

**CITY OF SEATTLE**  
**ORDINANCE \_\_\_\_\_**  
COUNCIL BILL \_\_\_\_\_

..title

AN ORDINANCE amending Seattle Municipal Code sections 22.206.160 and 22.214.075 to prohibit evictions of residential tenants from rental housing units if the units are not registered with the Department of Planning and Development as required by SMC 22.214.040.

..body

WHEREAS, the Rental Registration and Inspection Ordinance (RRIO), was adopted by the City Council in September 2012 to help ensure that rental housing in Seattle is safe and meets basic housing maintenance requirements; and

WHEREAS, the RRIO requires landlords to register rental housing units in Seattle, from single-family houses to large apartment buildings, beginning in September 2014, and to have their rental properties inspected at least once every ~~10~~ten years; and

WHEREAS, under current City law, owners of housing units generally cannot evict or attempt to evict a tenant, unless the owner can prove in court that just cause exists for such eviction; and

1 WHEREAS, the Council finds that requiring landlord compliance with the RRIO in order for an  
2 owner to evict a tenant as permitted by City law is likely to encourage landlords to  
3 comply with the RRIO;

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5 NOW, THEREFORE;

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8 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

9 Section 1. Subsection 22.206.~~160~~160.C.1 of the Seattle Municipal Code, which section  
10 was last amended by Ordinance 123564, is amended as follows:

11 **22.206.160 - Duties of owners**

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14 C. Just Cause Eviction

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16 1. Pursuant to provisions of the state Residential Landlord-Tenant Act (RCW  
17 59.18.290), owners may not evict residential tenants without a court order, which can  
18 be issued by a court only after the tenant has an opportunity in a show cause hearing to  
19 contest the eviction (RCW 59.18.380). ~~((In addition, owners))~~ Owners of housing units  
20 shall not evict or attempt to evict any tenant, or otherwise terminate or attempt to  
21 terminate the tenancy of any tenant unless the owner can prove in court that just cause  
22 exists. Owners may not evict residential tenants from rental housing units if the units  
23 are not registered with the Department of Planning and Development as required by  
24 SMC-Section 22.214.040, regardless of whether just cause for eviction may exist. An

1 owner is in compliance with this registration requirement if the rental housing unit is  
2 registered with the Department of Planning and Development before entry of a court  
3 order authorizing eviction or before a writ of restitution is granted. A court may grant  
4 a continuance in an eviction action in order to give the owner time to register the rental  
5 housing unit.

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9 The reasons for termination of tenancy listed below, and no others, shall constitute  
10 just cause under this ~~((section))~~ [Section 22.206.160](#):

11 a. The tenant fails to comply with a three day notice to pay rent or vacate pursuant  
12 to RCW 59.12.030(3); a ten day notice to comply or vacate pursuant to RCW  
13 59.12.030(4); or a three day notice to vacate for waste, nuisance (including a drug-  
14 related activity nuisance pursuant to RCW Chapter 7.43) or maintenance of an  
15 unlawful business or conduct pursuant to RCW 59.12.030(5);

16  
17 b. The tenant habitually fails to pay rent when due which causes the owner to  
18 notify the tenant in writing of late rent four or more times in a 12 month period;

19  
20 c. The tenant fails to comply with a ten day notice to comply or vacate that  
21 requires compliance with a material term of the rental agreement or that requires  
22 compliance with a material obligation under RCW 59.18;

23  
24 d. The tenant habitually fails to comply with the material terms of the rental  
25 agreement which causes the owner to serve a ten day notice to comply or vacate  
26 three or more times in a 12 month period;

1 e. The owner seeks possession so that the owner or a member of his or her  
2 immediate family may occupy the unit as that person's principal residence and no  
3 substantially equivalent unit is vacant and available in the same building.

4 "Immediate family" shall include the owner's domestic partner registered pursuant  
5 to Section 1 of Ordinance 117244<sup>2</sup> or the owner's spouse, parents, grandparents,  
6 children, brothers and sisters of the owner, of the owner's spouse, or of the owner's  
7 domestic partner. There shall be a rebuttable presumption of a violation of this  
8 subsection 22.206.160.C.1.a if the owner or a member of the owner's immediate  
9 family fails to occupy the unit as that person's principal residence for at least 60  
10 consecutive days during the 90 days immediately after the tenant vacated the unit  
11 pursuant to a notice of termination or eviction using this subparagraph as the cause  
12 for eviction;  
13

14 f. The owner elects to sell a single-family dwelling unit and gives the tenant at  
15 least 60 days written notice prior to the date set for vacating, which date shall  
16 coincide with the end of the term of a rental agreement, or if the agreement is  
17 month to month, with the last day of a monthly period. For the purposes of this  
18 ~~((section))~~ Section 22.206.160, an owner "elects to sell" when the owner makes  
19 reasonable attempts to sell the dwelling within 30 days after the tenant has vacated,  
20 including, at a minimum, listing it for sale at a reasonable price with a realty  
21 agency or advertising it for sale at a reasonable price in a newspaper of general  
22 circulation. There shall be a rebuttable presumption that the owner did not intend to  
23 sell the unit if:  
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1           1)       Within 30 days after the tenant has vacated, the owner does not list the  
2           single-family dwelling unit for sale at a reasonable price with a realty agency or  
3           advertise it for sale at a reasonable price in a newspaper of general circulation,  
4           or

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

9  
10          g.       The tenant's occupancy is conditioned upon employment on the property and  
11          the employment relationship is terminated;

12          h.       The owner seeks to do substantial rehabilitation in the building; provided that,  
13          the owner must obtain a tenant relocation license if required by Chapter 22.210 and  
14          at least one permit necessary for the rehabilitation, other than a Master Use Permit,  
15          before terminating the tenancy;

16          i.       The owner (i) elects to demolish the building, convert it to a cooperative, or  
17          convert it to a nonresidential use; provided that, the owner must obtain a tenant  
18          relocation license if required by Chapter 22.210 and a permit necessary to demolish  
19          or change the use before terminating any tenancy, or (ii) converts the building to a  
20          condominium provided the owner complies with the provisions of Sections  
21          22.903.030 and 22.903.035;

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

3 1) \$2,000 for a tenant household with an income during the past 12 months  
4 at or below 50 percent of the County median income, or

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

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

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

14  
15 b) That number has not increased with the knowledge or consent of the  
16 owner at any time after August 10, 1994; and

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

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

22 3) After expiration of the 30 day notice, the owner has served the tenants  
23 with and the tenants have failed to comply with a ten day notice to comply with  
24 the limit on the number of occupants or vacate, and  
25  
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1           4)     If there is more than one rental agreement for the unit, the owner may  
2           choose which agreements to terminate; provided that, the owner may either  
3           terminate no more than the minimum number of rental agreements necessary to  
4           comply with the legal limit on the number of occupants, or, at the owner's  
5           option, terminate only those agreements involving the minimum number of  
6           occupants necessary to comply with the legal limit;

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8     1. 1)     The owner seeks to reduce the number of individuals who reside in one  
9           dwelling unit to comply with the legal limit after receipt of a notice of violation  
10          of the Title 23 restriction on the number of individuals allowed to reside in a  
11          dwelling unit, and:

12           a)     The owner has served the tenants with a 30 day notice, informing the  
13           tenants that the number of tenants exceeds the legal limit and must be  
14           reduced to the legal limit; provided that, no 30 day notice is required if the  
15           number of tenants was increased above the legal limit without the  
16           knowledge or consent of the owner;

17           b)     After expiration of the 30 day notice required by subsection  
18           22.206.160.1.1.a above, or at any time after receipt of the notice of  
19           violation if no 30 day notice is required pursuant to subsection  
20           22.206.160.1.1.a, the owner has served the tenants with and the tenants  
21           have failed to comply with a 10 day notice to comply with the maximum  
22           legal limit on the number of occupants or vacate; and  
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1 c) If there is more than one rental agreement for the unit, the owner may  
2 choose which agreements to terminate; provided that, the owner may either  
3 terminate no more than the minimum number of rental agreements  
4 necessary to comply with the legal limit on the number of occupants, or, at  
5 the option of the owner, terminate only those agreements involving the  
6 minimum number of occupants necessary to comply with the legal limit.  
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8 2) For any violation of the maximum legal limit on the number of  
9 individuals allowed to reside in a unit that occurred with the knowledge or  
10 consent of the owner, the owner is required to pay relocation assistance to the  
11 tenant(s) of each such unit at least two weeks prior to the date set for  
12 termination of the tenancy, at the rate of:  
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14 a) \$2,000 for a tenant household with an income during the past 12 months  
15 at or below 50 percent of the county median income, or

16 b) Two months' rent for a tenant household with an income during the past  
17 12 months above 50 percent of the county median income;

18 m. The owner seeks to discontinue use of an accessory dwelling unit for which a  
19 permit has been obtained pursuant to Sections 23.44.041 and 23.45.545 after  
20 receipt of a notice of violation of the development standards provided in those  
21 sections. The owner is required to pay relocation assistance to the tenant  
22 household residing in such a unit at least two weeks prior to the date set for  
23 termination of the tenancy, at the rate of:  
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1           1)       \$2,000 for a tenant household with an income during the past 12 months  
2           at or below 50 percent of the county median income, or

3           2)       Two months' rent for a tenant household with an income during the past  
4           12 months above 50 percent of the county median income;

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

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

17          p.   A tenant, or with the consent of the tenant, his or her subtenant, sublessee,  
18          resident or guest, has engaged in criminal activity on the premises, or on the  
19          property or public right-of-way abutting the premises, and the owner has specified  
20          in the notice of termination the crime alleged to have been committed and the  
21          general facts supporting the allegation, and has assured that the Department of  
22          Planning and Development has recorded receipt of a copy of the notice of  
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1 termination. For purposes of this subsection 22.206.160.C.1.p a person has  
2 "engaged in criminal activity" if he or she:

- 3 1) Engages in drug-related activity that would constitute a violation of  
4 RCW Chapters 69.41, 69.50 or 69.52, or  
5 2) Engages in activity that is a crime under the laws of this state, but only  
6 if the activity substantially affects the health or safety of other tenants or the  
7 owner.  
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11 Section 2. Subsection 22.214.~~075-075~~.A of the Seattle Municipal Code, which section  
12 was ~~last amended~~enacted by Ordinance 124011, is amended as follows:

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15 A. Failure to comply with any provision of this Chapter 22.214, or rule adopted according  
16 to this Chapter 22.214, ~~((shall be))~~ is -a violation of ~~((the))~~ this Chapter 22.214 and subject to  
17 enforcement as provided for in this Chapter 22.214. In addition, and as further provided by  
18 SMC-Section 22.206.~~160-160~~.C, owners may not evict residential tenants from rental housing  
19 units if the units are not registered with the Department of Planning and Development as  
20 required by SMC 22.214.040.  
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Section 3. 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 \_\_\_\_\_ day of \_\_\_\_\_, 2015, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
President of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Edward B. Murray, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

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