



City of Tukwila  
***Planning and Community  
 Development Committee***

- ◆ **Kathy Hougardy, Chair**
- ◆ **De'Sean Quinn**
- ◆ **Thomas McLeod**

<u>Distribution:</u>	
K. Hougardy	Mayor Ekberg
D. Quinn	D. Cline
T. McLeod	R. Bianchi
C. Delostrinos Johnson	C. O'Flaherty
	A. Youn
	L. Humphrey

# AGENDA

**MONDAY, MAY 1, 2023 – 5:30 PM**

**THIS MEETING WILL BE CONDUCTED USING A HYBRID MODEL, WITH ATTENDANCE AVAILABLE BOTH ON-SITE AT TUKWILA CITY HALL AND ALSO VIRTUALLY.**

**ON-SITE PRESENCE WILL BE IN THE HAZELNUT CONFERENCE ROOM (6200 SOUTHCENTER BOULEVARD)**

**THE PHONE NUMBER FOR THE PUBLIC TO LISTEN TO THIS MEETING IS: 1-253-292-9750, Access Code 225526605#**

**Click here to: [Join Microsoft Teams Meeting](#)**

*For Technical Support during the meeting call: 1-206-433-7155.*

Item	Recommended Action	Page
<b>1. BUSINESS AGENDA</b>  a. Renter Protection Policy Proposals. <i>Laurel Humphrey, Legislative Analyst</i>	a. Discussion only.	<b>Pg.1</b>
<b>2. MISCELLANEOUS</b>		

**Next Scheduled Meeting:** *May 15, 2023*



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## **INFORMATIONAL MEMORANDUM**

**TO: Planning and Community Development Committee**  
**FROM: Laurel Humphrey, Legislative Analyst**  
**DATE: April 19, 2023**  
**SUBJECT: Renter Protection Policy Proposals**

### **ISSUE**

The Transit Riders Union has approached the City Council about adding additional regulations/protections for tenants in Tukwila. The City Council referred the proposal to the Planning and Community Development Committee for review and discussion.

### **BACKGROUND**

Various federal, state, and local laws protect housing rights, including the Federal Fair Housing Act of 1968, the Washington State Residential Landlord-Tenant Act, and the Washington State Mobile Home Landlord-Tenant Act. The City of Tukwila has several local code provisions and programs in place that are designed to protect renters, summarized below.

#### Residential Rental Business License and Inspection Program

Codified at Tukwila Municipal Code 5.06, this program was established in 2010 to protect the health and safety of renters by ensuring proper maintenance of housing units and requiring correction of substandard conditions. Rental unit owners are required to obtain an annual license and complete housing unit inspections every four years. In 2015 the inspection checklist was updated to incorporate National Healthy Housing Standards relating to pest management and mold. Rental housing staff provides information to tenants about Washington's Residential Landlord-Tenant Act and where to seek assistance with resolving a dispute with a landlord.

#### Source of Income Discrimination

Codified at Tukwila Municipal Code 8.47 (Fair Housing Regulations), this ordinance was adopted in 2017 and prohibits property owners and landlords from refusing to rent to families or individuals based solely on the fact that their income includes government subsidies such as Section 8, HUD-VASH (Veterans Affairs Supportive Housing), or other assistance programs. Because the housing market in the area is so competitive with rising rents, people that rely on assistance programs are vulnerable to discrimination and this provides some protection. The State Legislature adopted source of income protections that became effective statewide on September 30, 2018.

#### Relocation Assistance

Adopted in 2006 and codified at Tukwila Municipal Code 8.46, this established a relocation assistance program for tenants whose dwellings have been condemned by the City. If the City determines that a landlord has failed to provide the tenant with relocation assistance as

required by RCW 59.18.085, the City may advance the cost up to \$2,000 or 3x the monthly rent, whichever is greater, and then require reimbursement from the landlord.

Rental & Utility Assistance

The office of Human Services contracts with two agencies to provide once in a lifetime or up to \$1,200 (lifetime maximum) rental/utility assistance to Tukwila residents. For non-HB 1406 and non-ARPA funds, contracted agencies collect appropriate documentation, verify income, provide referrals to additional resources and distribute checks. Each household is screened for eligibility, need is verified, payments go directly to the documented property owner/utility provider. City of Tukwila Human Services staff do the screening, intake and documentation gathering and check issuance for HB 1406 and clients impacted by COVID. Funding for general rental/utility assistance comes from the Human Services Professional Services budget, and approximately \$45,000 is spent each year on rent and \$15,000 is spent on utility assistance. HB 1406 and COVID-related rental and utility assistance have varied over the past three years based on need.

Utility Tax Relief

The City of Tukwila operates a utility tax relief program for low-income residents that are either seniors over 62 or disabled. Eligible residents will receive a rebate check from the city for a 50% discount on utility taxes and surcharges.

**DISCUSSION**

The Transit Riders Union proposals are attached. Staff is seeking Committee direction on next steps, and recommends the Committee consider the following during its review:

- Caution over possible conflicts or overlaps with State regulations;
- Review of recent case law, including an appeal of Burien’s ordinance;
- Staffing/budgetary impact of new regulations (education and enforcement);
- Public outreach to gather landlord and tenant feedback on proposals.

**RECOMMENDATION**

Committee discussion.

**ATTACHMENT**

Transit Riders Union policy proposals submitted 4/3/23

## Tukwila Renter Protection Policy Proposals

### Submitted by Transit Riders Union 4/3/23

- **Additional notice of rent increases:** Washington state has 60 days notice required, but nearby jurisdictions have gone above and beyond to allow for additional time to plan ahead and/or seek new housing for large rent increases. The state legislature considered but did not pass similar protections (HB 1124).
  - 120 days if >3%
  - 180 days if >5%
  - Right for tenants to leave a lease early for rent increases over 5%.
- **Cap on move-in costs:** Most families do not have adequate savings and little excess income to pay multiple months of rent in advance in addition to moving costs. This creates a barrier that makes it more difficult for families to relocate, and traps people in rental situations that they cannot afford, and sometimes in dangerous or abusive situations
  - Any upfront costs over and above the 1st month's rent are capped at a total of 1-month rent, with a right to pay in installments over 6 months (or 2 mo. for leases shorter than 6 months.)
- **Cap on late fees:** With no regulation on late fees, it is very easy for families to become permanently behind on rent, and stuck in a cycle of escalating fees and debt. Renters consistently prioritize rent over other bills to avoid eviction; large late fees are not needed to incentivize paying on time. Service providers that aid in helping stabilize the living situation for families behind on rent can do more when less of their assistance is spent on exorbitant late fees.
  - Capped at \$10/month
- **Just cause protections:** Washington state has some protections whereby landlords must give a just cause for evicting a tenant or terminating a lease. Other jurisdictions, including Federal Way, Auburn, and unincorporated King County, and Seattle, have strengthened this law and closed a loophole that excludes many renters on fixed term leases.
- **Relocation assistance:** When property owners seek to dramatically increase rents, and thereby profit from future tenants, current tenants forced to relocate bear the financial burden for the future gain of the property owner. Landlord-paid relocation assistance helps ensure families can safely find new housing that works within their budget, and softens the cost of moving.
  - Relocation assistance equal to three months' rent for housing cost increases of 10% or more. Unlike Seattle's program, this would be a direct transaction between tenant and property owner. A similar policy exists in Portland, OR, and is being considered in Tacoma.
  - Enforcement through private right of action. Other jurisdictions and proposals require property owners to submit a report to the city to confirm payment was made, which may assist tenants in enforcing this protection.
- **Strengthen Tukwila's rental property inspection program:** Tukwila has a standing registration and inspection program that is intended to ensure safe living conditions for rental units in the city. Many tenants still experience unsafe living conditions, and currently there is little protection for tenants wishing to seek remedies for these unsafe conditions.
  - Allow tenants to vacate their lease if properties fail to pass inspection.
  - Retaliation protections and a stay on evictions for units that fail inspection. A tenant

behind on rent may be discouraged from requesting an inspection or pursuing other remedies for fear of no-cause lease termination, eviction for a minor lease violation or late rent, or other forms of retaliation or mistreatment.

- Increase fines/penalties for property owners who fail to resolve identified issues in a timely manner. Currently, the fines have a low cap and are attached to the property, but the city has little authority to collect, and the fines are not significant enough to deter violations.
- Establish a proactive education and outreach program to let tenants know they have a right to an inspection, and update the public facing interface of the inspection program to be more clearly tenant focused.
- Posting requirements in a public area (if possible) and documentation provided at time of lease signing and annually thereafter.
- No rent increases permitted for units that have failed to pass inspection or are in the process of being inspected at the request of a tenant, or have outstanding requests for repairs, or have defective conditions making the dwelling unlivable, or are otherwise in violation of RCW 59.18.060.
- Increase audits and assess the efficacy of third party inspection companies, and assess if changes should be made, including returning to having the city perform all audits.
- **Regulate additional fees and costs added to rent.** Property owners, especially corporate landlords, are increasingly charging a wide variety of arbitrary fees, for everything from delivering a notice to signing a lease renewal to turning on the HVAC. Layering on fees can also be a strategy to get around some renter protection laws.
  - Ensure that rent increase notice requirements and relocation assistance are based on an increase in total housing costs (including all fixed monthly charges paid to the landlord, e.g. parking, pet rent, storage, flat utility fees) and not just base rent.
  - Ban or limit other types of fees including notice delivery fees, “admin” and lease renewal fees, month-to-month fees, “service” and “billing” fees, etc.
- **Remove Social security number requirements.** Other jurisdictions including Burien, Kenmore, and Redmond have recognized the need for families to have access to housing as a human right, regardless of immigration status. Creating barriers for people to find homes is harmful to the whole community.
- **Allow renters on fixed income to change rent due date.** Renters living on a fixed income are better able to budget their limited funds when their due date better aligns with the date they receive their payments, without any additional cost to a property owner.
- **Ban deceptive and abusive practices.** In general, property owners and management understand landlord-tenant laws better than the average renter. Unfortunately, some landlords exploit this gap and lie about what rights a tenant has, for example by telling tenants they must pay for repairs that are actually the landlord’s responsibility. Better defining and establishing clearer consequences for such behavior can help.
- **Additional protections worth considering.** Nearly all the protections above have some precedent in King County cities. In addition, Seattle has passed some further protections Tukwila might consider:
  - Ban on most evictions of families & educators during school year
  - Ban on most winter evictions
  - Fair Chance Housing law (no criminal background checks)

- First-in-time rental application law

