



SEATTLE CITY COUNCIL

Sustainability and Renters' Rights Committee

Agenda

Friday, May 20, 2022

9:30 AM

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or
Seattle Channel online.

Kshama Sawant, Chair
Sara Nelson, Vice-Chair
Debora Juarez, Member
Andrew J. Lewis, Member
Tammy J. Morales, Member

Chair Info: 206-684-8803; Kshama.Sawant@seattle.gov

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SEATTLE CITY COUNCIL
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Agenda
May 20, 2022 - 9:30 AM

Meeting Location:

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or Seattle Channel online.

Committee Website:

<http://www.seattle.gov/council/committees/sustainability-and-renters-rights>

This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business.

Pursuant to Washington State Governor's Proclamation No. 20-28.15 and Senate Concurrent Resolution 8402, this public meeting will be held remotely. Meeting participation is limited to access by the telephone number provided on the meeting agenda, and the meeting is accessible via telephone and Seattle Channel online.

Register online to speak during the Public Comment period at the 9:30 a.m. Sustainability and Renters' Rights Committee meeting at <http://www.seattle.gov/council/committees/public-comment>.

Online registration to speak at the Sustainability and Renters' Rights Committee meeting will begin two hours before the 9:30 a.m. meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

Submit written comments to Councilmember Sawant at Kshama.Sawant@seattle.gov

Sign-up to provide Public Comment at the meeting at <http://www.seattle.gov/council/committees/public-comment>

Watch live streaming video of the meeting at <http://www.seattle.gov/council/watch-council-live>

Listen to the meeting by calling the Council Chamber Listen Line at 253-215-8782 Meeting ID: 586 416 9164

One Tap Mobile No. US: +12532158782,,5864169164#

Please Note: Times listed are estimated

A. Call To Order

B. Approval of the Agenda

C. Public Comment

D. Items of Business

1. [CB 120325](#) **AN ORDINANCE relating to housing and displacement mitigation; expanding the information required for submission under the Rental Registration Inspection Ordinance for rental housing units; requiring submission of rental housing-related information; and amending Chapter 22.214 of the Seattle Municipal Code.**

Supporting Documents: [Summary and Fiscal Note](#)

Briefing, Discussion, and Possible Vote (20 minutes)

Presenter: Asha Venkataraman, Council Central Staff

2. [CB 120330](#) **AN ORDINANCE relating to just cause eviction: changing the terms of certain eviction defenses; and amending Sections 22.205.090 and 22.205.100 of the Seattle Municipal Code.**

Supporting Documents: [Summary and Fiscal Note](#)

Briefing, Discussion, and Possible Vote (20 minutes)

Presenter: Asha Venkataraman, Council Central Staff

3. **Office of Sustainability and Environment (OSE) Race and Social Justice Initiative (RSJI) Report**

Supporting Documents: [2021 OSE RSJI Highlights Presentation](#)

Briefing, Discussion, and Possible Vote (30 minutes)

Presenters: Office of Sustainability and Environment

E. Adjournment



Legislation Text

File #: CB 120325, Version: 2

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to housing and displacement mitigation; expanding the information required for submission under the Rental Registration Inspection Ordinance for rental housing units; requiring submission of rental housing-related information; and amending Chapter 22.214 of the Seattle Municipal Code.

WHEREAS, Executive Order 2019-02 (“Actions to Increase Affordability and Address Residential

Displacement”) determined, among other things, that: “[E]conomic pressures are driving displacement of residents from their long-standing communities; and ... without thoughtful policies, deliberate planning and investment during this period of unprecedented growth and change, we risk displacement of long-time community members”; and

WHEREAS, in March 2019, Resolution 31870 stated that the City should “[d]evelop a consistent and thorough monitoring and reporting process regarding housing production and loss of households at 30 to 120 percent AMI, including change of tenure and net change in affordable units on a particular development site, and deducting housing units funded by OH [Seattle Office of Housing]”; and

WHEREAS, the July 2019 report prepared for the City’s Office of Planning and Community Development by the Urban Displacement Project, University of California, Berkeley, titled *Heightened Displacement Risk Indicators for the City of Seattle’s Equitable Development Monitoring Program*, states that “a more granular and localized” data set is needed to “best meet the City’s racial equity goals”; and

WHEREAS, in its September 29, 2021 response to Statement of Legislative Intent OPCD-004-A-001 (“Report by OPCD, OH, and SDCI on displacement monitoring gaps”), the City determined that there are

currently no sources that provide rental information data with a high level of granularity; and

WHEREAS, the Council intends that the submission of information regarding the number and size of residential rental units and rental amounts to a research university contracted to provide a report to the City will help to fill the identified data gaps and better allow the City to make policy to decrease gentrification and resulting physical, economic, and cultural displacement risks and inform updates to the City's Comprehensive Plan update; and

WHEREAS, the Council intends for the Office of Planning and Community Development or other executive department to enter into a contract with a research university to provide the City with reports analyzing this data and continue to hold such a contract for as long as the City requires the designated information be provided to the designated research university; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council finds and declares that it is necessary for the City to have and maintain a sufficiently descriptive and complete list of all rental housing units in Seattle, including analyses of market rate housing to inform policies to prevent and mitigate displacement of low-income households and the development and implementation of City programs.

Section 2. Chapter 22.214 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

CHAPTER 22.214 RENTAL REGISTRATION AND INSPECTION ORDINANCE

22.214.010 Declaration of purpose

The City Council finds that establishing a Rental Registration and Inspection Ordinance is necessary to protect the health, safety, and welfare of the public; ~~((and))~~ prevent deterioration and blight conditions that adversely impact the quality of life in the city; and mitigate displacement. This shall be accomplished by requiring rental housing be registered and properly maintained, ~~((and))~~ that substandard housing conditions be identified and corrected, and that owners certify to the City that they have submitted information about rental units for data

analysis.

* * *

22.214.030 Applicability

A. The registration provisions of this Chapter 22.214 shall apply to all rental housing units with the exception of:

1. Housing units lawfully used as short-term rentals, if the housing unit is the primary residence of the short-term rental operator as defined in Section 23.84A.030;
2. Housing units rented for not more than 12 consecutive months as a result of the property owner, who previously occupied the unit as a primary residence, taking a work-related leave of absence or assignment such as an academic sabbatical or temporary transfer;
3. Housing units that are a unit unavailable for rent;
4. Housing units in hotels, motels, inns, bed and breakfasts, or similar accommodations that provide lodging for transient guests, but not including short-term rentals as defined in Section 23.84A.024 unless the short-term rental qualifies for an exemption under subsection 22.214.030.A.1;
5. Housing units in facilities licensed or required to be licensed under chapter 18.20, 70.128, or 72.36 RCW, or subject to another exemption under this Chapter 22.214;
6. Housing units in any state licensed hospital, hospice, community-care facility, intermediate-care facility, or nursing home;
7. Housing units in any convent, monastery, or other facility occupied exclusively by members of a religious order or congregation;
8. Emergency or temporary shelter or transitional housing accommodations;
9. Housing units owned, operated, or managed by a major educational or medical institution or by a third party for the institution; and
10. Housing units that a government entity or housing authority owns, operates, or manages; or

units exempted from municipal regulation by federal, state, or local law.

B. The inspection provisions of this Chapter 22.214 shall apply to rental housing units that are included in this Rental Registration and Inspection Ordinance, with the exception of:

1. Rental housing units that receive funding or subsidies from federal, state, or local government when the rental housing units are inspected by a federal, state, or local governmental entity at least once every five years as a funding or subsidy requirement; and the rental housing unit owner or agent submits information to the Department within 60 days of being notified that an inspection is required that demonstrates the periodic federal, state, or local government inspection is substantially equivalent to the inspection required by this Chapter 22.214; and

2. Rental housing units that receive conventional funding from private or government insured lenders when the rental housing unit is inspected by the lender or lender's agent at least once every five years as a requirement of the loan; and the lender or lender's agent submits information to the Department within 60 days of being notified that an inspection is required that demonstrates the periodic lender inspection is substantially equivalent to the inspection required by this Chapter 22.214; and

3. Accessory dwelling units and detached accessory dwelling units, provided the owner lives in one of the housing units on the property and an "immediate family" member as identified subsection 22.205.010.E lives in the other housing unit on the same property.

C. The penalty provisions of subsection 22.214.086.A shall not apply to violations of:

1. Subsection 22.214.040.G.6;

2. Section 22.214.055; and

3. Subsection 22.214.040.H.2 for information required for submission by Section 22.214.055.

Violations of the provisions listed in subsections 22.214.030.C.1-3 are subject to penalties of up to \$500 for the first violation and up to \$1,000 for each subsequent violation in a three-year period. Violations of the provisions listed in subsections 22.214.030.C.1-3 are otherwise subject to Section 22.214.086.

22.214.040 Rental housing registration, compliance declaration, and renewals

* * *

G. An application for a rental housing registration shall be made to the Department on forms provided by the Director. The application shall include, but is not limited to:

1. The address of the property;
2. The name, address, and telephone number of the property owners;
3. The name, address, and telephone number of the registration applicant if different from the property owners;
4. The name, address, and telephone number of the person or entity the tenant is to contact when requesting repairs be made to their rental housing unit, and the contact person's business relationship to the owner;
5. A list of all rental housing units on the property, identified by a means unique to each unit, that are or may be available for rent at any time;
6. A declaration of compliance from the owner or owner's agent, declaring that the owner or owner's agent has provided to the research university selected by the Office of Planning and Community Development or other office within the Executive Department, pursuant to Chapter 20.50, the information required for submission by Section 22.214.055.

~~((6-))~~ 7. A declaration of compliance from the owner or owner's agent, declaring that all housing units that are or may be available for rent are listed in the registration application and meet or will meet the standards in this Chapter 22.214 before the units are rented; and

~~((7-))~~ 8. A statement identifying whether the conditions of the housing units available for rent and listed on the application were established by declaration of the owner or owner's agent, or by physical inspection by a qualified rental housing inspector.

H. A rental housing registration must be renewed according to the following procedures:

1. A registration renewal application and the renewal fee shall be submitted before the current registration expires;

2. All information required by subsection 22.214.040.G shall be updated as needed, except the information described in Section 22.214.055 shall be submitted by the owner at least twice annually by April 15 and by October 15 each year for information on the months of March and September of that same year, respectively; and ((;))

3. A new declaration as required by subsection 22.214.040.G.((6))7 shall be submitted.

* * *

22.214.055 Submission of rental housing information

A. The property owner or owner's agent shall submit the following information to a research university selected by the Office of Planning and Community Development or other office within the Executive Department on the schedule set out in subsection 22.214.040.H.2:

1. The name of the property owner provided in subsection 22.214.040.G.2;

2. The address of the property containing the rental housing units provided in subsection 22.214.040.G.1;

3. The list of all rental housing units on the property required by subsection 22.214.040.G.5; and

4. For each rental housing unit:

a. Whether it is vacant or occupied;

b. The estimated net rentable square footage;

c. The number of bedrooms;

d. The number of bathrooms;

e. Information sufficient to ascertain the current housing costs, as defined in Section 22.204.090, charged monthly;

f. The amount and identity of utilities paid by the owner;

g. The prospective housing costs if the unit is physically vacant; and

h. If subject to a rental agreement, the current term of the rental agreement.

B. The information submitted to the research university or under this Section 22.214.055 shall not include the name(s) of the tenant(s).

C. The Office of Planning and Community Development or other office within the Executive Department will enter into a contract with the research university, directing it to use its unique expertise, including but not limited to its diverse array of academic resources, to sort, analyze, and report on this data to identify relevant displacement risks and rental housing market conditions for the City to use in policy and decision-making regarding housing.

D. This Section 22.214.055 shall expire on the date the next City of Seattle comprehensive plan update required by chapter 36.70A RCW is adopted, or on December 31, 2025, whichever is later.

Section 3. 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 4. 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 _____, 2022, and signed by me in open session in authentication of its passage this _____ day of _____, 2022.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2022.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2022.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
LEG	Venkataraman/4-5382	

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title:

AN ORDINANCE relating to housing and displacement mitigation; expanding the information required for submission under the Rental Registration Inspection Ordinance for rental housing units; requiring submission of rental housing–related information; and amending Chapter 22.214 of the Seattle Municipal Code.

Summary and Background of the Legislation:

This legislation would require landlords to submit a certification to the Seattle Department of Construction and Inspections (SDCI) that the landlord provided information about rental housing units and rent to a third party like a research university for analysis. The information the landlord would be required to submit would include whether a rental housing unit is vacant or occupied; the net rentable square footage; the number of bedrooms; the number of bathrooms; housing costs or to be charged if the unit is vacant (“housing costs” includes rent and any periodic or monthly fees for other services such as storage and parking paid to the landlord by the tenant); the amount of utilities; and the length of a rental agreement. The legislation would require the owner to furnish information to the research university the City chooses twice a year. The legislation does not request personally identifiable information of the tenants.

This legislation is intended to enable the City to receive regularly from the third-party data and analyses to inform updates to the City’s Comprehensive Plan as well as policy making to, among other public benefits, prevent displacement and gentrification. The City has previously responded to concerns about displacement with a number of policy statements and reports, including:

- 2016 Monitoring Report: Affordability of Unsubsidized Rental Housing in Seattle (OH and OPCD);
- Executive Order 2019-02 (“Actions to Increase Affordability and Address Residential Displacement”); and
- Heightened Displacement Risk Indicators for the City of Seattle’s Equitable Development Monitoring Program (Urban Displacement Project, 2019).
- Resolution 31870, adopted on March 18, 2019

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? Yes No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? Yes No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

If so, describe the nature of the impacts. This could include increased operating and maintenance costs, for example.

Yes. The Seattle Department of Construction and Inspections (SDCI), the department currently implementing RRIO, has stated it will likely need resources to update its infrastructure to accommodate tracking landlord-submitted certifications and at least one Planning and Development Specialist II position to support enforcement of the legislation. The City department, such as SDCI or the Office of Planning and Community Development (OPCD), who will manage a contract with a third party to gather, analyze, and report on the rent roll data will likely require funding to enter into the contract, either in 2022 or 2023, or both. Central Staff will continue to discuss with City departments the level of resources and time needed to implement appropriate infrastructure and execute a contract.

Are there financial costs or other impacts of *not* implementing the legislation?

Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs or consequences.

Yes. Not having sufficient information on rental stock and rental amounts can make it difficult to assess the state of the rental market and impacts on the housing inventory, including rent levels, vacancies, demolitions and related levels and locations of physical and economic displacement, if applicable. Failure to gather this information could result in a reduced capacity by the City to determine the impacts and mitigation options needed for the housing elements of the Growth Management Act (GMA)-required major update of the City Comprehensive Plan due in 2024 and subsequent Comprehensive Plan updates.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

If so, please list the affected department(s) and the nature of the impact (financial, operational, etc.).

Yes. SDCI administers RRIO and will be responsible for tracking certifications and implementing the requirements of this ordinance. Either SDCI or another City department such as OPCD would need to choose and contract with the research university that will conduct the data analysis.

The additional data to be collected could benefit several other departments in their analyses and policy proposals, including the Office of Housing (OH) and OPCD. OH works with SDCI to gather and analyze information regarding housing for purposes of informing policies and programs under the purview of OH. Similarly, OPCD could benefit from the rental and vacancy data to inform efforts associated with the City's Comprehensive Plan as well as programs crafted to prevent displacement.

b. Is a public hearing required for this legislation?

If yes, what public hearings have been held to date, and/or what public hearings are planned/required in the future?

No

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

For example, legislation related to sale of surplus property, condemnation, or certain capital projects with private partners may require publication of notice. If you aren't sure, please check with your lawyer. If publication of notice is required, describe any steps taken to comply with that requirement.

No

d. Does this legislation affect a piece of property?

If yes, and if a map or other visual representation of the property is not already included as an exhibit or attachment to the legislation itself, then you must include a map and/or other visual representation of the property and its location as an attachment to the fiscal note. Place a note on the map attached to the fiscal note that indicates the map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.

No

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

If yes, please explain how this legislation may impact vulnerable or historically disadvantaged communities. Using the racial equity toolkit is one way to help determine the legislation's impact on certain communities. If any aspect of the legislation involves communication or outreach to the public, please describe the plan for communicating with non-English speakers.

Having research and analysis using data on the City's rental housing inventory could help to address systemic racism in housing by providing information to create policy that could mitigate disparate impacts of gentrification and displacement that can be caused by economic or zoning changes. These impacts are often experienced disproportionately by Black, Indigenous, and other communities of color.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

Please provide a qualitative response, considering net impacts. Are there potential carbon emissions impacts of not implementing the proposed legislation? Discuss any potential intersections of carbon emissions impacts and race and social justice impacts, if not previously described in Section 4.e.

No

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

Describe the potential climate resiliency impacts of implementing or not implementing the proposed legislation. Discuss any potential intersections of climate resiliency and race and social justice impacts, if not previously described in Section 4e.

No

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?

This answer should highlight measurable outputs and outcomes.

NA

Summary Attachments:

None



Legislation Text

File #: CB 120330, Version: 2

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to just cause eviction: changing the terms of certain eviction defenses; and amending Sections 22.205.090 and 22.205.100 of the Seattle Municipal Code.

WHEREAS, the Washington State Court of Appeals issued a decision in *RHA v. Seattle* on March 21, 2022 in response to a challenge to the City’s winter eviction regulation, COVID-19 related repayment plan requirements, and the COVID-19 related defense to eviction now codified at Seattle Municipal Code (SMC) Section 22.205.090 (“six-month defense”); and

WHEREAS, the Court of Appeals ruled that the six-month defense violates constitutional procedural due process guarantees because the defense does not afford landlords the opportunity to test the veracity of a tenant’s self-certification of financial hardship; and

WHEREAS, the City disagrees with the Court of Appeals’ ruling and has filed a motion for reconsideration that is pending in front of the Court of Appeals; and

WHEREAS, while the six-month defense remains in effect during the appellate process, to best ensure the effectiveness of the defense during its prescribed term (e.g., six months after the termination of the City’s eviction moratorium, which ended on February 28, 2022), the Council is adopting these amendments to eliminate the due process issue identified by the Court of Appeals, both as to the six-month defense and, in an abundance of caution, as to the defense codified at SMC 22.205.100 (“civil emergency defense”); and

WHEREAS, the six-month defense and the civil emergency defense remain necessary because the economic

impacts of the COVID-19 pandemic continue to significantly affect renters and their ability to pay rent;
and

WHEREAS, the ongoing economic impacts of the pandemic on tenants continue to be a particular concern
given the decreasing availability of rental assistance; and

WHEREAS, the pandemic disproportionately impacts Black, Indigenous, and other communities of color,
including in rental housing; and

WHEREAS, the Washington Center for Equitable Growth reports that many households, particularly those
headed by Black, Latino, women, or low-income individuals, are still reeling from the pandemic's
impacts on the economy; and

WHEREAS, even with the provision of benefits like COVID-related unemployment insurance, the Washington
Center for Equitable Growth reports that Black and low-income applicants continue to be the least
likely to receive these benefits; and

WHEREAS, the Washington Center for Equitable Growth reports also reports that more low-income workers
are disproportionately not working because of caregiving responsibilities; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.205.090 of the Seattle Municipal Code, enacted by Ordinance 126075, is amended
as follows:

22.205.090 Defense related to 2020 eviction moratorium

A. Subject to the requirements of subsection 22.205.090.B, it is a defense to eviction if the eviction
would result in the tenant having to vacate the housing unit within six months after the termination of the
Mayor's eviction moratorium, and if the reason for terminating the tenancy is:

1. The tenant fails to comply with a 14-day notice to pay rent or vacate pursuant to RCW
59.12.030(3) for rent due during, or within six months after the termination of, the Mayor's residential eviction
moratorium; or

2. The tenant habitually fails to pay rent resulting in four or more pay-or-vacate notices in a 12-month period.

For purposes of this Section 22.205.090, "termination of the Mayor's residential eviction moratorium" means termination of subsection 1.C (creating a defense to a pending eviction action) of the moratorium on residential evictions ordered by the Mayor's civil emergency order, as amended by the Council in Resolution 31938 on March 16, 2020.

B. The tenant may invoke the defense provided in subsection 22.205.090.A only if the tenant ((has submitted)) demonstrates that the tenant has suffered a financial hardship and is therefore unable to pay rent. The tenant's submission of a declaration or self-certification ((asserting)) that the tenant has suffered a financial hardship and is therefore unable to pay rent creates a presumption to that effect, which the landlord may rebut.

C. If a landlord issues a notice to terminate a tenancy due to a reason listed in subsections 22.205.090.A.1-2, and if the landlord issues that notice within six months after the termination of the Mayor's residential eviction moratorium, the notice must contain the following statement: "If you cannot pay rent, during or within 6 months after the end of the Mayor's moratorium on evictions, your inability to pay is a defense to eviction that you may raise in court." It is a defense to eviction if the notice does not contain that statement.

D. An award of attorneys' fees and statutory court costs to a landlord arising from an eviction proceeding arising from a notice to terminate a tenancy due to a reason listed in subsections 22.205.090.A.1-2 is prohibited unless otherwise allowed by law.

Section 2. Section 22.205.100 of the Seattle Municipal Code, enacted by Ordinance 126368, is amended as follows:

22.205.100 Defense related to financial hardship in 2020 civil emergency

A. Subject to the requirements of subsection 22.205.100.B, it is a defense to eviction if the tenant fails to pay rent due during the civil emergency proclaimed by Mayor Durkan on March 3, 2020, the tenant has

suffered a financial hardship during the civil emergency proclaimed by Mayor Durkan on March 3, 2020, and the reason for terminating the tenancy is:

1. The tenant fails to comply with a 14-day notice to pay rent or vacate pursuant to RCW 59.12.030(3) for rent due during the civil emergency proclaimed by Mayor Durkan on March 3, 2020; or
2. The tenant habitually fails to pay rent resulting in four or more pay-or-vacate notices in a 12-month period.

B. The tenant may invoke the defense provided in subsection 22.205.100.A only if the tenant ~~((submits))~~ demonstrates that the tenant has suffered a financial hardship and is therefore unable to pay rent. The tenant's submission of a declaration or self-certification ~~((asserting))~~ that the tenant has suffered a financial hardship and was therefore unable to pay rent during the civil emergency proclaimed by Mayor Durkan on March 3, 2020, creates a presumption to that effect, which the landlord may rebut.

C. If a landlord issues a notice to terminate a tenancy due to a reason listed in subsection 22.205.100.A.1 or subsection 22.205.100.A.2, and if the notice is based on a failure to pay rent due during the civil emergency proclaimed by Mayor Durkan on March 3, 2020, the notice must contain the following statement: "If you cannot pay rent due during the civil emergency proclaimed by Mayor Durkan on March 3, 2020, your inability to pay is a defense to eviction that you may raise in court." It is a defense to eviction if the notice does not contain that statement.

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 _____, 2022, and signed by me in open session in authentication of its passage this _____ day of _____, 2022.

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2022.

Bruce A. Harrell, Mayor

Filed by me this ____ day of _____, 2022.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
LEG	Venkataraman/4-5382	

* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to just cause eviction; changing the terms of certain eviction defenses; and amending Sections 22.205.090 and 22.205.100 of the Seattle Municipal Code.

Summary and Background of the Legislation: The Washington State Court of Appeals issued a decision in *RHA v. Seattle* on March 21, 2022 in response to a challenge to the City’s winter eviction regulation, COVID-19 related repayment plan requirements, and the COVID-19 related defense to eviction now codified at SMC 22.205.090 (“six-month defense”). The Court of Appeals ruled that the six-month defense violates constitutional procedural due process guarantees because the defense does not afford landlords the opportunity to test the veracity of a tenant’s self-certification of financial hardship. The City appealed, and while the six-month defense remains in effect during the appellate process, to best ensure the effectiveness of the defense during its prescribed term, the Council is adopting these amendments to eliminate the due process issue identified by the Court of Appeals, both as to the six-month defense and, in an abundance of caution, as to the defense codified at SMC 22.205.100.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes X No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes X No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

If so, describe the nature of the impacts. This could include increased operating and maintenance costs, for example.

No

Are there financial costs or other impacts of *not* implementing the legislation?

Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs or consequences.

If more people are evicted, more could end up in homelessness and exacerbate the many harms those experiencing homelessness suffer, including health impacts from COVID-19. This increase could result in more costs to the City to provide services to assist those experiencing homelessness.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

If so, please list the affected department(s) and the nature of the impact (financial, operational, etc.).

The Seattle Department of Construction and Inspections will enforce this ordinance.

b. Is a public hearing required for this legislation?

If yes, what public hearings have been held to date, and/or what public hearings are planned/required in the future?

No

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

For example, legislation related to sale of surplus property, condemnation, or certain capital projects with private partners may require publication of notice. If you aren't sure, please check with your lawyer. If publication of notice is required, describe any steps taken to comply with that requirement.

No

d. Does this legislation affect a piece of property?

If yes, and if a map or other visual representation of the property is not already included as an exhibit or attachment to the legislation itself, then you must include a map and/or other visual representation of the property and its location as an attachment to the fiscal note. Place a note on the map attached to the fiscal note that indicates the map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.

No

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

If yes, please explain how this legislation may impact vulnerable or historically disadvantaged communities. Using the racial equity toolkit is one way to help determine the legislation's impact on certain communities. If any aspect of the legislation involves communication or outreach to the public, please describe the plan for communicating with non-English speakers.

Historically disadvantaged communities are already at a disproportionate risk of eviction as well as more heavily impacted by public health emergencies. This legislation will help individuals in those populations remain housed.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

Please provide a qualitative response, considering net impacts. Are there potential carbon emissions impacts of not implementing the proposed legislation? Discuss any potential intersections of carbon emissions impacts and race and social justice impacts, if not previously described in Section 4.e.

No

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

Describe the potential climate resiliency impacts of implementing or not implementing the proposed legislation. Discuss any potential intersections of climate resiliency and race and social justice impacts, if not previously described in Section 4e.

No

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?

This answer should highlight measurable outputs and outcomes.

No

Summary Attachments:



Legislation Text

File #: Inf 2060, **Version:** 1

Office of Sustainability and Environment (OSE) Race and Social Justice Initiative (RSJI) Report



2021 RSJI Highlights

Office of Sustainability & Environment

Jessyn Farrell, Director

Agenda

- **OSE Overview**
- **2021 Accomplishments**
- **Racial Equity Toolkits**
- **Looking forward**



Centered around advancing **Environmental Justice and Sustainability**, OSE is working to:

Implement a **Green New Deal** for Seattle by working with City departments and community to build a **diverse green economy** that invests in and supports overburdened communities.

Reduce carbon pollution and GHG emissions in the buildings and transportation sectors while supporting a **just transition to a clean energy future** for Seattle.

Build healthy and resilient communities that can adapt to the impacts of climate change and have **equitable access** to green spaces and healthy, culturally relevant food.

OSE centers the goals of the Equity & Environment Agenda.

Our racial equity work includes:

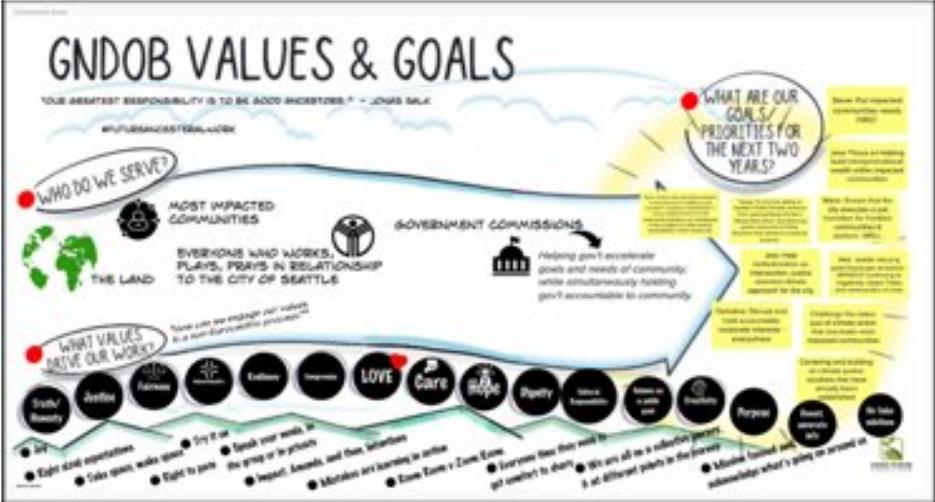
ENVIRONMENTAL JUSTICE LEADERSHIP	Creating opportunities for environmental justice communities to shape City policy and be part of the solution through boards, committees, and other engagement.
COMMUNITY INVESTMENTS	Investing in BIPOC-led organizations and businesses who have experienced the most harm.
SERVICE EQUITY	Incorporating service equity into programmatic efforts to reach BIPOC businesses and individuals and mitigate unintended consequences.
POLICY & PLANNING	Identifying opportunities to increase benefit and reduce harm for BIPOC communities and engage in design and implementation.
RACIAL EQUITY LEARNING	Fostering a relational, learning, and supporting culture within our workplace that uses anti-racist principles and values diverse perspectives and experiences.

Environmental Justice Leadership

Centering EJ communities to shape City policy

Green New Deal Oversight Board

- Connects frontline communities and City in shaping policy, programs, and investments that reduce climate pollution, create jobs, and advance an equitable transition from fossil fuels by prioritizing communities most harmed by economic, racial, and environmental injustices.



Environmental Justice Committee

- Created food justice principles to shape the Food Action Plan
- Engaged in equitable approaches to road pricing policies.

Sweetened Beverage Tax Community Advisory Board

- Issue SBT investment recommendations to support food justice and early learning action led by and for communities most impacted by economic, health and education inequities.

Environmental Justice Leadership	Community Investments	Service Equity	Policy & Planning	Racial Equity Learning
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Community Investment: Environmental Justice Fund

Investing in solutions within BIPOC communities

In 2021, OSE distributed \$750,000 to community organizations through the Environmental Justice Fund.

- The **Environmental Justice Fund tripled baseline available funding** as a result of recommendations from the Equitable Communities Initiative Task Force, which added \$550,000 to the fund.
- Funding supports 14 projects led by or in deep partnership with communities most affected by environmental issues.

2021 EJ Fund Grantees

- Basilica Bio
- Beacon Hill Council
- Delridge Neighborhood Development Association (DNDA)
- Duwamish Valley Sustainability Association
- International Capoeira Angola Foundation
- Khmer Community of Seattle & King County
- Muslimahs Against Abuse Center
- Raices Verdes
- Serve Ethiopians Washington
- The Backpack Academy
- The Doorway Project
- Sawhorse Revolution
- Wa Na Wari
- Y-WE (Young Women Empowered)

Community Investment: Individuals & Community

Investing in BIPOC communities who experience most harm

- **Wrapped up COVID emergency grocery voucher program**, distributing ~\$25M in benefits to 14,000 people (70% BIPOC) between March 2020-April 2021.
- **Enrolled 12,000 Seattle households to receive \$5.2 million in Fresh Bucks Vouchers** to use at 30 retailers, including 4 BIPOC-owned community grocers.
 - **75% of enrollees are from RSJ priority communities** thanks to our **12 partner community organizations and 7 community health systems** rooted in BIPOC and immigrant/refugee communities.
- **Provided 100% paid oil-to-heat pump conversions for 15 low-income households** in partnership with Office of Housing.
- **Provided internships and learning opportunities** via Benchmarking & Tune-Ups in partnership with South Seattle College.
- **Advanced Duwamish Valley Action Plan priorities** through cross-departmental efforts and investments in affordable housing, access to open space, and community health.



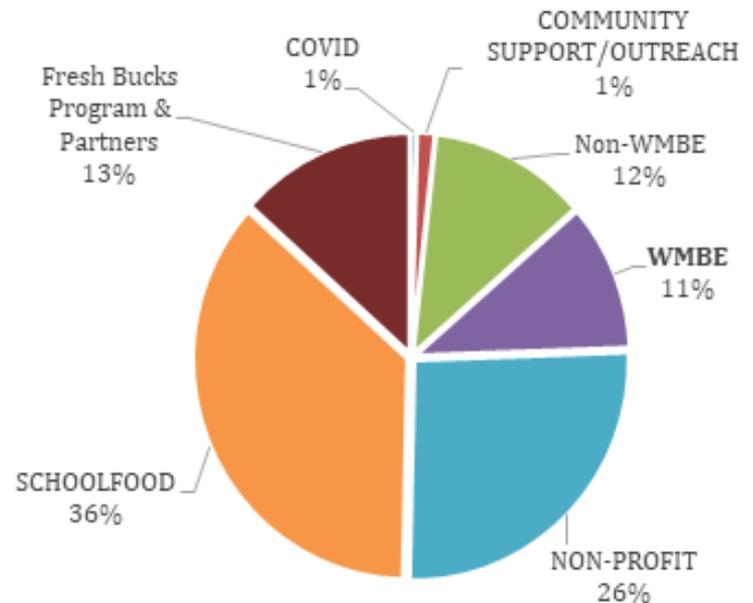
Environmental Justice Leadership	Community Investments	Service Equity	Policy & Planning	Racial Equity Learning
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Community Investments: Grants, Contracting, Purchasing

Investing in BIPOC businesses & organizations

- Of reportable expenditures, **11.4% (\$565K) for WMBE** (purchasing & contracting) and 36% for healthy school food (orange)
- Large portion of discretionary budget in Consultant category is Environmental Justice (EJ) Fund (in Blue), which provides grants to community-based organizations for EJ projects.
- Continued growth in spending with BIPOC-led orgs or those focused on BIPOC communities.
 - Many are non-profits or are not registered as WMBE firms. These investments (Burgundy and Red) were **\$723,000 (14%)**.
 - Includes Fresh Bucks community-based enrollment partners and providers, local organizations doing in-neighborhood outreach, and businesses/agencies assisting in small business support.

2021 Reportable Expenditures: \$4.3M*



*does not include over \$5 million spent in 2021 on Fresh Bucks benefits for residents

Service Equity

Ensuring programs reach BIPOC businesses & individuals and mitigating unintended consequences

Building and Energy Programs

- **Funded energy improvements** at South Park Neighborhood Center and Neighborcare @ Columbia City
- Prioritized energy regulation outreach and TA in priority neighborhoods (based on OPCD's RSE index) and non-profit owned.
 - Increased **Benchmarking compliance** from 84% to 95%
 - **Helped nine non-profit/CBOs comply with Tune-Ups** and qualify for **City Light incentives**.

Food Policy

- **Transitioned Fresh Bucks paper vouchers to e-benefits** in line with RET recommendations
- **Recruited new retailers** to expand the Fresh Bucks retail network

Stewart Manor Affordable Housing

An energy efficiency and electrification path to carbon neutral



Credit: UW Integrated Design Lab



Policy & Planning

Increasing benefit & reducing harm for BIPOC communities through policy & planning efforts

- **Led with racial equity in the Food Action Plan update process**, including deep engagement with the EJC and other BIPOC food and environmental justice leaders.
- **Identified ways to support** affordable housing and community-serving buildings in decarbonization efforts.
- **Engaged East African drayage truck drivers** to inform the deployment of electric port trucks and a zero-emission freight corridor.



Equitable Road Pricing Work Group

Environmental Justice Leadership	Community Investments	Service Equity	Policy & Planning	Racial Equity Learning
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Policy & Planning: Racial Equity Toolkits

At all stages of policy & program development process —from policy development to user experience.

- 1. Fresh Bucks e-benefits Transition:** Engage with Fresh Bucks customers, retailers, and community-based organizations to support equitable implementation of the Fresh Bucks e-benefits system.
- 2. Road Pricing for Equitable Mobility:** Explore how Road-Pricing Strategies can be used to improve mobility, address climate emissions from transportation, and advance equity.
- 3. Carbon-based Building Performance Standards:** Identify opportunities to maximize benefit to BIPOC communities in the development of this policy, which will cover existing commercial and multifamily buildings 20,000 sq.ft. or larger.
- 4. Seattle Clean Buildings Accelerator:** Technical assistance program to minimize burdens for under-resourced building owners to comply with State energy performance standards and to start reducing emissions.



Environmental Justice Leadership	Community Investments	Service Equity	Policy & Planning	Racial Equity Learning
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Racial Equity Toolkits: Fresh Bucks e-benefits

Racial Equity Outcomes

1. Eliminate racial disparities in access to healthy foods for low-income Hispanic, Black/African American, American Indian/Alaska Native (AIAN), Native Hawaiian Pacific Islander (NHPI) communities and immigrants and refugees, particularly those with language barriers.
2. Assess ways to support Fresh Bucks customers, especially those with limited English proficiency and/or limited technology access, to transition to electronic benefits.



Process

Engaged with key stakeholders to gather information about what will make it easy to use benefits.

- Community-based enrollment partners
- Neighborhood grocers
- Retailers
- Farmers market administrators

Recruited participants from RSJ priority communities to test the beta version of the e-benefits system to identify challenges and pain points.



Environmental
Justice Leadership

Community
Investments

Service Equity

Policy & Planning

Racial Equity Learning

Racial Equity Toolkits: Fresh Bucks e-benefits

Key learnings

1. Many benefits to the e-benefits transition:
 - Purchase amount flexibility
 - Quicker and easier transaction at checkout
 - More discreet to use
2. Potential pain points included card activation, adjustment to a new process



What changed as a result

- Created call-in activation line
- Revised testing and training protocol for retailers
- Revised customer communications, including a how-to [video](#) (available in English, Chinese, Somali, Spanish, and Vietnamese)



Racial Equity Toolkits: Building Performance Standards

Racial Equity Outcomes

1. Include equity-focused support services for low-resource building owners to alleviate cost impacts (CBOs, affordable housing, small businesses);
2. Minimize displacement risk and ensure BIPOC communities benefit from healthier living and working spaces
3. Diversify clean energy career opportunities for BIPOC and women.

Process

Stakeholder engagement:

- Community-based organization and non-profit building owners
- Buildings serving community / low-income / BIPOC, cultural anchors, class B&C office,
- Naturally occurring affordable housing
- Affordable housing task force
- Residential and small business tenants
- Equity subject matter experts
- Labor representatives
- Coordination with Emerald Cities to identify inclusive workforce strategies



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Justice Leadership

Community
Investments

Service Equity

Policy & Planning

Racial Equity Learning

Racial Equity Toolkits: Building Performance Standards

Key learnings

1. Intentional strategies to ensure BIPOC residents are well-positioned to fill new energy service provider jobs.
2. Technical assistance and financial incentives to minimize burden and support capacity to navigate regulations and complete energy upgrades.
3. Policy pathways to mitigate risk of temporary or permanent displacement of BIPOC commercial and residential tenants due to building upgrades.
4. Targeted attention to ensure BIPOC residential and commercial tenants benefit from higher quality, safer, energy-efficient homes and workplaces.

What changed as a result

- **Early Action:**
 - Clean Buildings Accelerator program to provide technical support to under-resourced owners to comply with the current State Clean Buildings Performance Standards, and to try out promising approaches.
- **Underway:**
 - Policy phasing over time by building size, type and with equity considerations.
 - Companion programs and financial incentives to support equity and workforce development
 - Aggressive pursuit of federal and state \$ to support building upgrades



Environmental
Justice Leadership

Community
Investments

Service Equity

Policy & Planning

Racial Equity Learning

Racial Equity Learning & Change Team

Fostering a relational, learning, and supportive culture within our workplace that uses anti-racist principles and values diverse perspectives and experiences.

Office-wide

- **Established voluntary, optional caucuses:** Spaces for BIPOC and white staff to unpack the impacts of internalized racism and build a system of understanding and accountability with each other.
- **Building community relationships.** OSE staff participated in volunteer work parties at Black Farmer's Collective farms in Yesler Terrace and Columbia City.

Change Team

- **Centering racial equity in hiring processes.** This is of particular interest to OSE, given the larger issue of underrepresentation of BIPOC within the environmental sector.
- **Budget process.** Given the high community impact of our fiscal investments, Change Team plays a key role in the budget planning process and WMBE spending goal-setting and monitoring.
- **Citywide racial equity team.** Co-leads represent OSE and provide Change Team with updates on city-wide issues for consideration.



Environmental Justice Leadership	Community Investments	Service Equity	Policy & Planning	Racial Equity Learning
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Looking Forward to 2022

Partnering with BIPOC communities to tackle the climate crisis and build sustainable communities by:

- Actioning **Seattle's Green New Deal** in partnership with the Oversight Board and City Team.
- Establishing the **Duwamish Valley Resilience District** to reduce vulnerability to climate impacts, while keeping people and businesses in place.
- **Scaling up equity-leading electrification policies and programs** to ensure that BIPOC and under-resourced residents, building owners, truck drivers, and workers benefit from the clean energy transition now.
- **Expanding the Fresh Bucks retailer network** to serve the diversity of Seattle residents and small businesses.
- Prioritizing BIPOC leadership in the **Food Action Plan update**.
- **Addressing tree canopy cover disparities and urban forest health**, including pilot efforts to green industrial land in the Duwamish Valley



Environmental Justice
Leadership

Community
Investments

Service Equity

Policy & Planning

Racial Equity Learning

Questions?

