



CITY OF SEATTLE

City Council

Agenda

Tuesday, August 1, 2023

2:00 PM

Council Chamber, City Hall
600 4th Avenue
Seattle, WA 98104

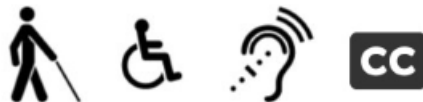
Debora Juarez, Council President
Lisa Herbold, Member
Andrew J. Lewis, Member
Tammy J. Morales, Member
Teresa Mosqueda, Member
Sara Nelson, Member
Alex Pedersen, Member
Kshama Sawant, Member
Dan Strauss, Member

Chair Info: 206-684-8805; Debora.Juarez@seattle.gov

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CITY OF SEATTLE

City Council Agenda

August 1, 2023 - 2:00 PM

Meeting Location:

Council Chamber, City Hall, 600 4th Avenue, Seattle, WA 98104

Committee Website:

<http://www.seattle.gov/council>

Members of the public may register for remote or in-person Public Comment to address the Council. Details on how to provide Public Comment are listed below:

Remote Public Comment - Register online to speak during the Public Comment period at

<http://www.seattle.gov/council/committees/public-comment>. Online registration to speak will begin two hours before the 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.

In-Person Public Comment - Register to speak on the Public Comment sign-up sheet located inside Council Chambers at least 15 minutes prior to the meeting start time. 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 all Councilmembers at

Council@seattle.gov

A. CALL TO ORDER

B. ROLL CALL

C. PRESENTATIONS

D. PUBLIC COMMENT

Members of the public may sign up to address the Council for up to 2 minutes on matters on this agenda; total time allotted to public comment at this meeting is 20 minutes.

E. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR:

Introduction and referral to Council committees of Council Bills (CB), Resolutions (Res), Appointments (Appt), and Clerk Files (CF) for committee recommendation.

[IRC 404](#)

August 1, 2023

Attachments: [Introduction and Referral Calendar](#)

F. APPROVAL OF THE AGENDA**G. APPROVAL OF CONSENT CALENDAR**

The Consent Calendar consists of routine items. A Councilmember may request that an item be removed from the Consent Calendar and placed on the regular agenda.

Journal:

1. [Min 438](#) July 25, 2023

Attachments: [Minutes](#)

Bills:

2. [CB 120627](#) AN ORDINANCE appropriating money to pay certain claims for the week of July 17, 2023 through July 21, 2023 and ordering the payment thereof; and ratifying and confirming certain prior acts.

Appointments:**ECONOMIC DEVELOPMENT, TECHNOLOGY, AND CITY LIGHT COMMITTEE:**

3. [Appt 02627](#) Reappointment of Jason Clackley as member, Seattle Music Commission, for a term to August 31, 2026.

**The Committee recommends that City Council confirm the Appointment (Appt).
In Favor: 3 - Nelson, Juarez, Herbold
Opposed: None**

Attachments: [Appointment Packet](#)

4. [Appt 02628](#) Reappointment of Andrew Joslyn as member, Seattle Music Commission, for a term to August 31, 2026.

**The Committee recommends that City Council confirm the Appointment (Appt).
In Favor: 3 - Nelson, Juarez, Herbold
Opposed: None**

Attachments: [Appointment Packet](#)

5. [Appt 02629](#) Reappointment of Eric Lilavois as member, Seattle Music Commission, for a term to August 31, 2026.

**The Committee recommends that City Council confirm the Appointment (Appt).
In Favor: 3 - Nelson, Juarez, Herbold
Opposed: None**

Attachments: [Appointment Packet](#)

6. [Appt 02630](#) Reappointment of Anne Berry O'Dowd as member, Seattle Music Commission, for a term to August 31, 2026.

**The Committee recommends that City Council confirm the Appointment (Appt).
In Favor: 3 - Nelson, Juarez, Herbold
Opposed: None**

Attachments: [Appointment Packet](#)

H. COMMITTEE REPORTS

Discussion and vote on Council Bills (CB), Resolutions (Res), Appointments (Appt), and Clerk Files (CF).

ECONOMIC DEVELOPMENT, TECHNOLOGY, AND CITY LIGHT COMMITTEE:

1. [Res 32099](#) A RESOLUTION establishing the shared City and community goals and strategies of the Future of the Seattle Economy investment agenda as City policy and a critical foundation for economic development work in Seattle.

The Committee recommends that City Council adopt as amended the Resolution (Res).

In Favor: 3 - Nelson, Juarez, Herbold

Opposed: None

Supporting

Documents: [Summary and Fiscal Note](#)
[Proposed Amendment A](#)

PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE:

2. [CB 120580](#) AN ORDINANCE relating to app-based worker labor standards; establishing labor standards on deactivation protections for app-based workers working in Seattle; amending Section 3.02.125 of the Seattle Municipal Code; and adding a new Chapter 8.40 to the Seattle Municipal Code.

The Committee recommends that City Council pass as amended the Council Bill (CB).

In Favor: 3 - Herbold, Lewis, Mosqueda

Opposed: 1 - Pedersen

Abstain: 1 - Nelson

Supporting

Documents: [Summary and Fiscal Note](#)

SUSTAINABILITY AND RENTERS' RIGHTS COMMITTEE:

3. [CB 120606](#) AN ORDINANCE relating to tenant protections; establishing rent control provisions; regulating residential rent increases; establishing a Rent Control Commission and District Rent Control Boards to authorize rent control exemptions; establishing enforcement provisions; adding a new Chapter 7.28 to the Seattle Municipal Code; and amending Sections 3.06.030 and 22.214.040 of the Seattle Municipal Code.

The Committee recommends that City Council does not pass the Council Bill (CB).

In Favor: 2 - Sawant, Morales

Opposed: 3 - Nelson, Juarez, Lewis

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

I. ITEMS REMOVED FROM CONSENT CALENDAR

J. ADOPTION OF OTHER RESOLUTIONS

K. OTHER BUSINESS

L. ADJOURNMENT



Legislation Text

File #: IRC 404, Version: 1

August 1, 2023



Introduction and Referral Calendar

List of proposed Council Bills (CB), Resolutions (Res), Appointments (Appt) and Clerk Files (CF) to be introduced and referred to a City Council committee

Record No.	Title	Committee Referral
<u>By: Mosqueda</u>		
1. CB 120627	AN ORDINANCE appropriating money to pay certain claims for the week of July 17, 2023 through July 21, 2023 and ordering the payment thereof; and ratifying and confirming certain prior acts.	City Council
<u>By: Juarez</u>		
2. CB 120628	AN ORDINANCE relating to City employment; adopting a 2023 Citywide Position List.	City Council
<u>By: Mosqueda</u>		
3. CB 120630	AN ORDINANCE relating to funding for housing and community development programs; adopting The City of Seattle 2023 Annual Action Plan to the 2018-2023 Consolidated Plan for Housing and Community Development; authorizing submission of the Annual Action Plan to the United States Department of Housing and Urban Development (HUD); authorizing acceptance of grant funds from HUD for programs and activities included in the 2023 Annual Action Plan; amending Ordinance 126725, which adopted the 2023 Budget, by modifying appropriations to various departments and budget control levels in the 2023 Adopted Budget; and ratifying and confirming certain prior acts.	Finance and Housing Committee
<u>By: Strauss</u>		
4. CB 120622	AN ORDINANCE relating to vacant building monitoring and nuisance abatement; amending Sections 22.204.030 and 22.206.200 of the Seattle Municipal Code.	Land Use Committee
<u>By: Strauss</u>		
5. CB 120631	AN ORDINANCE relating to land use and zoning; amending subsection 23.49.011.B of the Seattle Municipal Code to increase flexibility for lodging uses in the DMR/R 95/65 zone.	Land Use Committee
<u>By: Strauss</u>		
6. CB 120632	AN ORDINANCE relating to land use and zoning; amending the Official Land Use Map (Chapter 23.32 of the Seattle	Land Use Committee

Municipal Code) to rezone certain land in the Downtown Retail Core; and amending Sections 23.49.008 and 23.49.058 of the Seattle Municipal Code to increase housing capacity and downtown activation.

By: Lewis

- | | | |
|------------------------------|---|--|
| 7. CB 120629 | AN ORDINANCE relating to King County Conservation Futures Levy proceeds; authorizing the Mayor to enter into Amendment 1 to the Interlocal Cooperation Agreement between the King County and the City of Seattle for Conservation Futures-Funded Open Space Acquisition Projects; and authorizing the deposit of 2021, 2022 and 2023 allocations from King County Conservation Futures Levy proceeds into The City of Seattle's Park and Recreation Fund. | Public Assets and Homelessness Committee |
|------------------------------|---|--|

By: Lewis

- | | | |
|------------------------------|--|--|
| 8. Res 32100 | A RESOLUTION supporting the development of lids across Interstate 5. | Public Assets and Homelessness Committee |
|------------------------------|--|--|

By: Herbold

- | | | |
|-------------------------------|--|--|
| 9. Appt 02581 | Appointment of Josh Sattler as Court Administrator, Seattle Municipal Court. | Public Safety and Human Services Committee |
|-------------------------------|--|--|



Legislation Text

File #: Min 438, **Version:** 1

July 25, 2023

SEATTLE CITY COUNCIL

600 Fourth Ave. 2nd Floor
Seattle, WA 98104



Journal of the Proceedings of the Seattle City Council

Tuesday, July 25, 2023

2:00 PM

Revised

Council Chamber, City Hall

600 4th Avenue

Seattle, WA 98104

City Council

Debora Juarez, Council President

Lisa Herbold, Member

Andrew J. Lewis, Member

Tammy J. Morales, Member

Teresa Mosqueda, Member

Sara Nelson, Member

Alex Pedersen, Member

Kshama Sawant, Member

Dan Strauss, Member

Chair Info: 206-684-8805; Debora.Juarez@seattle.gov

A. CALL TO ORDER

The City Council of The City of Seattle met in the Council Chamber in Seattle, Washington, on July 25, 2023, pursuant to the provisions of the City Charter. The meeting was called to order at 2:02 p.m., with Council President Juarez presiding.

B. ROLL CALL

Present: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

C. PRESENTATIONS

There were none.

D. PUBLIC COMMENT

The following individuals addressed the Council:

Howard Gale
Jody Albright
David Haines
Michael Caci
Abby Brockway
Mike Gain
Gloria Pumphrey
Deborah Hendrickson
Steve Pumphrey
Bruce Hendrickson
Sheila Mead
Nancy Moehring
Kathleen Brose
Donna Breske
Matt Wasse
Rachel Allen
Edward Suver
Chris Gugios
Clatez Daumdre Jones

E. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR:

[IRC 403](#) **July 25, 2023**

Motion was made, duly seconded and carried, to adopt the Introduction & Referral Calendar (IRC) by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

F. APPROVAL OF THE AGENDA

Motion was made, duly seconded and carried, to adopt the proposed Agenda.

G. APPROVAL OF CONSENT CALENDAR

Motion was made, duly seconded and carried, to adopt the Consent Calendar.

Journal:

1. [Min 437](#) **July 18, 2023**

The item was adopted on the Consent Calendar by the following vote, and the President signed the Minutes:(Min):

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

Bills:

2. [CB 120621](#) **AN ORDINANCE appropriating money to pay certain claims for the week of July 10, 2023 through July 14, 2023 and ordering the payment thereof; and ratifying and confirming certain prior acts.**

The item was passed on the Consent Calendar by the following vote, and the President signed the Council Bill:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

Appointments:**GOVERNANCE, NATIVE COMMUNITIES, AND TRIBAL GOVERNMENTS
COMMITTEE:**

3. [Appt 02608](#) Reappointment of N. Iris Friday as member, Seattle Indian Services Committee, for a term to October 31, 2025.

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 4 - Juarez, Pedersen, Sawant, Strauss

Opposed: None

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

4. [Appt 02610](#) Reappointment of Esther Lucero as member, Indigenous Advisory Council, for a term to July 31, 2025.

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 4 - Juarez, Pedersen, Sawant, Strauss

Opposed: None

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

5. [Appt 02611](#) Reappointment of Donny Stevenson as member, Indigenous Advisory Council, for a term to July 31, 2025.

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 4 - Juarez, Pedersen, Sawant, Strauss

Opposed: None

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

6. [Appt 02612](#) **Appointment of Megan Castillo as member, Indigenous Advisory Council, for a term to July 31, 2025.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 4 - Juarez, Pedersen, Sawant, Strauss

Opposed: None

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

7. [Appt 02613](#) **Reappointment of Asia Tail as member, Indigenous Advisory Council, for a term to July 31, 2025.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 4 - Juarez, Pedersen, Sawant, Strauss

Opposed: None

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

NEIGHBORHOODS, EDUCATION, CIVIL RIGHTS, AND CULTURE COMMITTEE:

8. [Appt 02110](#) **Appointment of Kenny Pittman as member Historic Seattle Preservation and Development Authority Governing Council, for a term to November 30, 2024.**

The Committee recommends that City Council confirm the Appointment (Appt).

**In Favor: 5 - Morales, Sawant, Lewis, Nelson, Strauss
Opposed: None**

The item was confirmed on the Consent Calendar by the following vote:

**In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda,
Nelson, Pedersen, Sawant, Strauss**

Opposed: None

9. [Appt 02573](#) **Appointment of Katherine (Katie) Randall as member, Landmarks Preservation Board, for a term to August 14, 2025.**

The Committee recommends that City Council confirm the Appointment (Appt).

**In Favor: 5 - Morales, Sawant, Lewis, Nelson, Strauss
Opposed: None**

The item was confirmed on the Consent Calendar by the following vote:

**In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda,
Nelson, Pedersen, Sawant, Strauss**

Opposed: None

10. [Appt 02394](#) **Appointment of Heyiwot Amare as member, Seattle Disability Commission, for a term to April 30, 2024.**

The Committee recommends that City Council confirm the Appointment (Appt).

**In Favor: 5 - Morales, Sawant, Lewis, Nelson, Strauss
Opposed: None**

The item was confirmed on the Consent Calendar by the following vote:

**In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda,
Nelson, Pedersen, Sawant, Strauss**

Opposed: None

11. [Appt 02191](#) **Reappointment of Alexander F. Tang as member, Seattle Human Rights Commission, for a term to January 22, 2024.**
- The Committee recommends that City Council confirm the Appointment (Appt).**
In Favor: 5 - Morales, Sawant, Lewis, Nelson, Strauss
Opposed: None
- The item was confirmed on the Consent Calendar by the following vote:**
- In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss**
- Opposed: None**
12. [Appt 02193](#) **Appointment of Phi Tran as member, Seattle Youth Commission, for a term to August 31, 2023.**
- The Committee recommends that City Council confirm the Appointment (Appt).**
In Favor: 5 - Morales, Sawant, Lewis, Nelson, Strauss
Opposed: None
- The item was confirmed on the Consent Calendar by the following vote:**
- In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss**
- Opposed: None**
13. [Appt 02245](#) **Appointment of Olisa Enrico-Johnson as member, Seattle Arts Commission, for a term to December 31, 2023.**
- The Committee recommends that City Council confirm the Appointment (Appt).**
In Favor: 5 - Morales, Sawant, Lewis, Nelson, Strauss
Opposed: None
- The item was confirmed on the Consent Calendar by the following vote:**
- In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss**
- Opposed: None**
-

14. [Appt 02623](#) **Appointment of Marcus White as member, Community Involvement Commission, for a term to May 31, 2025.**
- The Committee recommends that City Council confirm the Appointment (Appt).**
In Favor: 5 - Morales, Sawant, Lewis, Nelson, Strauss
Opposed: None
- The item was confirmed on the Consent Calendar by the following vote:**
- In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss**
- Opposed: None**
15. [Appt 02624](#) **Appointment of Kaitlin R. Klaustermeier as member, Pike Place Market Preservation and Development Authority Governing Council, for a term to April 30, 2024.**
- The Committee recommends that City Council confirm the Appointment (Appt).**
In Favor: 5 - Morales, Sawant, Lewis, Nelson, Strauss
Opposed: None
- The item was confirmed on the Consent Calendar by the following vote:**
- In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss**
- Opposed: None**
16. [Appt 02614](#) **Reappointment of Stephanie Ellis-Smith as member, Museum Development Authority Governing Council, for a term to July 11, 2024.**
- The Committee recommends that City Council confirm the Appointment (Appt).**
In Favor: 5 - Morales, Sawant, Lewis, Nelson, Strauss
Opposed: None
- The item was confirmed on the Consent Calendar by the following vote:**
- In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss**

Opposed: None

17. [Appt 02615](#) **Reappointment of Robert D. Kaplan as member, Museum Development Authority Governing Council, for a term to July 31, 2025.**
- The Committee recommends that City Council confirm the Appointment (Appt).**
In Favor: 5 - Morales, Sawant, Lewis, Nelson, Strauss
Opposed: None
- The item was confirmed on the Consent Calendar by the following vote:**
- In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss**
- Opposed:** None
18. [Appt 02616](#) **Reappointment of Dorothy Holland Mann as member, Museum Development Authority Governing Council, for a term to July 31, 2025.**
- The Committee recommends that City Council confirm the Appointment (Appt).**
In Favor: 5 - Morales, Sawant, Lewis, Nelson, Strauss
Opposed: None
- The item was confirmed on the Consent Calendar by the following vote:**
- In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss**
- Opposed:** None
19. [Appt 02617](#) **Reappointment of Douglass A. Raff as member, Museum Development Authority Governing Council, for a term to July 11, 2024.**
- The Committee recommends that City Council confirm the Appointment (Appt).**
In Favor: 5 - Morales, Sawant, Lewis, Nelson, Strauss
Opposed: None
- The item was confirmed on the Consent Calendar by the following vote:**
- In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss**
-

Opposed: None

20. [Appt 02618](#) **Reappointment of Robert Strong as member, Museum Development Authority Governing Council, for a term to July 11, 2024.**
- The Committee recommends that City Council confirm the Appointment (Appt).**
In Favor: 5 - Morales, Sawant, Lewis, Nelson, Strauss
Opposed: None
- The item was confirmed on the Consent Calendar by the following vote:**
- In Favor:** 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss
- Opposed:** None
21. [Appt 02625](#) **Reappointment of Henry W. McGee, Jr. as member, Museum Development Authority Governing Council, for a term to September 30, 2024.**
- The Committee recommends that City Council confirm the Appointment (Appt).**
In Favor: 5 - Morales, Sawant, Lewis, Nelson, Strauss
Opposed: None
- The item was confirmed on the Consent Calendar by the following vote:**
- In Favor:** 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss
- Opposed:** None
22. [Appt 02619](#) **Reappointment of Rachel E. Morowitz as member, Seattle Women's Commission, for a term to July 1, 2024.**
- The Committee recommends that City Council confirm the Appointment (Appt).**
In Favor: 5 - Morales, Sawant, Lewis, Nelson, Strauss
Opposed: None
- The item was confirmed on the Consent Calendar by the following vote:**
- In Favor:** 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

23. [Appt 02620](#) **Reappointment of Whitney Nakamura as member, Seattle Women's Commission, for a term to July 1, 2024.**

The Committee recommends that City Council confirm the Appointment (Appt).

**In Favor: 5 - Morales, Sawant, Lewis, Nelson, Strauss
Opposed: None**

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

24. [Appt 02621](#) **Reappointment of Rebecca Bryant as member, Seattle Women's Commission, for a term to July 1, 2024**

The Committee recommends that City Council confirm the Appointment (Appt).

**In Favor: 5 - Morales, Sawant, Lewis, Nelson, Strauss
Opposed: None**

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

25. [Appt 02622](#) **Reappointment of Abriel Johnny as member, Seattle Women's Commission, for a term to July 1, 2024**

The Committee recommends that City Council confirm the Appointment (Appt).

**In Favor: 5 - Morales, Sawant, Lewis, Nelson, Strauss
Opposed: None**

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

PUBLIC ASSETS AND HOMELESSNESS COMMITTEE:

- 26. [Appt 02626](#) **Appointment of Calandra Childers as member, Climate Pledge Arena Giving Council, for a term to June 30, 2026.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 4 - Lewis, Herbold, Juarez, Morales

Opposed: None

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

H. COMMITTEE REPORTS

GOVERNANCE, NATIVE COMMUNITIES, AND TRIBAL GOVERNMENTS COMMITTEE:

- 1. [Appt 02609](#) **Reappointment of Ryan P. Vancil as Hearing Examiner, Office of the Hearing Examiner, for a term to March 20, 2027.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 4 - Juarez, Pedersen, Sawant, Strauss

Opposed: None

The Appointment (Appt) was confirmed by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

CITY COUNCIL:

- 2. [CB 120620](#) **AN ORDINANCE authorizing the Director of the Department of Finance and Administrative Services or the Director’s designee to execute a lease with the Department of the Army for the City’s continued use of an approximately 13,000-square-foot warehouse facility at 1561 Alaskan Way South for the operation of the St. Martin de Porres Shelter for homeless men over the age of 50; and ratifying and confirming certain prior acts.**

Motion was made and duly seconded to pass Council Bill 120620.

The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Council Bill (CB):

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

PUBLIC ASSETS AND HOMELESSNESS COMMITTEE:

- 3. [CB 120609](#) **AN ORDINANCE authorizing the Superintendent of Seattle Parks and Recreation (SPR) to enter into a Concession Agreement with Sail Sand Point to occupy and use a portion of the Magnuson North Shore Recreation Area at Warren G. Magnuson Park to provide sailing and boating programs and education, short-term boat rentals, and dry boat storage.**

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 4 - Lewis, Herbold, Juarez, Morales

Opposed: None

The Council Bill (CB) was passed by the following vote, and the President signed the Council Bill (CB):

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

TRANSPORTATION AND SEATTLE PUBLIC UTILITIES COMMITTEE:

4. [CB 120600](#) **AN ORDINANCE establishing additional uses for automated traffic safety cameras and designating restricted racing zones; amending Section 11.50.570 of the Seattle Municipal Code; and adding a new Section 11.50.580 to the Seattle Municipal Code.**

The Committee recommends that City Council pass as amended the Council Bill (CB).

In Favor: 4 - Pedersen, Strauss, Herbold, Morales

Opposed: None

The Council Bill (CB) was passed by the following vote, and the President signed the Council Bill (CB):

In Favor: 8 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Strauss

Opposed: 1 - Sawant

5. [CB 120613](#) **AN ORDINANCE granting 300 Pine Street Condominium Association permission to continue maintaining and operating a pedestrian skybridge over and across 3rd Avenue, between Pine Street and Stewart Street; repealing Section 9 of Ordinance 124985; and providing for acceptance of the permit and conditions.**

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 4 - Pedersen, Strauss, Herbold, Morales

Opposed: None

The Council Bill (CB) was passed by the following vote, and the President signed the Council Bill (CB):

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

6. [CB 120614](#) **AN ORDINANCE relating to grant funds from non-City sources; authorizing the heads of various departments to accept specified grants and execute related agreements for and on behalf of the City; amending Ordinance 126725, which adopted the 2023 Budget, including the 2023-2028 Capital Improvement Program (CIP); changing appropriations to various departments and Budget Control Levels, and from various funds in the Budget; and revising allocations and spending plans for certain projects in the 2023-2028 CIP; and ratifying and confirming certain prior acts.**

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 4 - Pedersen, Strauss, Herbold, Morales

Opposed: None

The Council Bill (CB) was passed by the following vote, and the President signed the Council Bill (CB):

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

Councilmember Strauss left the Council Chamber at 3:14 p.m.

Councilmember Strauss entered the Council Chamber at 3:15 p.m.

7. [CB 120612](#) **AN ORDINANCE relating to Seattle Public Utilities; authorizing the General Manager/CEO of Seattle Public Utilities to execute contracts with Cedar Grove Composting, Inc. and Lenz Enterprises, Inc for organic waste processing services; and ratifying and confirming certain prior acts.**

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 4 - Pedersen, Strauss, Herbold, Morales

Opposed: None

The Council Bill (CB) was passed by the following vote, and the President signed the Council Bill (CB):

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

I. ITEMS REMOVED FROM CONSENT CALENDAR

J. ADOPTION OF OTHER RESOLUTIONS

8. [Res 32098](#) **A RESOLUTION setting the public hearing on the petition of Central Puget Sound Regional Transit Authority (hereafter Sound Transit) for the vacation of the south 115.78 feet portion of the alley in Block 3, Shelton's Addition to the City of Seattle in the block bounded by NE 45th Street, Roosevelt Way NE, NE 47th Street, and 11th Avenue NE, in the University Community Urban Center area of Seattle, according to Chapter 35.79 of the Revised Code of Washington, Chapter 15.62 of the Seattle Municipal Code, and Clerk File 314496.**

Motion was made and duly seconded to adopt Resolution 32098.

The Motion carried, the Resolution (Res) was adopted by the following vote, and the President signed the Resolution (Res):

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

K. OTHER BUSINESS

Councilmember Nelson left the Council Chamber at 3:21 p.m.

Motion was made, duly seconded and carried, to excuse Councilmember Mosqueda from the August 1, 2023 City Council meeting.

L. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 3:21 p.m

Jodee Schwinn, Deputy City Clerk

Signed by me in Open Session, upon approval of the Council, on August 1, 2023.

Debora Juarez, Council President of the City Council

Scheereen Dedman, City Clerk



Legislation Text

File #: CB 120627, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE appropriating money to pay certain claims for the week of July 17, 2023 through July 21, 2023 and ordering the payment thereof; and ratifying and confirming certain prior acts.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Payment of the sum of \$18,984,024.81 on PeopleSoft 9.2 mechanical warrants numbered 4100710067 - 4100714347 plus manual or cancellation issues for claims, e-payables of \$20,037.65 on PeopleSoft 9.2 9100013574 - 9100013593, and electronic financial transactions (EFT) in the amount of \$43,886,924.05 are presented to the City Council under RCW 42.24.180 and approved consistent with remaining appropriations in the current Budget as amended.

Section 2. Payment of the sum of \$59,364,369.07 on City General Salary Fund mechanical warrants numbered 51386388 - 51387340 plus manual warrants, agencies warrants, and direct deposits numbered 300001 - 302930 representing Gross Payrolls for payroll ending date July 18, 2023, as detailed in the Payroll Summary Report for claims against the City that were reported to the City Council July 27, 2023, is approved consistent with remaining appropriations in the current budget as amended.

Section 3. RCW 35.32A.090(1) states, “There shall be no orders, authorizations, allowances, contracts or payments made or attempted to be made in excess of the expenditure allowances authorized in the final budget as adopted or modified as provided in this chapter, and any such attempted excess expenditure shall be void and shall never be the foundation of a claim against the city.”

Section 4. Any act consistent with the authority of this ordinance taken prior to its effective date is

ratified and confirmed.

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.

Passed by the City Council the 1st day of August, 2023, and signed by me in open session in authentication of its passage this 1st day of August, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Scheereen Dedman, City Clerk

(Seal)



Legislation Text

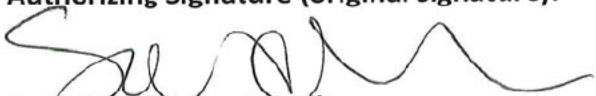
File #: Appt 02627, **Version:** 1

Reappointment of Jason Clackley as member, Seattle Music Commission, for a term to August 31, 2026.

The Appointment Packet is provided as an attachment.



City of Seattle Boards & Commissions Notice of Appointment

Appointee Name: Jason Clackley		
Board/Commission Name: Seattle Music Commission		Position Title: Member
<input type="checkbox"/> Appointment OR <input checked="" type="checkbox"/> Reappointment	City Council Confirmation required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Appointing Authority: <input checked="" type="checkbox"/> City Council <input type="checkbox"/> Mayor <input type="checkbox"/> Other: <i>Fill in appointing authority</i>		Term of Position: * 9/1/2023 to 8/31/2026 <input type="checkbox"/> <i>Serving remaining term of a vacant position</i>
Residential Neighborhood: Georgetown	Zip Code: 98108	Contact Phone No.: [REDACTED]
<p>Background: A longtime advocate of all-ages and DIY music, Jason Clackley is a youth mentor and recording and touring artist. Born and raised in Hawaii, he spent his teenage years in Bremerton, Washington before moving to Seattle. Once relocating to the city, he joined a rag-tag group of punks doing house shows in the U-District. Since then, he's helped run many all-ages programs and DIY spaces, including Fusion Cafe at the Downtown YMCA, Black Lodge, and Ground Zero's Music Program.</p> <p>Outside of music and art, Clackley also has an extensive background in social services, working with neurodiverse youth through Seattle Public Schools, houseless folx at DESC, and in counseling with Ryther Child Center. He continues this youth mentorship and social work in our creative community today as the Artistic Director of The Vera Project.</p> <p>Clackley plans to continue building pathways into the industry and more equitable opportunities in music and arts for generations to come.</p>		
Authorizing Signature (original signature): 		Appointing Signatory: Sara Nelson <i>Seattle City Councilmember</i>
Date Signed (appointed): 7/10/23		

*Term begin and end date is fixed and tied to the position and not the appointment date.

JASON CLACKLEY

EMPLOYMENT HISTORY

Artistic Director at The Vera Project - Seattle, WA December 2019 - Present

- Oversee all Presentation and Education Programming by collaborating with Education Manager, Vera Members, and Executive Director.
- Connect with community partners and maintain relationships to help further our relationships.
- Sr. Talent Buyer for all Vera Project related spaces and partner festivals.
- Maintain safer space standards for accessibility, health, and safety of all patrons, staff, and volunteers.
- Work with the Executive Director on financial and strategic planning.
- Help maintain and development new avenues for youth driven programming with vera membership.

Programs Director at The Vera Project - Seattle, Wa February 2018 - December 2019

- Oversee all Presentation and Education Programming.
- Connect with community partners and maintain relationships.
- Talent Buyer for all Vera Project related spaces and partner festivals.
- Maintain safer space standards for accessibility, health, and safety of all patrons, staff, and volunteers.
- Work with the Development Director to build capacity for more programming opportunities.
- Help maintain and development new avenues for youth driven programming with vera membership.

Talent Buyer at The Vera Project - Seattle, Wa September 2017 - February 2018

- Oversee all Presentation Programming and Production.
- Talent Buyer for all Vera Project related spaces and partner festivals.
- Maintain safer space standards for accessibility, health, and safety of all patrons, staff, and volunteers.

Seattle Schools Paraprofessional Substitute - Seattle, Wa December 2016 - December 2017

- Assist the Certified Teacher with special needs students by working to achieve students academic goals and reporting progress to the teacher.
- Work one on one with students on their day to day lesson plans.
- Assist in providing a safe and accessible environment for all students in the classroom.

Director of Music Programs at Ground Zero Music - Bellevue, WA November 2011 – June 2016

- Develop programs for teens in the Greater Eastside region by helping to foster community through arts and music. Using grass roots community outreach through schools and other partnered programs to engage with youth.
- Supervise the Assistant Director and Audio Director in program building for diverse youth populations.
- Creating systems to measure community impact by tracking attendance, developing relationships with parents of youth, and recording feedback from youth participants.
- Working with community partners such as Bellevue Arts Museum, City of Bellevue, and School of Rock. Communicate with funders and stakeholders on the progress of projects at funding events and site visits.
- Recruit, coordinate, and supervise multiple teen volunteers for shows across a variety of venues that shared safer space values.

- Book, promote, and supervise all-ages concert events to serve the youth population in Bellevue and the Greater Eastside .

Downtown YMCA Coordinator of the Fusion Cafe - Seattle, Wa January 2009 - April 2020

- Coordinate the Fusion Cafe, a monthly concert for youths featuring local musicians from a wide range of genres, through Young Adult Services at the YMCA.
- Recruited, coordinated, and supervised multiple volunteers for shows across a variety of venues.
- Book, promote, and supervise all-ages concert events to serve the youth population in Seattle.
- Perform outreach duties to youths in the Young Adult Services program to promote interest and ensure the continued success of The Fusion Cafe.
- Run a professional sound system at each show.

Ryther Child Center’s On Call Residential Counselor - Seattle, WA July 2010 – Jan 2011

- Assist full time staff in a residential treatment center that works with Child Protective Services.
- Maintain safety and confidentiality for all residents.
- Counseled residents through critical incidents dealing with behavioral and mental health issues.
- Helping residents to meet their appointments at Child Haven

DESC's Residential Counselor Seattle, WA February 2010 – November 2011

- Assist clients in maintaining services with outside service providers such as The Madison Clinic, Bailey Boushay House, DSHS, and SSA and internal service providers such as DESC's PACT, SAGE, HOST, and CD case managers and clinical staff.
- Maintain residents’ housing, safety, and quality of living standards through the prompt and regular completion of room inspections, medication monitoring, visitor screening, and client logs.
- Develop policies and procedures, in conjunction with Clinical Support Specialists and the Project Manager, which further ensure the safety and stability of all residents’ housing.
- Counseled residents through critical incidents involving symptoms of chronic mental illnesses including schizophrenia and severe depression.

DESC's Main Shelter Counselor - Seattle, WA January 2009- February 2010

- Perform intakes for clients newly entering the shelter system at DESC offering orientations and resources. .
- Develop policies and procedures, in conjunction with Clinical Support Specialists and the Project Manager, which further ensure the safety and stability of all residents’ housing.
- Manage day to day tasks to ensure clients are given shelter services that help meet their basic needs.

EDUCATION

Olympic College - Bremerton, WA September 2006 - June 2007

PROFESSIONAL REFERENCES

Lance Latimer, Former Teen Services Director of Boys and Girls Club Teen Center of Bellevue. [REDACTED]
[REDACTED]

Ricky Graboski Executive Director at The Vera Project [REDACTED]

Masao Yamada, Director of Keystone at Boys and Girls Club in Bellevue [REDACTED]

Seattle Music Commission

21 Members: Pursuant to *Ordinance 124422*, all members subject to City Council confirmation, 3-year terms:

- 10 City Council-appointed
- 11 Mayor-appointed

Roster:

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
6	F	1	1.	Commissioner	Joleen Hughes	9/1/20	8/31/23	2	Mayor
6	F	5	2.	Commissioner	Sue Ennis	9/1/20	8/31/23	2	City Council
6	M	n/a	3.	Commissioner	Andrew Joslyn	9/1/23	8/31/26	2	Mayor
6	M	2	4.	Commissioner	Jason Clackley	9/1/23	8/31/26	2	City Council
6	F	2	5.	Commissioner	Anne Berry O'Dowd	9/1/23	8/31/26	2	Mayor
9	M	n/a	6.	Commissioner	Eric Lilavois	9/1/23	8/31/26	2	City Council
2	M	5	7.	Commissioner	Terry Morgan	9/1/21	8/31/24	2	Mayor
2	F	2	8.	Commissioner	Bunnie Moore	9/1/21	8/31/24	1	City Council
3	F	6	9.	Commissioner	Paula Nava Madrigal	9/1/21	8/31/24	2	Mayor
6	NB	3	10.	Commissioner	Andrea Friedman	9/1/21	8/31/24	1	City Council
3	F	3	11.	Chair	Kitty Wu	9/1/21	8/31/24	2	Mayor
2	F	1	12.	Commissioner	Adra Boo	9/1/21	8/31/24	1	City Council
7	M	2	13.	Commissioner	Keola Kama	9/1/21	8/31/24	1	Mayor
1	M	7	14.	Commissioner	Nate Omdal	9/1/21	8/31/24	2	City Council
6	F	7	15.	Commissioner	Shannon Welles	9/1/22	8/31/25	2	Mayor
1	F	2	16.	Commissioner	Casey Carter	9/1/22	8/31/25	2	City Council
3	M	3	17.	Commissioner	Jovino Santos Neto	9/1/22	8/31/25	2	Mayor
2	M	n/a	18.	Commissioner	Julius Robinson	9/1/22	8/31/25	1	City Council
6	F	6	19.	Commissioner	Jessica Toon	9/1/22	8/31/25	2	Mayor
6	F	5	20.	Commissioner	Denise Burnside	9/1/22	8/31/25	2	City Council
6	M	6	21.	Commissioner	Nick Vaerewyck	9/1/22	8/31/25	2	Mayor

SELF-IDENTIFIED DIVERSITY CHART

	(1)		(2)		(3)		(4)		(5)		(6)		(7)		(8)		(9)	
	Male	Female	Transgender	NB/ O/ U	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non-Hispanic	Pacific Islander	Middle Eastern	Multiracial					
Mayor	5	6			0	1	3			6	1		0					
Council	4	5		1	2	3	0			3	0		1					
Other																		
Total	9	11		1	2	4	3			9	1		1					

Key:

- *D List the corresponding *Diversity Chart* number (1 through 9)
 - **G List gender identity, M= Male, F= Female, T= Transgender, NB= Non-Binary O= Other U= Unknown
 - RD Residential Council District number 1 through 7 or N/A
- Diversity information is self-identified and voluntary.*



Legislation Text


File #: Appt 02628, **Version:** 1

Reappointment of Andrew Joslyn as member, Seattle Music Commission, for a term to August 31, 2026.

The Appointment Packet is provided as an attachment.



City of Seattle Boards & Commissions Notice of Appointment

Appointee Name: Andrew Joslyn		
Board/Commission Name: Seattle Music Commission		Position Title: Member
<input type="checkbox"/> Appointment OR <input checked="" type="checkbox"/> Reappointment	City Council Confirmation required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Appointing Authority: <input type="checkbox"/> City Council <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Other: <i>Fill in appointing authority</i>	Term of Position: * 9/1/2023 to 8/31/2026 <input type="checkbox"/> <i>Serving remaining term of a vacant position</i>	
Residential Neighborhood: Bainbridge Island	Zip Code: 98110	Contact Phone No.: [REDACTED]
Background: Andrew Joslyn, composer, orchestrator, and violinist is an award-winning musical polymath whose passion for collaboration has led him to work with a remarkably diverse group of world-class artists, touring the world, performing, co-writing and arranging music on over 400 songs throughout his career. Along the way he has amassed an extensive list of writing, orchestrating, recording and touring credits that include: Macklemore, Kesha, Judy Collins, Leslie Odom Jr., Kygo, ODESZA, K Flay, Chase Rice, Tom Chaplin (Keane), Michael Bolton, Duff McKagan (Guns N Roses), The Seattle Symphony, and many many others. He currently runs his own production studio in Seattle, leads the Passenger String Quartet, and has scored several feature length films, and writes music for artists, labels, podcasts, music licensing houses, and commercials. He is also a national trustee for the PNW chapter of the Recording Academy (Grammys), and a local advocate for music and the arts on the West Coast.		
Authorizing Signature (original signature):  Date Signed (appointed): 7/10/2023	Appointing Signatory: <i>Bruce A. Harrell</i> <i>Mayor of Seattle</i>	

*Term begin and end date is fixed and tied to the position and not the appointment date.

ANDREW JOSLYN

MUSIC SUPERVISOR & PRODUCER

A/J

PROFILE

Andrew Joslyn, a award winning music supervisor (3x BMI Award) who has passed on his passion for music to his students. He has worked with some of the most talented and successful artists in the industry, including Macklemore & Ryan Lewis, Judy Coopers, Kygo, Mac Miller, Tom Capone (Keane), Duff McKagan (Guns & Roses), and many others. Andrew, who is also a producer, has worked on some of the most successful albums of the past decade, including Adele's 25, Taylor Swift's Reputation, and many others. He is currently a music supervisor for the film industry and is also a producer and arranger for various artists. He is a member of the National Trustee with the PNW Recording Academy chapter, Board Member of SMASH, and Vice president of the Seattle Composers Alliance.

CONTACT



[Redacted]



[Redacted]



Seattle, Washington



www.andrewjoslynmusic.com

EDUCATION

Master Certificate / Music Business
Berklee College of Music
2010-2012

Specialist Certificate / Music
Composition for Film & TV
Berklee College of Music
2011-2012

Specialist Certificate / Music Theory
& Counterpoint
Berklee College of Music
2012-2014

Bachelor's Degree / English Literature
& Music Performance
Western Washington University
2001-2005 (Cum Laude)

SKILLS

Rights Administration
Cue Sheet Preparation
Music Licensing
Music Theory
Music Production
Music Business
Pro Tools 12 Software
Logic Pro X Software
Sibelius 7 Software
Music Supervision
Music Composition
Orchestration/Arrangement
Copyist/Engraving
Orchestration
Sound Design
Sonic Branding
Legal Aspects of the Music Industry
Conducting
Music Education
Music Contracting
Music Mixing
Violin/Viola Performance

WORK EXPERIENCE

Owner/Independent Music Professional

Andrew Joslyn Music LLC / Seattle, WA / 2010 - Present

- Producer/Composer/Arranger/Songwriter for various projects
 - Contributing Grammy Award winning composer of 5 Award Winning Records.
 - 2x BMI Pop Award winning songwriter.
 - Music Director/Curator of the Essential Series with the Seattle Symphony.
 - Music Director/Supervisor for Casefile True Crimes, Deadly Manners, Redditt Upvoted and Darkest Night Podcasts.
 - Film Composer/Producer for Hollywood feature films Hickok (2017), American Violence (2016), Relentless (2018), Life With Dog (2018), and Lumber Baron (2018), Soviet Sleep Experiment (2020)
 - Manager and arranger for Passenger String Quartet
 - Producer/Composer of the original LP 'Awake at the Bottom of the Ocean, (2017).
 - Composer/Music Supervisor/Music Director for commercial clients/Music Licensing Houses BMG Production Music, Audiosocket, Singing Serpent, Barking Owl, Marmoset, Straight Talk Wireless, BlueTooth, Zillow, Fred Hutchinson Cancer Research, Hudson David McNeel Foundation, Kitsap Bank, and Bullseye Creative.
 - Violin/Viola/Cello performance and arrangements on over 400 commercial recordings.

Orchestral Director/Composer

Macklemore LLC / Seattle, WA / 2008 - Present

- Produced/mixed/co wrote orchestral material using Pro Tools 12, Logic Pro X and Sibelius 7.
- Arranged/Composed/Conducted symphonic works for Macklemore LLC and Macklemore Touring LLC. (AMA performance, Grammy performance, Seattle Symphony performance, 2012, 2013, 2015, 2017 world tours)
- Managed contract musicians, prepared labor contracts (AFM, SAG AFTRA) and coordinated/conducted large recording sessions.
- Acted as a liaison between management/legal departments at Macklemore LLC and contract players with world wide tours, as well as domestic tours/on air performances/ recording sessions.

A & R Manager

Votiv, Inc. / Seattle, WA / 2010 - 2013

- Organized and coordinated all aspects of production from creating recording studio budgets, to finalizing and submitting finished products to company's distributor Atlantic Records (WEA distribution)
- Handled sample clearance and mechanical licensing clearance requests for films and other productions

ANDREW JOSLYN

COMPOSER & SONGWRITER

A/J

VOLUNTEER

Governor for the PNW Chapter of the Recording Academy (2013 - present)
Chair of the Advocacy Committee (2017 - present) National Trustee (2020 - present)

Local music advocate worked with King County Creative Initiative and Film & Music Coalition (2018 - present)

AWARDS

Best Accompanist
Seattle Weekly / 2013

BMG/Sony Songwriter and Composer

Contributing Grammy Award
Winning Composer and Writer
2013, 2014, 2017 (Macklemore, Kesha, and Nando Reis)

2x BMI Pop Award Winner (2019),
1x BMI Hip Hop Award Winner (2019)

REFERENCES

Sue Ennis
Instructor
Shoreline Community College
[REDACTED]

Jeff Ross
Manager
Jeffs on Music/London Tone Music
[REDACTED]

B.C. Campbell
Instructor
Cornish College
[REDACTED]

WORK EXPERIENCE (CONTINUED)

A & R Manager (cont.)

Votiv, Inc. / Seattle, WA / 2010 - 2013

- Set up and ran the Copyright Compliance Department at *Votiv*.
- Assisted bands signed with label with a wide range of tasks prepared tour and recording budgets.
- Organized, cataloged, archived all assets for the company including Artist assets, music, photographs, insurance policies, contracts, and sync/master licenses.
- Scouted for talent at New Music Seminar, South by Southwest Music Festival, and CMJ Music Festival.
- Provided high level administrative support by conducting research, preparing statistical reports, handling information requests, and performing clerical functions such as preparing correspondence, receiving visitors, arranging conference calls, and scheduling meetings and travel arrangements.

Freelance Educator / Seattle, WA / 2010 - Present

- Summer Intensive Teacher for Songwriting and Recording at Cornish College of the Arts. (2 week course) (2018 - present)
- Volunteer Classical String Instructor for the SE Seattle Community Youth Orchestra. (2009 - 2011)
 - Donated time to teach eighteen at risk, under privileged kids strings for their community orchestral program.
- Guest Lecturer at Cornish College of the Arts, Seattle Theater Group, and Shoreline Community College, Seattle Composers Alliance, and Songwriters in Seattle.
 - Lectured on Career Development, Music Business, Music Supervision, Songwriting and Music Licensing. Developed lecture material and curriculum for ages 16+
- Guest teacher at Prodigy Camp. (<http://www.prodigycamp.org>)
- Private string & Film Composer teacher, and music career coach.

Copyright Compliance Specialist

Getty Images / Seattle, WA / 2006 - 2010

- Facilitated the settlement of unauthorized use (copyright infringement) matters primarily through inbound and outbound phone and email with companies and their attorneys.
- Negotiated settlements, clarified and educated image users about copyright law and image licensing.
- Dealt with extremely sophisticated as well as unsophisticated image users, as well as hostile customer service situations.
- Interacted with the Sales team and Legal department on billing and resolution of UU issues as well as policing the adherence to company policy and procedures related to revenue recognition and unauthorized use transactions.
- Handled International copyright infringement claims with Canadian, United Kingdom, Irish, US, Chinese (Singapore), Australian and New Zealand Companies.

Seattle Music Commission

21 Members: Pursuant to *Ordinance 124422*, all members subject to City Council confirmation, 3 year terms:

- 10 City Council-appointed
- 11 Mayor-appointed

Roster:

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
6	F	1	1.	Commissioner	Joleen Hughes	9/1/20	8/31/23	2	Mayor
6	F	5	2.	Commissioner	Sue Ennis	9/1/20	8/31/23	2	City Council
6	M	n/a	3.	Commissioner	Andrew Joslyn	9/1/23	8/31/26	2	Mayor
6	M	2	4.	Commissioner	Jason Clackley	9/1/23	8/31/26	2	City Council
6	F	2	5.	Commissioner	Anne Berry O'Dowd	9/1/23	8/31/26	2	Mayor
9	M	n/a	6.	Commissioner	Eric Lilavois	9/1/23	8/31/26	2	City Council
2	M	5	7.	Commissioner	Terry Morgan	9/1/21	8/31/24	2	Mayor
2	F	2	8.	Commissioner	Bunnie Moore	9/1/21	8/31/24	1	City Council
3	F	6	9.	Commissioner	Paula Nava Madrigal	9/1/21	8/31/24	2	Mayor
6	NB	3	10.	Commissioner	Andrea Friedman	9/1/21	8/31/24	1	City Council
3	F	3	11.	Chair	Kitty Wu	9/1/21	8/31/24	2	Mayor
2	F	1	12.	Commissioner	Adra Boo	9/1/21	8/31/24	1	City Council
7	M	2	13.	Commissioner	Keola Kama	9/1/21	8/31/24	1	Mayor
1	M	7	14.	Commissioner	Nate Omdal	9/1/21	8/31/24	2	City Council
6	F	7	15.	Commissioner	Shannon Welles	9/1/22	8/31/25	2	Mayor
1	F	2	16.	Commissioner	Casey Carter	9/1/22	8/31/25	2	City Council
3	M	3	17.	Commissioner	Jovino Santos Neto	9/1/22	8/31/25	2	Mayor
2	M	n/a	18.	Commissioner	Julius Robinson	9/1/22	8/31/25	1	City Council
6	F	6	19.	Commissioner	Jessica Toon	9/1/22	8/31/25	2	Mayor
6	F	5	20.	Commissioner	Denise Burnside	9/1/22	8/31/25	2	City Council
6	M	6	21.	Commissioner	Nick Vaerewyck	9/1/22	8/31/25	2	Mayor

SELF-IDENTIFIED DIVERSITY CHART

	(1)				(2)		(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Male	Female	Transgender	NB/O/U	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non- Hispanic	Pacific Islander	Middle Eastern	Multiracial
Mayor	5	6			0	1	3			6	1		0
Council	4	5		1	2	3	0			3	0		1
Other													
Total	9	11		1	2	4	3			9	1		1

Key:

- *D List the corresponding *Diversity Chart* number (1 through 9)
 - **G List gender identity, M= Male, F= Female, T= Transgender, NB= Non-Binary O= Other U= Unknown
 - RD Residential Council District number 1 through 7 or N/A
- Diversity information is self-identified and voluntary.*



Legislation Text

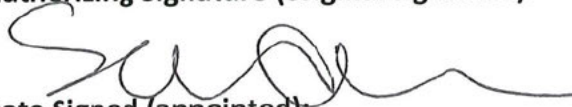
File #: Appt 02629, **Version:** 1

Reappointment of Eric Lilavois as member, Seattle Music Commission, for a term to August 31, 2026.

The Appointment Packet is provided as an attachment.



City of Seattle Boards & Commissions Notice of Appointment

Appointee Name: Eric Lilavois		
Board/Commission Name: Seattle Music Commission		Position Title: Member
<input type="checkbox"/> Appointment OR <input checked="" type="checkbox"/> Reappointment		City Council Confirmation required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Appointing Authority: <input checked="" type="checkbox"/> City Council <input type="checkbox"/> Mayor <input type="checkbox"/> Other: <i>Fill in appointing authority</i>		Term of Position: * 9/1/2023 to 8/31/2026 <input type="checkbox"/> <i>Serving remaining term of a vacant position</i>
Residential Neighborhood: Chennault Beach (Mukilteo)		Zip Code: 98275
Contact Phone No.: [REDACTED]		
Background: <p>Eric Lilavois is a Seattle-based record producer, engineer, mixer, musician, and songwriter. Lilavois produces a wide variety of musical acts and styles and has earned substantial production, engineering, and mixing credits.</p> <p>Lilavois is an owner of Seattle's famed London Bridge Studio, where countless multiplatinum records have been recorded, including Pearl Jam's Ten, Mother Love Bone's Shine, Soundgarden's Louder Than Love, Alice In Chains' Dirt, Macklemore and Ryan Lewis' Downtown, Temple of The Dog, Blind Melon, The Singles Motion Picture Soundtrack, Fleet Foxes, Cat Power, One Republic, Death Cab for Cutie, and more.</p> <p>Lilavois owned and operated Crown City Studios, a 4000 sq. ft recording studio in Pasadena, CA from 2005–2015, was the Executive Producer of the "Crown City Sessions" live video series, and engineered / mixed each episode which featured both established and up and coming buzz worthy artists.</p> <p>Lilavois was the lead singer and guitarist of the Los Angeles-based rock band "The Days In Between" which toured the North and Southwest United States extensively between 2004–2006, and sold thousands of independently released records.</p>		
Authorizing Signature (original signature):  Date Signed (appointed): 7/10/23		Appointing Signatory: Sara Nelson Seattle City Councilmember

*Term begin and end date is fixed and tied to the position and not the appointment date.

ERIC LILAVOIS

PROFILE

Music Producer, Artist, Owner of Historic London Bridge Studio with proven leadership skills, and a passion for community service and philanthropy.

EXPERIENCE

Producer / Owner, London Bridge Studio, Shoreline WA — 2013-Present

- Maintain 4000 square foot facility and creative space, fundraise for preservation of historic equipment, coordinate booking schedule, staff, musicians, and personnel for all recording sessions, events etc, public relations, marketing, and social media strategies.

President, Recording Academy PNW Chapter (Volunteer) — 2021-Present

- 3 years as Governor at large, 2 years as Vice President, and newly elected President. Co-Chair of the Producer and Engineer Wing Committee, and service on the Education, Membership, Advocacy, Nominating, and Craft, Committees.

Design/Fundraising Committee, Totem Star (Volunteer) — 2019-Present

- Consult and assist with design and fundraising for King Street Station Recording Studio and Event Space project.

Talent Buyer / Curator, Make Music Pasadena 2014-2016

- Curated and secured a diverse line up of artists for the largest free music festival on the west coast with over 35,000 in attendance.

Guest Speaker / Panelist / Mentor, Freelance — 2010 - Present

- Various organizations, conferences, and colleges including, Upstream Music Festival, SXSW, Shoreline Community College, Grammy U, Creative Arts Agency STEAM program and more.

EDUCATION

Art Institute of Los Angeles - Certificate - Multimedia

SKILLS

*Leadership *Collaboration *Community Building *Fundraising *Management

Seattle Music Commission

21 Members: Pursuant to *Ordinance 124422*, all members subject to City Council confirmation, 3-year terms:

- 10 City Council-appointed
- 11 Mayor-appointed

Roster:

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
6	F	1	1.	Commissioner	Joleen Hughes	9/1/20	8/31/23	2	Mayor
6	F	5	2.	Commissioner	Sue Ennis	9/1/20	8/31/23	2	City Council
6	M	n/a	3.	Commissioner	Andrew Joslyn	9/1/23	8/31/26	2	Mayor
6	M	2	4.	Commissioner	Jason Clackley	9/1/23	8/31/26	2	City Council
6	F	2	5.	Commissioner	Anne Berry O'Dowd	9/1/23	8/31/26	2	Mayor
9	M	n/a	6.	Commissioner	Eric Lilavois	9/1/23	8/31/26	2	City Council
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2	F	2	8.	Commissioner	Bunnie Moore	9/1/21	8/31/24	1	City Council
3	F	6	9.	Commissioner	Paula Nava Madrigal	9/1/21	8/31/24	2	Mayor
6	NB	3	10.	Commissioner	Andrea Friedman	9/1/21	8/31/24	1	City Council
3	F	3	11.	Chair	Kitty Wu	9/1/21	8/31/24	2	Mayor
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7	M	2	13.	Commissioner	Keola Kama	9/1/21	8/31/24	1	Mayor
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1	F	2	16.	Commissioner	Casey Carter	9/1/22	8/31/25	2	City Council
3	M	3	17.	Commissioner	Jovino Santos Neto	9/1/22	8/31/25	2	Mayor
2	M	n/a	18.	Commissioner	Julius Robinson	9/1/22	8/31/25	1	City Council
6	F	6	19.	Commissioner	Jessica Toon	9/1/22	8/31/25	2	Mayor
6	F	5	20.	Commissioner	Denise Burnside	9/1/22	8/31/25	2	City Council
6	M	6	21.	Commissioner	Nick Vaerewyck	9/1/22	8/31/25	2	Mayor

SELF-IDENTIFIED DIVERSITY CHART

	(1)		(2)		(3)		(4)		(5)		(6)		(7)		(8)		(9)	
	Male	Female	Transgender	NB/ O/ U	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non-Hispanic	Pacific Islander	Middle Eastern	Multiracial					
Mayor	5	6			0	1	3			6	1		0					
Council	4	5		1	2	3	0			3	0		1					
Other																		
Total	9	11		1	2	4	3			9	1		1					

Key:

- *D List the corresponding *Diversity Chart* number (1 through 9)
 - **G List gender identity, M= Male, F= Female, T= Transgender, NB= Non-Binary O= Other U= Unknown
 - RD Residential Council District number 1 through 7 or N/A
- Diversity information is self-identified and voluntary.*



Legislation Text

File #: Appt 02630, **Version:** 1

Reappointment of Anne Berry O'Dowd as member, Seattle Music Commission, for a term to August 31, 2026.

The Appointment Packet is provided as an attachment.



City of Seattle Boards & Commissions Notice of Appointment

Appointee Name: Anne Berry O’Dowd		
Board/Commission Name: Seattle Music Commission		Position Title: Member
<input type="checkbox"/> Appointment OR <input checked="" type="checkbox"/> Reappointment		City Council Confirmation required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Appointing Authority: <input type="checkbox"/> City Council <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Other: <i>Fill in appointing authority</i>		Term of Position: * 9/1/2023 to 8/31/2026 <input type="checkbox"/> <i>Serving remaining term of a vacant position</i>
Residential Neighborhood: Rainer Beach	Zip Code: 98118	Contact Phone No.: [REDACTED]
Background: Anne has been executing festivals and events in Seattle and beyond for 20 years, in a variety of capacities. Seattle-area producers of complex cultural events know that they can rely on Anne to deliver excellence in planning and execution for production, logistics, programming support, budgeting, and other aspects of creating unforgettable community experiences. For over a decade, Anne supported these efforts for the Northwest Folklife Festival, one of the largest and most diverse community-powered festivals in the US, while also serving as a critical contributor to the success of other regional highlights including Bumbershoot, PrideFest, and Capitol Hill Block Party. Born and raised in Seattle, Anne jump-started her career as one of the first interns at The Vera Project, the all-ages volunteer-fueled music and arts venue, of which she remains a champion. From there, she mastered the realms of stage management, site management, operations management, programming, and staffing for events, all with vision and dedication to detail. Her work has propelled the success of such diverse happenings as the Northwest Tea Festival, the Seattle Interactive Conference, and New Year’s at the Needle. Anne relishes her success in collaborations with government and community groups, artists, non-profits, grass-roots organizers, and commercial organizations, and is currently putting these skills to work in her role as the Events & Festivals Manager at Friends of Waterfront Seattle, stewards of Seattle’s new Waterfront Park. Partners and clients appreciate her methodical and thoughtful approach to bringing visions to life on the ground.		
Authorizing Signature (original signature):  Date Signed (appointed): 7/10/2023		Appointing Signatory: <i>Bruce A. Harrell</i> <i>Mayor of Seattle</i>

*Term begin and end date is fixed and tied to the position and not the appointment date.

ANNE BERRY O'DOWD

SUMMARY OF QUALIFICATIONS

- Strong communication skills and direct experience coordinating programming and production with diverse communities, including governmental, grass roots, non-profit, and commercial organizations.
- Well-developed organizational and management skills, honed ability to function in high pressure and deadline focused situations, with a flexible balance of detail orientation and goal achievement.
- Budget management, forecasting, reconciliation and final invoicing ranging from \$5,000 to \$500,000 for cultural and commercial events.
- Extensive experience with various administration and communication programs, familiarity with audio and theatrical equipment.

RELEVANT PROJECT & OPERATIONS MANAGEMENT EXPERIENCE

Events & Festivals Manager

Friends of Waterfront Seattle | Seattle, WA | Spring 2020-present

- Contract, advance, and manage production logistics and event staffing for events at Pier 62 and the future Waterfront Park in downtown Seattle. Build and produce Waterfront Park's music program.
- Create and manage Public Space Activation budget; build organizational operations capacity in contracting, standard operating procedures, data tracking, and reporting.
- Advance and assure smooth implementation of community created programs in collaboration with Programs and Community Engagement team.
- Manage Vending Lead, Production Coordinator, production support vendors.

Director of Operations & Production

Northwest Folklife | Seattle, WA | Spring 2008-Fall 2020 | Past titles: Production & Operations Manager, Technical Director

- Management of production and operations for a 25 stage four-day music and arts festival at Seattle Center with an estimated attendance of 235,000, including programmatic advancing, technical requirements, ordering and coordinating 25 vendors, City of Seattle permitting, staffing and contracting of 75 positions, direct supervisor to 30 contract staff positions, coordinate venue use and staffing with seven resident art organizations, coordinate with collective bargaining units IATSE and IBEW.
- Conceptualize, advance, and assure smooth implementation of approximately 10 community showcases in collaboration with Artistic Director for the annual Northwest Folklife Festival.
- Manage production logistics and event staffing for all Folklife events at Seattle Center including the Our Big Neighborhood youth and family program and the Seattle Children's Festival.
- Create accurate budgets and standardization of budgeting process; assist in the creation of yearly \$1.5 million dollar budget; project \$500,000 of earned income and expense; manage departmental budgets of \$250,000; track and manage City of Seattle support.
- Manage Festival Director, Festival Operations Coordinator, Volunteer & Operations Coordinator. Coordinate IT support with contractors and service providers.

Operations Manager, Bumbershoot Music & Arts Festival

AEG Presents | Seattle, WA | June 2015 - October 2019 | Past title: Operations Coordinator

- Manage needs and requests from local and national AEG departments, One Reel, partners, and Seattle Center to order decorator, electrical, fencing, heavy equipment, communications, IT services, refrigeration, and signage. Manage City of Seattle permitting.
- Coordinate staffing of 75 festival operations positions. Hire, train, and manage credentialing department. Hire and train festival dispatch staff, support Festival Director in security and medical staffing and vendor coordination.
- Manage operations logistics for 40 resident organizations on the Seattle Center campus.

- Oversee performance venue logistics with eight resident arts organizations and Seattle Center to ensure venue access, appropriate staffing, and smooth implementation of programming activation and patron experience.

Production Manager

The Northwest Tea Festival | Seattle, WA | Fall 2007-present

- Direct production and operations for a two day, non-profit festival with 65 exhibitors and yearly attendance of 3,000.
- Conceptualize and support Programming Director in the curation and implementation of visual arts, music, and presentations, and manage stage managers and festival volunteer coordinator to ensure the successful operation of events.
- Manage all vendor ordering, venue logistics, and contact. Forecast, manage, and reconcile production and stages budgets.

Program Manager

The Vera Project | Seattle, WA | Fall 2006 - Fall 2007

- Implemented programs at an all ages, volunteer led non-profit music and arts venue. Supported the transition to a permanent venue including creating new systems and procedures, venue use opportunities and assessments, art installation.
- Worked closely with Program Director and appropriate committees (Silkscreen, Gallery, and Programming) to determine projects and vision. Created work plans based on committee responses.
- Developed systems and processes for the training and scheduling of 13 contract staff positions.

Administrative Assistant

The Old Fire House, Parks and Recreation, City of Redmond | Redmond, WA | Fall 2006-Fall 2009

- Administered office support, mailings, website, and archive for a youth facility with 20,000 annual youth visits.
- Processed all music contracts for weekly showcases as well as maintenance of Access database and internship and adult volunteer programs. Created and maintained calendars for staff, programming, and rentals. Refined office procedures and created tracking systems for past events.
- Inventoried and purchased programming, office, and facility supplies within a strict budget.

ADDITIONAL MANAGEMENT EXPERIENCE

Bounce Marketing, **Production & Operations Management** (Corporate Arts Event, Berlin, Germany, 2018)

Capitol Hill Block Party, **Stage Management** (2002-2019)

City of Seattle, **Event Service Representative at McCaw Hall** (2015-2020)

Connors & Company, **Production & Site Management, Production/Operations Office Management**
(Seattle Tattoo Expo 2008-2013; DOTA II 2014; Cowabunga 2018)

Innovate Heritage, Berlin, Germany, **Programs Consultant & Technical Director** (Spring-Summer 2014)

JTS Presents, **Stage Management** (Seattle U Gala 2016-2019)

One Reel, **Site Support & Production/Operations Office Management** (Bumbershoot 2006-2014)

One Degree Events, **Production, Site Management, Programming Advancing, Security Dispatch**
(PrideFest 2010-present)

Monumental Effort, **Production/Operations Office Management & Programming Advancing**
(West Seattle Summerfest 2013-2015)

Red Element, **Show Caller/Stage Manager** (Literary Lion's Gala 2019, Kids Auction 2019)

Seattle Interactive Conference, **Stage Management, Production Management** (2011-2019)

The Production Network, **Operations & Production Management, Site Management**
(Boeing's Centennial Founders' Day Celebration, Summer 2016, DOTA 2017, Corporate Meeting 2019)

The Vera Project, **Production & Site Management** (Gala 2007-2020)

The Workshop, **Operations Office Management, Site Management, CAD Mapping**
(New Years at the Needle 2011-2019, Sound Transit Link Launch 2008, 2016)

University of Washington Advancement, **Site Management** (Recognition Gala 2013-2014, W Day 2013-2015)

EDUCATION

Scripps College | Claremont, CA | May 2006

Bachelor of Arts, Honors History & Theatre

Phi Beta Kappa, magna cum laude

Author of two orally defended theses in Theatre and History; Winner of Best History Thesis Award and the Virginia Princehouse Allen Prize in Theatre.

Seattle Music Commission

21 Members: Pursuant to *Ordinance 124422*, all members subject to City Council confirmation, 3-year terms:

- 10 City Council-appointed
- 11 Mayor-appointed

Roster:

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
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SELF-IDENTIFIED DIVERSITY CHART

	(1)		(2)		(3)		(4)		(5)		(6)		(7)		(8)		(9)	
	Male	Female	Transgender	NB/ O/ U	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non-Hispanic	Pacific Islander	Middle Eastern	Multiracial					
Mayor	5	6			0	1	3			6	1		0					
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Other																		
Total	9	11		1	2	4	3			9	1		1					

Key:

- *D List the corresponding *Diversity Chart* number (1 through 9)
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Legislation Text

File #: Res 32099, **Version:** 2

CITY OF SEATTLE

RESOLUTION _____

A RESOLUTION establishing the shared City and community goals and strategies of the Future of the Seattle Economy investment agenda as City policy and a critical foundation for economic development work in Seattle.

WHEREAS, an inclusive economy is a prosperous economy, and history has shown that equity and inclusion bring economic benefits; and

WHEREAS, Seattle’s ability to chart a trajectory of long-term vibrancy will depend on its ability to foster the full potential of all of its residents, workers, businesses, and neighborhoods; and

WHEREAS, providing financial and technical assistance to Black, Indigenous, and other people of color-owned small businesses, and businesses disproportionately impacted by the COVID pandemic, contributes to an equitable economic recovery, promotes public welfare, and provides the means to build generational wealth; and

WHEREAS, two of the major drivers of wealth creation are earning an income that outpaces inflation and the cost of living, and ownership of assets that accumulate in value, including businesses and real estate;

WHEREAS, entrepreneurs of color, women, and immigrants have not had equitable access to capital due to systemic and racial barriers, including historic discrimination in housing and lending, as well as ongoing drivers of the racial wealth gap, such as the devaluation of property in Black neighborhoods, and

WHEREAS, businesses owned by people of color were disproportionately impacted by the pandemic, with the Small Business Administration’s Office of Advocacy reporting overall earnings between 2019 and 2020 dropping disproportionately for Black, Latino, and Asian business owners compared to their white counterparts; and

WHEREAS, in Seattle, about 33 percent of the workforce of the Seattle metropolitan area are Black,

Indigenous, and other people of color, but these populations make up 43 percent of the out of work population and 42 percent of low wage workers, despite similar education attainment; and

WHEREAS, in 2020, Council passed the JumpStart payroll expense tax, and a spending plan dedicating 15 percent of revenues to economic recovery and resilience; and

WHEREAS, the Seattle Office of Economic Development (OED) has facilitated a robust stakeholder engagement process on behalf of the Council and Mayor to develop a community-informed investment agenda to guide the allocation of these funds, called the Future of the Seattle Economy (FSE) investment agenda; and

WHEREAS, OED worked with stakeholder partners from over 80 organizations and government offices and community leaders from a range of racial, ethnic and immigrant identities, neighborhoods, and sectors to create the FSE investment agenda comprised of immediate investment recommendations and longer-term “big bets”; and

WHEREAS, this community-informed investment agenda is intended to promote inclusive economic growth, especially for communities that have systemically been excluded from such opportunities; and

WHEREAS, in 2022, Council directed the Department of Neighborhoods to create the Generational Wealth Initiative (GWI), to conduct research and recommend strategies aimed at closing Seattle’s racial wealth gap and addressing systemic barriers to wealth creation for Black, Indigenous, and other people of color communities; and equitable economic development and community wealth building are key components to close the racial wealth gap; and

WHEREAS, in 2022 Council directed the Office of Economic Development to lead the development of a Workforce Development Strategic Plan to develop a comprehensive approach to workforce development and align the City’s workforce development strategies to other regional plans; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR

CONCURRING, THAT:

Section 1. The City of Seattle recognizes the benefits that a strong and inclusive local economy confers upon Seattle residents and businesses alike and that the prosperity generated by local business activity is necessary to the functioning of local government, including over 50 percent of General Fund revenue.

Section 2. The City of Seattle endorses the adoption of five strategic pillars as a foundation for economic development investments in Seattle, all with an emphasis on closing Seattle’s racial wealth gap: 1) Investing in Talent and Building our Workforce; 2) Supporting Small Business and Women and Minority Owned Business Enterprises; 3) Generating Wealth in Communities of Color; 4) Investing in Neighborhood Business Districts; and 5) Growing Businesses and Key Industries.

Section 3. The City shall prioritize and continue investing the 15 percent of JumpStart Payroll expense tax revenues dedicated to economic recovery and resilience for each of these strategic pillars recommended in the Future of the Seattle Economy investment agenda. These revenues are intended to assess, stabilize, and grow the following investments.

A. Investing in Talent and Building our Workforce

1. Collaborate with sector-specific coalitions of employers to scale up paid work-based learning opportunities, including apprenticeship, paid internships, incumbent worker training, and co-op model training. These opportunities will allow more Seattle workers to earn an income while learning or upgrading their skills to access good quality jobs in high-demand occupations.

2. Support and invest in the Seattle-King County Workforce Development Council to develop it into the “regional backbone” for the workforce development system, including leveraging federal workforce funds, leading data and research projects, and serving as the regional convener for workforce systems issues.

3. Scale up wraparound support services provided by community-based organizations to participants in city-supported workforce development programs.

B. Supporting Small Business and Women and Minority Owned Business Enterprises (SBE and WMBE)

1. Create a one-stop shop for businesses to access city resources and support.
2. Build more robust, real-time, and proactive City navigation support for WMBEs and SBEs that is both linguistically and culturally accessible.
3. Connect WMBEs and SBEs to technical assistance and consultants for core business needs.

C. Generating Wealth in Communities of Color

1. Increase access to affordable capital with an emphasis on businesses that have not had equitable access due to systemic and racial barriers, through the Capital Access Program and expanded loan readiness support.
2. Scale up commercial affordability programs that include technical assistance, such as the Tenant Improvement Fund and Seattle Restored, providing a range of support and opportunity for businesses to grow in Seattle and activate storefronts.
3. Support commercial real estate ownership and pilot new models for shared ownership such as the Business Community Ownership Fund for long-term affordability and control, so businesses can stay rooted in neighborhoods and/or return to neighborhoods.

D. Investing in Neighborhood Business Districts

1. Increase capacity-building for neighborhood business districts, through programs such as Only in Seattle and the Neighborhood Economic Recovery Fund, supporting community-based organizations to envision, advocate for, and lead changes in their business districts.
2. Expand and strengthen existing Business Improvement Areas (BIAs) and create new BIAs, with an emphasis in underserved communities.

E. Growing Businesses and Key Industries

1. Add staff capacity to build relationships with key industry leaders and groups to help them

navigate the City’s regulatory environment and identify opportunities for public-private partnerships.

2. Revive small grant opportunities and/or service contracts with industry associations, which will serve as a mechanism for private/public partnerships to advance shared priorities, with a focus on racial equity.

Section 4. The City of Seattle endorses the Office of Economic Development’s efforts to work with other departments, other jurisdictions, private and philanthropic partners, and community organizations to lay groundwork for systemic “big bets” identified in the Future of Seattle Economy investment agenda to advance the City’s key strategic economic development pillars, including the following.

A. Expand childcare capacity, including the number of facilities, especially in or near job centers.

B. Develop new investment models, both public and private, in partnership with community stakeholders, to provide businesses meaningful access to affordable capital. This may include scaling up mechanisms such as capital subsidy strategies, and/or providing grants through loan forgiveness or repayment support; and providing operational funds for technical assistance related to any mechanisms the City chooses to pursue.

C. Acquire or create a master lease of vacant storefront space for use by microbusinesses owned by people of color that need flexible, low-barrier incubator space; building on the recent success that the City has had with one-time funds.

D. Accelerate midsize business growth by offering specialized technical assistance for growing midsize businesses; with a particular focus on businesses that do not have access to financial support from other places and that are at pivotal inflection points in their growth.

Section 5. The City Council requests that OED continue to work with other departments, including but not limited to the Department of Neighborhoods (DON), the Office of Planning and Community Development (OPCD), the Office of Housing (OH), the office of Arts and Culture (ARTS), and the Office of Sustainability

and Environment (OSE), to further develop the community-informed strategies outlined in the Future of Seattle's Economy agenda, such as identifying shared goals, coordinating outreach to key stakeholders, strategically deploying different funding sources, and clarifying roles and responsibilities amongst the departments. Council requests that OED present these shared strategies, and how departments can leverage complimentary strategies, to the Council committee overseeing economic development by March 31, 2024.

Adopted by the City Council the _____ day of _____, 2023, and signed by me in open session in authentication of its adoption this _____ day of _____, 2023.

President _____ of the City Council

The Mayor concurred the _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Scheereen Dedman, City Clerk

(Seal)

Attachments (if any):

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact:	CBO Contact:
LEG	Jasmine Marwaha / 635-8941	N/A

** 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: A RESOLUTION establishing the shared City and community goals and strategies of the Future of the Seattle Economy investment agenda as City policy and a critical foundation for economic development work in Seattle.

Summary and Background of the Legislation: In 2020, Council passed the JumpStart payroll expense tax, and a spending plan dedicating 15 percent of revenues to economic recovery and resilience. This resolution recognizes the work of the Office of Economic Development (OED) in developing an investment agenda to prioritize the use of these funds, called the Future of the Seattle Economy (FSE). OED worked with stakeholder partners from over 80 organizations and government offices, as well as community leaders from a range of racial, ethnic and immigrant identities, neighborhoods, and sectors to create the FSE investment agenda, comprised of immediate investment recommendations and longer-term “big bets.” The resolution endorses OED’s adoption of five strategic pillars names in the FSE investment agenda as a foundation for economic investments in Seattle:

- 1) Investing in Talent and Building our Workforce;
- 2) Supporting Small Business and Women and Minority Owned Business Enterprises;
- 3) Generating Wealth in Communities of Color;
- 4) Investing in Neighborhood Business Districts; and
- 5) Growing Businesses and Key Industries

The resolution further establishes City Council support for the specific recommendations and “big bets” provided in the FSE investment agenda, and requests that OED work with other departments to identify shared goals and strategies between FSE and the Generational Wealth Initiative, which is aimed at closing Seattle’s racial wealth gap.

2. CAPITAL IMPROVEMENT PROGRAM

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

If yes, please fill out the table below and attach a new (if creating a project) or marked-up (if amending) CIP Page to the Council Bill.

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? The

legislation expresses support for OED's current and anticipated strategies for implementing the JumpStart Payroll Expense Tax spend plan.

Are there financial costs or other impacts of *not* implementing the legislation? No.

4. OTHER IMPLICATIONS

- a. **Does this legislation affect any departments besides the originating department?** The legislation impacts the Office of Economic Development (OED) and other departments that may be involved in implementing the FSE investment recommendations and big bets, including but not limited to: the Office of Planning and Community Development, the Department of Neighborhoods (DON), the Office of Sustainability and Environment, the Seattle Department of Transportation, etc. In addition, the resolution requests that OED work with other departments to identify shared goals and strategies between FSE and the Generational Wealth Initiative.
- b. **Is a public hearing required for this legislation?** No.
- c. **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?** No.
- d. **Does this legislation affect a piece of property?** 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?**
The devastating economic impacts of the pandemic were disproportionately felt by Black, Indigenous, and other communities of color, who face systemic barriers to building wealth, such as lack of access to capital. The Future of Seattle Economy investment agenda centered equity in its goals and engaged partners from over 80 organizations and government offices and community leaders from a range of racial, ethnic and immigrant identities, neighborhoods, and sectors. The programs and investments listed in the resolution are intended to create inclusive economic growth and close the racial wealth gap.

While the specific programs and investments may have a language access plan associated with a particular program, Central Staff is not aware of an overarching language access plan for the FSE investment agenda.
- f. **Climate Change Implications**
1. **Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?** 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. 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 legislation does not create a new initiative or program expansion on its own, but signals Council support for continued investments and prioritization of OED’s strategies.

Amendment A Version 1 to RES 32099 – Future of Seattle Economy

Sponsor: Councilmember Morales

Emphasize community leadership in creating FSE recommendations

Effect: This amendment would change reference to “community-informed” strategies in the Future of Seattle Economy investment agenda to “community-driven” strategies. This amendment intends to emphasize and clarify the role of community stakeholders in the process of creating the investment recommendations.

Amend Section 5 of Resolution 32099 as follows:

Section 5. The City Council requests that OED continue to work with other departments, including but not limited to the Department of Neighborhoods (DON), the Office of Planning and Community Development (OPCD), the Office of Housing (OH), the Office of Arts and Culture (ARTS), and the Office of Sustainability and Environment (OSE), to further develop the community-~~((informed))~~driven strategies outlined in the Future of Seattle's Economy agenda, such as identifying shared goals, coordinating outreach to key stakeholders, strategically deploying different funding sources, and clarifying roles and responsibilities amongst the departments. Council requests that OED present these shared strategies, and how departments can leverage complimentary strategies, to the Council committee overseeing economic development by March 31, 2024.



Legislation Text

File #: CB 120580, **Version:** 4

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to app-based worker labor standards; establishing labor standards on deactivation protections for app-based workers working in Seattle; amending Section 3.02.125 of the Seattle Municipal Code; and adding a new Chapter 8.40 to the Seattle Municipal Code.

WHEREAS, the Washington Constitution provides in Article XI, Section 11 that “[a]ny county, city, town or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws”; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council (“Council”) finds and declares that:

A. App-based work is a growing source of income for workers in Seattle and across the country.

B. In the exercise of The City of Seattle’s police powers, the City is granted authority to pass regulations designed to protect and promote public health, safety, and welfare.

C. This ordinance protects and promotes public health, safety, and welfare by establishing protections against unwarranted deactivations for app-based workers.

D. Many Seattle workers, including app-based workers, cannot fully participate in the community’s dynamic civic life or pursue its myriad educational, cultural, and recreational opportunities because they struggle to meet their households’ most basic needs, suffering job insecurity and economic instability.

E. Minimum labor standards benefit employers and hiring entities by improving worker performance, reducing worker turnover, and thereby improving productivity and the quality of the services provided by workers, including app-based workers.

F. Network companies typically manage large pools of app-based workers by relying on algorithmic management systems, which allow app-based workers to be “assigned, optimized, and evaluated through algorithms and tracked data.”

G. While algorithmic management may bring certain benefits to network companies, these innovations also generate significant challenges for app-based workers, including information asymmetries and extreme power imbalances between workers and network companies.

H. App-based workers often do not have the information they need to know about how they will be evaluated. Algorithms that dictate core aspects of app-based workers’ relationship with a network company can change unexpectedly, leading to arbitrary evaluations and unwarranted deactivations.

I. App-based workers are subject to network company policies that unilaterally deactivate workers for a variety of reasons without consistent access to a fair process for such deactivations, nor do the workers have access to responsive network company personnel with the power to correct unwarranted deactivations by in-person meetings or telephone.

J. App-based workers face potential deactivation for reasons including but not limited to: rejecting too many orders; being unavailable on certain days or times; cancelling orders with cause; being delayed in fulfilling orders; receiving low ratings from consumers; or algorithmic errors.

K. Network companies do not consistently apply clear performance expectations or policies for deactivations, and often deactivate app-based workers without explanation or warning.

L. App-based workers report being deactivated for low customer ratings, despite the fact that extensive social science research finds that consumer-sourced rating systems are highly likely to be influenced by bias on the basis of factors such as race or ethnicity. App-based workers also report deactivation based on customer harassment and false reports from customers.

M. Many network companies do not have processes to substantively reconsider a deactivation based on a case-by-case human review, and have little incentive to put those processes in place.

N. A review of network company hiring policies shows that most network companies perform recurring background checks on app-based workers as a condition of continued service. Network companies do not provide clear guidance on background check criteria, methods for evaluating the relationship of criminal history record information to the performance of app-based service, procedures for correcting background check information, or procedures for appealing deactivations based on background check information.

O. Unclear and/or inconsistently applied background check policies exacerbate the difficulties app-based workers with criminal history records face when trying to secure or maintain work opportunities.

P. The high prevalence of background checks with errors, mismatched identities, and incomplete information, due to scant oversight of background check information provided to the private market, compounds these difficulties.

Q. Studies estimate that 50 to 80 percent of FBI criminal records are inaccurate. A common problem is that law enforcement agencies fail to update arrest or charge records with information about the outcome of a case. About a third of felony arrests never lead to a conviction, another third lead to conviction of a different (usually lesser) offense, and other convictions are overturned on appeal, expunged, or sealed.

R. The flexibility to determine hours of availability and which offers to accept, reject, or cancel with cause allows workers to make informed decisions on how and when to earn their income without fear of deactivation.

S. App-based workers who perform services in Seattle are not typically limited to work in the geographic boundaries of Seattle, and often accept offers to perform services in other jurisdictions.

T. Access to the records substantiating a network company's decision to deactivate an app-based worker, and access to records of the services performed in Seattle by that app-based worker, are critical for an app-based worker to meaningfully challenge their deactivation and attempt to get reinstated as soon as possible.

U. Establishing a reasonable standard for the deactivations of app-based workers as well as the ability to

challenge unwarranted deactivations will help ensure that thousands of app-based workers who provide vital services in Seattle will be able to enjoy a measure of job security.

V. App-based workers who have protection against unwarranted deactivation will be more likely to remain in their positions over time. Such experienced app-based workers will improve the safety and reliability of the app-based services provided to Seattle customers.

W. Minimum labor and compensation standards, including the right to challenge unwarranted deactivations, promote the general welfare, health, and prosperity of Seattle by ensuring that app-based workers have stable incomes and can better support and care for their families and fully participate in Seattle’s civic, cultural, and economic life.

X. The regulation of app-based workers better ensures that such workers can perform their services in a safe and reliable manner and thereby promotes the welfare of the people and is thus a fundamental governmental function.

Section 2. A new Chapter 8.40 is added to the Seattle Municipal Code as follows:

Chapter 8.40 APP-BASED WORKER DEACTIVATION RIGHTS

8.40.010 Short title

This Chapter 8.40 shall constitute the “App-Based Worker Deactivation Rights Ordinance” and may be cited as such.

8.40.020 Definitions

For purposes of this Chapter 8.40:

“Accept” means an initial communication from an app-based worker to a network company that the app-based worker intends to perform services in furtherance of an offer, including but not limited to indicating acceptance through the worker platform.

“Adverse action” means reducing compensation; garnishing tips or gratuities; temporarily or permanently denying or limiting access to work, incentives, or bonuses; offering less desirable work;

terminating; deactivating; threatening; penalizing; retaliating; engaging in unfair immigration-related practices; filing a false report with a government agency; or discriminating against any person for any reason prohibited by Section 8.40.120. “Adverse action” for an app-based worker may involve any aspect of the app-based worker’s work, including compensation, work hours, volume, and frequency of offers made available, desirability and compensation rates of offers made available, responsibilities, or other material change in the terms and conditions of work or in the ability of an app-based worker to perform work. “Adverse action” also includes any action by the network company or a person acting on the network company’s behalf that would dissuade a reasonable person from exercising any right afforded by this Chapter 8.40.

“Agency” means the Office of Labor Standards and any division therein.

“Aggrieved party” means an app-based worker or other person who suffers tangible or intangible harm due to a network company’s or other person’s violation of this Chapter 8.40.

“App-based service” means any service in an offer facilitated or presented to an app-based worker by a network company or participation by an app-based worker in any training program required by a network company.

“App-based worker” means a person who has entered into an agreement with a network company governing the terms and conditions of use of the network company’s worker platform or a person affiliated with and accepting offers to perform services for compensation via a network company’s worker platform. For purposes of this Chapter 8.40, at any time, but not limited to, when an app-based worker is logged into the network company’s worker platform, the worker is considered an app-based worker.

“Application dispatch” means technology that allows customers to directly request dispatch of app-based workers for provision of services and/or allows app-based workers or network companies to accept offers to perform services for compensation and payments for services via the internet using interfaces, including but not limited to website, smartphone, and tablet applications.

“Background check” means a request or attempt to obtain, directly or through an agent, a person’s

conviction record or criminal history record information from the Washington State Patrol or any other source that compiles and maintains such records or information.

“Cancellation with cause” has the same meaning as defined in Section 8.37.020.

“City” means The City of Seattle.

“Compensation” means the total amount of payment owed to an app-based worker by reason of performing work facilitated or presented by the network company, including but not limited to network company payments, bonuses, incentives, and tips earned from customers.

“Consumer report” has the same meaning as defined in RCW 19.182.010 as amended.

“Conviction record” and “criminal history record information” are meant to be consistent with chapter 10.97 RCW as amended, and mean information regarding a final criminal adjudication or other criminal disposition adverse to the subject, including a verdict of guilty, a finding of guilty, or a plea of guilty or nolo contendere. A criminal conviction record does not include any prior conviction that has been the subject of an expungement, vacation of conviction, sealing of the court file, pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, or a prior conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. It does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the adverse disposition has been vacated or expunged.

“Criminal history record information” is meant to be consistent with chapter 10.97 RCW as amended.

“Customer” means a paying customer and/or recipient of an online order.

“Deactivation” means the blocking of an app-based worker’s access to the worker platform, changing an app-based worker’s status from eligible to accept offers to perform services to ineligible, or other material restriction in access to the worker platform that is effected by a network company. Deactivation” does not include temporary suspensions lasting less than 48 hours when the worker platform is unavailable to an app-based worker due to reasons unrelated to the action or behavior of the app-based worker and that are clearly

communicated to the app-based worker at the time of the temporary suspension. Such reasons include but are not limited to: technology, software, or network outages; account access or security issues; routine maintenance; and inclement weather endangering the safety of app-based workers in performing services in Seattle.

“Director” means the Director of the Office of Labor Standards or the Director’s designee.

“Discrimination,” “discriminate,” and/or “discriminatory act” have the same meaning as defined in Section 14.04.030.

“Driver record” means an abstract of a person’s driving record as described in RCW 46.52.130 as amended.

“Egregious misconduct” means an action or behavior by an individual app-based worker that: (1) endangers the physical safety of the customer, or a third person, the network company, or an animal; or (2) intentionally causes economic harm to the customer, a third person, or the network company; or (3) is threatening, harassing, or abusive to the customer, a third party, or the network company. “Egregious misconduct” includes but is not limited to conduct that occurs outside of an app-based worker’s provision of app-based services or use of the network company’s worker platform if the network company can prove by a preponderance of the evidence that the conduct directly relates to the app-based worker’s fitness to provide app-based services or to use the network company’s worker platform.

1. “Egregious misconduct” includes but is not limited to the following conduct in connection with an app-based worker’s provision of app-based services or use of the network company’s worker platform: assault, sexual assault, sexual harassment, communicating with a minor for immoral purposes, sexual conduct as defined in RCW 7.105.010 as amended, unlawful harassment as defined in RCW 7.105.010 as amended, hate crimes, racial slurs, unlawful imprisonment as defined in RCW 9A.40.040 as amended, kidnapping, unlawful possession of a firearm, solicitation of any sexual act, registration as a sex offender, stalking, theft, fraud, robbery, burglary, money laundering, animal cruelty, cybercrimes as defined in chapter 9A.90 RCW as

amended, prostitution, driving-related crimes pursuant to RCW 46.61.500 through 46.61.540 as amended, failing to maintain a valid state driver's license, and other conduct that would constitute a Class A felony offense under Title 9 or 9A RCW as amended.

2. Egregious misconduct shall not include conduct related to non-criminal moving violations as defined by WAC 308-104-160, as amended, or traffic collisions unless the app-based worker has accumulated more than three non-criminal moving violations or at-fault collisions in the previous three years.

3. The Director may issue rules further defining what constitutes economic harm or egregious misconduct.

“Extraordinary circumstances” means circumstances beyond the network company’s control that will materially influence the determination of whether a deactivation was warranted. Extraordinary circumstances may include, but are not limited to, a pending criminal investigation.

“Franchise” has the same meaning as defined in RCW 19.100.010 as amended.

“Front pay” means the compensation an app-based worker would earn or would have earned if reinstated to their former position.

“Hearing Examiner” means the official appointed by the City Council and designated as the Hearing Examiner under Chapter 3.02 or that person’s designee (e.g., Deputy Hearing Examiner or Hearing Examiner Pro Tem).

“Incentive” means a sum of money paid to an app-based worker in addition to the guaranteed minimum network company payment for an offer, upon completion of specific tasks presented by the network companies, including but not limited to completing performance of a certain number of offers, completing performance of a certain number of consecutive offers, completing performance of an offer subject to a price multiplier or variable pricing policy, making oneself available to accept offers in a particular geographic location during a specified period of time, or recruiting new app-based workers.

“Network company” means an organization, whether a corporation, partnership, sole proprietor, or other

form, operating in Seattle, that uses an online-enabled application or platform, such as an application dispatch system, to connect customers with app-based workers, present offers to app-based workers through a worker platform, and/or facilitate the provision of services for compensation by app-based workers.

1. The term “network company” includes any such entity or person acting directly or indirectly in the interest of a network company in relation to the app-based worker.

2. The term “network company” excludes:

a. An entity offering services that enable individuals to schedule appointments with and/or process payments to users, when the entity neither engages in additional intermediation of the relationships between parties to such transactions nor engages in any oversight of service provision;

b. An entity operating digital advertising and/or messaging platforms, when the entity neither engages in intermediation of the payments or relationships between parties to resulting transactions nor engages in any oversight of service provision;

c. An entity that meets the definition of “transportation network company” as defined by RCW 46.04.652 as amended; or

d. An entity that meets the definition of “for-hire vehicle company” or “taxicab association” as defined in Section 6.310.110.

A company that meets the definition of network company in this Section 8.40.020 and does not fall within any of the exclusions contained in this Section 8.40.020 is subject to this Chapter 8.40. Network companies include marketplace network companies, as defined by Section 8.37.020.

“Offer” means one or more online orders presented to an app-based worker as one opportunity to perform services for compensation that the app-based worker may accept or reject.

1. An opportunity to perform services for compensation includes but is not limited to an opportunity described via a worker platform as a shift, a period of time to be spent engaged in service provision, a continuous period of time in which the app-based worker must make themselves available to perform

services, or any other continuous period of time when the worker is not completely relieved of the duty to perform the service(s), and such a period of time shall be considered as one offer.

2. The term “offer” includes pre-scheduled offers and on-demand offers, as defined in Section 8.37.020.

“Online order” means an order for services that is placed through an online-enabled application or platform, such as an application dispatch system, and that is facilitated by a network company or presented by a network company for its own benefit. The Director may issue rules further defining the definition of “online order” and the types of transactions excluded from this definition. The term “online order” does not include the following transactions:

1. Sale or rental of products or real estate;
2. Payment in exchange for a service subject to professional licensure that has been listed by the Director pursuant to Section 8.37.020;
3. Payment in exchange for services wholly provided digitally;
4. Payment in exchange for creative services or works;
5. Transportation network company (TNC) dispatched trips. For purposes of this Section 8.40.020, “TNC dispatched trips” means the provision of transportation by a driver for a passenger through the use of a transportation network company’s application dispatch system; and
6. Transportation provided by taxicabs or for-hire vehicles, as defined in Chapter 6.310.

“Operating in Seattle” means, with respect to a network company, facilitating or presenting offers to provide services for compensation using an online-enabled application or platform, such as an application dispatch system, to any app-based worker, where such services are performed in Seattle.

“Paying customer” means a person or entity placing an online order via a network company’s online-enabled application or platform.

“Perform services in Seattle” means activities, conducted by an app-based worker in furtherance of an

offer, that occur in whole or in part within Seattle.

1. The term “perform services in Seattle” includes any time spent on a commercial stop in Seattle that is related to the provision of delivery or other services associated with an offer.

2. The term “perform services in Seattle” does not include stopping for refueling, stopping for a personal meal or errands, or time spent in Seattle solely for the purpose of travelling through Seattle from a point of origin outside Seattle to a destination outside Seattle with no commercial stops in Seattle.

“Rate of inflation” means 100 percent of the annual average growth rate of the bi-monthly Seattle-Tacoma-Bellevue Area Consumer Price Index for Urban Wage Earners and Clerical Workers, termed CPI-W, for the 12-month period ending in August; provided that the percentage increase shall not be less than zero.

“Respondent” means the network company or any person who is alleged or found to have committed a violation of this Chapter 8.40.

“Successor” means any person to whom a network company quitting, selling out, exchanging, or disposing of a business sells or otherwise conveys in bulk and not in the ordinary course of the network company’s business, a major part of the property, whether real or personal, tangible or intangible, of the network company’s business. For purposes of this definition, “person” means an individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, corporation, business trust, partnership, limited liability partnership, company, joint stock company, limited liability company, association, joint venture, or any other legal or commercial entity.

“Tips” means a verifiable sum to be presented by a customer as a gift or gratuity in recognition of some service performed for the customer by the app-based worker receiving the tip.

“Traffic infraction” means a violation of state law or administrative regulation, or local law, ordinance, regulation, or resolution, relating to traffic including parking, standing, stopping, and pedestrian offenses, which is not classified as a criminal offense, consistent with RCW 46.63.020 as amended. A “traffic infraction” includes any offense committed in another jurisdiction that includes the elements of any offense designated as a

traffic infraction consistent with RCW 46.63.020 as amended.

“Unwarranted deactivation” means a deactivation that does not comply with Section 8.40.050.

“Worker platform” means the worker-facing application dispatch system software or any online-enabled application service, website, or system, used by an app-based worker, that enables the arrangement of services for compensation.

“Written” or “in writing” means a printed or printable communication in physical or electronic format including a communication that is transmitted through email, text message, or a computer system, or is otherwise sent or maintained electronically, including via the worker platform.

8.40.030 App-based worker coverage

A. For the purpose of this Chapter 8.40, except for Section 8.40.100, covered app-based workers are limited to those for whom, during the previous 180 days, at least ten percent of their completed offers, or offers cancelled with cause, involved performing services in Seattle for a covered network company.

B. For the purpose of Section 8.40.100, an app-based worker is covered by Section 8.40.100 if the app-based worker performs services in Seattle facilitated or presented by a network company covered by this Chapter 8.40.

C. An app-based worker who is a covered employee under Chapter 14.20 for a covered network company, or a covered employee under Chapter 14.20 for a customer of an online order, is not a covered app-based worker under this Chapter 8.40.

8.40.040 Network company coverage

A. For the purposes of this Chapter 8.40, covered network companies are limited to those that facilitate work performed by 250 or more app-based workers worldwide regardless of where those workers perform work, including but not limited to chains, integrated enterprises, or franchises associated with a franchise or network of franchises that facilitate work performed by 250 or more app-based workers worldwide in aggregate.

B. To determine the number of app-based workers performing work for the current calendar year:

1. The calculation is based upon the average number per calendar week of app-based workers who worked for compensation during the preceding calendar year for any and all weeks during which at least one app-based worker worked for compensation.

2. For network companies that did not have any app-based workers during the preceding calendar year, the number of app-based workers counted for the current calendar year is calculated based upon the average number per calendar week of app-based workers who worked for compensation during the first 90 calendar days of the current year in which the network company engaged in business.

3. If a network company quits, sells out, exchanges, or disposes the network company's business, or the network company's business is otherwise acquired by a successor, the number of app-based workers hired for the current calendar year for the successor network company is calculated based upon the average number per calendar week of app-based workers who worked for compensation during the first 90 calendar days of the current year in which the successor network company engaged in business.

4. All app-based workers who worked for compensation shall be counted, including but not limited to:

- a. App-based workers who are not covered by this Chapter 8.40;
- b. App-based workers who worked in Seattle; and
- c. App-based workers who worked outside Seattle.

C. Separate entities that form an integrated enterprise shall be considered a single network company under this Chapter 8.40. Separate entities will be considered an integrated enterprise and a single network company under this Chapter 8.40 where a separate entity controls the operation of another entity. The factors to consider in making this assessment include but are not limited to:

1. Degree of interrelation between the operations of multiple entities;
2. Degree to which the entities share common management;

3. Centralized control of labor relations;
4. Degree of common ownership or financial control over the entities; and
5. Use of a common brand, trade, business, or operating name.

8.40.050 Deactivation requirements

A. A network company shall adopt the following measures prior to deactivating an app-based worker, except as provided in subsection 8.40.050.C:

1. Fair notice of deactivation policy. A network company must inform the app-based worker in writing of the network company's deactivation policy, defining what constitutes a violation that may result in deactivation. The network company's written deactivation policy must be specific enough for an app-based worker to understand what constitutes a violation and how to avoid violating the policy. The deactivation policy must be available to the app-based worker in English and any language that the network company knows or has reason to know is the primary language of the app-based worker. The deactivation policy must be accessible to the app-based worker at least three years after deactivation. The Director may issue rules governing the form and description of the deactivation policy, the manner of its distribution, and required languages for its translation.

2. Reasonable policy. The policy that may lead to a deactivation must be reasonably related to the network company's safe and efficient operations. Examples of policies that are not reasonably related to the network company's safe and efficient operations include, but are not limited to:

- a. Any rule or policy that would result in a deactivation based on an app-based worker's availability to work or number of hours worked, consistent with subsection 8.37.080.A.1;
- b. Any policy that would result in a deactivation based on an app-based worker's acceptance or rejection of any individual offer, any types of offers, or any number or proportion of offers, consistent with subsection 8.37.080.A.2;
- c. Any policy that would result in a deactivation based on an app-based worker's

cancellation of an offer with cause, consistent with subsection 8.37.080.C;

d. Any policy that would result in a deactivation based on an app-based worker contacting the network company;

e. Any policy that would result in a deactivation based solely on a quantitative metric derived from aggregate customer ratings of an app-based worker's performance;

f. Any policy that would result in a deactivation based on statements by an app-based worker regarding compensation and/or working conditions made to customers, other app-based workers, network companies, the media, public officials, and/or the public;

g. Any policy that would result in a deactivation based on an app-based worker asserting their legal rights, whether in court or via procedures provided by any local, state, or federal agency; and

h. Any policy that would deactivate a worker based on the results of a background check, consumer report, driver record, or record of traffic infractions, except in cases of egregious misconduct or where required by other applicable law.

3. Investigation. A network company must conduct a fair and objective investigation prior to deactivating an app-based worker. The investigation must be sufficiently thorough to justify the deactivation and demonstrate an unbiased and neutral view of facts collected. If the app-based worker does not participate in the investigation or provide relevant information, the network company may complete the investigation based on available sources of information.

4. Confirmation of violation. The network company must demonstrate by a preponderance of the evidence that the alleged violation of the network company's policy or rule occurred.

5. Consistent application. The network company must apply the rule or policy, and penalty for violations, in a consistent manner.

6. Proportionate penalty. The penalty of deactivation must be reasonably related to the offense, and account for mitigating circumstances, such as the app-based worker's past work history with the network

company.

B. Deactivation of an app-based worker will be considered unwarranted if the action is intended to or results in discrimination or a discriminatory act.

C. Subject to the provisions of this Section 8.40.050 and rules issued by the Director, a network company may immediately deactivate an app-based worker if such action is required to comply with any applicable court order or local, state, or federal laws or regulations, or where an app-based worker has engaged in egregious misconduct.

1. In the case of allegations of egregious misconduct, the network company may deactivate the app-based worker before completing an investigation. Except in extraordinary circumstances, the investigation shall not take longer than 14 days. If the investigation is delayed due to extraordinary circumstances, the network company must provide the app-based worker with written notice that the investigation is delayed, the reason(s) for the delay, and the date on which the completion of the investigation is anticipated.

8.40.060 Right to challenge deactivation

A. A network company shall not subject an app-based worker to unwarranted deactivation.

B. An app-based worker shall have a right to challenge the worker's deactivation through an internal deactivation challenge procedure established by the network company.

1. A network company shall create an internal deactivation challenge procedure that shall be available to the app-based worker immediately upon notice of their deactivation and up to 90 days after the app-based worker's receipt of notice.

2. The internal deactivation challenge procedure must be available to the app-based worker in writing, in a format that is readily accessible to the app-based worker, and in English and any language that the network company knows or has reason to know is the primary language of the app-based worker. The written policy describing the deactivation challenge procedure shall be available to the app-based worker at least three years after deactivation. The Director may issue rules governing the form and content of the policy describing

the deactivation challenge procedure, the manner of its distribution, and required languages for its translation.

3. A network company shall review and respond to an app-based worker's challenge to deactivation within 14 days of receiving a challenge.

4. A network company's response to a worker's challenge to deactivation must include a written statement certified by an individual at the network company with authority to reinstate the app-based worker.

The written statement must include one of the following:

- a. Evidentiary substantiation of the deactivation pursuant to Section 8.40.080, and substantive responses to questions or claims made by the app-based worker in challenging the deactivation;
- b. Any extraordinary circumstances necessitating a delayed timeline for response, and an anticipated date for a response either substantiating the deactivation or reinstating the app-based worker; or
- c. A determination that the worker did not violate the network company's deactivation policy and therefore must be reinstated on the platform.

C. In addition to pursuing an internal challenge to deactivation pursuant to subsection 8.40.060.B, an app-based worker shall have a right to file a complaint with the Agency or bring a civil action for violations of the requirements of this Chapter 8.40 upon receiving the network company's initial response to the internal challenge, or 14 days after initiating a challenge, whichever comes earlier. An app-based worker may pursue all avenues of relief available thereafter within three years of the alleged violation, or as tolled pursuant to subsection 8.40.150.C.

D. An app-based worker shall have a right to challenge their deactivation and pursue all avenues of relief available to them regardless of the geographic location of the incidents leading to the network company's decision to deactivate the app-based worker.

8.40.070 Notice of deactivation

A. Except as provided under subsection 8.40.070.C, a network company shall provide an app-based worker with notice of deactivation 14 days in advance of the deactivation, as well as upon the effective date of

deactivation. The notice of deactivation shall include a written statement of the following:

1. The reasons for deactivation; including the network company's policy that was violated, pursuant to Section 8.40.050, and the specific incident or pattern of incidents that violated the deactivation policy;
2. The effective date of deactivation;
3. Any and all records relied upon to substantiate deactivation, pursuant to Section 8.40.080;
4. The length of the deactivation;
5. A description of the steps an app-based worker can take to remedy the deactivation;
6. The app-based worker's right to challenge such deactivation under this Chapter 8.40;
7. The network company's process for challenging a deactivation, pursuant to subsection 8.40.060.B, including the available methods of contact for an app-based worker to initiate a challenge; and
8. Any other items pursuant to Director's Rules.

B. The network company shall provide notice of deactivation in a form and manner designated by the Agency. The Agency may create and distribute a model notice of deactivation in English and other languages as provided by rules issued by the Director. However, network companies are responsible for providing app-based workers with the notice of deactivation required by this subsection 8.40.070, regardless of whether the Agency has created and distributed a model notice of deactivation.

C. For deactivations involving egregious misconduct, pursuant to subsection 8.40.050.C, the network company shall provide an app-based worker with the notice of deactivation no later than the effective date of deactivation.

8.40.080 Access to records substantiating deactivation

A. Pursuant to subsection 8.40.080.C, upon notice of deactivation, a network company shall provide an app-based worker with the records relied upon by the network company to substantiate deactivation, unless contrary to local, state, or federal law. These records shall include but not be limited to the date, time, and

location of all incidents supporting the deactivation decision, a copy of the evidence the network company considered in the deactivation decision, and a certified statement from an individual at the network company with authority to reinstate the app-based worker, attesting that these are true and accurate records to the individual's knowledge.

B. If further records substantiating a deactivation come into the network company's possession after the app-based worker is deactivated, such records shall be provided to the app-based worker as soon as practicable and no later than 14 days from the date of the network company's receipt.

C. If an app-based worker challenges a deactivation pursuant to subsection 8.40.060.B, all records of that challenge and any responses must be provided to the worker within 14 days of each submittal or response.

D. If the records substantiating deactivation involve information related to a customer or a third party and the network company reasonably believes that information could compromise the customer or third party's safety, the network company may take measures to anonymize information related to that customer or third party. If a complaint from a customer or third party is the sole basis for a deactivation, the network company may provide a summary description of the records substantiating the deactivation. The Director may issue rules regarding the measures taken to summarize the records substantiating the deactivation or anonymize information related to a customer or third party.

E. Network companies covered by Chapter 8.37 shall establish an accessible system for app-based workers to access their receipts for each offer performed or cancelled, pursuant to subsection 8.37.070.B. Network companies shall make this system available to the app-based worker via smartphone application or online web portal. This accessible system shall be available to an app-based worker at least three years after deactivation.

F. Network companies shall retain the records required by this Section 8.40.080 for a period of three years.

G. If a network company fails to disclose adequate records to the app-based worker as required under

this Section 8.40.080, there shall be a presumption, rebuttable by clear and convincing evidence, that the network company violated this Chapter 8.40 for the relevant periods and for each app-based worker for whom records were not disclosed in a timely manner. This presumption is substantive and necessary to effectuate the other rights provided in this Chapter 8.40.

8.40.090 Affirmative production of records

A. A network company shall affirmatively transmit to the Agency such records as required by rules issued by the Director, on at least a quarterly basis until July 1, 2026, and at least every six months thereafter. The Director shall have the authority to require such aggregated or disaggregated records deemed necessary, appropriate, or convenient to administer, evaluate, and enforce the provisions of this Chapter 8.40. The Director may issue rules requiring that aggregated records be produced as a distribution at defined percentiles. The Director may issue data production rules of general applicability as well as rules specific to on-demand network companies, as defined in Section 8.37.020.

1. Records for production may include:

- a. Records regarding the number of deactivations initiated by a network company;
- b. Records regarding the reasons for deactivation most commonly referred to, such as the rule or policy violated by the app-based worker;
- c. The number of app-based workers challenging their deactivation and the forum in which they are pursuing a challenge;
- d. The number of app-based workers reinstated after deactivation, length of deactivation prior to reinstatement, and length of service prior to deactivation;
- e. The network company's deactivation policy;
- f. The network company's internal deactivation challenge procedure, pursuant to Section 8.40.060, including the available methods of contact for an app-based worker to initiate a challenge; and
- g. Any other records that the Director determines are material and necessary to effectuate

the purposes of this Chapter 8.40.

2. The Director shall issue rules governing the submission format, security, and privacy protocols relating to the submission of network company records, to the extent permitted by law.

8.40.100 Notice of rights

A. Network companies shall affirmatively provide each app-based worker with a written notice of rights established by this Chapter 8.40. The Agency may create and distribute a model notice of rights in English and other languages. If the Agency creates a model notice of rights, network companies shall affirmatively provide such notice according to the schedule outlined in subsection 8.40.100.A.1. However, network companies are responsible for providing app-based workers with the notice of rights required by this Section 8.40.100, in a form and manner sufficient to inform app-based workers of their rights under this Chapter 8.40, regardless of whether the Agency has created and distributed a model notice of rights.

1. Network companies shall affirmatively provide each app-based worker with the written notice of rights within one month of the effective date of this Chapter 8.40. For each app-based worker hired by the network company after this date, network companies shall provide the notice of rights within 24 hours of the first completed offer that involved performing services in Seattle, facilitated or presented by the network company.

2. For each app-based worker, network companies shall provide the notice of rights no less than annually.

B. The notice of rights shall provide information on:

1. The right to challenge an unwarranted deactivation through a network company's internal deactivation challenge procedure and/or through other avenues pursuant to Section 8.40.060, subject to coverage eligibility under subsection 8.40.030.A;

2. The policy describing the deactivation challenge procedure pursuant to subsection 8.40.060.B;

3. The right to 14 days' notice of an impending deactivation, except in the case of egregious

misconduct;

4. The right to access any and all records relied upon by the network company to substantiate deactivation, pursuant to Section 8.40.080;
5. The right to be protected from retaliation for exercising in good faith the rights protected by this Chapter 8.40; and
6. The right to file a complaint with the Agency consistent with Section 8.40.130 or bring a civil action for violation of the requirements of this Chapter 8.40.

C. Network companies shall provide the notice of rights required by subsection 8.40.100.B in an electronic format that is readily accessible to the app-based worker. The notice of rights shall be made available to the app-based worker via smartphone application, email, or online web portal, in English and any language that the network company knows or has reason to know is the primary language of the app-based worker. The Director may issue rules governing the form and content of the notice of rights, the manner of its distribution, and required languages for its translation.

D. Network companies other than marketplace network companies shall establish an accessible system for app-based workers to understand their eligibility to challenge a deactivation, pursuant to subsection 8.40.030.A. This system shall be available to the app-based worker via smartphone application or online web portal. This system shall be available to an app-based worker, at least three years after deactivation. The Director may issue rules defining reasonable criteria or requirements for this system to ensure that app-based workers have sufficient information to understand when they are covered by the entirety of this Chapter 8.40, including but not limited to notice of coverage by this Chapter 8.40, the number of offers completed or cancellations in the previous 180 days, the number of completed offers or cancellations that involved performing services in Seattle in the previous 180 days, the overall percentage of completed offers that involved performing services in Seattle in the previous 180 days, and the app-based worker's receipts and/or payment disclosures for each offer performed or cancelled in the previous 180 days, pursuant to subsection

8.37.070.B and Section 14.34.060.

E. Marketplace network companies shall provide sufficient information for app-based workers to understand their eligibility to challenge a deactivation upon request by the app-based worker. Marketplace network companies shall make this information available upon request to the app-based worker via email. Marketplace network companies shall make this information available to an app-based worker, at least three years after deactivation. The Director may issue rules defining reasonable criteria or requirements to ensure that app-based workers have sufficient information to understand when they are covered by the entirety of this Chapter 8.40, including but not limited to notice of coverage by this Chapter 8.40, the number of offers completed or cancellations in the previous 180 days, the number of completed offers or cancellations that involved performing services in Seattle in the previous 180 days, and the overall percentage of completed offers that involved performing services in Seattle in the previous 180 days.

8.40.110 Network company records

A. Network companies shall retain records that document compliance with this Chapter 8.40 for each app-based worker, including, at a minimum, a compliance file for each deactivation. The Director may issue rules governing the format of the records needed to constitute compliance of this Section 8.40.110. The Director may also issue rules governing the form, format, and content of the compliance file for each deactivation. This compliance file may include:

1. The deactivation notice provided to the app-based worker, pursuant to Section 8.40.070;
2. Date of completion of investigation;
3. Whether the deactivation involved egregious misconduct and, if so, the egregious misconduct at issue;
4. Whether the deactivation investigation includes extraordinary circumstances, pursuant to subsection 8.40.050.B and, if so, the extraordinary circumstances at issue;
5. Number of offers completed in the 180 days prior to deactivation notice;

6. Number of completed offers that involved performing services in Seattle in the 180 days prior to deactivation notice;

7. Date of deactivation challenge according to the network company's internal deactivation challenge procedure;

8. All responses to an app-based worker regarding a deactivation challenge, pursuant to subsections 8.40.060.B and 8.40.080.C; and

9. Any other records pursuant to Director's Rules.

B. Network companies shall retain the records required by subsection 8.40.110.A for a period of three years.

C. If a network company fails to retain adequate records required under subsection 8.40.110.A, there shall be a presumption, rebuttable by clear and convincing evidence, that the network company violated this Chapter 8.40 for the relevant periods and for each app-based worker for whom records were not retained. This presumption is substantive and necessary to effectuate the rights provided in this Chapter 8.40.

8.40.120 Retaliation prohibited

A. No network company or any other person acting on behalf of the network company shall interfere with, restrain, deny, or attempt to deny the exercise of any right protected under this Chapter 8.40.

B. No network company or any other person shall take any adverse action against any person because the person has exercised in good faith the rights protected under this Chapter 8.40. Such rights include, but are not limited to, the right to make inquiries about the rights protected under this Chapter 8.40; the right to inform others about their rights under this Chapter 8.40; the right to inform the person's network company, the person's legal counsel, a union or similar organization, or any other person about an alleged violation of this Chapter 8.40; the right to file an oral or written complaint with the Agency or bring a civil action for an alleged violation of this Chapter 8.40; the right to cooperate with the Agency in its investigations of this Chapter 8.40; the right to testify in a proceeding under or related to this Chapter 8.40; the right to refuse to participate in an

activity that would result in a violation of city, state, or federal law; and the right to oppose any policy, practice, or act that is unlawful under this Chapter 8.40.

C. No network company or any other person shall communicate to a person exercising rights protected in this Section 8.40.120, directly or indirectly, the willingness to inform a government worker that the person is not lawfully in the United States, or to report, or to make an implied or express assertion of a willingness to report, suspected citizenship or immigration status of an app-based worker or family member of an app-based worker to a federal, state, or local agency because the app-based worker has exercised a right under this Chapter 8.40.

D. It shall be a rebuttable presumption of retaliation if a network company or any other person takes an adverse action against a person within 90 days of the person's exercise of rights protected in this Section 8.40.120. The network company may rebut the presumption with clear and convincing evidence that the adverse action was taken for a permissible purpose.

E. Proof of retaliation under this Section 8.40.120 shall be sufficient upon a showing that a network company or any other person has taken an adverse action against a person and the person's exercise of rights protected in this Section 8.40.120 was a motivating factor in the adverse action, unless the network company can prove that the action would have been taken in the absence of such protected activity.

F. The protections afforded under this Section 8.40.120 shall apply to any person who mistakenly but in good faith alleges violations of this Chapter 8.40.

G. A complaint or other communication by any person triggers the protections of this Section 8.40.120 regardless of whether the complaint or communication is in writing or makes explicit reference to this Chapter 8.40.

8.40.125 Rulemaking authority

Except as provided in subsection 8.40.130.B, the Director is authorized to administer and enforce this Chapter 8.40. The Director is authorized to promulgate, revise, or rescind rules and regulations deemed necessary,

appropriate, or convenient to administer, evaluate, and enforce the provisions of this Chapter 8.40 pursuant to Chapter 3.02, providing affected entities with due process of law and in conformity with the intent and purpose of this Chapter 8.40. Any rules promulgated by the Director shall have the force and effect of law and may be relied on by network companies, app-based workers, and other parties to determine their rights and responsibilities under this Chapter 8.40.

8.40.130 Enforcement power and duties

A. Except as provided in subsection 8.40.130.B, on or after January 1, 2025, the Agency shall have the power to administer and enforce this Chapter 8.40 and shall have such powers and duties in the performance of these functions as are defined in this Chapter 8.40 and otherwise necessary and proper in the performance of the same and provided for by law.

B. Starting June 1, 2027, the Agency may have the power to enforce subsections 8.40.050.A.3, 8.40.050.A.4, 8.40.050.A.5, 8.40.050.A.6, and 8.40.050.B. This subsection 8.40.130.B does not limit the ability of an app-based worker to seek other avenues of relief for violations of those subsections.

8.40.140 Violation

The failure of any respondent to comply with any requirement imposed on the respondent under this Chapter 8.40 is a violation.

8.40.150 Investigation

A. Except as provided in subsection 8.40.130.B, the Agency shall have the power to investigate any violations of this Chapter 8.40 by any respondent. The Agency may prioritize investigations of workforces that are vulnerable to violations of this Chapter 8.40. The Agency may initiate an investigation pursuant to Director's Rules, including but not limited to situations when the Director has reason to believe that a violation has occurred or will occur, or when circumstances show that violations are likely to occur within a class of network companies or businesses because either the workforce contains significant numbers of app-based workers who are vulnerable to violations of this Chapter 8.40, or the workforce is unlikely to volunteer

information regarding such violations. An investigation may also be initiated through the receipt by the Agency of a report or complaint filed by an app-based worker, or any other person.

B. An app-based worker or other person may report to the Agency any suspected violation of this Chapter 8.40. The Agency shall encourage reporting pursuant to this Section 8.40.150 by taking the following measures:

1. The Agency shall keep confidential, to the maximum extent permitted by applicable laws, the name and other identifying information of the app-based worker or person reporting the violation. However, with the authorization of such person, the Agency may disclose the name of the app-based worker or other person and identifying information as necessary to enforce this Chapter 8.40 or for other appropriate purposes.

2. The Agency may require the network company to post or otherwise notify other app-based workers working for the network company that the Agency is conducting an investigation. The network company shall provide the notice of investigation in a form, place, and manner designated by the Agency. The Agency shall create the notice of investigation in English and other languages.

3. The Agency may certify the eligibility of eligible persons for “U” Visas under the provisions of 8 U.S.C. § 1184(p) and 8 U.S.C. § 1101(a)(15)(U). This certification is subject to applicable federal law and regulations, and Director’s Rules.

C. The Agency’s investigation shall commence within three years of the alleged violation. To the extent permitted by law, the applicable statute of limitations for civil actions is tolled during any investigation under this Chapter 8.40 and any administrative enforcement proceeding under this Chapter 8.40 based upon the same facts. For purposes of this Chapter 8.40:

1. The Agency’s investigation begins on the earlier date of when the Agency receives a complaint from a person under this Chapter 8.40, or when the Agency provides notice to the respondent that an investigation has commenced under this Chapter 8.40.

2. The Agency’s investigation ends when the Agency issues a final order concluding the matter

and any appeals have been exhausted; the time to file any appeal has expired; or the Agency notifies the respondent in writing that the investigation has been otherwise resolved.

D. The Agency's investigation shall be conducted in an objective and impartial manner.

E. The Director may apply by affidavit or declaration in the form allowed under RCW 5.50.050 as amended to the Hearing Examiner for the issuance of subpoenas requiring a network company to produce the records required by Section 8.40.080 or 8.40.110, or for the attendance and testimony of witnesses, or for the production of documents required to be retained under Section 8.40.080 or 8.40.110, or any other document relevant to the issue of whether any app-based worker or group of app-based workers received the information or other benefits required by this Chapter 8.40, and/or to whether a network company has violated any provision of this Chapter 8.40. The Hearing Examiner shall conduct the review without hearing as soon as practicable and shall issue subpoenas upon a showing that there is reason to believe that: a violation has occurred; a complaint has been filed with the Agency; or circumstances show that violations are likely to occur within a class of businesses because the workforce contains significant numbers of app-based workers who are vulnerable to violations of this Chapter 8.40, the workforce is unlikely to volunteer information regarding such violations, or the Agency has gathered preliminary information indicating that a violation may have occurred.

F. A network company that fails to comply with the terms of any subpoena issued under subsection 8.40.150.E in an investigation by the Agency under this Chapter 8.40 before the issuance of a Director's Order issued pursuant to subsection 8.40.160.C may not use such records in any appeal to challenge the correctness of any determination by the Agency of liability, damages owed, or penalties assessed.

G. In addition to other remedies, the Director may refer any subpoena issued under subsection 8.40.150.E to the City Attorney to seek a court order to enforce any subpoena.

H. Where the Director has reason to believe that a violation has occurred, the Director may order any appropriate temporary or interim relief to mitigate the violation or maintain the status quo pending completion of a full investigation or hearing, including but not limited to a deposit of funds or bond sufficient to satisfy a

good faith estimate of compensation, interest, damages, and penalties due. A respondent may appeal any such order in accordance with Section 8.40.180.

8.40.160 Findings of fact and determination

A. Except when there is an agreed-upon settlement, the Director shall issue a written determination with findings of fact resulting from the investigation and statement of whether a violation of this Chapter 8.40 has or has not occurred based on a preponderance of the evidence before the Director.

B. If the Director determines that there is no violation of this Chapter 8.40, the Director shall issue a “Determination of No Violation” with notice of an app-based worker’s or other person’s right to appeal the decision, pursuant to Director’s Rules.

C. If the Director determines that a violation of this Chapter 8.40 has occurred, the Director shall issue a “Director’s Order” that shall include a notice of violation identifying the violation or violations.

1. The Director’s Order shall state with specificity the amounts due under this Chapter 8.40 for each violation, including payment of unpaid compensation, liquidated damages, civil penalties, penalties payable to aggrieved parties, fines, and interest pursuant to Section 8.40.170.

2. The Director’s Order may specify that civil penalties and fines due to the Agency can be mitigated for respondent’s timely payment of remedy due to an aggrieved party pursuant to subsection 8.40.170.A.4.

3. The Director’s Order may specify that civil penalties and fines are due to the aggrieved party rather than due to the Agency.

4. The Director’s Order may direct the respondent to take such corrective action as is necessary to comply with the requirements of this Chapter 8.40, including but not limited to monitored compliance for a reasonable time period.

5. The Director’s Order shall include notice of the respondent’s right to appeal the decision pursuant to Section 8.40.180.

8.40.167 Navigation program

A. The Agency may establish a navigation program that provides intake, information, outreach, and/or education relating to the provisions and procedures of this Chapter 8.40. The range of information provided by the navigation program may include, but is not limited to:

1. General court information, such as:

a. Information on court procedures for filing civil actions in a court of competent jurisdiction; and

b. Information on obtaining translation and interpretation services;

2. General arbitration information, such as:

a. Information on arbitration procedures for filing arbitration claims; and

b. Information on obtaining translation and interpretation services;

3. A list of organizations that can be used to identify attorneys;

4. Organizations providing outreach and education, and/or legal assistance, to app-based workers;

5. Information about classifying workers as employees or independent contractors; and

6. As determined by the Director, additional information related to the provisions of this Chapter 8.40, other workplace protections, or other resources for resolving workplace issues.

B. The navigation program shall not include legal advice from the Agency. However, if the Agency provides information to an app-based worker about a community organization through the navigation program, the community organization is not precluded from providing legal advice.

8.40.170 Remedies

A. The payment of unpaid compensation, liquidated damages of up to twice the amount of unpaid compensation, civil penalties, penalties payable to aggrieved parties, fines, and interest provided under this Chapter 8.40 is cumulative and is not intended to be exclusive of any other available remedies, penalties, fines,

and procedures.

1. The amounts of all civil penalties, penalties payable to aggrieved parties, and fines contained in this Section 8.40.170 shall be increased annually to reflect the rate of inflation and calculated to the nearest cent on January 1 of each year thereafter. The Agency shall determine the amounts and file a schedule of such amounts with the City Clerk.

2. If a violation is ongoing when the Agency receives a complaint or opens an investigation, the Director may order payment of unpaid compensation plus interest that accrues after receipt of the complaint or after the investigation opens and before the date of the Director's Order.

3. Interest shall accrue from the date the unpaid compensation was first due at 12 percent annum, or the maximum rate permitted under RCW 19.52.020 as amended.

4. If there is a remedy due to an aggrieved party, the Director may waive part or all civil penalties and fines due to the Agency based on timely payment of the full remedy due to the aggrieved party.

a. The Director may waive the total amount of civil penalties and fines due to the Agency if the Director determines that the respondent paid the full remedy due to the aggrieved party within ten days of service of the Director's Order.

b. The Director may waive half the amount of civil penalties and fines due to the Agency if the Director determines that the respondent paid the full remedy due to the aggrieved party within 15 days of service of the Director's Order.

c. The Director shall not waive any amount of civil penalties and fines due to the Agency if the Director determines that the respondent has not paid the full remedy due to the aggrieved party after 15 days of service of the Director's Order.

5. When determining the amount of liquidated damages, civil penalties, penalties payable to aggrieved parties, and fines due under this Section 8.40.170 for a settlement agreement or Director's Order, including but not limited to the mitigation of civil penalties and fines due to the Agency for timely payment of

remedy due to an aggrieved party under subsection 8.40.170.A.4, the Director may consider:

- a. The total amount of unpaid compensation, liquidated damages, penalties, fines, and interest due;
- b. The nature and persistence of the violations;
- c. The extent of the respondent's culpability;
- d. The substantive or technical nature of the violations;
- e. The size, revenue, and human resources capacity of the respondent;
- f. The circumstances of each situation;
- g. The amount of penalties in similar situations; and
- h. Pursuant to rules that the Director may issue, other factors that are material and necessary to effectuate the terms of this Chapter 8.40.

B. A respondent found to be in violation of this Chapter 8.40 shall be liable for full payment of unpaid compensation due plus interest in favor of the aggrieved party for the period of deactivation under the terms of this Chapter 8.40, and other equitable relief.

1. If the precise amount of unpaid compensation cannot be determined due to a respondent's failure to produce records or if a respondent produces records in a manner or form which makes timely determination of the amount of unpaid compensation impracticable, the Director may:

- a. Determine unpaid compensation as a matter of just and reasonable inference, including the use of representative evidence such as testimony or other evidence from representative employees or other aggrieved parties establishing violations for a class of employees or aggrieved parties; or
- b. Assess a daily amount for unpaid compensation plus interest in favor of the aggrieved party in a minimum amount of at least the equivalent of payment for eight hours of work at the "hourly minimum wage" rate for Schedule 1 employers under Chapter 14.19.

2. For a first violation of this Chapter 8.40, the Director may assess liquidated damages in an

additional amount of up to twice the unpaid compensation.

3. For subsequent violations of this Chapter 8.40, the Director shall assess an amount of liquidated damages in an additional amount of twice the unpaid compensation.

4. For purposes of establishing a first and subsequent violation for this Section 8.40.170, the violation must have occurred within ten years of the settlement agreement or Director's Order.

C. A respondent found to be in violation of this Chapter 8.40 for retaliation under Section 8.40.120 shall be subject to any appropriate relief at law or equity including, but not limited to, reinstatement of the aggrieved party, front pay in lieu of reinstatement with full payment of unpaid compensation plus interest in favor of the aggrieved party under the terms of this Chapter 8.40, and liquidated damages in an additional amount of up to twice the unpaid compensation. The Director also shall order the imposition of a penalty payable to the aggrieved party of up to \$6,230.88.

D. The Director is authorized to assess civil penalties for a violation of this Chapter 8.40 and may specify that civil penalties are due to the aggrieved party rather than due to the Agency.

1. For a first violation of this Chapter 8.40, the Director may assess a civil penalty of up to \$622.85 per aggrieved party.

2. For a second violation of this Chapter 8.40, the Director shall assess a civil penalty of up to \$1,245.71 per aggrieved party, or an amount equal to ten percent of the total amount of unpaid compensation, whichever is greater.

3. For a third or any subsequent violation of this Chapter 8.40, the Director shall assess a civil penalty of up to \$6,230.88 per aggrieved party, or an amount equal to ten percent of the total amount of unpaid compensation, whichever is greater.

4. For purposes of this subsection 8.40.170.D, a violation is a second, third, or subsequent violation if the respondent has been a party to one, two, or more than two settlement agreements, respectively, stipulating that a violation has occurred; and/or one, two, or more than two Director's Orders, respectively,

have issued against the respondent in the ten years preceding the date of the violation; otherwise, it is a first violation.

E. The Director is authorized to assess fines for a violation of this Chapter 8.40 and may specify that fines are due to the aggrieved party rather than due to the Agency. The Director is authorized to assess fines as follows:

Violation	Fine
Failure to comply with deactivation requirements under Section 8.40.050	\$622.85 per aggrieved party
Failure to provide app-based worker with an internal deactivation challenge procedure under Section 8.40.060	\$622.85 per aggrieved party
Failure to provide app-based worker with a notice of deactivation under Section 8.40.070	\$622.85 per aggrieved party
Failure to provide app-based worker with records relied upon by the network company to substantiate the deactivation under Section 8.40.080	\$622.85 per aggrieved party
Failure to provide certified statement attesting to records provided to substantiate deactivation under Section 8.40.080	\$622.85 per aggrieved party
Failure to provide written notice of rights under Section 8.40.100	\$622.85 per aggrieved party
Failure to retain network company records for three years under subsections 8.40.110.B	\$622.85 per missing record
Failure to provide notice of investigation to app-based workers under subsection 8.40.150.B.2	\$622.85 per aggrieved party
Failure to post or distribute public notice of failure to comply with final order under subsection 8.40.210.A.1	\$622.85 per aggrieved party

The maximum amount that may be imposed in fines in a one-year period for each type of violation listed above is \$6,230.88 per aggrieved party.

F. A respondent that willfully hinders, prevents, impedes, or interferes with the Director or Hearing Examiner in the performance of their duties under this Chapter 8.40 shall be subject to a civil penalty of not less than \$1,245.71 and not more than \$6,230.88.

G. In addition to the unpaid compensation, penalties, fines, liquidated damages, and interest, the Agency may assess against the respondent in favor of the City the reasonable costs incurred in enforcing this Chapter

8.40, including but not limited to reasonable investigation costs and attorneys' fees. The Director may issue rules on the amounts and contributing factors for assessing reasonable investigation costs and is strongly encouraged to assess such costs in favor of the City to support the Agency's implementation of this Chapter 8.40.

H. A respondent that is the subject of a settlement agreement stipulating that a violation shall count for debarment, or a final order for which all appeal rights have been exhausted, shall not be permitted to bid, or have a bid considered, on any City contract until such amounts due under the final order have been paid in full to the Director. If the respondent is the subject of a final order two times or more within a five-year period, the network company shall not be allowed to bid on any City contract for two years. This subsection 8.40.170.H shall be construed to provide grounds for debarment separate from, and in addition to, those contained in Chapter 20.70 and shall not be governed by that chapter; provided, that nothing in this subsection 8.40.170.H shall be construed to limit the application of Chapter 20.70. The Director shall notify the Director of Finance and Administrative Services of all respondents subject to debarment under this subsection 8.40.170.H.

8.40.180 Appeal period and failure to respond

A. An app-based worker or other person who claims an injury as a result of an alleged violation of this Chapter 8.40 may appeal the Determination of No Violation, pursuant to Director's Rules.

B. A respondent may appeal the Director's Order, including all remedies issued pursuant to Section 8.40.170, by requesting a contested hearing before the Hearing Examiner in writing within 15 days of service of the Director's Order. If a respondent fails to appeal the Director's Order within 15 days of service, the Director's Order shall be final. If the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the appeal period shall run until 5 p.m. on the next business day.

8.40.190 Appeal procedure and failure to appear

A. Contested hearings shall be conducted pursuant to the procedures for hearing contested cases contained in Section 3.02.090 and the rules adopted by the Hearing Examiner for hearing contested cases. The

hearing shall be conducted de novo and the Director shall have the burden of proving by a preponderance of the evidence that the violation or violations occurred. Upon establishing such proof, the remedies and penalties imposed by the Director shall be upheld unless it is shown that the Director abused discretion. Failure to appear for a contested hearing shall result in an order being entered finding that the respondent committed the violation stated in the Director's Order. 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.

B. In all contested cases, the Hearing Examiner shall enter an order affirming, modifying, or reversing the Director's Order.

8.40.200 Appeal from Hearing Examiner order

A. The respondent may obtain judicial review of the decision of the Hearing Examiner by applying for a Writ of Review in the King County Superior Court within 30 days from the date of the decision in accordance with the procedure set forth in chapter 7.16 RCW as amended, other applicable law, and court rules.

B. The decision of the Hearing Examiner shall be final and conclusive unless review is sought in compliance with this Section 8.40.200.

8.40.210 Failure to comply with final order

A. If a respondent fails to comply within 30 days of service of any settlement agreement with the Agency, or with any final order issued by the Director or the Hearing Examiner for which all appeal rights have been exhausted, the Agency may pursue, but is not limited to, the following measures to secure compliance:

1. The Director may require the respondent to post or distribute public notice of the respondent's failure to comply in a form and manner determined by the Agency.
2. The Director may refer the matter to a collection agency. The cost to the City for the collection services will be assessed as costs, at the rate agreed to between the City and the collection agency, and added to the amounts due.
3. The Director may refer the matter to the City Attorney for the filing of a civil action in a court

of competent jurisdiction to enforce such order or to collect amounts due. In the alternative, the Director may seek to enforce a settlement agreement, Director's Order, or a final order of the Hearing Examiner under Section 8.40.190.

4. The Director may request that the City's Department of Finance and Administrative Services deny, suspend, refuse to renew, or revoke any business license held or requested by the network company or person until such time as the network company complies with the remedy as defined in the settlement agreement or final order. The City's Department of Finance and Administrative Services shall have the authority to deny, refuse to renew, or revoke any business license in accordance with this subsection 8.40.210.A.4.

B. No respondent that is the subject of a final order issued under this Chapter 8.40 shall quit business, sell out, exchange, convey, or otherwise dispose of the respondent's business or stock of goods without first notifying the Agency and without first notifying the respondent's successor of the amounts owed under the final order at least three business days before such transaction. At the time the respondent quits business, or sells out, exchanges, or otherwise disposes of the respondent's business or stock of goods, the full amount of the remedy, as defined in a final order issued by the Director or the Hearing Examiner, shall become immediately due and payable. If the amount due under the final order is not paid by respondent within ten days from the date of such sale, exchange, conveyance, or disposal, the successor shall become liable for the payment of the amount due; provided, that the successor has actual knowledge of the order and the amounts due or has prompt, reasonable, and effective means of accessing and verifying the fact and amount of the order and the amounts due. The successor shall withhold from the purchase price a sum sufficient to pay the amount of the full remedy. When the successor makes such payment, that payment shall be deemed a payment upon the purchase price in the amount paid, and if such payment is greater in amount than the purchase price the amount of the difference shall become a debt due such successor from the network company.

8.40.220 Debt owed The City of Seattle

A. All monetary amounts due under the Director's Order shall be a debt owed to the City and may be collected in the same manner as any other debt in like amount, which remedy shall be in addition to all other existing remedies; provided, that amounts collected by the City for unpaid compensation, liquidated damages, penalties payable to aggrieved parties, or front pay shall be held in trust by the City for the aggrieved party and, once collected by the City, shall be paid by the City to the aggrieved party.

B. If a respondent fails to appeal a Director's Order to the Hearing Examiner within the time period set forth in subsection 8.40.180.B, the Director's Order shall be final, and the Director may petition the Seattle Municipal Court, or any court of competent jurisdiction, to enforce the Director's Order by entering judgment in favor of the City finding that the respondent has failed to exhaust its administrative remedies and that all amounts and relief contained in the order are due. The Director's Order shall constitute prima facie evidence that a violation occurred and shall be admissible without further evidentiary foundation. Any certifications or declarations authorized under RCW 5.50.050 as amended containing evidence that the respondent has failed to comply with the order or any parts thereof, and is therefore in default, or that the respondent has failed to appeal the Director's Order to the Hearing Examiner within the time period set forth in subsection 8.40.180.B, and therefore has failed to exhaust the respondent's administrative remedies, shall also be admissible without further evidentiary foundation.

C. If a respondent fails to obtain judicial review of an order of the Hearing Examiner within the time period set forth in subsection 8.40.200.A, the order of the Hearing Examiner shall be final, and the Director may petition the Seattle Municipal Court to enforce the Director's Order by entering judgment in favor of the City for all amounts and relief due under the order of the Hearing Examiner. The order of the Hearing Examiner shall constitute conclusive evidence that the violations contained therein occurred and shall be admissible without further evidentiary foundation. Any certifications or declarations authorized under RCW 5.50.050 as amended containing evidence that the respondent has failed to comply with the order or any parts thereof, and

is therefore in default, or that the respondent has failed to avail itself of judicial review in accordance with subsection 8.40.200.A, shall also be admissible without further evidentiary foundation.

D. In considering matters brought under subsections 8.40.220.B and 8.40.220.C, the Seattle Municipal Court may include within its judgment all terms, conditions, and remedies contained in the Director’s Order or the order of the Hearing Examiner, whichever is applicable, that are consistent with the provisions of this Chapter 8.40.

8.40.230 Private right of action

A. Any person or class of persons that suffers an injury as a result of a violation of this Chapter 8.40, or is the subject of prohibited retaliation under Section 8.40.120, may bring a civil action in a court of competent jurisdiction against the network company or other person violating this Chapter 8.40 and, upon prevailing, may be awarded reasonable attorney fees and costs and such legal or equitable relief as may be appropriate to remedy the violation including, without limitation: the payment of any unpaid compensation plus interest due to the person; liquidated damages in an additional amount of up to twice the unpaid compensation; a penalty payable to the aggrieved party of up to \$6,230.88 if the aggrieved party was subject to prohibited retaliation; and other civil penalties and fines payable to any aggrieved party, consistent with Section 8.40.170. Interest shall accrue from the date the unpaid compensation was first due at 12 percent per annum, or the maximum rate permitted under RCW 19.52.020 as amended.

B. For purposes of this Section 8.40.230, “person” includes any entity a member of which has suffered an injury or retaliation, or any other individual or entity acting on behalf of an aggrieved party that has suffered an injury or retaliation.

C. For purposes of determining membership within a class of persons entitled to bring an action under this Section 8.40.230, two or more app-based workers are similarly situated if they:

1. Performed services in Seattle for the same network company or network companies, whether concurrently or otherwise, at some point during the applicable statute of limitations period;

2. Allege one or more violations that raise similar questions as to liability; and

3. Seek similar forms of relief.

D. For purposes of subsection 8.40.230.C, app-based workers shall not be considered dissimilar solely because:

1. The app-based workers' claims seek damages that differ in amount; or

2. The job titles of or other means of classifying the app-based workers differ in ways that are unrelated to their claims.

E. An order issued by a court may include a requirement for a network company to submit a compliance report to the court and/or to the Agency.

8.40.233 Waiver

Any waiver by an individual of any provisions of this Chapter 8.40 shall be deemed contrary to public policy and shall be void and unenforceable.

8.40.235 Encouragement of more generous policies

A. Nothing in this Chapter 8.40 shall be construed to discourage or prohibit a network company from the adoption or retention of minimum standards for deactivation policies for app-based workers that are more generous than the minimum standards required by this Chapter 8.40.

B. Nothing in this Chapter 8.40 shall be construed as diminishing the obligation of the network company to comply with any contract or other agreement providing more generous minimum standards for deactivation policies for app-based workers than required by this Chapter 8.40.

8.40.240 Other legal requirements-Effect on other laws

A. The provisions of this Chapter 8.40:

1. Supplement and do not diminish or replace any other basis of liability or requirement established by statute or common law;

2. Shall not be construed to preempt, limit, or otherwise affect the applicability of any other law,

regulation, requirement, policy, or standard for minimum deactivation requirements, or other protections to app-based workers; and

3. Shall not be interpreted or applied so as to create any power or duty in conflict with federal or state law.

B. This Chapter 8.40 shall not be construed to preclude any person aggrieved from seeking judicial review of any final administrative decision or order made under this Chapter 8.40 affecting such person. Nothing in this Section 8.40.240 shall be construed as restricting the right of an app-based worker or other person to pursue any other remedies at law or equity for violation of the app-based worker’s rights.

C. A network company’s failure to comply with the provisions of this Chapter 8.40 shall not render any contract between the network company and an app-based worker void or voidable.

D. No provision of this Chapter 8.40 shall be construed as providing a determination about the legal classification of any individual as an employee or independent contractor.

8.40.250 Severability

The provisions of this Chapter 8.40 are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section, subsection, or portion of this Chapter 8.40, or the application thereof to any network company, app-based worker, person, or circumstance, is held to be invalid, it shall not affect the validity of the remainder of this Chapter 8.40, or the validity of its application to other persons or circumstances.

Section 3. Section 3.02.125 of the Seattle Municipal Code, last amended by Ordinance 126788, is amended as follows:

3.02.125 Hearing Examiner filing fees

A. The filing fee for a case before the City Hearing Examiner is \$85, with the following exceptions:

Basis for Case	Fee in dollars
* * *	

All-Gender Restroom Notice of Violation (Section 14.07.040)	No fee
App-Based Worker Deactivation Rights Ordinance (Chapter 8.40)	No fee
App-Based Worker Minimum Payment Ordinance (Chapter 8.37)	No fee
* * *	

* * *

Section 4. The City Council requests that the Office of Labor Standards provide a report back to Council on the implementation of this ordinance by no later than September 1, 2026.

Section 5. Section 2 of this ordinance shall take effect on January 1, 2025.

Section 6. 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 _____, 2023, and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Anne Frantilla, Interim City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact:	CBO Contact:
LEG	Jasmine Marwaha/635-8941	N/A

** 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 app-based worker labor standards; establishing labor standards on deactivation protections for app-based workers working in Seattle; amending Section 3.02.125 of the Seattle Municipal Code; and adding a new Chapter 8.40 to the Seattle Municipal Code.

Summary and Background of the Legislation: App-based workers perform offers facilitated or presented by network companies to provide a variety of valued services for the community (e.g., on-demand food delivery, pre-scheduled tasks). Network companies typically use algorithms to manage worker access to their platform, designed to maximize efficiency and customer satisfaction. There has been extensive documentation in social science literature and media reports about the negative impacts of algorithmic management on app-based workers, and what the Federal Trade Commission recently called “an invisible, inscrutable boss” that dictates core aspects of work.

Workers report being deactivated from the app-based platform, and thereby cut off from their income source, for reasons such as: rejecting too many orders, delays outside of their control, changing and unpredictable performance expectations, and many times for unknown reasons. Many workers report a lack of substantive response from companies when they try to challenge their deactivation. Workers further report that they are unable to meaningfully challenge their deactivation because the network company has control of the records and information related to the deactivation.

This ordinance would aim to create more stability and job security for app-based workers by requiring network companies to base deactivations on reasonable policies and provide app-based workers notice, records and human review of all deactivations. These requirements would be implemented by the Office of Labor Standards (OLS).

This ordinance would require network companies to give fair notice of their deactivation policy – the reasons that could get a worker deactivated. Those reasons must be reasonably related to the network company’s safe and efficient operations.

This ordinance would also require deactivations to be based on an investigation, that demonstrates by a preponderance of evidence that the app-based worker violated the company’s deactivation policy. The deactivation must also represent consistent application of the policy; it must be proportionate to the offense; and it cannot intend to or result in discrimination.

The ordinance would require all deactivated app-based workers to receive a notice of deactivation (NOD), which includes the records relied upon to substantiate the deactivation, and a description of the network company’s internal process for a worker to challenge the deactivation, among other requirements. This NOD must be provided to the worker 14 days in advance of a deactivation, unless the network company alleges that the worker has engaged in egregious misconduct.

If there is an allegation of egregious misconduct, the worker is entitled to receive the NOD on the date of deactivation, and the network company would have up to 10 days after the NOD is issued to complete its investigation. This timeline for investigation may be extended if there are extraordinary circumstances beyond the network company’s control delaying the investigation.

Under the proposed ordinance, workers would have a right to challenge their deactivation through an internal procedure, and can do so at any point up to 90 days after receiving the NOD. The network company would have 14 days to respond to the worker’s challenge, with a written statement certified by an individual at the network company with authority to reinstate the app-based worker. The worker would then be able to file a complaint with OLS or pursue their private right of action after that initial response, or after 14 days, whichever is earlier.

The network company would be required to provide app-based workers with the records relied upon to substantiate a deactivation. Those records must be certified from an individual at the network company that they are true and accurate records. If new evidence comes to the network company’s possession after the NOD, they must provide those records to the worker.

The ordinance also restricts the role of the Office of Labor Standards (OLS) to enforcing the facial policies and procedural requirements, and does not require OLS to review individual deactivations to determine whether they were substantiated. These procedural provisions are meant to address the information asymmetry and power imbalance that would otherwise exist if a worker were to challenge their deactivation in arbitration proceedings.

All network companies with 250 or more app-based workers would be covered under the ordinance. App-based worker coverage would be limited to workers who have had at least 10 percent of their offers in the past 180 days involve performing services in Seattle. After an app-based worker performs one offer in Seattle, they would have the right to receive a notice of rights from the company that includes a system for workers to understand their eligibility to challenge a deactivation under this ordinance, namely when they meet that 10 percent threshold in the previous 180 days.

2. CAPITAL IMPROVEMENT PROGRAM

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

If yes, please fill out the table below and attach a new (if creating a project) or marked-up (if amending) CIP Page to the Council Bill. Please include the spending plan as part of the attached CIP Page. If no, please delete the table.

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget?

Yes No

If there are no changes to appropriations, revenues, or positions, please delete the table below.

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?

Yes. There would be financial implications for OLS (e.g., cost of rulemaking, outreach, and enforcement), and to a lesser extent for the City Attorney Office (e.g., cost of supporting OLS enforcement), and Hearing Examiner (e.g., cost of conducting hearings on appeals from respondents and aggrieved parties).

OLS estimates that it would require \$1,000,000 per year for ongoing implementation costs, including staffing, outreach and communication, community partnerships, and translations. In addition, OLS estimates it would need \$200,000 in one-time funds to support initial implementation. Central Staff will continue to gather and analyze information from OLS to better understand financial implications.

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

No.

4. OTHER IMPLICATIONS

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

Yes. OLS would implement and enforce this legislation. There would be an undetermined number of legal referrals to the City Attorney. The Hearing Examiner would conduct hearings on appeals from respondents and aggrieved parties.

b. Is a public hearing required for this legislation?

No.

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

No.

d. Does this legislation affect a piece of property?

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?

The Race and Social Justice Initiative works toward eliminating racial disparities and achieving racial equity in Seattle. Black, Indigenous, and other People of Color face unique barriers to economic insecurity and disproportionately work in low-wage jobs with insecure

working conditions. Black and Latinx workers are overrepresented among app-based workers, comprising almost 42 percent of app-based workers but less than 29 percent of the overall labor force.

To reach workers with limited English proficiency, network companies would provide a notice of rights in English and in the worker's primary language. OLS may create and distribute model notices of rights in English and other languages.

f. Climate Change Implications

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

N/A

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.

N/A

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)?

OLS posts information on outreach and enforcement efforts on their [on-line, interactive dashboard](#). The same metrics publicized for other labor standards could apply for this legislation (e.g., number of inquiries, number of investigations, amounts of remedies). OLS contracts with community and business organizations to conduct measurable outreach efforts on worker rights and hiring entity/employer responsibilities.

Summary Attachments (if any):



Legislation Text

File #: CB 120606, **Version:** 2

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to tenant protections; establishing rent control provisions; regulating residential rent increases; establishing a Rent Control Commission and District Rent Control Boards to authorize rent control exemptions; establishing enforcement provisions; adding a new Chapter 7.28 to the Seattle Municipal Code; and amending Sections 3.06.030 and 22.214.040 of the Seattle Municipal Code.

WHEREAS, Article 25 of the United Nations' Universal Declaration of Human Rights recognizes housing as a human right; and

WHEREAS, Seattle faces an affordable housing and homelessness crisis as rising rents have forced thousands of Seattle renters out of their homes, neighborhoods, and the City; and

WHEREAS, between 2010 and 2018 average rent in the Seattle area rose 69 percent while inflation for Urban Wage Earners (CPI-W) in the Seattle area rose only 20.3 percent; and

WHEREAS, rental housing industry analysis firm ApartmentList.com calculated that average Seattle rents increased 23 percent in 2021; and

WHEREAS, the “Seattle Housing Market Forecast for 2021” of real estate investment consulting firm Mashvisor notes that “Seattle real estate investors are continuing to enjoy a good return on investment on rental properties...Although affordability continues to be an issue for local residents, it does have a positive aspect for Seattle real estate investors. Owning a rental property in Seattle does mean high demand which translates into good occupancy rates and cash flow”; and

WHEREAS, a national study published in the Journal of Urban Affairs established the correlation between increasing rent and homelessness including that: (1) Washington is the tenth most expensive state for

renters; (2) the high cost of rental housing is driving increases in homelessness; and (3) an increase of \$100 in median rent for an area results in a 15 percent (metro areas) and a 39 percent (nearby suburbs and rural areas) increase in homelessness; and

WHEREAS, across the United States and around the world rent control policies have allowed millions of people to remain in their homes, neighborhoods and cities; and

WHEREAS, in September 2015, the Seattle City Council passed Resolution 31620 advocating for the “State Legislature to allow local governments to propose ordinances that significantly increase the supply of rent restricted units and that protect tenants from sudden and dramatic rent increases, without causing a negative impact on the quality or quantity of housing supply, by modifying or repealing RCW 35.21.830”; and

WHEREAS, there is a growing movement of renters for rent control, which in 2018 and 2019 won new rent control laws and expansions of existing rent control laws in California, Oregon, and New York; and

WHEREAS, over 12,000 Seattleites have signed petitions, urging The City of Seattle to enact rent control laws; and

WHEREAS, the Council intends to pursue amendments to the City Charter to allow election of Rent Control Commission members; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Chapter 7.28 is added to the Seattle Municipal Code as follows:

CHAPTER 7.28 RENT CONTROL

7.28.010 Short title

This Chapter 7.28 may be known as the Rent Control Ordinance.

7.28.020 Purposes

The purposes of this Chapter 7.28 are to prohibit large and unaffordable rent increases that cause housing displacement for tenants, to help renters build community by allowing them to remain in their neighborhoods,

to allow young people to remain in their neighborhood schools, to prevent the expansion of homelessness, to reduce the waste of fuel and time resulting from long commutes, and to promote the affordability of housing in Seattle.

7.28.030 Definitions

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

"Director" means the Director of the Seattle Department of Construction and Inspections.

"Hearing Examiner" means the official appointed by the Council and designated as the Hearing Examiner.

"Landlord" means the owner, lessor, or sublessor of the rental housing unit or the property of which it is a part, and in addition means any person designated as representative of the owner, lessor, or sublessor including, but not limited to, an agent, a resident manager, or a designated property manager.

"Maximum annual rent increase" means the rate of inflation multiplied by the average monthly rent charged in the preceding 12 months.

"Person" means any individual, firm, corporation, association, governmental entity, or partnership and its agents or assigns.

"Rate of inflation" means 100 percent of the annual average growth rate of the bi-monthly Seattle-Tacoma-Bellevue Area Consumer Price Index for Urban Wage Earners and Clerical Workers, termed CPI-W, for the 12-month period ending in August, provided that the percentage increase shall not be less than zero.

"Rent" and "rental amount" mean "rent" as defined by chapter 59.18 RCW.

"Rental agreement" means a "rental agreement" as defined in and within the scope of RCW 59.18.030 and RCW 59.18.040 in effect at the time the rental agreement is executed.

"Rental housing unit" means any housing unit for which rent is charged, other than those excepted in subsection 7.28.040.A.

"Renter" and "tenant" mean a "tenant" as defined in and within the scope of RCW 59.18.030 and RCW

59.18.040 in effect at the time the rental agreement is executed.

“Social housing” means housing intended to remain affordable, under public ownership, in perpetuity and to promote social cohesion, sustainability, and social equity through an intentional distribution of units to households with a broad mix of income ranges and household sizes whose incomes range between 0 to 120% AMI, with combined rent consisting of no more than 30% of a household’s income.

7.28.040 Applicability

A. This Chapter 7.28 applies to all rental housing units except:

1. Housing units lawfully used as short-term rentals as defined in Section 23.84A.024;
2. Housing units in hotels, motels, inns, bed and breakfasts, or similar accommodations that provide lodging for transient guests;
3. Emergency or temporary shelter or transitional housing accommodations;
4. Housing units that a government entity or housing authority owns, operates, or manages;
5. Housing units exempted from municipal housing regulation by federal, state, or local law; and
6. Housing units operated as social housing.

B. No rental agreement, whether oral or written, may waive or forgo rights or remedies provided to the tenant under this Chapter 7.28.

C. The restrictions on rent increases prescribed by this Chapter 7.28 apply to a rental housing unit, not to the identity or number of tenants or to an individual rental agreement. Therefore, when a rental housing unit is vacated any rent increase applied to new tenants must be consistent with the restrictions on rent increases prescribed by this Chapter 7.28 as if the previous tenant remained in occupancy.

7.28.050 Control on rent increases

A. Except as provided in this Section 7.28.050 and Sections 7.28.060 and 7.28.070, a landlord may increase rent charged for a rental housing unit by no more than the maximum annual rent increase. If a landlord increases the rent charged for a rental housing unit more than once in a 12-month period, the total increase

during that 12-month period may not be greater than the maximum annual rent increase for the applicable year.

B. Nothing in this Chapter 7.28 prevents a landlord from increasing rent charged for a rental housing unit by less than the maximum annual rent increase, choosing not to increase rent charged, or decreasing rent charged.

7.28.060 Maximum annual rent increase

A. The maximum annual rent increase is calculated by multiplying the rate of inflation by the average monthly rent charged in the preceding 12 months. The Director shall publish on the Department's website no later than January 1 of each year the rate of inflation applicable for that calendar year along with the applicable rate of inflation for at least each of the previous ten years.

B. The City Council must hold a minimum of two public hearings on any bill that would amend the calculation of the maximum annual rent increase before taking a final vote on the bill. The bill must contain reasons explaining why the Council believes the calculation of the maximum annual rent increase is in the public interest. Those reasons may include but are not limited to:

1. Any recommendations from the Rent Control Commission pursuant to Section 7.28.110;
2. The occurrence of a natural disaster such as an earthquake or other emergencies impacting large areas of Seattle; or
3. Large and unusual changes to the taxes or other legal obligations applied to renters and property owners.

The ordinance must be approved by no less than 2/3 of Councilmembers present to be adopted.

7.28.070 Utilities included in rent

A. If a landlord pays utility bills for a rental housing unit, the landlord may include the cost in the rent. If a landlord does not pay utility bills for a rental housing unit, the landlord must exclude those costs from the rent.

B. If utility charges were not included as a component of rent for a rental housing unit under its most

recent rental agreement and will be a component of rent under a new rental agreement, the cost of utilities is exempt from the limitation on rent increases specified in Section 7.28.050. If the cost of utilities is included in the rent pursuant to this subsection 7.28.070.B, the cost may not exceed the average cost of the same utilities for the rental housing unit during the 12 months prior to the date the rent increase takes effect. The cost of the utilities included in the rent may only include utility charges paid by the landlord to the utility for the use and delivery of service and may not include late fees charged to the landlord.

C. If utility charges were included as a component of rent for a rental housing unit under its most recent rental agreement but will not be a component of rent under a new rental agreement, the amount of the maximum annual rent increase under the new agreement shall be reduced by the average cost of the utilities paid during the 12 months prior to the date of the new rental agreement.

7.28.080 One-to-one replacement of controlled rents, and initial rents in new units and units not previously available for rent

A. For any rental housing unit newly offered for rent that is located on a site that previously contained one or more rental housing units at any time within ten years prior to when the rental housing unit will be newly offered, the landlord may not charge an initial rent for the newly offered rental housing unit that exceeds the rent most recently charged in the previous rental housing units plus an amount of increased rent allowed pursuant to Sections 7.28.050, 7.28.060, and 7.28.070, using the rent most recently charged in the previous rental housing units as the baseline for calculation of that increased amount, pursuant to the following provisions:

1. If the newly offered rental housing unit has square footage different than the previous rental housing unit, the amount of initial rent for the newly offered rental housing unit must be adjusted proportionately based upon the ratio of rent to square footage.

2. If the square footage of newly offered rental housing units increases the amount of rental housing available above the square footage previously present on the site for rental housing, the landlord may

set initial rent without limitation on the newly offered rental housing units comprised of the excess square footage pursuant to subsection 7.28.080.B. All other newly offered rental housing units not in excess of the square footage of the rental housing previously present on the site, rounded up to the nearest whole unit, are not considered additional rental housing units, and are not subject to this exception. If the newly offered rental housing units or the rental housing previously present on the site are not uniform, or vary in size, number of bedrooms, furnishings or any other characteristic impacting the value or desirability of the rental housing unit, a landlord must make a good faith effort to match corresponding newly offered rental housing units and the previously present rental housing when determining which rental housing units are considered additional.

3. The landlord is responsible for determining rent most recently charged in the previous rental housing units as accurately as possible using available data sources.

B. Nothing in this Chapter 7.28 is intended to regulate the initial rent that a landlord may charge for a rental housing unit if any of the following conditions are met:

1. The rental housing unit is not on a site that previously contained one or more rental housing units at any time within ten years prior to the when a rental housing unit will be newly offered;

2. The previous unit was not rented as rental housing at any time within the previous ten years;

or

3. The previous rental housing units had less square footage than the newly offered rental housing units, and all the conditions of subsection 7.28.080.A have been met by other rental housing units in the new construction.

After the initial rent for a rental housing unit is established, all future rent increases are subject to compliance with Sections 7.28.050, 7.28.060, and 7.28.070.

C. For the purposes of this Chapter 7.28, it is intended for subdivisions and other changes to parcel boundaries to have no impact on the control of rents.

D. For rental housing units that will be newly offered after the effective date of Section 1 of this

ordinance, the applicant must also file and the Director must approve a plan to comply with this Section 7.28.080.

7.28.090 Notice of rent increases

Any notice of rent increase must be expressed as a dollar amount and as a percentage of current rent. If requested, the department shall assist any landlord or tenant in calculating the dollar amount and percentage of any rent increases.

7.28.100 Registration

When rental housing units are registered, renewed, reinstated, or updated with the Department pursuant to Section 22.214.040, the landlord shall include the following information in the landlord's submittal documents: the current rental amount and the amount of rent that has been charged over the previous ten years. Violation of this Section 7.28.100 is subject to enforcement under Chapter 22.214.

7.28.110 Rent Control Commission and District Rent Control Boards established

A. Rent Control Commission

1. There is established a citywide Rent Control Commission that shall make recommendations to the City Council and Mayor regarding rent control policies.

2. To accomplish these purposes the Rent Control Commission shall:

a. Solicit citizen and community comment, identify priorities, and make recommendations to the City Council and the Mayor regarding rent control policies and regulations.

b. Review, and if necessary, recommend changes to the City Council and the Mayor about the calculation of the maximum annual rent increase amount pursuant to Section 7.28.060.

c. Ensure fair and consistent application of rent control regulations.

d. Adopt administrative rules to govern its operation and to govern the District Rent Control Board emergency rent control exemption hearing process pursuant to Section 7.28.120.

3. Rent Control Commission membership criteria

a. Members should possess a familiarity with rent control policies.

b. Consistent with Section 4.16.070, no member of the Rent Control Commission shall participate in or have any involvement in an emergency rent control exemption petition under review by a District Rent Control Board, or any other Rent Control Commission matter, if such member has a financial or other private interest, direct or indirect, personally or through a person in the member's immediate family, except when recommending to the City Council changes to the calculation or amount of the maximum annual rent increases.

4. Rent Control Commission composition and selection process

a. The Rent Control Commission shall be composed of 35 renters and seven landlords serving two-year terms. Each of the seven City Councilmembers who represents a district shall appoint five renters who live in the Councilmember's district, as well as a landlord who owns or manages rental housing in the Councilmember's district. The renter and landlord members of the Rent Control Commission shall be appointed by the City Council.

b. A member shall hold office until the member's successor has qualified.

c. Any member may request an excused absence from any Rent Control Commission meeting. The Rent Control Commission may recommend, by a majority vote of all members of the Rent Control Commission, that the City Council remove any member who is absent without excuse from three or more consecutive Commission meetings. Any member may resign from the Rent Control Commission at any time by notifying the City Council in writing, which may be by electronic communication. Upon receipt of a written resignation, or the recommendation from the Rent Control Commission to remove a member, the City Council may remove that member. The City Council may remove any member for cause.

4. Meetings of the Rent Control Commission

a. The Rent Control Commission shall hold quarterly meetings, in accordance with the Open Public Meetings Act, to conduct a quarterly review of rental housing costs in Seattle, to take public

comment, and to make recommendations to City Council and the Mayor. The Director shall make public in a timely manner a schedule and the time, date, and location of the Rent Control Commission meetings.

b. Meeting notifications, agendas, minutes of proceedings, findings, and recommendations, and any other materials shall be available to the public and posted on the Department's website.

c. The Rent Control Commission may not take official action at its meetings unless a quorum of Rent Control Commission members is present.

B. District Rent Control Boards

1. There are established seven District Rent Control Boards, one for each of the seven City Council districts, whose members are comprised from the Rent Control Commission, that shall review emergency rent control exemption petitions, pursuant to this Chapter 7.28.

2. The District Rent Control Boards shall:

a. Hold hearings on emergency rent control exemption petitions.

b. Determine whether a petition for an emergency rent control exemption meets the criteria for granting emergency exemptions pursuant to Section 7.28.120 and notify the Director of the Board's decision to approve, condition, or deny an emergency rent control exemption petition.

3. Membership

a. The seven District Rent Control Boards shall be comprised of the five renter members and one landlord member on the Rent Control Commission from each City Council district. Four members of a District Rent Control Board constitute a quorum.

b. Substitutions

1) If a District Rent Control Board receives more emergency rent control exemption petitions as provided for in Section 7.28.120 than it can review in a timely manner, the Director may assign such petitions to another District Rent Control Board.

2) If an individual District Rent Control Board member is unable to serve, the Director may appoint an individual from another District Rent Control Board to serve in the member's absence.

4. Meetings of the District Rent Control Boards

a. District Rent Control Boards shall meet in accordance with the Open Public Meetings Act for the purpose of reviewing emergency rent control exemption petitions regarding rental housing units located within the Board's District. The Director shall make public in a timely manner a schedule and the time, date, and locations of District Rent Control Board meetings. The District Rent Control Board shall determine whether a petition for an emergency rent control exemption meets the criteria for granting exemptions pursuant to subsection 7.28.120.C. The Board's written decision to approve or deny the petition shall be provided to the applicant and shall include the reasons for the decision.

b. All meetings of the District Rent Control Boards shall be held in the evening within the district and in a location that is accessible and conveniently located to district residents. District Rent Control Board meetings are open to the general public.

C. The Department shall provide staff for the Rent Control Commission and the District Rent Control Boards as needed to ensure their ability to function pursuant to this Section 7.28.120.

7.28.120 Emergency rent control exemptions

A. Landlords may petition their District Rent Control Board for an emergency exemption from the limitation on rent increases set forth in this Chapter 7.28, pursuant to the procedures and criteria contained in this Section 7.28.120. The petitioning landlord is referred to in this Section 7.28.120 as the "applicant." Applicants may apply for an exemption if they have incurred, or will incur, costs of repairing major damage to their property due to unforeseeable events, including but not limited to earthquakes, flood, water or fire, that prevents the applicant from completing repairs or paying for completed repairs without financial hardship to the Applicant. Applicants must provide complete copies of the petition to all tenants residing in any rental housing unit for which the petition is submitted. Petitions should be submitted to the Department and must include all of

the following to be complete:

1. The name, address, and contact information of the applicant;
2. The address of each rental housing unit for which the exemption is requested;
3. The rent currently charged for each rental housing unit for which the exemption is requested;
4. The amount of rent increase requested;
5. The name, address, and contact information for every adult tenant currently residing in each rental housing unit for which the exemption is requested;
6. A description of the costs, the unforeseeable events that caused those costs, and information demonstrating that, without the exemption, financial hardship will prevent the applicant from completing repairs or paying for completed repairs;
7. A signed statement attesting that, on penalty of perjury, the contents of the petition are true to the best knowledge of the applicant;
8. Payment of the administrative fee pursuant to subsection 7.28.120.D; and
9. Proof that the petition has been provided to all tenants residing in any rental housing unit for which the petition is submitted.

The Department shall return incomplete petitions to the applicant along with a description of the information that must be provided to make a complete petition. The Director shall assign complete petitions for a hearing to a District Rent Control Board pursuant to Section 7.28.110.

B. The Director shall notify the tenants identified in subsection 7.28.120.A.5 via certified mail, return receipt requested, and regular mail that a petition for an emergency rent control exemption has been submitted to the Department. The Director may provide the notice in English and in a language that is the same as that spoken by tenants. The notification shall include:

1. A description of the tenant's right to respond to the petition and provide testimony to the District Rent Control Board at the hearing regarding the petition; and

2. The date, time, and location of the District Rent Control Board meeting when the petition hearing will be considered. The hearing may be scheduled no sooner than 15 calendar days, and no later than 30 calendar days, after the date the Director mails the notice.

C. In considering whether to approve, conditionally approve, or deny petitions for exemptions from limitations on rent increases, the District Rent Control Board shall consider the following:

1. Financial hardship to the landlord caused by the unforeseeable event;
2. Financial hardship to tenants if the exemption is granted; and
3. Whether the exemption can be reasonably expected to result in one or more tenants in the rental housing unit being unable to remain housed in Seattle. Generally, the exemption should not be granted if that reasonable expectation is met.

The District Rent Control Board may not consider costs resulting from foreseeable major repairs or arising from routine wear and tear.

D. The applicant shall pay the Director an administrative fee at the time a petition is submitted for each rental housing unit included in a petition. The fee shall be set by the Department.

E. The District Rent Control Board shall conduct hearing(s) that are listed on the meeting agenda to review emergency rent control exemption petition(s). The District Rent Control Board shall hear and consider public comments, and hear and consider both oral and written testimony from the applicant, the tenants, or their designees. After receiving all public comment and testimony, the District Rent Control Board shall consider and decide whether to approve, conditionally approve, or deny the petition. The Board's decision requires a majority vote of District Rent Control Board members voting. Tie votes constitute denial of the petition. Conditional approvals may grant an emergency rent control exemption for a rent increase amount that is different than the rent increase amount requested in the petition. The District Rent Control Board shall notify the Director in writing of the decision within 15 calendar days from the hearing, and the Director, within seven calendar days of receiving notification from the District Rent Control Board, shall then notify the applicant and

tenants of the District Rent Control Board's decision via certified mail, return receipt requested, and regular mail. For approved and conditionally approved decisions, the Director shall include in the transmittal the rent increase allowed by the Emergency Rent Control Exemption.

7.28.130 Appeals

The applicant or any tenant residing in the rental housing unit that is party to the emergency rent control exemption petition hearing and was injured by the decision of the District Rent Control may appeal the decision within 14 calendar days from the issuance of the decision to the Hearing Examiner on the basis of any of the following:

A. The decision of the District Rent Control Board is not supported by evidence that is substantial when viewed in light of the whole record;

B. Notice of the petition was not provided to the tenant as required by subsection 7.28.120.B;

C. Substantial new evidence, not presented to the District Rent Control Board, has become available, and the evidence could not reasonably have been available at the time of the District Rent Control Board meeting, and that the evidence could have affected the decision of the District Rent Control Board; or

D. The decision of the District Rent Control Board's analysis of the financial hardship of the applicant or tenants was in clear error.

7.28.140 Retaliation prohibited

A. It is a violation of Chapter 7.28 for any person to retaliate against a tenant or prospective tenant because the tenant or prospective tenant exercised or attempted to exercise rights conferred by Chapter 7.28.

Retaliation means any of the following actions:

1. Refusing to provide, accept, or approve a rental application or a rental agreement except as otherwise allowed by law.

2. Applying more onerous terms, conditions, or privileges, including increased rent, to a tenant or prospective tenant who exercises rights under this Chapter 7.28 than to a tenant or prospective tenant who

does not assert those rights.

3. Misrepresenting any material fact when providing a rental reference about a tenant.

4. Threatening to allege to a government agency that a tenant or prospective tenant, or a family member of a tenant or prospective tenant, is not lawfully in the United States.

B. If a person takes any of the actions identified in subsection 7.28.140.A within 90 days of the date a tenant or prospective tenant exercises rights conferred by this Chapter 7.28, it is presumed that the action was taken in retaliation for the exercise of those rights. The person accused of taking the actions may rebut the presumption by producing substantial evidence that disputes that the actions took place or that the actions were retaliatory.

7.28.150 Administration and enforcement

A. The Director shall administer and enforce the provisions of this Chapter 7.28 and is authorized to adopt rules and regulations to implement this Chapter 7.28.

B. The Department shall provide technical assistance to landlords and tenants to achieve compliance with Chapter 7.28.

C. The first and second violations of this Chapter 7.28 shall be enforced as citations pursuant to Section 7.28.160. Subsequent violations may be enforced, at the Director's discretion, pursuant to the notice of violation provisions prescribed in Section 7.28.170 or pursuant to criminal provisions prescribed in Section 7.28.180.

7.28.160 Citation

A. Citation. If after investigation the Director determines that the standards or requirements of this Chapter 7.28 have been violated, the Director may issue a citation to the landlord. The citation shall include the following information:

1. The name and address of the landlord to whom the citation is issued;
2. The address of the rental housing unit(s) impacted by the landlord's actions;
3. A separate statement of each standard or requirement violated by the landlord;

4. The date of the violation;
5. A statement that the landlord must respond to the citation within 15 days after service of the notice of violation;
6. A space for entry of the applicable remedy and penalty;
7. A statement that a response must be sent to the Hearing Examiner and received not later than 5 p.m. on the day the response is due;
8. The name, address, and phone number of the Hearing Examiner where the citation is to be filed;
9. A statement that the citation represents a determination that a violation has been committed by the landlord named in the citation and that the determination shall be final unless contested as provided in subsection 7.28.160.C; and

B. Service. The citation may be served by personal service in the manner set forth in RCW 4.28.080 for service of a summons or sent by first class mail, addressed to the last known address of the landlord. Service shall be complete at the time of personal service, or if mailed, three business days after the date of mailing.

C. Response to citations

1. A landlord must respond to a citation in one of the following ways:
 - a. Payment to the Department of the monetary penalty as specified in the citation, in which case the record shall show a finding that the landlord committed the violation; or
 - b. A written request to the Office of the Hearing Examiner, as specified on the citation, for a mitigation hearing to explain the circumstances surrounding the commission of the violation in order to seek a reduction of the monetary penalty, and providing an address to which notice of such hearing may be sent; or
 - c. A written request to the Office of the Hearing Examiner, as specified on the citation, for a contested hearing specifying the reason(s) why the cited violation is being contested, and why the landlord

should not be required to pay the monetary penalty and providing an address to which notice of such hearing may be sent.

2. A landlord must respond to a citation. The landlord's response must be received by the Office of the Hearing Examiner no later than 15 days after the date the citation is served.

D. Failure to respond. If the Office of the Hearing Examiner does not receive a response within 15 days of service of the citation, the Hearing Examiner shall enter an order finding that the landlord committed the violation stated in the citation and assessing the penalty specified in the citation.

E. Hearings

1. Mitigation hearings

a. Date and notice. If a mitigation hearing is requested, the mitigation hearing shall be held within 30 days after the Office of the Hearing Examiner receives the written response to the citation requesting such hearing, or as soon as practical to accommodate the requestor's or Hearing Examiner's schedule. Notice of the time, date, and location 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 is governed by the Hearing Examiner rules and procedures. The landlord may present witnesses or written witness testimony, but witnesses may not be compelled to attend. A representative from the Department may also be present and may present additional information, but attendance by a representative from the Department is not required.

c. Disposition. The Hearing Examiner shall determine whether to reduce the monetary penalty; however, the monetary penalty may not be reduced unless the Department affirms 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, neglect, or abuse of another; or whether correction of the violation was commenced promptly prior to citation but that full compliance was prevented by a

condition or circumstance beyond the control of the person cited.

d. Entry of order. After hearing the explanation of the landlord and any other information presented at the hearing, the Hearing Examiner may enter an order finding that the landlord committed the violation and determine a reduced monetary penalty amount pursuant to subsection 7.28.160.F. The Hearing Examiner's decision shall be the City's final decision.

2. Contested hearing

a. Date and notice. If a landlord requests a contested hearing, the hearing shall be held within 60 days after the written response to the citation requesting such hearing is received.

b. Hearing. Contested hearings shall be conducted pursuant to the procedures for hearing contested cases contained in Section 3.02.090 and the rules adopted by the Hearing Examiner for hearing contested cases, except as modified by this subsection 7.28.160.E.2. The issues heard at the hearing shall be limited to those within the jurisdiction of the Hearing Examiner. The Office of the Hearing Examiner, either on its own or at the request of a contesting landlord, may issue subpoenas for the attendance of witnesses and the production of documents.

c. Sufficiency. A citation shall be deemed sufficient if it contains a statement of the facts that support the Department's determination that the landlord violated this Chapter 7.28.

d. Evidence at hearing. A citation issued by the Department shall be prima facie evidence that a violation by a landlord has occurred. The signed citation and any other evidence accompanying the report shall be admissible without further evidentiary foundation. The landlord may rebut the Department's evidence and establish that the cited violation(s) did not occur or that the landlord contesting the citation is not responsible for the violation.

e. Disposition. If the citation is sustained at the hearing, the Hearing Examiner shall enter an order finding that the landlord 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 in the same manner as authorized in subsection 7.28.160.E.1. If the Hearing Examiner determines that the violation did not occur, the Hearing Examiner shall enter an order dismissing the citation.

f. Appeal. The Hearing Examiner's decision is final and conclusive unless the decision is appealed as allowed by applicable law.

3. Citation may be withdrawn or amended. A citation may be withdrawn prior to the conclusion of the hearing if the Department decides that the statement of facts supporting the citation are either incorrect or that additional facts change the Department's decision as to whether this Chapter 7.28 was violated. A citation may be amended to conform to the evidence prior to the conclusion of the hearing if additional facts are discovered that provide additional support for the citation, but only if substantial rights of the person cited are not thereby prejudiced.

4. Failure to appear for hearing. Failure to appear for a requested hearing will result in an order being entered finding that the landlord committed the violation as stated in the facts provided in the citation and an assessed penalty up to the maximum amount 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.

F. Citation remedies and penalties

1. The following penalties shall be assessed for violations of any provision of this Chapter 7.28:

- a. \$500 for the first violation; and
- b. \$1000 for each subsequent violation within a five-year period.

2. Violation warning. The Director may, in an exercise of discretion, issue a warning to the person responsible for the violation if that person has not been previously warned or cited for violating this Chapter 7.28.

3. Collection of penalties. If the person cited fails to pay a penalty imposed pursuant to this

Section 7.28.160 within 60 days of issuance of the order, the penalty may be referred to a collection agency.

The cost to the City for the collection services will be assessed as costs, at the rate agreed to between the City and the collection agency, and added to the penalty. Alternatively, the City may pursue collection in any other manner allowed by law.

7.28.170 Notice of violation

A. Investigation and notice of violation issuance

1. If after investigation the Director determines that a violation of Chapter 7.28 has occurred, and the landlord has had two or more citations issued within the past three years for violating this Chapter 7.28 and the violations were found to have been committed, the Director may issue a notice of violation to the landlord. The notice of violation shall state separately each violation and the facts relied upon to support the determination, shall state what corrective action, if any, is necessary to correct the violation, and shall set a reasonable time for compliance.

2. The notice shall be served upon the landlord by personal service in the manner set forth in RCW 4.28.080 for service of a summons, or by first class mail to the landlord's last known address. Service shall be complete at the time of personal service, or if mailed, three business days after the date of mailing. If a notice of violation is directed to a landlord who is not the owner, a copy of the notice shall also be sent by first class mail to the owner of the property.

3. If the landlord fails to correct the violation, the Director may request that the City Attorney take appropriate enforcement action including obtaining a judgment. If a judgment is obtained, a copy of the judgment may be filed with the King County Recorder's Office.

B. Review of the notice of violation by the Director

1. Any person issued a notice of violation pursuant to subsection 7.28.170.A may make a written request for a Director's review within ten days after service of the notice of violation. Upon receipt of the request, the Director shall notify the requesting party of the deadline for submitting additional information for

the review. Additional information shall be submitted to the Director no later than 15 days after the notice of a request for a review is mailed, unless otherwise agreed by all persons served with the notice of violation.

Before the deadline for submission of additional information, any person served the notice of violation may submit any additional information in the form of written material or exhibits to the Director for consideration as part of the review.

2. The review will be made by the Director. The Director will review all additional information received by the deadline for submission of additional information. The reviewer may also request clarification of information received, request more information, and request a site visit. After review of the additional information is complete, the Director may:

- a. Sustain the notice of violation;
- b. Withdraw the notice of violation;
- c. Continue the review to a date certain for receipt of additional information; or
- d. Modify the notice of violation, which may include an extension of the compliance

date.

3. Where review by the Director has been conducted pursuant to this subsection 7.28.170.B, the Director shall issue an order of the Director containing the decision within 15 days of the date that the review is completed and shall cause the same to be mailed by regular first class mail to the person or persons named on the notice of violation. If no request for review was made timely to the Director pursuant to this subsection 7.28.170.B, the notice of violation shall become the order of the Director.

C. Civil enforcement proceedings and penalties for a notice of violation

1. In addition to any other remedy authorized by law or equity, any landlord violating or failing to comply with any of the provisions of this Chapter 7.28 shall be subject to a cumulative penalty of up to \$500 per day for each violation until compliance is achieved. In cases where the Director has issued a notice of violation, the violation will be deemed to begin for purposes of determining the number of days of violation on

the date compliance is required by the notice of violation. The City shall also be entitled to recovery of its enforcement costs, including but not limited to staff time, administrative expenses and fees, and attorneys' fees.

2. The penalty imposed by subsection 7.28.170.C.1 shall be collected by civil action brought in Seattle Municipal Court or as otherwise required by law. The Director shall request in writing that the City Attorney take enforcement action and the City Attorney shall, with the assistance of the Director, take appropriate action to enforce this Chapter 7.28. In any civil action for a penalty, the City has the burden of proving by a preponderance of the evidence that a violation exists or existed; the issuance of the notice of violation or of an order following a review by the Director is not itself evidence that a violation exists.

D. Final decisions of the Seattle Municipal Court on enforcement actions authorized by this Section 7.28.170 may be appealed pursuant to applicable state or federal laws.

7.28.180 Alternative criminal penalty

Any landlord who violates or fails to comply with any of the provisions in this Chapter 7.28 and who had at least two or more citations issued pursuant to Chapter 7.28 where the violation was found committed, and also one notice of violation issued against them where a trier of fact found a violation of this Chapter 7.28, all within the past three years from the date the criminal charge is filed, shall upon conviction be guilty of a misdemeanor subject to the provisions of Chapters 12A.02 and 12A.04, except that absolute liability shall be imposed for such a violation or failure to comply and none of the mental states described in Section 12A.04.030 need be proved. The Director may request the City Attorney prosecute such violations criminally as an alternative to the citation and notice of violation procedures outlined in this Chapter 7.28.

7.28.190 Private right of action

If a landlord increases rent in violation of this Chapter 7.28, the tenant may bring a civil action against the landlord in a court of competent jurisdiction to recover: 1) any actual damages incurred by the tenant as a result of the increase, including but not limited to a refund of rent paid in excess of that allowed by Chapter 7.28; 2) a penalty of up to two months' rent; and 3) reasonable attorneys' fees and costs.

7.28.200 Achieving compliance

A landlord who charges rent in excess of the amount allowed by Sections 7.28.050, 7.28.060, or 7.28.070 is in violation of this Chapter 7.28 and is subject to the penalties and remedies provided by this Chapter 7.28. A landlord can achieve compliance with this Chapter 7.28 by:

A. Reducing the rent to an amount that does not exceed the provisions of this Chapter 7.28, and notifies the tenants of the reduced rent;

B. Refunding to the tenant any rent that was paid by the tenant that exceeded the amount allowed by this Chapter 7.28; and

C. Paying the tenant for any costs incurred by the tenant resulting from the landlord's attempts to collect rent in excess of that allowed by this Chapter 7.28, including but not limited to the costs of eviction proceedings, payment of late fees, correcting reports to collection and credit agencies, and correcting negative tenant references.

Section 2. Subsection 22.214.040.G of the Seattle Municipal Code, which section was last amended by Ordinance 126157, is amended as follows:

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 rental housing unit, that are or may be available for rent at any time, along with the current rent for each rental housing unit and the amount of rent that was charged for each rental housing unit for the previous ten years;

6. A declaration of compliance from the owner or owner's agent, declaring that all rental 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 rental housing units are rented; and

7. A statement identifying whether the conditions of the rental 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.

* * *

Section 3. Section 3.06.030 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

3.06.030 Director-Powers and duties

The Director of the Seattle Department of Construction and Inspections, under direction of the Mayor, shall manage the Seattle Department of Construction and Inspections, appoint, assign, and dismiss all employees in conformance with the City's personnel ordinances and rules, and perform the following functions:

A. Enforcing development-related ordinances and rules of the City, including but not limited to the Building Code; the Residential Code; the Electrical Code; the Mechanical Code; the Housing and Building Maintenance Code; the Land Use Code; the Pioneer Square Minimum Maintenance Ordinance; the Condominium Conversion Ordinance; the Energy Code; the Stormwater Code; the Grading Code; the Rental Registration and Inspection Ordinance; the Tenant Relocation Assistance Ordinance; the Noise Control Code; the Shoreline Master Program; and the Regulations for Environmentally Critical Areas;

B. Processing applications for permits for construction and land use approvals, grading and site work,

boilers, conveyance devices, mechanical equipment and systems, side sewers, billboards and signs, zoning exceptions, subdivisions and other land use approvals, including those related to shoreline management but excluding those related to historic preservation;

C. Conducting reviews of the effects of proposed projects on the physical environment, as prescribed by the State Environmental Policy Act and City ordinances;

D. Addressing complaints regarding a variety of community safety and quality of life issues, including but not limited to conditions in tenant housing, construction without permits, unauthorized uses, junk storage, and unsecured vacant buildings;

E. Administering the rental housing and tenant protection programs including but not limited to rental housing registration and inspection, rent control, tenant relocation assistance, and just cause eviction protections;

F. Maintaining appropriate records regarding property, permits, and structures; and

G. Discharging such other responsibilities as may be directed by ordinance.

The Director shall consult on all matters of structural strength and design with an assistant who is a licensed structural engineer or architect with at least five years' experience in the practice of the profession, unless the Director possesses such qualifications. Moreover, the Director shall consult on all matters concerning compliance with design guidelines with a qualified architect or urban designer with at least five years of experience in the practice of the profession, unless the Director possesses such qualifications.

Section 4. The Seattle Department of Construction and Inspections shall track the number of inquiries received related to rent control or this ordinance.

Section 5. 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 6. If the preemption of rent control in RCW 35.21.830 is repealed without enacting any additional rent control laws that apply in Seattle, landlords are prohibited from increasing the rate of rent or the amount of any deposit charged for any rental housing unit until Sections 1, 2, and 3 of this ordinance shall take effect. If the preemption of rent control in RCW 35.21.830 is repealed at the same time as the enactment of rent control laws that preempt application of Sections 1, 2, or 3 in Seattle, then Section 6 of this ordinance shall not take effect.

Section 7. Sections 1, 2, and 3 of this ordinance shall take effect and be in force 18 months after the date that preemption of rent control in RCW 35.21.830 is repealed without enacting any additional rent control laws that apply in Seattle. If the preemption of rent control in RCW 35.21.830 is repealed at the same time as the enactment of rent control laws that preempt application of Sections 1, 2, or 3 in Seattle, then Sections 1, 2, and 3 of this ordinance shall not take effect.

Section 8. 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 _____, 2023, and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Scheereen Dedman, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact:	CBO Contact:
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 tenant protections; establishing rent control provisions; regulating residential rent increases; establishing a Rent Control Commission and District Rent Control Boards to authorize rent control exemptions; establishing enforcement provisions; adding a new Chapter 7.28 to the Seattle Municipal Code; and amending Sections 3.06.030 and 22.214.040 of the Seattle Municipal Code.

Summary and Background of the Legislation: Currently, Washington State prohibits any regulation of the amount of rent that a landlord can charge. As such, rent control as described in this legislation would not yet be permitted in the City of Seattle. However, in the circumstance that this state level prohibition is repealed, this ordinance would go into effect, freezing rent increases between the time of the repeal and 18 months after. At that point, this ordinance would establish maximum annual rent increases that would apply to all rental housing, with several exceptions. Initial rents for new rental units that do not replace existing rental housing units would not be subject to the maximum. This ordinance would also establish a Rent Control Commission made up of District Rent Control Boards, who would hear petitions for exemption from the maximum annual rent increase. It would house enforcement and tracking of rental housing unit information with the Department of Construction and Inspections (SDCI).

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?

Yes – SDCI will need to stand up infrastructure to implement the requirements of this legislation and to enforce violations, and SDCI indicates it will require additional staffing and resources.

It is not yet clear whether the state will repeal the prohibition on rent control, and if they do, if they will be silent or legislate other controls on rent. As such, the scope of the legislation and when it will go into effect are undetermined. SDCI has indicated that until there is more

clarity around what it will actually be tasked with doing and the scale of implementation it will be responsible for, it is difficult to estimate the costs of implementing this legislation. However, SDCI indicates that setting up staffing and infrastructure for the rental registration and inspection program (RRIO) cost about \$5 million and took over two years to stand up. This legislation is more complex, and inflation, labor, consultant, and IT costs have increased since RRIO was put into place. In addition, staff and associated resources would likely be needed to support the Rent Control Commission and District Rent Control Boards. As such, it is likely that implementing this legislation will cost SDCI more than \$5 million, though the degree of increase cannot yet be estimated.

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

To the extent that continuing rising rent prices make housing less affordable, anyone displaced from housing due to high rent that becomes unstably housed might increase the number of people experiencing homelessness and potentially increase the City's cost of addressing homelessness.

4. OTHER IMPLICATIONS

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

Yes – SDCI will be implementing and enforcing this legislation. The Hearing Examiner would hear appeals from and be involved in enforcement. The City Attorney's Office would also have a role in enforcement as advisors to SDCI and for litigation of cases referred to the City Attorney's Office, depending on the volume of cases referred by SDCI.

b. Is a public hearing required for this legislation?

No

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

No

d. Does this legislation affect a piece of property?

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?

Instituting rent control could help tenants remain housed and mitigate impacts of eviction and housing instability that are often experienced disproportionately by Black, Indigenous, and other communities of color. However, if rent control impacts housing supply and decreases the number of units available for rental, the availability of affordable housing would likely also disproportionately impact communities of color.

f. Climate Change Implications

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

NA

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.

NA

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)?

NA

Summary Attachments (if any):