one dwelling unit to comply with the legal limit after receipt of a notice of violation of the Title 23 restriction on the number of individuals allowed to reside in a dwelling unit, and:

a) The owner has served the tenants with a 30 day notice, informing the tenants that the number of tenants exceeds the legal limit and must be reduced to the legal limit; provided that, no 30 day notice is required if the number of tenants was increased above the legal limit without the knowledge or consent of the owner;

b) After expiration of the 30 day notice required by subsection 22.206.160.1.1.a above, or at any time after receipt of the notice of violation if no 30 day notice is required pursuant to subsection 22.206.160.1.1.a, the owner has served the tenants with and the tenants have failed to comply with a ((~~10~~))ten day notice to comply with the maximum legal limit on the number of occupants or vacate; and

c) If there is more than one rental agreement for the unit, the owner may choose which agreements to terminate; provided that, the owner may either terminate no more than the minimum number of rental agreements necessary to comply with the legal limit on the number of occupants, or, at the option of the owner, terminate only those agreements involving the minimum number of occupants necessary to comply with the legal limit.

2) For any violation of the maximum legal limit on the number of individuals allowed to reside in a unit that occurred with the knowledge or consent of the owner, the owner is required to pay relocation assistance to the tenant(s) of each such unit at least two weeks prior to the date set for termination of the tenancy, at the rate of:

a) $2,000 for a tenant household with an income during the past 12 months at or below 50 percent of the county median income, or

b) Two months' rent for a tenant household with an income during the past 12 months above 50 percent of the county median income;

m. The owner seeks to discontinue use of an accessory dwelling unit for which a permit has been obtained pursuant to Sections 23.44.041 and 23.45.545 after receipt of a notice of violation of the development standards provided in those sections. The owner is required to pay relocation assistance to the tenant household residing in such a unit at least two weeks prior to the date set for termination of the tenancy, at the rate of:

1) $2,000 for a tenant household with an income during the past 12 months at or below 50 percent of the county median income, or

2) Two months' rent for a tenant household with an income during the past 12 months above 50 percent of the county median income;

n. An emergency order requiring that the housing unit be vacated and closed has been issued pursuant to Section 22.206.260 and the emergency conditions identified in the order have not been corrected;

o. The owner seeks to discontinue sharing with a tenant of the owner's own housing unit, i.e., the unit in which the owner resides, seeks to terminate the tenancy of a tenant of an accessory dwelling unit authorized pursuant to Sections 23.44.041

and 23.45.545 that is accessory to the housing unit in which the owner resides, or seeks to terminate the tenancy of a tenant in a single-family dwelling unit and the owner resides in an accessory dwelling unit on the same lot. This subsection 22.206.160.C.1.o does not apply if the owner has received a notice of violation of the development standards of Section 23.44.041. If the owner has received such a notice of violation, subsection 22.206.160.C.1.m applies;

p. A tenant, or with the consent of the tenant, ((~~his or her~~))the tenant's subtenant, sublessee, resident, or guest, has engaged in criminal activity on the premises, or on the property or public right-of-way abutting the premises, and the owner has specified in the notice of termination the crime alleged to have been committed and the general facts supporting the allegation, and has assured that the Department of Planning and Development has recorded receipt of a copy of the notice of termination. For purposes of this subsection 22.206.160.C.1.p, a person has "engaged in criminal activity" if he or she:

1) Engages in drug-related activity that would constitute a violation of ((~~RCW~~))Chapters 69.41, 69.50, or 69.52 RCW, or

2) Engages in activity that is a crime under the laws of this state, but only if the activity substantially affects the health or safety of other tenants or the owner.

* * *

Section 2. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 21st day of September, 2015, and signed by me in open session in authentication of its passage this 21st day of September, 2015.

President _____ of the City Council

Approved by me this 29th day of September, 2015.

Edward B. Murray, Mayor

Filed by me this 29th day of September, 2015.

Monica Martinez Simmons, City Clerk

(Seal)

STATE OF WASHINGTON -- KING COUNTY

--ss.

329280

No. 124859,860,861,862,863

CITY OF SEATTLE,CLERKS OFFICE

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:TITLE ONLY ORDINANCES

was published on

10/09/15

The amount of the fee charged for the foregoing publication is the sum of $93.00 which amount has been paid in full.

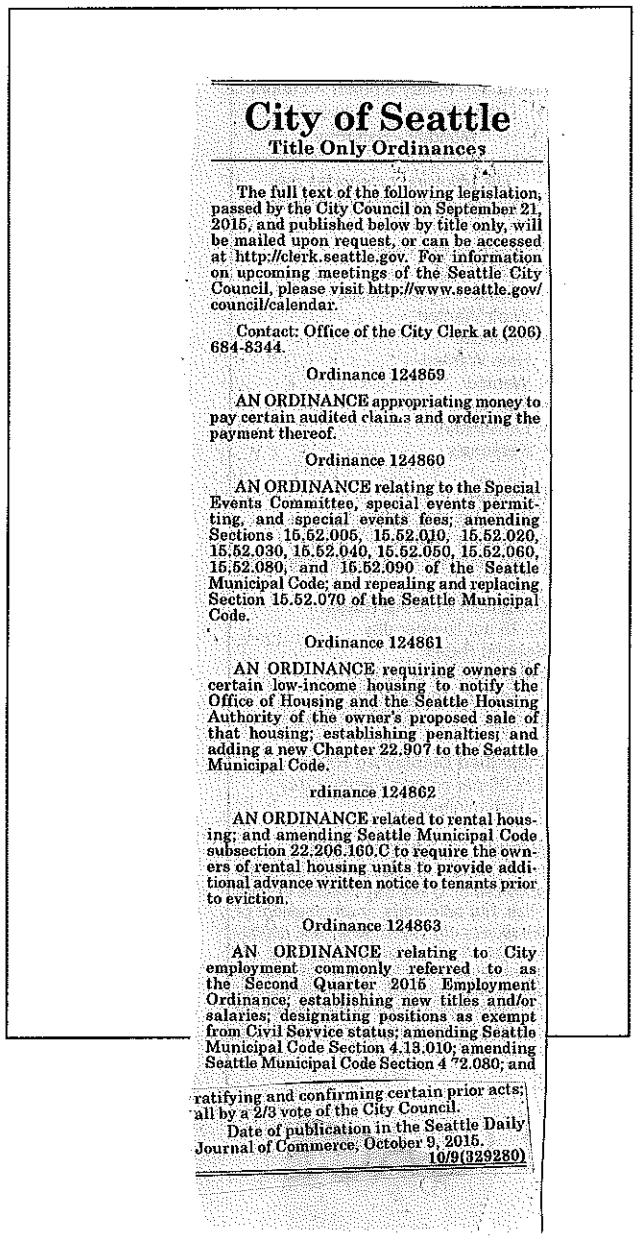
JENNIFER A BARNES
NOTARY PUBLIC
STATE OF WASHINGTON

Subscribed and sworn to before me on

10/09/2015

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County



City of Seattle

Title Only Ordinances

The full text of the following legislation, passed by the City Council on September 21, 2015, and published below by title only, will be mailed upon request, or can be accessed at http://clerk.seattle.gov. For information on upcoming meetings of the Seattle City Council, please visit http://www.seattle.gov/council/calendar.

Contact: Office of the City Clerk at (206) 684-8344.

Ordinance 124859

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Ordinance 124860

AN ORDINANCE relating to the Special Events Committee, special events permitting, and special events fees; amending Sections 15.52.005, 15.52.010, 15.52.020, 15.52.030, 15.52.040, 15.52.050, 15.52.060, 15.52.080, and 15.52.090 of the Seattle Municipal Code; and repealing and replacing Section 15.52.070 of the Seattle Municipal Code.

Ordinance 124861

AN ORDINANCE requiring owners of certain low-income housing to notify the Office of Housing and the Seattle Housing Authority of the owner's proposed sale of that housing; establishing penalties; and adding a new Chapter 22.907 to the Seattle Municipal Code.

rdinance 124862

AN ORDINANCE related to rental housing; and amending Seattle Municipal Code subsection 22.206.160.C to require the owners of rental housing units to provide additional advance written notice to tenants prior to eviction.

Ordinance 124863

AN ORDINANCE relating to City employment commonly referred to as the Second Quarter 2015 Employment Ordinance; establishing new titles and/or salaries; designating positions as exempt from Civil Service status; amending Seattle Municipal Code Section 4.13.010; amending Seattle Municipal Code Section 4 .2.080; and

ratifying and confirming certain prior acts; all by a 2/3 vote of the City Council.

Date of publication in the Seattle Daily Journal of Commerce, October 9, 2015.

10/9(329280)

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