## STAFF REPORT

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| **Agenda Item:** | 6 | **Name:** | Sahar Fathi |
| **Proposed No**.: | 2019-B0106 | **Date:** | July 30, 2019 |

**SUBJECT**

A briefing providing an overview of state and local laws protecting tenants and a review of King County’s current available protections for tenants.

**SUMMARY**

This briefing will discuss some of the current legislative protections in place for tenants at the local and state level in Washington State, as well as summarize the current renter protections in place for King County residents. There will also be a discussion on Just Cause Eviction legislation. Just Cause Eviction legislation requires that owners have a “just” reason for pursuing an eviction. These “just” causes are different in laws across various jurisdictions, but common reasons include nonpayment of rent, breach of the terms of the rental agreement, and certain criminal activity. The briefing will include an overview of Just Cause Eviction legislation and some overview as to the cause of evictions as evidenced in research both at the local level and at the national level.

**BACKGROUND**

King County has nearly 2.2 million residents and is the largest county in Washington State. Two million of its residents live in one of the 39 cities in the county and 200,000 live in the unincorporated area. In 2018, the Federal Department of Housing and Urban Development (HUD) defined Area Median Income (AMI) for a family of four in King and Snohomish counties as earning an annual income of $103,400. A family of four earning 80 percent AMI has an annual income of $82,720 and could pay monthly housing costs of $2,068 without being cost burdened. The average rent in King County was $2,432 per month.[[1]](#footnote-1)

In the spring of 2018 Princeton University’s Eviction Lab[[2]](#footnote-2) issued their first Methodology report analyzing a data set of 82,935,981 million court records related to eviction cases in the United States between 2000 and 2016.[[3]](#footnote-3) According to the Eviction Lab:

An eviction occurs when a landlord forcibly expels a tenant from a residence. While the majority of evictions are attributed to nonpayment of rent, landlords may evict tenants for a variety of other reasons, including property damage, nuisance complaints, or lease violations. A formal eviction occurs when a landlord carries out an eviction through the court system.[[4]](#footnote-4)

The Eviction Lab also states, of the relationship between the affordable housing crisis and the eviction epidemic: “Today, most poor renting families spend at least half of their income on housing costs, with one in four of those families spending over 70 percent of their income just on rent and utilities.”[[5]](#footnote-5)

In the fall of 2018 the King County Bar Association (Housing Justice Project) and the Seattle Women’s Commission issued a joint report entitled: “Losing Home: The Human Cost of Eviction in Seattle.”[[6]](#footnote-6) This report cited that national research shows eviction is one of the leading causes of homelessness.[[7]](#footnote-7) As part of this report, a survey was conducted on the Housing Justice Project’s clients (in Seattle out of a total of 1,473 individual tenants)[[8]](#footnote-8) and findings included: women were more likely to be evicted over small amounts of money (in single-tenant household cases where a tenant owed $100 or less, 81% were women), 31.2% of tenants in eviction filings were Black tenants (experiencing eviction at a rate 4.5 times what would be expected based on their demographics in Seattle), and 86.5% of eviction filings were for nonpayment of rent (52.3% of these were for one month or less in rent).[[9]](#footnote-9)

**Renter protections in King County** The King County Code’s Open Housing chapter[[10]](#footnote-10) regulates the practices of those who rent or sell homes or apartments in unincorporated King County.

In 1981, the King County Council adopted the Fair Housing Ordinance,[[11]](#footnote-11) which prohibited discrimination in the rental, sale or financing of housing in unincorporated King County on the basis of race, color, religion, national origin, age, sex, marital status, parental status, sexual orientation, disability, or the use of a trained service dog.

In 1992, the Council updated the Fair Housing Ordinance by adding participation in the Section 8[[12]](#footnote-12) program to the list of conditions against which housing discrimination was prohibited.[[13]](#footnote-13)

These ordinances were codified to become the King County Code’s Open Housing Chapter (K.C.C. 12.20),[[14]](#footnote-14) which continues to regulate the practices of those who rent or sell homes or apartments in unincorporated King County. Investigation of complaints is handled by the King County Office of Civil Rights.

Ordinance 18708 was enacted by the King County Council in 2018, to prohibit discrimination based on the source of income used by a tenant or homebuyer for housing in unincorporated King County. Specifically:

1. A cash benefit, such as Social Security; a retirement program; unemployment; child support; the State Aged, Blind or Disabled Cash Assistance Program; state refugee Cash Assistance; or other federal, state, local, private or nonprofit programs; or
2. A housing subsidy, in addition to Section 8, such as Veterans Affairs Supportive Housing (VASH) vouchers, state Housing and Essential Needs (HEN) funds, or rapid rehousing assistance.

Also of note, the King County Council established the Regional Affordable Housing Taskforce (RAHTF) in 2017 through Motion 14873. The Taskforce was charged with developing a recommended countywide affordable housing strategy. In December 2018 the RAHTF released its Final Report and Recommendations[[15]](#footnote-15) and the King County Council declared through Motion 15372 that the recommendations therein represented the policy of the Council. The RAHTF Report included recommended strategies of adopting ordinances to expand tenant protections and provide implementation support.[[16]](#footnote-16)

**Just Cause Evictions** Just Cause Eviction legislation requires that owners have a “just” reason for pursuing an eviction. These “just” causes are different in laws across various jurisdictions, but common reasons include nonpayment of rent, breach of the terms of the rental agreement, and certain criminal activity.

There are a number of Just Cause Evictions Ordinances in other jurisdictions across the country including: Philadelphia, PA (Fair Housing Ordinance, §9-800 Philadelphia Code[[17]](#footnote-17)); San Francisco, CA (Rent Ordinance, Section 37.9[[18]](#footnote-18)); Oakland, California (Oakland Municipal Code 8.22.360[[19]](#footnote-19)); Los Angeles, California (Rent Stabilization Ordinance, Los Angeles Municipal Code 151.09[[20]](#footnote-20)); and Washington, DC (Code of the District of Columbia §42-3505.01[[21]](#footnote-21)).

**Washington State and City of Seattle Legislation** A high-level summary of Washington State and City of Seattle landlord/tenant regulations (prior to July 28, 2019) can be found at Attachment 1 to this Staff Report. This Attachment includes (among other items) a summary of:

1. The City of Seattle’s Obligations of Landlords and Tenants and Just Cause Eviction Ordinance
2. Washington State Laws relevant to tenants’ rights and landlord responsibilities

**Washington State**In 2019 the Washington State legislature passed two bills relevant to Just Cause Evictions. HB1440, “Providing longer notice of rent increases,” provided:

Except for rental agreements governing certain subsidized tenancies, a landlord must provide each affected tenant a minimum of 60 days' prior written notice of an increase in the amount of rent, and any rent increase may not become effective before the end of the term of the rental agreement. In the case of a rental agreement governing subsidized tenancies where the rental amount is based on the income of the tenant or circumstances specific to the subsidized household, the landlord must provide 30 days' prior notice of the rent increase and the rent increase may become effective at the end of the rental term or sooner upon mutual consent.[[22]](#footnote-22)

The effect of HB 1440, as written above, extends the once 30-day written notice requirement for rent increases to 60 days. There is an exception for rental agreements concerning subsidized tenancies where the rental amount is based on the income of the tenant.

In addition, SB 5600, “Concerning residential tenant protections,” extends the requirement for pay-or-evict notices in Washington State to 14 days (originally 3 days). The bill also makes uniform eviction notices available to landlords written in plain language and includes information on civil legal aid resources available to tenants and where to find translated copies of in the 10 most common languages spoken in Washington. Additional reforms to the eviction process in the bill include the use of judicial discretion in nonpayment of rent cases, requiring consideration of factors beyond the tenants’ control. In certain cases, landlords will be able to access the Department of Commerce’s mitigation fund for reimbursement of any shortfall in rent.[[23]](#footnote-23)

The changes to the Washington State law went into effect on July 28, 2019.

**City of Seattle** In Seattle, the Just Cause Eviction 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. According to Attachment 1, a City of Seattle document on Seattle and Washington State Landlord-Tenant laws, a property owner cannot evict a tenant if the property is not registered[[24]](#footnote-24) with the City of Seattle.[[25]](#footnote-25) Page 2 of Attachment 1 also enumerates the City of Seattle’s list of “just” cases under their Just Cause Eviction Ordinance.

**INVITED**

* Edmund Witter, Senior Managing Attorney, Housing Justice Project, King County Bar Association
* Kate Dunphy, Deputy Director, Tenants Union of Washington State
* Xochitl Maykovich, Political Director, Washington Community Action Network
* Michele Thomas, Director of Policy and Advocacy, Washington Low Income Housing Alliance
* Heather Pierce, Deputy Director of Government Affairs, Rental Housing Association
* Alicia Glenwell, Landlord
* Mergitu Argo, Renter

**ATTACHMENTS**

1. Seattle Landlord-Tenant Laws
1. <https://www.kingcounty.gov/~/media/initiatives/affordablehousing/documents/report/RAH-Report-Print-File-7-17-19.ashx?la=en> at page 11 [↑](#footnote-ref-1)
2. The Eviction Lab was spearheaded in 2017 by Matthew Desmond, the author of *Evicted: Poverty and Profit in the American City* (2016), in partnership with Bill and Melinda Gates, the Ford Foundation and the Chan Zuckerberg Initiative (More information on the Eviction Lab can be found at: <https://evictionlab.org/about/>). [↑](#footnote-ref-2)
3. Methodology Report: Matthew Desmond, Ashley Gromis, Lavar Edmonds, James Hendrickson, Katie Krywokulski, Lillian Leung, and Adam Porton. Eviction Lab Methodology Report: Version 1.0. Princeton: Princeton University, 2018, [www.evictionlab.org/methods](http://www.evictionlab.org/methods). Page 2. [↑](#footnote-ref-3)
4. Methodology Report: Matthew Desmond, Ashley Gromis, Lavar Edmonds, James Hendrickson, Katie Krywokulski, Lillian Leung, and Adam Porton. Eviction Lab Methodology Report: Version 1.0. Princeton: Princeton University, 2018, [www.evictionlab.org/methods](http://www.evictionlab.org/methods). Page 2. [↑](#footnote-ref-4)
5. <https://evictionlab.org/why-eviction-matters/#affordable-housing-crisis> [↑](#footnote-ref-5)
6. <https://www.kcba.org/Portals/0/pbs/pdf/Losing%20Home%202018.pdf> [↑](#footnote-ref-6)
7. <https://www.kcba.org/Portals/0/pbs/pdf/Losing%20Home%202018.pdf> (page 1) [↑](#footnote-ref-7)
8. Per the report: “In 2017, the King County Superior Court in Seattle processed 2,072 eviction proceedings for properties in North King County. For purposes of this research, we excluded unlawful detainers filed pursuant to a foreclosure, commercial lease, situations not related to a landlord-tenant situation such as a family dispute or cases not located in Seattle. We also did not examine unlawful detainers filed in the Maleng Regional Justice Center, which is where cases for properties in South King County are filed. While there were a number of cases that listed an address in Seattle, we excluded them because they were actually located in unincorporated King County or a neighboring city. The remaining 1,218 residential eviction cases that occurred in the Seattle city limits, with a total of 1,473 individual tenants, were analyzed in this report.” <https://www.kcba.org/Portals/0/pbs/pdf/Losing%20Home%202018.pdf> (page 15) [↑](#footnote-ref-8)
9. <https://www.kcba.org/Portals/0/pbs/pdf/Losing%20Home%202018.pdf> (page 2) [↑](#footnote-ref-9)
10. K.C.C. 12.20 [↑](#footnote-ref-10)
11. Ordinance 5280 [↑](#footnote-ref-11)
12. Section 8 of the United States Housing Act of 1937, as amended, 42 U.S.C. 1437f, authorizes the United States Department of Housing and Urban Development (HUD) to enter into agreements with state and local public housing agencies by which the parties jointly provide housing assistance to low-income families. This is also commonly known as the housing choice voucher program. [↑](#footnote-ref-12)
13. Ordinance 10469 [↑](#footnote-ref-13)
14. K.C.C. 12.20 [↑](#footnote-ref-14)
15. <https://www.kingcounty.gov/~/media/initiatives/affordablehousing/documents/report/RAH-Report-Print-File-7-17-19.ashx?la=en> [↑](#footnote-ref-15)
16. Recommendation 4: “Preserve access to affordable homes for renters by supporting tenant protections to increase housing stability and reduce risk of homelessness.” There are four strategies in this recommendation: (a) propose and support legislation and statewide policies related to tenant protection to ease implementation and provide consistency for landlords, (b) strive to more widely adopt model, expand tenant protection ordinances countywide and provide implementation support, (c) expand supports for low-income renters and people with disabilities and (d) adopt programs and policies to improve the quality of housing in conjunction with necessary tenant protections. See <https://www.kingcounty.gov/~/media/initiatives/affordablehousing/documents/report/RAH-Report-Print-File-7-17-19.ashx?la=en> [↑](#footnote-ref-16)
17. [https://www.phila.gov/FairHousingCommission/pdf/Fair%20Housing%20Ordinance%209-800%209-1200%20(4-20-2019).pdf](https://www.phila.gov/FairHousingCommission/pdf/Fair%20Housing%20Ordinance%209-800%209-1200%20%284-20-2019%29.pdf) [↑](#footnote-ref-17)
18. <https://sfrb.org/section-379-evictions> [↑](#footnote-ref-18)
19. <https://www.oaklandca.gov/resources/read-the-just-cause-for-eviction-ordinance> [↑](#footnote-ref-19)
20. <https://hcidla.lacity.org/RSO-Overview> [↑](#footnote-ref-20)
21. <https://code.dccouncil.us/dc/council/code/sections/42-3505.01.html> [↑](#footnote-ref-21)
22. <http://lawfilesext.leg.wa.gov/biennium/2019-20/Pdf/Bill%20Reports/House/1440-S.E%20HBR%20FBR%2019.pdf> [↑](#footnote-ref-22)
23. <http://sdc.wastateleg.org/kuderer/2019/05/09/governor-signs-bill-extending-notice-for-eviction-expanding-tenant-protections/> [↑](#footnote-ref-23)
24. In 2014 the Rental Registration and Inspection Ordinance (RRIO) required that all rental property owners (with a few exceptions) in Seattle must register their properties with the City. More information at: <https://www.seattle.gov/sdci/codes/licensing-and-registration/rental-registration-and-inspection-ordinance> [↑](#footnote-ref-24)
25. <http://www.seattle.gov/Documents/Departments/SDCI/Codes/InformationForTenants.pdf> [↑](#footnote-ref-25)