

January 22, 2020

## MEMORANDUM

**To:** Sustainability & Renters' Rights Committee  
**From:** Aly Pennucci, Supervising Analyst  
**Subject:** Council Bill 119726 – Limitation on Winter Evictions

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On January 23, 2020 the Sustainability & Renters' Rights Committee will discuss and possibly vote on [Council Bill \(CB\) 119726](#), which would amend Seattle Municipal Code (SMC) 22.206.160. The proposed bill amends the "Just Cause Eviction Ordinance" (JCEO) (SMC 22.206.160) by providing a defense to an eviction<sup>1</sup> between November 1 and April 1. A landlord could still pursue an eviction order in court during this time, but the physical eviction would be delayed until April 1.

This memorandum: (1) outlines the policy intent of the proposal; (2) provides background information on related policies in other jurisdictions, (3) describes the City's existing JCEO and how proposed bill would modify the JCEO, and (4) describes two proposed amendments for the Committee's consideration.

### Policy Intent

CB 119726 is intended to prevent physical evictions in winter months because eviction often leads to homelessness and sleeping outdoors increases the likelihood of developing exposure related conditions. In September 2018, the Seattle Women's Commission and the King County Bar Association jointly published [Losing Home: The Human Cost of Eviction in Seattle](#), finding that most of the evicted respondents in their study became homeless, with 37.5 percent completely unsheltered, 25 percent living in a shelter or transitional housing, and 25 percent staying with family or friends. In 2018, the King County Medical Examiner's Office (KCMEO) investigated the deaths of 194 individuals presumed to be homeless. KCMEO concluded that, of those deaths, over half (n=107) occurred outside and approximately 62 percent (n=121) were attributable to non-natural causes, such as drug overdoses, accidents (that includes hypothermia), suicide, homicide, and undetermined).<sup>2</sup>

As Chart 1 illustrates, average temperatures in the Seattle area are lowest between November and April, with the lowest average temperatures in December, January, and February. Similarly, Chart 2 indicates, the average monthly amount of precipitation and number of days of precipitation increases during the same period, with November, December, and January seeing comparatively higher amounts and greater frequency of precipitation.

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<sup>1</sup> An eviction (also known as a Writ of Restitution) involves a tenant being ordered by the court to leave a residence.

<sup>2</sup> <https://www.kingcounty.gov/depts/health/examiner/annual-report/~media/depts/health/medical-examiner/documents/2018-annual-summary-homeless-deaths.ashx>

Chart 1: Average Monthly Temperatures in the Seattle Area<sup>3</sup>

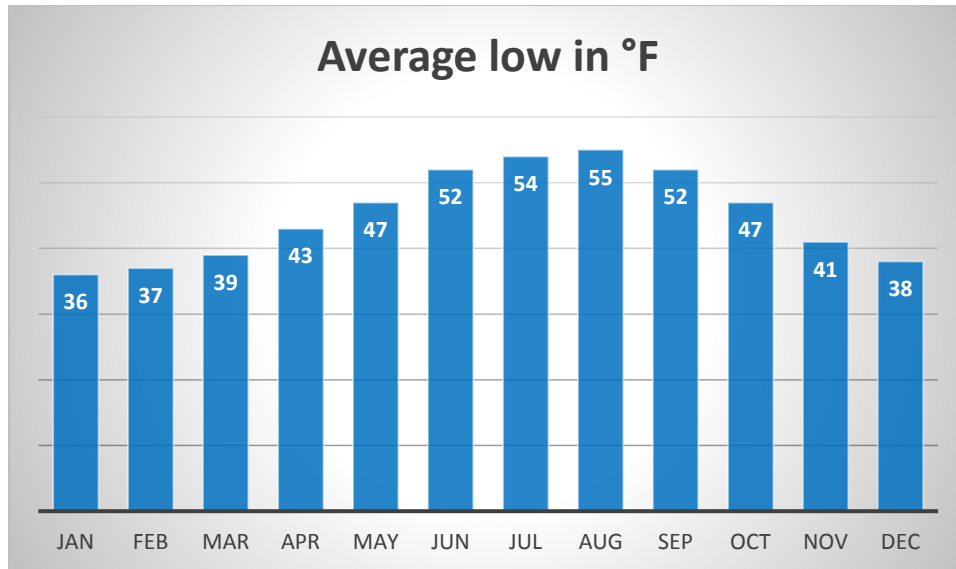
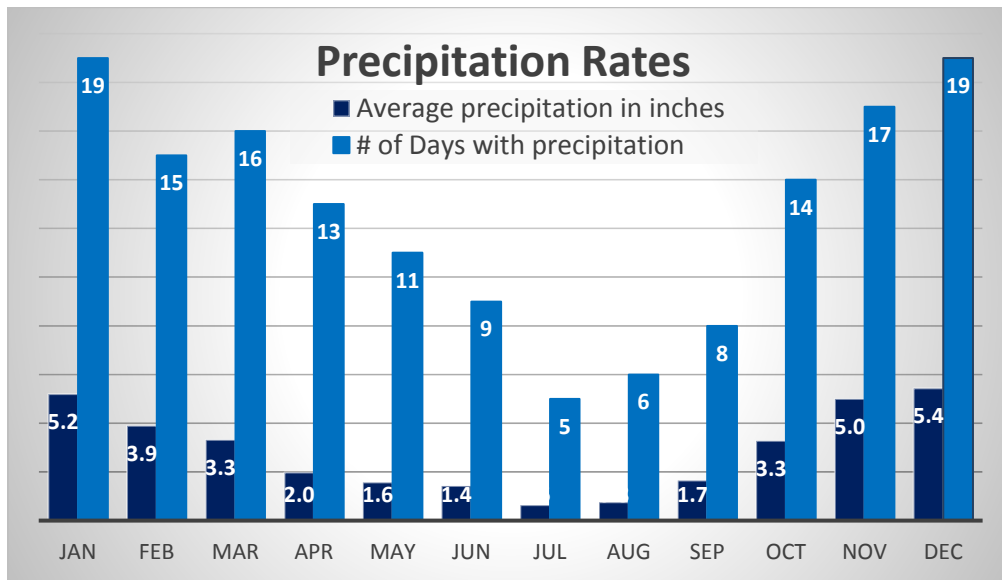


Chart 2: Average Monthly Precipitation Rates and Number of Days per Month with Precipitation in the Seattle Area



While temperatures in Seattle may not regularly drop as low as some parts of the country, exposure related conditions such as hypothermia are not solely temperature related. Rather wind and precipitation also cause the body to rapidly lose heat, with wet clothing significantly increasing heat loss. Prolonged exposure to conditions below that of body temperature can

<sup>3</sup> Information collected on 1/20/2020 from the National Weather Service (<https://w2.weather.gov/climate/index.php?wfo=sew>) and from U.S. Climate Data (<https://www.usclimatedata.com/climate/seattle/washington/united-states/uswa0395>)

lead to hypothermia. Alcohol and drug use also increase the possibility of exposure related conditions.<sup>4</sup>

## Background

Paris, France is the only known example of a city that bans evictions in winter months. Adopted in the mid-1950s Paris’s “trêve hivernale” (“winter break”) policy prohibits evictions between November 1 and April 1 in cases where permanent replacement housing is not available. However, exceptions exist, such as evictions to remove an abusive partner from a home.

While there are no known U.S. examples of limiting physical evictions during specific periods of the year, there are examples in other jurisdictions that limit evictions, as well as utility shut offs, seasonally or under specified weather conditions. Samples of these policies are described in Table 1. These examples offer strategies other jurisdictions have used to prevent cold weather-related exposure, and limit disruption to school-age children, as well as teachers, during the school year.

*Table 1: Related Policies Found in Other Jurisdictions*

Location	Description	Reference
<b>Limits on Enforcing Evictions Due to Cold Weather<sup>5</sup></b>		
<b>Cook County, IL</b>	Cook County Sheriff’s Office enforces eviction orders entered by the Circuit Court of Cook County. During adverse weather conditions, such as when the temperature drops below 15 degrees Fahrenheit, the Circuit Court of Cook County may issue a general order to the Sheriff to cease execution of eviction orders for a set period of time. (See example <a href="#">here</a> of an order issued in November 2019 that ceased enforcement of eviction orders until January 2, 2020.)	<a href="http://www.cookcountysheriff.org/courts/civil-services/eviction-procedure-plaintiffs-guide/">http://www.cookcountysheriff.org/courts/civil-services/eviction-procedure-plaintiffs-guide/</a>
<b>Washington DC</b>	US Marshal Service (USMS) enforces eviction orders in Washington D.C. It does not execute eviction orders during precipitation or when the temperature is forecasted to fall below 32 degrees Fahrenheit. The eviction is instead completed on the next available date that the temperature and precipitation permit.	<a href="https://www.usmarshals.gov/district/dc-sc/general/evictions.htm">https://www.usmarshals.gov/district/dc-sc/general/evictions.htm</a>

<sup>4</sup> See <https://www.mayoclinic.org/diseases-conditions/hypothermia/symptoms-causes/syc-20352682> and [http://www.nationalhomeless.org/publications/winter\\_weather/Winter\\_weather\\_report.pdf](http://www.nationalhomeless.org/publications/winter_weather/Winter_weather_report.pdf) for more discussion on these topics.

<sup>5</sup> Note that unlike CB 119726 (that would provide a defense in an eviction proceeding to avoid execution of an eviction between November 1 and April 1) the policies described in Table 1 place limits on when the responsible entity (typically a sheriff’s office) may enforce the physical eviction. The City of Seattle does not have jurisdiction over the Sheriff of King County who is responsible for enforcing evictions in Seattle.

Location	Description	Reference
<b>Montgomery County, MD</b>	Montgomery County Sherriff's Office enforces eviction orders in Montgomery County, MD, but delays enforcing evictions if it is raining or snowing at the scheduled time of the eviction, or if the predicted high from the national weather service is 32 degrees or lower. If an eviction is canceled as a result of bad weather, it will be rescheduled as soon as possible.	<a href="https://www.montgomerycountymd.gov/sheriff/sections/eviction-section.html">https://www.montgomerycountymd.gov/sheriff/sections/eviction-section.html</a>
<b>Limits on Utility Shut-offs Due to Cold Weather<sup>6</sup></b>		
<b>Minnesota Cold Weather Rule (CWR)</b>	Protects eligible customers from natural gas shut offs from October 15 to April 15. All electric and natural gas companies must offer CWR protection. Different types of payment plans are available, depending on household income.	<a href="https://mn.gov/puc/consumers/help/shut-off-protection/">https://mn.gov/puc/consumers/help/shut-off-protection/</a>
<b>Missouri Cold Weather Rule</b>	Protects customers, under certain conditions, from being disconnected from November 1 to March 31. Qualifying customers are provided lenient payment terms. The rule applies to natural gas and electric utilities under the Missouri Public Service Commission jurisdiction that provide heat-related service.	<a href="https://psc.mo.gov/Forms/Cold%20Weather%20Rule">https://psc.mo.gov/Forms/Cold%20Weather%20Rule</a>
<b>Kansas Cold Weather Rule</b>	Prohibits utility disconnection when 48-hour temperature forecasts drop below 35 degrees Fahrenheit.	<a href="https://kcc.ks.gov/consumer-information/cold-weather-rule">https://kcc.ks.gov/consumer-information/cold-weather-rule</a>
<b>Limits on Evictions during the School Year<sup>7</sup></b>		
<b>San Francisco, CA</b>	It is a defense to eviction if a child under the age of 18 or any educator resides in the unit; the child or educator is a tenant in the unit or has a custodial or family relationship with a tenant in the unit; the tenant has resided in the unit for 12 months or more; and the effective date of the notice of termination of tenancy falls during the school year.	<a href="https://sfrb.org/section-379-evictions">https://sfrb.org/section-379-evictions</a>
<b>Santa Monica, CA</b>	By ordinance, educators and students during the school year are provided extra protections in the case of no-fault evictions.	<a href="https://www.smgov.net/uploadedFiles/Departments/Rent_Control/Information_and_FAQ/Eviction%20Fact%20Sheet.pdf">https://www.smgov.net/uploadedFiles/Departments/Rent_Control/Information and FAQ/Eviction%20Fact%20Sheet.pdf</a>

<sup>6</sup> Additional examples of states or other jurisdictions that limit utility shut offs seasonally can be found here: <https://liheapch.acf.hhs.gov/Disconnect/SeasonalDisconnect.htm>

<sup>7</sup> San Francisco and Santa Monica examples only apply to no-fault evictions, e.g. an eviction that is not caused by the actions of the tenant. Therefore, if the eviction is due to nonpayment of rent, the eviction can proceed; if the eviction is due to the landlord's intent to occupy the unit themselves or convert the unit, the eviction could not proceed during the school year.

### Other Related Local Policies

Currently, the City invests in homelessness prevention programs that include services to qualifying tenants facing eviction. In 2020, the City appropriated \$3.3 million to support programs that provide emergency rental assistance to qualifying tenants who have received a 14-day pay or vacate notice. In addition, the City extended funding for the Seattle Rental Housing Assistance Pilot Program, that provides rental assistance and utility discounts to tenants on the Seattle Housing Authority's waitlist for Housing Choice Vouchers that provide longer-term rental assistance. The City also opens severe weather shelters and extends some regular overnight shelter hours during severe weather events.<sup>8</sup>

### **Current JCEO Regulations and CB 119726**

The City's JCEO requires landlords or property managers to state one of the 18 approved reasons listed in the JCEO in order to proceed with an eviction. In addition to requiring that the eviction meets one of the 18 approved reasons, the JCEO provides a defense to eviction if the landlord or property manager has not registered the unit under the City's Rental Registration and Inspection Ordinance.

CB 119726 would amend the JCEO by adding a defense to eviction if it would result in vacating the housing unit at any time between November 1 and April 1. As noted previously, this does not prevent a landlord or property manager from moving forward with eviction proceedings, but instead provides a defense to the tenant if enforcement of any eviction order issued by King County Superior Court occurs between November 1 and April 1. In most cases, this would simply delay, rather than prohibit, physical eviction, providing time for the tenant to remedy the conditions leading to the pursuit of eviction and, if the landlord is willing, negotiate continued tenancy. When this defense requires that a landlord delay evicting tenant(s), the tenant(s) would still be responsible for paying rent during the delay.

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<sup>8</sup> See <https://homelessness.seattle.gov/severe-winter-shelter-availability/> for a recent example of the City expanding shelter capacity during severe weather events.

## **Proposed Amendments to CB 119726**

### **1. Substitute Bill** (*Sponsor: Councilmember Sawant*)

The proposed substitution included in Attachment A to this memo would:

- a. Make structural changes to the bill for better code drafting and modify the language to clarify that this provides a defense if the eviction would cause displacement from the unit between November 1 and April 1; and
- b. Specify that limits on evictions in winter months apply to only a subset of the 18 causes listed in the JCEO. Causes under which this bill would not provide a defense to an eviction and would allow the physical eviction to occur at any time of year include:
  - Evicting a tenant residing in the same housing unit with the owner or the owner's agent; or the owner desires to stop sharing his or her house with a tenant living in an approved accessory dwelling unit (ADU) in an owner-occupied house;
  - The owner, or the owner's immediate family, wishes to occupy the premises personally, and no substantially equivalent unit is vacant and available in the same building, and gives the tenant the minimum 90-day written notice prior to the end of a rental period;
  - Selling a single-family residence (does not include condominium units) after giving the tenant the requisite 90-day written notice prior to the end of a rental period;
  - Discontinuing use of a unit not authorized under the Land Use Code, after receiving a Notice of Violation. The owner must pay relocation assistance to tenants forced to move for the owner to correct the violation. Relocation assistance for low-income tenants is \$2,000; for other tenants it is an amount equal to two months' rent;
  - Needing to reduce the number of tenants sharing a dwelling unit to comply with Land Use Code restrictions (i.e., no more than eight people per dwelling unit if any are unrelated);
  - Terminating a tenancy in a house containing an approved ADU in order to comply with the development standards for ADUs, after receiving a Notice of Violation of the Land Use Code. The owner must pay relocation assistance to displaced tenants in the amount of \$2,000 for low-income tenants, or two months' rent in other cases;
  - An Emergency Order to Vacate and close the property has been issued by SDCI and the tenants have failed to vacate by the deadline given in the Order; and
  - The tenant engages in criminal activity or operates an illegal business in the building or on the premises, or in an area immediately adjacent to the building or premises.

**2. Limit the prohibition on evictions in winter months to units with City support** (*Sponsor: Councilmember Pedersen*)

This amendment limits the prohibition on evictions in winter months to only (1) housing developments that does or have received financial assistance from the City of Seattle, or (2) are Multifamily Tax Exempt (MFTE) units<sup>9</sup>, or (3) are units located on City owned land (see Attachment C for the specific amendment language). While this would be a narrower application of the proposed limit on wintertime evictions, this amendment provides protections for lower income tenants living in units where the city maintains some regulatory control.

**Next Steps**

The Committee will discuss the bill and potential amendments, with a possible vote at the January 23 meeting. If a vote occurs, the Committee's recommendation will be considered at a Full Council meeting on or after February 3, 2020.

**Attachments:**

- A. Amendment 1 (*Sponsor: CM Sawant*)
- B. Amendment 2 (*Sponsor: CM Pedersen*)

cc: Kirstan Arestad, Executive Director

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<sup>9</sup> An MFTE unit is a dwelling unit, small efficiency dwelling unit, or congregate residence sleeping room in multifamily housing that is rented at an affordable rent to an eligible household according to SMC subsection 5.73.040.B, or sold at an affordable price to an eligible household according to SMC subsection 5.73.040.C.

Attachment A  
CB 119726  
January 21, 2020

**Amendment 1:** Substitute Bill  
**Sponsor:** Councilmember Sawant

The proposed substitution included in Attachment A to this memo would:

- a. Make structural changes to the bill for better code drafting and modify the language to clarify that this provides a defense if the eviction would cause displacement from the unit between November 1 and April 1; and
- b. Specify that limits on evictions in winter months apply to only a subset of the 18 causes listed in the JCEO.

**CITY OF SEATTLE**

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

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

..title

AN ORDINANCE relating to termination of residential rental tenancies; prohibiting evictions in winter months; and amending Section 22.206.160 of the Seattle Municipal Code.

..body

WHEREAS, on November 2, 2015, the Mayor issued a Civil Emergency to address the homelessness crisis in the City of Seattle; and

WHEREAS, on November 3, 2015, the City Council adopted Resolution 31630, ratifying and confirming the Mayoral Proclamation of Civil Emergency; and

WHEREAS, in September 2018, the Seattle Women’s Commission and the King County Bar Association jointly published *Losing Home: The Human Cost of Eviction in Seattle*, finding that households who are evicted face material hardships that make it more difficult to secure safe and affordable housing and that the most disadvantaged groups face the highest likelihood of eviction; and

WHEREAS, the *Losing Home* report found that most evicted respondents became homeless, with 37.5 percent completely unsheltered, 25.0 percent living in a shelter or transitional



Attachment A  
CB 119726  
January 21, 2020

**Amendment 1:** Substitute Bill  
**Sponsor:** Councilmember Sawant

The proposed substitution included in Attachment A to this memo would:

- a. Make structural changes to the bill for better code drafting and modify the language to clarify that this provides a defense if the eviction would cause displacement from the unit between November 1 and April 1; and
- b. Specify that limits on evictions in winter months apply to only a subset of the 18 causes listed in the JCEO.

1 housing, and 25.0 percent staying with family or friends. Only 12.5 percent of evicted

2 respondents found another apartment or home to move into; and

3 WHEREAS, in 2018, the King County Medical Examiner’s Office (KCMEO) investigated the  
4 deaths of 194 individuals presumed to be homeless. This represents 25 more deaths than  
5 investigated in 2017; and

6 WHEREAS, people experiencing homelessness have a much higher risk than the general  
7 population of developing exposure-related conditions. The KCMEO 2018 investigation  
8 found that over half (n=107) of presumed homeless deaths investigated occurred outside  
9 and that approximately 62 percent (n=121) of presumed homeless deaths investigate were  
10 attributed to non-natural causes (drug overdose, accidents (that includes hypothermia),  
11 suicide, homicide, and undetermined); and

12 WHEREAS, prohibiting evictions during winter months will protect the public health, safety,  
13 and welfare by reducing the number of individuals and families entering into  
14 homelessness during the wintertime, which means lowering the number of people at  
15 higher risk of developing exposure-related conditions; NOW, THEREFORE,

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

Attachment A  
CB 119726  
January 21, 2020

**Amendment 1:** Substitute Bill  
**Sponsor:** Councilmember Sawant

The proposed substitution included in Attachment A to this memo would:

- a. Make structural changes to the bill for better code drafting and modify the language to clarify that this provides a defense if the eviction would cause displacement from the unit between November 1 and April 1; and
- b. Specify that limits on evictions in winter months apply to only a subset of the 18 causes listed in the JCEO.

1 Section 1. Subsection 22.206.160.C of the Seattle Municipal Code, which section was  
2 last amended by Ordinance 125954, is amended as follows:

3 **22.206.160 Duties of owners**

4 \* \* \*

5 C. Just cause eviction

6 1. Pursuant to provisions of the Washington State Residential Landlord-Tenant  
7 Act (RCW 59.18.290), an owner((s)) may not evict a residential tenant((s)) without a court order,  
8 which can be issued by a court only after the tenant has an opportunity in a show cause hearing  
9 to contest the eviction (RCW 59.18.380). An o((Θ))wner((s)) of a housing unit((s)) shall not  
10 evict or attempt to evict any tenant, or otherwise terminate or attempt to terminate the tenancy of  
11 any tenant, unless the owner can prove in court that just cause exists. Regardless of whether just  
12 cause for eviction may exist, an o((Θ))wner((s)) may not evict a residential tenant((s)) from a  
13 rental housing unit((s)) if: the unit((s-are)) is not registered with the Seattle Department of  
14 Construction and Inspections if required by Section 22.214.040; or ~~the eviction occurs from~~  
15 ~~November 1 through March 31 if subsection 22.206.160.C.8 provides the tenant a defense to the~~  
16 eviction ((, ~~regardless of whether just cause for eviction may exist~~)).

Attachment A  
CB 119726  
January 21, 2020

**Amendment 1: Substitute Bill**  
**Sponsor:** Councilmember Sawant

The proposed substitution included in Attachment A to this memo would:

- a. Make structural changes to the bill for better code drafting and modify the language to clarify that this provides a defense if the eviction would cause displacement from the unit between November 1 and April 1; and
- b. Specify that limits on evictions in winter months apply to only a subset of the 18 causes listed in the JCEO.

1                   An owner is in compliance with (~~this~~) the registration requirement if the rental  
2 housing unit is registered with the Seattle Department of Construction and Inspections before  
3 issuing a notice to terminate tenancy. The reasons for termination of tenancy listed below, and no  
4 others, shall constitute just cause under this Section 22.206.160:

5                               a. The tenant fails to comply with a 14 day notice to pay rent or vacate  
6 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 chapter 7.43 RCW), or maintenance of an unlawful business or  
9 conduct pursuant to RCW 59.12.030(5);

10                              b. The tenant habitually fails to pay rent when due which causes the owner  
11 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 vacate that  
13 requires compliance with a material term of the rental agreement or that requires compliance  
14 with a material obligation under chapter 59.18 RCW;

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

Attachment A  
CB 119726  
January 21, 2020

**Amendment 1: Substitute Bill**  
**Sponsor:** Councilmember Sawant

The proposed substitution included in Attachment A to this memo would:

- a. Make structural changes to the bill for better code drafting and modify the language to clarify that this provides a defense if the eviction would cause displacement from the unit between November 1 and April 1; and
- b. Specify that limits on evictions in winter months apply to only a subset of the 18 causes listed in the JCEO.

1 e. The owner seeks possession so that the owner or a member of (~~his or~~  
2 ~~her~~) the owner's immediate family may occupy the unit as that person's principal residence and  
3 no substantially equivalent unit is vacant and available in the same building, and the owner has  
4 given the tenant at least 90 days' advance written notice of the date the tenant's possession is to  
5 end. The Director may reduce the time required to give notice to no less than 20 days if the  
6 Director determines that delaying occupancy will result in a personal hardship to the owner or to  
7 the owner's immediate family. Personal hardship may include but is not limited to hardship  
8 caused by illness or accident, unemployment, or job relocation. For the purposes of this Section  
9 22.206.160, "Immediate family" includes the owner's domestic partner registered pursuant to  
10 Section 1 of Ordinance 117244 or the owner's spouse, parents, grandparents, children, brothers  
11 and sisters of the owner, of the owner's spouse, or of the owner's domestic partner. There is a  
12 rebuttable presumption of a violation of this subsection 22.206.160.C.1.e if the owner or a  
13 member of the owner's immediate family fails to occupy the unit as that person's principal  
14 residence for at least 60 consecutive days during the 90 days immediately after the tenant  
15 vacated the unit pursuant to a notice of termination or eviction using this subparagraph as the  
16 cause for eviction;

Attachment A  
CB 119726  
January 21, 2020

**Amendment 1:** Substitute Bill  
**Sponsor:** Councilmember Sawant

The proposed substitution included in Attachment A to this memo would:

- a. Make structural changes to the bill for better code drafting and modify the language to clarify that this provides a defense if the eviction would cause displacement from the unit between November 1 and April 1; and
- b. Specify that limits on evictions in winter months apply to only a subset of the 18 causes listed in the JCEO.

1                                    f. The owner elects to sell a single-family dwelling unit and gives the  
2 tenant at least 90 days' written notice prior to the date set for vacating, which date shall coincide  
3 with the end of the term of a rental agreement, or if the agreement is month to month, with the  
4 last day of a monthly period. The Director may reduce the time required to give notice to no less  
5 than 60 days if the Director determines that providing 90 days' notice will result in a personal  
6 hardship to the owner. Personal hardship may include but is not limited to hardship caused by  
7 illness or accident, unemployment, or job relocation. For the purposes of this Section  
8 22.206.160, an owner "elects to sell" when the owner makes reasonable attempts to sell the  
9 dwelling within 30 days after the tenant has vacated, including, at a minimum, listing it for sale  
10 at a reasonable price with a realty agency or advertising it for sale at a reasonable price in a  
11 newspaper of general circulation. There shall be a rebuttable presumption that the owner did not  
12 intend to sell the unit if:

13                                    1) Within 30 days after the tenant has vacated, the owner does not  
14 list the single-family dwelling unit for sale at a reasonable price with a realty agency or advertise  
15 it for sale at a reasonable price in a newspaper of general circulation, or

16                                    2) Within 90 days after the date the tenant vacated or the date the  
17 property was listed for sale, whichever is later, the owner withdraws the rental unit from the

Attachment A  
CB 119726  
January 21, 2020

**Amendment 1: Substitute Bill**  
**Sponsor:** Councilmember Sawant

The proposed substitution included in Attachment A to this memo would:

- a. Make structural changes to the bill for better code drafting and modify the language to clarify that this provides a defense if the eviction would cause displacement from the unit between November 1 and April 1; and
- b. Specify that limits on evictions in winter months apply to only a subset of the 18 causes listed in the JCEO.

1 market, rents the unit to someone other than the former tenant, or otherwise indicates that the  
2 owner does not intend to sell the unit;

3 g. The tenant's occupancy is conditioned upon employment on the  
4 property and the employment relationship is terminated;

5 h. The owner seeks to do substantial rehabilitation in the building;  
6 provided that, the owner must obtain a tenant relocation license if required by Chapter 22.210  
7 and at least one permit necessary for the rehabilitation, other than a Master Use Permit, before  
8 terminating the tenancy;

9 i. The owner (i) elects to demolish the building, convert it to a cooperative,  
10 or convert it to a nonresidential use; provided that, the owner must obtain a tenant relocation  
11 license if required by Chapter 22.210 and a permit necessary to demolish or change the use  
12 before terminating any tenancy, or (ii) converts the building to a condominium provided the  
13 owner complies with the provisions of Sections 22.903.030 and 22.903.035;

14 j. The owner seeks to discontinue use of a housing unit unauthorized by  
15 Title 23 after receipt of a notice of violation. The owner is required to pay relocation assistance  
16 to the tenant(s) of each such unit at least two weeks prior to the date set for termination of the  
17 tenancy, at the rate of:

Attachment A  
CB 119726  
January 21, 2020

**Amendment 1: Substitute Bill**  
**Sponsor:** Councilmember Sawant

The proposed substitution included in Attachment A to this memo would:

- a. Make structural changes to the bill for better code drafting and modify the language to clarify that this provides a defense if the eviction would cause displacement from the unit between November 1 and April 1; and
- b. Specify that limits on evictions in winter months apply to only a subset of the 18 causes listed in the JCEO.

- 1    1) \$2,000 for a tenant household with an income during the past 12
- 2 months at or below 50 percent of the County median income, or
- 3    2) Two months' rent for a tenant household with an income during
- 4 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 a
- 6 dwelling unit to comply with the maximum limit of individuals allowed to occupy one dwelling
- 7 unit, as required by Title 23, and:
- 8    1)
- 9    a) The number of such individuals was more than is lawful
- 10 under the current version of Title 23 but was lawful under Title 23 or Title 24 on August 10,
- 11 1994;
- 12    b) That number has not increased with the knowledge or
- 13 consent of the owner at any time after August 10, 1994; and
- 14    c) The owner is either unwilling or unable to obtain a
- 15 permit to allow the unit with that number of residents.

Attachment A  
CB 119726  
January 21, 2020

**Amendment 1: Substitute Bill**  
**Sponsor:** Councilmember Sawant

The proposed substitution included in Attachment A to this memo would:

- a. Make structural changes to the bill for better code drafting and modify the language to clarify that this provides a defense if the eviction would cause displacement from the unit between November 1 and April 1; and
- b. Specify that limits on evictions in winter months apply to only a subset of the 18 causes listed in the JCEO.

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

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

7                                    4) If there is more than one rental agreement for the unit, the owner  
8 may choose which agreements to terminate; provided that, the owner may either terminate no  
9 more than the minimum number of rental agreements necessary to comply with the legal limit on  
10 the number of occupants, or, at the owner's option, terminate only those agreements involving  
11 the minimum number of occupants necessary to comply with the legal limit;

12                                    1.

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

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



Attachment A  
CB 119726  
January 21, 2020

**Amendment 1: Substitute Bill**  
**Sponsor:** Councilmember Sawant

The proposed substitution included in Attachment A to this memo would:

- a. Make structural changes to the bill for better code drafting and modify the language to clarify that this provides a defense if the eviction would cause displacement from the unit between November 1 and April 1; and
- b. Specify that limits on evictions in winter months apply to only a subset of the 18 causes listed in the JCEO.

1 the legal limit; provided that ~~((7))~~ no 30 day notice is required if the number of tenants was  
2 increased above the legal limit without the knowledge or consent of the owner;

3 b) After expiration of the 30 day notice required by  
4 subsection 22.206.160.1.1.a ~~((above))~~, or at any time after receipt of the notice of violation if no  
5 30 day notice is required pursuant to subsection 22.206.160.1.1.a, the owner has served the  
6 tenants with and the tenants have failed to comply with a ten day notice to comply with the  
7 maximum legal limit on the number of occupants or vacate; and

8 c) If there is more than one rental agreement for the unit,  
9 the owner may choose which agreements to terminate; provided that ~~((7))~~ the owner may either  
10 terminate no more than the minimum number of rental agreements necessary to comply with the  
11 legal limit on the number of occupants, or, at the option of the owner, terminate only those  
12 agreements involving the minimum number of occupants necessary to comply with the legal  
13 limit.

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

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

10 1) \$2,000 for a tenant household with an income during the past 12  
11 months at or below 50 percent of the county median income, or

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

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

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

9                                   p. A tenant, or with the consent of the tenant, the tenant's subtenant,  
10 sublessee, resident, or guest, has engaged in criminal activity on the premises, or on the property  
11 or public right-of-way abutting the premises, and the owner has specified in the notice of  
12 termination the crime alleged to have been committed and the general facts supporting the  
13 allegation, and has assured that the Seattle Department of Construction and Inspections has  
14 recorded receipt of a copy of the notice of termination. For purposes of this subsection  
15 22.206.160.C.1.p, a person has "engaged in criminal activity" if (~~he or she~~) the person:

16   1) Engages in drug-related activity that would constitute a  
17 violation of chapters 69.41, 69.50, or 69.52 RCW, or



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- b. Specify that limits on evictions in winter months apply to only a subset of the 18 causes listed in the JCEO.

1                   5. In any action commenced to evict or to otherwise terminate the tenancy of any  
2 tenant, it shall be a defense to the action that there was no just cause for such eviction or  
3 termination as provided in this Section 22.206.160.

4                   6. It shall be a violation of this Section 22.206.160 for any owner to evict or  
5 attempt to evict any tenant or otherwise terminate or attempt to terminate the tenancy of any  
6 tenant using a notice ~~((which))~~ that references subsections 22.206.160.C.1.e, 22.206.160.C.1.f,  
7 22.206.160.C.1.h, 22.206.160.C.1.k, 22.206.160.C.1.l, or 22.206.160.C.1.m as grounds for  
8 eviction or termination of tenancy without fulfilling or carrying out the stated reason for or  
9 condition justifying the termination of such tenancy.

10                  7. An owner who evicts or attempts to evict a tenant or who terminates or  
11 attempts to terminate the tenancy of a tenant using a notice which references subsections  
12 22.206.160.C.1.e, 22.206.160.C.1.f or 22.206.160.C.1.h as the ground for eviction or termination  
13 of tenancy without fulfilling or carrying out the stated reason for or condition justifying the  
14 termination of such tenancy shall be liable to such tenant in a private right for action for damages  
15 up to \$2,000, costs of suit, or arbitration and reasonable attorney's fees.

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- b. Specify that limits on evictions in winter months apply to only a subset of the 18 causes listed in the JCEO.

1                   8. Except as provided in subsection 22.206.160.C.8.a, an owner may not evict a  
2 residential tenant from a rental housing unit if the eviction would result in the tenant having to  
3 vacate the housing unit at any time between November 1 and April 1.

4                   a. If the reason for termination is due to conditions described in  
5 subsections 22.206.160.C.1.e, 22.206.160.C.1.f provided that the tenant was provided at least 90  
6 days' written notice prior to the date set for vacating the unit, 22.206.160.C.1.j, 22.206.160.C.1.k,  
7 22.206.160.C.1.m, 22.206.160.C.1.n, 22.206.160.C.1.o, or 22.206.160.C.1.p, or; if the reason for  
8 termination is due to the tenant's failure to comply with a three day notice to vacate for a drug-  
9 related activity nuisance pursuant to chapter 7.43 RCW or maintenance of an unlawful business  
10 or conduct pursuant to RCW 59.12.030(5), the eviction may occur as otherwise allowed by law.  
11  
12  
13

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- b. Specify that limits on evictions in winter months apply to only a subset of the 18 causes listed in the JCEO.

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 2020, and signed by me in open session in authentication of its passage this \_\_\_\_ day of  
6 \_\_\_\_\_, ~~((2019))~~ 2020.

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

9 Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, ~~((2019))~~ 2020.

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

12 Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, ~~((2019))~~ 2020.

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The proposed substitution included in Attachment A to this memo would:

- a. Make structural changes to the bill for better code drafting and modify the language to clarify that this provides a defense if the eviction would cause displacement from the unit between November 1 and April 1; and
- b. Specify that limits on evictions in winter months apply to only a subset of the 18 causes listed in the JCEO.

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Monica Martinez Simmons, City Clerk

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(Seal)



**Amendment 2:** Limit the prohibition on evictions in winter months to units that receive City support or are MFTE Units.

Limit the prohibition on evictions in winter months to only (1) units in an affordable housing development that do or have received City of Seattle subsidies, or (2) units under the City's Multifamily Property Tax Exemption (MFTE) program, or (3) units located on land owned by the City.

**Sponsor:** Councilmember Pedersen

**Description:**

[Council Bill 119726](#) would amend the Just Cause Eviction Ordinance (SMC 22.206.160) to prohibit evictions between November 1 through March 31. This amendment would limit the prohibition on evictions in winter months to only (1) housing developments that do or have received financial assistance from the City of Seattle, or (2) are MFTE units, or (3) units located on land owned by the City.

An MFTE unit is a dwelling unit, small efficiency dwelling unit, or congregate residence sleeping room in multifamily housing that is rented at an affordable rent to an eligible household according to subsection 5.73.040.B, or sold at an affordable price to an eligible household according to subsection 5.73.040.C.

**Notes:**

- Double underlines indicate new language to be added.
- ~~Double strikethroughs~~ indicate language proposed to be removed.

**Amendment\***

Amend Section 1 of Council Bill 119726 as follows:

8. An owner may not evict a residential tenant from a rental housing unit if the eviction would result in the tenant having to vacate the housing unit at any time between November 1 and April 1 ~~and the housing unit is: (1) located within a housing development that receives or has received financial assistance from the City of Seattle and that is subject to restrictions on tenant incomes or rent as a condition of that assistance; or (2) is an MFTE unit as defined by Section 5.73.020; or (3) is located on land owned by The City of Seattle.~~

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\*All amendments adopted by the Committee will be reconciled in a final version of the Council Bill to reflect the combination of changes approved. If Amendment 1 is adopted, the language in this amendment would be modified as follows: 8. ~~As~~ Except as provided in subsection 22.206.160.C.8.a, an owner may not evict a...".