



# Agenda Bill

City Council Special & Regular Meetings - 15 Oct 2018

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**Department**

City Manager

**Staff Contact**

Brian Wilson, City Manager (206) 248-5503

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**Agenda Bill Title**

Discussion and Potential Action Regarding Tenant Protections.

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**Summary**

At its October 1, 2018 Regular City Council meeting, the Council directed staff to draft a temporary ordinance requiring residential landlords to provide 90 days' written notice prior to terminating tenancy for reasons that would otherwise not be cause for eviction to go into effect immediately and sunset 90 days' after passage. In addition, the Council directed staff to explore availability of emergency relocation assistance funding for displaced tenants. This direction was provided upon learning that tenants at Fox Cove Apartments in Burien were given notices to vacate, and some notices contained move-out dates of October 31, 2018.

Subsequent to October 1, 2018, staff has learned that written termination notices have been served on all tenants. Among the 36 units, all but 6 have move-out dates of December 31, 2018 or January 31, 2019. Accordingly, passage of an ordinance requiring 90 days' notice of termination will not apply to the Fox Cove tenancies. Given this change in circumstances but in order to further Council direction provided on October 1, 2018, the attached memorandum provides information on the following three subjects (1) an ordinance requiring 90 days' notice to terminate tenancies; (2) possible relocation assistance for displaced Burien tenants; and (3) direction to the City Manager to engage community stakeholders for recommendation of a tenant protection program for inclusion in the Burien Municipal Code.

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**Options**

1. Direct the City Manager to enter into discussions with community stakeholders regarding a package of tenant protections to be adopted into the Burien Municipal Code
  2. Direct staff to take different action
  3. Take no action
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**Advisory Board Recommendation**

N/A

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**Administrative Recommendation**

Staff recommends a motion directing the City Manager to enter into discussions with community

stakeholders regarding a package of tenant protections to be adopted into the Burien Municipal Code.

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### **Suggested Motion**

Move to direct the City Manager to enter into discussions with community stakeholders regarding a package of tenant protections to be adopted into the Burien Municipal Code.

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### **Fiscal Impact**

FUND: N/A

COST OF PROPOSAL: N/A

AMOUNT BUDGETED: N/A

ADDITIONAL REQUIRED: N/A

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### **Attachments**

[Memorandum Regarding Renters Protections](#)

[Relocation Options](#)

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## MEMORANDUM

**To:** Mayor Matta and Members of the City Council  
**From:** Brian Wilson, City Manager  
Lisa Marshall, City Attorney  
Colleen Brandt-Schluter, Human Services Manager  
**Date:** October 9, 2018  
**Re:** Renter Protection Options

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This memorandum addresses the Council's direction from October, 2018 to bring forward a draft temporary 90-day eviction ordinance and explore possible relocation assistance for tenants. This memo summarizes these two tenant protection options and also summarizes additional tenant protections you may wish to consider as part of a suite or package of tenant protection regulations.

Ninety (90) Day Notification Ordinance: On October 1, 2018, Council referred to City of Tacoma Ordinance No. 28508 adopted on April 26, 2018 as an example of a draft ordinance Council wishes to consider. The Tacoma ordinance requires residential landlords to provide 90 days' written notice prior to terminating a month-to-month tenancy under certain circumstances; placed appeals related to violations in the jurisdiction of the Hearing Examiner; provided a sunset date; and declared an emergency.

According to RCW 59.18.440, any jurisdiction that is required to form a comprehensive plan is allowed to require property owners to provide a 90-day notice of the activity and reasonable tenant relocation assistance to low-income tenants "upon the demolition, substantial rehabilitation whether due to code enforcement or any other reason, or change of use of residential property, or upon the removal of use restrictions in an assisted-housing development."

Because passage of an ordinance like Tacoma's could not be retroactively applied to the Fox Cove tenants, an ordinance like Tacoma's would be prospective in application.

Relocation Assistance As stated above, RCW 59.18.440 allows any jurisdiction that is required to form a comprehensive plan to require property owners to provide a 90-day notice of the activity and reasonable tenant relocation assistance to low-income tenants "upon the demolition, substantial rehabilitation whether due to code enforcement or any other reason, or change of

use of residential property, or upon the removal of use restrictions in an assisted-housing development.”

Low-income residents include people living at 50% AMI or below. The amount of relocation assistance takes into account moving costs, advance payment costs for new housing, utility connection fees and deposits, and anticipated additional rent and utility costs in new residence for one year after relocation. State law allows for up to \$2,000 in relocation assistance per dwelling unit, up to half of which is paid for by the property owner and the rest is covered by the jurisdiction. This amount can be increased by the jurisdiction in accordance with inflation. If Council wishes to consider a tenant relocation assistance ordinance and ongoing fund, City staff would need to explore information such as how many complexes change hands, and the average amount needed by renters to relocate.

If council directs staff to prepare a draft tenant relocation ordinance, the ordinance would be designed with two primary benefits for renters being displaced by development:

- Provide relocation assistance to low income households
- Provide all households with adequate time to search for new housing and move

Under such an ordinance, renters would be considered displaced when their housing is scheduled to:

- Be torn down or undergo substantial renovation
- Have its use changed (for example, from an apartment building to a hotel)
- Have certain use restrictions removed (for example a property is no longer required to rent only to low-income renters under a federal program)

Requirements embedded within the ordinance would include the following:

- Property owners and developers would be required to obtain a Tenant Relocation License if the project meets the criteria listed above.
- The license would cover all renters in the affected building. Only low-income renters would receive relocation assistance of \$2,000.00. Property owners would be required to pay half of that amount and the City would pay the other half.
- The City would not issue a master use, construction, demolition, or change of use permit for a property where renters will be required to move until the City issues a Tenant Relocation License.
- A landlord would be prevented from raising the rent in order to avoid applying for a Tenant Relocation License.
- Violations of the ordinance would be subject to fines and penalties of up to \$1,000.00 per day.

Engagement of Community Stakeholders to Develop a Burien Tenant Protection Package. Should the City wish to adopt the 90-day notice and relocation assistance requirements above, staff recommends adoption of these two requirements as components within of a suite of tenants’ protections including the following:

- **Just Cause Eviction** – A Just Cause Eviction Ordinance (JCEO) protects tenants from being forced to leave their rental home without reasonable justification. Washington state law prohibits unfair, retaliatory evictions, a critical tenant protection (RCW 59.18.240; RCW 59.18.250). However, locally enforced JCEOs clearly enumerate the grounds on which landlords can end a tenant’s month to month tenancy. Any evictions or terminations of month to month tenancy outside those specified by the ordinance are considered illegal once the JCEO is in effect. This policy also lays the groundwork for recourse when tenants experience unfair termination of their tenancy. Depending on the terms of the local law, tenants generally have a right to compensation, in addition to reimbursement for costs associated with the unfair eviction, including legal fees.
- **Proactive Rental Licensing & Inspection Program** – Taking a proactive approach to rental inspections can help protect tenants who fear speaking up about sub-standard housing conditions or are unaware of latent health threats. Periodic inspections will prevent major issues from going unaddressed indefinitely. Pairing this program with a Just Cause Eviction Ordinance provides a strong set of protections for tenants against unfair retribution and infrequent property maintenance. Under the RCW, cities can initially inspect up to 20 percent of units in rental properties.
- **Notice of Sale Ordinance** – Provides the City with information about the sale of properties with rents affordable to low-income tenants in order to support preservation of these properties. The City, in partnership with the King County Housing Authority and community partners, can use the notification information to evaluate properties and deploy a range of property preservation tools, including incentives and acquisition.
- **City of Burien Landlord-Tenant Laws** – The City could consider language beyond the Washington State landlord-tenant regulations that identifies and addresses such things as actions considered to be harassment or retaliation; rent increases; month-to-month leases; limits on security deposits, pet damage deposits and move-in fees; tenant waiver of rights or remedies; repair and maintenance requirements; fair housing/illegal discrimination.



### **Current Plan to address Fox Cove notices of rent due/3 day eviction notices.**

Fox Cove units have received the following eviction notices:

- Building A (first 6 units): October 31, 2018
- Building A (last 6 units) and Building B: December 31, 2018
- Building C: January 31, 2019
- Section 8 units in all three buildings: December 31, 2018
- Units with past due accounts in all buildings: Rent due/3-day eviction notices issued on October 10, 2018

A team including Mary's Place Outreach Specialist, Multi-Service Center Housing Director, and the City's Human Services Manager will be meeting with Fox Cove tenants to begin working with families on a relocation plan. Planning will include helping to identify and address barriers, assist with acquiring documentation, finding available units, working with families to transfer housing vouchers, and helping families to relocate. Efforts will focus on working with other community providers to leverage resources to assist the families in need.

**Depending on the outcome of the outreach effort described above, Council may consider a Human Services Relocation Fund. Funding would provide advisory and financial assistance and would be directed to eligible tenants displaced from their homes.**

- **Advisory Services.** Services include a Housing Navigator/Diversion Specialist to negotiate comparable and suitable replacement homes.
- **Payment for Moving Expenses.** Funding would be available for moving and dislocation expenses. In all cases, monetary assistance would be provided directly to the new landlord or moving resource through a third party/non-profit service agency.

### **Scenario/Option 1:**

**Referral only.** The City is aware of five (5) units looking at evictions by the end of the month. Our referral sheet lists Multi-Service Center (MSC), Mary's Place, and Catholic Community Services (CCS) as resources along with 211. Referrals to MSC, without additional financial assistance, would require MSC to use some very limited, private donation money, for moving or dislocation expenses.

**Possible Single Donor leftover funds** – The City has been advised by MSC of some leftover funds from another eviction process. With agreement from the private donor, MSC would utilize these funds for five (5) of the Fox Cove families to address moving or dislocation expenses.

However, these options in Scenario/Option 1 are all direct service dollars and do not include Housing Navigation dollars to help people find a place to relocate to. Relocation funds would be provided to those residents once they've secured a place to move to.



**Mary's Place** – will work to provide shelter for tenants who've received 3-day evictions including a Diversion Specialist to assist with housing replacement.

### Scenario/Option 2:

#### **Assistance by MSC, through the end of year, to continue the Housing/Diversion Component.**

The City would contract with MSC and provide **\$8,645.00 in funding** for a ½ time employee to assist Fox Cove and Burien residents for the remainder of the year. In addition to the 36 families present in Fox Cove, remaining time would be dedicated to assisting Burien residents faced with similar circumstances.

MSC would bill the City for the number of hours serving Burien residents to a maximum of 20 hours per week through the end of the year. These services would enable MSC to work with families to assess their barriers (evictions, criminal history, etc.), provide relocation services assistance, navigate the application process, and promote efforts leading to successful housing placement.

#### **Assistance by MSC in 2019 for Housing/Diversion Component services.**

The City would contract with MSC and provide **\$18,000.00 in funding** for 10 hours/week of services for Burien residents in 2019. MSC would bill the City for the number of hours serving Burien residents to a maximum of 10 hours per week through the end of the year. These services would enable MSC to work with families to assess their barriers (evictions, criminal history, etc.), provide relocation services assistance, navigate the application process, and promote efforts leading to successful housing placement.

These scenarios/options do not include funding for moving or dislocation expenses.

### Scenario/Option 3:

#### **Assistance by Ecumenical Circle.**

**A group of churches have created a fund of approximately \$9,000.00** to potentially assist the residents of the Fox Cove apartments with moving and/or relocation expenses. The City would partner with this Ecumenical Circle in finding financial technical assistance (funding design, criteria, and process) in order to disburse these funds to those in need. **The Ecumenical Circle is respectfully asking for matching funds of \$9,000.00 from the City** towards this effort.