



Seattle City Council

Central Staff - Memorandum

Date: September 25, 2015
To: Members of the Planning, Land Use, and Sustainability Committee
From: Asha Venkataraman, Central Staff
Subject: New Bill on Proposed Renter Protection Legislation and Amendments

On September 29, the Planning, Land Use, and Sustainability Committee will discuss Council Bill 118516, legislation proposed by Councilmember O'Brien regarding changes and additions to the Rental Agreement Regulation Ordinance and the Tenant Relocation Assistance Ordinance (TRAO) and related codes. The premise of this legislation is the same as that of Council Bill 118456, which was discussed in this committee on August 4 and 15. Amendments discussed at committee meetings required a title change, prompting the introduction of this new bill. This memorandum summarizes the key provisions of CB 118516 as well as proposed amendments to the bill as introduced. A chart comparing the provisions of CB 118456 and CB 118516 as introduced is attached for your reference (Attachment A).

Proposed Changes to the Rental Agreement Regulation Ordinance

- Every new or renewed rental agreement for a specified term must include a provision requiring a notice to tenants between 60 and 120 days before expiration of a fixed term tenancy whether the landlord intends to offer the tenant a new lease term.
- Failure to provide such notice is a defense to:
 - An action for eviction for holding over or continuing in possession after expiration of the term.
 - Actions for unlawful detainer, enforcement of a rental agreement, imposition of penalties, or forfeiture of a deposit and allows a tenant to receive reasonable attorney fees and costs.
- The notice provision applies to rental agreements entered into 90 days after the effective date of the ordinance.

Proposed Changes to the Tenant Relocation Assistance Ordinance

- The proposed bill adds a definition of "rent" to mean "the basic charge for a tenant's use of the dwelling unit and any periodic or monthly fees for other services paid to a landlord by a tenant, but do not include utility charges that are based on usage and that a tenant has agreed in the rental agreement to pay."
- An amendment to the definition of "substantial rehabilitation" adds that the term can include "extensive structural repair or extensive remodeling...valued at \$6,000 or more for any tenant's dwelling unit" rather than only including in the definition those changes that require a permit.
- A rent increase for the purpose of avoiding TRAO regulations is prohibited.

- A tenant who believes that a rent increase is for the purposes of avoiding tenant relocation provisions may complain to DPD and DPD can investigate to determine whether a violation occurred.
- DPD is authorized to use a rebuttable presumption to find that a violation occurred if:
 - The rent increase is for 20 percent or more; and
 - Within 90 days of the effective date of the rent increase, the tenant vacates the dwelling unit; and
 - DPD requests the owner certify that the rent increase was not intended to avoid TRAO, and the owner either failed to follow the TRAO regulations, or failed to sign the certification; and
 - Within 180 days of the effective date of the rent increase, the owner engages in substantial rehabilitation, or applies for a permit for a substantial rehabilitation, demolition, or change of use permit, or for removal of use restrictions for the tenant's dwelling unit.
- If DPD (or a subsequent appeal) finds a violation has occurred, the owner is subject to penalties, and will be unable to get building permits until the owner has paid those penalties.

Proposed Amendments to the Bill as Introduced

- DPD has the discretion to investigate complaints.
- Upon a finding of a violation, the owner must obtain a relocation license to get any building permits. In addition, the owner is separately subject to penalties.