

CITY OF SEATTLE
ORDINANCE 126451
COUNCIL BILL 120173

AN ORDINANCE relating to relocation assistance for economically displaced tenants; requiring the payment of economic displacement relocation assistance to households that are vacating a housing unit after receiving notice of a rent increase of ten percent or more or of less than ten percent where the cumulative effect for the household's tenancy is ten percent or more; and adding a new Chapter 22.212 to the Seattle Municipal Code.

WHEREAS, rent increases may cause many households to move due to their inability to pay the higher rent; and

WHEREAS, rents in Seattle have been increasing rapidly and vacancies in affordable rental housing are at low levels, making it increasingly difficult for many households to locate rental housing; and

WHEREAS, before moving into a rental unit, landlords typically require that households pay some type of security deposit and other move-in fees; and

WHEREAS, these conditions in the rental market have created a relocation crisis because many households do not have sufficient resources to save money to cover moving expenses; and

WHEREAS, providing economic displacement relocation assistance to households who move following a rent increase of ten percent or more will help households obtain replacement housing and mitigate the impact of the rent increase on the relocation crisis; and

WHEREAS, the Council finds that this ordinance will protect and promote the health, safety, and welfare of the general public; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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

4 Section 2. A new Chapter 22.212 is added to the Seattle Municipal Code as follows:

5 **CHAPTER 22.212 ECONOMIC DISPLACEMENT RELOCATION ASSISTANCE –**
6 **RENT INCREASE**

7 **22.212.010 Definitions**

8 For the purposes of this Chapter 22.212, the following words or phrases shall have the meaning
9 below unless the context clearly indicates otherwise. Terms that are not defined in this Chapter
10 22.212 and are defined in Chapter 22.204 shall have the meaning given to them in Chapter
11 22.204.

12 “Family household” means all occupants in the same housing unit who are members of
13 the same family unit.

14 “Family unit” means all related persons, including: parents; spouses’ parents;
15 grandparents; spouses’ grandparents; grandchildren; spouses’ grandchildren; siblings; spouses’
16 siblings; siblings’ spouses and siblings’ children; and those similarly related to individuals in city
17 or state registered domestic partnerships.

18 “Household” means any family household or non-family household that occupies a
19 housing unit. A combination of family households and non-family households may occupy a
20 single housing unit.

21 “Housing costs” has the same meaning defined by Section 7.24.020.

22 “Household representative” means the household member designated by the household as
23 the person representing the household in performing actions under this Chapter 22.212, and who

1 is the person legally entitled to obtain the payment authorized by this Chapter 22.212. A
2 household representative may represent only one household at a time.

3 “Non-family household” means: a person living alone; or occupants of a housing unit
4 who are not members of a family household.

5 “Required rent-increase notice” means the notice required by subsection 7.24.030.A if it
6 is: (1) a required rent-increase notice for ten percent or more; or (2) a required rent-increase
7 notice for less than ten percent.

8 “Required rent-increase notice for less than ten percent” means a required rent-increase
9 notice for a one-time rent increase of less than ten percent, but where that rent increase, in
10 combination with all other rent increases taking effect within either 12 months prior to the
11 effective date of that rent increase or the household’s tenancy in the housing unit, whichever
12 period is shorter, will result in a cumulative rent increase for the household of ten percent or
13 more.

14 “Required rent-increase notice for ten percent or more” means a required rent-increase
15 notice for a one-time rent increase of ten percent or more.

16 **22.210.020 Notice**

17 A. The Director shall prepare a notice describing how persons may obtain information
18 about the rights and obligations of tenants and owner under this Chapter 22.212. The Director
19 shall place the notice on the Department’s website and provide links to translated versions of the
20 notice in the five languages most commonly spoken in Seattle other than English, as determined
21 on an annual basis. The Director may provide links to translated versions in other languages at
22 the Director’s discretion. If requested, the Director shall provide copies of the notice to an owner
23 at no cost.

1 B. The owner shall provide the notice described in subsection 22.212.020.A with a
2 required rent-increase notice. The owner shall provide that notice to an adult tenant of each
3 housing unit by:

- 4 1. Personally delivering each notice or causing it to be personally delivered; or
- 5 2. Mailing each notice by certified mail, return receipt requested and by first-class
6 mail addressed to the housing unit.

7 **22.212.030 Criteria for economic displacement relocation assistance**

8 A household representative is entitled to economic displacement relocation assistance if:

9 A. A tenant of the housing unit has received a required rent-increase notice;

10 B. The household representative complies with the deadlines or extensions in Section
11 22.212.040;

12 C. After receiving the required rent-increase notice but before the rent increase takes
13 effect, the household vacates the housing unit or a member of the household has given written
14 notice to the owner of the date the household intends to vacate the housing unit; and

15 D. The household is a low-income household as defined in Section 23.84A.016.

16 **22.212.040 Application for economic displacement relocation assistance**

17 A. Within 180 days after a tenant in the household receives a required rent-increase
18 notice or 60 days after the rent increase goes into effect, whichever date is later, the household
19 representative may apply to the Director for economic displacement relocation assistance by
20 submitting an application to the Director on a form approved by the Director. If the household
21 representative fails to submit an application within either 180 days after a tenant in the household
22 receives the required rent-increase notice or 60 days after the rent increase goes into effect,
23 whichever date is later, the household representative is not entitled to economic displacement

1 relocation assistance unless the household representative requests, and the Director approves the
2 request for, an extension of time to submit the application. The extension request must explain
3 why the household representative is unable to apply before the expiration of the applicable
4 period. The Director shall approve the extension request if the Director receives it before the
5 expiration of the applicable period and determines that the household representative has good
6 cause for being unable to apply within the applicable period. The Director shall notify the
7 household representative and the owner in writing whether the extension has been approved or
8 rejected. If the Director approves the extension, the household representative will have an
9 additional 60 days after the expiration of the original applicable period in which to submit the
10 application.

11 B. The application shall include:

12 1. An affidavit identifying the date the household representative's household
13 vacated the housing unit or a copy of the notice the household gave to the owner identifying the
14 date the household intends to vacate the housing unit;

15 2. A copy of the current rental agreement or, if the tenancy is not subject to a
16 written agreement or the household does not have a copy of it, proof of housing costs for the 12
17 months prior to the effective date of the required rent-increase notice or for the household's
18 tenancy in the housing unit, whichever period is shorter;

19 3. Documentation establishing that that rent increase is for ten percent or more or,
20 in combination with all other rent increases taking effect within 12 months prior to the effective
21 date of that rent increase or the household's tenancy in the housing unit, whichever period is
22 shorter, will result or resulted in a cumulative rent increase of ten percent or more; and

1 4. The number of family and non-family households occupying the housing unit
2 and the names of all members of each household; and

3 5. For the household applying for assistance, the total combined annual income
4 for the previous calendar year, and the total combined income for the current calendar year.

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

8 D. The Director may ask the household representative to provide information to complete
9 an application for economic displacement relocation assistance. The household representative is
10 not entitled to economic displacement relocation assistance if the household representative fails
11 to provide the requested information within 30 days after receiving the Director's request, unless
12 the household representative requests, and the Director approves the request for, an extension of
13 time to provide the requested information. The extension request must explain why the
14 household representative is unable to provide the information before the expiration of the 30-day
15 period. The Director shall approve the extension request if the Director receives it before the
16 expiration of the 30-day period and determines that the household representative has good cause
17 for being unable to provide the requested information within the period. If the Director approves
18 the extension request, the household representative will have an additional 30 days after the
19 expiration of the original 30-day period in which to submit the requested information.

20 E. Within ten days after the Director receives a complete application, the Director shall
21 send by certified mail, return receipt requested and by first-class mail to the household
22 representative and the owner a notice stating whether the household representative is entitled to

1 economic displacement relocation assistance pursuant to Section 22.212.030 and identifying the
2 amount of any entitlement as calculated pursuant to Section 22.212.050.

3 F. If the household rescinds its notice of vacation or fails to vacate the housing unit by the
4 date identified on the written notice of vacation at any time after the household representative
5 submits an application to the Director and before the Director pays economic displacement
6 relocation assistance to the household representative, the household representative must
7 withdraw the application for economic displacement relocation assistance by providing written
8 notice to the Director.

9 **22.212.050 Calculation of economic displacement relocation assistance payment**

10 The Director shall calculate the amount of economic displacement relocation assistance, if any,
11 to which the household representative is entitled. To calculate that amount, the Director shall:

12 A. Determine the average monthly housing costs for the housing unit, based upon either:
13 the housing costs for the 12 months prior to the effective date of that rent increase or for the
14 household's tenancy in the housing unit, whichever period is shorter;

15 B. Identify the number of households that occupy the housing unit and divide the average
16 monthly housing costs by the number of households, resulting in the average monthly housing
17 costs per household; and

18 C. Multiply the average monthly housing costs per household by three.

19 **22.212.060 Owner's payment of economic displacement relocation assistance to the**
20 **Director**

21 A. The owner shall pay to the Director the amount of assistance, if any, identified in the
22 Director's notice described in subsection 22.212.040.E within seven days after the owner
23 receives the notice.

1 B. The owner may not reduce the amount of the assistance payment by any amount the
2 owner believes the tenant owes the owner, such as a security deposit for damage to the property
3 for which the tenant is responsible. Nothing in this Chapter 22.212 precludes the owner from
4 seeking such amounts from the tenant pursuant to other applicable law.

5 C. Payment by the owner of economic displacement relocation assistance under this
6 Chapter 22.212 does not constitute compliance with the tenant relocation assistance requirements
7 of Chapter 22.210.

8 **22.212.070 Payment of economic displacement relocation assistance to the household**
9 **representative**

10 A. The Director shall pay the household representative the amount of assistance, if any,
11 identified in the Director’s notice described in subsection 22.212.040.E within 14 days after the
12 Director sends the notice described in subsection 22.212.040.E .

13 B. An economic displacement relocation assistance payment received by a household
14 representative under this Chapter 22.212 shall not be considered as income for any City benefit
15 program or affect the amount to which any person may be entitled under any City benefit
16 program.

17 **22.212.080 Refunds**

18 If after the owner has already paid economic displacement relocation assistance to the Director,
19 the household fails to vacate the housing unit by the date identified on the written notice of
20 vacation, rescinds its notice of vacation, or withdraws the application for economic displacement
21 relocation assistance:

22 A. The Director will refund the amount paid by the owner within ten days after the
23 Director receives notice of the failure, rescission, or withdrawal; and

1 B. If the household representative has received an economic displacement relocation
2 assistance payment, the household representative shall refund the payment to the Director within
3 ten days after the failure, rescission, or withdrawal.

4 **22.212.090 Administrative appeals**

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

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

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

16 D. The Hearing Examiner shall hold a hearing on the appeal pursuant to procedures
17 prescribed by the Hearing Examiner, subject to the procedures prescribed by this Section
18 22.212.090. The Hearing Examiner shall provide notice of the hearing to all parties of record at
19 least ten days prior to the scheduled hearing date.

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

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

5 **22.212.100 Administration, enforcement, and violations**

6 A. The Director shall administer and enforce the provisions of this Chapter 22.212 and
7 may adopt rules and regulations to implement the Director's duties established by this Chapter
8 22.212.

9 B. A restricted accounting unit designated as the Economic Displacement Relocation
10 Assistance Account is established in the Construction and Inspections Fund, from which account
11 the Director may make any payment authorized by this Chapter 22.212. Money from the
12 following sources shall be paid into the Economic Displacement Relocation Assistance Account:

- 13 1. Fines and penalties collected pursuant to Sections 22.212.110 and 22.212.120;
- 14 2. Sums that may by ordinance be appropriated to or designated as revenue to the
15 Account;
- 16 3. Other sums that may be deposited into the Account by gift, bequest, or grant;
- 17 4. Refund of monies paid to The City of Seattle as relocation assistance from the
18 Account; and
- 19 5. Relocation assistance monies paid by owners to the Director pursuant to
20 Section 22.212.060.

21 C. Any failure to comply with a requirement of this Chapter 22.212 or a rule or regulation
22 adopted under this Chapter 22.212 is a violation of this Chapter 22.212, including, but not
23 limited to:

1 1. Receipt of economic displacement relocation assistance pursuant to this
2 Chapter 22.212 by a person not entitled to such assistance;

3 2. Failure by the household representative to refund the economic displacement
4 relocation assistance payment as required by subsection 22.212.080.B; and

5 3. Failure by the owner to pay economic displacement relocation assistance
6 pursuant to Section 22.212.060.

7 D. A separate violation of this Chapter 22.212 exists for each day there is a failure to
8 comply with a requirement of this Chapter 22.212 or a rule or regulation adopted under this
9 Chapter 22.212.

10 **22.212.110 Citations**

11 A. Citation. If after investigation the Director determines that a person has committed a
12 violation of this Chapter 22.212, the Director may issue a citation to the person responsible for
13 the violation. The citation shall include the following information:

14 1. The name and address of the responsible person to whom the citation is issued;

15 2. A reasonable description of the location of the property on which the relevant
16 housing unit is located;

17 3. A separate statement of each requirement, rule, or regulation violated;

18 4. The date the violation occurred;

19 5. A statement that the person cited must respond to the citation within 15 days
20 after service;

21 6. The applicable citation penalty;

22 7. A statement that a response must be sent to the Hearing Examiner and received
23 not later than 5 p.m. on the day the response is due;

1 8. The name, address, and phone number of the Hearing Examiner where the
2 citation is to be filed; and

3 9. A statement that the citation represents a determination that a violation has
4 been committed by the responsible person named in the citation and that the determination shall
5 be final unless contested as provided in subsection 22.212.110.C.

6 B. Service. The citation must be served by personal service in the manner set forth in
7 RCW 4.28.080 for service of a summons or sent by first class mail, addressed to the last known
8 address of the responsible person named in the citation. Service shall be complete at the time of
9 personal service, or if mailed, three days after the date of mailing.

10 C. Response to a citation

11 1. The person cited must respond to a citation in one of the following ways:

12 a. Payment of the citation penalty specified in the citation, in which case
13 the record shall show a finding that the person cited committed the violation;

14 b. A written request for a mitigation hearing to explain the circumstances
15 surrounding the commission of the violation, with an address to which notice of such hearing
16 may be sent; or

17 c. A written request for a contested hearing specifying why the cited
18 violation did not occur or why the person cited is not responsible for the violation, with an
19 address to which notice of such hearing may be sent.

20 2. A response to a citation must be received by the Hearing Examiner by 5 p.m.
21 within 15 days after the date service of the citation is complete.

22 D. Failure to respond. If the Hearing Examiner does not receive a response within the
23 period prescribed by subsection 22.212.110.C.2, the Hearing Examiner shall enter an order

1 finding that the person cited committed the violation stated in the citation and assessing the
2 citation penalty specified in the citation.

3 E. Hearings

4 1. Mitigation hearing

5 a. Date and notice. If the person cited requests a mitigation hearing, the
6 Hearing Examiner shall hold a mitigation hearing within 30 days after the Hearing Examiner
7 receives the written response to the citation requesting such hearing. The Hearing Examiner shall
8 send notice of the time, place, and date of the hearing to the address specified in the request for
9 hearing no later than ten days prior to the date of the hearing.

10 b. Procedure at hearing. The Hearing Examiner shall hold an informal
11 hearing that shall not be governed by the Rules of Evidence. The person cited may present
12 witnesses, but witnesses may not be compelled to attend. The Director may also attend the
13 hearing and may present additional information, but is not required to attend.

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

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

1 determined pursuant to subsection 22.212.110.F, which amount the Examiner may reduce
2 pursuant to the mitigation factors in subsection 22.212.110.E.1.c. The Hearing Examiner's
3 decision is the final decision of the City on the matter.

4 2. Contested hearing

5 a. Date and notice. If the person cited requests a contested hearing, the
6 Hearing Examiner shall hold the hearing within 60 days after the Hearing Examiner receives the
7 written response to the citation requesting such hearing.

8 b. Hearing. The Hearing Examiner shall conduct a contested hearing
9 pursuant to the procedures for hearing contested cases contained in Section 3.02.090 and the
10 rules adopted by the Hearing Examiner for hearing contested cases, except as modified by this
11 subsection 22.212.110.E.2. The issues heard at the hearing shall be limited to those that are
12 raised in writing in the response to the citation and that are within the jurisdiction of the Hearing
13 Examiner. The Hearing Examiner may issue subpoenas for the attendance of witnesses and the
14 production of documents.

15 c. Sufficiency. No citation shall be deemed insufficient for failure to
16 contain a detailed statement of the facts constituting the specific violation that the person cited is
17 alleged to have committed or by reason of defects or imperfections, provided that such lack of
18 detail or defects or imperfections do not prejudice a substantial right of the person cited.

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

22 e. Evidence at hearing. A certified statement or declaration that complies
23 with RCW 9A.72.085 and is made by the Director shall be prima facie evidence that a violation

1 occurred and that the person cited is responsible. The certified statement or declaration and any
2 other evidence accompanying it shall be admissible without further evidentiary foundation. The
3 person cited may rebut the Director’s evidence and establish that the cited violation did not occur
4 or that the person contesting the citation is not responsible for the violation.

5 f. Disposition. If the citation is sustained at the hearing, the Hearing
6 Examiner shall enter an order finding that the person cited committed the violation. If the
7 violation remains uncorrected, the Hearing Examiner shall impose a citation penalty in an
8 amount determined pursuant to subsection 22.212.110.F. If the violation has been corrected, the
9 Hearing Examiner may reduce the citation penalty pursuant to the mitigation factors in
10 subsection 22.212.110.E.1.c. If the Hearing Examiner determines that the violation did not occur,
11 the Hearing Examiner shall enter an order dismissing the citation. The Hearing Examiner’s
12 decision is the final decision of the City on the matter.

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

18 F. Citation penalties

19 1. Unless reduced pursuant to subsection 22.212.110.E, the following citation
20 penalties shall be assessed for violations of any provision of this Chapter 22.212:

- 21 a. \$1,000 for the first violation; and
- 22 b. \$2,000 for each subsequent violation within a five-year period.

1 2. Collection of penalties. If the person cited fails to pay a citation penalty
2 imposed pursuant to this Section 22.212.110, the citation penalty may be referred to a collection
3 agency. The cost to the City for the collection services will be assessed as costs, at the rate
4 agreed to between the City and the collection agency, and added to the citation penalty.
5 Alternatively, the City may pursue collection in any other manner allowed by law.

6 **22.212.120 Notice of violation; penalties**

7 A. If the Director determines that a violation of this Chapter 22.212 has occurred, the
8 Director may serve a notice of the violation upon the person responsible for the violation. The
9 Director may serve the notice by personal service, registered mail, or certified mail, to the last
10 known address of the person responsible for the violation. The notice of violation shall identify
11 the violation of this Chapter 22.212 and what corrective action is necessary to comply with the
12 requirements of this Chapter 22.212.

13 B. In addition to any other sanction or remedial procedure that may be available, any
14 person violating any provision of this Chapter 22.212 may be subject to a civil penalty in the
15 amount of \$1,000 per day for each violation from the date the violation began until the
16 requirements of this Chapter 22.212 are satisfied, as applicable.

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

22 D. If a violation of this Chapter 22.212 is for receipt of economic displacement relocation
23 assistance by a person not entitled to such assistance because the person intentionally

1 misrepresented material information regarding entitlement to assistance under subsection
2 22.212.100.C.1, the civil penalty shall be increased by the amount of economic displacement
3 relocation assistance the household representative received. The Director shall refund the amount
4 paid by the owner.

5 E. The civil penalty imposed by this Section 22.212.120 may be collected by civil action
6 brought in the name of the City. Actions to enforce this Chapter 22.212 shall be brought
7 exclusively in Seattle Municipal Court except as otherwise required by law or court rule. The
8 Director shall notify the City Attorney of the name of any person subject to the civil penalty and
9 the City Attorney may take action to collect the civil penalty. In any action filed pursuant to this
10 Chapter 22.212, the City has the burden of proving by a preponderance of evidence that a
11 violation exists or existed.

12 **22.212.130 Warnings**

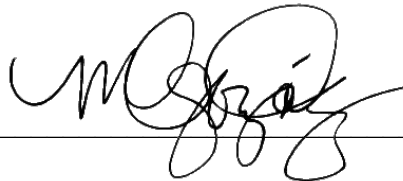
13 Before issuing a citation or a notice of violation, the Director may, in an exercise of discretion,
14 issue a warning to the person responsible for the violation if that person has not been previously
15 warned or cited for violating this Chapter 22.212.

16 Section 3. The provisions of this ordinance are declared to be separate and severable. The
17 invalidity of any clause, sentence, paragraph, subdivision, section, subsection, or portion of this
18 ordinance, or the invalidity of its application to any person or circumstance, does not affect the
19 validity of the remainder of this ordinance or the validity of its application to other persons or
20 circumstances.

1 Section 4. Section 2 of this ordinance shall take effect and be in force July 1, 2022.

2 Section 5. This ordinance shall take effect and be in force 30 days after its approval by
3 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
4 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

5 Passed by the City Council the 27th day of September, 2021,
6 and signed by me in open session in authentication of its passage this 27th day of
7 September, 2021.

8 

9 President _____ of the City Council

10 Approved / returned unsigned / vetoed this 8th day of October, 2021.

11 **Returned Unsigned by Mayor**

12 Jenny A. Durkan, Mayor

13 Filed by me this 8th day of October, 2021.

14 

15 Monica Martinez Simmons, City Clerk

16 (Seal)