



SEATTLE CITY COUNCIL

Legislative Summary

CB 119584

Record No.: CB 119584

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125901

In Control: City Clerk

File Created: 06/27/2019

Final Action: 09/06/2019

Title: AN ORDINANCE relating to residential rental properties; conforming the Seattle Municipal Code with changes in state law; amending Sections 7.24.020, 7.24.030, 22.202.080, 22.206.160, 22.206.180, 22.210.030, and 22.902.120 of the Seattle Municipal Code.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Herbold

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

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	07/09/2019	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	07/09/2019	sent for review	Council President's Office			
Action Text: The Council Bill (CB) was sent for review. to the Council President's Office							
1	Council President's Office	07/17/2019	sent for review	Civil Rights, Utilities, Economic Development, and Arts Committee			
Action Text: The Council Bill (CB) was sent for review. to the Civil Rights, Utilities, Economic Development, and Arts Committee							

Legislative Summary Continued (CB 119584)

1	City Council	07/22/2019	referred	Civil Rights, Utilities, Economic Development, and Arts Committee	
	Action Text: The Council Bill (CB) was referred. to the Civil Rights, Utilities, Economic Development, and Arts Committee				
1	Civil Rights, Utilities, Economic Development, and Arts Committee	07/23/2019	discussed		
	Action Text: The Council Bill (CB) was discussed.				
1	Civil Rights, Utilities, Economic Development, and Arts Committee	08/13/2019	pass		Pass
	Action Text: The Committee recommends that City Council pass the Council Bill (CB). In Favor: 3 Chair Herbold, Member O'Brien, Alternate Pacheco Opposed: 0				
1	City Council	09/03/2019	passed		Pass
	Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill: In Favor: 9 Councilmember Bagshaw, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Juarez, Councilmember Mosqueda, Councilmember O'Brien, Councilmember Pacheco, Councilmember Sawant Opposed: 0				
1	City Clerk	09/06/2019	submitted for Mayor's signature	Mayor	
1	Mayor	09/06/2019	Signed		
1	Mayor	09/06/2019	returned	City Clerk	
1	City Clerk	09/06/2019	attested by City Clerk		
	Action Text: The Ordinance (Ord) was attested by City Clerk.				

CITY OF SEATTLE

ORDINANCE 125901

COUNCIL BILL 119584

AN ORDINANCE relating to residential rental properties; conforming the Seattle Municipal Code with changes in state law; amending Sections 7.24.020, 7.24.030, 22.202.080, 22.206.160, 22.206.180, 22.210.030, and 22.902.120 of the Seattle Municipal Code.

WHEREAS, in the 2019 session of the Washington State Legislature, the state Residential Landlord-Tenant Act (chapter 59.18 RCW) and unlawful detainer chapter (chapter 59.12 RCW) were amended to give residential tenants more time to respond to an eviction notice, give more notice of a rent increase, and make other changes; and

WHEREAS, certain City codes should be amended to remain consistent with state law; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 7.24.020 of the Seattle Municipal Code, last amended by Ordinance 125840, is amended as follows:

7.24.020 Definitions

As used in this Chapter 7.24:

* * *

"Housing costs" means ~~((the compensation or fees paid or charged, usually periodically, for the use of any property, land, buildings, or equipment. For purposes of this chapter, housing costs include the basic))~~ rent ~~((charge and any periodic or monthly fees for other services paid to the landlord by the tenant, but do not include utility charges that are based on usage and that the tenant has agreed in the rental agreement to pay, unless the obligation to pay those charges is itself a change in the terms of the rental agreement))~~ as defined by chapter 59.18 RCW.

* * *

Section 2. Section 7.24.030 of the Seattle Municipal Code, last amended by Ordinance 125558, is amended as follows:

7.24.030 Rental agreement requirements

A. Any rental agreement or renewal of a rental agreement for a residential rental unit in The City of Seattle entered into after October 28, 1998, shall include or shall be deemed to include a provision requiring a minimum of 60 days' prior written notice whenever the periodic or monthly housing costs to be charged a tenant are to increase (~~((by ten percent or more over the periodic or monthly rental rate charged the same tenant for the same housing unit and same services for any period or month during the preceding 12-month period))~~), except that for a subsidized tenancy where the amount of rent is based on the income of the tenant or circumstances specific to the subsidized household, the rental agreement shall instead provide a minimum of 30 days prior written notice of an increase in the amount of rent to each affected tenant.

* * *

E. Any rental agreement entered into after (~~((the effective date of the ordinance introduced as Council Bill 118817))~~) January 15, 2017 shall describe the terms and conditions of any monthly or periodic payments required as a condition of tenancy, including but not limited to: rent, security deposits, non-refundable move-in fee, last month's rent, utility payments, parking fees, late fees authorized by the rental agreement, or other monthly or periodic payments required to be made by the tenant to the landlord. When any monthly or periodic payment is made pursuant to the rental agreement, the landlord shall (~~((first))~~) apply the payment (~~((to the rent due before applying it to other payments due by the tenant to the landlord, except that if the~~

1 ~~payment is made in response to a notice issued pursuant to RCW 59.12.030 during the period of~~
2 ~~that notice, the landlord shall first apply the payment to the amount specified in that notice,~~
3 ~~before applying it to the rent due or to other payments due by the tenant to the landlord)) in~~
4 accordance with chapter 59.18 RCW.

5 * * *

6 Section 3. Section 22.202.080 of the Seattle Municipal Code, last amended by Ordinance
7 125343, is amended as follows:

8 **22.202.080 Documentation of notices**

9 All written notices required by Chapters 22.200 through 22.208 to be provided to or served on
10 tenants by property owners, or on property owners by tenants, shall be documented in such a
11 manner as to confirm the date on which the notice was received. The use of email is allowed for
12 written notices required under subsections 22.206.180.((f))I.1, 22.206.180.((f))I.2, and
13 22.206.180.((f))I.3.

14 Section 4. Section 22.206.160 of the Seattle Municipal Code, last amended by Ordinance
15 125343, is amended as follows:

16 * * *

17 **C. Just cause eviction**

18 1. Pursuant to provisions of the Washington State Residential Landlord-Tenant
19 Act (RCW 59.18.290), owners may not evict residential tenants without a court order, which can
20 be issued by a court only after the tenant has an opportunity in a show cause hearing to contest
21 the eviction (RCW 59.18.380). Owners of housing units shall not evict or attempt to evict any
22 tenant, or otherwise terminate or attempt to terminate the tenancy of any tenant, unless the owner
23 can prove in court that just cause exists. Owners may not evict residential tenants from rental

housing units if the units are not registered with the Seattle Department of Construction and Inspections as required by Section 22.214.040, regardless of whether just cause for eviction may exist. An owner is in compliance with this registration requirement if the rental housing unit is registered with the Seattle Department of Construction and Inspections before entry of a court order authorizing eviction or before a writ of restitution is granted. A court may grant a continuance in an eviction action in order to give the owner time to register the rental housing unit. The reasons for termination of tenancy listed below, and no others, shall constitute just cause under this Section 22.206.160:

a. The tenant fails to comply with a ((three)) 14 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 chapter ((RCW)) 7.43 RCW), or maintenance of an unlawful business or conduct pursuant to RCW 59.12.030(5);

* * *

Section 5. Section 22.206.180 of the Seattle Municipal Code, last amended by Ordinance 125054, is amended as follows:

22.206.180 Prohibited acts by owners

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

* * *

H. Increase the periodic or monthly housing costs to be charged a tenant ((by 10 percent or more over the periodic or monthly housing costs charged the same tenant for the same housing unit and the same services for any period or month during the preceding 12-month period))

1 without giving the tenant at least 60 days prior written notice of the cost increase, except that for
2 a subsidized tenancy where the amount of rent is based on the income of the tenant or
3 circumstances specific to the subsidized household, the owner shall instead provide a minimum
4 of 30 days prior written notice of an increase in the amount of rent to each affected tenant. The
5 notice shall describe how the tenant may obtain information about the rights and obligations of
6 tenants and landlords under this Chapter 22.206; or

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

13 ((F))I. Increase the periodic or monthly housing costs to be charged a tenant by any
14 amount if the Director has determined the housing unit does not comply with the checklist
15 prescribed by subsection 22.214.050.L and the weighted requirements of 22.214.050.M.

16 1. When a tenant is notified of a proposed increase in periodic or monthly housing
17 costs, if the tenant believes the housing unit has defective conditions and does not comply with
18 the checklist prescribed by subsection 22.214.050.L and the weighted requirements of
19 22.214.050.M, the tenant may notify the owner of the potential application of this ((Section))
20 subsection 22.206.180.((F))I.

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

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

3 4. Upon inspection, if the Director determines the unit meets the requirements of
4 subsections 22.214.050.L and 22.214.050.M or that the conditions violating subsections
5 22.214.050.L and 22.214.050.M were caused by the tenant, the housing costs increase shall take
6 effect on the date specified in the notice of the housing costs increase.

7 5. If the Director determines that the unit does not comply with the checklist
8 prescribed by subsection 22.214.050.L and the weighted requirements of subsection
9 22.214.050.M, the housing costs increase shall not take effect until the Director determines that
10 the housing unit complies with the checklist and the weighted requirements of subsection
11 22.214.050.M. This determination must occur before the tenant may lawfully refuse payment of
12 the housing cost increase.

13 6. If a tenant pays the increased housing costs prior or subsequent to a
14 determination by the Director that the housing unit does not comply with the checklist and the
15 weighted requirements of subsection 22.214.050.M, the owner shall refund to the tenant the
16 amount by which the housing costs paid exceeded the amount of housing costs otherwise due, or
17 provide a credit in that amount against the tenant's housing costs for the next rental period. The
18 refund or credit shall be prorated to reflect the period that the housing unit was determined to be
19 in compliance with the checklist and the weighted requirements of subsection 22.214.050.M. If
20 the owner elects to provide a refund rather than provide a credit, the refund shall be paid to the
21 tenant before the beginning of the next rental period. When calculating a pro-rata amount to be
22 credited or refunded, a 30-day month shall be used.

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

8. The Director shall describe, by rule, SDCI's role when a tenant notifies SDCI that a landlord has given the tenant notice pursuant to RCW 59.12.030 (3) ~~((3))~~ 14 day pay rent or vacate notice) and when the housing cost increase has been lawfully prohibited pursuant to subsection 22.206.180. ~~((J))~~ I.5.

Section 6. Section 22.210.030 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

22.210.030 Definitions

Unless the context clearly requires otherwise, the definitions in this ~~((section))~~ Section 22.210.030 apply throughout this Chapter 22.210:

* * *

K. "Rent" ~~((means the basic charge for a tenant's use of the dwelling unit and any periodic or monthly fees for other services paid to a landlord by a tenant, but do not include utility charges that are based on usage and that a tenant has agreed in the rental agreement to pay))~~ has the meaning given in chapter 59.18 RCW.

* * *

Section 7. Section 22.902.120 of the Seattle Municipal Code, last amended by Ordinance 115105, is amended as follows:

22.902.120 Evictions only for good cause during notice period ~~((7))~~

1 A developer shall not evict tenants or force tenants to vacate their rental units for the purposes of
2 avoiding application of this ((chapter)) Chapter 22.902. No cooperative unit shall be sold or
3 offered for sale if, in the ((one hundred fifty (150))) 150 day period immediately preceding the
4 sale or offer for sale, any tenant has been evicted without good cause. For ((one hundred twenty
5 (120))) 120 days prior to offering a rental unit for sale to the public, the tenant of that unit shall
6 be evicted only for good cause. For the purposes of this ((chapter)) Chapter 22.902 "good cause"
7 shall mean:

8 A. Failure to pay rent after service of a ((three (3))) 14 day notice to pay rent or vacate as
9 provided in RCW 59.12.030(3);

10 B. Failure to comply with a term or terms of the tenancy after service of a ten ((10)) day
11 notice to comply or vacate as provided in RCW 59.12.030(4); and

12 C. The commission or permission of a waste or the maintenance of a nuisance on the
13 premises and failure to vacate after service of a three ((3)) day notice as provided in RCW
14 59.12.030(5).

15 Section 8. The provisions of this ordinance are declared to be separate and severable. The
16 invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance,
17 or the invalidity of its application to any person or circumstance, does not affect the validity of
18 the remainder of this ordinance or the validity of its application to other persons or
19 circumstances.

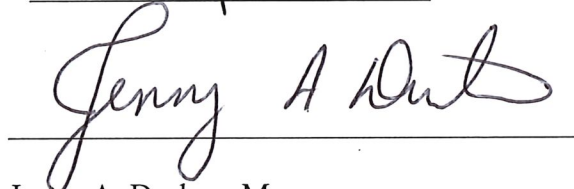
Section 9. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 3rd day of September, 2019,
and signed by me in open session in authentication of its passage this 3rd day of
September, 2019.



President _____ of the City Council

Approved by me this 6th day of September, 2019.



Jenny A. Durkan, Mayor

Filed by me this 6th day of September, 2019.



Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
SDCI	Geoff Tallent 684-8452	Christie Parker 684-5211

** 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 residential rental properties; conforming the Seattle Municipal Code with changes in state law; amending Sections 7.24.020, 7.24.030, 22.202.080, 22.206.160, 22.206.180, 22.210.030, and 22.902.120 of the Seattle Municipal Code.

Summary and background of the Legislation: This legislation amends City code to make it consistent with changes made to State law (SB 5600 and HB1440) during the 2019 legislative session that increase the eviction notice period from three to fourteen days, establish a definition of rent that includes all recurring and periodic charges identified in the rental agreement, require tenant payments to first apply to rent before other fees, and increase required notice for rent increases from 30 days to 60 days. These changes must be incorporated into the Just Cause Eviction Ordinance (SMC 22.206.160), the Cooperative Conversion Ordinance (SMC 22.902), the Rental Agreement Regulation Ordinance (SMC 7.24), the Tenant Relocation Assistance Ordinance (SMC 22.210), and the Prohibited Acts Ordinance (SMC 22.206.180).

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes ___X No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes ___X No

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

The legislation will require updating print materials, changing landlord training curriculum, changing web-based information, and conducting an associated outreach campaign. This work can be folded into existing work of the Renting in Seattle program and the Property Owner and Tenant Assistance group at a negligible cost. There may be small increase in tenant complaints and caseload because tenants will have more time to respond to an eviction or rent increase notice. We will monitor caseload for any unexpected unmanageable increases.

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

Not implementing the legislation will result in inconsistencies between state law and City codes. The resulting confusion of landlords and tenants will likely result in minor additional staff time to help explain the differences.

4. OTHER IMPLICATIONS

- a. **Does this legislation affect any departments besides the originating department?**

No.

- b. **Is a public hearing required for this legislation?**

No.

- c. **Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**

Unsure. Landlords will be required to modify their eviction and rent increase notices to comply with State and City law. We are working with Law to answer whether these are notices “. . . pertaining to the subject property or surrounding area.” If necessary, we will post notice of the changes in accordance with RCW 64.06.080.

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

No.

- e. **Does this legislation affect a piece of property?**

No.

- f. **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

These changes increase tenant protections by allowing more time to remedy an eviction and providing more notice of rent increases. Seattle’s tenant population has a proportionally greater percentage of people of color, low-income households, and vulnerable populations. Outreach to tenants about these enhanced protections will be incorporated into the Renting in Seattle program, which includes translated materials and interpretation at community events.

- g. **If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s).**

N/A – this is not a new initiative

List attachments/exhibits below:

STATE OF WASHINGTON -- KING COUNTY

--SS.

377833

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:125898-125912 TITLE

was published on

09/19/19

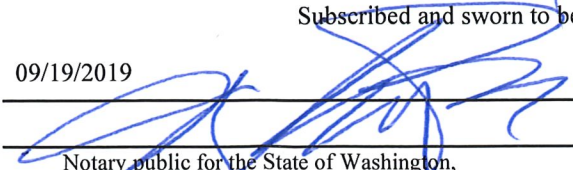
The amount of the fee charged for the foregoing publication is the sum of \$267.38.



Affidavit of Publication


Subscribed and sworn to before me on

09/19/2019


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 September 03, 2019, 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 125898

Council Bill 119611

AN ORDINANCE appropriating money to pay certain audited claims for the week of August 5, 2019 through August 9, 2019 and ordering the payment thereof.

Ordinance 125899

Council Bill 119612

AN ORDINANCE appropriating money to pay certain audited claims for the week of August 12, 2019 through August 16, 2019 and ordering the payment thereof.

Ordinance 125900

Council Bill 119613

AN ORDINANCE appropriating money to pay certain audited claims for the week of August 19, 2019 through August 23, 2019 and ordering the payment thereof.

Ordinance 125901

Council Bill 119584

AN ORDINANCE relating to residential rental properties; conforming the Seattle Municipal Code with changes in state law; amending Sections 7.24.020, 7.24.030, 22.202.080, 22.206.160, 22.206.180, 22.210.030, and 22.902.120 of the Seattle Municipal Code.

Ordinance 125902

Council Bill 119601

AN ORDINANCE relating to the construction of protected bicycle lanes; requiring major paving projects to include protected bicycle lanes as identified in The City of Seattle Bicycle Master Plan; and adding a new Chapter 15.80 to the Seattle Municipal Code.

Ordinance 125903

Council Bill 119516

AN ORDINANCE relating to the City Light Department; authorizing a large solar program for customers with solar photovoltaic systems sized larger than 100 kilowatts and not greater than two megawatts; and adding a new Section 21.49.083 to the Seattle Municipal Code.

Ordinance 125904

Council Bill 119571

AN ORDINANCE relating to the City Light Department; authorizing the Department to enter and participate in the Western Energy Imbalance Market, including the ability to execute additional agreements necessary or convenient to participating in the Western Energy Imbalance Market.

Ordinance 125905

Council Bill 119577

AN ORDINANCE relating to City employment; adopting a 2019 Citywide Position List.

Ordinance 125906

Council Bill 119578

AN ORDINANCE relating to City employment; adjusting the pay zones for titles in the City's Power Marketing Compensation Program; establishing changes to provisions in the Power Marketing Compensation Program; and ratifying and confirming certain prior acts.

Ordinance 125907

Council Bill 119591

AN ORDINANCE relating to the City Light Department; declaring certain real property rights surplus to the needs of the City Light Department and authorizing the sale of a portion of the property to Snohomish County for road purposes; reserving an easement for electric transmission line purposes; and accepting the payment of fair market value for the property rights sold.

Ordinance 125908

Council Bill 119603

AN ORDINANCE relating to the transfer of City real property for housing development; declaring the property located at 1314, 1326, and 1336 Yakima Avenue South ("PMA 1594") surplus to the City's needs; transferring the jurisdiction of this property from the Department of Finance and Administrative Services to the Office of Housing; authorizing its transfer to Homestead Community Land Trust or its designee; and authorizing the Director of the Office of Housing to execute and deliver the contract for transfer of land, deed, and related documents.

Ordinance 125909

Council Bill 119498

AN ORDINANCE relating to the City Light Department; accepting statutory warranty deeds to the Massnick and Levins properties in Pend Oreille County, Washington, both to be managed as Project Habitat Lands as required by the Federal Energy Regulatory Commission (FERC) License Order for the Boundary Hydroelectric Project; and placing said lands under the jurisdiction of the City Light Department.

Ordinance 125910

Council Bill 119533

AN ORDINANCE relating to the City Light Department; accepting various easements for overhead and underground electrical rights in King County, Washington; placing said easements under the jurisdiction of the City Light Department; and ratifying and confirming certain prior acts.

Ordinance 125911

Council Bill 119534

AN ORDINANCE relating to the City Light Department; accepting various easements for overhead and underground electrical rights in King County, Washington; placing said easements under the jurisdiction of the City Light Department; and ratifying and confirming certain prior acts.

Ordinance 125912

Council Bill 119592

AN ORDINANCE relating to the City Light Department; authorizing the General Manager and Chief Executive Officer to negotiate for and purchase or lease up to two parcels of land and acquire other real property rights as necessary or desirable for the purpose of providing temporary housing for City Light personnel and contractors at the Boundary Hydroelectric Project in Pend Oreille County, Washington, and for other municipal utility purposes.

Date of publication in the Seattle Daily Journal of Commerce, September 19, 2019.

9/19(377833)