



# SEATTLE CITY COUNCIL

## Sustainability and Renters' Rights Committee

### Agenda

Tuesday, September 21, 2021

9:30 AM

### Special Meeting

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

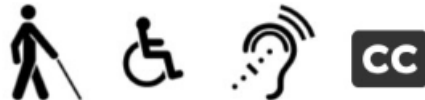
Kshama Sawant, Chair  
Tammy J. Morales, Vice-Chair  
Debora Juarez, Member  
Andrew J. Lewis, Member  
Alex Pedersen, Member  
Teresa Mosqueda, Alternate

Chair Info: 206-684-8803; [Kshama.Sawant@seattle.gov](mailto:Kshama.Sawant@seattle.gov)

[Watch Council Meetings Live](#) [View Past Council Meetings](#)

Council Chamber Listen Line: 206-684-8566

For accessibility information and for accommodation requests, please call  
206-684-8888 (TTY Relay 7-1-1), email [CouncilAgenda@Seattle.gov](mailto:CouncilAgenda@Seattle.gov), or visit  
<http://seattle.gov/cityclerk/accommodations>.



**SEATTLE CITY COUNCIL**  
**Sustainability and Renters' Rights Committee**  
**Agenda**  
**September 21, 2021 - 9:30 AM**  
**Special Meeting**

**Meeting Location:**

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

**Committee Website:**

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

---

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

*In-person attendance is currently prohibited per Washington State Governor's Proclamation 20-28.15, until the COVID-19 State of Emergency is terminated or Proclamation 20-28 is rescinded by the Governor or State legislature. Meeting participation is limited to access by telephone conference line and online by the Seattle Channel.*

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

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

Submit written comments to Councilmember Sawant at [Kshama.Sawant@seattle.gov](mailto:Kshama.Sawant@seattle.gov)

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

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

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

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

*Please Note: Times listed are estimated*

**A. Call To Order**

**B. Approval of the Agenda**

**C. Public Comment**

**D. Items of Business**

1. [CB 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 is an annual increase of ten percent or more; and adding a new Chapter 22.212 to the Seattle Municipal Code.**

*Supporting  
Documents:*

[Summary and Fiscal Note](#)

[Summary Att A - Economic Displacement Relocation Assistance Program](#)

[Summary Att B - Projected Cost Estimate for New Economic Displacement Relocation Assistance Program](#)

[Central Staff Memo \(9/21/21\)](#)

**Briefing, Discussion, and Possible Vote** (45 minutes)

**Presenter:** Asha Venkataraman, Council Central Staff

2. [CB 119585](#) **AN ORDINANCE relating to residential rental properties; requiring a minimum of 180 days' prior written notice to tenants whenever the housing costs to be charged a tenant are to increase; and amending Sections 7.24.030, 22.202.080, and 22.206.180 of the Seattle Municipal Code.**

*Supporting*

*Documents:*

[Summary and Fiscal Note v2](#)

[Proposed Substitute \(track changes\)](#)

[Proposed Substitute \(without track changes\)](#)

**Briefing, Discussion, and Possible Vote** (30 minutes)

**Presenter:** Asha Venkataraman, Council Central Staff

**E. Adjournment**



Legislation Text

---

**File #:** CB 120173, **Version:** 1

---

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

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:**

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

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

**CHAPTER 22.212 ECONOMIC DISPLACEMENT RELOCATION ASSISTANCE - RENT INCREASE**

**22.212.010 Definitions**

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

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

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

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

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

“Household representative” means the household member designated by the household as the person representing the household in performing actions under this Chapter 22.212, and who is the person legally entitled to obtain the payment authorized by this Chapter 22.212. A household representative may represent only one household at a time.

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

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

percent.

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

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

#### **22.210.020 Notice**

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

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

1. Personally delivering each notice or causing it to be personally delivered; or
2. Mailing each notice by certified mail, return receipt requested and by first-class mail

addressed to the housing unit.

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

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

- A. A tenant of the housing unit has received a required rent-increase notice;
- B. The household representative complies with the deadlines or extensions in Section 22.212.040; and

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

**22.212.040 Application for economic displacement relocation assistance**

A. Within 180 days after a tenant in the household receives a required rent-increase notice or 60 days after the rent increase goes into effect, whichever date is later, the household representative may apply to the Director for economic displacement relocation assistance by submitting an application to the Director on a form approved by the Director. If the household representative fails to submit an application within either 180 days after a tenant in the household receives the required rent-increase notice or 60 days after the rent increase goes into effect, whichever date is later, the household representative is not entitled to economic displacement relocation assistance unless the household representative requests, and the Director approves the request for, an extension of time to submit the application. The extension request must explain why the household representative is unable to apply before the expiration of the applicable period. The Director shall approve the extension request if the Director receives it before the expiration of the applicable period and determines that the household representative has good cause for being unable to apply within the applicable period. The Director shall notify the household representative and the owner in writing whether the extension has been approved or rejected. If the Director approves the extension, the household representative will have an additional 60 days after the expiration of the original applicable period in which to submit the application.

B. The application shall include:

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

2. A copy of the current rental agreement or, if the tenancy is not subject to a written agreement or the household does not have a copy of it, proof of housing costs for the 12 months prior to the effective date



of the required rent-increase notice or for the household's tenancy in the housing unit, whichever period is shorter;

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

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

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

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

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

pursuant to Section 22.212.030 and identifying the amount of any entitlement as calculated pursuant to Section 22.212.050.

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

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

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

- A. Determine the average monthly housing costs for the housing unit, based upon either: the housing costs for the 12 months prior to the effective date of that rent increase or for the household’s tenancy in the housing unit, whichever period is shorter;
- B. Identify the number of households that occupy the housing unit and divide the average monthly housing costs by the number of households, resulting in the average monthly housing costs per household; and
- C. Multiply the average monthly housing costs per household by three.

**22.212.060 Owner’s payment of economic displacement relocation assistance to the Director**

- A. The owner shall pay to the Director the amount of assistance, if any, identified in the Director’s notice described in subsection 22.212.040.E within seven days after the owner receives the notice.
- B. The owner may not reduce the amount of the assistance payment by any amount the owner believes the tenant owes the owner, such as a security deposit for damage to the property for which the tenant is responsible. Nothing in this Chapter 22.212 precludes the owner from seeking such amounts from the tenant pursuant to other applicable law.
- C. Payment by the owner of economic displacement relocation assistance under this Chapter 22.212

does not constitute compliance with the tenant relocation assistance requirements of Chapter 22.210.

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

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

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

**22.212.080 Refunds**

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

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

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

**22.212.090 Administrative appeals**

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

B. A notice of appeal shall be filed with the Seattle Hearing Examiner by 5 p.m. within ten days after receipt of the Director's decision, and by that same date, copies of the notice of appeal shall be placed in the

mail, postage pre-paid, for service on the Director and any non-appellant owner or household representative. Proof of service shall be filed with the Hearing Examiner.

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

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

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

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

#### **22.212.100 Administration, enforcement, and violations**

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

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

1. Fines and penalties collected pursuant to Sections 22.212.110 and 22.212.120;
2. Sums that may by ordinance be appropriated to or designated as revenue to the Account;
3. Other sums that may be deposited into the Account by gift, bequest, or grant;
4. Refund of monies paid to The City of Seattle as relocation assistance from the Account; and

5. Relocation assistance monies paid by owners to the Director pursuant to Section 22.212.060.

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

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

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

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

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

#### **22.212.110 Citations**

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

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

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

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

4. The date the violation occurred;

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

6. The applicable citation 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; and

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

B. Service. The citation must 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 responsible person named in the citation. Service shall be complete at the time of personal service, or if mailed, three days after the date of mailing.

C. Response to a citation

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

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

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

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

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

D. Failure to respond. If the Hearing Examiner does not receive a response within the period prescribed by subsection 22.212.110.C.2, the Hearing Examiner shall enter an order finding that the person cited committed the violation stated in the citation and assessing the citation penalty specified in the citation.

E. Hearings

1. Mitigation hearing

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

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

c. Disposition. The Hearing Examiner shall determine whether the person cited's explanation justifies reducing the citation penalty, but the citation penalty may not be reduced unless the Director affirms or certifies that the violation has been corrected prior to the mitigation hearing. Factors that may be considered in whether to reduce the citation 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 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 person cited and any other information presented at the hearing, the Hearing Examiner shall enter an order finding that the person cited committed the violation and assessing a citation penalty in an amount determined pursuant to subsection 22.212.110.F, which amount the Examiner may reduce pursuant to the mitigation factors in subsection 22.212.110.E.1.c. The Hearing Examiner's decision is the final decision of the City on the matter.

2. Contested hearing

a. Date and notice. If the person cited requests a contested hearing, the Hearing Examiner

shall hold the hearing within 60 days after the Hearing Examiner receives the written response to the citation requesting such hearing.

b. Hearing. The Hearing Examiner shall conduct a contested hearing 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 22.212.110.E.2. The issues heard at the hearing shall be limited to those that are raised in writing in the response to the citation and that are within the jurisdiction of the Hearing Examiner. The Hearing Examiner may issue subpoenas for the attendance of witnesses and the production of documents.

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

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

e. Evidence at hearing. A certified statement or declaration that complies with RCW 9A.72.085 and is made by the Director shall be prima facie evidence that a violation occurred and that the person cited is responsible. The certified statement or declaration and any other evidence accompanying it shall be admissible without further evidentiary foundation. The person cited may rebut the Director's evidence and establish that the cited violation did not occur or that the person contesting the citation is not responsible for the violation.

f. Disposition. If the citation is sustained at the hearing, the Hearing Examiner shall enter an order finding that the person cited committed the violation. If the violation remains uncorrected, the Hearing Examiner shall impose a citation penalty in an amount determined pursuant to subsection 22.212.110.F. If the violation has been corrected, the Hearing Examiner may reduce the citation penalty pursuant to the mitigation



factors in subsection 22.212.110.E.1.c. If the Hearing Examiner determines that the violation did not occur, the Hearing Examiner shall enter an order dismissing the citation. The Hearing Examiner's decision is the final decision of the City on the matter.

3. Failure to appear for hearing. Failure of the person cited or their attorney to appear for a requested hearing will result in an order being entered finding that the person cited committed the violation stated in the citation and assessing the citation penalty 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 penalties

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

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

2. Collection of penalties. If the person cited fails to pay a citation penalty imposed pursuant to this Section 22.212.110, the citation 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 citation penalty. Alternatively, the City may pursue collection in any other manner allowed by law.

#### **22.212.120 Notice of violation; penalties**

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

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

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

D. If a violation of this Chapter 22.212 is for receipt of economic displacement relocation assistance by a person not entitled to such assistance because the person intentionally misrepresented material information regarding entitlement to assistance under subsection 22.212.100.C.1, the civil penalty shall be increased by the amount of economic displacement relocation assistance the household representative received. The Director shall refund the amount paid by the owner.

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

### **22.212.130 Warnings**

Before issuing a citation or a notice of violation, 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 22.212.

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

Section 4. Section 2 of this ordinance shall take effect and be in force 180 days after the effective date of this ordinance.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2021, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved / returned unsigned / vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_

Monica Martinez Simmons, City Clerk

(Seal)

## SUMMARY and FISCAL NOTE\*

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
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 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.

**Summary and background of the Legislation:** This legislation is intended to assist tenants who move to a new housing unit with the costs of relocation (ie. first and last month's rent, security deposits, etc.) when they leave their current housing unit because the rent will increase ten percent or more. A landlord would be required to pay three times the amount of monthly housing costs per household for each moving household.

### 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. 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 \_\_\_X\_\_\_ No

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

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

The primary departments impacted by this legislation will be the Seattle Department of Construction and Inspections (SDCI) and the Hearing Examiner.

For SDCI to administer the relocation assistance program, which includes answering calls from tenants and landlords about their new rights; receiving and making determinations about applications; receiving payments from landlords and making payments to household representatives, including refunds, on the timelines set out in the legislation, they will likely need more resources and staffing capacity. The preliminary estimate to set up a new functionality for Accela and associated IT infrastructure to handle applications and payments is \$1.3 million and will likely require between 6 and 9 months to stand up. In addition, to

make determinations and complete applications, as well as ensure sufficient cashier capacity to get funds out the door on the timelines in the legislation, SDCI will need at least 1.5 FTE for a code compliance analyst. Lastly, provision of notices and outreach materials in translated languages as required by the legislation will likely require \$20,000. These estimates are likely to be refined further.

Based on estimating caseload as similar to cases heard under the tenant relocation assistance ordinance, the Hearing Examiner should be able to absorb additional cases with its current capacity. However, if caseloads exceed 10-15 cases annually, they will need to reassess potential impacts on capacity and may require additional resources and staff.

**Is there financial cost or other impacts of *not* implementing the legislation?**

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

If tenants cannot save up the appropriate amount of funds to allow them to move to a different housing unit when their rent increases by ten percent or more, they may fall into homelessness. Increasing the numbers of people experiencing homelessness in Seattle may increase the amount of spending the City does for that purpose.

**4. OTHER IMPLICATIONS**

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

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

Yes – SDCI will be administering this program and enforcing it. The Hearing Examiner will be handling appeals. Financial and staffing impacts are described above in the response to Question 3.

**b. Is a public hearing required for this legislation?**

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

No

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

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

No

**d. Does this legislation affect a piece of property?**

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

No

**e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged**

**communities? What is the Language Access plan for any communications to the public?**

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

Historically disadvantaged communities are already at a disproportionate risk of housing instability. This legislation will enhance housing stability for renters when they move in response to a rent increase of ten percent or more.

**f. Climate Change Implications**

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

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

No

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

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

No

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

This answer should highlight measurable outputs and outcomes.

NA

**List attachments/exhibits below:**

## **Economic Displacement Relocation Assistance Program**

### **SDCI Prepared IT Cost Estimates for Fiscal Note for Proposed Legislation**

To support implementation of the Economic Displacement Relocation Assistance program, SDCI will use their existing permitting software called Accela. This new program will require significant enhancements to Accela to support business processes for staff and user experiences for customers. Initial scoping of the program based on the draft ordinance includes a set of record types in the Accela platform to manage tenant activities, including applications, appeals, extension requests, withdrawals, and refunds, as well as owner activities, including making payments, requesting refunds, and appeals. The solution will track key turnaround times identified in the ordinance for SDCI staff, such as notifying the owner of a tenant application within five days of receipt, and ensuring payments are made by the owner to the tenant within seven days of receiving the notice. The solution will also support SDCI staff tasks including reviewing and approving tenant applications, requesting additional information, calculating payment amounts, tracking payments and refunds<sup>1</sup>, and enforcement.

Design, development, and implementation of the proposed solution will be complex<sup>2</sup> and is expected to take approximately nine (9) months to fully implement. Every effort will be made to take an iterative approach to design and development to begin implementing manual and partially automated solutions as quickly as possible if the legislation moves forward. These timelines will need to be extended if the approvals process for key technical solutions within IT and Purchasing are delayed or the requests are not approved.

Since the Economic Displacement Relocation Assistance program will be serving the City's housing vulnerable populations, user experience research and design expertise is included in the cost estimates. These experts will collaborate with the development team and SDCI subject matter experts to work directly with targeted customer groups on the design of the new program with an RSJI lens. Work would include user studies aimed at making the software more friendly for mobile devices, exploring ways to support non-English speakers, and providing insight on how to reach and make the process accessible for tenants who may be eligible but do not have the privilege of accessing technology easily.

Due to Seattle IT capacity and resource constraints, work on this proposal will be done almost entirely by IT consultants hired by SDCI. SDCI has an existing added capacity consultant team that has knowledge and experience with the SDCI instance of Accela. This team has designed and developed other Accela enhancements based on new legislation such as the Vacant Building Monitoring program. If for some reason these consultants are not available, the estimated timeline could potentially be at risk.

---

<sup>1</sup> Current refund processes are manual and time consuming. Depending on the popularity of this new program, it is unlikely that the turnaround times in the draft legislation can be met. Automation and streamlining of the refund and cancellation process is one of SDCI's critical Accela backlog items. It was one of the reasons a 2021 supplemental BIP request was submitted to extend this added capacity Accela team through the end of this year. New work on this legislation is competing directly with this refund/cancellation work for the work on this team along with 50 other large critical enhancements.

<sup>2</sup> Complexity of the implementation is partially due to analysis required for understanding how this new program relates to existing tenant assistance programs from technical, staffing, and user experience perspectives.



The proposed estimate includes software for a possible e-sign integration and Zen Desk<sup>3</sup> agent subscriptions. These software capabilities are included because of the identified required documents in the application process like affidavits and the increased customer service needs on SDCI’s Property Owner and Tenant Assistance team. Based on a high-level review of the known requirements, this project is estimated to cost approximately \$1.25 million.

<b>Accela Enhancements: New Program</b>	
Consultant - Project Manager	\$208,980
Accela Developer	\$214,785
UI/UX Developer	\$143,190
UX Researcher (20hrs/wk)	\$119,970
UX Designer (20hrs/wk)	\$143,190
Business Systems Analyst	\$168,345
Report Developer	\$56,115
Quality Assurance	\$168,345
<b>Contract Staff Total</b>	<b>\$1,222,920</b>
e-Sign Integration	\$18,000
Zen Desk - 7 agent subscriptions	\$12,600
<b>Software Total</b>	<b>\$30,600</b>
<b>Grand Total: 9 months</b>	<b>\$1,253,520</b>

---

<sup>3</sup> Zendesk is part of a budget proposal submitted by SDCI for modernizing customer support. This estimate includes the need for additional agent licenses to support this new proposed program. Modernization means moving from manual, siloed voice and email experiences to integrated support via multiple channels including “answerbots”, live chat, and video chat, email, and voice. SDCI is working with Seattle IT on how Zendesk overlaps and complements current Seattle IT Unified Communications and Contact Center projects happening in late 2021 and throughout 2022.

**NOTES:**

1. Expected program development timeline: 9 months
2. Projections and time estimate are based on using consultants with knowledge of SDCI and A
3. Includes costs for usability and delivery centered design
4. Includes costs for ZenDesk licensing

<b>GRAND TOTAL: 9mos</b>	<b>Rate</b>	<b>Hrs/Month</b>	<b>%</b>
<b>Accela Enhancements: New Program</b>			
<b>City Staff</b>			
Business Analyst	\$94.00	172	0%
QA	\$100.52	172	0%
<b>Contract Staff</b>			
Consultant - Project Manager	\$135.00	172	100%
Accela Developer	\$185.00	172	75%
UI/UX Developer	\$185.00	172	50%
UX Researcher (20hrs/wk)	\$155.00	86	100%
UX Designer (20hrs/wk)	\$185.00	86	100%
Business Systems Analyst	\$145.00	172	75%
Report Developer	\$145.00	172	25%
QA	\$145.00	172	75%
<b>Software</b>			
eSign Integration			
Zen Desk - 7 agent subscriptions			

ccela

Total Months	
9	\$1,253,520.00
	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
	\$1,222,920.00
\$208,980.00	\$208,980.00
\$214,785.00	\$214,785.00
\$143,190.00	\$143,190.00
\$119,970.00	\$119,970.00
\$143,190.00	\$143,190.00
\$168,345.00	\$168,345.00
\$56,115.00	\$56,115.00
\$168,345.00	\$168,345.00
	\$30,600.00
\$18,000.00	\$18,000.00
\$12,600.00	\$12,600.00

September 15, 2021

## MEMORANDUM

**To:** Sustainability and Renters Rights Committee  
**From:** Asha Venkataraman, Analyst  
**Subject:** Council Bill 120173: Economic Displacement Relocation Assistance

---

On September 21, 2021, the Sustainability and Renters Rights Committee will discuss and possibly vote on [Council Bill \(CB\) 120173](#), which would require landlords pay relocation assistance to tenants who move out of a housing unit because of a rent increase of ten percent or more. This memorandum describes the contents and impacts of CB 120173, including fiscal and staffing impacts, and next steps.

### CB 120173

This legislation is intended to provide relocation assistance funds to tenants if they cannot afford a rent increase of ten percent or more to help the tenant relocate to a new place to live. When a landlord does raise the rent ten percent or more, and the tenant leaves the rental unit, CB 120173 would require a landlord to pay relocation assistance to the tenant to help cover expenses like a new security deposit, first and last months' rent, or moving expenses.

### Definitions

There are myriad ways in which different combinations of people can occupy one rental housing unit and split housing costs between them, including different abilities to manage rent increases. Because of this, not all tenants in one housing unit may choose to relocate upon receiving a rent increase of ten percent or more. As such, referring to individuals as tenants within the legislation is not a sufficiently specific way to determine the amount of relocation assistance for which each set of tenants is eligible. To account for this complexity, CB 120173 includes specific definitions to encompass individual tenants or groups of tenants, distinguished by membership in a family or non-family household, that would be eligible for relocation assistance. These terms are defined as follows:

- **Household** is defined as "any family household or non-family household that occupies a housing unit. A combination of family households and non-family households may occupy a single housing unit."
- **Family household** is defined as "all occupants in the same housing unit who are members of the same family unit."
- **Family unit** is defined as "all related persons, including: parents; spouses' parents; grandparents; spouses' grandparents; grandchildren; spouses' grandchildren; siblings; spouses' siblings; siblings' spouses and siblings' children; and those similarly related to individuals in city or state registered domestic partnerships."

- **Non-family household** is defined as “occupants of a housing unit who are not members of a family household.”

Having different households within one housing unit who make different decisions about relocating and applying for relocation assistance also complicates administration of this program. To make clear which members of which households are included when applying for assistance and to avoid involving the City in intra-household disputes about whether and how relocation assistance should be distributed, each household eligible for economic displacement relocation assistance must designate a household representative to apply.

- **Household representative** is defined as “the household member designated by the household as the person representing the household in performing actions under this Chapter 22.212, and who is the person legally entitled to obtain the payment authorized by this Chapter 22.212. A household representative may represent only one household at a time.”

The legislation and the rest of this memorandum refers to the eligibility of the household itself when discussing meeting the appropriate qualifications for assistance but refers to the actions of the household representative on the household’s behalf within the context of the application process, entitlement to funds, and other administration and enforcement processes. In some cases, if the household representative fails to take certain actions, such as adhering to timelines for applications or extensions, both the household’s eligibility and the household representative’s entitlement would be affected.

Lastly, because a rent increase of ten percent or more over the duration of the tenancy or previous 12-month period of the tenancy can occur either through one large increase or multiple cumulative increases, CB 120173 defines “required rent-increase notice” to include both types of increase.

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

The notice “required by [subsection 7.24.030.A](#)” refers to City law (which currently matches the [state provisions](#)) to provide 60 days’ prior written notice for any rent increase.

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

## Eligibility

Households who meet the criteria listed below would be eligible for economic displacement relocation. Eligible households are those who have:

- Received a 60-day notice of rent increase (as required by State and City law) and the rent increase is ten percent or more; and
- Either vacated the property or provided notice to the landlord that the household plans to vacate the property.

For the household to remain eligible for assistance, the household representative must comply with all timelines set out in the application process.

## Application Process

The household representative must apply to the Seattle Department of Construction and Inspections (SDCI) within 180 days of receiving the required rent increase notice or 60 days after the rent increase goes into effect.<sup>1</sup> As explained above, the notice at issue could be either at the time the landlord is increasing the rent by ten percent or more, or the last in a series of required notices of rent increase under ten percent whose cumulative effect is a rent increase of ten percent or more.

If a household needs more time to apply for assistance, the household representative may request an extension. SDCI must grant a 60-day extension if the request is received within the original application period and SDCI determines there is good cause for the extension. Upon making the decision, SDCI must notify the household representative and the landlord whether it has granted the extension.

If the household representative does not apply or request an extension during the time period provided for application, the household representative is not entitled to receive relocation assistance and the household would no longer be eligible for assistance because the household representative failed to adhere to the appropriate timeline. The application would include:

- An affidavit identifying the date of vacation or a copy of the notice of vacation;
- A copy of the current rental agreement or proof of housing costs for the 12 months prior to the effective date of the required rent-increase notice or the term of the tenancy, whichever is shorter;
- Documentation of the rent increase; and
- The number of family and non-family households occupying the housing unit and the names of all members of each household.

---

<sup>1</sup> Though currently the City and State require 60 days' prior written notice, the Sustainability and Renters' Rights Committee is concurrently considering Council Bill 119585, which would extend the notice requirement to 180 days.

Within five days of receiving the application, SDCI would be required to notify both the landlord and the household representative of receipt.

If SDCI requests more information for the application to be complete, the household representative must provide that information within 30 days after receiving the request. If a household needs more time to provide the information, the household representative may request an extension. SDCI must grant a 30-day extension if the request is received within the original 30-day period and SDCI determines there is good cause for the extension. If the household representative fails to provide the information or request an extension within the 30-day period, the household representative is not entitled to receive relocation assistance and the household would no longer be eligible for assistance because the household representative failed to adhere to the appropriate timelines.

SDCI must, within ten days of receiving the completed application, review it and send its determination of whether the household is eligible for assistance (and the household representative is consequently entitled to assistance) and its calculation of the amount of assistance to the household representative and the landlord.

Either a landlord or a household representative may appeal SDCI's determination regarding whether a household representative is entitled to receive assistance. Notices of appeal would go to the Hearing Examiner.

#### Amount of economic displacement relocation assistance

SDCI would calculate the amount of assistance to which each household representative is entitled as follows:

1. Determine the average monthly housing costs for the housing unit, based upon either: the housing costs for the 12 consecutive months prior to the effective date of the required rent-increase notice; or if the tenancy has been for fewer than 12 months, the average monthly housing costs for the duration of the tenancy;
2. Identify the number of households that occupy the housing unit and divide the average monthly housing costs by the number of households, resulting in the average monthly housing costs per household; and
3. Multiply the average monthly housing costs per household by three.

Either a landlord or a household representative may appeal SDCI's calculation of assistance. Notices of appeal would go to the Hearing Examiner.

### Payment of assistance and refunds

Within seven days of SDCI's decision, the landlord would be required to pay SDCI the amount identified in the decision notice. SDCI would then be required to pay the household representative the amount in the decision notice within 14 days after SDCI sent the notice.

If the household fails to vacate the unit on the date identified in the notice of vacation, rescinds its notice of vacation, or withdraws its application for assistance, the household representative must refund any assistance already received and SDCI must refund any payment the landlord has made. SDCI must refund the landlord the amount paid within ten days after SDCI receives the notice of failure to vacate, rescission of the notice of vacation, or withdrawal of the application for assistance. If the household representative has already been paid assistance, they are required to refund the payment to SDCI within ten days after the failure to vacate, rescission of the notice of vacation, or withdrawal of the application for assistance.

This section of the legislation is intentionally set up so that the obligation for SDCI to pay the household representative would occur regardless of whether the landlord has paid SDCI. Similarly, SDCI would be required to refund the landlord regardless of whether the household representative has refunded payment. Central Staff's understanding is that the intent of this requirement is to allow the tenant to receive assistance in a timely enough manner to provide funds needed for use in an imminent move and for the landlord to get cash back in pocket immediately, rather than having to wait for compliance. This requirement would have budget implications, as it would require SDCI having enough cash on hand to make payments or issue refunds in the instances where payments are not timely made to SDCI. Because this is a new program and the scale of assistance payments is not clear, the amount SDCI would need to make payments is difficult to ascertain.

In addition, failure of the landlord to pay or the household representative to refund assistance in a timely manner would be a violation of the law. For SDCI to be reimbursed appropriately in cases of non-compliance, it would have to pursue a citation or a notice of violation.

### Administration and Enforcement

This section of the legislation gives SDCI the authority to adopt rules governing this program. It also establishes a separate account to which payments and refunds would be made. Any funds collected pursuant to fines, penalties, budget appropriations, or other funds given or granted to the City for this purpose would be deposited in this account. These funds would be used to pay or refund relocation assistance in circumstances where the landlord or household representative has not timely paid or refunded assistance, respectively, and SDCI is required to make payment anyway.

It would also make clear that receiving relocation assistance when a person is not actually entitled to it is a violation of the law.



## Citations and Notices of Violation

CB 120173 provides SDCI the ability to pursue either citations or notices of violation (NOV) at its discretion. In general, the citation process works best when there are one-time violations and the NOV process works best when there are on-going violations. The legislation would also allow SDCI to issue warnings before issuing a citation or NOV if it a person's first violation.

Citations are often used for simple compliance issues or when it is the person's first violation. They can provide motivation for a party to comply by assessing an immediate penalty and placing the burden on the person responsible to contest the violation. If a person fails to pay the citation penalty, the penalty can be referred to collections, thereby damaging the person's credit rating. The immediate consequences and the harm to credit may motivate future compliance. When SDCI issues a citation, the person has the option of paying it, or mitigating or contesting the citation in front of the Hearing Examiner. The proposed penalty for the first citation would be \$1,000. The second and subsequent citations would be subject to a penalty of \$2,000 for each violation. Hearing Examiner decisions must be appealed by filing a writ of review in King County Superior Court.

The NOV process is more complex than the citation process and is best suited for on-going violations, repeat violations, or more complicated issues where the City wishes to compel an offender to take some specific act. SDCI must formally serve an NOV that summarizes the violation, sets forth the required action the landlord must take and gives a compliance due date. If the person complies by the due date, the matter is closed. If the person fails to comply by the due date, SDCI can refer the matter to the City Attorney's Office. The City Attorney's Office can then draft a complaint and file a lawsuit in Seattle Municipal Court.

## Effective Date

The substantive provisions of CB 120173 would go into effect 180 days after the effective date of the legislation to allow SDCI time to stand up the staffing and infrastructure needed to administer and enforce this program. Though standing up the entire infrastructure may take nine months, SDCI estimates it would be ready to administer the program after six months.

## **Fiscal and Staffing Impacts**

SDCI's administration of the relocation assistance program would include answering calls from tenants and landlords about their new rights; receiving and making determinations about applications; receiving payments from landlords and making payments to household representatives, including refunds, on the timelines set out in the legislation. Administering the program will require more resources and staffing capacity. The preliminary estimate to set up a new functionality for the current system (Accela) and associated IT infrastructure to handle applications and payments is \$1.25 million and will likely require between six and nine months for full functionality. As mentioned above, SDCI would likely be able to start administering the program after six months. However, this timing assumes that the six months would begin from the availability of funding. If, for example, the Council were to appropriate funds to stand up the needed infrastructure in the 2022 budget planning process, funds would not become available until January 1, 2022. In that case, SDCI would not be ready to implement this program until July 1. However, if the Executive were to execute a short-term interfund loan<sup>2</sup> to allow SDCI access to funds before January 1, standing up the needed infrastructure could happen sooner. The Council may want to consider how to time the effective date of this bill to ensure it matches funding availability so that SDCI has sufficient time to stand up the needed infrastructure.

The requirement to make assistance payments and issue refunds regardless of compliance by landlords or household representatives would require SDCI to have enough cash on hand to cover whatever amount is needed. Because this is a new program, no penalties have been assessed at this point, and the scale of assistance payments is not clear, the amount SDCI would need on the front end to make payments is difficult to ascertain. At program initiation, SDCI will need additional General Fund resources to cover payments. The Council may want to consider adding an initial amount of General Fund resources to the relocation assistance fund in the 2022 Adopted Budget or through a supplemental budget action in 2022 before the program begins and monitor the cash flow for the program. This would allow the Council to determine whether the penalties and payments provided by landlords will generate sufficient revenues to support this program or if ongoing General Fund resources will be needed.

In addition, to make determinations and collect information to complete applications, as well as ensure sufficient cashier capacity to get funds out the door on the timelines in the legislation, SDCI will need at least 1.5 FTEs for the code compliance team. The fully loaded cost for a full year of such positions is \$186,463. Depending on when SDCI will be ready to administer the program, the FTE costs could be to hire for half of 2022. Lastly, provision of notices and outreach materials in translated languages as required by the legislation will likely require \$20,000.

---

<sup>2</sup> [SMC 5.06.030.C](#) authorizes the City Finance Director to approve an interfund loan for up to 90 days; any extension or renewal of such a loan requires approval by ordinance.

Based on estimating caseload like cases heard under the tenant relocation assistance ordinance, the Hearing Examiner should be able to absorb additional cases for citations and appeals with its current capacity. However, if caseloads exceed 10-15 cases annually, they will need to reassess potential impacts on capacity and may require additional resources and staff.

Overall, to administer and implement this legislation, SDCI will need a total of \$1,270,000 in one-time funds for IT and outreach, between \$144,000 and \$186,000 to support 1.5 FTE for a partial or full year in 2022, and an ongoing \$187,962 starting in 2023.

### **Next Steps**

If the Committee recommends the legislation be passed on its September 21 meeting, Council will likely vote on CB 120173 on September 27, 2021. If the Committee recommends passage at its next meeting on September 23, Council will likely vote on CB 120173 on October 4, 2021. Potential funding needs will likely need to be addressed during 2022 budget deliberations.

cc: Esther Handy, Central Staff Director  
Aly Pennucci, Policy and Budget Manager



Legislation Text

---

File #: CB 119585, Version: 1

---

CITY OF SEATTLE

ORDINANCE \_\_\_\_\_

COUNCIL BILL \_\_\_\_\_

AN ORDINANCE relating to residential rental properties; requiring a minimum of 180 days' prior written notice to tenants whenever the housing costs to be charged a tenant are to increase; and amending Sections 7.24.030, 22.202.080, and 22.206.180 of the Seattle Municipal Code.

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Section 7.24.030 of the Seattle Municipal Code, last amended by Ordinance 125558, is amended as follows:

**7.24.030 Rental agreement requirements**

A. Any rental agreement or renewal of a rental agreement for a residential rental unit in The City of Seattle entered into after ~~((October 28, 1998;))~~ the effective date of the ordinance introduced as Council Bill 119585 shall include or shall be deemed to include a provision requiring a minimum of ~~((60))~~ 180 days' prior written notice whenever the periodic or monthly housing costs to be charged a tenant are to increase ~~((by ten percent or more))~~ over the periodic or monthly rental rate charged the same tenant for the same housing unit and same services for any period or month during the preceding 12-month period.

\* \* \*

Section 2. Section 22.202.080 of the Seattle Municipal Code, last amended by Ordinance 125343, is amended as follows:

**22.202.080 Documentation of notices**

All written notices required by Chapters 22.200 through 22.208 to be provided to or served on tenants by property owners, or on property owners by tenants, shall be documented in such a manner as to confirm the

date on which the notice was received. The use of email is allowed for written notices required under subsections 22.206.180.~~((J))~~I.1, 22.206.180.~~((J))~~I.2, and 22.206.180.~~((J))~~I.3.

Section 3. Section 22.206.180 of the Seattle Municipal Code, last amended by Ordinance 125054, is amended as follows:

**22.206.180 Prohibited acts by owners**

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

\* \* \*

H. Increase the periodic or monthly housing costs to be charged a tenant (~~((by 10 percent or more))~~) over the periodic or monthly housing costs charged the same tenant for the same housing unit and the same services for any period or month during the preceding 12-month period without giving the tenant at least ~~((60))~~ 180 days prior written notice of the cost increase. The notice shall describe how the tenant may obtain information about the rights and obligations of tenants and landlords under this Chapter 22.206; or

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

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

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

the potential application of this Section 22.206.180.((F))I.

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

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

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

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

6. If a tenant pays the increased housing costs prior or subsequent to a determination by the Director that the housing unit does not comply with the checklist and the weighted requirements of subsection 22.214.050.M, the owner shall refund to the tenant the amount by which the housing costs paid exceeded the amount of housing costs otherwise due, or provide a credit in that amount against the tenant's housing costs for the next rental period. The refund or credit shall be prorated to reflect the period that the housing unit was determined to be in compliance with the checklist and the weighted requirements of subsection 22.214.050.M. If the owner elects to provide a refund rather than provide a credit, the refund shall be paid to the tenant before the beginning of the next rental period. When calculating a pro-rata amount to be credited or refunded, a 30-day month shall be used.

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

8. The Director shall describe, by rule, SDCI's role when a tenant notifies SDCI that a landlord has given the tenant notice pursuant to RCW 59.12.030 (3) (~~((3 day pay rent or vacate notice))~~) and when the housing cost increase has been lawfully prohibited pursuant to subsection 22.206.180.~~((J))~~I.5.

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

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2019, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

---

Monica Martinez Simmons, City Clerk

(Seal)



## SUMMARY and FISCAL NOTE\*

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
LEG	Ted Virdone / x48016	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 residential rental properties; requiring a minimum of 180 days' prior written notice to tenants whenever the housing costs to be charged a tenant are to increase; and amending Sections 7.24.030, 22.202.080, and 22.206.180 of the Seattle Municipal Code.

**Summary and background of the Legislation:**

This legislation increases the minimum prior written notice that landlords in Seattle must give tenants before increasing their rent from 60 days to 180 days. Currently, State and City law require 60 day notice, but in Seattle, where affordable housing has become more and more difficult to find, renters need more than 60 days' notice to relocate when displaced by rent increases. The legislation addresses that need by increasing notice requirements to 180 days.

### 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. 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 \_\_\_X\_\_\_ 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?**

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

No

**Is there financial cost or other impacts of *not* implementing the legislation?**

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

No

#### 4. OTHER IMPLICATIONS

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

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

No

**b. Is a public hearing required for this legislation?**

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

No

**c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**

If yes, please describe the measures taken to comply with RCW 64.06.080.

No

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

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

No

**e. Does this legislation affect a piece of property?**

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

No

**f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?**

If yes, please explain how this legislation may impact vulnerable or historically disadvantaged communities. Using the racial equity toolkit is one way to help determine the legislation's impact on certain communities.

Vulnerable and historically disadvantaged communities are at the most risk of displacement from rent increases. By requiring more notice for those rent increases, people facing that displacement have more time to attempt find housing in their community.

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

This answer should highlight measurable outputs and outcomes.

**List attachments/exhibits below:**

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

..title

AN ORDINANCE relating to residential rental properties; requiring a minimum of 180 days' prior written notice to tenants whenever the housing costs to be charged a tenant are to increase; and amending Sections 7.24.030, 22.202.080, and 22.206.180 of the Seattle Municipal Code.

..body

WHEREAS, Article 25 of the United Nations' Universal Declaration of Human Rights

recognizes housing as a human right; and

WHEREAS, notwithstanding a temporary drop in rents in 2020 due to the pandemic and

recession, which fell hardest on low- and moderate-income households, 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, in large part due to high rents, Seattle is the fifth most expensive U.S. city to live in;

and

WHEREAS, in 2021, as Seattle residents begin recover from the pandemic and recession, they

are experiencing landlords once again raising rates well above the rate of inflation; and

WHEREAS, rental housing industry analysis firm ApartmentList.com calculated that Seattle

rents increased an astounding 3.5 percent just between March and April 2021, the fifth

largest month-over-month increase among the nation's 100 largest cities, which is an

annualized rate of 42 percent rent increases with a trend expected to continue, as "the

days of plummeting rents in pricey coastal markets are officially behind us"; and

1 WHEREAS, ApartmentList.Com data also show that between January and April 2021, rents  
2 across the board in Seattle for apartments of all sizes increased by nine percent, putting  
3 rents on track to more than rebound in 2021 from the temporary 2020 drop; and

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

10 WHEREAS, Washington State and The City of Seattle currently require that landlords provide  
11 tenants with only 60 days’ written notice before imposing any rent increase, an  
12 insufficient amount of time for Seattle renters to adjust to the increase or seek out a new,  
13 affordable living situation; and

14 WHEREAS, because current State and City protections have not been sufficient to stave off  
15 large rent increases, many Seattle renters have had to leave the City, sometimes with little  
16 time to prepare; and

17 WHEREAS, the more the rent increases, the longer time a tenant may need to accumulate the  
18 savings needed to pay the increased rent or pay for first and last months’ rent in a new  
19 unit; and

20 WHEREAS, with sufficient notice, tenants may be able to manage their finances to pay a rent  
21 increase or save enough to move, but short notice periods of only a month or two make  
22 that management or savings less likely and increase the chances that the tenant will have  
23 to move; and

1 WHEREAS, giving tenants a longer period of notice may decrease the likelihood of moving, and  
2 consequently decrease the risk of housing instability or homelessness; and

3 WHEREAS, in September 2020 the City of Auburn adopted a law that requires landlords to  
4 provide at least 120 days’ notice for any rent increase of over five percent; and

5 WHEREAS, Portland, Oregon requires landlords to provide at least 90 days’ notice for any rent  
6 increase over five percent, Vancouver, British Columbia provides 90 days’ notice, and  
7 Tacoma, Washington provides 60 days’ notice; and

8 WHEREAS, in April 2019, the Seattle Renters’ Commission sent a letter to the Council  
9 recommending amendments to Seattle’s laws to provide renters with 180 days’ notice of  
10 a rent increase rather than 60 days; and

11 WHEREAS, the Seattle Renters’ Commission made clear that “[w]hile Portland, Vancouver, and  
12 Tacoma all offer better protections than Seattle, we see Montréal as the example to  
13 follow, as even 60 or 90 days is still not enough time for most Seattle tenants to rearrange  
14 their lives”; and

15 WHEREAS, Montreal requires up to 180 days’ notice of a rent increase, depending on the type  
16 of lease; and

17 WHEREAS, economic displacement has fallen hardest on Black communities and other  
18 communities of color, as evidenced by the fact that Seattle’s historically Black Central  
19 District, which used to be more than 70 percent African American, is today less than 20  
20 percent Black, and that Seattle has been found to be the third most gentrifying city in the  
21 country, and

1 WHEREAS, this gentrification and displacement due to rising rents has an overall deleterious  
2 effect on the social fabric of our community, and further magnifies and reinforces historic  
3 racial inequities; NOW, THEREFORE,

4 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

5 Section 1. Section 7.24.030 of the Seattle Municipal Code, last amended by Ordinance  
6 ~~125558~~125951, is amended as follows:

7 **7.24.030 Rental agreement requirements**

8 A. Any rental agreement or renewal of a rental agreement for a residential rental unit in  
9 The City of Seattle entered into after ~~((October 28, 1998,))~~ the effective date of ~~the~~this ordinance  
10 introduced as Council Bill 119585 shall include or shall be deemed to include a provision  
11 requiring ~~((a minimum of))~~ at least ~~((60))~~ 180 days' prior written notice whenever the periodic or  
12 monthly housing costs to be charged a tenant are to increase, except that for a subsidized tenancy  
13 where the amount of rent is based on the income of the tenant or circumstances specific to the  
14 subsidized household, the rental agreement shall instead provide ((a minimum of)) at least 30  
15 days' prior written notice of an increase in the amount of rent to each affected tenant. ((by ten  
16 percent or more)) over the periodic or monthly rental rate charged the same tenant for the same  
17 housing unit and same services for any period or month during the preceding 12-month period.

18 \* \* \*

19 ~~Section 2. Section 22.202.080 of the Seattle Municipal Code, last amended by Ordinance~~  
20 ~~125343, is amended as follows:~~

21 ~~**22.202.080 Documentation of notices**~~

22 ~~All written notices required by Chapters 22.200 through 22.208 to be provided to or served on~~  
23 ~~tenants by property owners, or on property owners by tenants, shall be documented in such a~~

~~manner as to confirm the date on which the notice was received. The use of email is allowed for written notices required under subsections 22.206.180.((J))I.1, 22.206.180.((J))I.2, and 22.206.180.((J))I.3.~~

Section ~~23~~. Section 22.206.180 of the Seattle Municipal Code, last amended by Ordinance ~~125952~~~~125054~~, is amended as follows:

**22.206.180 Prohibited acts by owners**

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

\* \* \*

H. Increase the periodic or monthly housing costs to be charged a tenant ~~((by 10 percent or more)) over the periodic or monthly housing costs charged the same tenant for the same housing unit and the same services for any period or month during the preceding 12-month period~~ without giving the tenant at least ~~((60))~~ 180 days prior written notice of the cost increase, except that for a subsidized tenancy where the amount of rent is based on the income of the tenant or circumstances specific to the subsidized household, the owner shall instead provide at least 30 days' prior written notice of an increase in the amount of rent to each affected tenant.

The notice shall describe how the tenant may obtain information about the rights and obligations of tenants and landlords under this Chapter 22.206; or

\* \* \*

I. ~~((Increase the periodic or monthly housing costs to be charged a tenant by less than 10 percent over the periodic or monthly housing costs charged the same tenant for the same housing unit and the same services for any period or month during the preceding 12-month period without giving the tenant at least 30 days prior written notice of the cost increase. The notice~~

1 ~~shall describe how the tenant may obtain information about the rights and obligations of tenants~~  
2 ~~and landlords under this Chapter 22.206; or~~

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

6 ~~1. When a tenant is notified of a proposed increase in periodic or monthly housing~~  
7 ~~costs, if the tenant believes the housing unit has defective conditions and does not comply with~~  
8 ~~the checklist prescribed by subsection 22.214.050.L and the weighted requirements of~~  
9 ~~22.214.050.M, the tenant may notify the owner of the potential application of this Section~~  
10 ~~22.206.180.((J))I.~~

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

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

16 ~~4. Upon inspection, if the Director determines the unit meets the requirements of~~  
17 ~~subsections 22.214.050.L and 22.214.050.M or that the conditions violating subsections~~  
18 ~~22.214.050.L and 22.214.050.M were caused by the tenant, the housing costs increase shall take~~  
19 ~~effect on the date specified in the notice of the housing costs increase.~~

20 ~~5. If the Director determines that the unit does not comply with the checklist~~  
21 ~~prescribed by subsection 22.214.050.L and the weighted requirements of subsection~~  
22 ~~22.214.050.M, the housing costs increase shall not take effect until the Director determines that~~  
23 ~~the housing unit complies with the checklist and the weighted requirements of subsection~~



1 ~~22.214.050.M. This determination must occur before the tenant may lawfully refuse payment of~~  
2 ~~the housing cost increase.~~

3 ~~6. If a tenant pays the increased housing costs prior or subsequent to a~~  
4 ~~determination by the Director that the housing unit does not comply with the checklist and the~~  
5 ~~weighted requirements of subsection 22.214.050.M, the owner shall refund to the tenant the~~  
6 ~~amount by which the housing costs paid exceeded the amount of housing costs otherwise due, or~~  
7 ~~provide a credit in that amount against the tenant's housing costs for the next rental period. The~~  
8 ~~refund or credit shall be prorated to reflect the period that the housing unit was determined to be~~  
9 ~~in compliance with the checklist and the weighted requirements of subsection 22.214.050.M. If~~  
10 ~~the owner elects to provide a refund rather than provide a credit, the refund shall be paid to the~~  
11 ~~tenant before the beginning of the next rental period. When calculating a pro-rata amount to be~~  
12 ~~credited or refunded, a 30-day month shall be used.~~

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

17 ~~8. The Director shall describe, by rule, SDCI's role when a tenant notifies SDCI~~  
18 ~~that a landlord has given the tenant notice pursuant to RCW 59.12.030 (3) ((3-day pay rent or~~  
19 ~~vacate notice))) and when the housing cost increase has been lawfully prohibited pursuant to~~  
20 ~~subsection 22.206.180.((J))I.5.~~

1 Section 34. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_,  
5 ~~2019~~2021, and signed by me in open session in authentication of its passage this \_\_\_\_ day of  
6 \_\_\_\_\_, ~~2019~~2021.

7 \_\_\_\_\_  
8 President \_\_\_\_\_ of the City Council

9 Approved/ ~~returned unsigned /vetoed~~ by me this \_\_\_\_\_ day of  
10 \_\_\_\_\_, ~~2019~~2021.

11 \_\_\_\_\_  
12 Jenny A. Durkan, Mayor

13 Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, ~~2019~~2021.

14 \_\_\_\_\_  
15 Monica Martinez Simmons, City Clerk

16 (Seal)

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

..title

AN ORDINANCE relating to residential rental properties; requiring a minimum of 180 days' prior written notice to tenants whenever the housing costs to be charged a tenant are to increase; and amending Sections 7.24.030, 22.202.080, and 22.206.180 of the Seattle Municipal Code.

..body

WHEREAS, Article 25 of the United Nations' Universal Declaration of Human Rights

recognizes housing as a human right; and

WHEREAS, notwithstanding a temporary drop in rents in 2020 due to the pandemic and

recession, which fell hardest on low- and moderate-income households, 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, in large part due to high rents, Seattle is the fifth most expensive U.S. city to live in;

and

WHEREAS, in 2021, as Seattle residents begin recover from the pandemic and recession, they

are experiencing landlords once again raising rates well above the rate of inflation; and

WHEREAS, rental housing industry analysis firm ApartmentList.com calculated that Seattle

rents increased an astounding 3.5 percent just between March and April 2021, the fifth

largest month-over-month increase among the nation's 100 largest cities, which is an

annualized rate of 42 percent rent increases with a trend expected to continue, as "the

days of plummeting rents in pricey coastal markets are officially behind us"; and

1 WHEREAS, ApartmentList.Com data also show that between January and April 2021, rents  
2 across the board in Seattle for apartments of all sizes increased by nine percent, putting  
3 rents on track to more than rebound in 2021 from the temporary 2020 drop; and

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

10 WHEREAS, Washington State and The City of Seattle currently require that landlords provide  
11 tenants with only 60 days’ written notice before imposing any rent increase, an  
12 insufficient amount of time for Seattle renters to adjust to the increase or seek out a new,  
13 affordable living situation; and

14 WHEREAS, because current State and City protections have not been sufficient to stave off  
15 large rent increases, many Seattle renters have had to leave the City, sometimes with little  
16 time to prepare; and

17 WHEREAS, the more the rent increases, the longer time a tenant may need to accumulate the  
18 savings needed to pay the increased rent or pay for first and last months’ rent in a new  
19 unit; and

20 WHEREAS, with sufficient notice, tenants may be able to manage their finances to pay a rent  
21 increase or save enough to move, but short notice periods of only a month or two make  
22 that management or savings less likely and increase the chances that the tenant will have  
23 to move; and

1 WHEREAS, giving tenants a longer period of notice may decrease the likelihood of moving, and  
2 consequently decrease the risk of housing instability or homelessness; and

3 WHEREAS, in September 2020 the City of Auburn adopted a law that requires landlords to  
4 provide at least 120 days’ notice for any rent increase of over five percent; and

5 WHEREAS, Portland, Oregon requires landlords to provide at least 90 days’ notice for any rent  
6 increase over five percent, Vancouver, British Columbia provides 90 days’ notice, and  
7 Tacoma, Washington provides 60 days’ notice; and

8 WHEREAS, in April 2019, the Seattle Renters’ Commission sent a letter to the Council  
9 recommending amendments to Seattle’s laws to provide renters with 180 days’ notice of  
10 a rent increase rather than 60 days; and

11 WHEREAS, the Seattle Renters’ Commission made clear that “[w]hile Portland, Vancouver, and  
12 Tacoma all offer better protections than Seattle, we see Montréal as the example to  
13 follow, as even 60 or 90 days is still not enough time for most Seattle tenants to rearrange  
14 their lives”; and

15 WHEREAS, Montreal requires up to 180 days’ notice of a rent increase, depending on the type  
16 of lease; and

17 WHEREAS, economic displacement has fallen hardest on Black communities and other  
18 communities of color, as evidenced by the fact that Seattle’s historically Black Central  
19 District, which used to be more than 70 percent African American, is today less than 20  
20 percent Black, and that Seattle has been found to be the third most gentrifying city in the  
21 country, and

1 WHEREAS, this gentrification and displacement due to rising rents has an overall deleterious  
2 effect on the social fabric of our community, and further magnifies and reinforces historic  
3 racial inequities; NOW, THEREFORE,

4 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

5 Section 1. Section 7.24.030 of the Seattle Municipal Code, last amended by Ordinance  
6 125951, is amended as follows:

7 **7.24.030 Rental agreement requirements**

8 A. Any rental agreement or renewal of a rental agreement for a residential rental unit in  
9 The City of Seattle entered into after ~~((October 28, 1998,))~~ the effective date of this ordinance  
10 shall include or shall be deemed to include a provision requiring ~~((a minimum of))~~ at least ~~((60))~~  
11 180 days' prior written notice whenever the periodic or monthly housing costs to be charged a  
12 tenant are to increase, except that for a subsidized tenancy where the amount of rent is based on  
13 the income of the tenant or circumstances specific to the subsidized household, the rental  
14 agreement shall instead provide ~~((a minimum of))~~ at least 30 days' prior written notice of an  
15 increase in the amount of rent to each affected tenant.

16 \* \* \*

17 Section 2. Section 22.206.180 of the Seattle Municipal Code, last amended by Ordinance  
18 125952, is amended as follows:

19 **22.206.180 Prohibited acts by owners**

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

22 \* \* \*

1 H. Increase the periodic or monthly housing costs to be charged a tenant without giving  
2 the tenant at least ((60)) 180 days prior written notice of the cost increase, except that for a  
3 subsidized tenancy where the amount of rent is based on the income of the tenant or  
4 circumstances specific to the subsidized household, the owner shall instead provide at least 30  
5 days' prior written notice of an increase in the amount of rent to each affected tenant. The notice  
6 shall describe how the tenant may obtain information about the rights and obligations of tenants  
7 and landlords under this Chapter 22.206; or

8 \* \* \*

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

12 Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2021,  
13 and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of  
14 \_\_\_\_\_, 2021.

15 \_\_\_\_\_

16 President \_\_\_\_\_ of the City Council

17 Approved/ returned unsigned /vetoed by me this \_\_\_\_\_ day of  
18 \_\_\_\_\_, 2021.

19 \_\_\_\_\_

20 Jenny A. Durkan, Mayor

1 Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

2 \_\_\_\_\_

3 Monica Martinez Simmons, City Clerk

4 (Seal)