



SEATTLE CITY COUNCIL

Legislative Summary

CB 118403

Record No.: CB 118403

Type: Ordinance (Ord)

Status: Passed

Version: 1

124862

In Control: City Clerk

File Created: 05/18/2015

Final Action: 09/29/2015

Title: AN ORDINANCE related to rental housing; and amending Seattle Municipal Code, subsection 22.206.160.C to require the owners of rental housing units to provide additional advance written notice to tenants prior to eviction.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Burgess, Okamoto

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: patrick.wigren@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

Yes

No

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Clerk	05/20/2015	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	05/20/2015	sent for review.	Committee on Housing Affordability, Human Services, and Economic Resiliency			
	Action Text: The Council Bill (CB) was sent for review. to the Committee on Housing Affordability, Human Services, and Economic Resiliency						
	Notes:						
1	Full Council	05/26/2015	referred	Committee on Housing Affordability, Human Services, and Economic Resiliency			

Action Text: The Council Bill (CB) was referred. to the Committee on Housing Affordability, Human Services, and Economic Resiliency

Notes:

1 Committee on Housing 06/04/2015
Affordability, Human
Services, and Economic
Resiliency

Notes: The Committee only discussed the item.

1 Committee on Housing 09/17/2015
Affordability, Human
Services, and Economic
Resiliency

1 Committee on Housing 09/17/2015 pass
Affordability, Human
Services, and Economic
Resiliency

Pass

Action Text: The Committee recommends that Full Council pass the Council Bill (CB).

Notes:

In Favor: 5 Chair Okamoto, Member Sawant, Alternate O'Brien, Burgess, Licata
Opposed: 0

1 Full Council 09/21/2015 passed

Pass

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

Notes:

In Favor: 9 Councilmember Bagshaw, Council President Burgess, Councilmember
Godden, Councilmember Harrell, Councilmember Licata, Councilmember
O'Brien, Councilmember Okamoto, Councilmember Rasmussen,
Councilmember Sawant
Opposed: 0

1 City Clerk 09/22/2015 submitted for Mayor
Mayor's signature

Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor

Notes:

1 Mayor 09/29/2015 Signed

Action Text: The Council Bill (CB) was Signed.

Notes:

1 Mayor 09/29/2015 returned City Clerk

Action Text: The Council Bill (CB) was returned. to the City Clerk

Notes:

1 City Clerk 09/29/2015 attested by City
Clerk

Action Text: The Ordinance (Ord) was attested by City Clerk.

Notes:

CITY OF SEATTLE
ORDINANCE 124862
COUNCIL BILL 118403

AN ORDINANCE related to rental housing; and amending Seattle Municipal Code subsection 22.206.160.C to require the owners of rental housing units to provide additional advance written notice to tenants prior to eviction.

WHEREAS, an owner of rental housing is currently required to provide 20 days' notice to a tenant when the owner decides to evict a tenant to allow the owner or a member of the owner's immediate family to occupy a unit; and

WHEREAS, similarly, an owner of a single family dwelling unit is currently required to provide 60 days' notice to a tenant when the owner elects to evict the tenant and sell the dwelling unit; and

WHEREAS, the vacancy rate for rental housing in Seattle is currently under 5 percent, making it difficult for tenants to obtain housing in a short time period; and

WHEREAS, providing additional time for a tenant to find new housing in the circumstances described above will help tenants obtain new housing; NOW, THEREFORE;

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection 22.206.160.C of the Seattle Municipal Code, which section was last amended by Ordinance 123564, is amended as follows:

C. Just Cause Eviction((;-))

1. Pursuant to provisions of the state Residential Landlord-Tenant Act (RCW 59.18.290), owners may not evict residential tenants without a court order, which can be issued by a court only after the tenant has an opportunity in a show cause hearing to contest the eviction

1 (RCW 59.18.380). In addition, owners of housing units shall not evict or attempt to evict any
2 tenant, or otherwise terminate or attempt to terminate the tenancy of any tenant unless the owner
3 can prove in court that just cause exists. The reasons for termination of tenancy listed below, and
4 no others, shall constitute just cause under this ((s))Section 22.206.160:

5 a. The tenant fails to comply with a three day notice to pay rent or
6 vacate pursuant to RCW 59.12.030(3); a ten day notice to comply or vacate pursuant to RCW
7 59.12.030(4); or a three day notice to vacate for waste, nuisance (including a drug-related
8 activity nuisance pursuant to ((RCW))Chapter 7.43 RCW), or maintenance of an unlawful
9 business or conduct pursuant to RCW 59.12.030(5);

10 b. The tenant habitually fails to pay rent when due which causes
11 the owner to notify the tenant in writing of late rent four or more times in a 12 month period;

12 c. The tenant fails to comply with a ten day notice to comply or
13 vacate that requires compliance with a material term of the rental agreement or that requires
14 compliance with a material obligation under ((RCW-))Chapter 59.18 RCW;

15 d. The tenant habitually fails to comply with the material terms of
16 the rental agreement which causes the owner to serve a ten day notice to comply or vacate
17 three or more times in a 12 month period;

18 e. The owner seeks possession so that the owner or a member of his
19 or her immediate family may occupy the unit as that person's principal residence and no
20 substantially equivalent unit is vacant and available in the same building, and the owner has
21 given the tenant at least 90 days' advance written notice of the date the tenant's possession is to
22 end. The Director may reduce the time required to give notice to no less than 20 days if the
23 Director determines that delaying occupancy will result in a personal hardship to the owner or to

1 the owner's immediate family. Personal hardship may include but is not limited to hardship
2 caused by illness or accident, unemployment, or job relocation. For the purposes of this Section
3 22.206.160, "Immediate family" ((shall)) includes the owner's domestic partner registered
4 pursuant to Section 1 of Ordinance 117244¹² or the owner's spouse, parents, grandparents,
5 children, brothers and sisters of the owner, of the owner's spouse, or of the owner's domestic
6 partner. There is ((shall be)) a rebuttable presumption of a violation of this subsection
7 22.206.160.C.1.((a))e if the owner or a member of the owner's immediate family fails to occupy
8 the unit as that person's principal residence for at least 60 consecutive days during the 90 days
9 immediately after the tenant vacated the unit pursuant to a notice of termination or eviction using
10 this subparagraph as the cause for eviction;

11 f. The owner elects to sell a single-family dwelling unit and gives
12 the tenant at least ~~((60))~~90 days' written notice prior to the date set for vacating, which date
13 shall coincide with the end of the term of a rental agreement, or if the agreement is month to
14 month, with the last day of a monthly period. The Director may reduce the time required to
15 give notice to no less than 60 days if the Director determines that providing 90 days' notice
16 will result in a personal hardship to the owner. Personal hardship may include but is not
17 limited to hardship caused by illness or accident, unemployment, or job relocation. For the
18 purposes of this ((s))Section 22.206.160, an owner "elects to sell" when the owner makes
19 reasonable attempts to sell the dwelling within 30 days after the tenant has vacated, including,
20 at a minimum, listing it for sale at a reasonable price with a realty agency or advertising it for
21 sale at a reasonable price in a newspaper of general circulation. There shall be a rebuttable
22 presumption that the owner did not intend to sell the unit if:

1 1) \$2,000 for a tenant household with an income during the
2 past 12 months at or below 50 percent of the County median income, or

3 2) Two months' rent for a tenant household with an income
4 during the past 12 months above 50 percent of the County median income;

5 k. The owner seeks to reduce the number of individuals residing in
6 a dwelling unit to comply with the maximum limit of individuals allowed to occupy one
7 dwelling unit, as required by Title 23, and:

8 1) a) The number of such individuals was more than is
9 lawful under the current version of Title 23 or Title 24 but was lawful under Title 23 or Title
10 24 on August 10, 1994;

11 b) That number has not increased with the
12 knowledge or consent of the owner at any time after August 10, 1994; and

13 c) The owner is either unwilling or unable to obtain
14 a permit to allow the unit with that number of residents.

15 2) The owner has served the tenants with a 30 day notice,
16 informing the tenants that the number of tenants exceeds the legal limit and must be reduced to
17 the legal limit,

18 3) After expiration of the 30 day notice, the owner has
19 served the tenants with and the tenants have failed to comply with a ten day notice to comply
20 with the limit on the number of occupants or vacate, and

21 4) If there is more than one rental agreement for the unit,
22 the owner may choose which agreements to terminate; provided that, the owner may either
23 terminate no more than the minimum number of rental agreements necessary to comply with

1 the legal limit on the number of occupants, or, at the owner's option, terminate only those
2 agreements involving the minimum number of occupants necessary to comply with the legal
3 limit;

4 1. 1) The owner seeks to reduce the number of individuals
5 who reside in one dwelling unit to comply with the legal limit after receipt of a notice of
6 violation of the Title 23 restriction on the number of individuals allowed to reside in a
7 dwelling unit, and:

8 a) The owner has served the tenants with a 30 day
9 notice, informing the tenants that the number of tenants exceeds the legal limit and must be
10 reduced to the legal limit; provided that, no 30 day notice is required if the number of tenants
11 was increased above the legal limit without the knowledge or consent of the owner;

12 b) After expiration of the 30 day notice required by
13 subsection 22.206.160.1.1.a above, or at any time after receipt of the notice of violation if no
14 30 day notice is required pursuant to subsection 22.206.160.1.1.a, the owner has served the
15 tenants with and the tenants have failed to comply with a ~~((10))~~ten day notice to comply with
16 the maximum legal limit on the number of occupants or vacate; and

17 c) If there is more than one rental agreement for the
18 unit, the owner may choose which agreements to terminate; provided that, the owner may
19 either terminate no more than the minimum number of rental agreements necessary to comply
20 with the legal limit on the number of occupants, or, at the option of the owner, terminate only
21 those agreements involving the minimum number of occupants necessary to comply with the
22 legal limit.

1 2) For any violation of the maximum legal limit on the
2 number of individuals allowed to reside in a unit that occurred with the knowledge or consent
3 of the owner, the owner is required to pay relocation assistance to the tenant(s) of each such
4 unit at least two weeks prior to the date set for termination of the tenancy, at the rate of:

5 a) \$2,000 for a tenant household with an income
6 during the past 12 months at or below 50 percent of the county median income, or

7 b) Two months' rent for a tenant household with an
8 income during the past 12 months above 50 percent of the county median income;

9 m. The owner seeks to discontinue use of an accessory dwelling
10 unit for which a permit has been obtained pursuant to Sections 23.44.041 and 23.45.545 after
11 receipt of a notice of violation of the development standards provided in those sections. The
12 owner is required to pay relocation assistance to the tenant household residing in such a unit at
13 least two weeks prior to the date set for termination of the tenancy, at the rate of:

14 1) \$2,000 for a tenant household with an income during the
15 past 12 months at or below 50 percent of the county median income, or

16 2) Two months' rent for a tenant household with an income
17 during the past 12 months above 50 percent of the county median income;

18 n. An emergency order requiring that the housing unit be vacated
19 and closed has been issued pursuant to Section 22.206.260 and the emergency conditions
20 identified in the order have not been corrected;

21 o. The owner seeks to discontinue sharing with a tenant of the
22 owner's own housing unit, i.e., the unit in which the owner resides, seeks to terminate the
23 tenancy of a tenant of an accessory dwelling unit authorized pursuant to Sections 23.44.041

1 and 23.45.545 that is accessory to the housing unit in which the owner resides, or seeks to
2 terminate the tenancy of a tenant in a single-family dwelling unit and the owner resides in an
3 accessory dwelling unit on the same lot. This subsection 22.206.160.C.1.o does not apply if
4 the owner has received a notice of violation of the development standards of Section
5 23.44.041. If the owner has received such a notice of violation, subsection 22.206.160.C.1.m
6 applies;

7 p. A tenant, or with the consent of the tenant, (~~his or her~~)the
8 tenant's subtenant, sublessee, resident, or guest, has engaged in criminal activity on the
9 premises, or on the property or public right-of-way abutting the premises, and the owner has
10 specified in the notice of termination the crime alleged to have been committed and the
11 general facts supporting the allegation, and has assured that the Department of Planning and
12 Development has recorded receipt of a copy of the notice of termination. For purposes of this
13 subsection 22.206.160.C.1.p, a person has "engaged in criminal activity" if he or she:

14 1) Engages in drug-related activity that would constitute a
15 violation of (~~RCW~~) Chapters 69.41, 69.50, or 69.52 RCW, or

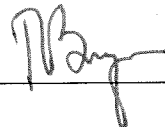
16 2) Engages in activity that is a crime under the laws of this
17 state, but only if the activity substantially affects the health or safety of other tenants or the
18 owner.

19 * * *
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1 Section 2. 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.

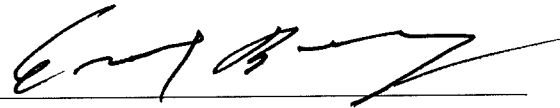
4 Passed by the City Council the 21st day of September, 2015, and
5 signed by me in open session in authentication of its passage this

6 21st day of September, 2015.

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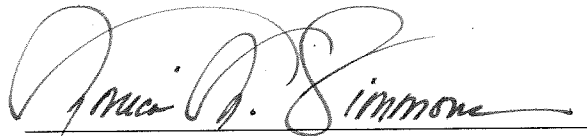
9 President _____ of the City Council

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11 Approved by me this 24th day of September, 2015.

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14 Edward B. Murray, Mayor

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16 Filed by me this 29th day of September, 2015.

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19 Monica Martinez Simmons, City Clerk

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22 (Seal)