

ORDINANCE NO. O2022-014

AN ORDINANCE of the City Council of the City of Tumwater, Washington, adding a new chapter entitled Chapter 5.80 *Rental Housing Registration* to Title 5 *Business Taxes, Licenses and Regulations*, as more particularly described herein.

WHEREAS, in 2010 the City Council passed Ordinance O2010-022 establishing a policy to assure equal opportunity to all persons to live in decent housing; and prohibiting discrimination, including use of federal housing assistance; and

WHEREAS, in 2018 the City Council passed Resolution R2018-016, which included a number of actions to start to reduce homelessness, increase affordable housing, and continue to work with other jurisdictions and agencies to explore regional solutions to these issues; and

WHEREAS, Resolution R2018-016 included Action #9 under “Boost Housing Affordability” to enact policies to protect tenants experiencing housing instability; and

WHEREAS, after the City Council adopted Resolution No. R2018-016 in the summer of 2018, the City has undertaken a number of actions to address homelessness, increase affordable housing, and continue to work with other jurisdictions and agencies to explore regional solutions to these issues; and

WHEREAS, since 2018, the City has been reviewing actions and measures to take to support tenant protections as a way to make it easier for people in the City who rent to access housing and stay housed; and

WHEREAS, in late 2019 and early 2020, City staff met with individual landlords and tenants to discuss the list of potential measures; and

WHEREAS, in late 2019 and early 2020, the City work group shared its list of potential measures with staff at Thurston County and the cities of Olympia and Lacey with the intent of working on some of the potential measures regionally; and

WHEREAS, in 2020 the City Council passed Ordinance O2020-019 to adding and updating protected parties and definitions in TMC 5.70 *Unfair Housing Practices*; and

WHEREAS, in September 2021, the City Council adopted the *Tumwater Housing Action Plan*, which will inform the City’s Comprehensive Plan policies and

development regulations, guide implementation strategies, and provide actions to help the City meet its housing needs; and

WHEREAS, in the *Tumwater Housing Action Plan* contains three strategies and ten actions that the City has agreed to undertake that are most relevant to addressing tenant protections; and

WHEREAS, *Tumwater Housing Action Plan* Action 2.e. states, “Identify and implement appropriate tenant protections that improve household stability”; and

WHEREAS, the General Government Committee held a briefing to discuss tenant protections on February 9, 2022; and

WHEREAS, the City Council held a worksession to discuss tenant protections on March 22, 2022; and

WHEREAS, the City Council directed staff to draft language needed to start a rental registration program in Title 5 *Business Taxes, Licenses and Regulations* to license rental properties with five or more units in order to communicate with tenants and landlords about rental regulations; and

WHEREAS, the General Government Committee held a briefing on the proposed code amendments on January 11, 2023 and the City Council held a worksession on January 24, 2023; and

WHEREAS, on February 7, 2023 the City Council held a public hearing and considered the proposed code amendments; and

WHEREAS, the Tumwater City Council finds it is in the best interests of its residents to update its policy to include additional tenant protections.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. A new Chapter 5.80, “Rental Housing Registration,” is hereby added to the Tumwater Municipal Code to read as follows:

Chapter 5.80
RENTAL HOUSING REGISTRATION

Sections:

5.80.010 Definitions.

5.80.030 Scope.

5.80.100 Enforcement – Remedies not exclusive.

5.80.010 Definitions.

For the purpose of this chapter, the following words or phrases have the meanings prescribed below:

“Accessory dwelling unit” means a dwelling unit that is an accessory use or structure subordinate to a single-family detached dwelling subject to the general land use regulations found in TMC 18.42.010.

“Building” means any structure having a roof, but excluding all forms of vehicles, even though immobilized. (See “structure,” TMC 18.04.180.)

“Building code” means the code promulgated by the International Conference of Building Officials, as adopted by the city council of the city.

“Business license” means a business license as required by Chapter 5.04 TMC.

“Director” means the director of the community development department, or the director’s designee, as it exists or it is hereinafter amended.

“Dwelling, single-family detached” means a building that is not attached in any way to another dwelling unit or structure providing complete, independent living facilities for a family.

“Emergency housing” means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that are intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may provide individual rooms for sleeping and may have communal bathrooms and kitchen and dining areas. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

“Emergency shelter” means a facility that provides a temporary indoor shelter for individuals or families who are currently homeless. Emergency shelter may provide a mixture of individual rooms and common areas for sleeping and may have communal bathrooms and kitchen and dining areas. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day cooling and warming centers that do not provide overnight accommodations.

“Landlord” is defined under RCW 59.18.030, as it exists or is hereinafter amended, and means the property owner, lessor, or sublessor of the dwelling unit or the property of which it is a part, and in addition means any person designated as representative of the property owner, lessor, or sublessor including, but not limited to, an agent, a resident manager, or a designated property manager.

“Manufactured home” means a single-family dwelling built according to the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code. A manufactured home does not meet the criteria to be classified as a “designated

manufactured home.” See also “designated manufactured home” and “new manufactured home,” TMC 18.04.040 and TMC 18.04.140.

“Manufactured home, designated” means a manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which: (A) is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long; (B) was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of nominal three-to-twelve pitch; and (C) has exterior siding similar in appearance to siding materials commonly used on conventional site-built single-family residences. See also “manufactured home” and “new manufactured home.”

“Manufactured home, new” means any manufactured home required to be titled under RCW Title 46, which has not been previously titled to a retail purchaser, and is not a used mobile home as defined in RCW 82.45.032(2). See also “designated manufactured home” and “manufactured home,” TMC 18.04.040 and 18.04.130.

“Mobile home” means a factory-built dwelling built prior to June 15, 1976, to standards other than the United States Department of Housing and Urban Development (HUD) Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since introduction of the HUD Manufactured Home Construction and Safety Standards Act.

“Permanent supportive housing” means subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident’s health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in Chapter 59.18 RCW, Residential Landlord-Tenant Act

“Property” or “rental property” means all dwelling units on a contiguous quantity of land managed by the same landlord as a single, rental complex.

“Property Owner” is defined under RCW 59.18.030, as it exists or is hereinafter amended, and means one or more persons, or entities, jointly or severally, in whom is vested:

A. All or any part of the real title to property; or

B. All or part of the beneficial ownership, and a right to present use and enjoyment of the property.

“Rental unit” means a residential housing unit occupied or rented by a tenant or available for rent by a tenant.

“Residential housing unit” means any building or part of a building in the city of Tumwater that is used or may be used as a home, residence, or sleeping place by one or more persons, including but not limited to single-family detached dwellings, accessory dwelling units, designated manufactured homes, manufactured homes, new manufactured homes, mobile homes, duplexes, triplexes, fourplexes, townhouses, rowhouses, cottage housing, multifamily dwellings, apartment buildings, high-rise residential, condominiums, and similar living accommodations.

“Tenant” is defined under RCW 59.18.030, as it exists or is hereinafter amended, and means any person who is permitted to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement and includes those persons who are considered to be tenants under the state RLTA, chapter 59.18 RCW and those tenants whose living arrangements are exempted from the state RLTA under RCW 59.18.040(3). For purposes of this chapter, “tenant” shall not include the property owner of a dwelling unit or members of the property owner’s immediate family.

“Transitional housing” means housing providing stability for residents for a limited time period, usually two weeks to twenty-four months, to allow them to recover from a crisis such as homelessness or domestic violence before transitioning into permanent housing. Transitional housing often offers supportive services, which enable a person to transition to an independent living situation.

5.80.030 Scope.

A. Business License Required. As a condition of operation, each and every property owner or landlord renting or leasing a residential housing unit within the city limits shall, in accordance with Chapter 5.04 TMC, obtain and maintain a business license.

B. Exempt Residential Housing Units. This chapter does not apply to the following residential housing units:

1. Single-family detached dwellings, duplexes, triplexes, or fourplexes;
2. Manufactured home parks less than five units in size;
3. Units unavailable for rent;
4. Housing accommodations in a hotel, motel, bed and breakfast, short-term rental, or other similar transient lodging;
5. Housing accommodations at an institution, whether public or private, where residence is merely incidental to detention or the provision of medical, religious, educational, recreational, or similar services, including but not limited to adult family homes, educational facilities, residential care facilities, group foster

homes, assisted and independent senior housing facilities, convalescent centers, rest homes, nursing homes, prisons, jails, or other correctional facilities, monasteries and convents, mental health facilities, and hospitals;

6. Designated manufactured homes, manufactured homes, new manufactured homes, and mobile homes;
7. Emergency housing, emergency shelters, and transitional housing;
8. Permanent supportive housing and rental units that a government unit, agency, or authority owns, operates, or manages, or that are specifically exempted from such a registration requirement by state or federal law or administrative regulation. This exemption does not apply once the governmental ownership, operation, or management is discontinued;
9. Accessory dwelling units; and
10. Condominiums and townhomes or rowhouses.

C. **Penalty for Not Obtaining Business License.** In addition to the penalties set forth elsewhere in TMC, there shall be assessed a penalty of \$100.00 per day for each day that a residential housing unit operates without a valid and current business license for the first ten days of noncompliance with this chapter, and up to \$400.00 per day for each day in excess of ten days of noncompliance with this chapter.

D. **Display of Required Information.** Information required by TMC 5.75.030(B) shall be posted on the inside of each residential housing unit or in a common area; provided, that the director may establish by rule one or more alternative or additional methods for conveying the information to tenants.

E. The business license period shall be consistent with the period established under TMC 5.04.050. A fee as established in Chapter 5.04 TMC shall accompany any application for a license required by this chapter. Business license applications for residential rental housing shall comply with the requirements of TMC 5.04.040.

F. **Denial or Revocation of License.**

1. A business license issued to a residential rental housing unit or units may be denied or revoked for the following reasons:
 - a. The applicant or registration holder has failed to comply with any of the provisions of this chapter;
 - b. The applicant or registration holder is in default of any fee due to the city under this chapter;
 - c. Any reason set forth in TMC 5.04.030;
 - d. The property is subject to a notice of violation for a code violation, which has been deemed committed or found to have been committed pursuant to TMC or the Revised Code of Washington.

2. The denial or revocation of a business license for a residential rental housing unit or units shall comply with the business license revocation procedures set forth in TMC 5.04.030.

3. If a business license issued for a residential rental housing unit(s) is revoked, or an application for a license is denied, the landlord will be granted a business license only after:

a. Any and all deficiencies on which the revocation or denial was based have been corrected;

b. The applicant pays a license fee as determined by city code.

4. Tenant relocation assistance shall be provided as required by RCW 59.18.085, and pursuant to the process set forth therein.

5.80.100 Enforcement – Remedies not exclusive.

The remedies prescribed in this chapter are in addition to all other remedies provided or authorized by law.

Section 2. Corrections. The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 4. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 5. Effective Date. This ordinance shall become effective thirty (30) days after passage, approval, and publication as provided by law.

ADOPTED this _____ day of _____, 2023.

CITY OF TUMWATER

Debbie Sullivan, Mayor

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

Published:_____

Effective Date:_____