



RESOLUTION NO. 41238

1 BY REQUEST OF MAYOR WOODARDS, DEPUTY MAYOR WALKER, AND
2 COUNCIL MEMBERS HINES AND USHKA

3 A RESOLUTION relating to rental housing regulations; transmitting a ballot
4 measure to the Pierce County Auditor to be placed on the ballot for the
5 General Election on Tuesday, November 7, 2023, amending the Tacoma
6 Municipal Code, Chapter 1.95, "Rental Housing Code," as an alternative to
7 Citizens' Initiative Measure No. 1, the Landlord Fairness Code.

8 WHEREAS this recommendation is based upon the desire to give voters
9 the choice of voting on an alternative to Citizens' Initiative Measure No. 1, the
10 Landlord Fairness Code, and

11 WHEREAS Ordinance No. 28894 is being considered by the City Council on
12 July 11th for second reading following five years of administering the Rental
13 Housing Code ("RHC"), ongoing engagements with the RHC Stakeholder Advisory
14 Group ("Group"), targeted community outreach efforts conducted in the spring of
15 2023, and a year of engagement with the Council Community Vitality and Safety
16 ("CVS") Committee, and

17 WHEREAS initial work to develop the RHC began in the spring of 2018, and
18 the Group was also formed at this time; the RHC was formally adopted on
19 November 20, 2018, and went into effect on February 1, 2019, and

20 WHEREAS in March 2021, staff and the Group began work on updates to
21 the RHC, including just cause eviction ("JCE") standards and the current proposed
22 changes; the JCE standards were adopted on September 21, 2021, and work
23 continued to develop the proposed changes that are currently being brought
24 forward for consideration, and
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1 WHEREAS, staff returned to CVS on July 28, 2022, and again on
2 October 27, 2022, to discuss the proposed changes and after receiving committee
3 feedback, staff conducted additional City Council engagement to explain the
4 proposed changes and began developing the community engagement plan, and
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6 WHEREAS since outreach efforts on current code updates began, a
7 community initiative has recently been filed to address items covered by, or that
8 would impact the RHC, and
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10 WHEREAS over the course of May 2023, City Council sponsors, including
11 Mayor Woodards, Deputy Mayor Walker, and Council Members Hines and Ushka
12 met with signature gatherers to better understand the community proposal, and
13 following these meetings, the sponsors worked with RHC staff to further develop
14 recommended protections that were shared with the CVS Committee on May 25th,
15 and with the full City Council at Study Session on June 13th and 20th, and
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17 WHEREAS on July 11th, the City Council will consider Ordinance
18 No. 28894 for approval, and if approved this legislation will strengthen protections
19 for tenants, who are disproportionately lower-income and residents of color, and
20 would provide additional guidance and standards to housing providers and
21 property managers operating in the City, and
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23 WHEREAS Tacoma City Charter Section 2.22 authorizes the City Council
24 to submit a proposed ordinance to the voters for their approval or rejection, and
25 this proposed resolution will place Initiative Measure No. 2 on the November ballot
26 as an alternative to the Landlord Fairness Code, and



1 WHEREAS proposed Initiative Measure No. 2 would, if it receives a majority
2 of votes, require landlords to comply with health and safety laws and have a City
3 business license before increasing rent or evicting tenants; set limits on rent late
4 fees and pet deposits; require a 120-day notice to raise rent; add new regulations
5 for shared housing; standardize screening criteria for tenant income required to
6 qualify for housing, and for reviewing a tenant’s criminal history and identification,
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8 and

9 WHEREAS Revised Code of Washington (“RCW”) 29A.72.050(4) provides
10 that “For an initiative to the legislature (e.g. City Council) for which the legislature
11 has proposed an alternative, the ballot title...must be displayed on the ballot” in a
12 specific way outlined in state law (see *In re Ballot title Appeal of City of Seattle*, 183
13 Wn.App. 379, 384-385 (2014) and RCW 29A.36.071(1), and

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15 WHEREAS if the majority of voters support enactment of either measure into
16 law and Initiative Measure No. 2 receives the majority of the votes, then Ordinance
17 No. 28894 will be repealed and re-enacted in its entirety by the voters, and the City
18 Council, per City Charter Section 2.24, would not be able to amend or repeal the
19 new provisions within two years after their enactment, unless such amendatory or
20 repealing ordinance is submitted to the qualified voters, and

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22 WHEREAS if the majority of voters support enactment of either measure into
23 law and the Landlord Fairness Code receives the majority of the votes, it will prevail
24 and Initiative Measure No. 2 would fail, meaning that Ordinance No. 28894

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1 would *not* be repealed, and would remain in effect as a City Council enacted
2 ordinance, and

3 WHEREAS this ordinance will be placed on the November ballot as an
4 alternative (per RCW 29A.72.050(4) and City Charter Sections 2.22 and 2.23) to the
5 Landlord Fairness Code organized by Tacoma For All; Now, Therefore,
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7 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

8 Section 1. That the Pierce County Auditor, as *ex officio* supervisor of
9 elections in Pierce County, Washington, is hereby authorized to place an initiative
10 measure amending the Tacoma Municipal Code (“TMC”), Chapter 1.95, “Rental
11 Housing Code,” on the November 7, 2023, ballot as an alternative to Citizens’
12 Initiative Measure No. 1, the Landlord Fairness Code.
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14 Section 2. The City shall submit to the electorate of the City of Tacoma
15 in the form substantially as follows:
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MEASURE NOS. 1 AND 2 CONCERN RENTAL HOUSING CODE REGULATIONS.

Measure No. 1 would require landlords to comply with health and safety laws before raising rent or evicting a tenant; set limits on certain rental fees; require landlords provide two notices to increase rent and offer relocation assistance when the increase is 5% or more; create a defense against certain student/schoolyear evictions, evictions between November 1 and April 1, and evictions against servicemembers, seniors, families and others with protected status under the measure; and provide penalties and enforcement mechanisms.

As an alternative, the Tacoma City Council proposes Measure No. 2, which would repeal and reenact portions of the City’s rental housing code and require landlords to comply with health and safety laws; have a City license before increasing rent or evicting tenants; set limits on rent late fees and pet deposits; require 120 day notice to raise rent; add new regulations for shared housing; standardize screening criteria for tenant income required to qualify for housing, for reviewing tenant’s criminal history and identification.

Should either of these measures be enacted into law?

Yes.

No

2. Regardless of whether you voted yes or no above, if one of these measures is enacted, which one should it be?

Measure No. 1

or

Measure No. 2



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Section 3. That, prior to August 1, 2023, the City Clerk shall send to the Pierce County Auditor, as *ex officio* supervisor of elections, a certified copy of this resolution, together with an initiative substantially in the form set forth above, for the November 7, 2023, General Election. The proper City officials are authorized to perform such duties as are necessary or required by law to submit the question of whether the City’s Rental Housing Code TMC Chapter 1.95 should be amended, as provided in this resolution, to the electors at the November 7, 2023, General Election.

Section 4. That the City has chosen to participate jointly with Pierce County in its voters' pamphlet. Pursuant to RCW 29A.32.220, the text for the ballot measure, accompanied by an explanatory statement, shall be submitted to the Auditor's Office for inclusion in the Official Voters' Pamphlet. The explanatory statement shall not exceed 200 words and shall be submitted to the Auditor, as *ex officio* supervisor of elections, by August 1, 2023.

Section 5. That if a section, subsection, paragraph, sentence, clause, or phrase of this resolution is declared unconstitutional or invalid for any reason by any court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of this resolution.



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Section 6. That Measure No. 2, which if adopted, would repeal Substitute Ordinance No. 28894, as amended, and replace it with the voter-approved ordinance, shall read as follows:

AN ORDINANCE relating to rental housing, repealing Substitute Ordinance No. 28894, as amended, and re-enacting amendments to Chapter 1.95 of the Tacoma Municipal Code, relating to the "Rental Housing Code" as set forth in Exhibit "A" to Substitute Ordinance No. 28894, as amended.

BE IT ORDAINED BY THE VOTERS OF THE CITY OF TACOMA:

Section 1. That Substitute Ordinance No. 28894, as amended, is hereby repealed in its entirety.

Section 2. That Chapter 1.95 of the Official Code of the City of Tacoma is hereby amended as set forth in Exhibit "A" to Substitute Ordinance No. 28894, as amended, which exhibit is incorporated by this reference as though fully set forth herein."

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney