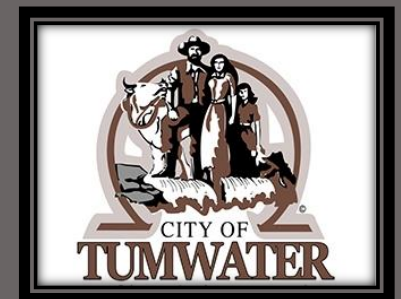


# Tumwater Housing Action Plan Tenant Protection Ordinances O2022-010 and O2022-012

November 22, 2022  
City Council Worksession



# Background

- In support of R2018-016 Action #9, City staff reviewed measures supporting renters accessing housing and staying housed
- In September 2021, the City Council adopted the *Tumwater Housing Action Plan*, which included tenant protection actions
- City staff integrated R2018-016 measures and *Tumwater Housing Action Plan* actions in 2022

# Background

- The General Government Committee reviewed the actions on January 12 and February 9, 2022
- City Council prioritized the actions on March 22, 2022, which included two ordinances to address tenant protections
- On October 12, 2022, the General Government Committee was briefed on the ordinances and recommended approval with one change

# Background

To develop the two ordinances, City staff reviewed:

1. The City's current tenant protections found in TMC Chapter 5.70 *Unfair Housing Practices*
2. The state's requirements under the Residential Landlord-Tenant Act (RLTA) (RCW 59.18)
3. The state legislature amendments to the RLTA since 2018
4. What other jurisdictions are doing to address tenant protections

# Amendments

Code amendments include:

- O2022-010 *Unfair Housing Practices*, which makes minor updates to TMC 5.70 *Unfair Housing Practices*
- O2022-012 *Rental Housing Code*, which creates a new Chapter TMC 5.75 *Rental Housing Code*

# O2022-012 Amendments

**Measure 2:** Require landlords to distribute certain housing related information, including rights and responsibilities to tenants

## **TMC 5.75.030**

- Requires landlords to distribute summaries of state and local fair housing laws and resources
- Creates a City website for housing related information, including rights and responsibilities for tenants

# O2022-012 Amendments

**Measure 3:** Require that deposits, as well as recurring and one time fees be in written agreements

## **TMC 5.75.050**

- The written rental agreement must:
  - ✓ Include recurring fees that are not deposits addressed by RCW
  - ✓ Clearly specify fees that are recurring and non-refundable
- Establishes a penalty if this is not done

# O2022-012 Amendments

**Measure 4:** Make landlord failure to comply with required termination notice a renter defense to an unlawful detainer action and the landlord subject to liability and penalties

## **TMC 5.75.130(A)(3)**

- For tenants this is an additional affirmative defense to an unlawful detainer action if a landlord fails to give a “no cause” notice to a monthly or periodic tenant



# O2022-012 Amendments

## **Measure 5:** Prohibit waiving of city requirements

### **TMC 5.75.130(A)(3)(b)**

- A rental agreement cannot:
  - ✓ Waive any right, benefit, or entitlement created by TMC 5.75
  - ✓ Are voided with no lawful force or effect if they do

# O2022-012 Amendments

**Measure 7**: Require notification a set number of days prior to a no-cause termination

## **TMC 5.75.090(C)**

- Unless provided otherwise under federal or state law, a landlord may only terminate a tenancy for no cause by providing the tenant written notice of at least **ninety (90) days** before the end of the month or period of tenancy

Note: On October 12, 2022, the General Government Committee recommended changing the 60-days notice under state law to 90-days

# O2022-012 Amendments

**Measure 8:** Require notification a set number of days prior to any rent increase

## **TMC 5.75.070(A)(1)**

- A landlord is required to provide a minimum of 120 days prior written notice whenever the periodic or monthly housing costs to be charged a tenant will increase by more than 5%

# O2022-012 Amendments

**Measure 8:** Require notification a set number of days prior to any rent increase

## **TMC 5.75.070(A)(2)**

- A landlord is required to provide a minimum of 180 days prior written notice whenever the periodic or monthly housing costs to be charged a tenant will increase by more than 10%

# O2022-012 Amendments

**Measure 8:** Require notification a set number of days prior to any rent increase

## **TMC 5.75.070(A)(3)**

- If the rental agreement is a subsidized tenancy, a landlord must provide a written notice a minimum of 30 days prior to a rent increase

# O2022-012 Amendments

**Measure 8:** Require notification a set number of days prior to any rent increase

## **TMC 5.75.070(B)**

- A landlord is required to provide a minimum of 60 days prior written notice whenever the periodic or monthly housing costs charged a tenant increases by 5% or less

# Next Steps

## City Council

- Schedule City Council consideration of both ordinances for December 6, 2022