



Agenda Bill AB22-087
Meeting Date: October 3, 2022
Agenda Item: VIII.b
 Regular Business Meeting
 Workshop/Study Session
 Special Business Meeting

Submitted By: Heidi Greenwood
Department: City Attorney

Date Submitted: September 27, 2022
Contact Phone: 360-3479-5048

SUBJECT:

CATEGORY:

- Consent Resolution
- Staff Report Ordinance
- Contract Approval Other: Discussion Item
- Public Hearing (Legislative, unless otherwise noted)
- 3-Year Strategic Plan: N/A**

BUDGET IMPACT:

Expenditure Amount: \$ _____
 Included in Budget? Yes No

Cost Allocation Fund: *Choose an item.*

SUMMARY STATEMENT: The City Council tasked the Culture and Society Committee with exploring a tenant’s right ordinance after several residents presented a proposed ordinance. Many of the proposed ordinance’s provisions were duplicated in the Washington State Residential-Landlord Tenant Act which underwent many revisions in 2021 and 2022. The Committee recommended that the full City Council consider the provisions of the proposed ordinance that extended the notice requirements for rent increases. The Committee proposed 120 days’ notice for increases of 3% and 180 days’ notice for increases over 10%. The Washington state code requires 60 days’ notice prior to any rent increase. The notice provisions may be enforced either through the City’s code enforcement or through a private lawsuit.

ATTACHMENTS:

- Rent Increase Notice Exhibit A
- Ordinance 3296 Residential Rent Increase Notice

CITY COUNCIL COMMITTEE RECOMMENDATION: On September 14, 2022, the Culture and Society Committee recommended the ordinance to the City Council.

RECOMMENDED ACTION:

ALTERNATIVES:

- Take No Action Refer to Committee Refer to Staff Postpone Action
- Remove from Consent Agenda Waive Council Rules and approve Ordinance _____
- Other:

Chapter 9.60

Sections:

- 9.60.010 Purpose and intent.
- 9.60.020 Applicability
- 9.60.030 Notice of rent increase requirements.
- 9.60.040 Enforcement.

9.60.010 Purpose and intent.

The purpose of this chapter is to supplement the protections of the Washington State Residential Landlord-Tenant Act, Chapter 59.18 RCW and to increase the housing security of Port Townsend residents while balancing the needs of the tenants and landlords. Providing housing for Port Townsend residents directly impacts quality of life at the most basic level, and therefore, requires regulations to ensure that it is equitably undertaken. The City should use education prior to any penalties in enforcing this chapter.

9.60.020 Applicability.

This chapter applies to all tenancies regulated by the Washington State Residential Landlord Chapter 59.18 RCW as hereafter amended.

9.60.030 Notice of rent increase requirements

A landlord may not increase the rent except in accordance with this section, unless such increase or charge has been agreed to in writing signed by landlord and tenant at the time of entering into the initial lease or rental agreement:

A. A landlord may not increase the rent of a tenant by more than three percent of the rent unless the landlord has provided the tenant with notice of the rent increase at least 120 days before such increase shall take effect. Any rental increase of three percent or less may be served in accordance other applicable law.

B. A landlord may not increase the rent of any tenant by more than ten percent unless the landlord has provide the tenant with notice of the rent increase at least 180 days before such increase shall take effect

9.60.040 Enforcement.

A. If a violation of this chapter occurs, the director of planning and community development may utilize the procedures outlined in Chapter 1.20 Port Townsend municipal code.

B. Any tenant claiming injury from any violation of this chapter shall be entitled to bring an action in any other court of competent jurisdiction to enforce the provisions of this chapter and shall be entitled to all remedies available at law or in equity appropriate to remedy any violation of this chapter, including declaratory or injunctive relief. A tenant who prevails in

any action to enforce this chapter shall be awarded his or her costs, reasonable attorneys' fees, and expenses.

1. A landlord who violates this chapter shall be liable for penalties of up to two times the monthly rent of the dwelling unit at issue.

2. Failure of a landlord to comply with any of the provisions of this chapter shall provide the tenant with a defense in any legal action brought by the landlord to recover possession of the dwelling unit.

Ordinance No. 3296

**AN ORDINANCE OF THE CITY OF PORT TOWNSEND RELATED TO
NOTICE OF RESIDENTIAL RENT INCREASES AND AMENDING THE
PORT TOWNSEND MUNICIPAL CODE TITLE 9 AND ADDING A NEW
CHAPTER 9.60 RESIDENTIAL RENT INCREASE NOTICE**

RECITALS:

1. Occupancy rates in the City of Port Townsend are very high. This makes it difficult for tenants to secure alternate housing when given notices of rent increases. This ordinance requires additional notice beyond the Washington state requirement of sixty days. This will give tenants additional time to find and secure housing before a rent increase takes effect.
2. This ordinance offers two enforcement options. One is using the City's code enforcement process in Chapter 1.20 of the Port Townsend Municipal Code. The other is a private right of action in a court of competent jurisdiction.

NOW, THEREFORE, the City Council of the City of Port Townsend ordains as follows:

Section 1. A new chapter — 9.60 Residential Rent Increases Notice — is hereby added as shown in Exhibit A. This ordinance amends Title 9 of the Port Townsend Municipal code to add a new Chapter 9.60

Section 2. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 3. Effective Date. This ordinance shall take effect and be in force five days after the date of its publication in the manner provided by law.

Adopted by the City Council of the City of Port Townsend, Washington, at a regular meeting thereof, held this 17th day of October 2022.

David J. Faber
Mayor

Attest:

Approved as to Form:

City Clerk

Heidi Greenwood
City Attorney