SEATTLE CITY COUNCIL

600 Fourth Ave. 2nd Floor
Seattle, WA 98104

Legislation Details (With Text)

File #:	CB 119598	**Version:**	1	**Name:**	CB 119598
Type:	Council Bill (CB)			**Status:**	In Committee
				In control:	Civil Rights, Utilities, Economic Development, and Arts Committee
On agenda:					
Final Action:				**Ord. No.**	

Title: AN ORDINANCE relating to rental agreements and tenant liability for damages; relieving a tenant experiencing domestic violence from liability for damage to the landlord's property caused by a perpetrator of domestic violence; and amending Sections 7.24.020, 7.24.030, and 22.206.170 of the Seattle Municipal Code.

Sponsors: Lisa Herbold

Indexes:

Attachments: 1. Summary and Fiscal Note, 2. Central Staff Memo (8/8/2019), 3. Central Staff Memo (9/5/2019)

Date	Ver.	Action By	Action	Result
9/24/2019	1	Civil Rights, Utilities, Economic Development, and Arts Committee	held	
9/10/2019	1	Civil Rights, Utilities, Economic Development, and Arts Committee	held	
8/13/2019	1	Civil Rights, Utilities, Economic Development, and Arts Committee	discussed	
8/5/2019	1	City Council	referred	
7/24/2019	1	Council President's Office	sent for review	
7/17/2019	1	City Clerk	sent for review	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to rental agreements and tenant liability for damages; relieving a tenant experiencing domestic violence from liability for damage to the landlord's property caused by a perpetrator of domestic violence; and amending Sections 7.24.020, 7.24.030, and 22.206.170 of 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

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in Seattle"; and

WHEREAS, "Losing Home" identified domestic violence as a reason tenants fall behind on rent and that domestic violence was a precursor to housing instability, especially for women; and

WHEREAS, the first problem identified for Council to address in Resolution 31861 was the "financial hardship for tenants experiencing domestic violence who are held liable for damages caused by a perpetrator of domestic violence"; and

WHEREAS, costs arising from acts of domestic violence can force a person experiencing domestic violence to go back to their abuser for financial reasons; 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 125840, is amended as follows:

7.24.020 Definitions

As used in this Chapter 7.24:

"Department" means the Seattle Department of Construction and Inspections or its successor.

"Domestic violence" means (a) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

"Director" means the Director of the Seattle Department of Construction and Inspections or the Director's designee.

"Family or household members" means spouses, domestic partners, former spouses, former domestic partners, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons 16 years of age or older who are presently residing

together or who have resided together in the past and who have or have had a dating relationship, persons 16 years of age or older with whom a person 16 years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

* * *

"Pet damage deposit" means money that is paid by the tenant to the landlord at any time as security to pay for damage to the landlord's property that is caused by a pet for which the tenant is responsible.

"Qualified third party" means any of the following people acting in their official or employment capacity:

1. Law enforcement officers;

2. Persons subject to the provisions of chapter 18.120 RCW;

3. Employees of a court of the state;

4. Licensed mental health professionals or other licensed counselors;

5. Employees of crime victim/witness programs as defined in RCW 7.69.020 who are trained advocates for the program;

6. Members of the clergy as defined in RCW 26.44.020; and

7. Persons performing case management employed at social service agencies.

* * *

"Security deposit" means any payment, fee, charge, or deposit of money paid to the landlord by the tenant at the beginning of the tenancy as a deposit and security for performance of the tenant's obligations in a written rental agreement, but does not include payment of a reservation fee authorized by RCW 59.18.253(2) or a payment to assure the payment of rent, provided that a security deposit may be applied to rent as provided in Section 7.24.030. Security deposits include payments, charges, or deposits for the purpose of:

1. Repairing damage to the premises, exclusive of ordinary wear and tear, caused by the tenant, or by a

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guest or licensee of the tenant unless the tenant is exempt from liability pursuant to subsection 7.24.030.H.

2. Compensating the landlord for the tenant's breach of the tenant's duties prescribed in the rental agreement to restore, replace, or return personal property or appurtenances.

3. Compensating the landlord for the tenant's failure to return keys to the premises, except that a landlord shall not retain any portion of the deposit for keys for lock mechanisms that must be changed upon a change of tenancy pursuant to subsection 22.206.140.A.7.

* * *

Section 2. Section 7.24.030 of the Seattle Municipal Code, last amended by Ordinance 125558, is amended as follows:

7.24.030 Rental agreement requirements

* * *

H. Any rental agreement entered into after the effective date of the ordinance introduced as Council Bill 119598 is subject to the requirements of this subsection 7.24.030.H. A tenant is not liable for damage to the landlord's property that was caused by a perpetrator of domestic violence if:

1. The tenant notifies the landlord in writing that the tenant or a household member was a victim of domestic violence and that the damage to the landlord's property was caused by the perpetrator of the domestic violence, regardless of whether the property damage occurred during an act of domestic violence; and

2. The tenant or the household member provides documentation to the landlord that the tenant or household member was a victim of domestic violence and that the perpetrator of the domestic violence caused the property damage. The documentation must include a written report that describes the act of domestic violence and the damage to the landlord's property. The written report shall consist of a document signed and dated by the qualified third party stating:

a. That the tenant or the household member notified the qualified third party that the tenant or household member was a victim of domestic violence;

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b. The time and date the act or acts of domestic violence and property damage occurred;

c. The location where the act or acts of domestic violence and property damage occurred;

d. A brief description of the act or acts of domestic violence and property damage; and

e. That the tenant or household member informed the qualified third party of the name of the perpetrator of the act or acts of domestic violence and property damage. The written record may be in the form of a copy of a valid order of protection under one or more of the following: chapters 7.90, 26.26, or 26.50 RCW or RCW 9A.46.040, 9A.46.050, 10.14.080, 10.99.040(2) or 10.99.040(3), or 26.09.050, if the protection order contains elements 7.24.030.H.2.a through 7.24.030.H.2.e.

Section 3. Section 22.206.170 of the Seattle Municipal Code, last amended by Ordinance 125343, is amended as follows:

22.206.170 Duties of tenants

It ((~~shall be~~)) is the duty of every tenant to:

* * *

E. Within a reasonable time, repair or pay for the reasonable cost of repair of all damage to the building caused by the negligent or intentional act of the tenant or the invitees or licensees of the tenant, unless the tenant is exempt from liability pursuant to subsection 7.24.030.H;

* * *

Section 4. If any section or subsection of the Seattle Municipal Code affected by this ordinance is amended by ordinance without reference to amendments made by this ordinance, each ordinance shall be given effect to the extent that the amendments do not conflict in purpose, and the code reviser may publish the section or subsection in the official code with all amendments incorporated therein.

Section 5. 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.

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Passed by the City Council the _____ day of _____, 2019, and signed by me in open session in authentication of its passage this _____ day of _____, 2019.

_____

President _____ of the City Council

Approved by me this _____ day of _____, 2019.

_____

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2019.

_____

Monica Martinez Simmons, City Clerk

(Seal)