

SEATTLE CITY COUNCIL

600 Fourth Ave. 2nd Floor
Seattle, WA 98104



Journal of the Proceedings of the Seattle City Council

Monday, June 7, 2021

2:00 PM

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or
Seattle Channel online.

City Council

M. Lorena González, President

Lisa Herbold, Member

Debora Juarez, Member

Andrew J. Lewis, Member

Tammy J. Morales, Member

Teresa Mosqueda, Member

Alex Pedersen, Member

Kshama Sawant, Member

Dan Strauss, Member

Chair Info: 206-684-8809; Lorena.González@seattle.gov

In-person attendance is currently prohibited per Washington State Governor's Proclamation 20-28.15, until the COVID-19 State of Emergency is terminated or Proclamation 20-28 is rescinded by the Governor or State legislature. Meeting participation is limited to access by telephone conference line and online by the Seattle Channel.

A. CALL TO ORDER

The City Council of The City of Seattle met remotely pursuant to Washington State Governor's Proclamation 20-28.15, and guidance provided by the Attorney General's Office, on June 7, 2021, pursuant to the provisions of the City Charter. The meeting was called to order at 2:01 p.m., with Council President González presiding.

B. ROLL CALL

The following Councilmembers were present and participating electronically:

Present: 7 - González , Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant

Excused: 2 - Herbold, Strauss

C. PRESENTATIONS

There were none.

D. APPROVAL OF THE JOURNAL

[Min 335](#)

June 1, 2021

Motion was made, duly seconded and carried, to adopt the proposed Minutes by the following vote, and the President signed the Minutes:

In Favor: 7 - González , Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant

Opposed: None

E. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR

[IRC 306](#)**June 7, 2021**ACTION 1:

Motion was made and duly seconded to adopt the proposed Introduction and Referral Calendar (IRC).

ACTION 2:

Motion was made by Councilmember Lewis, duly seconded and carried, to amend the proposed Introduction and Referral Calendar by introducing Council Bill 120096, and by referring it to the City Council.

Council Bill 120096, AN ORDINANCE relating to appropriations for the Human Services Department; amending Ordinance 126237, which adopted the 2021 Budget; modifying a proviso imposed by Ordinance 126298; and ratifying and confirming certain prior acts.

ACTION 3:

Motion was made and duly seconded to adopt the proposed Introduction and Referral Calendar as amended.

The Motion carried, and the Introduction & Referral Calendar (IRC) was adopted as amended by the following vote:

In Favor: 7 - González , Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant

Opposed: None

F. APPROVAL OF THE AGENDA

Motion was made, duly seconded and carried, to adopt the proposed Agenda.

G. PUBLIC COMMENT

By unanimous consent, the Council Rules were suspended to provide a 60 minute Public Comment period.

The following individuals addressed the Council:

Daniel Kavanaugh
Jordan Van Voast
Kate Rubin
May Saelee
Tram Tran-Larson
Angie Gerrald
Bia Lacombe
Hannah Swoboda
Jack Francis
Jacob Schear
Laura Loe
Kate Martin
Charlotte Thistle
Kody Zalewski
Tatiana Quintana
Jeffrey Flogel
Derrick Speller
Jessica Scalzo
Jennifer Kim
Keith Cushner
Cory Brewer
Kevin Vitz-Wong
Ben Sercombe
Sean Butterfield
Vallen Solomon
Logan Swan
Arianna Laureano
Chris Graves
Ryan Miller
Chris Rudy
Parmeshta Jain
Madeline Olson
Blythe Serrano
Uti Hawkins
Daniel McCraw
Nathan Cathersal
Luke Duffy
Sungeeta Jain

Barbara Phinney
Jon Grant
Sarah Champernowne
Sonja Ponath
Broehe Karpenko
Raghav Kaushik
Eric Swenson
Daniel Arauz
Sebastian Stockpyle
Mason Marks
Matt Smith
Elizabeth Cowan

H. PAYMENT OF BILLS

[CB 120095](#) **AN ORDINANCE appropriating money to pay certain audited claims for the week of May 24, 2021 through May 28, 2021 and ordering the payment thereof.**

Motion was made and duly seconded to pass Council Bill 120095.

The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Council Bill (CB):

In Favor: 7 - González , Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant

Opposed: None

I. COMMITTEE REPORTS

CITY COUNCIL:

1. [CB 120080](#) **AN ORDINANCE relating to land use and zoning; extending for six months a moratorium established by Ordinance 125764, and extended by Ordinances 126006, 126090, and 126241, on the filing, acceptance, processing, and/or approval of any application to establish a new principal or accessory use, or change a principal or accessory use, for any site currently used as a mobile home park, as defined in Section 23.84A.032 of the Seattle Municipal Code; and ratifying and confirming certain prior acts.**

Motion was made and duly seconded to pass Council Bill 120080.

The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Council Bill (CB):

In Favor: 7 - González , Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant

Opposed: None

2. [Res 31998](#) **A RESOLUTION urging Mayor Durkan and Governor Inslee to extend the City and State emergency moratoriums on evictions through no earlier than the end of 2021.**

ACTION 1:

Motion was made and duly seconded to adopt Resolution 31998.

ACTION 2:

Motion was made by Councilmember Sawant, duly seconded and carried, to amend Resolution 31988, by amending the recitals, as shown in Attachment 1 to the Minutes.

ACTION 3:

Motion was made and duly seconded to adopt Resolution 31998 as amended.

The Motion carried, the Resolution (Res) was adopted as amended by the following vote, and the President signed the Resolution (Res):

In Favor: 7 - González , Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant

Opposed: None

SUSTAINABILITY AND RENTERS' RIGHTS COMMITTEE:

3. [CB 120046](#) **AN ORDINANCE relating to termination of residential rental tenancies; providing a defense to certain evictions of children, their families, and educators during the school year; and amending Section 22.206.160 of the Seattle Municipal Code.**

The Committee recommends that City Council pass the Council Bill (CB) with a Divided Report.

In Favor: 3 - Sawant, Morales, Lewis

Opposed: 1 - Pedersen

ACTION 1:

Motion was made by Councilmember Sawant, duly seconded and carried, to amend Council Bill 120046, by adding a new Section 2, and renumbering the remaining sections accordingly, as shown in the underlined language below:

Section 2. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, subsection, or portion of this ordinance, or the invalidity of its application to any person or circumstance, does not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

ACTION 2:

Motion was made by Councilmember Mosqueda and duly seconded, to amend Council Bill 120046, by amending Section 1, Seattle Municipal Code Section 22.206.160, as shown in Attachment 2 to the Minutes.

The Motion carried by the following vote:

In Favor: 6 - González, Juarez, Lewis, Morales, Mosqueda, Pedersen

Opposed: 1 - Sawant

ACTION 3:

Motion was made and duly seconded to pass Council Bill 120046 as amended.

The Motion carried, the Council Bill (CB) was passed as amended by the following vote, and the President signed the Council Bill (CB):

In Favor: 6 - González, Juarez, Lewis, Morales, Mosqueda, Sawant

Opposed: 1 - Pedersen

4. [CB 120077](#) **AN ORDINANCE relating to the termination of residential rental tenancies; providing a defense to eviction for rent due during the City's COVID-19 civil emergency; and amending Section 22.206.160 of the Seattle Municipal Code.**

The Committee recommends that City Council pass the Council Bill (CB) with a Divided Report.

In Favor: 3 - Sawant, Morales, Lewis

Opposed: 1 - Pedersen

The Council Bill (CB) was passed by the following vote, and the President signed the Council Bill (CB):

In Favor: 5 - González , Lewis, Morales, Mosqueda, Sawant

Opposed: 2 - Juarez, Pedersen

5. [CB 120090](#) **AN ORDINANCE relating to new residential rental tenancies; giving a tenant a right of first refusal of a new tenancy after the expiration of a tenancy for a specified time; requiring a landlord to have just cause for declining to give a tenant the right of first refusal; requiring notice in advance of asserting just cause; creating a private right for action for the tenant; providing a defense to eviction when a landlord fails to give a tenant a right of first refusal; allowing a tenant to rescind a termination agreement; and amending Sections 7.24.030, 14.08.050, and 22.206.160 of the Seattle Municipal Code.**

The Committee recommends that City Council pass the Council Bill (CB) with a Divided Report.

In Favor: 3 - Sawant, Morales, Lewis

Opposed: 1 - Pedersen

ACTION 1:

Motion was made by Councilmember Morales, duly seconded and carried, to amend Council Bill 120090, by amending Section 1, Seattle Municipal Code Subsection 7.24.030.K, and by amending Section 3, Seattle Municipal Code Subsection 22.206.160.C.10, as shown on Attachment 3 to the Minutes.

ACTION 2:

Motion was made by Councilmember Morales, duly seconded and carried, to amend Council Bill 120090, by amending Section 1, Seattle Municipal Code Subjection 7.24.030.J, as shown on Attachment 4 to the Minutes.

ACTION 3:

Motion was made by Councilmember Morales, duly seconded and carried, to amend Council Bill 120090, by amending Section 1, Seattle Municipal Code Subsection 7.24.030.J, as shown on Attachment 5 to the Minutes.

ACTION 4:

Motion was made by Councilmember Sawant, duly seconded and carried, to amend Council Bill 120090, by amending Section 3, Seattle Municipal Code Subsection 22.206.160.C.10, as shown on Attachment 6 to the Minutes.

ACTION 5:

Motion was made and duly seconded to pass Council Bill 120090 as amended.

The Motion carried, the Council Bill (CB) was passed as amended by the following vote, and the President signed the Council Bill (CB):

In Favor: 5 - González , Lewis, Morales, Mosqueda, Sawant

Opposed: 2 - Juarez, Pedersen

J. ADOPTION OF OTHER RESOLUTIONS

There were none.

K. OTHER BUSINESS

There was none.

L. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 4:41 p.m.

Jodee Schwinn, Deputy City Clerk

Signed by me in Open Session, upon approval of the Council, on June 14, 2021.

M. Lorena González, Council President of the City Council

Monica Martinez Simmons, City Clerk

- Att 1 - Action 2 of RES 31998**
- Att 2 - Action 2 of CB 120046**
- Att 3 - Action 1 of CB 120090**
- Att 4 - Action 2 of CB 120090**
- Att 5 - Action 3 of CB 120090**
- Att 6 - Action 4 of CB 120090**

Att 1 – Action 2 of RES 31998

Amendment 1
to
RES 31998 – Eviction Moratorium

Sponsor: CM Sawant

Updating recitals and requesting the Governor establish a new eviction moratorium

Amend the following as shown:

* * *

WHEREAS, on March 18, 2020, the Washington Governor issued Proclamation 20-19, to temporarily prohibit residential evictions statewide until April 17, 2020, and has subsequently amended the prohibition on residential evictions statewide, currently in place through ~~March 31~~June 30, 2021; and

WHEREAS, on April 22, 2021, the Washington Governor signed into law Engrossed Second Substitute Senate Bill (ESSB) 5160, which states that “[t]he eviction moratorium instituted by the governor of the state of Washington's proclamation 20-19.6 shall end on June 30, 2021”; and

WHEREAS, there is nothing in ESSB 5160 or in other legislation preventing the Washington Governor from issuing a proclamation declaring a new eviction moratorium after June 30, 2021; and

WHEREAS, on March 14, 2020, as a result of the continued worldwide spread of COVID-19, its significant progression in Seattle, and the high risk it poses to the most vulnerable populations, Mayor Durkan issued an emergency order imposing an eviction moratorium, subsequently extended, and currently in place until ~~March 31~~June 30, 2021; and

* * *

WHEREAS, on March 4, 2021, 47 unions, tenant advocates, immigrant rights groups, and other organizations sent an open letter to Mayor Durkan stating, “we are writing to urge you to extend Seattle’s eviction moratorium for residents, small businesses, and nonprofits beyond its current expiration date of March 31, 2021. We ask that it be extended through the end of this year, and that you announce this extension as soon as possible”; and

WHEREAS, on May 17, 2021, the Washington Community Action Network began a letter writing campaign to Governor Inslee stating, “[w]e are calling for an extension of the Eviction Moratorium through the end of the year to make sure renters have time to access rent relief programs, get back to their normal incomes, and can get caught up on rent. We won some important policies in the state legislature, but to make sure those policies are effective, we need to ensure renters have time to catch up on rent”; and

WHEREAS, on May 27, 2021, the Washington Low Income Housing Alliance began a letter writing campaign to Governor Inslee stating that, “incredible numbers of renters are applying for rental assistance and it will take months to get the funds distributed. Lifting the moratorium and allowing landlords to proceed with evictions a month from now would be grossly irresponsible”; and

WHEREAS, on May 19, 2021, the U.S. Census Bureau published the Household Pulse Survey, which found that 270,000 Washington State renters have no or little confidence they will be able to pay rent next month (18 percent of all state renters), and 98,000 Washington State renters think it is very or somewhat likely they will be evicted in the next two months;

~~WHEREAS, before the pandemic, 78 percent of American workers were living paycheck to-paycheck, and nearly 75 percent reported being in debt, and as a result of COVID and the~~

~~economic recession, more than 30 million Americans—including at least 650,000 Washingtonians—are at risk of eviction if current emergency measures expire at the end of March; and~~

~~WHEREAS, on March 1, 2021, the Associated Press reported that “a senior World Health Organization official said Monday it was “premature” and “unrealistic” to think the pandemic might be stopped by the end of the year”;~~ NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:

Section 1. The Seattle City Council urges Washington Governor Jay Inslee to ~~amend~~ issue a new proclamation, substantively similar to Proclamation 20-19, to ~~extend the~~ establish a statewide moratorium on residential evictions through no earlier than the end of 2021, and to make that announcement as soon as possible. The Seattle City Council requests the Office of Intergovernmental Relations convey the content of this resolution to the Office of the Governor.

* * *

Att 2 – Action 2 of CB 120046

Amendment 2
to
CB 120046 – School Year Eviction Moratorium
ORD Sponsor: CM Mosqueda
Permit Eviction for Owner to Occupy Unit

Amend Section 1 of CB 120046 as shown:

Section 1. Subsection 22.206.160.C of the Seattle Municipal Code, which section was last amended by Ordinance 126278, is amended as follows:

22.206.160 Duties of owners

* * *

10.

a. Except as provided in subsection 22.206.160.C.10.b, it is a defense to eviction if:

1) The eviction would result in the tenant having to vacate the housing unit during the school year; and

2) The tenant is any of the following:

a) A child or student; or

b) A person having legal custody of a child or student, including but not limited to the child's or student's parent, step-parent, adoptive parent, guardian, foster parent, or custodian; or

c) An educator.

b. The eviction may occur as otherwise allowed by law if the reason for terminating the tenancy is due to conditions described in subsections

22.206.160.C.1.e, 22.206.160.C.1.j, 22.206.160.C.1.k, 22.206.160.C.1.l, 22.206.160.C.1.m, 22.206.160.C.1.n, 22.206.160.C.1.o, or 22.206.160.C.1.p; the tenant's failure to comply with a three day notice to vacate for a drug-related activity nuisance pursuant to chapter 7.43 RCW; or maintenance of an unlawful business or conduct pursuant to RCW 59.12.030(5).

c. For purposes of this subsection 22.206.160.C.10:

1) "Child or student" means any person either under the age of 18 years or currently enrolled in a school.

2) "Educator" means any person who works at a school in Seattle as an employee or independent contractor of the school or its governing body, including but not limited to all teachers, substitute teachers, paraprofessionals, substitute paraprofessionals, administrators, administrative staff, counselors, social workers, psychologists, school nurses, speech pathologists, custodians, cafeteria workers, and maintenance workers.

3) "School" means any child care, early childhood education and assistance program, or head start facility, and any public, private, or parochial institution that provides educational instruction in any or all of the grades and age groups up to and including twelfth grade.

4) "School year" means the period from (and including) the first day of the academic year to the last day of the academic year, as set by Seattle School District No. 1, or its successor, on its calendar for first through twelfth grade students. If for those grades there are multiple dates for the first day or last day of the academic year, the earliest and latest dates, respectively, shall define the period.

Att 3 – Action 1 of CB 120090

Amendment 1

to

CB 120090 – Right of First Refusal

Sponsor: CMs Sawant and Morales

Explicitly establishing that federal law controls in case of a conflict

Amend Section 7.24.030 as follows:

* * *

K. Nothing in this Section 7.24.030 shall be interpreted or applied so as to create any power or duty in conflict with federal law. In the event of any conflict, federal requirements shall supersede the requirements of this Section 7.24.030.

* * *

Amend Section 22.206.160.C.10 as follows:

10. If a tenant has agreed to terminate a tenancy, including but not limited to termination within a rental agreement or in a separate termination agreement, the tenant may rescind that agreement to terminate a tenancy:

a. Within ten business days after signing the agreement by delivering written notice of rescission to the landlord, unless subsection 22.206.160.C.10.c applies; or

b. More than ten business days after signing the agreement by delivering written notice of rescission to the landlord if the tenant signed the agreement: without representation by an attorney or other tenant advocate; or outside of a proceeding mediated by a neutral third party.

c. Subsection 22.206.160.C.10.a does not apply to a mutual termination agreement described in 24 CFR 982.354, in which a tenant with a housing choice voucher may move to a new unit when a lease has terminated only via mutual termination agreement.

d. Nothing in this subsection 22.206.160.C.10 shall be interpreted or applied so as to create any power or duty in conflict with federal law. In the event of any conflict, federal requirements shall supersede the requirements of this subsection 22.206.160.C.10.

Att 4 – Action 2 of CB 120090

Amendment 2

to

CB 120090 – Right of First Refusal

Sponsor: CMs Sawant and Morales

Ensuring contiguous tenancy

Amend 7.24.030.J as follows:

J. Right of first refusal

1. Except as provided in subsection 7.24.030.J.2, the landlord must offer the tenant for whom the tenancy for a specified time is expiring a new tenancy on reasonable terms for the same rental unit, with the new tenancy starting on the day after the expiration of the tenancy for a specified time. The landlord must make that offer between 60 and 90 days before the expiration of the tenancy for a specified time and before the landlord offers tenancy to any third party. The landlord must deliver a proposed rental agreement to the tenant in accordance with RCW 59.12.040 and give the tenant 30 days to accept or decline the proposed rental agreement. There shall be a rebuttable presumption that the landlord failed to offer a new tenancy on reasonable terms if: the existing tenant declines to enter the proposed rental agreement; and, within 30 days after the tenant has vacated, the landlord lists the unit for rent on terms materially more favorable to a prospective tenant.

* * *

Att 5 – Action 3 of CB 120090

Amendment 3

to

CB 120090 – Right of First Refusal

Sponsor: CMs Sawant and Morales

Making explicit that nothing prohibits landlords and tenants from agreeing on a lease more than 90 days before expiration of the tenancy for a specified time.

Amend 7.24.030.J as follows:

J. Right of first refusal

1. Except as provided in subsection 7.24.030.J.2, the landlord must offer the tenant for whom the tenancy for a specified time is expiring a new tenancy on reasonable terms for the same rental unit. The landlord must make that offer between 60 and 90 days before the expiration of the tenancy for a specified time and before the landlord offers tenancy to any third party. The landlord must deliver a proposed rental agreement to the tenant in accordance with RCW 59.12.040 and give the tenant 30 days to accept or decline the proposed rental agreement. There shall be a rebuttable presumption that the landlord failed to offer a new tenancy on reasonable terms if: the existing tenant declines to enter the proposed rental agreement; and, within 30 days after the tenant has vacated, the landlord lists the unit for rent on terms materially more favorable to a prospective tenant.

2. A landlord may decline to offer a new tenancy under subsection 7.24.030.J.1 if:

a. The tenant, at least 60 days before the expiration of the tenancy for a specified time, provides the landlord written notice that the tenant intends to vacate voluntarily after the rental agreement expires;

b. The landlord asserts a just cause under subsection 22.206.160.C.1 and complies with subsection 7.24.030.J.3;~~or~~

c. The existing rental agreement provides for the tenancy to continue as a month-to-month tenancy after the agreement expires;~~or~~

d. More than 90 days before the expiration of the tenancy for a specified time, the landlord and tenant agree to a new rental agreement for the same rental unit, with the new tenancy starting on the day after the expiration of the previous tenancy for a specified time.

* * *

Att 6 – Action 4 of CB 120090

Amendment 4

to

CB 120090 – Right of First Refusal

Sponsor: CM Morales

Ensuring equivalent protections for housing choice voucher holders.

Amend Section 22.206.160.C.10 as follows:

10. If a tenant has agreed to terminate a tenancy, including but not limited to termination within a rental agreement or in a separate termination agreement, the tenant may rescind that agreement to terminate a tenancy:

a. Within ten business days after signing the agreement by delivering written notice of rescission to the landlord, unless subsection 22.206.160.C.10.c applies; or

b. More than ten business days after signing the agreement by delivering written notice of rescission to the landlord if the tenant signed the agreement: without representation by an attorney or other tenant advocate; or outside of a proceeding mediated by a neutral third party.

~~e. Subsection 22.206.160.C.10.a does not apply to a mutual termination agreement described in 24 CFR 982.354, in which a tenant with a housing choice voucher may move to a new unit when a lease has terminated only via mutual termination agreement.~~

* * *