Asha Venkataraman
LEG Economic Displacement Relocation Assistance ORD
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1	CITY OF SEATTLE
2	ORDINANCE
3	COUNCIL BILL
4	title
5	AN ORDINANCE relating to relocation assistance for economically displaced tenants; requiring
6	the payment of economic displacement relocation assistance to households that are
7	vacating a housing unit after receiving notice of a rent increase of ten percent or more or
8 9	of less than ten percent where the cumulative effect is an annual increase of ten percent or more; and adding a new Chapter 22.212 to the Seattle Municipal Code.
10	more, and adding a new Chapter 22.212 to the Seattle Municipal Code.
11	body
12	WHEREAS, rent increases may cause many households to move due to inability to pay the
13	higher rent; and
14	WHEREAS, rents in Seattle have been increasing rapidly and vacancies in affordable rental
15	housing are at low levels, making it increasingly difficult for many households to locate
16	rental housing; and
17	WHEREAS, before moving into a rental unit, landlords typically require that households pay
18	some type of security deposit and other move-in fees; and
19	WHEREAS, these conditions in the rental market have created a relocation crisis, because many
20	households do not have sufficient resources to save money to cover moving expenses;
21	and
22	WHEREAS, providing economic displacement relocation assistance to households who move
23	following a rent increase of ten percent or more will help households obtain replacement
24	housing and mitigate the impact of the rent increase on the relocation crisis; and
25	WHEREAS, the Council finds that this ordinance will protect and promote the health, safety, and
26	welfare of the general public; NOW, THEREFORE,
27	BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. This ordinance is adopted pursuant to the City's police power authority granted by Article 11, section 11 of the Washington State Constitution, and not pursuant to RCW 59.18.440 or other law.

Section 2. A new Chapter 22.212 is added to the Seattle Municipal Code as follows:
CHAPTER 22.212 – ECONOMIC DISPLACEMENT RELOCATION ASSISTANCE –
RENT INCREASE

22.212.010 Definitions

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For the purposes of this Chapter 22.212, the following words or phrases shall have the meaning
prescribed below unless the context clearly indicates otherwise. Terms that are not defined in this
Chapter 22.212 and are defined in Chapter 22.204 shall have the meaning given to them in
Chapter 22.204.

"Family household" means all occupants in the same housing unit who are members of the same family unit.

"Family unit" means all related persons, including: parents; spouses' parents;
grandparents; spouses' grandparents; grandchildren; spouses' grandchildren; siblings; spouses'
siblings; siblings', spouses', and siblings' children; and those similarly related to individuals in
city or state registered domestic partnerships.

"Household" means any family household or non-family household that occupies a housing unit. A combination of family households and non-family households may occupy a single housing unit.

"Housing costs" has the same meaning prescribed by Section 7.24.020.

22 "Household representative" means a household member designated by the household as23 the person representing the household in performing actions under this Chapter 22.212, and who

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1	is the person legally entitled to obtain the payment authorized by this Chapter 22.212. A
2	household representative may represent only one household at a time.
3	"Member" means a person living alone or a person living in a family unit.
4	"Non-family household" means occupants of a housing unit who are not members of a
5	family household.
6	"Owner" has the same meaning as defined in Chapter 22.204.
7	"Required rent-increase notice" means the notice required by subsection 7.24.030.A if it
8	is: (1) a required rent-increase notice for ten percent or more; or (2) a required rent-increase
9	notice for less than ten percent.
10	"Required rent-increase notice for less than ten percent" means a required rent-increase
11	notice for a one-time rent increase of less than ten percent, but where that rent increase, in
12	combination with all other rent increases taking effect within 12 months prior to the effective
13	date of that rent increase, will result in a cumulative rent increase of ten percent or more.
14	"Required rent-increase notice for ten percent or more" means a required rent-increase
15	notice for a one-time rent increase of ten percent or more.
16	22.210.020 Notice
17	A. The Director shall prepare an informational notice describing how persons may obtain
18	information about the rights and obligations of tenants and owner under this Chapter 22.212. The
19	Director shall place the notice on the Department's web site and provide links to translated
20	versions of the notice in the five languages most commonly spoken in Seattle other than English,
21	as determined on an annual basis. The Director may include translations in other languages at the
22	Director's discretion. If requested, the Director shall provide copies of the notice to owner at no
23	cost.

1	B. The owner shall provide the required rent-increase notice of ten percent or more and
2	the notice described in subsection 22.212.020.A to an adult tenant of each housing unit by:
3	1. Personally delivering the notices or causing them to be personally delivered; or
4	2. Mailing the notices by certified mail, return receipt requested and by first-class
5	mail addressed to the housing unit.
6	22.212.030 Criteria for economic displacement relocation assistance
7	A household representative is entitled to economic displacement relocation assistance if:
8	A. A tenant of the housing unit has received a required rent-increase notice;
9	B. The household representative complies with the deadlines or extensions in Section
10	22.212.040; and
11	C. After receiving the required rent-increase notice but before the rent increase takes
12	effect, the household vacates the housing unit or a member of the household has given written
13	notice to the owner of the date the household intends to vacate the housing unit. There is a
14	rebuttable presumption that if the household is vacating the unit after receiving the required rent-
15	increase notice, the household is vacating because of the rent increase.
16	22.212.040 Application for economic displacement relocation assistance
17	A. Within 180 days after a tenant receives a required rent-increase notice or 60 days after
18	the rent increase goes into effect, whichever date is later, the household representative may apply
19	to the Director for economic displacement relocation assistance by submitting an application to
20	the Director on a form approved by the Director. If the household representative fails to submit
21	an application within either 180 days after a tenant in the household receives the required rent-
22	increase notice or 60 days after the rent increase goes into effect, whichever date is later, the
23	household representative is not entitled to economic displacement relocation assistance unless

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1	the household representative requests and the Director approves the request for an extension of
2	time to submit the application. The Director shall approve the request for an extension if the
3	Director receives the request before the expiration of the 180-day or 60-day period, whichever
4	expires later, and if the Director determines that the household representative has good cause for
5	failing to apply within the applicable period. The Director shall notify the household
6	representative and the owner in writing whether the extension has been approved or rejected. If
7	the Director approves the extension, the household representative will have an additional 60 days
8	in which to submit the application.
9	B. The application shall include:
10	1. An affidavit identifying the date the household representative's household
11	vacated the housing unit or a copy of the notice the household gave to the owner identifying the
12	date the household intends to vacate the housing unit;
13	2. A copy of the current rental agreement or, if the tenancy is not subject to a
14	written agreement or the household does not have a copy of it, proof of housing costs for the 12
15	months prior to the effective date of the required rent-increase notice;
16	3. A copy of the required rent-increase notice and, if the notice is for a one-time
17	rent increase of less than ten percent, documentation establishing that that rent increase, in
18	combination with all other rent increases taking effect within 12 months prior to the effective
19	date of that rent increase, will result or resulted in a cumulative rent increase of ten percent or
20	more; and
21	4. The number of family and non-family households occupying the housing unit
22	and the names of all members of each household.

C. Within five days after receiving the application, the Director shall notify the owner in writing that the household representative has submitted an application for economic displacement relocation assistance.

D. The Director may ask the household representative to provide information to complete an application for economic displacement relocation assistance. The household representative is not entitled to economic displacement relocation assistance if the household representative fails to provide the requested information within 30 days after receiving the Director's request, unless the household representative requests, and the Director approves the request for, an extension of time to provide the requested information. The Director shall approve the request for an extension if the Director receives the request before the expiration of the 30-day period and determines that the household representative has good cause for failing to provide the requested information within the period. If the Director approves the request, the household representative will have an additional 30 days in which to submit the application.

E. Within ten days after the Director receives a complete application, the Director shall send by certified mail, return receipt requested and by first-class mail to the household representative and the owner a notice stating whether the household representative is entitled to economic displacement relocation assistance pursuant to Section 22.212.030 and identifying the amount of any entitlement as calculated pursuant to Section 22.212.050.

F. If the household rescinds its notice of vacation at any time after the household
representative submits an application to the Director and before the Director pays economic
displacement relocation assistance to the household representative, the household representative
must withdraw the application for economic displacement relocation assistance by providing
written notice to the Director immediately.

1 22.212.050 Calculation of economic displacement relocation assistance payment 2 The Director shall calculate the amount of economic displacement relocation assistance, if any, 3 to which the household representative is entitled. To calculate that amount, the Director shall: 4 A. Determine the average monthly housing costs for the housing unit, based upon either: 5 the housing costs for the 12 consecutive months prior to the effective date of the required rent-6 increase notice; or if the tenancy has been for fewer than 12 months, the average monthly 7 housing costs for the duration of the tenancy; 8 B. Identify the number of households that occupy the housing unit and divide the average 9 monthly housing costs by the number of households, resulting in the average monthly housing 10 costs per household; and C. Multiply the average monthly housing costs per household by three. 11 12 22.212.060 Owner's payment of economic displacement relocation assistance to the 13 Director 14 The owner shall pay to the Director the amount of assistance identified in the notice within seven 15 days after receipt by the owner of the Director's notice described in subsection 22.212.040.E 16 stating that the household representative is entitled to economic displacement relocation 17 assistance. The owner may not reduce the amount of the assistance payment by any amount the 18 owner believes the tenant owes the owner, such as a security deposit for damage to the property 19 for which the tenant is responsible. Nothing in this Chapter 22.212 precludes the owner from seeking such amounts from the tenant pursuant to RCW 59.18.280. 20 21 22.212.070 Payment of economic displacement relocation assistance to the household 22 representative

The Director shall pay the household representative the assistance payment specified in the
Director's notice described in subsection 22.212.040.E within five days after the owner is
required to submit payment to the Director. An economic displacement relocation assistance
payment received by a household representative under this Chapter 22.212 shall not be
considered as income for any City benefit program or affect the amount to which any person may
be entitled under any City benefit program.

22.212.080 Refunds

A. If the household rescinds its notice of vacation and withdraws the application for
economic displacement relocation assistance after the owner has already paid economic
displacement relocation assistance to the Director, the Director will refund the amount paid by
the owner within five days after receiving notice of the withdrawal of the application.

B. If the household does not vacate the housing unit by the date identified on the written notice of vacation and the household representative has received an economic displacement relocation assistance payment, the household representative shall refund the payment to the Director within ten days after that date. Within ten days after receiving the refund from the household representative, the Director shall refund to the owner the amount paid by the owner.

C. If the household representative fails to refund the economic displacement relocation assistance payment as required by subsection 22.212.080.B, the Director shall, within ten days after the household representative's failure to pay, refund to the owner the amount paid by the owner.

22.212.090 Administrative appeals

A. The owner or a household representative may appeal the Director's decision approving or denying the application for an economic displacement relocation assistance payment, including the Director's calculation of the amount of any economic displacement relocation assistance payment calculated under Section 22.212.050.

B. A notice of appeal shall be filed with the Seattle Hearing Examiner by 5 p.m. within
ten days after receipt of the Director's decision, and by that same date, copies of the notice of
appeal shall be placed in the mail, postage pre-paid, for service on the Director, and any nonappellant owner or household representative. Proof of service shall be filed with the Hearing
Examiner.

C. A notice of appeal shall be in writing, specifically describe the alleged errors in the Director's decision, and describe the relief sought.

D. The Hearing Examiner shall hold a hearing on the appeal pursuant to procedures
prescribed by the Hearing Examiner, subject to the procedures prescribed by this Section
22.212.090. The Hearing Examiner shall provide notice of the hearing at least ten days prior to
the scheduled hearing date to all parties of record.

E. The Hearing Examiner shall establish a record at the hearing. Appeals shall be
considered de novo. The Hearing Examiner may affirm, reverse, remand, or modify the
Director's decision. The Hearing Examiner's decision shall bind the Director and parties of
record.

F. The Hearing Examiner shall issue a decision within 20 days after the date of record
closure. The decision shall be final and conclusive. A copy of the decision shall be mailed or
emailed to all parties of record, and all other persons requesting a copy of the decision on the day
the decision is issued.

22.212.100 Administration and enforcement

A. The Director shall administer and enforce the provisions of this Chapter 22.212 and is
 authorized to adopt rules and regulations to implement the Director's duties established by this
 Chapter 22.212.

4	B. A restricted accounting unit designated as the Economic Displacement Relocation
5	Assistance Account is established in the Construction and Inspections Fund, from which account
6	the Director is authorized to pay relocation assistance pursuant to Section 22.212.070, when an
7	owner is required to deposit such assistance pursuant to Section 22.212.060. Money from the
8	following sources shall be paid into the Economic Displacement Relocation Assistance Account:
9	1. Fines and penalties collected pursuant to Sections 22.212.110 and 22.212.130;
10	2. Sums that may by ordinance be appropriated to or designated as revenue to the
11	Account;
12	3. Other sums that may be deposited into the Account by gift, bequest, or grant;
13	4.Reimbursement of monies paid to The City of Seattle as relocation assistance
14	from the Account; and
15	5. Relocation assistance monies deposited by owners with the Director pursuant to
16	Section 22.212.060.
17	C. Any failure to comply with the requirements of this Chapter 22.212 is a violation of
18	this Chapter 22.212, including, but not limited to:
19	1. Receipt of economic displacement relocation assistance pursuant to this
20	Chapter 22.212 by a person not entitled to such assistance because they intentionally
21	misrepresented any material information regarding entitlement to assistance;
22	2. Failure by the household representative to refund the economic displacement
23	relocation assistance payment as required by subsection 22.212.080.B; and

1	3. Failure by the owner to pay the economic displacement relocation assistance
2	when required by the Director pursuant to Section 22.212.060.
3	22.212.110 Citations
4	A. Citation. If after investigation the Director determines that the standards or
5	requirements of this Chapter 22.212 have been violated, the Director may issue a citation to the
6	person responsible for the violation. The citation shall include the following information:
7	1. The name and address of the responsible person to whom the citation is issued;
8	2. A reasonable description of the location of the property on which the violation
9	occurred;
10	3. A separate statement of each standard or requirement violated;
11	4. The date of the violation;
12	5. A statement that the person cited must respond to the citation within 15 days
13	after service;
14	6. The applicable penalty;
15	7. A statement that a response must be sent to the Hearing Examiner and received
16	not later than 5 p.m. on the day the response is due;
17	8. The name, address, and phone number of the Hearing Examiner where the
18	citation is to be filed; and
19	9. A statement that the citation represents a determination that a violation has
20	been committed by the responsible person named in the citation and that the determination shall
21	be final unless contested as provided in subsection 22.212.110.C.
22	B. Service. The citation may be served by personal service in the manner set forth in
23	RCW 4.28.080 for service of a summons or sent by first class mail, addressed to the last known

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1	address of the responsible person named in the citation. Service shall be complete at the time of
2	personal service, or if mailed, three days after the date of mailing. If a citation sent by first class
3	mail is returned as undeliverable, service may be made by posting the citation at a conspicuous
4	place on the property.
5	C. Response to a citation
6	1. A citation must be responded to in one of the following ways:
7	a. Payment of the monetary penalty specified in the citation, in which case
8	the record shall show a finding that the person cited committed the violation;
9	b. A written request for a mitigation hearing to explain the circumstances
10	surrounding the commission of the violation and providing an address to which notice of such
11	hearing may be sent; or
12	c. A written request for a contested hearing specifying why the cited
13	violation did not occur or why the person cited is not responsible for the violation, and providing
14	an address to which notice of such hearing may be sent.
15	2. A response to a citation must be received by the Office of the Hearing
16	Examiner no later than 15 days after the date the citation is served. When the last day of the
17	appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run
18	until 5 p.m. on the next business day.
19	D. Failure to respond. If the Office of the Hearing Examiner does not receive a response
20	within 15 days of service of the citation, the Hearing Examiner shall enter an order finding that
21	the person cited committed the violation stated in the citation and assessing the penalty specified
22	in the citation.
23	E. Hearings

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1. Mitigation hearing

a. Date and notice. If a mitigation hearing is requested, the mitigation
hearing shall be held within 30 days after written response to the citation requesting such hearing
is received by the Hearing Examiner. Notice of the time, place, and date of the hearing shall be
sent to the address specified in the request for hearing not less than ten days prior to the date of
the hearing.

b. Procedure at hearing. The Hearing Examiner shall hold an informal
hearing that shall not be governed by the Rules of Evidence. The person cited may present
witnesses, but witnesses may not be compelled to attend. A representative from the Seattle
Department of Construction and Inspections may also be present and may present additional
information, but attendance by a representative from the Seattle Department of Construction and
Inspections is not required.

13 c. Disposition. The Hearing Examiner shall determine whether the cited 14 person's explanation justifies reduction of the monetary penalty, but the monetary penalty may 15 not be reduced unless the Seattle Department of Construction and Inspections affirms or certifies 16 that the violation has been corrected prior to the mitigation hearing. Factors that may be considered in whether to reduce the penalty include: whether the violation was caused by the act, 17 18 neglect, or abuse of another; or whether correction of the violation was commenced promptly 19 prior to citation, but full compliance was prevented by a condition or circumstance beyond the 20 control of the person cited.

d. Entry of order. After hearing the explanation of the person cited and any
other information presented at the hearing, the Hearing Examiner shall enter an order finding that
the person cited committed the violation and assessing a monetary penalty in an amount

determined pursuant to subsection 22.212.110.F. The Hearing Examiner's decision is the final
 decision of the City on the matter.

3 2. Contested hearing a. Date and notice. If a person requests a contested hearing, the hearing 4 5 shall be held within 60 days after the written response to the citation requesting such hearing is 6 received. 7 b. Hearing. A contested hearing shall be conducted pursuant to the procedures for hearing contested cases contained in Section 3.02.090 and the rules adopted by 8 9 the Hearing Examiner for hearing contested cases, except as modified by this subsection 10 22.212.110.E.2. The issues heard at the hearing shall be limited to those that are raised in writing in the response to the citation and that are within the jurisdiction of the Hearing Examiner. The 11 12 Hearing Examiner may issue subpoenas for the attendance of witnesses and the production of 13 documents. 14 c. Sufficiency. No citation shall be deemed insufficient for failure to 15 contain a detailed statement of the facts constituting the specific violation that the person cited is

alleged to have committed or by reason of defects or imperfections, provided that such lack of
detail or defects or imperfections do not prejudice a substantial right of the person cited.

d. Amendment of citation. A citation may be amended prior to the
conclusion of the hearing to conform to the evidence presented if a substantial right of the person
cited is not thereby prejudiced.

e. Evidence at hearing. The certified statement or declaration authorized
by RCW 9A.72.085 shall be prima facie evidence that a violation occurred and that the person
cited is responsible. The certified statement or declaration authorized under RCW 9A.72.085 and

any other evidence accompanying the report shall be admissible without further evidentiary
 foundation. The person cited may rebut the Department of Construction and Inspections'
 evidence and establish that the cited violation did not occur or that the person contesting the
 citation is not responsible for the violation.

f. Disposition. If the citation is sustained at the hearing, the Hearing
Examiner shall enter an order finding that the person cited committed the violation. If the
violation remains uncorrected, the Hearing Examiner shall impose the applicable penalty. If the
violation has been corrected, the Hearing Examiner may reduce the monetary penalty pursuant to
the mitigation provisions in subsection 22.212.110.E.1. If the Hearing Examiner determines that
the violation did not occur, the Hearing Examiner shall enter an order dismissing the citation.

g. Appeal. The Hearing Examiner's decision is final and conclusive
unless, within ten calendar days of the date of the Hearing Examiner decision, an application or
petition for a writ of review is filed in King County Superior Court.

3. Failure to appear for hearing. Failure to appear for a requested hearing will result in an order being entered finding that the person cited committed the violation stated in the citation and assessing the penalty specified in the citation. For good cause shown and upon terms the Hearing Examiner deems just, the Hearing Examiner may set aside an order entered upon a failure to appear.

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F. Citation penalties

20 1. The 21 this Chapter 22.212:

1. The following penalties shall be assessed for violations of any provision of

a. \$1,000 for the first violation; and

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b. \$2,000 for each subsequent violation within a five-year period.

1	2. Violation warning. The Director may, in an exercise of discretion, issue a
2	warning to the person responsible for the violation if that person has not been previously warned
3	or cited for violating this Chapter 22.212.
4	3. Collection of penalties. If the person cited fails to pay a penalty imposed
5	pursuant to this Section 22.212.110, the penalty may be referred to a collection agency. The cost
6	to the City for the collection services will be assessed as costs, at the rate agreed to between the
7	City and the collection agency, and added to the penalty. Alternatively, the City may pursue
8	collection in any other manner allowed by law.
9	G. Each day a separate violation.
10	A separate violation exists for each day there is a violation of or failure to comply with
11	any requirement of this Chapter 22.212 or rule adopted under this Chapter 22.212.
12	22.212.120 Notice of violation
13	If the Director determines that a violation of this Chapter 22.212 has occurred, the Director may
14	serve a notice of the violation upon the person responsible for the violation. The Director may
15	serve the notice by personal service, registered mail, or certified mail, to the last known address
16	of the person responsible for the violation. The notice of violation shall identify the violation of
17	this Chapter 22.212 and what corrective action is necessary to comply with the requirements of
18	this Chapter 22.212.
19	22.212.130 Violations and penalties
20	A. In addition to any other sanction or remedial procedure that may be available, any
21	person violating any provision of this Chapter 22.212 may be subject to a cumulative civil
22	penalty in the amount of \$1,000 per day for each day from the date the violation began until the
23	requirements of this Chapter 22.212 are satisfied, as applicable.

B. If a violation of this Chapter 22.212 resulted in a household representative not
receiving economic displacement relocation assistance to which the household representative
was entitled, the penalty shall be increased by the amount of the economic displacement
relocation assistance that the household representative did not receive. The Director shall pay the
household representative the economic displacement relocation assistance that was due.

C. If a violation of this Chapter 22.212 is for receipt of economic displacement relocation assistance by a person not entitled to such assistance because the person intentionally misrepresented any material information regarding entitlement to assistance under subsection 22.212.100.C.1, the penalty shall be increased by the amount of economic displacement relocation assistance the household representative received. The Director shall refund the amount paid by the owner.

D. The penalty imposed by this Section 22.212.130 may be collected by civil action brought in the name of the City. Actions to enforce this Chapter 22.212 shall be brought exclusively in Seattle Municipal Court except as otherwise required by law or court rule. The Director shall notify the City Attorney of the name of any person subject to the penalty and the City Attorney may take action to collect the penalty. In any action filed according to this Chapter 22.212, the City has the burden of proving by a preponderance of evidence that a violation exists or existed.

E. Any household representative or owner aggrieved by a violation of this Chapter
 22.212 may institute a private action to enforce the obligations contained in this Chapter 22.212.
 However, this subsection 22.212.130.E does not create any right of action against the City or any
 City officer or employee for the failure to perform any duties imposed upon the City, its officers,
 or its employees by this Chapter 22.212.

F. The provision of economic displacement relocation assistance under this Chapter
 22.212 does not constitute compliance with the tenant relocation assistance requirements of
 Chapter 22.210.

Section 3. 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.

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1	Section 4. Sections 1 and 2 of this ordinance shall take effect and be in force 180 days
2	after the effective date of this ordinance.
3	Section 5. 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 day of, 2021,
7	and signed by me in open session in authentication of its passage this day of
8	, 2021.
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10	President of the City Council
11	Approved / returned unsigned / vetoed this day of, 2021.
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13	Jenny A. Durkan, Mayor
14	Filed by me this day of, 2021.
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16	Monica Martinez Simmons, City Clerk
17	(Seal)