



**CITY OF BURIEN
AGENDA BILL**

227

Agenda Subject: Discussion regarding Proposed Tenant Protection Program		Meeting Date: September 28, 2009
Department: City Manager	Attachments: 1. <u>Tenant Protection Overview #1</u> 2. <u>Tenant Protection Overview #2</u>	Fund Source: n/a Activity Cost: n/a Amount Budgeted: n/a Unencumbered Budget Authority: n/a
Contact: Jenn Ramirez Robson, Management Analyst		
Telephone: (206) 439-3265		
Adopted Initiative: Yes No X	Initiative Description: n/a	
<p>PURPOSE/REQUIRED ACTION: The purpose of this agenda item is to discuss information on various landlord-tenant laws and tenant protection programs.</p> <p>BACKGROUND (Include prior Council action & discussion): In April of 2009 staff provided information in the City Manager's report regarding landlord-tenant laws at the state level and in cities such as Seattle, Tukwila, Des Moines, Kent and Pasco. At the request of Council, staff is bringing this information back as a discussion item.</p> <p>OPTIONS (Including fiscal impacts):</p>		
Administrative Recommendation: This item is a response to a Council request for information. Staff has no recommendation at this time.		
Committee Recommendation:		
Advisory Board Recommendation:		
Suggested Motion: n/a		
Submitted by:		
Administration 	City Manager 	
Today's Date: September 22, 2009	File Code: \\File01\records\CC\Agenda Bill 2009\092809cm-5 Tenant Protection Discussion.docx	



MEMORANDUM

DATE: April 6, 2009

TO: Honorable Mayor and City Council
Mike Martin, City Manager

FROM: Jenn Ramirez Robson, Management Analyst

SUBJECT: Tenant protection laws

In response to a request made by Council at a recent meeting, staff has prepared a brief summary of Washington State Landlord-Tenant law. Also included is a summary of some of the tenant protections provided by the City of Seattle in relation to what Washington State Landlord-Tenant law provides. Staff was not able to identify any other Washington cities with similar ordinances. A full listing of Seattle and Washington State Landlord-Tenant law will be provided separately from this memo.

Washington has a Residential Landlord-Tenant Act which defines the minimum duties of landlords and tenants of residential dwellings. These laws also impose certain restrictions and provide remedies if one party fails to carry out a duty. The remedies include eviction, reduced rent, self-help repairs, the right to sue for money damages, and an award of attorneys' fees to the successful party. Generally, the provisions of the act may not be waived by the landlord or tenant.

Housing codes and other local ordinances have also been enacted in many communities to set minimum standards for living conditions and to further regulate landlords' and tenants' rights and duties. The authorities that administer these codes may be able to use their enforcement powers to get defects corrected or impose penalties on landlords who do not make necessary repairs. The City of Seattle has passed several ordinances which provide tenant protections that go beyond the rights granted by Washington State Landlord-tenant law. These rights apply only to tenants who live inside the city limits of Seattle.

Seattle tenant protection ordinances include:

- **Rental Agreement Regulation Ordinance**

Landlords who intend to increase rent and some other housing costs by 10 percent or more within a 12-month period must give 60-day written notice. State law requirement is a 30-day notice for any increase and does not limit how much rent can be raised, or how often. This ordinance also prevents landlords from requiring a month-to-month tenant to stay more than one rental period.

- **Just Cause Eviction Ordinance**

This ordinance requires landlords to have good cause in order to terminate a month-to-month tenancy. It specifies the only reasons for which a tenant in Seattle may be required to move, and requires owners to state the reason, in writing, for ending a tenancy when giving a termination notice. In most cases, an owner must give at least 20-day notice. Under state law landlords can evict month-to-month tenants without having or stating a particular reason, as long as the eviction is not discriminatory or retaliatory. A 20-day notice must be given.

- **Tenant Relocation Assistance Ordinance:**

- **Evictions for demolition, change of use, or substantial rehabilitation**

- All tenants being evicted for demolition, change of use, or substantial rehabilitation are entitled to a ninety day notice. In addition, low income tenants (50% area median income) will be eligible for an advance relocation assistance payment of \$2000. The property owner is responsible for paying half of the relocation assistance, \$1,000; the City pays the other half. Washington State does not provide relocation assistance.

- **Condominium and Cooperative Conversion Ordinance:**

- This ordinance requires landlords to give 120-day notice when a residential building is being converted to condominiums. If the tenant decides not to buy his or her unit, the tenant may be eligible to receive the equivalent of three (3) months' rent in relocation assistance if the tenant's annual income, from all sources, does not exceed 80 percent of the area median income, adjusted for household size. In a cooperative conversion, if the tenant decides not to buy his or her unit, the tenant must be paid \$500 in relocation assistance. Relocation assistance is paid directly to the tenant by the property owner or developer. Washington State does not provide relocation assistance.



MEMORANDUM

DATE: April 27, 2009

TO: Honorable Mayor and City Council
Mike Martin, City Manager

FROM: Jenn Ramirez Robson, Management Analyst

SUBJECT: Tenant protection law follow-up

In response to a request made by Council, staff has engaged in further research regarding local tenant protection programs. While our neighboring cities primarily rely on the Washington State Landlord Tenant Law, a few have initiated additional programs. Staff has compiled a summary of those identified programs. A full description of each program has been attached to this memo.

- **Tenant Rights Outreach Materials:** The cities of Kent and Tukwila have outreach materials available on their web sites. The outreach materials are modified versions of the Washington State brochure on the state landlord-tenant laws. The modified versions include city contact numbers such as code enforcement and public works as well as contact information for local resources.
- **Tenant Relocation Assistance:** The City of Tukwila, through its Human Services Department, offers tenant relocation assistance in cases where a dwelling is condemned or deemed unlawful to occupy by the City of Tukwila. In this situation the City would advance up to \$2000 to eligible displaced tenants if the landlord does not supply the funds within seven days of the condemnation, eviction or displacement order. The landlord would then be required to reimburse the City of Tukwila or incur civil penalties. The City of Bellevue has an identical program.
- **Crime-Free Rental Housing Program:** The City of Des Moines, as part of their business licensing program (DMMC 5.64), requires that every rental housing facility will undergo a “crime prevention through environmental design (CPTED)” walk-through and inspection to identify for correction those areas that may pose a security or safety issue. There is a fee per unit cost. The inspections cover the exterior of the facility but not the interior of the units. The City of Des Moines performs this inspection on a yearly basis.
- **Rental Licensing program:** The City of Pasco (PMC 5.78) requires that all rental units must be licensed, registered, maintained, inspected and certified. A certificate of inspection for every unit is required every two years.
- **Apartment Managers Network:** The City of SeaTac facilitates an Apartment Managers Network. The purpose of the forum is to promote continuing education, networking and information exchange through quarterly meetings.

