



SEATTLE CITY COUNCIL

Legislative Summary

CB 118678

Record No.: CB 118678

Type: Ordinance (Ord)

Status: Passed

Version: 2

Ord. no: Ord 125054

In Control: City Clerk

File Created: 04/13/2016

Final Action: 06/17/2016

Title: AN ORDINANCE relating to tenant protections; establishing regulations and enforcement provisions related to residential rent increases on properties that do not meet basic maintenance standards; transferring primary enforcement authority for all sections of Title 22, Subtitle 2 of the Seattle Municipal Code (Housing Code) to the Director of the Seattle Department of Construction and Inspections; amending the penalty structure for certain violations of the Housing Code; amending Sections 22.202.010, 22.202.050, 22.204.090, 22.206.180, 22.206.220, 22.206.280, and 22.206.305 of the Seattle Municipal Code; and adding a new Section 22.202.080.

Notes:

Filed with City Clerk: 6/17/2016

Mayor's Signature: 6/17/2016

Sponsors: Sawant

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: bonita.chinn@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 | Mayor | 04/19/2016 | Mayor's leg transmitted to Council | City Clerk | | | |
| | Action Text: | | The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk | | | | |
| | Notes: | | | | | | |
| 1 | City Clerk | 04/19/2016 | 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 04/22/2016 sent for review Affordable Housing, Neighborhoods, and Finance Committee
Action Text: The Council Bill (CB) was sent for review. to the Affordable Housing, Neighborhoods, and Finance Committee
Notes:
- 1 Full Council 05/09/2016 referred Affordable Housing, Neighborhoods, and Finance Committee
Action Text: The Council Bill (CB) was referred. to the Affordable Housing, Neighborhoods, and Finance Committee
Notes:
- 1 Affordable Housing, Neighborhoods, and Finance Committee 05/18/2016 discussed
Action Text: The Council Bill (CB) was discussed.
- 1 Affordable Housing, Neighborhoods, and Finance Committee 06/01/2016 pass as amended Pass
Action Text: The Committee recommends that Full Council pass as amended the Council Bill (CB).
Notes: The bill was amended as described in the Central Staff memo. Amendments 1, 3, 4, 5 and a substitute Amendment 6 were approved by a vote of 5-0. Amendment 2A passed 4-1, with CM Burgess dissenting and stating a preference for 2B or 2C over 2A.

Amendments 1, 2A, 5 and 6 were also adjusted with a technical correction as described in a supplemental handout.

CMs O'Brien and Sawant left the committee meeting after this discussion.

In Favor: 5 Chair Burgess, Vice Chair Herbold, Member Johnson, Alternate O'Brien, Sawant

Opposed: 0

- 1 Full Council 06/06/2016 passed Pass
Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:
In Favor: 8 Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien, Councilmember Sawant
Opposed: 0
- 2 City Clerk 06/09/2016 submitted for Mayor's signature Mayor
Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor
Notes:
- 2 Mayor 06/10/2016 Signed
Action Text: The Council Bill (CB) was Signed.
Notes:
- 2 Mayor 06/17/2016 returned City Clerk
Action Text: The Council Bill (CB) was returned. to the City Clerk
Notes:
- 2 City Clerk 06/17/2016 attested by City Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.

Notes:

CITY OF SEATTLE
ORDINANCE 125054
COUNCIL BILL 118678

AN ORDINANCE relating to tenant protections; establishing regulations and enforcement provisions related to residential rent increases on properties that do not meet basic maintenance standards; transferring primary enforcement authority for all sections of Title 22, Subtitle 2 of the Seattle Municipal Code (Housing Code) to the Director of the Seattle Department of Construction and Inspections; amending the penalty structure for certain violations of the Housing Code; amending Sections 22.202.010, 22.202.050, 22.204.090, 22.206.180, 22.206.220, 22.206.280, and 22.206.305 of the Seattle Municipal Code; and adding a new Section 22.202.080.

WHEREAS, in September 2014 the City Council adopted Resolution 31546, in which the Mayor and Council jointly convened the Seattle Housing Affordability and Livability Agenda (HALA) Advisory Committee to evaluate potential strategies to make Seattle more affordable, equitable, and inclusive; and in particular to promote the development and preservation of affordable housing for residents of the City; and

WHEREAS, in July 2015, HALA published its Final Advisory Committee Recommendations and the Mayor published *Housing Seattle: A Roadmap to an Affordable and Livable City*, which outlines a multi-prong approach of bold and innovative solutions to address Seattle's housing affordability crisis; and

WHEREAS, in October 2015 the Council adopted Resolution 31622, which declared the Council's intent to expeditiously consider strategies recommended by the HALA Advisory Committee; and

WHEREAS, the HALA Advisory Committee's recommendations include strategies to support and help tenant households; and

1 WHEREAS, according to residential market surveys conducted by Dupre + Scott, the average
2 market rate rent for one bedroom apartment units in Seattle increased by 35 percent
3 between 2011 and 2016; and

4 WHEREAS, residential property owners may increase rents irrespective of the condition of the
5 housing units they own; and

6 WHEREAS, the Rental Registration and Inspection Ordinance, Chapter 22.214 of the Seattle
7 Municipal Code, establishes a checklist of maintenance standards required for rental
8 housing and requires that all housing units subject to Chapter 22.214 meet the standards
9 established in Sections 22.214.050.L and 22.214.050.M; and

10 WHEREAS, RCW 59.18.060 states “the landlord will at all times during the tenancy keep the
11 premises fit for human habitation, and shall in particular: (1) Maintain the premises to
12 substantially comply with any applicable code, statute, ordinance, or regulations
13 governing their maintenance or operation, which the legislative body enacting the
14 applicable code, statute, ordinance or regulation could enforce as to the premises rented if
15 such condition endangers or impairs the health or safety of the tenant”; and

16 WHEREAS, RCW 59.18.070 provides a process and timelines for a tenant to seek correction of
17 defective conditions in a rental housing unit; and

18 WHEREAS, RCW 59.18.085 provides remedies to tenants who rent dwelling units that are
19 condemned or unlawful to occupy; and

20 WHEREAS, Seattle’s housing stock includes renter-occupied units with severe physical
21 problems, including signs of mice and cockroaches, open cracks or holes in the interior,
22 exposed wiring, and other deficiencies that could endanger tenants’ health and safety; and

1 WHEREAS, tenants in rental units where Housing and Building Code violations exist can
2 currently be subject to rent increases, as exemplified by the widely reported experience of
3 tenants at the Charles Street Apartments located at 6511 Rainier Avenue South who
4 received notices of large rent increases, some reported to be in excess of 100 percent,
5 shortly before a City inspection found 225 Housing and Building Code violations on the
6 site; and

7 WHEREAS, the Mayor and Council find that prohibiting rent increases until rental units comply
8 with housing code requirements will encourage landlords to comply with those standards
9 and thereby promote the health, safety, and welfare of the general public;

10 NOW, THEREFORE,

11 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

12 Section 1. Subsection 22.202.010.A of the Seattle Municipal Code, which section was
13 last amended by Ordinance 120302, is amended as follows:

14 **22.202.010 Enforcement authority – Rules((;))**

15 A. Enforcement. The Director is hereby designated the City Official to exercise the
16 powers granted by this ((Code)) Title 22 ((, except that the Chief of Police is authorized to
17 administer and enforce Sections 22.206.180 and 22.206.190 and shall have equal authority with
18 the Director for enforcement of SMC Sections 22.206.140 and 22.206.160 B3. In enforcing SMC
19 Sections 22.106.180 and 22.206.190, the Chief of Police shall encourage any owner(s) and
20 tenant(s) involved to engage in mediation or binding arbitration pursuant to RCW 59.18.315
21 through RCW 59.18.350 of the State Residential Landlord Tenant Act to resolve outstanding
22 disputes between them)). The Chief of Police shall provide assistance to the Director in
23 enforcing Title 22 when requested by the Director.

1 * * *

2 Section 2. Section 22.202.050 of the Seattle Municipal Code, last amended by Ordinance
3 122397, is amended as follows:

4 **22.202.050 Housing and Abatement Accounting ((Unit.)) unit**

5 A restricted accounting unit designated as the "Housing and Abatement Account" is
6 established in the Construction and Land Use Fund from which account the Director is hereby
7 authorized to pay the costs and expenses incurred for the repair, alteration, improvement,
8 vacation and closure, removal or demolition of any building, structure, or other dangerous
9 condition pursuant to the provisions of this ((Code)) Title 22, or pursuant to any other ordinance
10 administered and enforced by the Director declaring any building, structure or premises to be a
11 public nuisance and ordering the abatement thereof. Money from the following sources shall be
12 paid into the Housing and Abatement Accounting Unit:

13 * * *

14 F. Fines and penalties collected pursuant to ((subsections A, B, D, E, F, and G of
15 Section)) Section 22.208.150 and subsections 22.206.280.A, 22.206.280.B, 22.206.280.D,
16 22.206.280.E, and 22.206.280.F ((and Section 22.208.150)).

17 Section 3. A new Section 22.202.080 is added to the Seattle Municipal Code as follows:

18 **22.202.080 Documentation of notices**

19 All written notices required by Chapter 22.200 through 22.208 to be provided to or
20 served on tenants by property owners, or on property owners by tenants, shall be documented in
21 such a manner as to confirm the date on which the notice was received. The use of email is
22 allowed for written notices required under Section 22.206.180.

1 Section 4. Section 22.204.090 of the Seattle Municipal Code, last amended by Ordinance
2 115671, is amended as follows:

3 **22.204.090 “H(~~(r)~~)”**

4 ~~((A.))~~ "Habitable room" means space in a building occupied, used, designed, or
5 intended to be used for living, sleeping, eating, or cooking. Bathrooms, toilet compartments,
6 closets, halls, laundry rooms, storage or utility space, and similar areas are not habitable
7 rooms.

8 ~~((B.))~~ "Hazard" means a condition that exposes any person to the risk of illness, bodily
9 harm, or loss of or damage to possessions.

10 ~~((C.))~~ Historic. See "Building, historic."

11 ~~((D.))~~ "Hotel" means a building ~~((which))~~ that contains six ~~((6))~~ or more guest rooms
12 and is intended for occupancy by transients.

13 ~~((E.))~~ "Housekeeping unit" means a housing unit of one ~~((1))~~ or more rooms, used for
14 living, sleeping, and cooking and sharing a common bathroom.

15 ~~((F.))~~ "Housing costs" means the compensation or fees paid or charged, usually
16 periodically, for the use of any housing unit. For purposes of this Chapter 22.204, housing
17 costs include rent and any periodic or monthly fees for other services such as storage and
18 parking paid to the landlord by the tenant. Housing costs do not include utility charges that are
19 based on usage and that the tenant has agreed in the rental agreement to pay, unless the tenant
20 was not obligated to pay utility charges under the terms of the previous rental agreement.

21 "Housing unit" means any dwelling unit, housekeeping unit, guest room, dormitory, or
22 single room occupancy unit.

1 Section 5. Section 22.206.180 of the Seattle Municipal Code, last amended by Ordinance
2 124919, is amended as follows:

3 **22.206.180 Prohibited acts by owners ((-))**

4 ((A-)) Except as otherwise specifically required or allowed by this ((Code)) Title 22 or
5 by the Washington State Residential Landlord-Tenant Act, chapter 59.18 RCW, it is unlawful
6 for any owner to:

7 ((1-)) A. Change or tamper with any lock or locks on a door or doors used by the
8 tenant; or

9 ((2-)) B. Remove any door, window, fuse box, or other equipment, fixtures, or
10 furniture; or

11 ((3-)) C. Request, cause, or allow any gas, electricity, water, or other utility service
12 supplied by the owner to be discontinued; or

13 ((4-)) D. Remove or exclude a tenant from the premises except pursuant to legal
14 process; or

15 ((5-)) E. Evict, increase rent, reduce services, increase the obligations of a tenant, or
16 otherwise impose, threaten, or attempt any punitive measure against a tenant for the reason
17 that the tenant has in good faith reported violations of this ((Code)) Title 22 to the Seattle
18 Department of Construction and Inspections or to the Seattle Police Department, or otherwise
19 asserted, exercised, or attempted to exercise any legal rights granted tenants by law and arising
20 out of the tenant's occupancy of the building; or

21 ((6-)) F. Enter a tenant's housing unit or premises except:

22 ((a-)) 1. At reasonable times with the tenant's consent, after giving the tenant:

1 ~~((1+))~~ a. at least two days' notice of intent to enter for the purpose of
2 inspecting the premises, making necessary or agreed repairs, alterations or improvements, or
3 supplying necessary or agreed services; or

4 ~~((2))~~ b. at least one day's notice for the purpose of exhibiting the
5 dwelling unit to prospective or actual purchasers, mortgagees, tenants, workers, or contractors;

6 or

7 ~~((b-))~~ 2. In an emergency; or

8 ~~((e-))~~ 3. In case of abandonment as defined by state law; or

9 ~~((7-))~~ G. Prohibit a tenant or the tenant's authorized agent or agents, if accompanied by
10 the tenant, from engaging in the following activities when related to building affairs or tenant
11 organization:

12 ~~((a-))~~ 1. Distributing leaflets in a lobby and other common areas and at or under
13 tenants' doors;

14 ~~((b-))~~ 2. Posting information on bulletin boards, provided that tenants comply
15 with all generally applicable rules of the landlord governing the use of such boards. Such rules
16 cannot specifically exclude the posting of information related to tenant organizing activities if
17 the rules permit posting of other types of information by tenants;

18 ~~((e-))~~ 3. Initiating contact with tenants;

19 ~~((d-))~~ 4. Assisting tenants to participate in tenant organization activities;

20 ~~((e-))~~ 5. Holding meetings, including political caucuses or forums for speeches
21 of public officials or candidates for public office, unattended by management, conducted at
22 reasonable times and in an orderly manner on the premises, held in any community rooms or
23 recreation rooms if these rooms are open for the use of the tenants; provided that the tenant

1 complies with all other generally applicable rules of the landlord governing the use of such
2 rooms. Any generally applicable rules must be written and posted in or near such a room. If a
3 community or recreation room is not available, meetings may take place in common areas
4 which include a laundry room, hallway, or lobby; provided all generally applicable rules of the
5 landlord governing such common areas and applicable fire and safety codes are followed; or

6 H. Increase the periodic or monthly housing costs to be charged a tenant by 10 percent
7 or more over the periodic or monthly housing costs charged the same tenant for the same
8 housing unit and the same services for any period or month during the preceding 12-month
9 period without giving the tenant at least 60 days prior written notice of the cost increase. The
10 notice shall describe how the tenant may obtain information about the rights and obligations of
11 tenants and landlords under this Chapter 22.206; or

12 I. Increase the periodic or monthly housing costs to be charged a tenant by less than 10
13 percent over the periodic or monthly housing costs charged the same tenant for the same
14 housing unit and the same services for any period or month during the preceding 12-month
15 period without giving the tenant at least 30 days prior written notice of the cost increase. The
16 notice shall describe how the tenant may obtain information about the rights and obligations of
17 tenants and landlords under this Chapter 22.206; or

18 J. Increase the periodic or monthly housing costs to be charged a tenant by any amount if
19 the Director has determined the housing unit does not comply with the checklist prescribed by
20 subsection 22.214.050.L and the weighted requirements of 22.214.050.M.

21 1. When a tenant is notified of a proposed increase in periodic or monthly
22 housing costs, if the tenant believes the housing unit has defective conditions and does not
23 comply with the checklist prescribed by subsection 22.214.050.L and the weighted

1 requirements of 22.214.050.M, the tenant may notify the owner of the potential application of
2 this Section 22.206.180.J.

3 2. Notification from a tenant to an owner must be in writing, describe the
4 defective conditions, and be sent to the landlord prior to the effective date listed in the notice
5 of housing costs increase the tenant received from the landlord.

6 3. After written notice to the owner has been provided, and before the housing
7 costs increase takes effect, the tenant or owner may request an inspection from the Director.

8 4. Upon inspection, if the Director determines the unit meets the requirements
9 of subsections 22.214.050.L and 22.214.050.M or that the conditions violating subsections
10 22.214.050.L and 22.214.050.M were caused by the tenant, the housing costs increase shall
11 take effect on the date specified in the notice of the housing costs increase.

12 5. If the Director determines that the unit does not comply with the checklist
13 prescribed by subsection 22.214.050.L and the weighted requirements of subsection
14 22.214.050.M, the housing costs increase shall not take effect until the Director determines that
15 the housing unit complies with the checklist and the weighted requirements of subsection
16 22.214.050.M. This determination must occur before the tenant may lawfully refuse payment of
17 the housing cost increase.

18 6. If a tenant pays the increased housing costs prior or subsequent to a
19 determination by the Director that the housing unit does not comply with the checklist and the
20 weighted requirements of subsection 22.214.050.M, the owner shall refund to the tenant the
21 amount by which the housing costs paid exceeded the amount of housing costs otherwise due, or
22 provide a credit in that amount against the tenant's housing costs for the next rental period. The
23 refund or credit shall be prorated to reflect the period that the housing unit was determined to be

1 in compliance with the checklist and the weighted requirements of subsection 22.214.050.M. If
2 the owner elects to provide a refund rather than provide a credit, the refund shall be paid to the
3 tenant before the beginning of the next rental period. When calculating a pro-rata amount to be
4 credited or refunded, a 30-day month shall be used.

5 7. If a tenant denies access to the tenant's housing unit to conduct an inspection,
6 the increase in housing costs shall take effect on the date access to the dwelling unit was denied
7 by the tenant, or on the effective date of the housing costs increase identified in the notice of the
8 housing costs increase, whichever is later.

9 8. The Director shall describe, by rule, SDCI's role when a tenant notifies SDCI
10 that a landlord has given the tenant notice pursuant to RCW 59.12.030 (3) (3 day pay rent or
11 vacate notice) and when the housing cost increase has been lawfully prohibited pursuant to
12 subsection 22.206.180.J.5.

13 ~~((B. The following rebuttable presumptions shall apply in any proceeding to collect a~~
14 ~~civil penalty for violation of subsection 22.206.180.A.5.~~

15 ~~1. Any owner who takes any action listed in subsection 22.206.180.A.5 within~~
16 ~~90 days after a tenant has in good faith reported violations of this Code (Chapter 22.206) to the~~
17 ~~Seattle Department of Construction and Inspections or to the Seattle Police Department, or~~
18 ~~otherwise asserted, exercised or attempted to exercise any legal rights granted tenants by law~~
19 ~~and arising out of a tenant's occupancy of the building, or within 90 days after any inspection~~
20 ~~or proceeding by a governmental agency resulting from such legal right asserted, exercised or~~
21 ~~attempted to be exercised by a tenant, creates a rebuttable presumption affecting the burden of~~
22 ~~proof that the action was taken for the reason that the tenant had in good faith reported~~
23 ~~violations of this Code to the Seattle Department of Construction and Inspections or to the~~

1 ~~Seattle Police Department or otherwise asserted, exercised or attempted to exercise any legal~~
2 ~~rights granted the tenant by law; except that, if at the time an owner gives a notice of~~
3 ~~termination of tenancy pursuant to chapter 59.12 RCW, the tenant is in arrears in rent or in~~
4 ~~breach of any other lease or rental obligation, there is a rebuttable presumption that the~~
5 ~~landlord's action is neither a reprisal nor retaliatory action against the tenant.~~

6 ~~2. A tenant who makes a complaint or report to a governmental authority about~~
7 ~~an owner or owner's property within 90 days after notice of a proposed increase in rent or~~
8 ~~other action in good faith by the owner creates a rebuttable presumption that the complaint or~~
9 ~~report was not made in good faith, unless the complaint or report was that the proposed~~
10 ~~increase in rent or other action was unlawful, in which case no such presumption applies.~~

11 ~~3. The rebuttable presumption under subsection 22.206.180.B.1 shall not apply~~
12 ~~with respect to an increase in rent if the owner, in a notice to the tenant of an increase in rent,~~
13 ~~specifies reasonable grounds for said increase and the notice of said increase does not violate~~
14 ~~subsection 7.24.030.A.)~~

15 Section 6. Subsection 22.206.220.A of the Seattle Municipal Code, which section was
16 last amended by Ordinance 122397, is amended as follows:

17 **22.206.220 Notice of violation((;))**

18 A. Except as otherwise required by law, ((F))the Director is authorized to inspect or
19 otherwise investigate any building, ((or)) premises, or actions of a landlord or tenant
20 ((which)) that the Director has reason to believe may not be in compliance with the standards
21 and requirements of Sections 22.206.010 through ((22.206.170, and Section)) 22.206.200. If
22 the standards and requirements of Sections 22.206.010 through ((22.206.120, Sections
23 22.206.150 through 22.206.170 or of Section)) 22.206.200 have not been met, the Director

1 may issue a notice of violation to the owner and/or other person responsible for the violation
2 pursuant to this ~~((section))~~ Section 22.206.220. The notice of violation shall:

3 1. Identify each violation of the standards and requirements of this
4 ~~((Code))~~Title 22 and the corrective action necessary to bring the building and premises into
5 compliance; and

6 2. Specify a time for compliance.

7 * * *

8 Section 7. Section 22.206.280 of the Seattle Municipal Code, last amended by
9 Ordinance 122855, is amended as follows:

10 **22.206.280 Civil enforcement proceedings and penalties ((-))**

11 In addition to any other remedy that may be available at law or equity, the following are
12 available:

13 A. ~~((Except for violations of Section 22.206.180, a))~~ Any person violating or failing to
14 comply with any requirement of this ~~((Code))~~ Chapter 22.206 shall be subject to a cumulative
15 civil penalty in an amount not to exceed:

16 1. ~~((One Hundred Fifty Dollars (\$150.00)))~~ \$150 per day for each housing unit
17 in violation, and ~~((One Hundred Fifty Dollars (\$150.00)))~~ \$150 per day for violations in the
18 common area or on the premises surrounding the building or structure, from the date the
19 violation begins, for the first ten ~~((10))~~ days of noncompliance; and ~~((Five Hundred Dollars~~
20 ~~(\$500.00)))~~ \$500 per day for each housing unit in violation, and ~~((Five Hundred Dollars~~
21 ~~(\$500.00)))~~ \$500 per day for violations in the common area or on the premises surrounding the
22 building or structure, for each day beyond ten ~~((10))~~ days of noncompliance until compliance
23 is achieved. In cases where the Director has issued a notice of violation, the violation will be

1 deemed to begin, for purposes of determining the number of days of violation, on the date
2 compliance is required by the notice of violation. In addition to the per diem penalty, a
3 violation compliance inspection charge equal to the base fee set by Section 22.900B.010 shall
4 be charged for the third inspection and all subsequent inspections until compliance is
5 achieved. Notwithstanding the provisions of Section 22.202.050, the compliance inspection
6 charges shall be deposited in the General Fund(~~(to be)~~).

7 2. (~~One Hundred Dollars (\$100.00))~~ \$100 per day from the date a tenant fails
8 to reimburse The City of Seattle for emergency relocation assistance as required by subsection
9 (~~D of Section~~) 22.206.265.D until the date the relocation assistance is repaid to The City of
10 Seattle.

11 3. (~~One Hundred Dollars (\$100.00))~~ \$100 per day for any person who
12 provides false or misleading information to the Director and as a result of the false or
13 misleading information is paid emergency relocation assistance by The City of Seattle for
14 which the person would not otherwise be eligible, from the date the person receives the
15 emergency relocation assistance until the date the relocation assistance is repaid to The City of
16 Seattle.

17 B. Any person who does not comply with an emergency order issued by the Director
18 pursuant to this Chapter 22.206 shall be subject to a cumulative civil penalty of up to (~~One~~
19 ~~Thousand Dollars (\$1,000.00))~~ \$1,000 per day from the date set for compliance until the
20 Director certifies that the requirements of the emergency order are fully complied with.

21 C. Any property owner who fails to deposit relocation assistance as required by
22 subsections (~~F and G of Section~~) 22.206.260.F and 22.206.260.G shall be subject to a
23 cumulative civil penalty of:

1 1. For each tenant with a household income during the preceding (~~twelve~~
2 (~~12~~)) 12 months at or below (~~(fifty-50))~~ 50 percent of the median family income for whom
3 the property owner did not deposit relocation assistance as required by subsection (~~(G of~~
4 ~~Section))~~ 22.206.260.G:

5 a. (~~(Three Thousand Three Hundred Dollars (\$3,300.00))~~) \$3,300, plus

6 b. (~~(One Hundred Dollars (\$100.00))~~) \$100 per day from the date such
7 deposit by the property owner is required until the date the property owner pays to the City the
8 penalty provided for in subsection (~~(C1a))~~ 22.206.280.C.1.a; or

9 2. For each tenant with a household income during the preceding (~~twelve~~
10 (~~12~~)) months greater than (~~(fifty-50))~~ percent of the median family income for whom
11 the property owner did not deposit relocation assistance as required by subsection (~~(G of~~
12 ~~Section))~~ 22.206.260.G, (~~(One Hundred Dollars (\$100.00))~~) \$100 per day from the date such
13 deposit is required until the date on which the relocation assistance required by subsections (~~(F~~
14 ~~and G of Section))~~ 22.206.260.F and 22.206.260.G is deposited with The City of Seattle.

15 D. Any owner of housing units who violates (~~(subsection C6 of Section 22.206.160))~~
16 subsection 22.206.160.C.6 shall be subject to a civil penalty of (~~(not more than Two Thousand~~
17 ~~Five Hundred Dollars (\$2,500.00))~~) \$3,500.

18 E. Anyone who obstructs, impedes, or interferes with an attempt to inspect a building
19 or premises pursuant to the authority of an inspection warrant issued by any court or an
20 attempt to inspect a housing unit after consent to inspect is given by a tenant of the housing
21 unit shall be subject to a civil penalty of not more than (~~(One Thousand Dollars (\$1,000.00))~~)
22 \$1,000.

1 F. ~~((Any person who violates or fails to comply with subsections A5, A6, or A7 of~~
2 ~~Section 22.206.180 shall be subject to a cumulative civil penalty of up to Five Hundred~~
3 ~~Dollars (\$500.00) per violation per day. Each day that a separate action or inaction occurs that~~
4 ~~is a violation of subsections A5, A6 or A7 of Section 22.206.180 constitutes a separate~~
5 ~~violation.~~

6 G.) Civil actions to enforce this Chapter 22.206 shall be brought exclusively in Seattle
7 Municipal Court, except as otherwise required by law or court rule. The Director shall request
8 in writing that the City Attorney take enforcement action. The City Attorney shall, with the
9 assistance of the Director, take appropriate action to enforce this Chapter 22.206. In any civil
10 action filed pursuant to this ~~((chapter))~~ Chapter 22.206, the City has the burden of proving by
11 a preponderance of the evidence that a violation exists or existed. The issuance of a notice of
12 violation or an order following a review by the Director is not itself evidence that a violation
13 exists.

14 ~~((H))~~G. The violator may show, in mitigation of liability, that correction of the
15 violation was commenced promptly upon receipt of notice, but that compliance within the
16 time specified was prevented by an inability to obtain necessary materials or labor, inability to
17 gain access to the subject building, or other condition or circumstance beyond the control of
18 the violator, and upon a showing of the above described conditions, the court may enter
19 judgment for less than the maximum penalty.

20 Section 8. Section 22.206.305 of the Seattle Municipal Code, enacted by Ordinance
21 120302, is amended as follows:

22 **22.206.305 Tenant's private right of action ((-))**

1 Nothing in this (~~Code~~) Title 22 is intended to affect or limit a tenant's right to pursue a
2 private right of action pursuant to (~~Chapter~~) chapter 59.18 RCW for any violation of
3 (~~Chapter~~) chapter 59.18 RCW for which that chapter provides a private right of action. When
4 an owner commits an act prohibited by (~~SMC Sections 22.206.180 A1, 22.206.180 A2, or~~
5 ~~22.206.180 A7~~) Section 22.206.180, a tenant has a private right of action against the owner for
6 actual damages caused by the prohibited act. To the extent that actual damages are unliquidated
7 or difficult to prove, a court may award liquidated damages of up to (~~One Thousand Dollars~~
8 ~~(\$1,000.00)~~) \$3,000 instead of actual damages. Such damages when awarded are to be on a per
9 incident, rather than a per tenant, basis. The prevailing party in any such action may recover
10 costs of the suit and attorney fees.

11 Section 8. To avoid instances of eviction proceedings resulting from nonpayment of a
12 housing cost increase after SDCI has determined that the effective date of the housing cost
13 increase can lawfully be delayed, the Council requests that SDCI work with tenants'
14 organizations to produce educational materials to ensure that tenants' understand the process and
15 how they can work with the City in the event of an eviction proceeding resulting from this
16 process.

17 Section 9. The Director shall report annually to the Affordable Housing, Neighborhoods
18 and Finance Committee, or its successor committee, on all activity related to Section
19 22.206.180.J. This report shall include the number of inquiries from tenants and landlords, the
20 number of inspections related to this provision, the outcome of those inspections, the number of
21 housing cost increases delayed based on a determination by the department or refunds or credits
22 required, and any interactions and information related to the Department's involvement in any
23 eviction proceedings. To the extent feasible, the Director should obtain records on evictions in

1 Seattle and review those records to determine if the Department conducted inspections at those
2 locations related to Section 22.206.180.J and if the eviction resulted from application of this
3 Section 22.206.180.J. The report shall be delivered to the Council by no later than June 15 of the
4 following calendar year (beginning June 15, 2017).

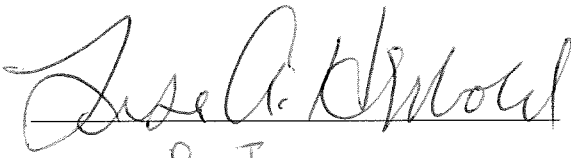
5 Section 10. The provisions of this ordinance are declared to be separate and severable.
6 The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this
7 ordinance, or the invalidity of its application to any person or circumstance, does not affect the
8 validity of the remainder of this ordinance, or the validity of its application to other persons
9 or circumstances.

10


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

Section 11. 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 6th day of June, 2016, and signed by me in open session in authentication of its passage this 6th day of June, 2016.


President Pro Tem of the City Council

Approved by me this 16th day of June, 2016.


Edward B. Murray, Mayor

Filed by me this 17th day of June, 2016.


Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

| Department: | Contact Person/Phone: | Executive Contact/Phone: |
|---|------------------------------|---|
| Seattle Department of Construction and Inspections (SDCI) | Faith Lumsden/5-0097 | Sara Belz/4-8696 Melissa Lawrie/4-5805 |

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to tenant protections; establishing regulations and enforcement provisions related to residential rent increases on properties that do not meet basic maintenance standards; transferring primary enforcement authority for all sections of Title 22, Subtitle 2 of the Seattle Municipal Code (Housing Code) to the Director of the Seattle Department of Construction and Inspections; amending the penalty structure for certain violations of the Housing Code; amending Sections 22.202.010, 22.202.050, 22.204.090, 22.206.180, 22.206.220, 22.206.280, and 22.206.305 of the Seattle Municipal Code; and adding a new Section 22.202.080.

Summary and Background of the Legislation: The legislation would make several amendments to the Seattle Municipal Code (SMC) in order to strengthen protections for renter households, including:

1. Prohibiting landlords from increasing the rents charged for dwelling units that do not meet basic maintenance standards.
2. Clarifying and enhancing protections for tenants who experience retaliation for submitting complaints and other prohibited landlord-led actions.
3. Transferring primary City responsibility for enforcing against prohibited acts by landlords and tenants from the Seattle Police Department (SPD) to the Seattle Department of Construction and Inspections (SDCI).
4. Enabling SDCI to take enforcement action against landlords that do not provide at least 60 days' notice before applying a rent increase of 10% or more (existing SMC requirement) by making such conduct a prohibited act under the SMC. Violations of this law are currently considered civil matters between landlords and tenants.
5. Adding a definition of "Housing costs" to the Housing Code.
6. Simplifying the penalty structure for violations of the Housing Code.

2. CAPITAL IMPROVEMENT PROGRAM

_____ This legislation creates, funds, or amends a CIP Project.

3. SUMMARY OF FINANCIAL IMPLICATIONS

X This legislation does not have direct financial implications.

Given rising rents in Seattle and anecdotal experience, SDCI anticipates that it will receive immediate and ongoing tenant calls regarding rent increases in properties that may not meet basic standards.

Housing Ordinance Specialists will handle the primary intake of cases, carry out case management, coordinate with inspectors, and manage enforcement action as necessary. SDCI believes it can manage the intake of cases with existing staffing. The Department will monitor the workload and request additional resources for case management if needed.

Housing and Zoning Inspectors will be called on to establish whether a property does, or does not, meet basic housing standards. When a property does not meet standards, a follow-up inspection will be required to confirm repairs were made and standards are met. SDCI currently has 8.5 FTE Housing and Zoning Inspectors who are at full capacity, and anticipates an increased workload as a result of this legislation. The department will monitor the workload and request additional resources for inspections if necessary.

4. OTHER IMPLICATIONS

a) Does the legislation have indirect or long-term financial impacts to the City of Seattle that are not reflected in the above?

No.

b) Is there financial cost or other impacts of not implementing the legislation?

Without this legislation, renters who live in properties that do not meet basic maintenance requirements may face rent increases without the conditions being corrected. Renters who face retaliation may experience limited City enforcement and renters who experience improper notice of a rent increase of greater than 10% will not be able to look to the City for enforcement.

c) Does this legislation affect any departments besides the originating department?

No.

d) Is a public hearing required for this legislation?

No.

e) Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

No.

f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No.

g) Does this legislation affect a piece of property?

No.

h) Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?

This legislation is in alignment with the goals of the Race and Social Justice Initiative. It increases protections for renters, who are disproportionately lower income and from historically disadvantaged communities.

i) If this legislation includes a new initiative or a major programmatic expansion: What are the long-term and measurable goals of the program? Please describe how this legislation would help achieve the program's desired goals.

The long term goals of this legislation are to protect tenants from rent increases on improperly maintained properties and improve protections from retaliation and rent increases without proper notice. With the new authority, SDCI would monitor the number of complaints from renters, the resolution of the complaints, and trends over time.

j) Other Issues: None.

List attachments/exhibits below: None.

STATE OF WASHINGTON -- KING COUNTY

--SS.

338888

No.

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:125054-125061 TITLE

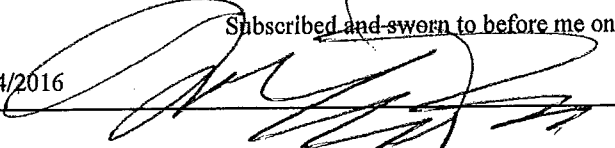
was published on

06/24/16

The amount of the fee charged for the foregoing publication is the sum of \$153.44 which amount has been paid in full.





Subscribed and sworn to before me on
06/24/2016


Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on June 6, 2016, 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 125054

AN ORDINANCE relating to tenant protections; establishing regulations and enforcement provisions related to residential rent increases on properties that do not meet basic maintenance standards; transferring primary enforcement authority for all sections of Title 22, Subtitle 2 of the Seattle Municipal Code (Housing Code) to the Director of the Seattle Department of Construction and Inspections; amending the penalty structure for certain violations of the Housing Code; amending Sections 22.202.010, 22.202.050, 22.204.090, 22.206.180, 22.206.220, 22.206.280, and 22.206.305 of the Seattle Municipal Code; and adding a new Section 22.202.080.

Ordinance 125055

AN ORDINANCE relating to Parks and Recreation; authorizing the Superintendent of Parks and Recreation Department to execute, accept and record a Restrictive Covenant, Easement and Contract Concerning Real Property on behalf of The City of Seattle; placing the property rights and interests conveyed by the easements under the jurisdiction of the Department of Parks and Recreation; and ratifying and confirming certain prior acts.

Ordinance 125056

AN ORDINANCE relating to Hearing Examiner filing fees; amending Section 3.02.125 of the Seattle Municipal Code to add exceptions for cases brought to enforce Chapter 14.07 (All Gender Single Occupant Restroom Requirements), Chapter 6.500 (Marijuana Business Regulations), Chapter 14.19 (Minimum Wage Ordinance), and Chapter 14.20 (Wage Theft Ordinance).

Ordinance 125057

AN ORDINANCE relating to the 2016 Budget; amending Ordinance 124927, which adopted the 2016 Budget; changing appropriations to various departments and budget control levels due to changes in City employment compensation; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

Ordinance 125058

AN ORDINANCE relating to affordable housing; authorizing the Director of the Office of Housing to enter into and administer an Interlocal Cooperation Agreement, as revised from the form attached to Ordinance 124948, with King County, Pierce County, Snohomish County, and the cities of Bellevue, Issaquah, Kenmore, Kirkland, Mercer Island, Redmond, and Woodinville to create and operate a Regional Equitable Development Initiative Fund (REDI Fund) for the Puget Sound Region.

Ordinance 125059

AN ORDINANCE relating to the 2008 Parks and Green Spaces Levy; authorizing the acquisition of real property commonly known as 8805 Fremont Avenue North; authorizing acceptance and recording of the deed for open space, park, and recreation purposes; increasing appropriations to the Department of Parks and Recreation in the 2016 Adopted Budget and the 2016-2021 Capital Improvement Program; revising project allocations for certain projects in the 2016-2021 Capital Improvement Program; and ratifying and confirming certain prior acts; all by 3/4 vote of the City Council.

Ordinance 125060

AN ORDINANCE relating to the Seattle Ethics and Elections Commission, authorizing the Executive Director to execute an agreement with the City of Kirkland for renewing an independent ethics program for the City of Kirkland; and ratifying and confirming certain prior acts.

Ordinance 125061

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

Date of publication in the Seattle Daily Journal of Commerce, June 24, 2016.

6/24(338888)