



# SEATTLE CITY COUNCIL

## Legislative Summary

CB 119082

Record No.: CB 119082

Type: Ordinance (Ord)

Status: Passed

Version: 3

Ord. no: Ord 125483

In Control: City Clerk

File Created: 09/11/2017

Final Action: 12/08/2017

**Title:** AN ORDINANCE relating to short-term rental uses and bed and breakfast uses; amending Sections 22.214.030, 23.44.051, 23.45.545, 23.84A.024, 23.84A.030, and 23.84A.036 of the Seattle Municipal Code (SMC); and adding a new Section 23.42.060 to the SMC.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Johnson

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: Emilia.Sanchez@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	09/06/2017	sent for review	Council President's Office			
	<b>Action Text:</b> The Council Bill (CB) was sent for review. to the Council President's Office						
	<b>Notes:</b>						
1	Council President's Office	09/11/2017	sent for review	Affordable Housing, Neighborhoods, and Finance Committee			
	<b>Action Text:</b> The Council Bill (CB) was sent for review. to the Affordable Housing, Neighborhoods, and Finance Committee						
	<b>Notes:</b>						

- 1 Full Council 09/11/2017 referred Affordable Housing, Neighborhoods, and Finance Committee
- 1 Affordable Housing, Neighborhoods, and Finance Committee 09/15/2017 discussed  
**Action Text:** The Council Bill (CB) was discussed in Committee.  
**Notes:**
- 2 Full Council 10/02/2017 re-referred Planning, Land Use, and Zoning Committee  
**Action Text:** The Council Bill (CB) was re-referred. to the Planning, Land Use, and Zoning Committee  
**Notes:**
- 2 Planning, Land Use, and Zoning Committee 11/27/2017 pass as amended Pass  
**Action Text:** The Committee recommends that Full Council pass as amended the Council Bill (CB).  
In Favor: 4 Chair Johnson, Vice Chair O'Brien, Member Herbold, Harris-Talley  
Opposed: 0  
Absent(NV): 1 Juarez
- 2 Full Council 12/04/2017 passed Pass  
**Action Text:** The Council Bill (CB) was passed by the following vote, and the President signed the Bill:  
**Notes:**  
In Favor: 8 Councilmember Bagshaw, Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember Mosqueda, Councilmember O'Brien, Councilmember Sawant  
Opposed: 0
- 3 City Clerk 12/06/2017 submitted for Mayor's signature Mayor  
**Action Text:** The Council Bill (CB) was submitted for Mayor's signature. to the Mayor  
**Notes:**
- 3 Mayor 12/08/2017 Signed
- 3 Mayor 12/08/2017 returned City Clerk
- 3 City Clerk 12/08/2017 attested by City Clerk  
**Action Text:** The Ordinance (Ord) was attested by City Clerk.  
**Notes:**
-

**CITY OF SEATTLE**

**ORDINANCE** 125483

**COUNCIL BILL** 119082

AN ORDINANCE relating to short-term rental uses and bed and breakfast uses; amending Sections 22.214.030, 23.44.051, 23.45.545, 23.84A.024, 23.84A.030, and 23.84A.036 of the Seattle Municipal Code (SMC); and adding a new Section 23.42.060 to the SMC.

WHEREAS, housing vacancy rates are at low levels, making it increasingly difficult for people to obtain permanent housing; and

WHEREAS, removal of residential units from the long-term housing market contributes to low vacancy rates; and

WHEREAS, the conversion of long-term housing units to short-term rentals could result in the loss of housing for Seattle residents; and

WHEREAS, limiting operation of short-term rental properties to property owners will help reduce opportunities to convert long-term housing units to short-term rentals; and

WHEREAS, it is in the public interest that short-term rental uses be regulated in order to help preserve housing for long-term tenants; and

WHEREAS, the business model of short-term rental agencies depends upon participation and contact with local short-term rental operators; and

WHEREAS, the standards for the operation of short-term rental uses contained in this ordinance help to preserve the availability of housing for long-term rentals by limiting the number of short-term rentals a person can operate, reduce negative effects on affordable housing, and protect the safety and livability of residential neighborhoods; and

WHEREAS, the City Council finds that this ordinance is necessary to protect and promote the health, safety, and welfare of the general public; NOW, THEREFORE,

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

2 Section 1. Section 22.214.030 of the Seattle Municipal Code, last amended by Ordinance  
3 124312, is amended as follows:

4 **22.214.030 Applicability**

5 A. The registration provisions of this Chapter 22.214 shall apply to all rental housing  
6 units with the exception of:

7 1. Housing units lawfully used as ~~((vacation rentals for periods not to exceed~~  
8 ~~three consecutive months and not consecutively used by the same individual or individuals for~~  
9 ~~more than three months in any twelve-month period))~~ short-term rentals, if the housing unit is the  
10 primary residence of the short-term rental operator as defined in Section 23.84A.030;

11 2. Housing units rented for not more than 12 consecutive months as a result  
12 of the property owner, who previously occupied the unit as a primary residence, taking a work-  
13 related leave of absence or assignment such as an academic sabbatical or temporary transfer;

14 3. Housing units that are a unit unavailable for rent;

15 4. Housing units in hotels, motels, inns, bed and breakfasts, or ~~((in))~~ similar  
16 accommodations that provide lodging for transient guests, but not including short-term rentals as  
17 defined in Section 23.84A.024 unless the short-term rental qualifies for an exemption under  
18 subsection 23.214.030.A.1;

19 5. Housing units in facilities licensed or required to be licensed under  
20 ~~((RCW))~~ chapter 18.20, ((RCW)) 70.128, or ((RCW)) 72.36 RCW, or subject to another  
21 exemption under this Chapter 22.214;

22 6. Housing units in any state licensed hospital, hospice, community-care  
23 facility, intermediate-care facility, or nursing home;



1 D. Number of residents and guests. The total number of residents and guests  
2 occupying a dwelling unit that includes a short-term rental may not exceed the maximum number  
3 of residents allowed in a household by this code. For sites with an accessory dwelling unit, the  
4 total number of residents and guests occupying both the dwelling unit and any accessory  
5 dwelling units may not exceed the number of residents allowed for a household.

6 E. Short-term rental uses may display signs identifying the use if the signs are  
7 permitted by Chapter 23.55.

8 F. If a short-term rental operator provides breakfast, light snacks, or both to guests,  
9 the facility and operator must meet applicable health and safety regulations including but not  
10 limited to regulations of Public Health—Seattle & King County and the Washington State  
11 Department of Health.

12 G. Notwithstanding Sections 23.42.100, 23.42.102, and 23.42.104, short-term rental  
13 uses, as defined in Section 23.84A.024, in existence prior to the effective date of the Ordinance  
14 introduced as Council Bill 119082 shall comply with the requirements of this Chapter 23.42 no  
15 later than one year from the effective date of the Ordinance introduced as Council Bill 119082.

16 Section 3. Section 23.44.051 of the Seattle Municipal Code, last amended by Ordinance  
17 124919, is amended as follows:

18 **23.44.051 Bed and breakfasts**

19 A bed and breakfast use is permitted if it meets the following standards:

20 A. General provisions

21 1. The bed and breakfast use shall have a valid business license tax  
22 certificate issued by the Department of Finance and Administrative Services;

1                   2. All operators of bed and breakfast uses who use a short-term rental  
2 platform for listing the bed and breakfast shall have a valid short-term rental operator's license  
3 issued by the Department of Finance and Administrative Services.

4                   ~~((2.))~~ 3.       The bed and breakfast use shall be operated by ~~((an owner who~~  
5 ~~owns at least a 50 percent interest in the dwelling in which the bed and breakfast is located))~~ the  
6 primary resident of the dwelling unit where the bed and breakfast is located or the resident  
7 operator;

8                   ~~((3. — An owner who owns at least a 50 percent interest in the dwelling shall~~  
9 ~~reside in the structure in which the bed and breakfast use is located during any period in which~~  
10 ~~rooms are rented to guests;~~

11                   4. — No more than two people who reside outside the dwelling unit shall be  
12 employed, with or without compensation, in the operation of the bed and breakfast use;

13                   5. — The bed and breakfast use shall be operated within the principal structure,  
14 which shall be at least five years old;

15                   ~~6.))~~ 4. There shall be no evidence of the bed and breakfast use visible from the  
16 exterior of the dwelling unit except for a sign permitted by subsection 23.55.020.D.1;

17                   ~~((7.))~~ 5.       The bed and breakfast use shall have no more than five guest  
18 rooms, provided that this limitation does not apply to bed and breakfast uses that were  
19 established on or before April 1, 1987; and

20                   6. A bed and breakfast use may be located in a dwelling unit or an accessory  
21 dwelling unit.

22                   ~~((8. — Parking shall be provided as required in Chapter 23.54.))~~

1 B. Alterations to single-family structures. Interior and exterior alterations consistent  
2 with the development standards of the underlying zone are permitted.

3 ~~((C.—Dispersion. Any lot line of property containing any proposed new bed and  
4 breakfast use must be located 600 feet or more from any lot line of any other bed and breakfast  
5 use.~~

6 D.—Neighborhood mitigation provisions

7 1.—~~The owner will make public transit information available to patrons, and  
8 the owner’s operating plan must describe how the transit information will be made available to  
9 patrons.~~

10 2.—~~The design of the structure in which the use is located and the orientation  
11 of the access will minimize impacts, such as noise, light and parking, to neighboring structures.~~

12 3.—~~The owner’s operating plan includes quiet hours, limits on programmed  
13 on-site outdoor activities, and parking policies to minimize impacts on residential neighbors.~~

14 4.—~~The delivery of goods and services associated with the bed and breakfast  
15 use are accommodated at a time and in a manner that will limit, to the extent feasible, impacts on  
16 surrounding properties.~~

17 5.—~~The operating plan shall be distributed to all residents and property owners  
18 within 300 feet of the proposed bed and breakfast use. The distributed plan shall reference this  
19 Section 23.44.051 and provide contact information for the Seattle Department of Construction  
20 and Inspections’ Review and Inspection Center and contact information for the operator of the  
21 bed and breakfast. Applicants for a permit to establish a bed and breakfast use shall provide  
22 proof to the Seattle Department of Construction and Inspections that they made a good faith  
23 effort to provide the required distribution prior to issuance of a permit establishing the use.))~~

1 \* \* \*

2 Section 4. Subsection 23.45.545.G of the Seattle Municipal Code, which section was last  
3 amended by Ordinance 124378, is amended as follows:

4 **23.45.545 Standards for certain accessory uses**

5 \* \* \*

6 G. Bed and breakfast uses. A bed and breakfast use may be operated under the  
7 following conditions:

8 1. The bed and breakfast use has a valid business license tax certificate  
9 issued by the Department of Finance and Administrative Services;

10 ~~((2. The operation of a bed and breakfast use is conducted within a single~~  
11 ~~dwelling unit;))~~

12 2. All operators of bed and breakfast uses who use a short-term rental  
13 platform for listing the bed and breakfast shall have a valid short-term rental operator's license  
14 issued by the Department of Finance and Administrative Services.

15 ~~((3. The bed and breakfast use is operated within the principal structure and~~  
16 ~~not in an accessory structure;))~~

17 3. The bed and breakfast use shall be operated by the primary resident of the  
18 dwelling unit where the bed and breakfast is located or the resident operator;

19 ~~((4. There shall be no evidence of a bed and breakfast use visible from the~~  
20 ~~exterior of the ((structure)) dwelling unit other than a sign permitted by subsection~~  
21 ~~23.55.022.D.1; ((, so as to preserve the residential appearance of the structure;)) and~~

22 ~~((5. No more than two people who are not residents of the dwelling may be~~  
23 ~~employed in the operation of a bed and breakfast, whether or not compensated; and))~~



1 by a short-term rental operator for a fee for fewer than 30 consecutive nights. A dwelling unit, or  
2 portion thereof, that is used by the same person for 30 or more consecutive nights is not a short-  
3 term rental. A dwelling unit, or portion thereof, that is operated by an organization or  
4 government entity that is registered as a charitable organization with the Secretary of State, State  
5 of Washington, and/or is classified by the Internal Revenue Service as a public charity or private  
6 foundation, and provides temporary housing to individuals who are being treated for trauma,  
7 injury, or disease, and/or their family members, is not a short-term rental.

8 \* \* \*

9 Section 6. Section 23.84A.030 of the Seattle Municipal Code, last amended by Ordinance  
10 124378, is amended as follows:

11 **23.84A.030 “P”**

12 \* \* \*

13 “Preliminary plat” means a neat and approximate drawing of a proposed subdivision  
14 showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision,  
15 that is submitted to furnish a basis for the approval or disapproval of the general layout of a  
16 subdivision.

17 “Primary residence” means a person’s usual place of return for housing as documented  
18 by motor vehicle registration, driver’s license, voter registration, or other similar evidence. A  
19 person may have only one primary residence.

20 “Principal structure” means the structure housing one or more principal uses as  
21 distinguished from any separate structures housing accessory uses.

22 \* \* \*

1 Section 7. Section 23.84A.036 of the Seattle Municipal Code, last amended by Ordinance  
2 125272, is amended as follows:

3 **23.84A.036 “S”**

4 \* \* \*

5 “Short subdivision” means the division or redivision of land into nine ~~((9))~~ or fewer  
6 lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, development, or financing.

7 “Short-term rental.” See “Lodging use.”

8 “Short-term rental operator” or “operator” means any person who is the owner of a  
9 dwelling unit established under Title 23, or portion thereof, who offers or provides that dwelling  
10 unit, or portion thereof, for short-term rental use or a person who is the tenant of a dwelling unit,  
11 or portion thereof, who offered or provided a short term rental as set forth in subsection  
12 6.600.040.B.1.

13 “Short-term rental platform” or “platform” means a person that provides a means through  
14 which an operator may offer a dwelling unit, or portion thereof, for short-term rental use and  
15 from which the person or entity financially benefits. Merely publishing a short-term rental  
16 advertisement for accommodations does not make the publisher a short-term rental platform.

17 “Shoulder” means the graded area between the roadway edge and the sidewalk, or slope  
18 line where there is no sidewalk, on the portion of a street where there are no curbs.

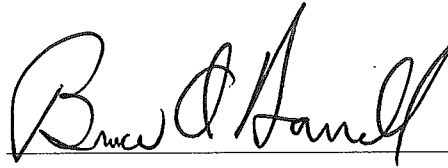
19 \* \* \*

20 Section 8. The provisions of this ordinance are declared to be separate and severable. The  
21 invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance,  
22 or the invalidity of its application to any person or circumstance, does not affect the validity of

1 the remainder of this ordinance, or the validity of its application to other persons or  
2 circumstances.

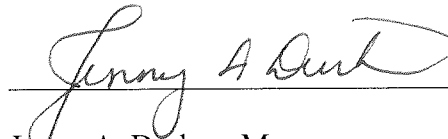
1 Section 9. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 4<sup>th</sup> day of December, 2017,  
5 and signed by me in open session in authentication of its passage this 4<sup>th</sup> day of  
6 December, 2017.

7 

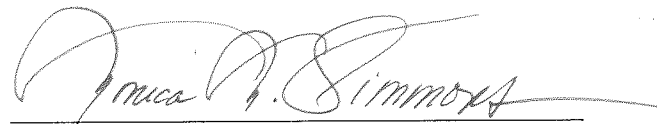
8 President \_\_\_\_\_ of the City Council

9 Approved by me this 8<sup>th</sup> day of Decemb, 2017.

10 

11 Jenny A. Durkan, Mayor

12 Filed by me this 8<sup>th</sup> day of December, 2017.

13 

14 Monica Martinez Simmons, City Clerk

15 (Seal)

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STATE OF WASHINGTON -- KING COUNTY

--SS.

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356756

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 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

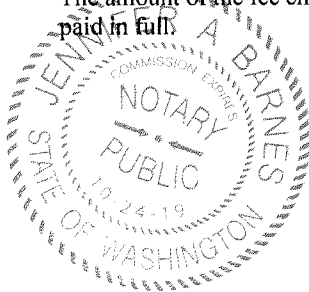
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:125480-486 TITLE ONLY

was published on

12/20/17

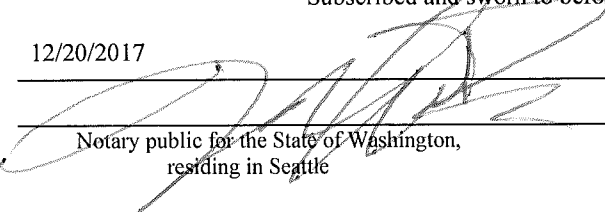
The amount of the fee charged for the foregoing publication is the sum of \$136.43 which amount has been paid in full.



Affidavit of Publication

  
Subscribed and sworn to before me on

12/20/2017

  
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 December 4, 2017, and published below by title only, will be mailed upon request, or can be accessed at <http://seattle.legistar.com>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

### **Ordinance 125480**

#### **Council Bill 119088**

AN ORDINANCE related to KeyArena; authorizing the Mayor to execute a memorandum of understanding with Oak View Group, LLC, regarding the redevelopment of KeyArena into a world-class, multi-purpose sports and entertainment arena at Seattle Center, including its design, construction, lease, financing and future operation; exempting the redevelopment and future operation of the Arena from the requirements of Chapter 20.47 of the Seattle Municipal Code; and ratifying and confirming certain prior acts.

### **Ordinance 125481**

#### **Council Bill 119147**

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 150 of the Official Land Use Map to rezone property located at 5911 42nd Avenue Southwest from Single Family 5000 to Lowrise 1, and accepting a Property Use and Development Agreement as a condition of rezoning approval. (Petition by David Neiman, C.F. 314343, SDCI Project 3016200)

### **Ordinance 125482**

#### **Council Bill 119148**

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

### **Ordinance 125483**

#### **Council Bill 119082**

AN ORDINANCE relating to short-term rental uses and bed and breakfast uses; amending Sections 22.214.030, 23.44.051, 23.45.545, 23.84A.024, 23.84A.030, and 23.84A.036 of the Seattle Municipal Code (SMC); and adding a new Section 23.42.060 to the SMC.

### **Ordinance 125484**

#### **Council Bill 119144**

AN ORDINANCE relating to City employment; amending Sections 4.24.005, 4.24.010, 4.24.030, 4.24.035, and 4.24.040 of the Seattle Municipal Code (SMC); and repealing Section 4.24.050 of the SMC; authorizing a memorandum of understanding between The City of Seattle and City labor unions; and ratifying and confirming certain prior acts.

### **Ordinance 125485**

#### **Council Bill 119142**

AN ORDINANCE relating to Seattle Public Utilities; amending provisions related to adjustments to the wastewater volume charge due to water leaks; and amending Section 21.28.100 of the Seattle Municipal Code.

### **Ordinance 125486**

#### **Council Bill 119141**

AN ORDINANCE relating to historic preservation; imposing controls upon the Campbell Building, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

Date of publication in the Seattle Daily Journal of Commerce, December 20, 2017.

12/20(356756)