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Amendment 3 Version 1 to CB 121254 – Rental Fees and Enforcement

Sponsor: Councilmember Foster

Codifying the department's discretion to seek voluntary compliance

Effect: This amendment would codify discretion the Director has in administration and enforcement of the chapter related to bringing landlords into compliance. As transmitted, the legislation gives discretion to the Seattle Department of Construction and Inspections as to when to initiate an investigation. Existing regulations and current practice also give the Department discretion related to issuing warnings before citations, such that landlords are encouraged to come into compliance without formal notices of violations and associated penalties. This amendment would more clearly document this less formal path to compliance, and specify that in such voluntary compliance situations, tenants shall be reimbursed for any improperly assessed fees or charges under the chapter. The effect would be more clarity around voluntary compliance as a pathway for administration of the chapter.

Amend Section 7 of CB 121254 as follows:

Section 7. Section 7.24.120 of the Seattle Municipal Code, last amended by Ordinance 125222, is amended as follows:

7.24.120 Administration and enforcement

A. The Director shall administer and enforce the provisions of this Chapter 7.24 and is authorized to adopt reasonable rules and regulations consistent with this Chapter 7.24 to carry out the Director's duties.

B. ((The)) Except as provided in subsection 7.24.120.C and 7.24.120.E, the first and second violations of this Chapter 7.24 shall be enforced under the citation provisions set forth in Section 7.24.130. Subsequent violations may be enforced, at the Director's discretion, under the notice of violation provisions set forth in Section 7.24.140 or criminal provisions set forth in Section 7.24.150.

C. Nothing in this Section 7.24.120 shall prohibit the Director from initiating an investigation pursuant to Section 7.24.170 in lieu of pursuing enforcement under subsection 7.24.120.B.

D. In collaboration with the City Attorney's Office, the Director may refer investigations initiated pursuant to Section 7.24.170 to the City Attorney's Office for filing a civil action prior to issuance of an Order of Investigative Findings. The City Attorney may impose remedies consistent with Section 7.24.190.

E. Prior to pursuing enforcement or prior to assessing any remedies or penalties, the Director may seek voluntary compliance from landlords to include at a minimum full reimbursement to tenants plus interest for any unauthorized fees or charges.

~~E.F.~~ Nothing contained in this Chapter 7.24 is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees, or agents, for any injury or damage resulting from or by reason of any act or omission in connection with the implementation or enforcement of this Chapter 7.24 on the part of the City by its officers, employees, or agents.