



TO: Elizabeth Pauli, City Manager
FROM: Linda Stewart, Neighborhood and Community Services
COPY: Community Vitality Safety Committee, Linda Stewart
PRESENTER: Andreta Armstrong, Office of Equity and Human Rights and ChiQuata Elder, Office of Equity and Human Rights
SUBJECT: TMC 1.95 Rental Housing Code Amendment
DATE: June 13, 2019

PRESENTATION TYPE:

Request for Ordinance

SUMMARY:

The purpose of this memo is to provide the Community Vitality and Safety Committee an opportunity to review recommended changes to the Rental Housing Code, Tacoma Municipal Code chapter 1.95. Staff will discuss Engrossed Substitute House Bill (ESHB) 1440 which was recently passed in the Washington State Legislature to provide longer notice to tenants in advance of rent increases. Staff will also present recommended changes to TMC 1.95 that align with ESHB 1440.

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, except only 30 days' notice is required for subsidized tenancies. State law 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, the Code needs to 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.*"

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 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 would mean the local code would conflict with state law.

FISCAL IMPACT:

There is no fiscal impact.

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.