



Legislation Text

File #: CB 119625, Version: 3

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

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.

WHEREAS, the occupation of extensively damaged 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:

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

CHAPTER 11.75 USE OF EXTENSIVELY DAMAGED RECREATIONAL VEHICLES

11.75.010 Definitions

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

“Extensively damaged” means a recreational vehicle that meets at least two of the following five conditions:

1. Has a broken window or windshield and/or missing wheels or tires;
2. Is apparently inoperable;
3. Has inadequate sanitation to the extent that occupants or the general public are directly exposed to the risk of illness or injury, including but not limited to:
 - a. Infestation by insects, vermin, rodents, or other pests;
 - b. Accumulation of garbage and rubbish;
 - c. For vehicles designed to have a wastewater system, a hazardous and/or inoperable wastewater system leading to improper disposal and/or discharge of sewage;
 - d. Leaking automotive fluids and other hazardous/dangerous materials; or
 - e. Poor indoor air quality due to mold, exposed insulation, or other air pollutants;
4. Creates a health, fire, or safety hazard, including but not limited to:
 - a. Accumulation of junk, debris, or combustible materials excluding possessions of the occupant that have apparent utility in their present condition and are not hazardous; or
 - b. Any device, apparatus, equipment, waste, vegetation, or other material in such condition as to cause a fire or explosion or to provide a ready fuel to augment the spread or intensity of fire or explosion; or
5. Has inadequate protection to the extent that occupants are exposed to the weather, including but not limited to:

- a. Crumbling, broken, loose, or missing walls or ceiling covering;
- b. Broken or missing doors, windows, or door frames;
- c. Ineffective or inadequate waterproofing; or
- d. Deteriorated, buckled, broken, decayed, or missing walls or roof.

“Predatory vehicle landlord” means a person who allows another natural person to occupy any recreational vehicle, as defined in Section 22.904.010 for purposes of this Chapter 11.75, located on a street or alley open to the public, or on municipal or other public property, that is extensively damaged. The term does not include individuals who inhabit a vehicle and allow other occupants to cohabit with them.

11.75.030 Enforcement and penalties

A. The first violation of this Chapter 11.75 shall be a civil infraction and shall be punished by a civil fine of \$1,000, which penalty shall not be suspended or deferred.

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

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

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

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

G. Initiating or continuing an investigation into the potential violation of Section 11.75.020 shall not occur if there is an explicit objection from the person allowed to occupy the recreational vehicle that is deemed

to be extensively damaged if such enforcement would increase the occupant's vulnerability or exposure to unsafe living conditions. An explicit objection shall not impede initiating an investigation in circumstances where there is a reasonable suspicion that the occupant of the recreational vehicle is being coerced.

11.75.040 Predatory Vehicle Landlord Victim's Assistance Program

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

1. Victims of predatory vehicle landlords who are unable to recoup rent, security deposits, move-in fees, possessions, relocation expenses, or other costs after being displaced from an extensively damaged recreational vehicle;

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

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

C. The payments set forth in section 11.75.030 shall be collected by the clerk of the municipal court and shall be deposited in the Program.

D. The Director shall:

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

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

11.75.050 Possessions of displaced individuals

If the individual acting as a predatory vehicle landlord violates the provisions of subsection 11.75.020.B and does not provide the occupant access to their possessions within three days, it shall be a class 1 civil infraction as contemplated by chapter 7.80 RCW for which there shall be a penalty of \$250, which penalty shall not be suspended or deferred. Where appropriate the court shall order restitution.

11.75.060 Report

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

The report shall include the following elements:

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

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

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

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

1. Permanent supportive housing;

2. Rapid re-housing;

3. Other permanent housing;

4. Enhanced shelter;

5. Tiny home village or sanctioned encampment; and

6. Basic shelter;

E. Number of occupants who received assistance through the Predatory Vehicle Landlord Victim's Assistance Program;

F. Information on the amount and type of assistance received through the Predatory Vehicle Landlord Victim's Assistance Program; and

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

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

11.75.020 Extensively damaged motor vehicles

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

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

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

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

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

President _____ of the City Council

Approved by me this _____ day of _____, 2019.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2019.

Monica Martinez Simmons, City Clerk

(Seal)