



**TO:** Elizabeth Pauli, City Manager  
**FROM:** Linda Stewart, Director, Neighborhood and Community Services  
Diane Powers, Director, Office of Equity and Human Rights  
ChiQuata Elder, Office of Equity and Human Rights  
**COPY:** City Council and City Clerk  
**SUBJECT:** TMC 1.95 Rental Housing Code Amendment – July 2, 2019  
**DATE:** June 18, 2019

**SUMMARY:**

Engrossed House Bill (ESHB) 1440, which recently passed the Washington State Legislature, provides longer notices to increase rents than what is currently in Washington State law. This ordinance amendment will align the City of Tacoma’s Rental Housing Code (TMC 1.95) with the new notice requirement in ESHB 1440 and the State of Washington’s Residential Landlord-Tenant Act (RCW 59.18).

**STRATEGIC POLICY PRIORITY:**

- Ensure all Tacoma residents are valued and have access to resources to meet their needs.
- Encourage and promote an efficient and effective government, which is fiscally sustainable and guided by engaged residents.

**BACKGROUND:**

On November 20, 2018, the Tacoma City Council passed Ordinance No. 28559, adding chapter 1.95 to the Tacoma Municipal Code, designated as the Rental Housing Code. The Rental Housing code requires:

- 60 or 120 days’ written notice to a tenant before terminating tenancy, depending on the circumstances;
- 60 days’ notice to a tenant for a landlord to increase rent; except the notice to increase rent is not required for “fixed lease agreement [that] includes agreed-upon rent increases during the term of the tenancy or agreement”;
- landlords to pay tenant relocation assistance in certain circumstances;
- landlords to provide tenants with information relevant to the rental agreements, landlords and rental properties.

**ISSUE:**

ESHB 1440 goes into effect July 28, 2019, and requires landlords to give 60 days’ notice to increase rent, with 30 days’ notice required for subsidized tenancies. State law (RCW 59.18.140) allows a rent increase to take effect only after the “completion of the term of the rental agreement” (except in subsidized tenancies, the landlord and tenant may agree to a rent increase “sooner upon mutual consent”).

To align the City of Tacoma Rental Housing Code with ESHB 1440 and RCW 59.18, the Code should be amended in two ways:

1. Add the 30-day notice to increase requirement for subsidized tenancies.
2. Delete the general exception to the 60-day notice requirement for a “fixed lease agreement [that] includes agreed-upon rent increases during the term of the tenancy or agreement”.

Tenants will not be negatively impacted by aligning the notice requirements of the City of Tacoma Rental Housing Code with ESHB 1440 and RCW 59.18.



State law does not appear to allow landlords and tenants in non-subsidized tenancies to agree to rent increases during the term of the rental agreement, which is different than what the City's code allowed. The City is thus proposing to amend the City's Rental Housing Code related to notices to vacate to specifically follow state law and any future amendments, with the idea that the state may amend state law in the future to allow for such agreement.

**ALTERNATIVES:**

The City Council may decide to not approve of the amendment to the Rental Housing Code. Not approving amendments to the Rental Housing Code will position the local code in conflict with state law.

**RECOMMENDATION:**

City staff recommends City Council approve the amendment to TMC 1.95, the Rental Housing Code, to require a notice to vacate pursuant to state law.

**FISCAL IMPACT:**

There is no fiscal impact.