



SEATTLE CITY COUNCIL

Legislative Summary

CB 119606

Record No.: CB 119606

Type: Ordinance (Ord)

Status: Passed

Version: 2

Ord. no: Ord 125950

In Control: City Clerk

File Created: 08/06/2019

Final Action: 10/11/2019

Title: 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.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Herbold

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Mayors Letter on Returning Bill Unsigned

Drafter: patrick.wigren@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	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	08/08/2019	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						
1	City Council	08/12/2019	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, 08/13/2019 discussed
Economic Development,
and Arts Committee
Action Text: The Council Bill (CB) was discussed.
- 1 Civil Rights, Utilities, 09/10/2019 held
Economic Development,
and Arts Committee
Action Text: The Council Bill (CB) was held.
Notes: The committee adopted amendments to this council bill.
- 1 Civil Rights, Utilities, 09/24/2019 pass as amended Pass
Economic Development,
and Arts Committee
Action Text: The Committee recommends that City Council pass as amended the Council Bill (CB).
In Favor: 2 Chair Herbold, Member O'Brien
Opposed: 0
- 2 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:
Notes: *Councilmember Mosqueda left the Council Chamber at 3:04 p.m. and returned at 3:07 p.m.*
In Favor: 8 Councilmember Bagshaw, Council President Harrell, Councilmember Herbold, Councilmember Juarez, Councilmember Mosqueda, Councilmember O'Brien, Councilmember Pacheco, Councilmember Sawant
Opposed: 0
- 2 City Clerk 10/03/2019 submitted for Mayor
Mayor's signature
- 2 Mayor 10/11/2019 returned unsigned
Action Text: The Council Bill (CB) was returned unsigned.
- 2 Mayor 10/11/2019 returned City Clerk
Action Text: The Council Bill (CB) was returned. to the City Clerk
- 2 City Clerk 10/11/2019 attested by City Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.
-

CITY OF SEATTLE

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.

WHEREAS, on February 4, 2019, Council adopted Resolution 31861, which outlined harms that evictions from housing have on tenants and marginalized communities; and

WHEREAS, Resolution 31861 prioritized exploration of solutions for seven problems identified in the Seattle Women's Commission and Housing Justice Project report "Losing Home: The Human Cost of Eviction in Seattle"; and

WHEREAS, Resolution 31861 identified one of the obstacles to remaining in housing is a tenant's need to live with a roommate to afford rent, but tenants are often restricted from doing so under their lease agreements, because of a landlord's discretion to reject a roommate, and due to additional fees and screening criteria for roommates; and

WHEREAS, the resolution also identified the problems faced by renters when a tenant on a lease or rental agreement dies and the remaining occupants do not have any right to remain in the rental unit; and

WHEREAS, these problems can contribute to financial instability that ultimately may lead to eviction; 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 125901, is amended as follows:

1 **7.24.020 Definitions**

2 As used in this Chapter 7.24:

3 * * *

4 "Housing costs" means rent as defined by chapter 59.18 RCW.

5 "Immediate family" means spouses, domestic partners, former spouses, former domestic
6 partners, adult persons related by marriage, siblings, persons 16 years of age or older who are
7 presently residing together or who have resided together in the past and who have or have had a
8 dating relationship, and persons who have a parent-child relationship, including parents,
9 stepparents, grandparents, adoptive parents, guardians, foster parents, or custodians of minors.
10 For purposes of this definition, "dating relationship" means a social relationship of a romantic
11 nature. Factors a court may consider in determining the existence of a dating relationship
12 include: (a) the length of time the relationship has existed; (b) the nature of the relationship; and
13 (c) the frequency of interaction between the parties.

14 * * *

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

21 * * *

22 Section 2. Section 7.24.030 of the Seattle Municipal Code, last amended by Ordinance
23 125901, is amended as follows:

* * *

1
2 H. Any rental agreement entered into after June 30, 2020 is subject to the following
3 requirements.

4 1. Occupancies allowed

5 Subject to the landlord's authority to screen and allow occupancy of a rental unit
6 as provided in this subsection 7.24.030.H, the tenants, a tenant's immediate family, an additional
7 resident who is not a member of the tenant's immediate family, and the additional resident's
8 immediate family may reside in a rental unit, provided the total number of persons residing in the
9 unit does not exceed occupancy limits established by federal, state, or local law.

10 2. Notification to a landlord

11 Within 30 days following the commencement of occupancy of any residents who
12 do not become parties to a rental agreement, the tenant shall inform the landlord of each
13 additional person's name.

14 3. Conditions of qualifying for and obtaining occupancy of a rental unit

15 Landlords shall not impose conditions on any person other than a tenant,
16 including but not limited to using additional screening criteria, that are beyond those imposed on
17 a tenant to qualify for or obtain occupancy of a rental unit.

18 4. Early vacation from a rental unit

19 If one of the tenants or persons who is not the tenant vacates the unit before
20 expiration of the tenancy, a landlord shall not reduce the number of persons allowed to occupy
21 the unit during the remainder of the tenancy.

22 5. Limitations on screening requirements

1 A landlord may screen a potential tenant and additional residents other than the
2 tenant's immediate family to determine whether a potential tenant can become party to a rental
3 agreement or additional residents can occupy the rental unit. A landlord may obtain a screening
4 report under subsection 14.08.040.F and Chapter 14.09 for members of a tenant's immediate
5 family but may not exclude any member of the tenant's immediate family from occupancy or
6 becoming a party to the rental agreement based on information in the screening report, except as
7 provided in Section 7.24.032. A landlord must comply with all other screening requirements
8 required by law.

9 6. Parties to the rental agreement

10 A landlord may require by written notice that any resident who is not a member of
11 the tenant's immediate family become a party to the rental agreement. If that resident fails to
12 become party to the rental agreement within 30 days after receiving a written notice from the
13 landlord requiring that resident to become a party, that resident shall vacate the unit within 45
14 days after receiving that notice.

15 Section 3. A new Section 7.24.031 is added to the Seattle Municipal Code as follows:

16 **7.24.031 Succession to tenancy upon a tenant's early vacation of a rental unit and screening**
17 **of succeeding parties**

18 A. If a tenant vacates the rental unit before expiration of the tenancy, members of the
19 tenant's immediate family occupying the rental unit may become parties to the rental agreement,
20 subject to the same terms in the rental agreement that applied to the vacating tenant. A landlord
21 may obtain a screening report under subsection 14.08.040.F and Chapter 14.09 for members of a
22 tenant's immediate family but may not exclude any member of the tenant's immediate family

1 from becoming a party to the rental agreement based on information in the screening report,
2 except as provided in Section 7.24.032.

3 B. If a tenant vacates the rental unit before expiration of the tenancy, additional residents
4 of the rental unit who are not the tenant's immediate family may become parties to the rental
5 agreement, subject to the same terms in the rental agreement that applied to the vacating tenant,
6 if they have resided in the rental unit for at least six consecutive months immediately prior to the
7 tenant's vacation. A landlord may screen these additional residents to determine whether to allow
8 them to become parties to the rental agreement.

9 C. A landlord may require by written notice that the persons described in subsections
10 7.24.031.A and 7.24.031.B become a party to the rental agreement. If that resident fails to
11 become party to the rental agreement within 30 days after receiving a written notice from the
12 landlord requiring that resident to become a party, that resident shall vacate the unit within 45
13 days after receiving that notice.

14 Section 4. A new Section 7.24.032 is added to the Seattle Municipal Code as follows:

15 **7.24.032 Exemptions**

16 Subsection 7.24.030.H and Section 7.24.031 do not apply to:

17 A. Denial of occupancy made by landlords of federally assisted housing subject to federal
18 regulations that require denial of tenancy, including but not limited to when any member of the
19 household is subject to a lifetime sex offender registration requirement under a state sex offender
20 registration program or has been convicted of manufacturing or producing methamphetamine on
21 the premises of federally-assisted housing; or

22 B. Renting of a dwelling unit or an accessory dwelling unit where the owner occupies a
23 part of the dwelling unit or accessory dwelling unit.

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

1 Section 6. Sections 1, 2, 3, and 4 of this ordinance shall take effect and be in force on
2 July 1, 2020.

3 Section 7. This ordinance shall take effect and be in force 30 days after its approval by
4 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
5 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

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

9 

10 President _____ of the City Council

11 Approved by me this _____ day of _____, 2019.

12 **Returned Unsigned
by Mayor**

13 _____
Jenny A. Durkan, Mayor

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

15 

16 Monica Martinez Simmons, City Clerk

17 (Seal)



City of Seattle
Mayor Jenny A. Durkan

FILED
CITY OF SEATTLE
19 OCT 11 PM 2:05
CITY CLERK

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.

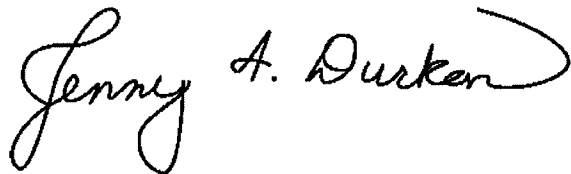
No survivor of domestic abuse should then be forced to pay for damages, or, worse, lose their housing because of the damages caused by their abuser. Council Bill 119658 aims to address this challenge by relieving tenants from liability to a landlord for damage caused by an alleged perpetrator of domestic 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

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