



Legislation Details (With Text)

File #: Res 31861 **Version:** 1 **Name:**

Type: Resolution (Res) **Status:** Adopted

In control: City Clerk

On agenda: 2/4/2019

Final Action: **Ord. No.**

Title: A RESOLUTION recognizing the harms that evictions from housing have on tenants and marginalized communities and describing the City Council’s plan to help avoid and mitigate those harms.

Sponsors: Lisa Herbold, Mike O'Brien

Indexes:

Attachments: 1. Summary and Fiscal Note, 2. Central Staff Memo, 3. Signed Resolution 31861, 4. Affidavit of Publication

Date	Ver.	Action By	Action	Result
2/4/2019	1	City Clerk	attested by City Clerk	
2/4/2019	1	City Council	adopted	Pass
1/25/2019	1	Civil Rights, Utilities, Economic Development, and Arts Committee	adopt	Pass
1/22/2019	1	City Council	referred	
1/16/2019	1	Council President's Office	sent for review	
1/15/2019	1	City Clerk	sent for review	

CITY OF SEATTLE

RESOLUTION _____

A RESOLUTION recognizing the harms that evictions from housing have on tenants and marginalized communities and describing the City Council’s plan to help avoid and mitigate those harms.

WHEREAS, the Seattle Women’s Commission partnered with the Housing Justice Project to study the causes, processes, and effects of evictions in Seattle and how the housing crisis disproportionately impacts marginalized communities; and

WHEREAS, on September 21, 2018, the Seattle Women’s Commission presented its study (“Losing Home”) to the City Council’s Civil Rights, Utilities, Economic Development & Arts committee (CRUEDA); and

WHEREAS, *Losing Home* found that 51.7 percent of tenants in eviction filings were people of color and 31.2 percent were Black, 4.5 times more than the Black population in Seattle; and

WHEREAS, women were more likely to be evicted over small amounts of money-of single-tenant household

cases where a tenant owed \$100 or less, 81 percent were women; and

WHEREAS, based on the high rates of poverty, housing discrimination, and homelessness in the transgender community and the high proportion of the homeless youth population who are LGB youth, it is likely that eviction disproportionately impacts the LGBTQ community; and

WHEREAS, there is a disproportionate rate of seniors experiencing evictions; while 26.6 percent of HJP's clients were 55 years or older, the general population is only comprised of 21.4 percent of individuals 55 and older; and

WHEREAS, almost 87 percent of evictions were for nonpayment of rent, and of those, 52.3 percent were for nonpayment of one month or less of rent; and

WHEREAS, of eviction cases filed by private landlords, 9.2 percent were for rental units renting for less than \$750 in monthly rent; and

WHEREAS, for cases in which tenants were behind in rent by one month or less, 70.2 percent of eviction notices were served on or before the 15th of the month, and 27.8 percent of eviction notices were served on or before the 6th of the month, making it unlikely that a tenant would have enough time to catch up on back rent before the eviction process began; and

WHEREAS, *Losing Home* found landlords passed their attorneys' fees and court costs onto the tenant, often costing well over \$700 - even in cases where the tenant owed far less, and that these costs usually appeared on credit reports, making it more difficult for tenants to find housing, exacerbating Seattle's homelessness crisis; and

WHEREAS, the attorneys' fees, court costs, and other charges the tenant owes after eviction are often paid for by through Rapid Rehousing and other programs to help the tenant find housing, drastically increasing the cost of the housing crisis; and

WHEREAS, from March to May 2018, a sample of the tenants evicted in 2017 were surveyed; after being evicted, 37.5 percent became completely unsheltered, 25 percent stayed in a shelter or transitional

housing, and 25 percent stayed with family or friends; and

WHEREAS, tenants commonly reported both mental health issues, such as stress and depression, and physical health issues, such as heart conditions, associated with their eviction; and

WHEREAS, housing instability during childhood has been attributed to an increased likelihood of negative health and educational effects; and

WHEREAS, to respond to *Losing Home* recommendations “Prevent Evictions from Substandard Properties,” and “Create a Legal Path for Tenants to Enforce their Rights in Court” the Council, during the 2019-2020 budget process, adopted Statement of Legislative Intent 33-5-A-2 asking the Seattle Department of Construction and Inspections (SDCI) to recommend ways that a proceeding might be designed to resolve issues when a notice of eviction related to habitability issues is filed; and

WHEREAS, to respond to *Losing Home* recommendation “Increase Coordinated Funds for Legal Defense and Tenant Outreach Funds,” the Council, during the 2019-2020 budget process, adopted Green Sheet 33-4-A-2, and Green Sheet 33-6-B-1, which added funds solely for contracts with community organizations that provide tenant services and outreach with low income renters, communities of color, LGBTQ renters, those with limited English proficiency, and immigrant and refugee communities as well as funding for legal services to tenants facing eviction; and

WHEREAS, to respond to *Losing Home* recommendation “Centralize the Process for Obtaining Assistance in One Place,” and recommendation “Expand Courthouse-Based Resources,” the Council, during the 2019-2020 budget process, passed Statement of Legislative Intent 15-9-A-1 requesting a design for eviction prevention rental subsidy programs, including a “one-stop shop” for eviction services and an assessment whether services or outreach providers should have a courthouse presence; and

WHEREAS, to respond to *Losing Home* recommendation “Increase Subsidies to Tenants At Risk of Eviction” the Council, during the 2019-2020 budget process, passed Green Sheet 15-7-B-1, to provide additional financial assistance to prevent evictions and utility shut-offs, and assist with move-in deposits; and

WHEREAS, to address *Losing Home* recommendation “Build More Housing for Low- and No-Income Residents, Especially Families” the Council, during the 2019-2020 budget process, passed Statement of Legislative Intent 1-3-A-2, on the feasibility of issuing bonds for affordable housing; and

WHEREAS, to address *Losing Home* recommendations “Provide Courts with More Flexibility When Determining if an Eviction Is Warranted,” “Increase Time Period to Cure Nonpayment of Rent “and “Strengthen the Just Cause Eviction Ordinance,” The City of Seattle’s 2019 Legislative Agenda includes specific language to support state-level changes to amend language in RCW 59.18.220 that limits Seattle’s ability to extend the City-level JCEO to tenants at the end of their lease term as well as reform of the unlawful detainer process by increasing the time period to cure non-payment of rent and giving the courts the ability to stay writs of restitution upon good cause; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:

Section 1. The City Council will explore strategies described in *Losing Home* regarding how to improve the eviction process and prevent more evicted tenants from becoming homeless.

Section 2. In addition to implementation of the 2018-2019 Budget actions referenced in this resolution and efforts to support the City of Seattle’s 2019 State Legislative Agenda, the City Council also plans to examine legislative actions over the next year to address the causes of eviction and associated difficulties tenants face, described below:

A. The financial hardship for tenants experiencing domestic violence who are held liable for damages caused by a perpetrator of domestic violence.

B. The lack of flexibility tenants have to avoid eviction when faced with emergencies such as temporary unemployment or reduced income, medical emergencies, hospitalization, deaths in the family, domestic violence, and large rent increases.

C. The high default rate for evictions suggests that tenants do not understand the eviction process or the effect of mutual termination agreements and tenant rights, or are unaware of free legal resources available.

D. Non-rent charges such as late fees, court costs, and attorney’s fees can add a substantial burden to the tenant’s hardships in paying rent.

E. Tenants often need to live with a roommate to afford rent, but some leases prohibit or limit the number of roommates; landlords have discretion to reject roommates regardless of whether the rejection is reasonable; and landlords can impose extra fees and strict screening criteria for roommates.

F. The fees for terminating a lease before the end of a term are often high and can accumulate even though the market indicates re-renting a unit is not difficult and a landlord is required to make a reasonable effort to re-rent the unit.

G. Even if the tenant has good cause to be late on the payment of rent, courts generally do not exercise judicial discretion to prevent evictions, even if the tenants have all of the money owed at the time of the hearing.

Section 3. The City Council will also explore, over a longer term, solutions to address the following issues:

A. Tenants in need of additional support for eviction proceedings because of physical or mental health disorders or hospitalizations do not have that support;

B. Tenants living in a unit when the tenant of record dies generally do not have any right to remain in the unit; and

C. The reporting of landlord-tenant debt in credit reports or otherwise can make it more difficult for tenants to obtain housing.

Adopted by the City Council the _____ day of _____, 2019, and signed by me in open session in authentication of its adoption this _____ day of _____, 2019.

President _____ of the City Council

Filed by me this _____ day of _____, 2019.

Monica Martinez Simmons, City Clerk

(Seal)