



Legislation Text

File #: CB 119606, Version: 2

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

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:

7.24.020 Definitions

As used in this Chapter 7.24:

* * *

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

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

* * *

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

* * *

Section 2. Section 7.24.030 of the Seattle Municipal Code, last amended by Ordinance 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

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

requirements required by law.

6. Parties to the rental agreement

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

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

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

A. If a tenant vacates the rental unit before expiration of the tenancy, members of the tenant's immediate family occupying the rental unit may become parties to the rental agreement, subject to the same terms in the rental agreement that applied to the vacating tenant. A landlord may obtain a screening report under subsection 14.08.040.F and Chapter 14.09 for members of a tenant's immediate family but may not exclude any member of the tenant's immediate family from becoming a party to the rental agreement based on information in the screening report, except as provided in Section 7.24.032.

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

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

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

7.24.032 Exemptions

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

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

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

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

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

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

Passed by the City Council the _____ day of _____, 2019, and signed by me in open session in authentication of its passage this _____ day of _____, 2019.

President _____ of the City Council

Approved by me this _____ day of _____, 2019.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2019.

Monica Martinez Simmons, City Clerk

(Seal)