



City of Seattle
Mayor Jenny A. Durkan

October 11, 2019

Monica Martinez Simmons
Seattle City Clerk
600 4th Avenue, 3rd Floor
Seattle, WA 98124

Dear Ms. Martinez Simmons,

I strongly believe we need to pursue every opportunity to ensure families have access to stable housing and to do more to protect renters, especially renters who are also victims of domestic violence. The City of Seattle must provide every possible support for survivors of domestic violence and their families.

Council Bill 119606 and Council Bill 119658 were passed by City Council and reflect our shared goals of helping renters stay in their homes and protecting domestic violence survivors. However, a review of the legislation and advice from the City's lawyers raise significant financial, legal, and implementation concerns with these bills. Because of these concerns, I have returned Council Bill 119606 and Council Bill 119658 unsigned, understanding they will become law.

I am mindful that the recent Showbox litigation cost the City \$1.36 million to resolve, which included payment to the plaintiff and City's own outside counsel fees. These resources could have helped many in our city who rely on our support. However, I also understand that the margin of Council support indicate that they want to move forward despite the legal and financial risk.

As we have been advised, Council Bill 119606 significantly expands the definition of "family" and other permissible co-tenants and greatly restricts any landlord's ability to limit the number of persons who may occupy the premises. We must ensure that renting remains affordable for all Seattle residents. Allowing tenants to join with family and roommates is an economic reality in our city and is an important component of a livable, welcoming and affordable city. However, Council Bill 119606 unfortunately stretches the definition of additional occupants in a rental unit in a manner that raises important legal concerns that may subject the bill to litigation. These legal concerns, combined with the truly immediate need for and co-living arrangements, could generate significant uncertainty and could result in an increased need for relevant City departments to help resolve the confusion; yet Council has provided no clear path or budgetary resources to address this.

No survivor of domestic abuse should then be forced to pay for damages, or, worse, lose their housing because of the damages caused by their abuser. Council Bill 119658 aims to address this challenge by relieving tenants from liability to a landlord for damage caused by an alleged perpetrator of domestic violence, sexual assault, unlawful harassment, or stalking upon a tenant. It also establishes a landlord mitigation program to reimburse property owners for costs incurred by them to repair such property

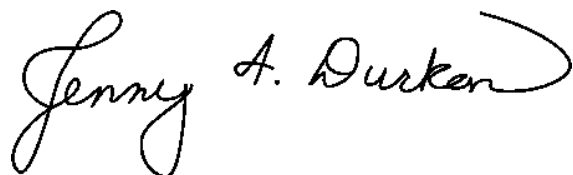
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damage. Both of these are the right goals. However, the way the bill accomplishes its intended goals creates several legal concerns that were left unaddressed before passage.

In addition, the mitigation fund, which the bill sponsor has stated is intended to reduce the likelihood of the ordinance being challenged in court, is not only unfunded in the legislation, the formula used would not cover all damages. The landlord could theoretically pursue the abuser for the damages, but it is unlikely that they will have the actual ability to do so, and the mitigation fund is designed to not fully compensate a landlord for the losses they experience because of the property destruction. I am concerned this may lead to legal challenges or collateral consequences for the victim tenant, thereby failing to achieve its stated goal. I am fully committed to finding a true solution for those tenants experiencing domestic violence (including alternatives proposed by Seattle Department of Construction and Inspections) and we are prepared to work with interested stakeholders to remedy the potential problems created by this bill.

For both bills, we stand ready to assist and prepare legislation that addresses these concerns. I am hopeful revised legislation can be enacted to correct the risks, because experience has shown failing to heed the legal risks of legislation often expensively delays needed protections that help those most vulnerable and most in need of protection.

Sincerely,

A handwritten signature in black ink that reads "Jenny A. Durkan". The signature is written in a cursive, flowing style.

Jenny A. Durkan
Mayor of Seattle