



City of Seattle
Mayor Jenny A. Durkan

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CITY CLERK

February 24, 2020

Monica Martinez Simmons
Seattle City Clerk
600 4th Avenue, 3rd Floor
Seattle, WA 98124

Dear Ms. Martinez Simmons,

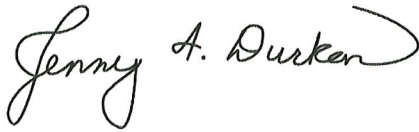
I have returned Council Bill 119726 unsigned, understanding it will become law. I share the Council's goal of preventing tenants from being evicted from rental housing in winter, particularly those who face the specter of homelessness as a result. However, the bill is flawed and does not accomplish these goals: 1) it does not actually protect vulnerable households at risk of eviction; 2) it could subject the City to a protracted and expensive legal battle, meaning we will spend money on lawyers when we could spend it helping people; and 3) we should be focused on existing, proven solutions that we know will actually keep low-income households at risk of eviction in their homes.

As the Directors of the Seattle Department of Construction and Inspections, Office of Housing, Human Services Department, and Seattle Housing Authority wrote to Council on February 4, Council Bill 119726 is fundamentally flawed. As currently written, and Council acknowledges, this bill is not a "ban" on winter evictions but rather a potential defense an individual can raise in court. The defense is then only possible if the tenant or tenant's lawyer appears in person in court to raise that argument. A study conducted by the Seattle Women's Commission and the King County Bar Association's Housing Justice Project showed that nearly half of evictions ended in a default judgment because the tenant failed to contest the eviction or appear in court. This bill provides them no relief. In addition, the defense would no longer be valid beginning March 1, which ultimately does not prevent evictions, it only delays them and leads to greater debt and difficulty getting new housing. Additional concerns with the bill are outlined in the attached February 4 memo.

My first priority throughout the debate over Council Bill 119726 has been to protect our vulnerable renters, particularly those who could slip into homelessness. It is regrettable that this bill does not do that, but instead yet again opens the City up to significant legal liability and cost. I would rather spend those litigation dollars directly helping families. That is why I will be transmitting legislation this week that invests in proven programs that actually help Seattle residents stay in their homes when they do not have the financial resources to cover rent for a short-term period. Programs like United Way's Home Base, which last year helped more than 800 households avoid eviction, can be expanded with City dollars to ensure Seattle residents will be assisted. The legislation will also ensure that landlords give tenants notice of these programs before taking any action, and that the programs get money in the hands of people when they need it.

I look forward to working with councilmembers in passing legislation that can actually help tenants before next winter begins. Councilmember Lewis recognized the gaps in CB 119726, and amended the bill to authorize a future mitigation fund for low-income tenants. He has agreed to sponsor this new legislation in order to get assistance to tenants faster via an existing program. I also welcome any future legislation from Council that further amends CB 119726 to ameliorate the ongoing operational and legal concerns previously identified in the legislation.

Sincerely,

A handwritten signature in black ink that reads "Jenny A. Durkan". The signature is written in a cursive, flowing style.

Jenny A. Durkan
Mayor of Seattle

Attachment 1: February 4, 2020 Memo Re: "Protecting Renters from Evictions"