

September 5, 2019

MEMORANDUM

To: Civil Rights, Utilities, Economic Development & Arts Committee
From: Asha Venkataraman, Analyst
Subject: Council Bill 119606: Allowing tenants to live with immediate family and roommates

On September 10, 2019, the Committee on Civil Rights, Utilities, Economic Development & Arts (CRUEDA) will discuss [Council Bill \(CB\) 119606](#), which would address a tenant's ability to live with their family members and/or roommates. This memorandum: (1) provides a short summary of the legislation as introduced; (2) describes proposed amendments to the legislation; (3) discusses issues for future amendments; and (4) outlines next steps.

CB 119606

As described in the [Central Staff memo dated August 8, 2019](#), CB 119606 would require any rental agreement to allow occupancy by:

- (1) A tenant;
- (2) A tenant's family or household members;
- (3) One additional person who is not a tenant's family or household member; and
- (4) The additional person's family and household members.

The total number of people allowed in the unit is limited by the occupancy limits established by local, state, or federal law.

In addition, the proposal would restrict a landlord from changing the lease to limit the number of tenants allowed in the unit after some but not all roommates vacate and prohibits landlords from imposing any new conditions when a family or household member or roommate is added to the household (*e.g.* using stricter screening criteria for the additional persons than the landlord used for the tenant).

The proposal would exempt federally assisted housing units from these provisions if the housing is subject to regulations that require a landlord to deny tenancy when a member of the household is subject to a lifetime sex offender registration requirement or convicted of manufacturing or producing methamphetamines on the premises of federally assisted housing.

Proposed Amendments

During the initial discussion of this bill at the August 13, 2019 CRUEDA meeting, Central Staff and Councilmembers identified several issues for further consideration and potential amendment. There are five amendments sponsored by Councilmember Herbold described below. Attachment A to this memo contains the specific amendment language.

Amendment 1: Terminology changes

CB 119606 would amend the same parts of the code as [CB 119598](#), a bill addressing a tenant's liability for damage to a landlord's property when caused by a perpetrator of domestic violence. CB 119598 defines the term "family or household members" as it is defined in [RCW 26.50.010](#). To avoid confusion with that term, CB 119606 would no longer use "family or household members" and instead would use the term "immediate family" and would update use of this term throughout the bill.

This amendment would also make definition conventions consistent, revise the term "unit" to "rental unit," and change the term "additional person" to "additional resident."

Amendment 2: Updating the definition of "family or household member"

The intent of CB 119606 is to ensure that a tenant can live with their immediate family, including partners and children. As originally drafted, CB 119606 used the definition of "family or household member" used in CB 119598, a bill addressing a tenant's liability for damage to a landlord's property when caused by a perpetrator of domestic violence. However, because CB 119606 is not addressing the same issues as CB 119598, this amendment would reflect the different intent of the bills through a revised definition of "family or household member."

It would ensure that partners, children, and siblings are covered under the definition, as well as making sure that temporary and non-traditional parent child relationships are covered. By eliminating adult persons related by blood, and the qualifiers "biological or legal" from parent-child relationships, but including specific relationships, this amendment seeks to ensure that any person related by blood, no matter how distant, would not be included by default into the definition of "family or household members."

Amendment 3: Requiring notice to landlord of who is occupying the unit

As introduced, CB 119606 did not contain any way for a landlord to know who was living in their rental unit unless that person was listed on a written rental agreement. To ensure landlords can track this information, this amendment would require a tenant to inform their landlord of the names of any persons occupying the unit within 30 days after each person began occupancy.

Amendment 4: Adding comma into screening provision and revising section title for accuracy

As drafted, new section 7.24.031 states that landlords may not impose conditions on non-tenants, including but not limited to using additional screening criteria that are beyond those imposed on a tenant. Without a comma, the clause states that the landlord cannot impose any conditions at all on the person who is not a tenant. The comma changes the meaning to the intended interpretation, which is to ensure that landlords can impose conditions, just not conditions stricter than those imposed on the tenant.

Amendment 5: Adding in a severability clause and renumbering sections.

The proposed amendment adds a clause to the bill to ensure that if one part of the bill is found invalid, the remaining portions of the bill will remain valid.

Issues for Further Amendment

Though CB 119606 provides the right of occupancy to a tenant, a tenant's family or household members, an additional person, and the additional person's family or household members, it does not specify (1) whether the landlord can require that those persons become tenants; (2) how screening criteria apply to those persons; or (3) how occupants are affected if the tenant vacates or abandons the rental unit before the term of the agreement is up.

The intent of CB 119606 is to address two related but separate issues: first, to provide tenants the right to live with their family and household members and second, to allow tenants to have roommates. Because these are unique issues, the policies proposed for each are different. Staff is currently working on amendment language to reflect the policies described below.

Requirement to Become a Tenant

Unlike the existence of a large pool of people from which a tenant can choose to be a potential roommate, a tenant does not have a choice in the identity of the members of their household. Because a tenant cannot simply pick another person to be a family or household member, giving tenants the right to live with their family or household members could result in persons living in the rental unit who a landlord might not otherwise add to a rental agreement. To avoid creating a conflict between the right to occupancy and conditions to entering into a rental agreement that a person could fail to meet, an amendment would prohibit the landlord from requiring that a tenant's family and household members become parties to the rental agreement.

With roommates, the issue is not specific to a particular person, but rather to the number of people permitted in a rental unit. Because the identity of the individual roommate and their family or household members is not relevant, amendment language would allow a landlord to require that those persons enter into a rental agreement. A potential roommate and their family or household members who do not meet the landlord's criteria for becoming a tenant can be replaced by another set of persons who do meet that criteria and can fulfill the requirement to enter into a rental agreement. This meets the intent of the bill, in that a tenant has the right to live with a roommate and family or household members and share rent, but the additional persons are still subject to the landlord's screening criteria.

Screening Criteria

The same considerations that apply to the requirement to become a tenant apply to screening. Consistent with [Fair Chance Housing](#) and other housing laws, this amendment language would allow a landlord to screen all persons occupying the unit. However, the landlord could not

exclude a tenant's family or household members based on information in the screening report, as the policy goal of having the tenant's family or household members live with them would outweigh the requirement to meet the landlord's threshold criteria.

In the case of roommates and the roommate's family or household members, the policy goal is for the tenant to be able to live with any other person, not a specific individual. If one potential roommate does not meet screening criteria, it is possible for the tenant to find another potential roommate who does meet them. Therefore, the landlord would be permitted to exclude someone from tenancy based on failure to meet screening criteria.

Early vacation of a unit by the tenant

CB 119606 does not currently address the right to continue to occupy a unit for persons living with a tenant when the tenant vacates or abandons the rental unit, which can occur for many reasons, including the tenant's death. Current law provides no rights of occupancy for non-tenants still living in the unit, which means a landlord could evict or eject the remaining persons. Amendment language would provide the family or household members of a tenant the right to continue living in the rental unit as long as they entered into a rental agreement with the landlord, at least through the end of the term of the rental agreement. For reasons described above, the family or household members would not need to meet screening requirements to become tenants.

Roommates and their family or household members would have the right to continue occupying the unit after a tenant's early vacation or abandonment as long as they had lived with the tenant for at least six consecutive months prior. They would also be required to become a party to the rental agreement and would be subject to exclusion based on screening.

Next Steps

CB 119606 will be considered again at the September 24 CRUEDA meeting for discussion of further amendments and for potential vote and referral for a Council vote on September 30.

Attachments:

- A. Amendments to CB 119606

cc: Kirstan Arestad, Exec Director
Aly Pennucci, Supervising Analyst

Attachment A – Amendments to CB 119606

Amendment 1: Changing the term “family and household members” to “immediate family”, replacing all instances of “family and household member” with “immediate family,” making definition conventions consistent, revising the term “unit” to “rental unit,” and changing the term “additional person” to “additional resident.”

In Section 1, amending 7.24.020 Definitions:

~~“Family or household members~~ Immediate family” means spouses, domestic partners, former spouses, former domestic partners, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons 16 years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons 16 years of age or older with whom a person 16 years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

* * *

"Rental agreement" has the meaning ((means a "rental agreement" as)) defined in and within the scope of RCW 59.18.030 and RCW 59.18.040 as amended. ((of the RLTA in effect at the time the rental agreement is executed. At the time of the passage of the ordinance codified in this chapter, the RLTA defined "rental agreement" as "all agreements which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit."))

Attachment A – Amendments to CB 119606

In Section 2, amending 7.24.030 Rental agreement requirements

H. Any rental agreement entered into after the effective date of the ordinance introduced as Council Bill 119606 shall be deemed to allow occupancy of the rental unit by the tenants, a tenant's immediate family ~~or household members~~, an additional ~~person~~resident who is not the tenant's immediate family ~~or household member~~, and the additional ~~person~~resident's immediate family ~~or household members~~, provided the total number of persons does not exceed occupancy limits established by federal, state, or local law.

In Section 3, amending new section 7.24.031

7.24.031 Conditions of occupancy for additional residents and persons occupying a rental unit with a tenant

Landlords shall not impose conditions on a person other than the tenant, including but not limited to using additional screening criteria that are beyond those imposed on a tenant to occupy a rental unit.

Attachment A – Amendments to CB 119606

Amendment 2: Updating the definition of “family or household member.”

“Family or household members” means spouses, domestic partners, former spouses, former domestic partners, ~~persons who have a child in common regardless of whether they have been married or have lived together at any time,~~ adult persons related by ~~blood or~~ marriage, ~~siblings,~~ adult persons who are presently residing together or who have resided together in the past, persons 16 years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons 16 years of age or older with whom a person 16 years of age or older has or has had a dating relationship, and persons who have a ~~biological or legal~~ parent-child relationship, including ~~parents,~~ stepparents and stepchildren and grandparents and grandchildren, ~~adoptive parents, guardians, foster parents, or custodians of minors. For purposes of this definition, "dating relationship" means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.~~

Attachment A – Amendments to CB 119606

Amendment 3: Requiring notice to the landlord of who is occupying the unit.

In Section 2, amending 7.24.030 Rental agreement requirements

H:

1. The tenant shall inform the landlord of the names of any persons who are not tenants who are occupying the rental unit within 30 days following the commencement of each person's occupancy.

Attachment A – Amendments to CB 119606

Amendment 4: Adding a comma into the clause on conditions imposed

Section 3:

7.24.031 Conditions of occupancy for persons occupying a unit with a tenant

Landlords shall not impose conditions on a person other than the tenant, including but not limited to using additional screening criteria, that are beyond those imposed on a tenant to occupy a unit.

Attachment A – Amendments to CB 119606

Amendment 5:

Section 5. The provisions of this ordinance are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section, subsection or portion of this ordinance, or the application thereof to any person or circumstance, is held to be invalid, it shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section ~~56~~. Sections 1, 2, 3, and 4 of this ordinance shall take effect and be in force on January 1, 2020.

Section ~~67~~. 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.