

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~~recreational vehicles has increased in frequency over time in the City of Seattle; and

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

WHEREAS, the people who control extensively damaged recreational 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 recreational vehicle to maintain the condition of the vehicle; and

WHEREAS, it is incumbent upon the City to protect its residents from predatory practices;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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

2 **CHAPTER 11.75 USE OF EXTENSIVELY DAMAGED ~~MOTOR-RECREATIONAL~~**
3 **VEHICLES**

4 **11.75.010 Definitions**

5 For the purposes of this Chapter 11.75, the following definitions apply:

6 “Extensively damaged” means a ~~motor-or~~ recreational vehicle that meets at least two of
7 the following five conditions:

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

9 2. Is apparently inoperable;

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

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

13 b. Accumulation of garbage and rubbish;

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

16 d. Leaking automotive fluids and other hazardous/dangerous materials; or

17 e. Poor indoor air quality due to mold, exposed insulation, or other air
18 pollutants;

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

20 a. Accumulation of junk, debris, or combustible materials excluding
21 possessions of the occupant that have apparent utility in their present condition and are
22 not hazardous; or

1 b. 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 5. Has inadequate protection to the extent that occupants are exposed to the
5 weather, including but not limited to:

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

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

8 c. Ineffective or inadequate waterproofing; or

9 d. 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),² located on a street or alley open to the public, or on municipal or other
13 public property, that is extensively damaged. The term does not include individuals who inhabit
14 a vehicle and allow other occupants to cohabit with them.

15 ~~**11.75.020 Extensively damaged motor vehicles**~~

16 ~~A. No person shall act as a predatory vehicle landlord.~~

17 ~~B.~~

18 **11.75.030 Enforcement and penalties**

19 A. The first violation of this Chapter 11.75 shall be a civil infraction and shall be
20 punished by a civil fine of \$1,000~~be a class 1 civil infraction as contemplated by chapter 7.80~~
21 ~~RCW for which there shall be a penalty of \$250~~, which penalty shall not be suspended or
22 deferred.

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

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

6 ~~D. A person violating the provisions of this Chapter 11.75 is required to submit~~
7 ~~relocation assistance and any money paid by the occupant of the vehicle as rent, security~~
8 ~~deposit, move-in fee, or other fee with the clerk of the municipal court or its successor~~
9 ~~agency in a form acceptable to the clerk.~~

10 E. The Director of the Human Services Department or its successor agency shall
11 promulgate rules no later than February 1, 2020 related to the implementation of this
12 Chapter-11.75, including the process through which outreach and assistance services are offered
13 to vehicle residentsoccupants prior to and during an investigation, the training of required
14 personnel, and requirements for offering alternative housing and shelter options.

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

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

23 **11.75.040 Predatory Vehicle Landlord Victim's Assistance Program**

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

3 1. Victims of predatory vehicle landlords who ~~are entitled to receive relocation~~
4 ~~assistance or the reimbursement of money paid~~ are unable to recoup rent, security deposits,
5 move-in fees, possessions, relocation expenses, or other costs after being displaced from an
6 extensively damaged recreational vehicle;

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

9 B. The program shall be called the Predatory Vehicle Landlord Victim's Assistance
10 Program (Program).

11 C. The ~~relocation assistance and~~ payments set forth in ~~sub~~section 11.75.030.D shall be
12 collected by the clerk of the municipal court and shall be deposited in the Program.

13 D. The Director shall:

14 1. Establish and adopt rules governing the administration of the Program,
15 including provisions to advance funds on behalf of the victim;

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

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

21 **11.75.050 Possessions of displaced individuals**

22 ~~Individuals occupying an extensively damaged vehicle must be provided the opportunity to~~
23 ~~remove their possessions from the vehicle without penalty.~~ If the individual acting as a predatory

1 vehicle landlord ~~stops allowing an individual to occupy~~ violates the ~~extensively damaged vehicle~~
2 provisions of subsection 11.75.020.B and ~~fails to~~ does not provide ~~access to the occupant's access~~
3 to their possessions within three days, ~~of that change or if the occupant's possessions are~~
4 ~~disposed of, the penalties, restitution, and assistance outlined in Section 11.75.030 and 11.75.040~~
5 ~~may be applied~~ it shall be a class 1 civil infraction as contemplated by chapter 7.80 RCW for
6 which there shall be a penalty of \$250, which penalty shall not be suspended or deferred. Where
7 appropriate the court shall order restitution.

8 11.75.060 Report

9 A quarterly report shall be submitted by the Director of the Human Services Department or its
10 successor to the chair of the Finance and Neighborhoods Committee, or its successor, for three
11 years beginning on July 1, 2020. The report shall include the following elements:

12 A. Number of predatory vehicle landlords that have been issued civil infractions or
13 misdemeanors;

14 B. Number of extensively damaged recreational vehicles that were made available for
15 occupation by predatory vehicle landlords;

16 C. Number of occupants who were displaced from an extensively damaged recreational
17 vehicle;

18 D. Number of occupants who moved out of a recreational vehicle provided by a
19 predatory vehicle landlord into housing or shelter, broken down by:

20 1. Permanent supportive housing;

21 2. Rapid re-housing;

22 3. Other permanent housing;

23 4. Enhanced shelter;

1 5. Tiny home village or sanctioned encampment; and

2 6. Basic shelter;

3 E. Number of occupants who received assistance through the Predatory Vehicle Landlord

4 Victim's Assistance Program;

5 F. Information on the amount and type of assistance received through the Predatory

6 Vehicle Landlord Victim's Assistance Program; and

7 G. Information on challenges to enforcing this Chapter 11.75 and the practice of acting as
8 a predatory vehicle landlord in Seattle

9 Section 2. A new Section 11.75.020 is added to Chapter 11.75 of the Seattle Municipal
10 Code is added as follows:

11 **11.75.020 Extensively damaged motor vehicles**

12 A. No person shall act as a predatory vehicle landlord.

13 B. A predatory vehicle landlord must provide the occupant of an extensively damaged
14 recreational vehicle the opportunity to remove their possessions from the vehicle without
15 penalty.

16 Section 3. Section 2 of this ordinance shall take effect and be in force on March 1, 2020.

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

20

1 Passed by the City Council the _____ day of _____, 2019,

2 and signed by me in open session in authentication of its passage this _____ day of

3 _____, 2019.

4 _____

5 President _____ of the City Council

6 Approved by me this _____ day of _____, 2019.

7 _____

8 Jenny A. Durkan, Mayor

9 Filed by me this _____ day of _____, 2019.

10 _____

11 Monica Martinez Simmons, City Clerk

12 (Seal)