



SEATTLE CITY COUNCIL

Legislative Summary

CB 119621

Record No.: CB 119621

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125954

In Control: City Clerk

File Created: 08/02/2019

Final Action: 10/11/2019

Title: AN ORDINANCE relating to termination of residential rental tenancies; requiring compliance with the Rental Registration and Inspection Ordinance before issuing notices to terminate a tenancy; and amending Sections 22.206.160 and 22.214.075 of the Seattle Municipal Code.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Herbold

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Summary and Fiscal Note

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	08/06/2019	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	08/06/2019	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	08/29/2019	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 119621)

- | | | | | | |
|---|---|------------|------------------------------------|--|------|
| 1 | City Council | 09/09/2019 | referred | Civil Rights,
Utilities,
Economic
Development, and
Arts Committee | |
| 1 | Civil Rights, Utilities,
Economic Development,
and Arts Committee | 09/10/2019 | discussed | | |
| | Action Text: The Council Bill (CB) was discussed. | | | | |
| 1 | Civil Rights, Utilities,
Economic Development,
and Arts Committee | 09/24/2019 | pass | | Pass |
| | Action Text: The Committee recommends that City Council pass the Council Bill (CB). | | | | |
| | | | In Favor: 2 | Chair Herbold, Member O'Brien | |
| | | | Opposed: 0 | | |
| 1 | City Council | 09/30/2019 | 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, Council President Harrell, Councilmember
Herbold, Councilmember Juarez, Councilmember Mosqueda,
Councilmember O'Brien, Councilmember Pacheco, Councilmember
Sawant | |
| | | | Opposed: 0 | | |
| 1 | City Clerk | 10/03/2019 | submitted for
Mayor's signature | Mayor | |
| 1 | Mayor | 10/04/2019 | Signed | | |
| | Action Text: The Council Bill (CB) was Signed. | | | | |
| 1 | Mayor | 10/11/2019 | returned | City Clerk | |
| | Action Text: The Council Bill (CB) was returned. to the City Clerk | | | | |
| 1 | City Clerk | 10/11/2019 | attested by City Clerk | | |
| | Action Text: The Ordinance (Ord) was attested by City Clerk. | | | | |
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CITY OF SEATTLE

ORDINANCE 125954

COUNCIL BILL 119621

AN ORDINANCE relating to termination of residential rental tenancies; requiring compliance with the Rental Registration and Inspection Ordinance before issuing notices to terminate a tenancy; and amending Sections 22.206.160 and 22.214.075 of the Seattle Municipal Code.

WHEREAS, in September 2018, the Seattle Women's Commission and the King County Bar Association jointly published *Losing Home: The Human Cost of Eviction in Seattle*, finding that families who are evicted face material hardships that make it more difficult to secure safe and affordable housing and that the most disadvantaged groups face the highest likelihood of eviction; and

WHEREAS, landlords must be in compliance with the Rental Registration and Inspection Ordinance in order to rent any residential unit; and

WHEREAS, landlords must be in compliance with the Rental Registration and Inspection Ordinance in order to complete an eviction; and

WHEREAS, compliance with the Rental Registration and Inspection Ordinance before beginning the eviction process provides more opportunity to remedy habitability or other compliance issues; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.206.160 of the Seattle Municipal Code, last amended by Ordinance 125343, is amended as follows:

22.206.160 Duties of owners

* * *

C. Just cause eviction

1 1. Pursuant to provisions of the Washington State Residential Landlord-Tenant
2 Act (RCW 59.18.290), owners may not evict residential tenants without a court order, which can
3 be issued by a court only after the tenant has an opportunity in a show cause hearing to contest
4 the eviction (RCW 59.18.380). Owners of housing units shall not evict or attempt to evict any
5 tenant, or otherwise terminate or attempt to terminate the tenancy of any tenant, unless the owner
6 can prove in court that just cause exists. Owners may not evict residential tenants from rental
7 housing units if the units are not registered with the Seattle Department of Construction and
8 Inspections ((as)) if required by Section 22.214.040, regardless of whether just cause for eviction
9 may exist. An owner is in compliance with this registration requirement if the rental housing unit
10 is registered with the Seattle Department of Construction and Inspections before ~~((entry of a~~
11 ~~court order authorizing eviction or before a writ of restitution is granted. A court may grant a~~
12 ~~continuance in an eviction action in order to give the owner time to register the rental housing~~
13 ~~unit))~~ issuing a notice to terminate tenancy. The reasons for termination of tenancy listed below,
14 and no others, shall constitute just cause under this Section 22.206.160:

15 a. The tenant fails to comply with a three day notice to pay rent or
16 vacate pursuant to RCW 59.12.030(3); a ten day notice to comply or vacate pursuant to RCW
17 59.12.030(4); or a three day notice to vacate for waste, nuisance (including a drug-related
18 activity nuisance pursuant to chapter RCW 7.43), or maintenance of an unlawful business or
19 conduct pursuant to RCW 59.12.030(5);

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

1 c. The tenant fails to comply with a ten day notice to comply or
2 vacate that requires compliance with a material term of the rental agreement or that requires
3 compliance with a material obligation under chapter 59.18 RCW;

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

7 e. The owner seeks possession so that the owner or a member of
8 his or her immediate family may occupy the unit as that person's principal residence and no
9 substantially equivalent unit is vacant and available in the same building, and the owner has
10 given the tenant at least 90 days' advance written notice of the date the tenant's possession is to
11 end. The Director may reduce the time required to give notice to no less than 20 days if the
12 Director determines that delaying occupancy will result in a personal hardship to the owner or to
13 the owner's immediate family. Personal hardship may include but is not limited to hardship
14 caused by illness or accident, unemployment, or job relocation. For the purposes of this Section
15 22.206.160, "Immediate family" includes the owner's domestic partner registered pursuant to
16 Section 1 of Ordinance 117244 or the owner's spouse, parents, grandparents, children, brothers
17 and sisters of the owner, of the owner's spouse, or of the owner's domestic partner. There is a
18 rebuttable presumption of a violation of this subsection 22.206.160.C.1.e if the owner or a
19 member of the owner's immediate family fails to occupy the unit as that person's principal
20 residence for at least 60 consecutive days during the 90 days immediately after the tenant
21 vacated the unit pursuant to a notice of termination or eviction using this subparagraph as the
22 cause for eviction;

1 f. The owner elects to sell a single-family dwelling unit and gives
2 the tenant at least 90 days' written notice prior to the date set for vacating, which date shall
3 coincide with the end of the term of a rental agreement, or if the agreement is month to month,
4 with the last day of a monthly period. The Director may reduce the time required to give notice
5 to no less than 60 days if the Director determines that providing 90 days' notice will result in a
6 personal hardship to the owner. Personal hardship may include but is not limited to hardship
7 caused by illness or accident, unemployment, or job relocation. For the purposes of this Section
8 22.206.160, an owner "elects to sell" when the owner makes reasonable attempts to sell the
9 dwelling within 30 days after the tenant has vacated, including, at a minimum, listing it for sale
10 at a reasonable price with a realty agency or advertising it for sale at a reasonable price in a
11 newspaper of general circulation. There shall be a rebuttable presumption that the owner did not
12 intend to sell the unit if:

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

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

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

22 h. The owner seeks to do substantial rehabilitation in the building;
23 provided that, the owner must obtain a tenant relocation license if required by Chapter 22.210

1 and at least one permit necessary for the rehabilitation, other than a Master Use Permit, before
2 terminating the tenancy;

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

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

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

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

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

19 1)
20 a) The number of such individuals was more than is
21 lawful under the current version of Title 23 but was lawful under Title 23 or Title 24 on August
22 10, 1994;

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

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

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

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

11 4) If there is more than one rental agreement for the unit,
12 the owner may choose which agreements to terminate; provided that, the owner may either
13 terminate no more than the minimum number of rental agreements necessary to comply with the
14 legal limit on the number of occupants, or, at the owner's option, terminate only those
15 agreements involving the minimum number of occupants necessary to comply with the legal
16 limit;

17 1.

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

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

1 reduced to the legal limit; provided that, no 30 day notice is required if the number of tenants
2 was increased above the legal limit without the knowledge or consent of the owner;

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

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

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

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

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

22 m. The owner seeks to discontinue use of an accessory dwelling
23 unit for which a permit has been obtained pursuant to Sections 23.44.041 and 23.45.545 after

1 receipt of a notice of violation of the development standards provided in those sections. The
2 owner is required to pay relocation assistance to the tenant household residing in such a unit at
3 least two weeks prior to the date set for termination of the tenancy, at the rate of:

4 1) \$2,000 for a tenant household with an income during the
5 past 12 months at or below 50 percent of the county median income, or

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

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

11 o. The owner seeks to discontinue sharing with a tenant of the
12 owner's own housing unit, i.e., the unit in which the owner resides, seeks to terminate the
13 tenancy of a tenant of an accessory dwelling unit authorized pursuant to Sections 23.44.041 and
14 23.45.545 that is accessory to the housing unit in which the owner resides, or seeks to terminate
15 the tenancy of a tenant in a single-family dwelling unit and the owner resides in an accessory
16 dwelling unit on the same lot. This subsection 22.206.160.C.1.o does not apply if the owner has
17 received a notice of violation of the development standards of Section 23.44.041. If the owner
18 has received such a notice of violation, subsection 22.206.160.C.1.m applies;

19 p. A tenant, or with the consent of the tenant, the tenant's
20 subtenant, sublessee, resident, or guest, has engaged in criminal activity on the premises, or on
21 the property or public right-of-way abutting the premises, and the owner has specified in the
22 notice of termination the crime alleged to have been committed and the general facts supporting
23 the allegation, and has assured that the Seattle Department of Construction and Inspections has

1 recorded receipt of a copy of the notice of termination. For purposes of this subsection
2 22.206.160.C.1.p, a person has "engaged in criminal activity" if he or she:

3 1) Engages in drug-related activity that would constitute a
4 violation of chapters 69.41, 69.50, or 69.52 RCW, or

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

8 2. Any rental agreement provision which waives or purports to waive any right,
9 benefit or entitlement created by this subsection 22.206.160.C shall be deemed void and of no
10 lawful force or effect.

11 3. With any termination notices required by law, owners terminating any tenancy
12 protected by this Section 22.206.160 shall advise the affected tenant or tenants in writing of the
13 reasons for the termination and the facts in support of those reasons.

14 4. If a tenant who has received a notice of termination of tenancy claiming
15 subsection 22.206.160.C.1.e, 22.206.160.C.1.f, or 22.206.160.C.1.m as the ground for
16 termination believes that the owner does not intend to carry out the stated reason for eviction and
17 makes a complaint to the Director, then the owner must, within ten days of being notified by the
18 Director of the complaint, complete and file with the Director a certification stating the owner's
19 intent to carry out the stated reason for the eviction. The failure of the owner to complete and file
20 such a certification after a complaint by the tenant shall be a defense for the tenant in an eviction
21 action based on this ground.

1 5. In any action commenced to evict or to otherwise terminate the tenancy of any
2 tenant, it shall be a defense to the action that there was no just cause for such eviction or
3 termination as provided in this Section 22.206.160.

4 6. It shall be a violation of this Section 22.206.160 for any owner to evict or
5 attempt to evict any tenant or otherwise terminate or attempt to terminate the tenancy of any
6 tenant using a notice which references subsections 22.206.160.C.1.e, 22.206.160.C.1.f,
7 22.206.160.C.1.h, 22.206.160.C.1.k, 22.206.160.C.1.l, or 22.206.160.C.1.m as grounds for
8 eviction or termination of tenancy without fulfilling or carrying out the stated reason for or
9 condition justifying the termination of such tenancy.

10 7. An owner who evicts or attempts to evict a tenant or who terminates or
11 attempts to terminate the tenancy of a tenant using a notice which references subsections
12 22.206.160.C.1.e, 22.206.160.C.1.f or 22.206.160.C.1.h as the ground for eviction or termination
13 of tenancy without fulfilling or carrying out the stated reason for or condition justifying the
14 termination of such tenancy shall be liable to such tenant in a private right for action for damages
15 up to \$2,000, costs of suit, or arbitration and reasonable attorney's fees.

16 Section 2. Section 22.214.075 of the Seattle Municipal Code, last amended by Ordinance
17 124919, is amended as follows:

18 **22.214.075 Violations and enforcement**

19 A. Failure to comply with any provision of this Chapter 22.214, or rule adopted
20 according to this Chapter 22.214, is a violation of this Chapter 22.214 and subject to enforcement
21 as provided for in this Chapter 22.214. In addition, and as further provided by subsection
22 22.206.160.C, owners may not issue a notice to terminate tenancy to evict residential tenants

1 from rental housing units if the units are not registered with the Seattle Department of
2 Construction and Inspections as required by Section 22.214.040.

3 * * *

4 Section 3. If any section or subsection of the Seattle Municipal Code affected by this
5 ordinance is amended by ordinance without reference to amendments made by this ordinance,
6 each ordinance shall be given effect to the extent that the amendments do not conflict in purpose,
7 and the code reviser may publish the section or subsection in the official code with all
8 amendments incorporated therein.

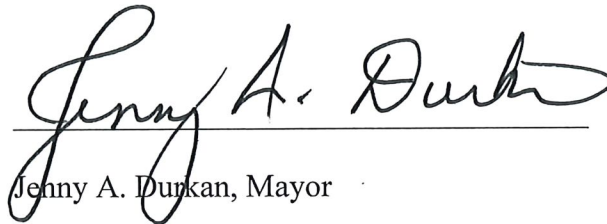
Section 4. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 30th day of September, 2019,
and signed by me in open session in authentication of its passage this 30th day of
September, 2019.

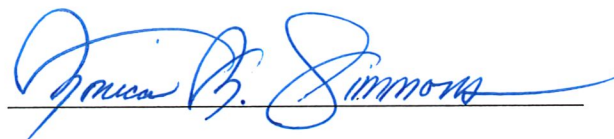


President _____ of the City Council

Approved by me this 4th day of October, 2019.

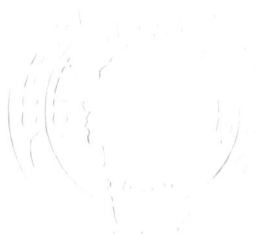

Jenny A. Durkan, Mayor

Filed by me this 11th day of OCTOBER, 2019.



Monica Martinez Simmons, City Clerk

(Seal)



STATE OF WASHINGTON -- KING COUNTY

--SS.

379066

No. TITLE ONLY

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.

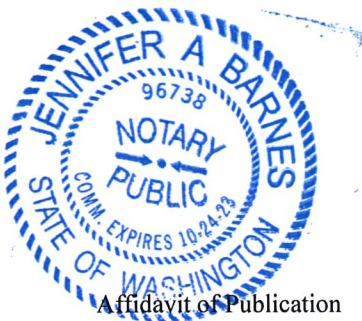
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

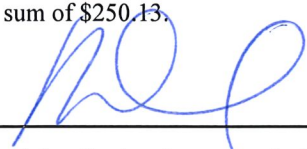
CT:125949-961.865219

was published on

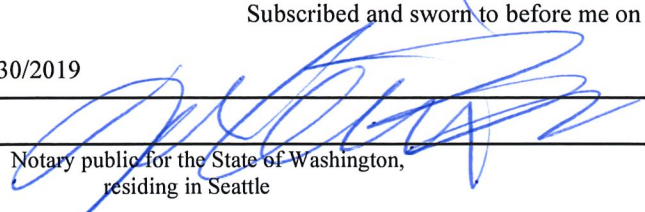
10/30/19

The amount of the fee charged for the foregoing publication is the sum of \$250.13.




Subscribed and sworn to before me on

10/30/2019


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 30, 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 125949

Council Bill 119660

AN ORDINANCE appropriating money to pay certain audited claims for the week of September 16, 2019 through September 20, 2019 and ordering the payment thereof.

Ordinance 125950

Council Bill 119606

AN ORDINANCE relating to rental properties; restricting a landlord's ability to limit the number of persons residing in a rental unit; prohibiting the use of conditions that are applied to persons residing in a rental unit who are not tenants; and amending Sections 7.24.020 and 7.24.030 of, and adding new Sections 7.24.031 and 7.24.032 to, the Seattle Municipal Code.

Ordinance 125951

Council Bill 119658

AN ORDINANCE relating to rental agreements; relieving a tenant experiencing domestic violence, sexual assault, unlawful harassment, or stalking from liability for damage to the landlord's property caused by a perpetrator of domestic violence, sexual assault, unlawful harassment, or stalking; creating a landlord mitigation program; and amending Sections 7.24.020, 7.24.030, and 22.206.170 of, and adding new Section 7.24.033 to, the Seattle Municipal Code.

Ordinance 125952

Council Bill 119619

AN ORDINANCE relating to notices to residential rental tenants; requiring certain notices to contain a reference to City landlord-tenant information and resources; and amending Section 22.206.180 of the Seattle Municipal Code.

Ordinance 125953

Council Bill 119620

AN ORDINANCE relating to residential rent payments; requiring receipts and non-electronic payment options; and amending Section 7.24.030 of the Seattle Municipal Code.

Ordinance 125954

Council Bill 119621

AN ORDINANCE relating to termination of residential rental tenancies; requiring compliance with the Rental Registration and Inspection Ordinance before issuing notices to terminate a tenancy; and amending Sections 22.206.160 and 22.214.075 of the Seattle Municipal Code.

Ordinance 125955

Council Bill 119639

AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights to be surplus to the needs of Seattle Public Utilities; and authorizing the General Manager/CEO of Seattle Public Utilities to execute an easement agreement with Little Green Valley, LLC, a Washington limited liability company; Nancy J. Gleason; Ron L. Nickell aka Ronald L. Nickell and Sandra Flint Nickell, Husband and Wife; William H. Flint, The Heirs of Charles Eugene Flint; and Joan H. Zimmerman, allowing the use of certain City of Seattle property in the north half of the southwest quarter of Section 5, Township 22 North, Range 6 East, W.M., in King County Washington for access purposes.

Ordinance 125956

Council Bill 119631

AN ORDINANCE relating to the City Light Department; authorizing the General Manager and Chief Executive Officer of City Light to execute the NorthernGrid Funding Agreement; authorizing the execution of supplements, extensions, and amendments to such agreement subject to appropriated budget authority; and ratifying and confirming certain prior acts.

Ordinance 125957

Council Bill 119632

AN ORDINANCE relating to the City Light Department; granting authority for the Department to offer term-limited pilot programs to study demand response and low-income assistance programs.

Ordinance 125958

Council Bill 119633

AN ORDINANCE relating to the rates, terms, and conditions for the use and sale of electricity supplied by the City Light Department for 2020; amending Seattle Municipal Code (SMC) Sections 21.49.030, 21.49.052, 21.49.055, 21.49.057, and 21.49.081; adding a new Section 21.49.070 to the SMC; and ratifying and confirming certain prior acts.

Ordinance 125959

Council Bill 119659

AN ORDINANCE relating to emergency assistance for low-income City Light Department and Seattle Public Utilities Department customers; amending Sections 21.49.042 and 21.76.065 of the Seattle Municipal Code to expand and align eligibility and assistance guidelines for emergency assistance programs.

Ordinance 125960

Council Bill 119635

AN ORDINANCE relating to the City Light Department and the Office of Housing; transferring jurisdiction of the former Loyal Heights and Phinney Substation properties from the City Light Department to the Office of Housing for the purpose of developing permanently affordable home ownership.

Ordinance 125961

Council Bill 119614

AN ORDINANCE vacating Carr Place North between North 34th Street and North 35th Street, on the petition of Seattle Public Utilities (Clerk File 312535).

Ordinance 865219

Council Bill None

AN ORDINANCE for testing our passed legislation process

Date of publication in the Seattle Daily Journal of Commerce, October 30, 2019.

10/30(379066)