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The Four AHAS Objectives

1. More Homes for More People
2. Keep Housing Affordable and In Good Repair
- 3. Help People Stay in Their Homes and Communities**
 - Action 3.1: Expand tenants' protections through a comprehensive policy
 - Action 3.2: Create a range of resources for households experiencing a housing crisis
4. Reduce Barriers for People Who Often Encounter Them

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Summary

This presentation describes proposed changes to TMC 1.95, which include:

- State Just Cause Eviction (JCE) provisions from Engrossed Substitute House Bill (ESHB) 1236 and related just cause notification requirements
- Routine code updates to ensure compliance with RCW 59.18—Washington State Residential Landlord Tenant Act.



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Background

- 2019 - Adopted TMC 1.95 - Rental Housing Code (RHC) effective February 1, 2019
- 2020 - Evaluation of TMC 1.95 and impacts on housing
 - February - conducted survey of both landlords and tenants
 - March - gathered feedback from landlords and tenants on survey results
 - October to December - researched "Just Cause Eviction" ordinances in WA State, gathered feedback from landlord and tenant organizations on other jurisdictions with JCE ordinances
- 2021 - Proposed changes to RHC and research on JCE Ordinance
 - February to July - gathered feedback from local for-profit landlords, non-profit landlords, tenants, legal representation for landlords and tenants and internal stakeholders on proposed changes.
 - Researched State wide JCE law, which became effective on March 10, 2021



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Background

- Staff provided information to the Community Vitality and Safety (CVS) committee in June, July, and August 2021 with updates on adopting JCE under ESHB 1236, and a potential City strategy to address Governor Inslee's bridge Proclamation 21-09 and ESHB 1236, which imposes certain prohibitions to preserve residential tenancy until September 30, 2021
- CVS committee requested a follow-up study session presentation on the Just Cause Eviction (JCE) update to TMC 1.95 to align with ESHB 1236
- Proposed TMC 1.95 changes also include code updates to ensure TMC 1.95 is no less restrictive than RCW 59.18 in its current state



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Issues

- Tacoma rental market is drastically changing
- TMC 1.95, as currently written is out of alignment with State Law and offers limited protections
- TMC 1.95, as currently written does not allow for enforcement and forces a tenant to seek civil remedies
- Effective September 10th, low-income residents within the city of Tacoma are no longer eligible for free eviction prevention legal services, which can have a negative impact on them keeping or securing housing

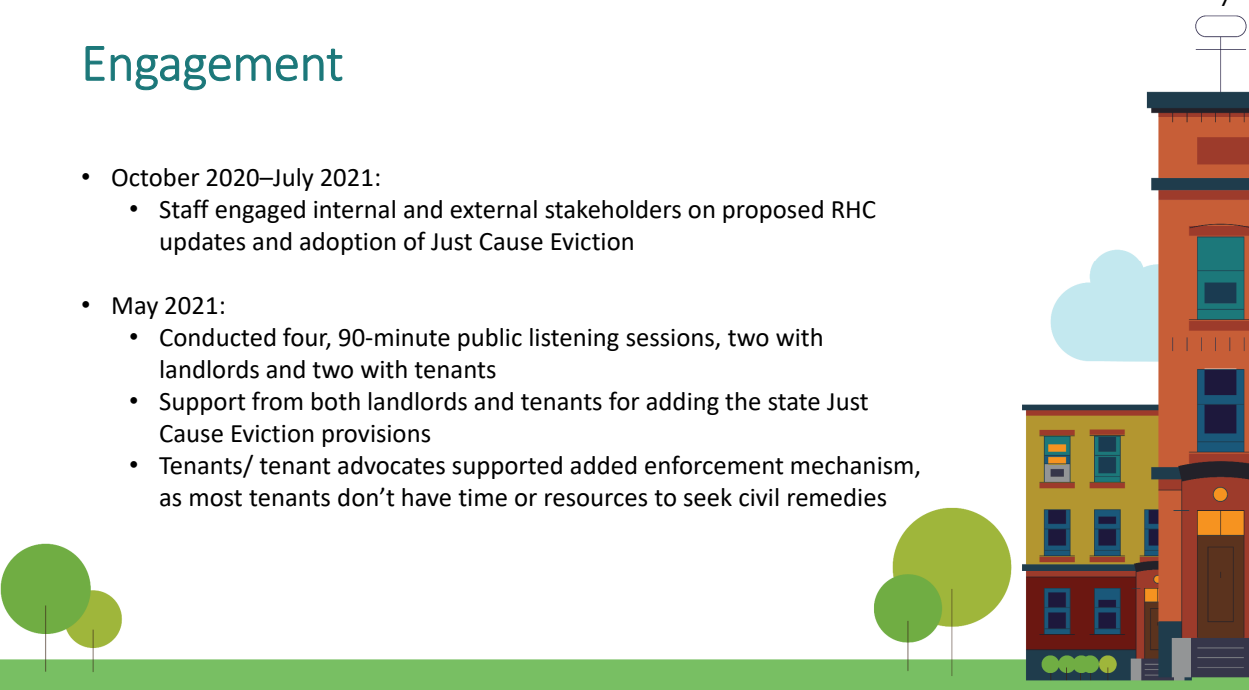


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Engagement

- October 2020–July 2021:
 - Staff engaged internal and external stakeholders on proposed RHC updates and adoption of Just Cause Eviction
- May 2021:
 - Conducted four, 90-minute public listening sessions, two with landlords and two with tenants
 - Support from both landlords and tenants for adding the state Just Cause Eviction provisions
 - Tenants/ tenant advocates supported added enforcement mechanism, as most tenants don't have time or resources to seek civil remedies

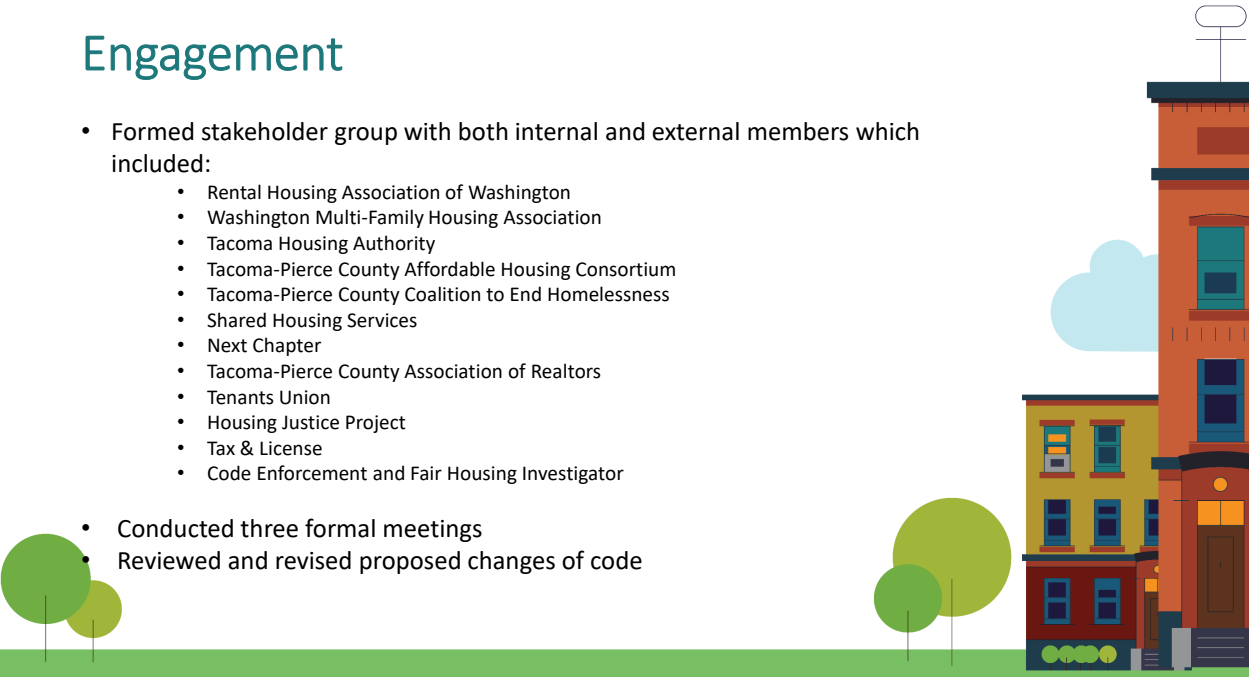


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Engagement

- Formed stakeholder group with both internal and external members which included:
 - Rental Housing Association of Washington
 - Washington Multi-Family Housing Association
 - Tacoma Housing Authority
 - Tacoma-Pierce County Affordable Housing Consortium
 - Tacoma-Pierce County Coalition to End Homelessness
 - Shared Housing Services
 - Next Chapter
 - Tacoma-Pierce County Association of Realtors
 - Tenants Union
 - Housing Justice Project
 - Tax & License
 - Code Enforcement and Fair Housing Investigator
- Conducted three formal meetings
- Reviewed and revised proposed changes of code



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Summary of Proposed Updates

- Please review the **TMC 1.95 code update description** table that details the nature of the changes being proposed and their impacts. These can be summarized as:
 - Updating the definitions section to align with state and program updates.
 - Updating Deposits/ Installments payments section to align with state law.
 - Update Notice to Vacate and Compliance and Enforcement section to allow for City enforcement mechanisms and minimize loopholes.



Update to TMC	Proposed Changes	State Law	Reason/Impact	Stakeholder Changes
TMC 1.95.030-Definitions	Change Director from NCS to OEHR	NA	Body of work resides in OEHR	Unchanged
	Remove definition of "Housing Cost"	RCW 59.18.030	Discontinuing "housing cost" definition and relying on the definition for "rent" aligns with state law and is a key part of TMC 1.95.040 (Deposit Installment Payments)	Unchanged
	Adopt/Update-All definitions in state law	RCW 59.18.030	Aligns with state law	Unchanged
TMC 1.95.040-Deposits/Installment Payments	Change the 10-day comply or vacate to 14-day comply or vacate	RCW 59.18.283, RCW 59.18.030 and RCW 59.18.610	Aligns with state law	Unchanged
TMC 1.95.070-Notice to Vacate	Change language in the code from "no cause" to reasons authorized under 59.12.030	RCW 59.18.610	Violations will allow the City to use local enforcement mechanism versus a tenant having to seek state authorized civil remedies	Unchanged
	Update section 3 (requirement for notice to terminate tenancy to include the 16 reasons to terminate tenancy)		Violations will allow the City to use local enforcement mechanism versus a tenant having to seek state authorized civil remedies	Unchanged
	Update section 4 (notice requirements, generally) to include language that states "tenant must vacate at end of month or rental period"		Minimize the chance for a tenant to lose any prepaid rent and have to seek state authorized civil remedies to recover	Unchanged
	Amend "roommate" reason to add exception that states "if the landlord has three or more rental agreements at the same dwelling unit"		Minimize the chance for a landlord who is living on property and renting to multiple people to use the term "roommate" as a loop hole to terminate tenancy where there is no true "roommate" situation	Adjusted to reflect four rental agreements instead of three
	Amend "owner or immediate family member" occupied unit to include requirement that "owner/immediate family member" must live in rental unit for 90 days following the 120 days after the tenant vacates		Minimize the chance for a landlord who does not intend to live at the property, but uses this as a loop hole to having a legitimate reason to terminate tenancy	Removed
TMC 1.95.090-Compliance and Enforcement	Change "no cause" notice language to language that states "as outlined in TMC 1.95.070 and RCW 59.12.030, and served in accordance with RCW 59.12.040"	RCW 59.12.030	Violations will allow COT to use local enforcement mechanism vs a tenant having to seek state authorized civil remedies	Unchanged
	Update Section B-Rebuttable Presumptions language from "no cause" notice to "if landlord serves a notice authorized under TMC 1.95.070"	NA	Violations will allow COT to use enforcement mechanism vs a tenant having to seek civil remedies	Unchanged
	Add violation for landlord who knowingly uses a rental agreement that contains provisions known by him or her to be prohibited	RCW 59.18.230 (3)	Minimizes the chances that tenant will be forced to waive rights under the state RLTA	Adjusted to reflect per-day penalty structure instead of blanket penalty
	Add violation if the landlord requires to give more notice to vacate than what is outlined in the RLTA	RCW 59.18.200 (1)(a)	Minimize the chance of tenants facing barriers with securing subsequent housing as most housing providers will not hold housing units for long periods of time	Adjusted to reflect per-day penalty structure instead of blanket penalty

Next Steps

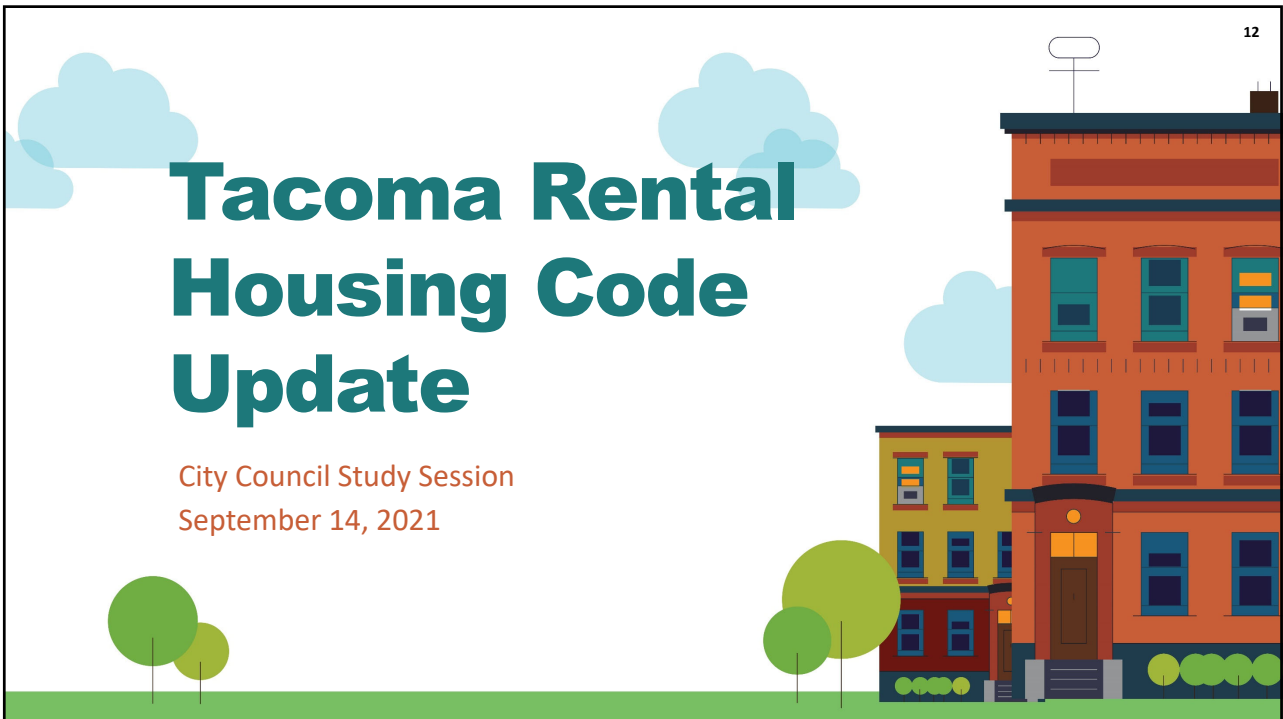
- Should Council choose to direct the City Manager to have staff prepare to make these updates to the Rental Housing Code, the updates can be ready for first reading on September 21, for potential second reading on September 28
- This timeline would allow changes to be implemented into the code prior to the September 30 expiration of the Governor's bridge moratorium



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Tacoma Rental Housing Code Update

City Council Study Session
September 14, 2021



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