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**SENATE BILL 5377**

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**State of Washington**

**64th Legislature**

**2015 Regular Session**

**By** Senators Kohl-Welles, Miloscia, Frockt, Jayapal, Darneille, Pedersen, McAuliffe, Keiser, and Chase

Read first time 01/20/15. Referred to Committee on Human Services, Mental Health & Housing.

1 AN ACT Relating to providing adequate time and assistance for  
2 tenants to relocate due to a rent increase or change of use of the  
3 residential unit; amending RCW 59.18.140 and 59.18.440; and creating  
4 a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that tenants  
7 required to find new rental housing based on a rent increase or a  
8 change of use of his or her existing rental need sufficient time to  
9 locate new housing and save accordingly. Given that some rentals  
10 require first and last month's rent as well as a security or damage  
11 deposit, receiving thirty days' notice for a significant rent  
12 increase is inadequate in today's rental market. Furthermore, low-  
13 income tenants need both time and financial support to find housing  
14 sufficient to meet their needs, which can include transportation,  
15 school, day care, and job-related issues. Local jurisdictions that  
16 choose to provide relocation assistance to low-income tenants should  
17 have the option to provide such assistance to tenants whose income is  
18 up to eighty percent of the area median income, adjusted for family  
19 size, in the county where the tenant resides.

1       **Sec. 2.** RCW 59.18.140 and 2010 c 8 s 19022 are each amended to  
2 read as follows:

3       (1) The tenant shall conform to all reasonable obligations or  
4 restrictions, whether denominated by the landlord as rules, rental  
5 agreement, rent, or otherwise, concerning the use, occupation, and  
6 maintenance of his or her dwelling unit, appurtenances thereto, and  
7 the property of which the dwelling unit is a part if such obligations  
8 and restrictions are not in violation of any of the terms of this  
9 chapter and are not otherwise contrary to law, and if such  
10 obligations and restrictions are brought to the attention of the  
11 tenant at the time of his or her initial occupancy of the dwelling  
12 unit and thus become part of the rental agreement. (~~Except for~~  
13 termination of tenancy, after thirty days written notice to each  
14 affected tenant, a new rule of tenancy including a change in the  
15 amount of rent may become effective upon completion of the term of  
16 the rental agreement or sooner upon mutual consent.))

17       (2) Unless otherwise agreed to by mutual consent, a new rule of  
18 tenancy, including a change in rent, may become effective upon  
19 completion of the term of the rental agreement and after thirty days'  
20 written notice to each affected tenant.

21       (3) Any city, town, county, or municipal corporation that is  
22 required to develop a comprehensive plan under RCW 36.70A.040(1) is  
23 authorized to require, after reasonable notice to the public and a  
24 public hearing, up to ninety days' written notice for a change in  
25 rent exceeding ten percent of the tenant's current rent.

26       (4) RCW 59.18.200 governs notice of termination of tenancy, and a  
27 termination of tenancy is not a change in rule as provided in this  
28 section.

29       **Sec. 3.** RCW 59.18.440 and 1997 c 452 s 17 are each amended to  
30 read as follows:

31       (1) Any city, town, county, or municipal corporation that is  
32 required to develop a comprehensive plan under RCW 36.70A.040(1) is  
33 authorized to require, after reasonable notice to the public and a  
34 public hearing, property owners to provide their portion of  
35 reasonable relocation assistance to low-income tenants upon the  
36 demolition, substantial rehabilitation whether due to code  
37 enforcement or any other reason, or change of use of residential  
38 property, or upon the removal of use restrictions in an assisted-  
39 housing development.

1       (2) No city, town, county, or municipal corporation may require  
2 property owners to provide relocation assistance to low-income  
3 tenants(~~(, as defined in this chapter,)~~) upon the demolition,  
4 substantial rehabilitation, (~~(upon the)~~) or change of use of  
5 residential property, or upon the removal of use restrictions in an  
6 assisted-housing development, except as expressly authorized herein  
7 or when authorized or required by state or federal law. (~~(As used in~~  
8 ~~this section, "assisted housing development" means a multifamily~~  
9 ~~rental housing development that either receives government assistance~~  
10 ~~and is defined as federally assisted housing in RCW 59.28.020, or~~  
11 ~~that receives other federal, state, or local government assistance~~  
12 ~~and is subject to use restrictions.~~

13       ~~(2) As used in this section, "low-income tenants" means tenants~~  
14 ~~whose combined total income per dwelling unit is at or below fifty~~  
15 ~~percent of the median income, adjusted for family size, in the county~~  
16 ~~where the tenants reside.~~

17       ~~The department of community, trade, and economic development~~  
18 ~~shall adopt rules defining county median income in accordance with~~  
19 ~~the definitions promulgated by the federal department of housing and~~  
20 ~~urban development.)~~

21       (3) A requirement that property owners provide relocation  
22 assistance shall include the amounts of such assistance to be  
23 provided to low-income tenants. In determining such amounts, the  
24 jurisdiction imposing the requirement shall evaluate, and receive  
25 public testimony on, what relocation expenses displaced tenants would  
26 reasonably incur in that jurisdiction including:

27       (a) Actual physical moving costs and expenses;

28       (b) Advance payments required for moving into a new residence  
29 such as the cost of first and last month's rent and security and  
30 damage deposits;

31       (c) Utility connection fees and deposits; and

32       (d) Anticipated additional rent and utility costs in the  
33 residence for one year after relocation.

34       (4)(a) Relocation assistance provided to low-income tenants under  
35 this section shall not exceed two thousand dollars for each dwelling  
36 unit displaced by actions of the property owner under subsection (1)  
37 of this section. A city, town, county, or municipal corporation may  
38 make future annual adjustments to the maximum amount of relocation  
39 assistance required under this subsection in order to reflect any  
40 changes in the housing component of the consumer price index as

1 published by the United States department of labor, bureau of labor  
2 statistics.

3 (b) The property owner's portion of any relocation assistance  
4 provided to low-income tenants under this section shall not exceed  
5 one-half of the required relocation assistance under (a) of this  
6 subsection in cash or services.

7 (c) The portion of relocation assistance not covered by the  
8 property owner under (b) of this subsection shall be paid by the  
9 city, town, county, or municipal corporation authorized to require  
10 relocation assistance under subsection (1) of this section. The  
11 relocation assistance may be paid from proceeds collected from the  
12 excise tax imposed under RCW 82.46.010.

13 (5) A city, town, county, or municipal corporation requiring the  
14 provision of relocation assistance under this section shall adopt  
15 policies, procedures, or regulations to implement such requirement.  
16 Such policies, procedures, or regulations shall include provisions  
17 for administrative hearings to resolve disputes between tenants and  
18 property owners relating to relocation assistance or unlawful  
19 detainer actions during relocation, and shall require a decision  
20 within thirty days of a request for a hearing by either a tenant or  
21 property owner.

22 Judicial review of an administrative hearing decision relating to  
23 relocation assistance may be had by filing a petition, within ten  
24 days of the decision, in the superior court in the county where the  
25 residential property is located. Judicial review shall be confined to  
26 the record of the administrative hearing and the court may reverse  
27 the decision only if the administrative findings, inferences,  
28 conclusions, or decision is:

29 (a) In violation of constitutional provisions;

30 (b) In excess of the authority or jurisdiction of the  
31 administrative hearing officer;

32 (c) Made upon unlawful procedure or otherwise is contrary to law;  
33 or

34 (d) Arbitrary and capricious.

35 (6) Any city, town, county, or municipal corporation may require  
36 relocation assistance, under the terms of this section, for otherwise  
37 eligible tenants whose living arrangements are exempted from the  
38 provisions of this chapter under RCW 59.18.040(3) and if the living  
39 arrangement is considered to be a rental or lease not defined as a  
40 retail sale under RCW 82.04.050.

1 (7)(a) Persons who move from a dwelling unit prior to the  
2 application by the owner of the dwelling unit for any governmental  
3 permit necessary for the demolition, substantial rehabilitation, or  
4 change of use of residential property or prior to any notification or  
5 filing required for condominium conversion shall not be entitled to  
6 the assistance authorized by this section, unless the local  
7 jurisdiction imposing the notification or filing requirement finds  
8 the property owner in violation of the requirement after the tenant  
9 has moved out.

10 (b) Persons who move into a dwelling unit after the application  
11 for any necessary governmental permit or after any required  
12 condominium conversion notification or filing shall not be entitled  
13 to the assistance authorized by this section if such persons receive  
14 written notice from the property owner prior to taking possession of  
15 the dwelling unit that specifically describes the activity or  
16 condition that may result in their temporary or permanent  
17 displacement and advises them of their ineligibility for relocation  
18 assistance.

19 (8) As used in this section:

20 (a) "Assisted housing development" means a multifamily rental  
21 housing development that either receives government assistance and is  
22 defined as federally assisted housing in RCW 59.28.020 or that  
23 receives other federal, state, or local government assistance and is  
24 subject to use restrictions.

25 (b) "Low-income tenants" means tenants whose combined total  
26 income per dwelling unit is at or below eighty percent of the median  
27 income, adjusted for family size, in the county where the tenants  
28 reside. The department of commerce shall adopt rules defining county  
29 median income in accordance with the definitions promulgated by the  
30 federal department of housing and urban development.

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