

**CITY OF SEATTLE**

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

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

..title

AN ORDINANCE relating to the use of extensively damaged motor vehicles; prohibiting persons from allowing the occupation of extensively damaged motor vehicles; and adding a new Chapter 11.75 to the Seattle Municipal Code.

...body

WHEREAS, the occupation of extensively damaged motor vehicles has increased in frequency over time in the City of Seattle; and

WHEREAS, many of these vehicles are parked in the public right-of-way and the requirements of the Housing and Building Maintenance Code are not applied to these vehicles; and

WHEREAS, many who use these vehicles belong to vulnerable populations and are occupying or renting the vehicle through an arrangement with the person who controls the vehicle; and

WHEREAS, the safety and cleanliness of these vehicles often poses a health and safety risk to those using the vehicles and the public; and

WHEREAS, the people who control extensively damaged vehicles often display predatory behavior where they benefit from a person residing in the vehicle despite it posing a health or safety risk for the occupant; and

WHEREAS, it is the responsibility of the person who controls the vehicle to maintain the condition of the vehicle; and

WHEREAS, it is incumbent upon the City to protect its residents from predatory practices happening within the right-of-way; NOW, THEREFORE,

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

Section 1. A new Chapter 11.75 of the Seattle Municipal Code is added as follows:

**CHAPTER 11.75 USE OF EXTENSIVELY DAMAGED MOTOR VEHICLES**

1 **~~11.75.010 Extensively damaged motor vehicles~~ Definitions**

2 ~~No person shall allow another natural person to occupy any motor vehicle (or recreational~~  
3 ~~vehicle, as defined in Section 22.904.010 for~~ For the purposes of this Chapter 11.75) ~~located on a~~  
4 ~~street or alley open to the public, or on municipal or other public property, that is extensively, the~~  
5 following definitions apply:

6 “Extensively damaged—A” means a motor or recreational vehicle ~~is extensively damaged~~  
7 ~~if it~~that meets at least two of the following five conditions:

8 ~~A~~1. Has a broken window or windshield and/or missing wheels or tires;

9 ~~B~~2. Is apparently inoperable;

10 ~~C~~3. Has inadequate sanitation to the extent that occupants or the general public  
11 are directly exposed to the risk of illness or injury, including but not limited to:

12 ~~1a.~~ 1a. Infestation by insects, vermin, rodents, or other pests;

13 ~~2b.~~ 2b. Accumulation of garbage and rubbish;

14 ~~3. Hazardous. For vehicles designed to have a wastewater system, a~~  
15 hazardous and/or inoperable wastewater system leading to improper disposal and/or  
16 discharge of sewage;

17 ~~4d.~~ 4d. Leaking automotive fluids and other hazardous/dangerous materials;

18 or

19 ~~5e.~~ 5e. Poor indoor air quality due to mold, exposed insulation, or other air  
20 pollutants;

21 ~~D~~4. Creates a health, fire, or safety hazard, including but not limited to:

22 ~~1a.~~ 1a. Accumulation of junk, debris, or combustible materials; or

1                           **2b.** Any device, apparatus, equipment, waste, vegetation, or other material  
2                           in such condition as to cause a fire or explosion or to provide a ready fuel to augment the  
3                           spread or intensity of fire or explosion; or

4                           **E5.** Has inadequate protection to the extent that occupants are exposed to the  
5                           weather, including but not limited to:

6                           **1a.** Crumbling, broken, loose, or missing walls or ceiling covering;

7                           **2b.** Broken or missing doors, windows, or door frames;

8                           **3c.** Ineffective or inadequate waterproofing; or

9                           **4d.** Deteriorated, buckled, broken, decayed, or missing walls or roof.—

10                           “Predatory vehicle landlord” means a person who allows another natural person to  
11 occupy any motor vehicle (or recreational vehicle, as defined in Section 22.904.010 for purposes  
12 of this Chapter 11.75) located on a street or alley open to the public, or on municipal or other  
13 public property, that is extensively damaged.

14 **11.75.020 Extensively damaged motor vehicles**

15 No person shall act as a predatory vehicle landlord.

16 **11.75.030 Enforcement and penalties**

17                           A. The first violation of this Chapter 11.75 shall be a class 1 civil infraction as  
18 contemplated by chapter 7.80 RCW for which there shall be a penalty of \$250, which penalty  
19 shall not be suspended or deferred.

20                           B. A second or subsequent violation of this Chapter 11.75 is a misdemeanor subject to  
21 the provisions of Chapters 12A.02 and 12A.04, except that absolute liability shall be imposed for  
22 such a violation and none of the mental states described in Section 12A.04.030 need be proved.

1 C. Each day a violation of this Chapter 11.75 continues and each occurrence of a  
2 prohibited activity shall be considered a separate offense.

3 D. A person violating the provisions of this Chapter 11.75 is required to submit  
4 relocation assistance and any money paid by the occupant of the vehicle as rent, security deposit,  
5 move-in fee, or other fee with the clerk of the municipal court or its successor agency in a form  
6 acceptable to the clerk shall also pay restitution to the person(s) occupying or renting the motor or  
7 recreational vehicle, including but not limited to, reimbursement for any money paid and the  
8 costs associated with relocating, up to \$2,000.

9 E.E. The Director of the Human Services Department or its successor agency shall  
10 promulgate rules related to the implementation of this Chapter 11.75, including the process  
11 through which outreach and assistance services are offered to vehicle residents, the training of  
12 required personnel, and requirements for offering alternative housing and shelter options.

13 F. This Chapter 11.75 does not apply to a temporary occupation of a motor or  
14 recreational vehicle primarily for purposes of driving, repair, or towing.

15 G. Initiating or continuing an investigation into the potential violation of Section  
16 11.75.020 shall not occur if there is an explicit objection from the person allowed to occupy the  
17 motor vehicle that is deemed to be extensively damaged if such enforcement would increase the  
18 occupant's vulnerability or exposure to unsafe living conditions. An explicit objection shall not  
19 impede initiating an investigation in circumstances where there is a reasonable suspicion that the  
20 occupant of the motor vehicle is being coerced.

21 **11.75.040 Predatory Vehicle Landlord Victim's Assistance Program**

22 A. It shall be the duty of the Director of the Human Services Department or its successor  
23 agency to establish and administer a program of benefits to the following:

1 1. Victims of predatory vehicle landlords who are entitled to receive relocation  
2 assistance or the reimbursement of money paid, or;

3 2. Vehicle occupants whose vulnerability or exposure to unsafe living conditions  
4 will increase as a result of this Chapter 11.75.

5 B. The program shall be called the Predatory Vehicle Landlord Victim’s Assistance  
6 Program (Program).

7 C. The relocation assistance and payments set forth in subsection 11.75.030.D shall be  
8 collected by the clerk of the municipal court and shall be deposited in the Program.

9 D. The Director shall:

10 1. Establish and adopt rules governing the administration of the Program,  
11 including provisions to advance funds to the recipient;

12 2. Supervise the provision of outreach and assistance to connect recipients with  
13 housing and services; and

14 3. Promulgate procedures, civil penalties, rates of interest, and requirements for  
15 legal action to address circumstances where a predatory vehicle landlord has failed to repay  
16 relocation assistance or money owed to the occupant as outlined in subsection 11.75.030.D.

17 **11.75.050 Possessions of displaced individuals**

18 Individuals occupying an extensively damaged vehicle must be provided the opportunity to  
19 remove their possessions from the vehicle without penalty. If the individual acting as a predatory  
20 vehicle landlord stops allowing an individual to occupy the extensively damaged vehicle and  
21 fails to provide access to the occupant’s possessions within three days of that change or if the  
22 occupant’s possessions are disposed of, the penalties, restitution, and assistance outlined in  
23 Section 11.75.030 and 11.75.040 may be applied.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2019,  
5 and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of  
6 \_\_\_\_\_, 2019.

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

9 Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.  
10 \_\_\_\_\_  
11 Jenny A. Durkan, Mayor

12 Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.  
13 \_\_\_\_\_  
14 Monica Martinez Simmons, City Clerk

15 (Seal)