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SENATE BILL 6292

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State of Washington

63rd Legislature

2014 Regular Session

By Senators Kohl-Welles, Frockt, Chase, Hasegawa, Conway, and Keiser

Read first time 01/20/14. Referred to Committee on Financial Institutions, Housing & Insurance.

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 a  
4 new section.

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

6 NEW SECTION. **Sec. 1.** Tenants required to find new rental housing  
7 based on a rent increase or a change of use of his or her existing  
8 rental need sufficient time to locate new housing and save accordingly.  
9 Given that some rentals require first and last month's rent as well as  
10 a security or damage deposit, receiving only thirty days' notice for a  
11 rent increase, which may be significant, is simply inadequate in  
12 today's rental market. Furthermore, low-income tenants need not only  
13 time but financial support to find housing sufficient to meet their  
14 needs, which can include transportation, school, day care, and job-  
15 related issues. Local jurisdictions that choose to provide relocation  
16 assistance to low-income tenants should have the option to provide such  
17 assistance to tenants whose income is up to eighty percent of the area  
18 median income, adjusted for family size, in the county where the tenant  
19 resides.

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

3       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 the  
7 property of which the dwelling unit is a part if such obligations and  
8 restrictions are not in violation of any of the terms of this chapter  
9 and are not otherwise contrary to law, and if such obligations and  
10 restrictions are brought to the attention of the tenant at the time of  
11 his or her initial occupancy of the dwelling unit and thus become part  
12 of the rental agreement. Except for termination of tenancy, after  
13 (~~thirty~~) ninety days' written notice to each affected tenant, a new  
14 rule of tenancy, including a change in the amount of rent, may become  
15 effective upon completion of the term of the rental agreement or sooner  
16 upon mutual consent.

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

19       (1) Any city, town, county, or municipal corporation that is  
20 required to develop a comprehensive plan under RCW 36.70A.040(1) is  
21 authorized to require, after reasonable notice to the public and a  
22 public hearing, property owners to provide their portion of reasonable  
23 relocation assistance to low-income tenants upon the demolition,  
24 substantial rehabilitation whether due to code enforcement or any other  
25 reason, or change of use of residential property, or upon the removal  
26 of use restrictions in an assisted-housing development. No city, town,  
27 county, or municipal corporation may require property owners to provide  
28 relocation assistance to low-income tenants, as defined in this  
29 chapter, upon the demolition, substantial rehabilitation, upon the  
30 change of use of residential property, or upon the removal of use  
31 restrictions in an assisted-housing development, except as expressly  
32 authorized herein or when authorized or required by state or federal  
33 law. As used in this section, "assisted housing development" means a  
34 multifamily rental housing development that either receives government  
35 assistance and is defined as federally assisted housing in RCW  
36 59.28.020, or that receives other federal, state, or local government  
37 assistance and is subject to use restrictions.

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

5 The department of ((community, trade, and economic development))  
6 commerce shall adopt rules defining county median income in accordance  
7 with the definitions promulgated by the federal department of housing  
8 and urban development.

9 (3) A requirement that property owners provide relocation  
10 assistance shall include the amounts of such assistance to be provided  
11 to low-income tenants. In determining such amounts, the jurisdiction  
12 imposing the requirement shall evaluate, and receive public testimony  
13 on, what relocation expenses displaced tenants would reasonably incur  
14 in that jurisdiction including:

15 (a) Actual physical moving costs and expenses;

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

19 (c) Utility connection fees and deposits; and

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

22 (4)(a) Relocation assistance provided to low-income tenants under  
23 this section shall not exceed two thousand dollars for each dwelling  
24 unit displaced by actions of the property owner under subsection (1) of  
25 this section. A city, town, county, or municipal corporation may make  
26 future annual adjustments to the maximum amount of relocation  
27 assistance required under this subsection in order to reflect any  
28 changes in the housing component of the consumer price index as  
29 published by the United States department of labor, bureau of labor  
30 statistics.

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

35 (c) The portion of relocation assistance not covered by the  
36 property owner under (b) of this subsection shall be paid by the city,  
37 town, county, or municipal corporation authorized to require relocation

1 assistance under subsection (1) of this section. The relocation  
2 assistance may be paid from proceeds collected from the excise tax  
3 imposed under RCW 82.46.010.

4 (5) A city, town, county, or municipal corporation requiring the  
5 provision of relocation assistance under this section shall adopt  
6 policies, procedures, or regulations to implement such requirement.  
7 Such policies, procedures, or regulations shall include provisions for  
8 administrative hearings to resolve disputes between tenants and  
9 property owners relating to relocation assistance or unlawful detainer  
10 actions during relocation, and shall require a decision within thirty  
11 days of a request for a hearing by either a tenant or property owner.

12 Judicial review of an administrative hearing decision relating to  
13 relocation assistance may be had by filing a petition, within ten days  
14 of the decision, in the superior court in the county where the  
15 residential property is located. Judicial review shall be confined to  
16 the record of the administrative hearing and the court may reverse the  
17 decision only if the administrative findings, inferences, conclusions,  
18 or decision is:

- 19 (a) In violation of constitutional provisions;
- 20 (b) In excess of the authority or jurisdiction of the  
21 administrative hearing officer;
- 22 (c) Made upon unlawful procedure or otherwise is contrary to law;  
23 or
- 24 (d) Arbitrary and capricious.

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

31 (7)(a) Persons who move from a dwelling unit prior to the  
32 application by the owner of the dwelling unit for any governmental  
33 permit necessary for the demolition, substantial rehabilitation, or  
34 change of use of residential property or prior to any notification or  
35 filing required for condominium conversion shall not be entitled to the  
36 assistance authorized by this section.

37 (b) Persons who move into a dwelling unit after the application for  
38 any necessary governmental permit or after any required condominium

1 conversion notification or filing shall not be entitled to the  
2 assistance authorized by this section if such persons receive written  
3 notice from the property owner prior to taking possession of the  
4 dwelling unit that specifically describes the activity or condition  
5 that may result in their temporary or permanent displacement and  
6 advises them of their ineligibility for relocation assistance.

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