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Hon. Jason Poydras  
 Hearing set for Fri., Feb. 14, 2025 at 10:00 AM

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
 FOR KING COUNTY

GRE DOWNTOWNER LLC, a Washington  
 limited liability company, d/b/a ADDISON ON  
 FOURTH,

Plaintiff,

v.

CITY OF SEATTLE,

Defendant.

No. 24-2-24318-6 SEA

**APPENDIX TO DEFENDANT CITY OF SEATTLE'S MOTION TO DISMISS**

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1	Fair Chance Housing Ordinance, Ord. 119015	APP-003
2	Roommate Ordinance, Ord. 125950	APP-033
3	Winter Eviction Ban, Ord. 126041	APP-041
4	Eviction Moratorium, Res. 31938	APP-056
5	Executive Order 2022-03	APP-070
6	180-Day Notice Requirement, Ord. 126450	APP-073
7	Economic Displacement Relocation Assistance, Ord. 126451	APP-080

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**Tab 1**  
**Fair Chance Housing Ordinance, Ord. 119015**

CITY OF SEATTLE

ORDINANCE 125393  
COUNCIL BILL 119015

AN ORDINANCE relating to housing regulations; adding a new Chapter 14.09 (Fair Chance Housing) to the Seattle Municipal Code to regulate the use of criminal history in rental housing; authorizing the Seattle Office for Civil Rights to enforce the regulations set out in this new chapter; and amending Section 3.14.931 of the Seattle Municipal Code to expand the Seattle Human Rights Commission’s duties.

WHEREAS, the U.S. Department of Justice has estimated one in every three adults in the United States has either an arrest or conviction record<sup>1</sup>; and

WHEREAS, the Center for American Progress reports that nearly half of all children in the U.S. have one parent with a criminal record<sup>2</sup>; and

WHEREAS, over the past two decades, there has been a rise in the use of criminal background checks to screen prospective tenants for housing; and

WHEREAS, a study by the Vera Institute of Justice has shown that people with stable housing are more likely to successfully reintegrate into society and are less likely to reoffend;<sup>3</sup> and

WHEREAS, individuals and parents who have served their time must be able to secure housing if they are to re-enter into society to successfully rebuild their lives and care for their families; and

<sup>1</sup> Bureau of Justice Statistics, U.S. Department of Justice, “Survey of State Criminal History Information Systems,” 2012, available at <https://www.ncjrs.gov/pdffiles1/bjs/grants/249799.pdf>  
<sup>2</sup> Vallas, Boteacg, West, Odum. “Removing Barriers to Opportunity for Parents with Criminal Records and Their Children: A Two Generation Approach,” Center for American Progress. December 2015.  
<sup>3</sup> Vera Institute of Justice, “Piloting a Tool for Reentry: A Promising Approach to Engaging Family Members,” 2011, available at <http://archive.vera.org/sites/default/files/resources/downloads/Piloting-a-Tool-for-Reentry-Updated.pdf>

1 WHEREAS, African Americans are 3.4 percent of Washington’s population but account for  
2 nearly 18.4 percent of Washington’s prison population;<sup>4</sup> Latinos are 11.2 percent of  
3 Washington’s population but account for 13.2 percent of Washington’s prison  
4 population;<sup>5</sup> and Native Americans are 1.3 percent of the state population but account for  
5 4.7 percent of Washington’s prison population;<sup>6</sup> and

6 WHEREAS, racial inequities in the criminal justice system are compounded by racial bias in the  
7 rental applicant selection process, as demonstrated by fair housing testing conducted by  
8 the Seattle Office for Civil Rights in 2013 that found evidence of different treatment  
9 based on race in 64 percent of tests, including some cases where African American  
10 applicants were told more often than their white counterparts that they would have to  
11 undergo a criminal background check as part of the screening process; and

12 WHEREAS, there is no sociological research establishing a relationship between a criminal  
13 record and an unsuccessful tenancy;<sup>7</sup> and

14 WHEREAS, an Urban Institute study stated, “men who found [stable] housing within the first  
15 month after release were less likely to return to prison during the first year out”;<sup>8</sup> and

16 WHEREAS, a study performed in Cleveland found that “obtaining stable housing within the first  
17 month after release inhibited re-incarceration”;<sup>9</sup> and

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<sup>4</sup> <http://www.ofm.wa.gov/pop/census2010/default.asp#demo>; <http://www.doc.wa.gov/docs/publications/reports/100-QA001.pdf>

<sup>5</sup> <http://www.ofm.wa.gov/pop/census2010/default.asp#demo>; <http://www.doc.wa.gov/docs/publications/reports/100-QA001.pdf>

<sup>6</sup> <http://www.ofm.wa.gov/pop/census2010/default.asp#demo>; <http://www.doc.wa.gov/docs/publications/reports/100-QA001.pdf>

<sup>7</sup> Ehman and Reosti, “Tenant Screening in an Era of Mass Incarceration: A Criminal Record is No Crystal Ball”, *N.Y.U. Journal of Legislation and Public Policy Quorum*, March 2015.

<sup>8</sup> *The Importance of Stable Housing for Formerly Incarcerated Individuals*, Housing Law Bulletin, Volume 40, [http://nhlp.org/files/Importance%20of%20Stable%20Housing%20for%20Formerly%20Incarcerated\\_0.pdf](http://nhlp.org/files/Importance%20of%20Stable%20Housing%20for%20Formerly%20Incarcerated_0.pdf)

<sup>9</sup> *Id.*

1 WHEREAS, studies show that, after four to seven years where no re-offense has occurred, a  
2 person with a prior conviction is no more likely to commit a crime than someone who has  
3 never had a conviction;<sup>10</sup> and

4 WHEREAS, research shows higher recidivism occurs within the first two years of release and is  
5 mitigated when individuals have access to safe and affordable housing and  
6 employment;<sup>11</sup> and

7 WHEREAS, a 2015 study reported that juveniles on the sex offender registry had considerable  
8 difficulty in accessing stable housing because of their registration status, which  
9 contributed to negative mental health outcomes;<sup>12</sup> and

10 WHEREAS, more than 90 percent of arrests of juveniles for sex offenses represent a one-time  
11 event that does not recur,<sup>13</sup> and studies have repeatedly shown low recidivism rates  
12 ranging from three percent to four percent;<sup>14</sup> and

13 WHEREAS, documents and research relating to the information cited in the recitals is located in  
14 Clerk File 320351; and

15 WHEREAS, The City of Seattle has developed a Race and Social Justice Initiative (RSJI) to  
16 eliminate institutional racism and create a community where equity in opportunity exists  
17 for everyone; and

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<sup>10</sup> Kurlychek, et al. "Scarlet Letters & Recidivism: Does an Old Criminal Record Predict Future Criminal Behavior?" (2006), [http://www.albany.edu/bushway\\_research/publications/Kurlychek\\_et\\_al\\_2006.pdf](http://www.albany.edu/bushway_research/publications/Kurlychek_et_al_2006.pdf). and "'Redemption' in an Era of Widespread Criminal Background Checks," *NIJ Journal*, Issue 263 (June 2009), at page 10 - preliminary study with group of first-time 1980 arrestees in New York - the findings depend on the nature of the 2009), at page 10 - preliminary study with group of first-time 1980 arrestees in New York- the findings depend on the nature of the prior offense and the age of the individual.

<sup>11</sup> Ehman and Reosti, "Tenant Screening in an Era of Mass Incarceration: A Criminal Record is No Crystal Ball", *N.Y.U. Journal of Legislation and Public Policy Quorum*, March 2015.

<sup>12</sup> Harris, Andrew J. et al. (2015). "Collateral Consequences of Juvenile Sex Offender Registration and Notification," <http://journals.sagepub.com/doi/abs/10.1177/1079063215574004>

<sup>13</sup> Zimring, F.E. (2004). *An American travesty: Legal responses to adolescent sexual offending*, p. 66. University of Chicago.

<sup>14</sup> *Ibid*, Appendix C.

1 WHEREAS, the City's Office for Civil Rights (OCR) works to advance civil rights and end  
2 barriers to equity; and

3 WHEREAS, in 2010, residents of Sojourner Place Transitional Housing, Village of Hope, and  
4 other community groups called on the City to address barriers to housing faced by people  
5 with prior records; and

6 WHEREAS, in response, OCR and the Seattle Human Rights Commission held two public  
7 forums in 2010 and 2011, bringing together over 300 people including community  
8 members with arrest and conviction records, landlords, and employers to share their  
9 concerns; and

10 WHEREAS, in 2013, the City Council passed the Seattle Jobs Assistance Ordinance, now titled  
11 the Fair Chance Employment Ordinance, to address barriers in employment; and

12 WHEREAS, since 2013, the Office of Housing has worked with nonprofit housing providers to  
13 share best practices in tenant screening to address racial inequities; and

14 WHEREAS, in September 2014 the Council adopted Resolution 31546, in which the Mayor and  
15 Council jointly convened the Seattle Housing Affordability and Livability Agenda  
16 (HALA) Advisory Committee to evaluate potential strategies to make Seattle more  
17 affordable, equitable, and inclusive; and in particular, to promote the development and  
18 preservation of affordable housing for residents of the City; and

19 WHEREAS, in July 2015, HALA published its Final Advisory Committee Recommendations  
20 and the Mayor published *Housing Seattle: A Roadmap to an Affordable and Livable City*,  
21 which outlines a multi-pronged approach of bold and innovative solutions to address  
22 Seattle's housing affordability crisis; and

1 WHEREAS, in October 2015, the Mayor proposed and Council adopted Resolution 31622,  
2 declaring the City's intent to expeditiously consider strategies recommended by the  
3 Housing Affordability Livability Agenda (HALA) Advisory Committee; and

4 WHEREAS, the Mayor's Housing and Affordability and Livability Agenda recommended that  
5 the City address barriers to housing faced by people with criminal records, and the Mayor  
6 responded by creating a Fair Chance Housing Committee; and

7 WHEREAS, the Fair Chance Housing Committee provided input to OCR on a legislative  
8 proposal to address these barriers; and

9 WHEREAS, in 2016, the Department of Housing and Urban Development (HUD) issued  
10 guidance on the application of the Fair Housing Act to the use of arrest and conviction  
11 records in rental housing, stating that a housing provider may be in violation of fair  
12 housing laws if their policy or practice does not serve a substantial, legitimate,  
13 nondiscriminatory interest, due to the potential for criminal record screening to have a  
14 disparate impact on African American and other communities of color; and

15 WHEREAS, except for landlords operating federally assisted housing programs, conducting a  
16 criminal background check to screen tenants is a discretionary choice for landlords that  
17 they have no legal duty under City or state law to fulfill; and

18 WHEREAS, in 2016, the Seattle City Council passed Resolution 31669, affirming HUD's  
19 guidance and the work of the Mayor's Fair Chance Housing Committee; NOW,  
20 THEREFORE,

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

22 Section 1. The Council expresses the following concerning implementation of Seattle  
23 Municipal Code Chapter 14.09:

1           A.     The implementation of Seattle Municipal Code Chapter 14.09 will consist of:

2                   1.     Seattle Office for Civil Rights will conduct regular fair housing testing to  
3 ensure compliance, decrease racial bias, and evaluate the impacts of Chapter 14.09; and

4                   2.     Seattle Office for Civil Rights will launch a Fair Housing Home Program  
5 for landlords. The program’s goal will be to reduce racial bias and biases against other protected  
6 classes in tenant selection. Completion of the training program will result in a certification of a  
7 Fair Housing Home program. For pre-finding settlement and conciliation agreements under  
8 Chapter 14.09, landlords will be required to participate in the Fair Housing Home program; and

9                   3.     The City of Seattle will work at the state level to reduce the impact of  
10 criminal convictions; and

11                  4.     The City of Seattle will explore additional mechanisms to reduce the  
12 greatest barriers to housing for individuals with criminal conviction records through the Re-Entry  
13 Taskforce, convened by the Seattle Office for Civil Rights.

14           Section 2. A new Chapter 14.09 is added to the Seattle Municipal Code as follows:

15     **Chapter 14.09 USE OF CRIMINAL RECORDS IN HOUSING**

16     **14.09.005 Short title**

17     This Chapter 14.09 shall constitute the “Fair Chance Housing Ordinance” and may be cited  
18 as such.

19     **14.09.010 Definitions**

20           “Accessory dwelling unit” has the meaning defined in Section 23.84A.032’s definition of  
21 “Residential use.”

22           “Adverse action” means:

23           A.     Refusing to engage in or negotiate a rental real estate transaction;

- 1           B.     Denying tenancy;
- 2           C.     Representing that such real property is not available for inspection, rental, or lease
- 3 when in fact it is so available;
- 4           D.     Failing or refusing to add a household member to an existing lease;
- 5           E.     Expelling or evicting an occupant from real property or otherwise making
- 6 unavailable or denying a dwelling;
- 7           F.     Applying different terms, conditions, or privileges to a rental real estate
- 8 transaction, including but not limited to the setting of rates for rental or lease, establishment of
- 9 damage deposits, or other financial conditions for rental or lease, or in the furnishing of facilities
- 10 or services in connection with such transaction;
- 11          G.     Refusing or intentionally failing to list real property for rent or lease;
- 12          H.     Refusing or intentionally failing to show real property listed for rent or lease;
- 13          I.     Refusing or intentionally failing to accept and/or transmit any reasonable offer to
- 14 lease, or rent real property;
- 15          J.     Terminating a lease; or
- 16          K.     Threatening, penalizing, retaliating, or otherwise discriminating against any
- 17 person for any reason prohibited by Section 14.09.025.

18           “Aggrieved party” means a prospective occupant, tenant, or other person who suffers

19 tangible or intangible harm due to a person’s violation of this Chapter 14.09.

20           “Arrest record” means information indicating that a person has been apprehended,

21 detained, taken into custody, held for investigation, or restrained by a law enforcement

22 department or military authority due to an accusation or suspicion that the person committed a

1 crime. Arrest records include pending criminal charges, where the accusation has not yet resulted  
2 in a final judgment, acquittal, conviction, plea, dismissal, or withdrawal.

3 “Charging party” means any person who files a charge alleging a violation under this  
4 Chapter 14.09, including the Director.

5 “City” means The City of Seattle.

6 “Commission” means the Seattle Human Rights Commission.

7 “Consumer report” has the meaning defined in RCW 19.182.010 and means a written,  
8 oral, or other communication of information by a consumer reporting agency bearing on a  
9 consumer’s creditworthiness, credit standing, credit capacity, character, general reputation,  
10 personal characteristics, or mode of living that is used or expected to be used or collected in  
11 whole or in part for purposes authorized under RCW 19.182.020.

12 “Conviction record” means information regarding a final adjudication or other criminal  
13 disposition adverse to the subject. It includes but is not limited to dispositions for which the  
14 defendant received a deferred or suspended sentence, unless the adverse disposition has been  
15 vacated or expunged.

16 “Criminal background check” means requesting or attempting to obtain, directly or  
17 through an agent, an individual’s conviction record or criminal history record information from  
18 the Washington State Patrol or any other source that compiles, maintains, or reflects such records  
19 or information.

20 “Criminal history” means records or other information received from a criminal  
21 background check or contained in records collected by criminal justice agencies, including  
22 courts, consisting of identifiable descriptions and notations of arrests, arrest records, detentions,  
23 indictments, informations, or other formal criminal charges, any disposition arising therefrom,

1 including conviction records, waiving trial rights, deferred sentences, stipulated order of  
2 continuance, dispositional continuance, or any other initial resolution which may or may not later  
3 result in dismissal or reduction of charges depending on subsequent events. The term includes  
4 acquittals by reason of insanity, dismissals based on lack of competency, sentences, correctional  
5 supervision, and release, any issued certificates of restoration of opportunities and any  
6 information contained in records maintained by or obtained from criminal justice agencies,  
7 including courts, which provide individual's record of involvement in the criminal justice system  
8 as an alleged or convicted individual. The term does not include status registry information.

9 "Department" means the Seattle Office for Civil Rights and any division therein.

10 "Detached accessory dwelling unit" has the meaning defined in Section 23.84A.032's  
11 definition of "Residential use."

12 "Director" means the Director of the Seattle Office for Civil Rights or the Director's  
13 designee.

14 "Dwelling unit" has the meaning as defined in Section 22.204.050.D.

15 "Fair chance housing" means practices to reduce barriers to housing for persons with  
16 criminal records.

17 "Juvenile" means a person under 18 years old.

18 A "legitimate business reason" shall exist when the policy or practice is necessary to  
19 achieve a substantial, legitimate, nondiscriminatory interest. To determine such an interest, a  
20 landlord must demonstrate, through reliable evidence, a nexus between the policy or practice and  
21 resident safety and/or protecting property, in light of the following factors:

22 A. The nature and severity of the conviction;

23 B. The number and types of convictions;

- 1 C. The time that has elapsed since the date of conviction;
- 2 D. Age of the individual at the time of conviction;
- 3 E. Evidence of good tenant history before and/or after the conviction occurred; and
- 4 F. Any supplemental information related to the individual's rehabilitation, good
- 5 conduct, and additional facts or explanations provided by the individual, if the individual
- 6 chooses to do so. For the purposes of this definition, review of conviction information is limited
- 7 to those convictions included in registry information.

8 "Person" means one or more individuals, partnerships, organizations, trade or

9 professional associations, corporations, legal representatives, trustees, trustees in bankruptcy, or

10 receivers. It includes any owner, lessee, proprietor, manager, agent, or employee, whether one or

11 more natural persons, and any political or civil subdivision or agency or instrumentality of the

12 City.

13 "Prospective occupant" means any person who seeks to lease, sublease, or rent real

14 property.

15 "Registry information" means information solely obtained from a county, statewide, or

16 national sex offender registry, including but not limited to, the registrant's physical description,

17 address, and conviction description and dates.

18 "Respondent" means any person who is alleged or found to have committed a violation of

19 this Chapter 14.09.

20 "Single family dwelling" has the meaning as defined in Section 22.204.200.A.

21 "Supplemental information" means any information produced by the prospective

22 occupant or the tenant, or produced on their behalf, with respect to their rehabilitation or good

23 conduct, including but not limited to:

- 1           A.     Written or oral statement from the prospective occupant or the tenant;
- 2           B.     Written or oral statement from a current or previous employer;
- 3           C.     Written or oral statement from a current or previous landlord;
- 4           D.     Written or oral statement from a member of the judiciary or law enforcement,
- 5 parole or probation officer, or person who provides similar services;
- 6           E.     Written or oral statement from a member of the clergy, counselor, therapist, social
- 7 worker, community or volunteer organization, or person or institution who provides similar
- 8 services;
- 9           F.     Certificate of rehabilitation;
- 10          G.     Certificate of completion or enrollment in an educational or vocational training
- 11 program, including apprenticeship programs; or
- 12          H.     Certificate of completion or enrollment in a drug or alcohol treatment program; or
- 13 certificate of completion or enrollment in a rehabilitation program.

14           “Tenant” means a person occupying or holding possession of a building or premises

15 pursuant to a rental agreement.

16 **14.09.015 Applicability**

17 A person is covered by this Chapter 14.09 when the physical location of the housing is within the

18 geographic boundaries of the City.

19 **14.09.020 Notice to prospective occupants and tenants**

20 The written notice shall include that the landlord is prohibited from requiring disclosure, asking

21 about, rejecting an applicant, or taking an adverse action based on any arrest record, conviction

22 record, or criminal history, except for information pursuant to subsection 14.09.025.A.3 and

23 subject to the exclusions and legal requirements in section 14.09.110. If a landlord screens

1 prospective occupants pursuant to section 14.09.025.A.3, the landlord shall provide written  
2 notice of screening criteria on all applications for rental properties. Pursuant to section  
3 14.09.025.A.3, applicants may provide any supplemental information related to an individual's  
4 rehabilitation, good conduct, and facts or explanations regarding their registry information. The  
5 Department shall adopt a rule or rules to enforce this Section 14.09.020.

6 **14.09.025 Prohibited use of criminal history**

7 A. It is an unfair practice for any person to:

8 1. Advertise, publicize, or implement any policy or practice that  
9 automatically or categorically excludes all individuals with any arrest record, conviction record,  
10 or criminal history from any rental housing that is located within the City.

11 2. Require disclosure, inquire about, or take an adverse action against a  
12 prospective occupant, a tenant or a member of their household, based on any arrest record,  
13 conviction record, or criminal history, except for information pursuant to subsection  
14 14.09.025.A.3 and subject to the exclusions and legal requirements in section 14.09.110.

15 3. Carry out an adverse action based on registry information of a prospective  
16 adult occupant, an adult tenant, or an adult member of their household, unless the landlord has a  
17 legitimate business reason for taking such action.

18 4. Carry out an adverse action based on registry information regarding any  
19 prospective juvenile occupant, a juvenile tenant, or juvenile member of their household.

20 5. Carry out an adverse action based on registry information regarding a  
21 prospective adult occupant, an adult tenant, or an adult member of their household if the  
22 conviction occurred when the individual was a juvenile.

1           B.     If a landlord takes an adverse action based on a legitimate business reason, the  
2 landlord shall provide written notice by email, mail, or in person of the adverse action to the  
3 prospective occupant or the tenant and state the specific registry information that was the basis  
4 for the adverse action.

5           C.     If a consumer report is used by a landlord as part of the screening process, the  
6 landlord must provide the name and address of the consumer reporting agency and the  
7 prospective occupant's or tenant's rights to obtain a free copy of the consumer report in the event  
8 of a denial or other adverse action, and to dispute the accuracy of information appearing in the  
9 consumer report.

10 **14.09.030 Retaliation prohibited**

11           A.     No person shall interfere with, restrain, or deny the exercise of, or the attempt to  
12 exercise, any right protected under this Chapter 14.09.

13           B.     No person shall take any adverse action against any person because the person has  
14 exercised in good faith the rights protected under this Chapter 14.09. Such rights include but are  
15 not limited to the right to fair chance housing and regulation of the use of criminal history in  
16 housing by this Chapter 14.09; the right to make inquiries about the rights protected under this  
17 Chapter 14.09; the right to inform others about their rights under this Chapter 14.09; the right to  
18 inform the person's legal counsel or any other person about an alleged violation of this Chapter  
19 14.09; the right to file an oral or written complaint with the Department for an alleged violation  
20 of this Chapter 14.09; the right to cooperate with the Department in its investigations of this  
21 Chapter 14.09; the right to testify in a proceeding under or related to this Chapter 14.09; the right  
22 to refuse to participate in an activity that would result in a violation of City, state, or federal law;  
23 and the right to oppose any policy, practice, or act that is unlawful under this Chapter 14.09.

1 C. No person shall communicate to a person exercising rights protected in this  
2 Section 14.09.030, directly or indirectly, the willingness to inform a government employee that  
3 the person is not lawfully in the United States, or to report, or to make an implied or express  
4 assertion of a willingness to report, suspected citizenship or immigration status of a prospective  
5 occupant, a tenant or a member of their household to a federal, state, or local agency because the  
6 prospective occupant or tenant has exercised a right under this Chapter 14.09.

7 D. It shall be a rebuttable presumption of retaliation if a landlord or any other person  
8 takes an adverse action against a person within 90 days of the person's exercise of rights  
9 protected in this Section 14.09.030. The landlord may rebut the presumption with clear and  
10 convincing evidence that the adverse action was taken for a permissible purpose.

11 E. Proof of retaliation under this Section 14.09.030 shall be sufficient upon a  
12 showing that a landlord or any other person has taken an adverse action against a person and the  
13 person's exercise of rights protected in this Section 14.09.030 was a motivating factor in the  
14 adverse action, unless the landlord can prove that the action would have been taken in the  
15 absence of such protected activity.

16 F. The protections afforded under this Section 14.09.030 shall apply to any person  
17 who mistakenly but in good faith alleges violations of this Chapter 14.09.

18 G. A complaint or other communication by any person triggers the protections of this  
19 Section 14.09.030 regardless of whether the complaint or communication is in writing or makes  
20 explicit reference to this Chapter 14.09.

21 **14.09.035 Enforcement power and duties**

22 A. The Department shall have the power to investigate violations of this Chapter  
23 14.09, as defined herein, and shall have such powers and duties in the performance of these

1 functions as are defined in this Chapter 14.09 and otherwise necessary and proper in the  
2 performance of the same and provided for by law.

3 B. The Department shall be authorized to coordinate implementation and  
4 enforcement of this Chapter 14.09 and shall promulgate appropriate guidelines or rules for such  
5 purposes.

6 C. The Director is authorized and directed to promulgate appropriate guidelines and  
7 rules consistent with this Chapter 14.09 and the Administrative Code. Any guidelines or rules  
8 promulgated by the Director shall have the force and effect of law and may be relied on by  
9 landlords, prospective occupants, tenants, and other parties to determine their rights and  
10 responsibilities under this Chapter 14.09.

11 D. The Director shall maintain data on the number of complaints filed pursuant to  
12 this Chapter 14.09, demographic information on the complainants, the number of investigations  
13 it conducts and the disposition of every complaint and investigation. The Director shall submit  
14 this data to the Mayor and City Council every six months for the two years following the  
15 effective date of the ordinance introduced as Council Bill 119015.

16 **14.09.040 Violation**

17 The failure of any person to comply with any requirement imposed on the person under this  
18 Chapter 14.09 is a violation.

19 **14.09.045 Charge—Filing**

20 A. An aggrieved person may file a charge with the Director alleging a violation. The  
21 charge shall be in writing and signed under oath or affirmation before the Director, one of the  
22 Department's employees, or any other person authorized to administer oaths. The charge shall  
23 describe the alleged violation and should include a statement of the dates, places, and

1 circumstances, and the persons responsible for such acts and practices. Upon the filing of a  
2 charge alleging a violation, the Director shall cause to be served upon the charging party a  
3 written notice acknowledging the filing, and notifying the charging party of the time limits and  
4 choice of forums provided in this Chapter 14.09.

5 B. A charge shall not be rejected as insufficient because of failure to include all  
6 required information if the Department determines that the charge substantially satisfies the  
7 informational requirements necessary for processing.

8 C. A charge alleging a violation or pattern of violations under this Chapter 14.09  
9 may also be filed by the Director whenever the Director has reason to believe that any person has  
10 been engaged or is engaging in a violation under this Chapter 14.09.

11 **14.09.050 Time for filing charges**

12 Charges filed under this Chapter 14.09 must be filed with the Department within one year after  
13 the alleged violation has occurred or terminated.

14 **14.09.055 Charge—Amendments**

15 A. The charging party or the Department may amend a charge:

- 16 1. To cure technical defects or omissions;
- 17 2. To clarify allegations made in the charge;
- 18 3. To add allegations related to or arising out of the subject matter set forth  
19 or attempted to be set forth in the charge;
- 20 4. To add as a charging party a person who is, during the course of the  
21 investigation, identified as an aggrieved person; or
- 22 5. To add or substitute as a respondent a person who was not originally  
23 named as a respondent, but who is, during the course of the investigation, identified as a

1 respondent. For jurisdictional purposes, such amendments shall relate back to the date the  
2 original charge was first filed.

3 B. The charging party may amend a charge to include allegations of retaliation which  
4 arose after the filing of the original charge. Such amendment must be filed within one year after  
5 the occurrence of the retaliation, and prior to the Department's issuance of findings of fact and  
6 determination with respect to the original charge. Such amendments may be made at any time  
7 during the investigation of the original charge so long as the Department will have adequate time  
8 to investigate the additional allegations and the parties will have adequate time to present the  
9 Department with evidence concerning the additional allegations before the issuance of findings  
10 of fact and a determination.

11 C. When a charge is amended to add or substitute a respondent, the Director shall  
12 serve upon the new respondent within 20 days:

- 13 1. The amended charge;
- 14 2. The notice required under subsection 14.09.060.A; and
- 15 3. A statement of the basis for the Director's belief that the new respondent  
16 is properly named as a respondent. For jurisdictional purposes, amendment of a charge to add or  
17 substitute a respondent shall relate back to the date the original charge was first filed.

18 **14.09.060 Notice of charge and investigation**

19 A. The Director shall promptly, and in any event within 20 days of filing of the  
20 charge, cause to be served on or mailed, by certified mail, return receipt requested, to the  
21 respondent, a copy of the charge along with a notice advising the respondent of respondent's  
22 procedural rights and obligations under this Chapter 14.09. The Director shall promptly make an  
23 investigation of the charge.

1           B.       The investigation shall be directed to ascertain the facts concerning the violation  
2 alleged in the charge, and shall be conducted in an objective and impartial manner.

3           C.       During the period beginning with the filing of the charge and ending with the  
4 issuance of the findings of fact, the Department shall, to the extent feasible, engage in settlement  
5 discussions with respect to the charge. A pre-finding settlement agreement arising out of the  
6 settlement discussions shall be an agreement between the charging party and the respondent and  
7 shall be subject to approval by the Director. Each pre-finding settlement agreement is a public  
8 record. Failure to comply with the pre-finding settlement agreement may be enforced under  
9 Section 14.09.100.

10          D.       During the investigation, the Director shall consider any statement of position or  
11 evidence with respect to the allegations of the charge which the charging party or the respondent  
12 wishes to submit, including the respondent's answer to the charge. The Director shall have  
13 authority to sign and issue subpoenas requiring the attendance and testimony of witnesses, the  
14 production of evidence including but not limited to books, records, correspondence, or  
15 documents in the possession or under the control of the person subpoenaed, and access to  
16 evidence for the purpose of examination and copying, and conduct discovery procedures which  
17 may include the taking of interrogatories and oral depositions.

18          E.       The Director may require a fact-finding conference or participation in another  
19 process with the respondent and any of respondent's agents and witnesses and the charging party  
20 during the investigation in order to define the issues, determine which elements are undisputed,  
21 resolve those issues which can be resolved, and afford an opportunity to discuss or negotiate  
22 settlement. Parties may have their legal counsel present if desired.

1 **14.09.065 Procedure for investigations**

2 A. A respondent may file with the Department an answer to the charge no later than  
3 ten days after receiving notice of the charge.

4 B. The Director shall commence investigation of the charge within 30 days after the  
5 filing of the charge. The investigation shall be completed within 100 days after the filing of the  
6 charge, unless it is impracticable to do so. If the Director is unable to complete the investigation  
7 within 100 days after the filing of the charge, the Director shall notify the charging party and the  
8 respondent of the reasons therefor. The Director shall make final administrative disposition of a  
9 charge within one year of the date of filing of the charge, unless it is impracticable to do so. If  
10 the Director is unable to make a final administrative disposition within one year of the filing of  
11 the charge, the Director shall notify the charging party and the respondent of the reasons  
12 therefor.

13 C. If the Director determines that it is necessary to carry out the purposes of this  
14 Chapter 14.09, the Director may, in writing, request the City Attorney to seek prompt judicial  
15 action for temporary or preliminary relief to enjoin any violation pending final disposition of a  
16 charge.

17 **14.09.070 Findings of fact and determination of reasonable cause or no reasonable cause**

18 A. The results of the investigation shall be reduced to written findings of fact and a  
19 determination shall be made by the Director that there is or is not reasonable cause for believing  
20 that a violation has been, is being or is about to be committed, which determination shall also be  
21 in writing and issued with the written findings of fact. The findings and determination are  
22 “issued” when signed by the Director and mailed to the parties.

1           B.       Once issued to the parties, the Director’s findings of fact, determination, and  
2 order may not be amended or withdrawn except upon the agreement of the parties or in response  
3 to an order by the Commission after an appeal taken pursuant to Section 14.09.075; provided,  
4 that the Director may correct clerical mistakes or errors arising from oversight or omission upon  
5 a motion from a party or upon the Director’s own motion.

6 **14.09.075 Determination of no reasonable cause—Appeal from and dismissal**

7 If a determination is made that there is no reasonable cause for believing a violation under this  
8 Chapter 14.09 has been, is being, or is about to be committed, the charging party may appeal  
9 such determination to the Commission within 30 days of the date the determination is signed by  
10 the Director by filing a written statement of appeal with the Commission. The Commission shall  
11 promptly deliver a copy of the statement to the Department and respondent and shall promptly  
12 consider and act upon such appeal by either affirming the Director’s determination or, if the  
13 Commission believes the Director should investigate further, remanding it to the Director with a  
14 request for specific further investigation. In the event no appeal is taken, or such appeal results in  
15 affirmance, or if the Commission has not decided the appeal within 90 days from the date the  
16 appeal statement is filed, the determination of the Director shall be final and the charge deemed  
17 dismissed and the same shall be entered on the records of the Department.

18 **14.09.080 Determination of reasonable cause—Conciliation**

19           A.       If the Director determines that reasonable cause exists to believe that a violation  
20 has occurred, is occurring, or is about to occur, the Director shall endeavor to eliminate the  
21 violation through efforts to reach conciliation. Conditions of conciliation may include, but are  
22 not limited to, the elimination of the violation, rent refunds or credits, reinstatement to tenancy,  
23 affirmative recruiting or advertising measures, payment of actual damages, and reasonable

1 attorney's fees and costs, or such other remedies that will carry out the purposes of this Chapter  
2 14.09. The Director may also require payment of a civil penalty as set forth in Section 14.09.100.

3 B. Any post-finding conciliation agreement shall be an agreement between the  
4 charging party and the respondent and shall be subject to the approval of the Director. The  
5 Director shall enter an order setting forth the terms of the agreement, which may include a  
6 requirement that the parties report to the Director on the matter of compliance. Copies of such  
7 order shall be delivered to all affected parties and shall be subject to public disclosure.

8 C. If conciliation fails and no agreement can be reached, the Director shall issue a  
9 written finding to that effect and furnish a copy of the finding to the charging party and to the  
10 respondent. Upon issuance of the finding, except a case in which a City department is a  
11 respondent, the Director shall promptly cause to be delivered the entire investigatory file,  
12 including the charge and any and all findings made, to the City Attorney for further proceedings  
13 and hearing under this Chapter 14.09, pursuant to Section 14.09.085.

14 **14.09.085 Complaint and hearing**

15 A. Following submission of the investigatory file from the Director, the City  
16 Attorney shall, except as set forth in subsection 14.09.085.B, prepare a complaint against such  
17 respondent relating to the charge and facts discovered during the Department's investigation.  
18 The City Attorney shall file the complaint with the Hearing Examiner in the name of the  
19 Department and represent the interests of the Department at all subsequent proceedings.

20 B. If the City Attorney determines that there is no legal basis for a complaint to be  
21 filed or proceedings to continue, a statement of the reasons therefor shall be filed with the  
22 Department. The Director shall then dismiss the charge. Any party aggrieved by the dismissal  
23 may appeal to the Commission.

1 C. The City Attorney shall serve a copy of the complaint on respondent and furnish a  
2 copy of the complaint to the charging party and to the Department.

3 D. Within 20 days of the service of such complaint upon it, the respondent shall file  
4 its answer with the Hearing Examiner and serve a copy of the same on the City Attorney.

5 E. Upon the filing of the complaint, the Hearing Examiner shall promptly establish a  
6 hearing date and give notice thereof to the Commission, City Attorney, and respondent, and shall  
7 thereafter hold a public hearing on the complaint which shall commence no earlier than 90 days  
8 nor later than 120 days from the filing of the complaint, unless otherwise ordered by the Hearing  
9 Examiner.

10 F. After the complaint is filed with the Hearing Examiner, it may be amended only  
11 with the permission of the Hearing Examiner, which permission shall be granted when justice  
12 will be served and all parties are allowed time to prepare their case with respect to additional or  
13 expanded charges.

14 G. The hearing shall be conducted by the Hearing Examiner, a deputy hearing  
15 examiner, or a hearing examiner pro tempore appointed by the Hearing Examiner from a list  
16 approved by the Commission, sitting alone or with representatives of the Commission if any are  
17 designated. Such hearings shall be conducted in accordance with written rules and procedures  
18 consistent with this Chapter 14.09 and the Administrative Code, Chapter 3.02.

19 H. The Commission, within 30 days after receiving notice of the date of hearing from  
20 the Hearing Examiner, at its discretion, may appoint two Commissioners, who have not  
21 otherwise been involved in the charge, investigation, fact finding, or other resolution and  
22 proceeding on the merits of the case, who have not formed an opinion on the merits of the case,  
23 and who otherwise have no pecuniary, private, or personal interest or bias in the matter, to hear

1 the case with the Hearing Examiner. Each Commissioner shall have an equal vote with the  
2 Hearing Examiner. The Hearing Examiner shall be the chairperson of the panel and make all  
3 evidentiary rulings. The Hearing Examiner shall resolve any question of previous involvement,  
4 interest, or bias of an appointed Commissioner in conformance with the law on the subject. Any  
5 reference in this Chapter 14.09 to a decision, order, or other action of the Hearing Examiner shall  
6 include, when applicable, the decision, order, or other action of a panel constituted under this  
7 subsection.

8 **14.09.090 Decision and order**

9 A. Within 30 days after conclusion of the hearing, the Hearing Examiner shall  
10 prepare a written decision and order, file it as a public record with the City Clerk, and provide a  
11 copy to each party of record and to the Department.

12 B. Such decision shall contain a brief summary of the evidence considered and shall  
13 contain findings of fact, conclusions of law upon which the decision is based, and an order  
14 detailing the relief deemed appropriate, together with a brief statement of the reasons supporting  
15 the decision.

16 C. In the event the Hearing Examiner or a majority of the panel composed of the  
17 Hearing Examiner and Commissioners determines that a respondent has committed a violation  
18 under this Chapter 14.09, the Hearing Examiner may order the respondent to take such  
19 affirmative action or provide for such relief as is deemed necessary to correct the violation,  
20 effectuate the purpose of this Chapter 14.09, and secure compliance therewith, including but not  
21 limited to rent refund or credit, reinstatement to tenancy, affirmative recruiting and advertising  
22 measures, or payment of reasonable attorney's fees and costs, or to take such other action as in

1 the judgment of the Hearing Examiner will carry out the purposes of this Chapter 14.09. An  
2 order may include the requirement for a report on the matter of compliance.

3 D. The Department in the performance of its functions may enlist the aid of all  
4 departments of City government, and all said departments are directed to fully cooperate with the  
5 Department.

6 **14.09.095 Appeal from Hearing Examiner order**

7 A. The respondent may obtain judicial review of the decision of the Hearing  
8 Examiner by applying for a Writ of Review in King County Superior Court within 14 days from  
9 the date of the decision in accordance with the procedure set for in chapter 7.16 RCW, other  
10 applicable law, and court rules.

11 B. The decision of the Hearing Examiner shall be final and conclusive unless review  
12 is sought in compliance with this Section 14.09.095.

13 **14.09.100 Civil penalties in cases alleging violations of this Chapter 14.09**

14 A. In cases either decided by the Director or brought by the City Attorney alleging a  
15 violation filed under this Chapter 14.09, in addition to any other award of damages or grant of  
16 injunctive relief, a civil penalty may be assessed against the respondent to vindicate the public  
17 interest, which penalty shall be payable to The City of Seattle and the Department. Payment of  
18 the civil penalty may be required as a term of a conciliation agreement entered into under  
19 subsection 14.09.080.A or may be ordered by the Hearing Examiner in a decision rendered under  
20 Section 14.09.090.

21 B. The civil penalty assessed against a respondent shall not exceed the following  
22 amount:

1                   1.       \$11,000 if the respondent has not been determined to have committed any  
2 prior violation;

3                   2.       \$27,500 if the respondent has been determined to have committed one  
4 other violation during the five-year period ending on the date of the filing of this charge; or

5                   3.       \$55,000 if the respondent has been determined to have committed two or  
6 more violations during the seven-year period ending on the date of the filing of this charge;

7 except that if acts constituting the violation that is the subject of the charge are committed by the  
8 same person who has been previously determined to have committed acts constituting a  
9 violation, then the civil penalties set forth in subsections 14.09.100.B.2 and 14.09.100.B.3 may  
10 be imposed without regard to the period of time within which those prior acts occurred.

11 **14.09.105 Enforcement of Department and Hearing Examiner orders and agreements**

12           A.       In the event a City respondent fails to comply with any final order of the Director  
13 or of the Hearing Examiner, a copy of the order shall be transmitted to the Mayor, who shall take  
14 appropriate action to secure compliance with the final order.

15           B.       In the event a respondent fails to comply with any final order issued by the  
16 Hearing Examiner not directed to the City or to any City department, the Director shall refer the  
17 matter to the City Attorney, for the filing of a civil action to enforce such order.

18           C.       Whenever the Director has reasonable cause to believe that a respondent has  
19 breached a settlement or conciliation agreement, the Director shall refer the matter to the City  
20 Attorney for filing of a civil action to enforce such agreement.

21 **14.09.110 Evaluation**

22 The Department shall ask the Office of the City Auditor to conduct an evaluation of the Fair  
23 Chance Housing Ordinance to determine if the program should be maintained, amended, or

1 repealed. The evaluation should include an analysis of the impact on discrimination based on  
2 race and the impact on the ability of persons with criminal records to obtain housing. The highest  
3 quality evaluation will be performed based on available resources and data. The Office of the  
4 City Auditor, at its discretion, may retain an independent, outside party to conduct the  
5 evaluation. The evaluation shall be submitted to City Council by the end of 2019.

6 **14.09.115 Exclusions and other legal requirements**

7 A. This Chapter 14.09 shall not be interpreted or applied to diminish or conflict with  
8 any requirements of state or federal law, including but not limited to Title VIII of the Civil  
9 Rights Act of 1968, the Federal Fair Credit Reporting Act, 15 U.S.C. 1681 et seq., as amended;  
10 the Washington State Fair Credit Reporting Act, chapter 19.182 RCW, as amended; and the  
11 Washington State Criminal Records Privacy Act, chapter 10.97 RCW, as amended. In the event  
12 of any conflict, state and federal requirements shall supersede the requirements of this Chapter  
13 14.09.

14 B. This Chapter 14.09 shall not apply to an adverse action taken by landlords of  
15 federally assisted housing subject to federal regulations that require denial of tenancy, including  
16 but not limited to when any member of the household is subject to a lifetime sex offender  
17 registration requirement under a state sex offender registration program and/or convicted of  
18 manufacture or production of methamphetamine on the premises of federally assisted housing.

19 C. This Chapter 14.09 shall not apply to the renting, subrenting, leasing, or  
20 subleasing of a single family dwelling unit in which the owner or subleasing tenant or subrenting  
21 tenant occupy part of the single family dwelling unit.

22 D. This Chapter 14.09 shall not apply to the renting, subrenting, leasing, or  
23 subleasing of an accessory dwelling unit or detached accessory dwelling unit wherein the owner

1 or person entitled to possession thereof maintains a permanent residence, home, or abode on the  
2 same lot.

3 E. This Chapter 14.09 shall not be construed to discourage or prohibit landlords from  
4 adopting screening policies that are more generous to prospective occupants and tenants than the  
5 requirements of this Chapter 14.09.

6 F. This Chapter 14.09 shall not be construed to create a private civil right of action.

7 **14.09.120 Severability**

8 The provisions of this Chapter 14.09 are declared to be separate and severable. If any  
9 clause, sentence, paragraph, subdivision, section, subsection, or portion of this Chapter 14.09, or  
10 the application thereof to any landlord, prospective occupant, tenant, person, or circumstance, is  
11 held to be invalid, it shall not affect the validity of the remainder of this Chapter 14.09, or the  
12 validity of its application to other persons or circumstances.

13 Section 3. Section 3.14.931 of the Seattle Municipal Code, last amended by Ordinance  
14 125231, is amended as follows:

15 **3.14.931 Seattle Human Rights Commission—Duties**

16 The Seattle Human Rights Commission shall act in an advisory capacity to the Mayor, City  
17 Council, Office for Civil Rights, and other City departments in respect to matters affecting  
18 human rights, and in furtherance thereof shall have the following specific responsibilities:

19 A. To consult with and make recommendations to the Director of the Office for Civil  
20 Rights and other City departments and officials with regard to the development of programs for  
21 the promotion of equality, justice, and understanding among all citizens of the City;

22 B. To consult with and make recommendations to the Director of the Office for Civil  
23 Rights with regard to problems arising in the City which may result in discrimination because of

1 race, religion, creed, color, national origin, sex, marital status, parental status, sexual orientation,  
2 gender identity, political ideology, age, ancestry, honorably discharged veteran or military status,  
3 genetic information, the presence of any (~~sensory, mental, or physical~~) disability, alternative  
4 source of income, (~~the possession or use of~~) participation in a Section 8 (~~rent certificate~~) or  
5 other subsidy program, right of a mother to breastfeed her child, or the use of a (~~trained guide~~  
6 ~~or~~) service (~~dog~~) animal by a (~~handicapped~~) disabled person, and to make such investigations  
7 and hold such hearings as may be necessary to identify such problems;

8 C. As appropriate, recommend policies to all departments and offices of the City in  
9 matters affecting civil rights and equal opportunity, and recommend legislation for the  
10 implementation of such policies;

11 D. Encourage understanding between all protected classes and the larger Seattle  
12 community, through long range projects;

13 E. Hear appeals and hearings as set forth in Chapters 14.04, 14.06, (~~and~~) 14.08, and  
14 14.09 of the Seattle Municipal Code;

15 F. Report on a semi-annual basis to the Mayor and the City Council. The reports  
16 shall include an annual or semi-annual work plan, a briefing of the Commission's public  
17 involvement process for soliciting community and citizen input in framing their annual work  
18 plans, and updates on the work plans; and

19 G. Meet on a quarterly basis through a designated representative with the Seattle  
20 Women's Commission, the Seattle LGBTQ (Lesbian, Gay, Bisexual, Transgender, Queer)  
21 Commission, and the Seattle Commission for People with Disabilities to ensure coordination and  
22 joint project development.

1 Section 4. Sections 1, 2, and 3 of this ordinance shall take effect and be in force 150 days  
2 after the effective date of this ordinance, to ensure there is adequate time for rule-making and  
3 any adjustments in business practices needed.

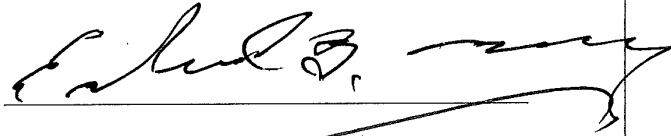
4 Section 5. This ordinance shall take effect and be in force 30 days after its approval by  
5 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
6 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

7 Passed by the City Council the 14<sup>th</sup> day of August, 2017,  
8 and signed by me in open session in authentication of its passage this 14<sup>th</sup> day of  
9 August, 2017.

10 

11 President \_\_\_\_\_ of the City Council  
(23RD -A.S.)

12 Approved by me this 23<sup>rd</sup> day of August, 2017.

13 

14 Edward B. Murray, Mayor

15 Filed by me this 23<sup>rd</sup> day of August, 2017.

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17 Monica Martinez Simmons, City Clerk

18 (Seal)

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**Tab 2**  
**Roommate Ordinance, Ord. 125950**

CITY OF SEATTLE

ORDINANCE 125950

COUNCIL BILL 119606

AN ORDINANCE relating to rental properties; restricting a landlord's ability to limit the number of persons residing in a rental unit; prohibiting the use of conditions that are applied to persons residing in a rental unit who are not tenants; and amending Sections 7.24.020 and 7.24.030 of, and adding new Sections 7.24.031 and 7.24.032 to, the Seattle Municipal Code.

WHEREAS, on February 4, 2019, Council adopted Resolution 31861, which outlined harms that evictions from housing have on tenants and marginalized communities; and

WHEREAS, Resolution 31861 prioritized exploration of solutions for seven problems identified in the Seattle Women's Commission and Housing Justice Project report "Losing Home: The Human Cost of Eviction in Seattle"; and

WHEREAS, Resolution 31861 identified one of the obstacles to remaining in housing is a tenant's need to live with a roommate to afford rent, but tenants are often restricted from doing so under their lease agreements, because of a landlord's discretion to reject a roommate, and due to additional fees and screening criteria for roommates; and

WHEREAS, the resolution also identified the problems faced by renters when a tenant on a lease or rental agreement dies and the remaining occupants do not have any right to remain in the rental unit; and

WHEREAS, these problems can contribute to financial instability that ultimately may lead to eviction; NOW, THEREFORE,

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

Section 1. Section 7.24.020 of the Seattle Municipal Code, last amended by Ordinance 125901, is amended as follows:

1 **7.24.020 Definitions**

2 As used in this Chapter 7.24:

3 \* \* \*

4 "Housing costs" means rent as defined by chapter 59.18 RCW.

5 "Immediate family" means spouses, domestic partners, former spouses, former domestic  
6 partners, adult persons related by marriage, siblings, persons 16 years of age or older who are  
7 presently residing together or who have resided together in the past and who have or have had a  
8 dating relationship, and persons who have a parent-child relationship, including parents,  
9 stepparents, grandparents, adoptive parents, guardians, foster parents, or custodians of minors.  
10 For purposes of this definition, "dating relationship" means a social relationship of a romantic  
11 nature. Factors a court may consider in determining the existence of a dating relationship  
12 include: (a) the length of time the relationship has existed; (b) the nature of the relationship; and  
13 (c) the frequency of interaction between the parties.

14 \* \* \*

15 "Rental agreement" has the meaning ((means a "rental agreement" as)) defined in and  
16 within the scope of RCW 59.18.030 and RCW 59.18.040 as amended. ((of the in effect at the  
17 time the rental agreement is executed. At the time of the passage of the ordinance codified in this  
18 chapter, the RLTA defined "rental agreement" as "all agreements which establish or modify the  
19 terms, conditions, rules, regulations, or any other provisions concerning the use and occupaney  
20 of a dwelling unit."))

21 \* \* \*

22 Section 2. Section 7.24.030 of the Seattle Municipal Code, last amended by Ordinance  
23 125901, is amended as follows:

\* \* \*

H. Any rental agreement entered into after June 30, 2020 is subject to the following requirements.

1. Occupancies allowed

Subject to the landlord's authority to screen and allow occupancy of a rental unit as provided in this subsection 7.24.030.H, the tenants, a tenant's immediate family, an additional resident who is not a member of the tenant's immediate family, and the additional resident's immediate family may reside in a rental unit, provided the total number of persons residing in the unit does not exceed occupancy limits established by federal, state, or local law.

2. Notification to a landlord

Within 30 days following the commencement of occupancy of any residents who do not become parties to a rental agreement, the tenant shall inform the landlord of each additional person's name.

3. Conditions of qualifying for and obtaining occupancy of a rental unit

Landlords shall not impose conditions on any person other than a tenant, including but not limited to using additional screening criteria, that are beyond those imposed on a tenant to qualify for or obtain occupancy of a rental unit.

4. Early vacation from a rental unit

If one of the tenants or persons who is not the tenant vacates the unit before expiration of the tenancy, a landlord shall not reduce the number of persons allowed to occupy the unit during the remainder of the tenancy.

5. Limitations on screening requirements

1                   A landlord may screen a potential tenant and additional residents other than the  
2 tenant's immediate family to determine whether a potential tenant can become party to a rental  
3 agreement or additional residents can occupy the rental unit. A landlord may obtain a screening  
4 report under subsection 14.08.040.F and Chapter 14.09 for members of a tenant's immediate  
5 family but may not exclude any member of the tenant's immediate family from occupancy or  
6 becoming a party to the rental agreement based on information in the screening report, except as  
7 provided in Section 7.24.032. A landlord must comply with all other screening requirements  
8 required by law.

9                   6. Parties to the rental agreement

10                   A landlord may require by written notice that any resident who is not a member of  
11 the tenant's immediate family become a party to the rental agreement. If that resident fails to  
12 become party to the rental agreement within 30 days after receiving a written notice from the  
13 landlord requiring that resident to become a party, that resident shall vacate the unit within 45  
14 days after receiving that notice.

15                   Section 3. A new Section 7.24.031 is added to the Seattle Municipal Code as follows:

16                   **7.24.031 Succession to tenancy upon a tenant's early vacation of a rental unit and screening**  
17 **of succeeding parties**

18                   A. If a tenant vacates the rental unit before expiration of the tenancy, members of the  
19 tenant's immediate family occupying the rental unit may become parties to the rental agreement,  
20 subject to the same terms in the rental agreement that applied to the vacating tenant. A landlord  
21 may obtain a screening report under subsection 14.08.040.F and Chapter 14.09 for members of a  
22 tenant's immediate family but may not exclude any member of the tenant's immediate family

1 from becoming a party to the rental agreement based on information in the screening report,  
2 except as provided in Section 7.24.032.

3 B. If a tenant vacates the rental unit before expiration of the tenancy, additional residents  
4 of the rental unit who are not the tenant's immediate family may become parties to the rental  
5 agreement, subject to the same terms in the rental agreement that applied to the vacating tenant,  
6 if they have resided in the rental unit for at least six consecutive months immediately prior to the  
7 tenant's vacation. A landlord may screen these additional residents to determine whether to allow  
8 them to become parties to the rental agreement.

9 C. A landlord may require by written notice that the persons described in subsections  
10 7.24.031.A and 7.24.031.B become a party to the rental agreement. If that resident fails to  
11 become party to the rental agreement within 30 days after receiving a written notice from the  
12 landlord requiring that resident to become a party, that resident shall vacate the unit within 45  
13 days after receiving that notice.

14 Section 4. A new Section 7.24.032 is added to the Seattle Municipal Code as follows:

15 **7.24.032 Exemptions**

16 Subsection 7.24.030.H and Section 7.24.031 do not apply to:

17 A. Denial of occupancy made by landlords of federally assisted housing subject to federal  
18 regulations that require denial of tenancy, including but not limited to when any member of the  
19 household is subject to a lifetime sex offender registration requirement under a state sex offender  
20 registration program or has been convicted of manufacturing or producing methamphetamine on  
21 the premises of federally-assisted housing; or

22 B. Renting of a dwelling unit or an accessory dwelling unit where the owner occupies a  
23 part of the dwelling unit or accessory dwelling unit.

1           Section 5. The provisions of this ordinance are declared to be separate and severable. If  
2 any clause, sentence, paragraph, subdivision, section, subsection or portion of this ordinance, or  
3 the application thereof to any person or circumstance, is held to be invalid, it shall not affect the  
4 validity of the remainder of this ordinance, or the validity of its application to other persons or  
5 circumstances.

1 Section 6. Sections 1, 2, 3, and 4 of this ordinance shall take effect and be in force on  
2 July 1, 2020.

3 Section 7. This ordinance shall take effect and be in force 30 days after its approval by  
4 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
5 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

6 Passed by the City Council the 30<sup>th</sup> day of September, 2019,  
7 and signed by me in open session in authentication of its passage this 30<sup>th</sup> day of  
8 September, 2019.

9 

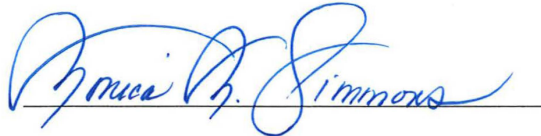
10 President \_\_\_\_\_ of the City Council

11 Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

12 **Returned Unsigned  
by Mayor**

13 \_\_\_\_\_  
Jenny A. Durkan, Mayor

14 Filed by me this 11<sup>th</sup> day of OCTOBER, 2019.

15 

16 Monica Martinez Simmons, City Clerk

17 (Seal)



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**Tab 3**  
**Winter Eviction Ban, Ord. 126041**

**CITY OF SEATTLE**

**ORDINANCE**

126041

**COUNCIL BILL**

119726

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4  
5 AN ORDINANCE relating to termination of residential rental tenancies; prohibiting evictions in  
6 winter months; and amending Section 22.206.160 of the Seattle Municipal Code.

7  
8 WHEREAS, on November 2, 2015, the Mayor issued a Civil Emergency to address the  
9 homelessness crisis in the City of Seattle; and

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

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

17 WHEREAS, the *Losing Home* report found that most evicted respondents became homeless,  
18 with 37.5 percent completely unsheltered, 25.0 percent living in a shelter or transitional  
19 housing, and 25.0 percent staying with family or friends. Only 12.5 percent of evicted  
20 respondents found another apartment or home to move into; and

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

24 WHEREAS, people experiencing homelessness have a much higher risk than the general  
25 population of developing exposure-related conditions. The KCMEO 2018 investigation  
26 found that over half (n=107) of presumed homeless deaths investigated occurred outside

1 and that approximately 62 percent (n=121) of presumed homeless deaths investigate were  
2 attributed to non-natural causes (drug overdose, accidents (that includes hypothermia),  
3 suicide, homicide, and undetermined); and

4 WHEREAS, the Washington State Legislature has declared a state policy to help residents who  
5 are experiencing a temporary crisis in retaining stable housing to avoid eviction from  
6 their homes, as expressed in Laws of 2019 c 356 section 1; and

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

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

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

14 **22.206.160 Duties of owners**

15 \* \* \*

16 C. Just cause eviction

17 1. Pursuant to provisions of the Washington State Residential Landlord-Tenant  
18 Act (RCW 59.18.290), an owner((s)) may not evict a residential tenant((s)) without a court order,  
19 which can be issued by a court only after the tenant has an opportunity in a show cause hearing  
20 to contest the eviction (RCW 59.18.380). An o((Θ))wner((s)) of a housing unit((s)) shall not  
21 evict or attempt to evict any tenant, or otherwise terminate or attempt to terminate the tenancy of  
22 any tenant, unless the owner can prove in court that just cause exists. Regardless of whether just  
23 cause for eviction may exist, an o((Θ))wner((s)) may not evict a residential tenant((s)) from a

1 rental housing unit((s)) if: the unit((s-are)) is not registered with the Seattle Department of  
2 Construction and Inspections if required by Section 22.214.040; or if subsection 22.206.160.C.8  
3 provides the tenant a defense to the eviction (~~, regardless of whether just cause for eviction may~~  
4 ~~exist~~)).

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

9 a. The tenant fails to comply with a 14 day notice to pay rent or vacate  
10 pursuant to RCW 59.12.030(3); a ten day notice to comply or vacate pursuant to RCW  
11 59.12.030(4); or a three day notice to vacate for waste, nuisance (including a drug-related  
12 activity nuisance pursuant to chapter 7.43 RCW), or maintenance of an unlawful business or  
13 conduct pursuant to RCW 59.12.030(5);

14 b. The tenant habitually fails to pay rent when due which causes the owner  
15 to notify the tenant in writing of late rent four or more times in a 12 month period;

16 c. The tenant fails to comply with a ten day notice to comply or vacate that  
17 requires compliance with a material term of the rental agreement or that requires compliance  
18 with a material obligation under chapter 59.18 RCW;

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

22 e. The owner seeks possession so that the owner or a member of ((his or  
23 her)) the owner's immediate family may occupy the unit as that person's principal residence and

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

15                                   f. The owner elects to sell a single-family dwelling unit and gives the  
16 tenant at least 90 days' written notice prior to the date set for vacating, which date shall coincide  
17 with the end of the term of a rental agreement, or if the agreement is month to month, with the  
18 last day of a monthly period. The Director may reduce the time required to give notice to no less  
19 than 60 days if the Director determines that providing 90 days' notice will result in a personal  
20 hardship to the owner. Personal hardship may include but is not limited to hardship caused by  
21 illness or accident, unemployment, or job relocation. For the purposes of this Section  
22 22.206.160, an owner "elects to sell" when the owner makes reasonable attempts to sell the  
23 dwelling within 30 days after the tenant has vacated, including, at a minimum, listing it for sale

1 at a reasonable price with a realty agency or advertising it for sale at a reasonable price in a  
2 newspaper of general circulation. There shall be a rebuttable presumption that the owner did not  
3 intend to sell the unit if:

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

7 2) Within 90 days after the date the tenant vacated or the date the  
8 property was listed for sale, whichever is later, the owner withdraws the rental unit from the  
9 market, rents the unit to someone other than the former tenant, or otherwise indicates that the  
10 owner does not intend to sell the unit;

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

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

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

22 j. The owner seeks to discontinue use of a housing unit unauthorized by  
23 Title 23 after receipt of a notice of violation. The owner is required to pay relocation assistance

1 to the tenant(s) of each such unit at least two weeks prior to the date set for termination of the  
2 tenancy, at the rate of:

3 1) \$2,000 for a tenant household with an income during the past 12  
4 months at or below 50 percent of the County median income, or

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

7 k. The owner seeks to reduce the number of individuals residing in a  
8 dwelling unit to comply with the maximum limit of individuals allowed to occupy one dwelling  
9 unit, as required by Title 23, and:

10 1)

11 a) The number of such individuals was more than is lawful  
12 under the current version of Title 23 but was lawful under Title 23 or Title 24 on August 10,  
13 1994;

14 b) That number has not increased with the knowledge or  
15 consent of the owner at any time after August 10, 1994; and

16 c) The owner is either unwilling or unable to obtain a  
17 permit to allow the unit with that number of residents.

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

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

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

6 1.

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

10 a) The owner has served the tenants with a 30 day notice,  
11 informing the tenants that the number of tenants exceeds the legal limit and must be reduced to  
12 the legal limit; provided that~~((s))~~ no 30 day notice is required if the number of tenants was  
13 increased above the legal limit without the knowledge or consent of the owner;

14 b) After expiration of the 30 day notice required by  
15 subsection 22.206.160.1.1.a ~~((above))~~, or at any time after receipt of the notice of violation if no  
16 30 day notice is required pursuant to subsection 22.206.160.1.1.a, the owner has served the  
17 tenants with and the tenants have failed to comply with a ten day notice to comply with the  
18 maximum legal limit on the number of occupants or vacate; and

19 c) If there is more than one rental agreement for the unit,  
20 the owner may choose which agreements to terminate; provided that~~((s))~~ the owner may either  
21 terminate no more than the minimum number of rental agreements necessary to comply with the  
22 legal limit on the number of occupants, or, at the option of the owner, terminate only those

1 agreements involving the minimum number of occupants necessary to comply with the legal  
2 limit.

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

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

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

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

16 1) \$2,000 for a tenant household with an income during the past 12  
17 months at or below 50 percent of the county median income, or

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

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

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

18                               2) Engages in activity that is a crime under the laws of this state,  
19 but only if the activity substantially affects the health or safety of other tenants or the owner.

20                   2. Any rental agreement provision which waives or purports to waive any right,  
21 benefit or entitlement created by this subsection 22.206.160.C shall be deemed void and of no  
22 lawful force or effect.

1                   3. With any termination notices required by law, owners terminating any tenancy  
2 protected by this Section 22.206.160 shall advise the affected tenant or tenants in writing of the  
3 reasons for the termination and the facts in support of those reasons.

4                   4. If a tenant who has received a notice of termination of tenancy claiming  
5 subsection 22.206.160.C.1.e, 22.206.160.C.1.f, or 22.206.160.C.1.m as the ground for  
6 termination believes that the owner does not intend to carry out the stated reason for eviction and  
7 makes a complaint to the Director, then the owner must, within ten days of being notified by the  
8 Director of the complaint, complete and file with the Director a certification stating the owner's  
9 intent to carry out the stated reason for the eviction. The failure of the owner to complete and file  
10 such a certification after a complaint by the tenant shall be a defense for the tenant in an eviction  
11 action based on this ground.

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

15                  6. It shall be a violation of this Section 22.206.160 for any owner to evict or  
16 attempt to evict any tenant or otherwise terminate or attempt to terminate the tenancy of any  
17 tenant using a notice (~~which~~) that references subsections 22.206.160.C.1.e, 22.206.160.C.1.f,  
18 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  
19 eviction or termination of tenancy without fulfilling or carrying out the stated reason for or  
20 condition justifying the termination of such tenancy.

21                  7. An owner who evicts or attempts to evict a tenant or who terminates or  
22 attempts to terminate the tenancy of a tenant using a notice which references subsections  
23 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

1 of tenancy without fulfilling or carrying out the stated reason for or condition justifying the  
2 termination of such tenancy shall be liable to such tenant in a private right for action for damages  
3 up to \$2,000, costs of suit, or arbitration and reasonable attorney's fees.

4 8. Except as provided in subsection 22.206.160.C.8.d, it is a defense to eviction  
5 if:

6 a. The eviction would result in the tenant having to vacate the housing unit  
7 at any time between December 1 and March 1; and

8 b. The tenant household is a moderate-income household as defined in  
9 Section 23.84A.016; and

10 c. The housing unit that the tenant would have to vacate is owned by a  
11 person who owns more than four rental housing units in The City of Seattle. For purposes of this  
12 subsection 22.206.160.C.8.c, "owns" includes having an ownership interest in the housing units.

13 d. If the reason for termination of the tenancy is due to conditions  
14 described in subsections 22.206.160.C.1.e, 22.206.160.C.1.f provided that the tenant was  
15 provided at least 90 days' written notice prior to the date set for vacating the unit,  
16 22.206.160.C.1.j, 22.206.160.C.1.k, 22.206.160.C.1.m, 22.206.160.C.1.n, 22.206.160.C.1.o, or  
17 22.206.160.C.1.p, or if the reason for termination is due to the tenant's failure to comply with a  
18 three day or ten day notice to vacate for a drug-related activity nuisance pursuant to chapter 7.43  
19 RCW or maintenance of an unlawful business or conduct pursuant to RCW 59.12.030(5) or  
20 because the tenant's conduct has a substantial detrimental impact on, or constitutes an imminent  
21 threat to, the health or safety of other tenants in the rental building or the owner, the eviction may  
22 occur as otherwise allowed by law.

1                                    e. A rent mitigation fund is created to provide funds to eligible low-  
2 income tenant households at risk of residential eviction during the period described in subsection  
3 22.206.160.C.8, if other sources of funds are not available to assist the tenant, or to provide  
4 financial assistance to a non-profit corporation or other housing provider that cannot evict a  
5 tenant from a rental housing unit during the period described in subsection 22.206.160.C.8  
6 because the unit is subject to restrictions on tenant incomes or rent as a condition of that  
7 assistance.

8                                    1) Tenant eligibility. To be eligible to receive funds, (1) the reason  
9 for termination must include nonpayment of rent; and (2) the tenant household must be a low-  
10 income household as defined in Section 23.84A.016; and (3) the tenant must demonstrate that the  
11 tenant does not have the financial resources to avoid eviction; and (4) the tenant must request  
12 mitigation funds on or before the date a writ of restitution is executed.

13                                    2) Housing provider eligibility. To be eligible to receive funds the  
14 housing provider shall (1) demonstrate that an eviction was delayed during this period because  
15 the tenant raised the defense described in subsection 22.206.160.C.8; and (2) demonstrate that  
16 the tenant does not have financial resources available to pay rent during the period described in  
17 subsection 22.206.160.C.8; and (3) demonstrate that the tenant resides in a unit that is subject to  
18 restrictions on tenant incomes or rent; and (4) sign an agreement stating that the housing provider  
19 will not report the tenant's delinquency on rent payment to credit reporting agencies.

20                                    3) The Director shall have rulemaking authority to administer the  
21 fund. This authority includes the ability to have the fund administered by a public or private  
22 organization having experience administering or capable of administering similar tenant  
23 assistance programs. If by rule the Director determines that payments shall be made directly to a

1 landlord, the landlord shall sign an agreement with the Director prior to payment stating that the  
2 landlord will not report the tenant's delinquent rent payment to credit reporting agencies.

3 4) The availability of funds is subject to the existence of budget  
4 appropriations for that purpose. A request for funding shall be denied if insufficient funds are  
5 available. The City is not civilly or criminally liable for failure to provide funding and no penalty  
6 or cause of action may be brought against the City resulting from the provision or lack of  
7 provision of funds.

8 5) When a landlord issues a notice to terminate tenancy due to  
9 nonpayment of rent, the notice must contain information to the tenant about how to access the  
10 tenant mitigation fund. The landlord is not required to provide this information if insufficient  
11 funds have been appropriated by the City Council to provide the funds for mitigation. The  
12 information for the notice shall be adopted by the Seattle Department of Construction and  
13 Inspections by rule.

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 10<sup>th</sup> day of February, 2020,  
5 and signed by me in open session in authentication of its passage this 10<sup>th</sup> day of  
6 February, 2020.

7 [Signature]

8 President Pro Tem of the City Council

9 Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**Returned Unsigned  
by Mayor**

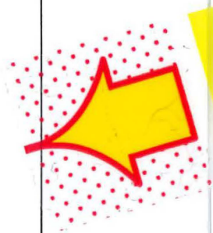
10 \_\_\_\_\_  
11 Jenny A. Durkan, Mayor

12 Filed by me this 24<sup>th</sup> day of February, 2020.

13 [Signature]

14 Monica Martinez Simmons, City Clerk

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**Tab 4**  
**Eviction Moratorium, Res. 31938**



# CITY OF SEATTLE

## Resolution (Res): Res 31938

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A RESOLUTION modifying the March 14, 2020 emergency order relating to residential evictions.

WHEREAS, on February 29, 2020, Washington Governor Jay Inslee declared a state of emergency in response to new cases of COVID-19, directing state agencies to use all resources necessary to prepare for and respond to the outbreak; and

WHEREAS, on March 3, 2020 the Mayor proclaimed a civil emergency related to the spread of COVID-19, authorizing the Mayor to exercise the emergency powers necessary for the protection of the public peace, safety, and welfare; and

WHEREAS, on March 5, 2020 the Council adopted Resolution 31937 affirming the civil emergency, modifying orders transmitted by the Mayor related to the emergency, and establishing Council's expectations related to future orders and reporting by the Mayor during the civil emergency; and

WHEREAS, on March 11, 2020, Washington Governor Jay Inslee amended his emergency order to prohibit gatherings of 250 people or more for social, spiritual and recreational activities including, but not limited to, community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers; and similar activities; and

WHEREAS, on March 12, 2020, Washington Governor Jay Inslee announced that all schools in King, Snohomish, and Pierce Counties will close through April 24, 2020; and

WHEREAS, on March 12, 2020, Public Health - Seattle and King County confirmed 270 cases of COVID-19, including 27 deaths, in King County; and

WHEREAS, in light of COVID-19 spreading person-to-person and particularly between people who are in close contact with one another, the Centers for Disease Control and Prevention (CDC) has recommended that: those who are mildly ill self-isolate by staying home, avoiding public areas, and avoiding transportation; sensitive populations avoid people who are sick; and everyone practice self-distancing; and

WHEREAS, the Washington State Legislature has declared a state policy to help residents who are experiencing a temporary crisis in retaining stable housing to avoid eviction from their homes, as expressed in Laws of 2019, ch. 356, § 1; and

WHEREAS, the September 2018 Seattle Women's Commission and the King County Bar Association's report *Losing Home: The Human Cost of Eviction in Seattle* ("Losing Home Report") found 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 housing, and 25.0 percent staying with family or friends. Only 12.5 percent of evicted respondents found another apartment or home to move into; and

WHEREAS, a 2018 investigation by the King County Medical Examiner's Office found that over half of 107 presumed homeless deaths investigated occurred outside and attributed approximately 121, or 62 percent, of presumed homeless deaths investigated to non-natural causes (drug overdose, accidents (including hypothermia), suicide, homicide, and undetermined), making it clear that people experiencing homelessness have a much higher risk than the general population of developing exposure-related conditions; and

WHEREAS, persons with underlying health conditions are at greater risk of fatality if they catch

COVID-19, and preventing individuals from becoming higher-risk patients will protect the public health, safety, and welfare of the region; and

WHEREAS, the impacts of the emerging public health crisis on the economy, employment, job retention, child care, and businesses may result in: workers being unable to go to work because of illness; the need to care for children home from day care or school or for other family members without paid sick or safe time; and reduced hours due to reduced demand, furlough, or unemployment as businesses struggle during the state of emergency. These risks are compounded especially for workers without paid sick or safe time, those in the “gig economy,” and others without protections that help stabilize income. Historically disadvantaged populations are already at greater risk of eviction. Compounding existing risk with the impacts from the COVID-19 emergency may increase the likelihood of exposure, spread, and contraction of the virus; and

WHEREAS, in the last two weeks there has been a significant drop in the number of tenants appearing in court for their eviction hearings in King County resulting in default judgments being entered and tenant losing substantial rights to assert defenses or access legal and economic assistance; and

WHEREAS, providing a moratorium on evictions for certain causes resulting from the COVID-19 pandemic is necessary as an additional step to protect public health to support stable housing, decrease the likelihood that individuals and families will fall into homelessness, enabling tenants in the City whose income and ability to work is affected due to COVID-19 to remain in their homes; and decrease the likelihood that individuals and families will increase the likelihood of exposure for themselves or others due to an eviction while the COVID-19 emergency exists; and

WHEREAS, on March 14, 2020 the Mayor issued a civil emergency order related to residential evictions; and

WHEREAS, Seattle Municipal Code subsection 10.02.020.B provides that the Seattle City Council can either ratify and confirm, modify, or reject such an order; NOW, THEREFORE,

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

Section 1. The Civil Emergency Order relating to residential evictions issued by Mayor Jenny A. Durkan, dated March 14, 2020, attached to this resolution as Exhibit A, is modified, as shown in Exhibit B.

Section 2. The Council requests that the Mayor consider issuing additional emergency orders and make expenditures pursuant to the authority assumed in Section 3 of the modified Emergency Proclamation provided in Exhibit B to Resolution 31937, to help workers and businesses impacted by the public health crisis on the economy. Additional orders and expenditures to consider include:

A. Increasing funding for programs that provide emergency rental assistance and other financial support to households unable to pay rent due to economic disruptions caused by COVID-19; and

B. Issuing orders or taking other actions to provide rent relief, including deferred payment of rent, requiring payment plans, and other strategies to assist small businesses and nonprofit organizations who are unable to pay rent or pay their employees due to economic disruptions caused by COVID-19.

Adopted by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2020, and signed by me in open session in authentication of its adoption this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

Exhibits:

Exhibit A - Emergency Order Issued March 14, 2020

Exhibit B - Modified Emergency Order

Adopted by the City Council the 16th day of March, 2020, and signed by me in open session in authentication of its adoption this 16th March day of March, 2020.

President of the City Council



Teresa Mosqueda, Councilmember

Filed by me this 16<sup>th</sup> day of March, 2020.

  
Monica Martinez Simmons, City Clerk

(Seal)



**CIVIL EMERGENCY ORDER**

**CITY OF SEATTLE**

**MORATORIUM ON RESIDENTIAL EVICTIONS**

**WHEREAS**, in my capacity as Mayor, I proclaimed a civil emergency exists in the City of Seattle in the Mayoral Proclamation of Civil Emergency dated March 3, 2020; and

**WHEREAS**, the facts stated in that proclamation continue to exist, as well as the following additional facts:

**WHEREAS**, the World Health Organization (WHO) has declared that COVID-19 disease is a global pandemic, which is particularly severe in high risk populations such as people with underlying medical conditions and the elderly, and the WHO has raised the health emergency to the highest level requiring dramatic interventions to disrupt the spread of this disease; and

**WHEREAS**, as of March 13, 2020, Public Health – Seattle & King County announced 58 new cases of COVID-19 in King County residents, for a total of 328 cases, including 32 deaths; and

**WHEREAS**, on March 13, 2020, the Governor of Washington state issued an emergency order announcing all K-12 schools in Washington to be closed from March 17, 2020 through April 24, 2020 to combat the spread of the disease; and

**WHEREAS**, on March 13, 2020, the President of the United States declared a national emergency to allow the government to marshal additional resources to combat the virus; and

**WHEREAS**, on March 11, 2020, the Governor of Washington state and the Local Health Officer for Public Health – Seattle & King County issued parallel orders prohibiting gatherings of 250 people or more for social, spiritual and recreational activities in King County; and

**WHEREAS**, the COVID-19 crisis has had a significant impact on the local economy impacting the retail, restaurant and other industries resulting in layoffs and reduced work hours for a significant percentage of this workforce and loss of income for small businesses; and

**WHEREAS**, layoffs and substantially reduced work hours will lead to widespread economic hardship that will disproportionately impact low- and moderate- income workers resulting in lost wages and the inability to pay for basic household expenses, including rent; and

**WHEREAS**, in the last two weeks there has been a significant 50% drop in the number of tenants appearing in court for their eviction hearings in King County resulting in default judgments being entered and tenants losing substantial rights to assert defenses or access legal and economic assistance; and

**WHEREAS**, evictions result in a loss of housing and create housing instability, potentially increasing the number of people experiencing homelessness and creating a heightened risk of disease transmission; and

Exhibit A

**WHEREAS**, the City invests in eviction prevention programs, but resources are not sufficient to address housing stability needs of dislocated workers during this unprecedented public health epidemic; and

**WHEREAS**, jurisdictions across the nation are considering or have implemented eviction prevention to provide housing stability to dislocated workers during this unprecedented public health emergency; and

**WHEREAS**, Art. XI, Sec. 11 of the Washington State Constitution grants cities like The City of Seattle broad police powers to “make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws”; and

**WHEREAS**, the Washington State Legislature has declared a state policy to help residents who are experiencing a temporary crisis in retaining stable housing to avoid eviction from their homes, as expressed in Laws of 2019 c 356 section 1; and

**WHEREAS**, a temporary moratorium on residential evictions during the COVID-19 outbreak will protect the public health, safety, and welfare by reducing the number of individuals and families entering into homelessness during this epidemic, which means lowering the number of people who may develop the disease or spread the disease; and

**WHEREAS**, the civil emergency necessitates the utilization of emergency powers granted to the Mayor pursuant to: the Charter of the City of Seattle, Article V, Section 2; Seattle Municipal Code (SMC) Chapter 10.02; and chapter 38.52 RCW; and

**WHEREAS**, SMC 10.02.020.A.15 authorizes the Mayor to proclaim “such other orders as are imminently necessary for the protection of life and property” and take extraordinary measures to protect the public peace, safety and welfare; and

**WHEREAS**, the COVID-19 civil emergency requires the issuance of an order that is specifically aimed at a moratorium on residential evictions during the civil emergency in order to keep people housed and protect the public safety, health and welfare as set forth in this Civil Emergency Order; and

**WHEREAS**, the conditions of this Civil Emergency Order are designed to provide the least necessary restriction on the rights of the public per SMC 10.02.025.C and

**WHEREAS**, pursuant to SMC 10.02.025.B, I believe it is in the best interest of the public safety, rescue and recovery efforts, and the protection of property that the exercise of certain rights be temporarily limited as set forth in this Civil Emergency Order; therefore,

**BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF SEATTLE, THAT:**

I, **JENNY A. DURKAN**, MAYOR OF THE CITY OF SEATTLE, ACTING UNDER THE AUTHORITY OF SEATTLE MUNICIPAL CODE SECTIONS 10.02.020.A.15, AND MY MAYORAL PROCLAMATION OF CIVIL EMERGENCY, DATED MARCH 3, 2020, HEREBY ORDER:

Civil Emergency Order Moratorium on Evictions  
Page 2 of 4

APP-062

**SECTION 1:**

A. Effective immediately, a moratorium on residential evictions for non-payment is hereby ordered until the earlier of the termination of the civil emergency declared in the Proclamation of Civil Emergency dated March 3, 2020 or 30 days from the effective date of this Emergency Order. The decision to extend the moratorium shall be evaluated and determined by the Mayor based on public health necessity;

B. An owner of a housing unit shall not issue a notice of termination or initiate an eviction action for non-payment of rent or otherwise act on a termination notice for non-payment of rent during this moratorium. Further, no late fees or other charges due to late payment of rent shall accrue during the moratorium; and

C. For any pending eviction action for the non-payment of rent, it shall be a defense to any eviction action that the eviction of the tenant would occur during the moratorium. Given the public health emergency and public safety issues, a court may grant a continuance for a future hearing date in order for the eviction action to be heard after the moratorium.

**SECTION 2:**

All mayoral proclamations and orders presently in effect shall remain in full force and effect except that, insofar as any provision of any such prior proclamation is inconsistent with any provision of this proclamation, then the provision of this proclamation shall control.

**SECTION 3:**

A copy of this Civil Emergency Order shall be delivered to the Governor of the State of Washington and to the County Executive of King County. To the extent practicable, a copy of this Civil Emergency Order shall be made available to all news media within the City and to the general public. In order to give the widest dissemination of this Civil Emergency Order to the public, as many other available means as may be practical shall be used, including but not limited to posting on public facilities and public address systems. SMC 10.02.100.

**SECTION 4:**

This Civil Emergency Order shall immediately, or as soon as practical, be filed with the City Clerk for presentation to the City Council for ratification and confirmation, modification or rejection, and if rejected this Civil Emergency Order shall be void; however, any such rejection or modification shall not affect any actions previously taken. The Council may, by resolution, ratify, modify or reject the order. If the City Council modifies or rejects this Civil Emergency Order, said modification or rejection shall be prospective only, and shall not affect any actions taken prior to the modification or rejection of this Civil Emergency Order, including the City's responsibility for the actual costs incurred by those who were ordered by or entered into contracts with the City, as set forth in Seattle Municipal Code subsection 10.02.020.B. The Council shall endeavor to act on any order within 48 hours of its being presented to the Council by the Mayor.

Exhibit A

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2020, at \_\_\_\_\_ am/pm.

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JENNY A. DURKAN  
MAYOR OF THE CITY OF SEATTLE

**CIVIL EMERGENCY ORDER**

**CITY OF SEATTLE**

**MORATORIUM ON RESIDENTIAL EVICTIONS**

**WHEREAS**, in my capacity as Mayor, I proclaimed a civil emergency exists in the City of Seattle in the Mayoral Proclamation of Civil Emergency dated March 3, 2020; and

**WHEREAS**, the facts stated in that proclamation continue to exist, as well as the following additional facts:

**WHEREAS**, the World Health Organization (WHO) has declared that COVID-19 disease is a global pandemic, which is particularly severe in high risk populations such as people with underlying medical conditions and the elderly, and the WHO has raised the health emergency to the highest level requiring dramatic interventions to disrupt the spread of this disease; and

**WHEREAS**, as of March 13, 2020, Public Health – Seattle & King County announced 58 new cases of COVID-19 in King County residents, for a total of 328 cases, including 32 deaths; and

**WHEREAS**, on March 13, 2020, the Governor of Washington state issued an emergency order announcing all K-12 schools in Washington to be closed from March 17, 2020 through April 24, 2020 to combat the spread of the disease; and

**WHEREAS**, on March 13, 2020, the President of the United States declared a national emergency to allow the government to marshal additional resources to combat the virus; and

**WHEREAS**, on March 11, 2020, the Governor of Washington state and the Local Health Officer for Public Health – Seattle & King County issued parallel orders prohibiting gatherings of 250 people or more for social, spiritual and recreational activities in King County; and

**WHEREAS**, the COVID-19 crisis has had a significant impact on the local economy impacting the retail, restaurant and other industries resulting in layoffs and reduced work hours for a significant percentage of this workforce and loss of income for small businesses; and

**WHEREAS**, layoffs and substantially reduced work hours will lead to widespread economic hardship that will disproportionately impact low- and moderate- income workers resulting in lost wages and the inability to pay for basic household expenses, including rent; and

**WHEREAS**, in the last two weeks there has been a significant 50% drop in the number of tenants appearing in court for their eviction hearings in King County resulting in default judgments being entered and tenants losing substantial rights to assert defenses or access legal and economic assistance; and

**WHEREAS**, evictions result in a loss of housing and create housing instability, potentially increasing the number of people experiencing homelessness and creating a heightened risk of disease transmission; and

**WHEREAS**, the City invests in eviction prevention programs, but resources are not sufficient to address housing stability needs of dislocated workers during this unprecedented public health epidemic; and

**WHEREAS**, jurisdictions across the nation are considering or have implemented eviction prevention to provide housing stability to dislocated workers during this unprecedented public health emergency; and

**WHEREAS**, Art. XI, Sec. 11 of the Washington State Constitution grants cities like The City of Seattle broad police powers to “make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws”; and

**WHEREAS**, the Washington State Legislature has declared a state policy to help residents who are experiencing a temporary crisis in retaining stable housing to avoid eviction from their homes, as expressed in Laws of 2019 c 356 section 1; and

**WHEREAS**, a temporary moratorium on residential evictions during the COVID-19 outbreak will protect the public health, safety, and welfare by reducing the number of individuals and families entering into homelessness during this epidemic, which means lowering the number of people who may develop the disease or spread the disease; and

**WHEREAS**, the civil emergency necessitates the utilization of emergency powers granted to the Mayor pursuant to: the Charter of the City of Seattle, Article V, Section 2; Seattle Municipal Code (SMC) Chapter 10.02; and chapter 38.52 RCW; and

**WHEREAS**, SMC 10.02.020.A.15 authorizes the Mayor to proclaim “such other orders as are imminently necessary for the protection of life and property” and take extraordinary measures to protect the public peace, safety and welfare; and

**WHEREAS**, the COVID-19 civil emergency requires the issuance of an order that is specifically aimed at a moratorium on residential evictions during the civil emergency in order to keep people housed and protect the public safety, health and welfare as set forth in this Civil Emergency Order; therefore,

**WHEREAS**, the conditions of this Civil Emergency Order are designed to provide the least necessary restriction on the rights of the public per SMC 10.02.025.C and

**WHEREAS**, pursuant to SMC 10.02.025.B, I believe it is in the best interest of the public safety, rescue and recovery efforts, and the protection of property that the exercise of certain rights be temporarily limited as set forth in this Civil Emergency Order; therefore,

**BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF SEATTLE, THAT:**

I, **JENNY A. DURKAN**, MAYOR OF THE CITY OF SEATTLE, ACTING UNDER THE AUTHORITY OF SEATTLE MUNICIPAL CODE SECTIONS 10.02.020.A.15, AND MY

Civil Emergency Order Moratorium on Evictions  
Page 2 of 4

MAYORAL PROCLAMATION OF CIVIL EMERGENCY, DATED MARCH 3, 2020,  
HEREBY ORDER:

**SECTION 1:**

A. Effective immediately, a moratorium on residential evictions ~~for non-payment~~ is hereby ordered until the earlier of the termination of the civil emergency declared in the Proclamation of Civil Emergency dated March 3, 2020 or ~~30~~ 60 days from the effective date of this Emergency Order. The decision to extend the moratorium shall be evaluated and determined by the Mayor based on public health necessity;

B. ~~An owner of a housing unit residential landlord shall not initiate an unlawful detainer action, issue a notice of termination, or otherwise act on any termination notice, including any action or notice related to a rental agreement that has expired or will expire during the effective date of this Emergency Order, unless the unlawful detainer action or action on a termination notice is due to actions by the tenant constituting an imminent threat to the health or safety of neighbors, the landlord, or the tenant's or landlord's household members issue a notice of termination or initiate an eviction action for non-payment of rent or otherwise act on a termination notice for non-payment of rent during this moratorium.~~ Further, no late fees or other charges due to late payment of rent shall accrue during the moratorium; and

C. ~~It shall be a defense to any eviction action that the eviction of the tenant will occur during the moratorium, unless the eviction action is due to actions by the tenant constituting an imminent threat to the health or safety of neighbors, the landlord, or the tenant's or landlord's household members. For any pending eviction action, regardless if the tenant has appeared, for the non-payment of rent, it shall be a defense to any eviction action that the eviction of the tenant would occur during the moratorium. Given the public health emergency and public safety issues, a court may grant a continuance for a future hearing date in order for the eviction action to be heard after the moratorium a court may grant a continuance for a future court date in order for the matter to heard at a time after the moratorium is terminated;~~ and

D. Effective immediately, the Sheriff of King County is requested to cease execution of eviction orders during the moratorium.

**SECTION 2:**

All mayoral proclamations and orders presently in effect shall remain in full force and effect except that, insofar as any provision of any such prior proclamation is inconsistent with any provision of this proclamation, then the provision of this proclamation shall control.

**SECTION 3:**

A copy of this Civil Emergency Order shall be delivered to the Governor of the State of Washington and to the County Executive of King County. To the extent practicable, a copy of this Civil Emergency Order shall be made available to all news media within the City and to the general public. In order to give the widest dissemination of this Civil Emergency Order to the public, as

many other available means as may be practical shall be used, including but not limited to posting on public facilities and public address systems. SMC 10.02.100.

**SECTION 4:**

This Civil Emergency Order shall immediately, or as soon as practical, be filed with the City Clerk for presentation to the City Council for ratification and confirmation, modification or rejection, and if rejected this Civil Emergency Order shall be void; however, any such rejection or modification shall not affect any actions previously taken. The Council may, by resolution, ratify, modify or reject the order. If the City Council modifies or rejects this Civil Emergency Order, said modification or rejection shall be prospective only, and shall not affect any actions taken prior to the modification or rejection of this Civil Emergency Order, including the City’s responsibility for the actual costs incurred by those who were ordered by or entered into contracts with the City, as set forth in Seattle Municipal Code subsection 10.02.020.B. The Council shall endeavor to act on any order within 48 hours of its being presented to the Council by the Mayor.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2020, at \_\_\_\_\_ am/pm.

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JENNY A. DURKAN  
MAYOR OF THE CITY OF SEATTLE

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**Tab 5**  
**Executive Order 2022-03 (ending Eviction Moratorium)**

**FILED**

12:31 pm, Fri, February 11, 2022

OFFICE OF THE CITY CLERK



## City of Seattle Mayor Bruce Harrell

**Office of the Mayor**  
**City of Seattle**  
Bruce A. Harrell, Mayor

### **Executive Order 2022-03: COVID-19 Civil Emergency – Extensions of City Eviction Moratoria**

*An Executive Order to further extend actions to combat the spread of the COVID-19 pandemic and to mitigate the impact of the public health emergency on the people of Seattle.*

WHEREAS, former Mayor Jenny A. Durkan proclaimed that a civil emergency exists in the City of Seattle in the Mayoral Proclamation of Civil Emergency dated March 3, 2020; and

WHEREAS, on March 16 and 17, 2020, Emergency Orders were issued placing a temporary moratorium on residential evictions, as well as evictions of small business and non-profit organization commercial tenants, respectively; and

WHEREAS, while Seattle has been very successful in achieving a high rate of vaccination against COVID-19 among the City's residents, the Omicron variant poses a new and serious threat due to its heightened contagiousness; and

WHEREAS, after a substantial surge related to the Omicron variant, reported COVID-19 cases and hospitalizations are now trending downward, but continued downward movement of these numbers is still needed before the heightened risk from the Omicron variant can be said to have passed, and health system stress continues to be a concern; and

WHEREAS, the COVID-19 crisis has had a significant impact on the local economy. Improvements in economic conditions since the start of the pandemic have been put at risk due to the Omicron variant;

NOW, THEREFORE, I, Bruce A. Harrell, Mayor of Seattle, hereby order the extension of the following measures to help combat the COVID-19 pandemic in our community and promote the health and well-being of the people of Seattle:

**A. Emergency Moratorium on Residential Evictions**

On March 16, 2020, an Emergency Order was issued imposing a moratorium on residential evictions for sixty days, or until the termination of the Civil Emergency, whichever is earlier. Subsequent orders extended the moratorium through February 14, 2022.

Given the ongoing COVID-19 public health emergency, the Emergency Order, dated March 16, 2020, imposing a moratorium on residential evictions is hereby extended through February 28, 2022, at which point the Emergency Moratorium on Residential Evictions will sunset and Ordinance 126075's six-month defense against evictions due to financial hardship goes into effect.

**B. Emergency Moratorium on Small Business and Non-Profit Commercial Tenant Evictions**

On March 17, 2020, an Emergency Order was issued imposing a moratorium on evictions of small business and non-profit commercial tenants for sixty days, or until the termination of the Civil Emergency, whichever is earlier. Subsequent orders extended the moratorium through February 14, 2022.

Given the ongoing COVID-19 public health emergency, the Emergency Order, dated March 17, 2020, imposing a moratorium on evictions of small business and non-profit commercial tenants is hereby extended through February 28, 2022.

Any questions regarding this Executive Order should be directed to Policy Director Dan Eder, Office of the Mayor.

Dated this 11th day of February, 2022.



Bruce A. Harrell  
Mayor of Seattle

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**Tab 6**  
**180-Day Notice Requirement, Ord. 126450**

**CITY OF SEATTLE**  
**ORDINANCE** 126450  
**COUNCIL BILL** 119585

AN ORDINANCE relating to residential rental properties; requiring a minimum of 180 days' prior written notice to tenants whenever the housing costs to be charged a tenant are to increase; and amending Sections 7.24.030, 22.202.080, and 22.206.180 of the Seattle Municipal Code.

WHEREAS, Article 25 of the United Nations' Universal Declaration of Human Rights recognizes housing as a human right; and

WHEREAS, notwithstanding a temporary drop in rents in 2020 due to the pandemic and recession, which fell hardest on low- and moderate-income households, Seattle faces an affordable housing and homelessness crisis as rising rents have forced thousands of Seattle renters out of their homes, neighborhoods, and the City; and

WHEREAS, between 2010 and 2018 average rent in the Seattle area rose 69 percent while inflation for Urban Wage Earners (CPI-W) in the Seattle area rose only 20.3 percent; and

WHEREAS, in large part due to high rents, Seattle is the fifth most expensive U.S. city to live in; and

WHEREAS, in 2021, as Seattle residents begin recover from the pandemic and recession, they are experiencing landlords once again raising rates well above the rate of inflation; and

WHEREAS, rental housing industry analysis firm ApartmentList.com calculated that Seattle rents increased an astounding 3.5 percent just between March and April 2021, the fifth largest month-over-month increase among the nation's 100 largest cities, which is an annualized rate of 42 percent rent increases with a trend expected to continue, as "the days of plummeting rents in pricey coastal markets are officially behind us"; and

1 WHEREAS, ApartmentList.Com data also show that between January and April 2021, rents  
2 across the board in Seattle for apartments of all sizes increased by nine percent, putting  
3 rents on track to more than rebound in 2021 from the temporary 2020 drop; and

4 WHEREAS, the “Seattle Housing Market Forecast for 2021” of real estate investment consulting  
5 firm Mashvisor, notes that “Seattle real estate investors are continuing to enjoy a good  
6 return on investment on rental properties. . . .Although affordability continues to be an  
7 issue for local residents, it does have a positive aspect for Seattle real estate investors.  
8 Owning a rental property in Seattle does mean high demand which translates into good  
9 occupancy rates and cash flow”; and

10 WHEREAS, Washington State and The City of Seattle currently require that landlords provide  
11 tenants with only 60 days’ written notice before imposing any rent increase, an  
12 insufficient amount of time for Seattle renters to adjust to the increase or seek out a new,  
13 affordable living situation; and

14 WHEREAS, because current State and City protections have not been sufficient to stave off  
15 large rent increases, many Seattle renters have had to leave the City, sometimes with little  
16 time to prepare; and

17 WHEREAS, the more the rent increases, the longer time a tenant may need to accumulate the  
18 savings needed to pay the increased rent or pay for first and last months’ rent in a new  
19 unit; and

20 WHEREAS, with sufficient notice, tenants may be able to manage their finances to pay a rent  
21 increase or save enough to move, but short notice periods of only a month or two make  
22 that management or savings less likely and increase the chances that the tenant will have  
23 to move; and

1 WHEREAS, giving tenants a longer period of notice may decrease the likelihood of moving, and  
2 consequently decrease the risk of housing instability or homelessness; and

3 WHEREAS, in September 2020 the City of Auburn adopted a law that requires landlords to  
4 provide at least 120 days’ notice for any rent increase of over five percent; and

5 WHEREAS, Portland, Oregon requires landlords to provide at least 90 days’ notice for any rent  
6 increase over five percent, Vancouver, British Columbia provides 90 days’ notice, and  
7 Tacoma, Washington provides 60 days’ notice; and

8 WHEREAS, in April 2019, the Seattle Renters’ Commission sent a letter to the Council  
9 recommending amendments to Seattle’s laws to provide renters with 180 days’ notice of  
10 a rent increase rather than 60 days; and

11 WHEREAS, the Seattle Renters’ Commission made clear that “[w]hile Portland, Vancouver, and  
12 Tacoma all offer better protections than Seattle, we see Montréal as the example to  
13 follow, as even 60 or 90 days is still not enough time for most Seattle tenants to rearrange  
14 their lives”; and

15 WHEREAS, Montreal requires up to 180 days’ notice of a rent increase, depending on the type  
16 of lease; and

17 WHEREAS, economic displacement has fallen hardest on Black communities and other  
18 communities of color, as evidenced by the fact that Seattle’s historically Black Central  
19 District, which used to be more than 70 percent African American, is today less than 20  
20 percent Black, and that Seattle has been found to be the third most gentrifying city in the  
21 country, and

1 WHEREAS, this gentrification and displacement due to rising rents has an overall deleterious  
2 effect on the social fabric of our community, and further magnifies and reinforces historic  
3 racial inequities; NOW, THEREFORE,

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

5 Section 1. Section 7.24.030 of the Seattle Municipal Code, last amended by Ordinance  
6 125951, is amended as follows:

7 **7.24.030 Rental agreement requirements**

8 A. Any rental agreement or renewal of a rental agreement for a residential rental unit in  
9 The City of Seattle entered into after ~~((October 28, 1998,))~~ the effective date of this ordinance  
10 shall include or shall be deemed to include a provision requiring ~~((a minimum of))~~ at least ~~((60))~~  
11 180 days' prior written notice whenever the periodic or monthly housing costs to be charged a  
12 tenant are to increase, except that for a subsidized tenancy where the amount of rent is based on  
13 the income of the tenant or circumstances specific to the subsidized household, the rental  
14 agreement shall instead provide ~~((a minimum of))~~ at least 30 days' prior written notice of an  
15 increase in the amount of rent to each affected tenant.

16 \* \* \*

17 Section 2. Section 22.206.180 of the Seattle Municipal Code, last amended by Ordinance  
18 125952, is amended as follows:

19 **22.206.180 Prohibited acts by owners**

20 Except as otherwise specifically required or allowed by this Title 22 or by the Washington State  
21 Residential Landlord-Tenant Act, chapter 59.18 RCW, it is unlawful for any owner to:

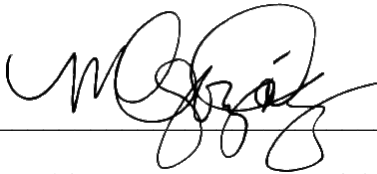
22 \* \* \*

1 H. Increase the periodic or monthly housing costs to be charged a tenant without giving  
2 the tenant at least (~~60~~) 180 days prior written notice of the cost increase, except that for a  
3 subsidized tenancy where the amount of rent is based on the income of the tenant or  
4 circumstances specific to the subsidized household, the owner shall instead provide at least 30  
5 days' prior written notice of an increase in the amount of rent to each affected tenant. The notice  
6 shall describe how the tenant may obtain information about the rights and obligations of tenants  
7 and landlords under this Chapter 22.206; or

8 \* \* \*

1 Section 3. 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 27th day of September, 2021,  
5 and signed by me in open session in authentication of its passage this 27th day of  
6 September, 2021.

7 

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

9  Approved /  returned unsigned /  vetoed this 8th day of October, 2021.

10 **Returned Unsigned by Mayor**

11 Jenny A. Durkan, Mayor

12 Filed by me this 8th day of October, 2021.

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14 Monica Martinez Simmons, City Clerk

15 (Seal)

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**Tab 7**  
**Economic Displacement Relocation Assistance, Ord. 126451**

**CITY OF SEATTLE**  
**ORDINANCE** 126451  
**COUNCIL BILL** 120173

AN ORDINANCE relating to relocation assistance for economically displaced tenants; requiring the payment of economic displacement relocation assistance to households that are vacating a housing unit after receiving notice of a rent increase of ten percent or more or of less than ten percent where the cumulative effect for the household’s tenancy is ten percent or more; and adding a new Chapter 22.212 to the Seattle Municipal Code.

WHEREAS, rent increases may cause many households to move due to their inability to pay the higher rent; and

WHEREAS, rents in Seattle have been increasing rapidly and vacancies in affordable rental housing are at low levels, making it increasingly difficult for many households to locate rental housing; and

WHEREAS, before moving into a rental unit, landlords typically require that households pay some type of security deposit and other move-in fees; and

WHEREAS, these conditions in the rental market have created a relocation crisis because many households do not have sufficient resources to save money to cover moving expenses; and

WHEREAS, providing economic displacement relocation assistance to households who move following a rent increase of ten percent or more will help households obtain replacement housing and mitigate the impact of the rent increase on the relocation crisis; and

WHEREAS, the Council finds that this ordinance will protect and promote the health, safety, and welfare of the general public; NOW, THEREFORE,

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

1 Section 1. This ordinance is adopted pursuant to the City’s police power authority granted  
2 by Article 11, section 11 of the Washington State Constitution, and not pursuant to  
3 RCW 59.18.440 or other law.

4 Section 2. A new Chapter 22.212 is added to the Seattle Municipal Code as follows:

5 **CHAPTER 22.212 ECONOMIC DISPLACEMENT RELOCATION ASSISTANCE –**  
6 **RENT INCREASE**

7 **22.212.010 Definitions**

8 For the purposes of this Chapter 22.212, the following words or phrases shall have the meaning  
9 below unless the context clearly indicates otherwise. Terms that are not defined in this Chapter  
10 22.212 and are defined in Chapter 22.204 shall have the meaning given to them in Chapter  
11 22.204.

12 “Family household” means all occupants in the same housing unit who are members of  
13 the same family unit.

14 “Family unit” means all related persons, including: parents; spouses’ parents;  
15 grandparents; spouses’ grandparents; grandchildren; spouses’ grandchildren; siblings; spouses’  
16 siblings; siblings’ spouses and siblings’ children; and those similarly related to individuals in city  
17 or state registered domestic partnerships.

18 “Household” means any family household or non-family household that occupies a  
19 housing unit. A combination of family households and non-family households may occupy a  
20 single housing unit.

21 “Housing costs” has the same meaning defined by Section 7.24.020.

22 “Household representative” means the household member designated by the household as  
23 the person representing the household in performing actions under this Chapter 22.212, and who

1 is the person legally entitled to obtain the payment authorized by this Chapter 22.212. A  
2 household representative may represent only one household at a time.

3 “Non-family household” means: a person living alone; or occupants of a housing unit  
4 who are not members of a family household.

5 “Required rent-increase notice” means the notice required by subsection 7.24.030.A if it  
6 is: (1) a required rent-increase notice for ten percent or more; or (2) a required rent-increase  
7 notice for less than ten percent.

8 “Required rent-increase notice for less than ten percent” means a required rent-increase  
9 notice for a one-time rent increase of less than ten percent, but where that rent increase, in  
10 combination with all other rent increases taking effect within either 12 months prior to the  
11 effective date of that rent increase or the household’s tenancy in the housing unit, whichever  
12 period is shorter, will result in a cumulative rent increase for the household of ten percent or  
13 more.

14 “Required rent-increase notice for ten percent or more” means a required rent-increase  
15 notice for a one-time rent increase of ten percent or more.

16 **22.210.020 Notice**

17 A. The Director shall prepare a notice describing how persons may obtain information  
18 about the rights and obligations of tenants and owner under this Chapter 22.212. The Director  
19 shall place the notice on the Department’s website and provide links to translated versions of the  
20 notice in the five languages most commonly spoken in Seattle other than English, as determined  
21 on an annual basis. The Director may provide links to translated versions in other languages at  
22 the Director’s discretion. If requested, the Director shall provide copies of the notice to an owner  
23 at no cost.

1 B. The owner shall provide the notice described in subsection 22.212.020.A with a  
2 required rent-increase notice. The owner shall provide that notice to an adult tenant of each  
3 housing unit by:

- 4 1. Personally delivering each notice or causing it to be personally delivered; or
- 5 2. Mailing each notice by certified mail, return receipt requested and by first-class  
6 mail addressed to the housing unit.

7 **22.212.030 Criteria for economic displacement relocation assistance**

8 A household representative is entitled to economic displacement relocation assistance if:

- 9 A. A tenant of the housing unit has received a required rent-increase notice;
- 10 B. The household representative complies with the deadlines or extensions in Section  
11 22.212.040;
- 12 C. After receiving the required rent-increase notice but before the rent increase takes  
13 effect, the household vacates the housing unit or a member of the household has given written  
14 notice to the owner of the date the household intends to vacate the housing unit; and
- 15 D. The household is a low-income household as defined in Section 23.84A.016.

16 **22.212.040 Application for economic displacement relocation assistance**

17 A. Within 180 days after a tenant in the household receives a required rent-increase  
18 notice or 60 days after the rent increase goes into effect, whichever date is later, the household  
19 representative may apply to the Director for economic displacement relocation assistance by  
20 submitting an application to the Director on a form approved by the Director. If the household  
21 representative fails to submit an application within either 180 days after a tenant in the household  
22 receives the required rent-increase notice or 60 days after the rent increase goes into effect,  
23 whichever date is later, the household representative is not entitled to economic displacement

1 relocation assistance unless the household representative requests, and the Director approves the  
2 request for, an extension of time to submit the application. The extension request must explain  
3 why the household representative is unable to apply before the expiration of the applicable  
4 period. The Director shall approve the extension request if the Director receives it before the  
5 expiration of the applicable period and determines that the household representative has good  
6 cause for being unable to apply within the applicable period. The Director shall notify the  
7 household representative and the owner in writing whether the extension has been approved or  
8 rejected. If the Director approves the extension, the household representative will have an  
9 additional 60 days after the expiration of the original applicable period in which to submit the  
10 application.

11 B. The application shall include:

12 1. An affidavit identifying the date the household representative's household  
13 vacated the housing unit or a copy of the notice the household gave to the owner identifying the  
14 date the household intends to vacate the housing unit;

15 2. A copy of the current rental agreement or, if the tenancy is not subject to a  
16 written agreement or the household does not have a copy of it, proof of housing costs for the 12  
17 months prior to the effective date of the required rent-increase notice or for the household's  
18 tenancy in the housing unit, whichever period is shorter;

19 3. Documentation establishing that that rent increase is for ten percent or more or,  
20 in combination with all other rent increases taking effect within 12 months prior to the effective  
21 date of that rent increase or the household's tenancy in the housing unit, whichever period is  
22 shorter, will result or resulted in a cumulative rent increase of ten percent or more; and

1                   4. The number of family and non-family households occupying the housing unit  
2 and the names of all members of each household; and

3                   5. For the household applying for assistance, the total combined annual income  
4 for the previous calendar year, and the total combined income for the current calendar year.

5                   C. Within five days after receiving the application, the Director shall notify the owner in  
6 writing that the household representative has submitted an application for economic  
7 displacement relocation assistance.

8                   D. The Director may ask the household representative to provide information to complete  
9 an application for economic displacement relocation assistance. The household representative is  
10 not entitled to economic displacement relocation assistance if the household representative fails  
11 to provide the requested information within 30 days after receiving the Director's request, unless  
12 the household representative requests, and the Director approves the request for, an extension of  
13 time to provide the requested information. The extension request must explain why the  
14 household representative is unable to provide the information before the expiration of the 30-day  
15 period. The Director shall approve the extension request if the Director receives it before the  
16 expiration of the 30-day period and determines that the household representative has good cause  
17 for being unable to provide the requested information within the period. If the Director approves  
18 the extension request, the household representative will have an additional 30 days after the  
19 expiration of the original 30-day period in which to submit the requested information.

20                   E. Within ten days after the Director receives a complete application, the Director shall  
21 send by certified mail, return receipt requested and by first-class mail to the household  
22 representative and the owner a notice stating whether the household representative is entitled to

1 economic displacement relocation assistance pursuant to Section 22.212.030 and identifying the  
2 amount of any entitlement as calculated pursuant to Section 22.212.050.

3 F. If the household rescinds its notice of vacation or fails to vacate the housing unit by the  
4 date identified on the written notice of vacation at any time after the household representative  
5 submits an application to the Director and before the Director pays economic displacement  
6 relocation assistance to the household representative, the household representative must  
7 withdraw the application for economic displacement relocation assistance by providing written  
8 notice to the Director.

9 **22.212.050 Calculation of economic displacement relocation assistance payment**

10 The Director shall calculate the amount of economic displacement relocation assistance, if any,  
11 to which the household representative is entitled. To calculate that amount, the Director shall:

12 A. Determine the average monthly housing costs for the housing unit, based upon either:  
13 the housing costs for the 12 months prior to the effective date of that rent increase or for the  
14 household's tenancy in the housing unit, whichever period is shorter;

15 B. Identify the number of households that occupy the housing unit and divide the average  
16 monthly housing costs by the number of households, resulting in the average monthly housing  
17 costs per household; and

18 C. Multiply the average monthly housing costs per household by three.

19 **22.212.060 Owner's payment of economic displacement relocation assistance to the**  
20 **Director**

21 A. The owner shall pay to the Director the amount of assistance, if any, identified in the  
22 Director's notice described in subsection 22.212.040.E within seven days after the owner  
23 receives the notice.

1 B. The owner may not reduce the amount of the assistance payment by any amount the  
2 owner believes the tenant owes the owner, such as a security deposit for damage to the property  
3 for which the tenant is responsible. Nothing in this Chapter 22.212 precludes the owner from  
4 seeking such amounts from the tenant pursuant to other applicable law.

5 C. Payment by the owner of economic displacement relocation assistance under this  
6 Chapter 22.212 does not constitute compliance with the tenant relocation assistance requirements  
7 of Chapter 22.210.

8 **22.212.070 Payment of economic displacement relocation assistance to the household**  
9 **representative**

10 A. The Director shall pay the household representative the amount of assistance, if any,  
11 identified in the Director's notice described in subsection 22.212.040.E within 14 days after the  
12 Director sends the notice described in subsection 22.212.040.E .

13 B. An economic displacement relocation assistance payment received by a household  
14 representative under this Chapter 22.212 shall not be considered as income for any City benefit  
15 program or affect the amount to which any person may be entitled under any City benefit  
16 program.

17 **22.212.080 Refunds**

18 If after the owner has already paid economic displacement relocation assistance to the Director,  
19 the household fails to vacate the housing unit by the date identified on the written notice of  
20 vacation, rescinds its notice of vacation, or withdraws the application for economic displacement  
21 relocation assistance:

22 A. The Director will refund the amount paid by the owner within ten days after the  
23 Director receives notice of the failure, rescission, or withdrawal; and

1           B. If the household representative has received an economic displacement relocation  
2 assistance payment, the household representative shall refund the payment to the Director within  
3 ten days after the failure, rescission, or withdrawal.

4 **22.212.090 Administrative appeals**

5           A. The owner or a household representative may appeal the Director’s decision  
6 approving or denying the application for an economic displacement relocation assistance  
7 payment, including the Director’s calculation of the amount of any economic displacement  
8 relocation assistance payment under Section 22.212.050.

9           B. A notice of appeal shall be filed with the Seattle Hearing Examiner by 5 p.m. within  
10 ten days after receipt of the Director’s decision, and by that same date, copies of the notice of  
11 appeal shall be placed in the mail, postage pre-paid, for service on the Director and any non-  
12 appellant owner or household representative. Proof of service shall be filed with the Hearing  
13 Examiner.

14           C. A notice of appeal shall be in writing, specifically describe the alleged errors in the  
15 Director’s decision, and describe the relief sought.

16           D. The Hearing Examiner shall hold a hearing on the appeal pursuant to procedures  
17 prescribed by the Hearing Examiner, subject to the procedures prescribed by this Section  
18 22.212.090. The Hearing Examiner shall provide notice of the hearing to all parties of record at  
19 least ten days prior to the scheduled hearing date.

20           E. The Hearing Examiner shall establish a record at the hearing. Appeals shall be  
21 considered de novo. The Hearing Examiner may affirm, reverse, remand, or modify the  
22 Director’s decision. The Hearing Examiner’s decision shall bind the Director and parties of  
23 record.

1 F. The Hearing Examiner shall issue a decision within 20 days after the date of record  
2 closure. The decision shall be final and conclusive. On the day the decision is issued, a copy of  
3 the decision shall be mailed or emailed to all parties of record and all other persons requesting a  
4 copy of the decision.

5 **22.212.100 Administration, enforcement, and violations**

6 A. The Director shall administer and enforce the provisions of this Chapter 22.212 and  
7 may adopt rules and regulations to implement the Director's duties established by this Chapter  
8 22.212.

9 B. A restricted accounting unit designated as the Economic Displacement Relocation  
10 Assistance Account is established in the Construction and Inspections Fund, from which account  
11 the Director may make any payment authorized by this Chapter 22.212. Money from the  
12 following sources shall be paid into the Economic Displacement Relocation Assistance Account:

- 13 1. Fines and penalties collected pursuant to Sections 22.212.110 and 22.212.120;
- 14 2. Sums that may by ordinance be appropriated to or designated as revenue to the  
15 Account;
- 16 3. Other sums that may be deposited into the Account by gift, bequest, or grant;
- 17 4. Refund of monies paid to The City of Seattle as relocation assistance from the  
18 Account; and
- 19 5. Relocation assistance monies paid by owners to the Director pursuant to  
20 Section 22.212.060.

21 C. Any failure to comply with a requirement of this Chapter 22.212 or a rule or regulation  
22 adopted under this Chapter 22.212 is a violation of this Chapter 22.212, including, but not  
23 limited to:

1                   1. Receipt of economic displacement relocation assistance pursuant to this  
2 Chapter 22.212 by a person not entitled to such assistance;

3                   2. Failure by the household representative to refund the economic displacement  
4 relocation assistance payment as required by subsection 22.212.080.B; and

5                   3. Failure by the owner to pay economic displacement relocation assistance  
6 pursuant to Section 22.212.060.

7                   D. A separate violation of this Chapter 22.212 exists for each day there is a failure to  
8 comply with a requirement of this Chapter 22.212 or a rule or regulation adopted under this  
9 Chapter 22.212.

10 **22.212.110 Citations**

11                   A. Citation. If after investigation the Director determines that a person has committed a  
12 violation of this Chapter 22.212, the Director may issue a citation to the person responsible for  
13 the violation. The citation shall include the following information:

14                   1. The name and address of the responsible person to whom the citation is issued;

15                   2. A reasonable description of the location of the property on which the relevant  
16 housing unit is located;

17                   3. A separate statement of each requirement, rule, or regulation violated;

18                   4. The date the violation occurred;

19                   5. A statement that the person cited must respond to the citation within 15 days  
20 after service;

21                   6. The applicable citation penalty;

22                   7. A statement that a response must be sent to the Hearing Examiner and received  
23 not later than 5 p.m. on the day the response is due;

1                   8. The name, address, and phone number of the Hearing Examiner where the  
2 citation is to be filed; and

3                   9. A statement that the citation represents a determination that a violation has  
4 been committed by the responsible person named in the citation and that the determination shall  
5 be final unless contested as provided in subsection 22.212.110.C.

6                   B. Service. The citation must be served by personal service in the manner set forth in  
7 RCW 4.28.080 for service of a summons or sent by first class mail, addressed to the last known  
8 address of the responsible person named in the citation. Service shall be complete at the time of  
9 personal service, or if mailed, three days after the date of mailing.

10                  C. Response to a citation

11                   1. The person cited must respond to a citation in one of the following ways:

12                         a. Payment of the citation penalty specified in the citation, in which case  
13 the record shall show a finding that the person cited committed the violation;

14                         b. A written request for a mitigation hearing to explain the circumstances  
15 surrounding the commission of the violation, with an address to which notice of such hearing  
16 may be sent; or

17                         c. A written request for a contested hearing specifying why the cited  
18 violation did not occur or why the person cited is not responsible for the violation, with an  
19 address to which notice of such hearing may be sent.

20                   2. A response to a citation must be received by the Hearing Examiner by 5 p.m.  
21 within 15 days after the date service of the citation is complete.

22                   D. Failure to respond. If the Hearing Examiner does not receive a response within the  
23 period prescribed by subsection 22.212.110.C.2, the Hearing Examiner shall enter an order

1 finding that the person cited committed the violation stated in the citation and assessing the  
2 citation penalty specified in the citation.

3 E. Hearings

4 1. Mitigation hearing

5 a. Date and notice. If the person cited requests a mitigation hearing, the  
6 Hearing Examiner shall hold a mitigation hearing within 30 days after the Hearing Examiner  
7 receives the written response to the citation requesting such hearing. The Hearing Examiner shall  
8 send notice of the time, place, and date of the hearing to the address specified in the request for  
9 hearing no later than ten days prior to the date of the hearing.

10 b. Procedure at hearing. The Hearing Examiner shall hold an informal  
11 hearing that shall not be governed by the Rules of Evidence. The person cited may present  
12 witnesses, but witnesses may not be compelled to attend. The Director may also attend the  
13 hearing and may present additional information, but is not required to attend.

14 c. Disposition. The Hearing Examiner shall determine whether the person  
15 cited's explanation justifies reducing the citation penalty, but the citation penalty may not be  
16 reduced unless the Director affirms or certifies that the violation has been corrected prior to the  
17 mitigation hearing. Factors that may be considered in whether to reduce the citation penalty  
18 include: whether the violation was caused by the act, neglect, or abuse of another; or whether  
19 correction of the violation was commenced promptly prior to citation, but full compliance was  
20 prevented by a condition or circumstance beyond the control of the person cited.

21 d. Entry of order. After hearing the explanation of the person cited and any  
22 other information presented at the hearing, the Hearing Examiner shall enter an order finding that  
23 the person cited committed the violation and assessing a citation penalty in an amount

1 determined pursuant to subsection 22.212.110.F, which amount the Examiner may reduce  
2 pursuant to the mitigation factors in subsection 22.212.110.E.1.c. The Hearing Examiner's  
3 decision is the final decision of the City on the matter.

4                   2. Contested hearing

5                   a. Date and notice. If the person cited requests a contested hearing, the  
6 Hearing Examiner shall hold the hearing within 60 days after the Hearing Examiner receives the  
7 written response to the citation requesting such hearing.

8                   b. Hearing. The Hearing Examiner shall conduct a contested hearing  
9 pursuant to the procedures for hearing contested cases contained in Section 3.02.090 and the  
10 rules adopted by the Hearing Examiner for hearing contested cases, except as modified by this  
11 subsection 22.212.110.E.2. The issues heard at the hearing shall be limited to those that are  
12 raised in writing in the response to the citation and that are within the jurisdiction of the Hearing  
13 Examiner. The Hearing Examiner may issue subpoenas for the attendance of witnesses and the  
14 production of documents.

15                   c. Sufficiency. No citation shall be deemed insufficient for failure to  
16 contain a detailed statement of the facts constituting the specific violation that the person cited is  
17 alleged to have committed or by reason of defects or imperfections, provided that such lack of  
18 detail or defects or imperfections do not prejudice a substantial right of the person cited.

19                   d. Amendment of citation. A citation may be amended prior to the  
20 conclusion of the hearing to conform to the evidence presented if a substantial right of the person  
21 cited is not thereby prejudiced.

22                   e. Evidence at hearing. A certified statement or declaration that complies  
23 with RCW 9A.72.085 and is made by the Director shall be prima facie evidence that a violation

1 occurred and that the person cited is responsible. The certified statement or declaration and any  
2 other evidence accompanying it shall be admissible without further evidentiary foundation. The  
3 person cited may rebut the Director's evidence and establish that the cited violation did not occur  
4 or that the person contesting the citation is not responsible for the violation.

5 f. Disposition. If the citation is sustained at the hearing, the Hearing  
6 Examiner shall enter an order finding that the person cited committed the violation. If the  
7 violation remains uncorrected, the Hearing Examiner shall impose a citation penalty in an  
8 amount determined pursuant to subsection 22.212.110.F. If the violation has been corrected, the  
9 Hearing Examiner may reduce the citation penalty pursuant to the mitigation factors in  
10 subsection 22.212.110.E.1.c. If the Hearing Examiner determines that the violation did not occur,  
11 the Hearing Examiner shall enter an order dismissing the citation. The Hearing Examiner's  
12 decision is the final decision of the City on the matter.

13 3. Failure to appear for hearing. Failure of the person cited or their attorney to  
14 appear for a requested hearing will result in an order being entered finding that the person cited  
15 committed the violation stated in the citation and assessing the citation penalty specified in the  
16 citation. For good cause shown and upon terms the Hearing Examiner deems just, the Hearing  
17 Examiner may set aside an order entered upon a failure to appear.

18 F. Citation penalties

19 1. Unless reduced pursuant to subsection 22.212.110.E, the following citation  
20 penalties shall be assessed for violations of any provision of this Chapter 22.212:

21 a. \$1,000 for the first violation; and

22 b. \$2,000 for each subsequent violation within a five-year period.

1                   2. Collection of penalties. If the person cited fails to pay a citation penalty  
2 imposed pursuant to this Section 22.212.110, the citation penalty may be referred to a collection  
3 agency. The cost to the City for the collection services will be assessed as costs, at the rate  
4 agreed to between the City and the collection agency, and added to the citation penalty.  
5 Alternatively, the City may pursue collection in any other manner allowed by law.

6 **22.212.120 Notice of violation; penalties**

7                   A. If the Director determines that a violation of this Chapter 22.212 has occurred, the  
8 Director may serve a notice of the violation upon the person responsible for the violation. The  
9 Director may serve the notice by personal service, registered mail, or certified mail, to the last  
10 known address of the person responsible for the violation. The notice of violation shall identify  
11 the violation of this Chapter 22.212 and what corrective action is necessary to comply with the  
12 requirements of this Chapter 22.212.

13                   B. In addition to any other sanction or remedial procedure that may be available, any  
14 person violating any provision of this Chapter 22.212 may be subject to a civil penalty in the  
15 amount of \$1,000 per day for each violation from the date the violation began until the  
16 requirements of this Chapter 22.212 are satisfied, as applicable.

17                   C. If a violation of this Chapter 22.212 resulted in a household representative not  
18 receiving economic displacement relocation assistance to which the household representative  
19 was entitled, the civil penalty shall be increased by the amount of the economic displacement  
20 relocation assistance that the household representative did not receive. The Director shall pay the  
21 household representative the economic displacement relocation assistance that was due.

22                   D. If a violation of this Chapter 22.212 is for receipt of economic displacement relocation  
23 assistance by a person not entitled to such assistance because the person intentionally

1 misrepresented material information regarding entitlement to assistance under subsection  
2 22.212.100.C.1, the civil penalty shall be increased by the amount of economic displacement  
3 relocation assistance the household representative received. The Director shall refund the amount  
4 paid by the owner.

5 E. The civil penalty imposed by this Section 22.212.120 may be collected by civil action  
6 brought in the name of the City. Actions to enforce this Chapter 22.212 shall be brought  
7 exclusively in Seattle Municipal Court except as otherwise required by law or court rule. The  
8 Director shall notify the City Attorney of the name of any person subject to the civil penalty and  
9 the City Attorney may take action to collect the civil penalty. In any action filed pursuant to this  
10 Chapter 22.212, the City has the burden of proving by a preponderance of evidence that a  
11 violation exists or existed.

12 **22.212.130 Warnings**

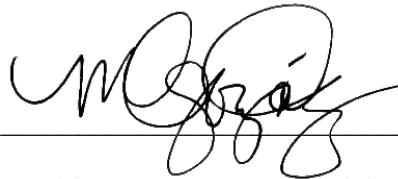
13 Before issuing a citation or a notice of violation, the Director may, in an exercise of discretion,  
14 issue a warning to the person responsible for the violation if that person has not been previously  
15 warned or cited for violating this Chapter 22.212.

16 Section 3. The provisions of this ordinance are declared to be separate and severable. The  
17 invalidity of any clause, sentence, paragraph, subdivision, section, subsection, or portion of this  
18 ordinance, or the invalidity of its application to any person or circumstance, does not affect the  
19 validity of the remainder of this ordinance or the validity of its application to other persons or  
20 circumstances.

1 Section 4. Section 2 of this ordinance shall take effect and be in force July 1, 2022.

2 Section 5. This ordinance shall take effect and be in force 30 days after its approval by  
3 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
4 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

5 Passed by the City Council the 27th day of September, 2021,  
6 and signed by me in open session in authentication of its passage this 27th day of  
7 September, 2021.

8 

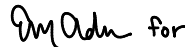
9 President \_\_\_\_\_ of the City Council

10  Approved /  returned unsigned /  vetoed this 8th day of October, 2021.

11 **Returned Unsigned by Mayor**

12 Jenny A. Durkan, Mayor

13 Filed by me this 8th day of October, 2021.

14 

15 Monica Martinez Simmons, City Clerk

16 (Seal)