



Legislation Text

File #: CB 119584, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to residential rental properties; conforming the Seattle Municipal Code with changes in state law; amending Sections 7.24.020, 7.24.030, 22.202.080, 22.206.160, 22.206.180, 22.210.030, and 22.902.120 of the Seattle Municipal Code.

WHEREAS, in the 2019 session of the Washington State Legislature, the state Residential Landlord-Tenant Act (chapter 59.18 RCW) and unlawful detainer chapter (chapter 59.12 RCW) were amended to give residential tenants more time to respond to an eviction notice, give more notice of a rent increase, and make other changes; and

WHEREAS, certain City codes should be amended to remain consistent with state law; 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:

* * *

"Housing costs" means ~~((the compensation or fees paid or charged, usually periodically, for the use of any property, land, buildings, or equipment. For purposes of this chapter, housing costs include the basic))~~ rent ~~((charge and any periodic or monthly fees for other services paid to the landlord by the tenant, but do not include utility charges that are based on usage and that the tenant has agreed in the rental agreement to pay, unless the obligation to pay those charges is itself a change in the terms of the rental agreement))~~ as defined by

chapter 59.18 RCW.

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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

A. Any rental agreement or renewal of a rental agreement for a residential rental unit in The City of Seattle entered into after October 28, 1998, shall include or shall be deemed to include a provision requiring a minimum of 60 days' prior written notice whenever the periodic or monthly housing costs to be charged a tenant are to increase ~~((by ten percent or more over the periodic or monthly rental rate charged the same tenant for the same housing unit and same services for any period or month during the preceding 12-month period))~~ , except that for a subsidized tenancy where the amount of rent is based on the income of the tenant or circumstances specific to the subsidized household, the rental agreement shall instead provide a minimum of 30 days prior written notice of an increase in the amount of rent to each affected tenant.

* * *

E. Any rental agreement entered into after ~~((the effective date of the ordinance introduced as Council Bill 118817))~~ January 15, 2017 shall describe the terms and conditions of any monthly or periodic payments required as a condition of tenancy, including but not limited to: rent, security deposits, non-refundable move-in fee, last month's rent, utility payments, parking fees, late fees authorized by the rental agreement, or other monthly or periodic payments required to be made by the tenant to the landlord. When any monthly or periodic payment is made pursuant to the rental agreement, the landlord shall ~~((first))~~ apply the payment ~~((to the rent due before applying it to other payments due by the tenant to the landlord, except that if the payment is made in response to a notice issued pursuant to RCW 59.12.030 during the period of that notice, the landlord shall first apply the payment to the amount specified in that notice, before applying it to the rent due or to other payments due by the tenant to the landlord))~~ in accordance with chapter 59.18 RCW.

* * *

Section 3. Section 22.202.080 of the Seattle Municipal Code, last amended by Ordinance 125343, is amended as follows:

22.202.080 Documentation of notices

All written notices required by Chapters 22.200 through 22.208 to be provided to or served on tenants by property owners, or on property owners by tenants, shall be documented in such a manner as to confirm the date on which the notice was received. The use of email is allowed for written notices required under subsections 22.206.180.~~((F))~~I.1, 22.206.180.~~((F))~~I.2, and 22.206.180.~~((F))~~I.3.

Section 4. Section 22.206.160 of the Seattle Municipal Code, last amended by Ordinance 125343, is amended as follows:

* * *

C. Just cause eviction

1. Pursuant to provisions of the Washington State Residential Landlord-Tenant Act (RCW 59.18.290), owners may not evict residential tenants without a court order, which can be issued by a court only after the tenant has an opportunity in a show cause hearing to contest the eviction (RCW 59.18.380). Owners of housing units shall not evict or attempt to evict any tenant, or otherwise terminate or attempt to terminate the tenancy of any tenant, unless the owner can prove in court that just cause exists. Owners may not evict residential tenants from rental housing units if the units are not registered with the Seattle Department of Construction and Inspections as required by Section 22.214.040, regardless of whether just cause for eviction may exist. An owner is in compliance with this registration requirement if the rental housing unit is registered with the Seattle Department of Construction and Inspections before entry of a court order authorizing eviction or before a writ of restitution is granted. A court may grant a continuance in an eviction action in order to give the owner time to register the rental housing unit. The reasons for termination of tenancy listed below, and no others, shall constitute just cause under this Section 22.206.160:

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

* * *

Section 5. Section 22.206.180 of the Seattle Municipal Code, last amended by Ordinance 125054, is amended as follows:

22.206.180 Prohibited acts by owners

Except as otherwise specifically required or allowed by this Title 22 or by the Washington State Residential Landlord-Tenant Act, chapter 59.18 RCW, it is unlawful for any owner to:

* * *

H. Increase the periodic or monthly housing costs to be charged a tenant ~~((by 10 percent or more over the periodic or monthly housing costs charged the same tenant for the same housing unit and the same services for any period or month during the preceding 12-month period))~~ without giving the tenant at least 60 days prior written notice of the cost increase, except that for a subsidized tenancy where the amount of rent is based on the income of the tenant or circumstances specific to the subsidized household, the owner shall instead provide a minimum of 30 days prior written notice of an increase in the amount of rent to each affected tenant. The notice shall describe how the tenant may obtain information about the rights and obligations of tenants and landlords under this Chapter 22.206; or

~~((I. Increase the periodic or monthly housing costs to be charged a tenant by less than 10 percent over the periodic or monthly housing costs charged the same tenant for the same housing unit and the same services for any period or month during the preceding 12-month period without giving the tenant at least 30 days prior written notice of the cost increase. The notice shall describe how the tenant may obtain information about the rights and obligations of tenants and landlords under this Chapter 22.206; or))~~

((F))I. Increase the periodic or monthly housing costs to be charged a tenant by any amount if the Director has determined the housing unit does not comply with the checklist prescribed by subsection 22.214.050.L and the weighted requirements of 22.214.050.M.

1. When a tenant is notified of a proposed increase in periodic or monthly housing costs, if the tenant believes the housing unit has defective conditions and does not comply with the checklist prescribed by subsection 22.214.050.L and the weighted requirements of 22.214.050.M, the tenant may notify the owner of the potential application of this ((Section)) subsection 22.206.180.((F))I.

2. Notification from a tenant to an owner must be in writing, describe the defective conditions, and be sent to the landlord prior to the effective date listed in the notice of housing costs increase the tenant received from the landlord.

3. After written notice to the owner has been provided, and before the housing costs increase takes effect, the tenant or owner may request an inspection from the Director.

4. Upon inspection, if the Director determines the unit meets the requirements of subsections 22.214.050.L and 22.214.050.M or that the conditions violating subsections 22.214.050.L and 22.214.050.M were caused by the tenant, the housing costs increase shall take effect on the date specified in the notice of the housing costs increase.

5. If the Director determines that the unit does not comply with the checklist prescribed by subsection 22.214.050.L and the weighted requirements of subsection 22.214.050.M, the housing costs increase shall not take effect until the Director determines that the housing unit complies with the checklist and the weighted requirements of subsection 22.214.050.M. This determination must occur before the tenant may lawfully refuse payment of the housing cost increase.

6. If a tenant pays the increased housing costs prior or subsequent to a determination by the Director that the housing unit does not comply with the checklist and the weighted requirements of subsection 22.214.050.M, the owner shall refund to the tenant the amount by which the housing costs paid exceeded the

amount of housing costs otherwise due, or provide a credit in that amount against the tenant's housing costs for the next rental period. The refund or credit shall be prorated to reflect the period that the housing unit was determined to be in compliance with the checklist and the weighted requirements of subsection 22.214.050.M. If the owner elects to provide a refund rather than provide a credit, the refund shall be paid to the tenant before the beginning of the next rental period. When calculating a pro-rata amount to be credited or refunded, a 30-day month shall be used.

7. If a tenant denies access to the tenant's housing unit to conduct an inspection, the increase in housing costs shall take effect on the date access to the dwelling unit was denied by the tenant, or on the effective date of the housing costs increase identified in the notice of the housing costs increase, whichever is later.

8. The Director shall describe, by rule, SDCI's role when a tenant notifies SDCI that a landlord has given the tenant notice pursuant to RCW 59.12.030 (3) ~~((3))~~14 day pay rent or vacate notice) and when the housing cost increase has been lawfully prohibited pursuant to subsection 22.206.180.~~((F))~~1.5.

Section 6. Section 22.210.030 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

22.210.030 Definitions

Unless the context clearly requires otherwise, the definitions in this ~~((section))~~ Section 22.210.030 apply throughout this Chapter 22.210:

* * *

K. "Rent" ~~((means the basic charge for a tenant's use of the dwelling unit and any periodic or monthly fees for other services paid to a landlord by a tenant, but do not include utility charges that are based on usage and that a tenant has agreed in the rental agreement to pay))~~ has the meaning given in chapter 59.18 RCW.

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Section 7. Section 22.902.120 of the Seattle Municipal Code, last amended by Ordinance 115105, is

amended as follows:

22.902.120 Evictions only for good cause during notice period ((-))

A developer shall not evict tenants or force tenants to vacate their rental units for the purposes of avoiding application of this ~~((chapter))~~ Chapter 22.902. No cooperative unit shall be sold or offered for sale if, in the ~~((one hundred fifty (150)))~~ 150 day period immediately preceding the sale or offer for sale, any tenant has been evicted without good cause. For ~~((one hundred twenty (120)))~~ 120 days prior to offering a rental unit for sale to the public, the tenant of that unit shall be evicted only for good cause. For the purposes of this ~~((chapter))~~ Chapter 22.902 "good cause" shall mean:

- A. Failure to pay rent after service of a ~~((three (3)))~~ 14 day notice to pay rent or vacate as provided in RCW 59.12.030(3);
- B. Failure to comply with a term or terms of the tenancy after service of a ten ~~((10))~~ day notice to comply or vacate as provided in RCW 59.12.030(4); and
- C. The commission or permission of a waste or the maintenance of a nuisance on the premises and failure to vacate after service of a three ~~((3))~~ day notice as provided in RCW 59.12.030(5).

Section 8. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, 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.

Section 9. 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 _____, 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)