

**Agenda Sheet for City Council:****Committee:** Urban Experience **Date:** 04/08/2024**Committee Agenda type:** Discussion**Date Rec'd**

3/28/2024

Clerk's File #

ORD C36515

Renews #**Cross Ref #****Council Meeting Date:** 04/22/2024**Submitting Dept**

CITY COUNCIL

Project #**Contact Name/Phone**

PAUL DILLON 6714

Bid #**Contact E-Mail**

PDILLON@SPOKANECITY.ORG

Requisition #**Agenda Item Type**

First Reading Ordinance

Council Sponsor(s)

PDILLON ZZAPPONE LNAVARRETE

Agenda Item Name

0320 - ORDINANCE RELATING TO RESIDENTIAL RENTAL PROPERTIES

Agenda Wording

AN ORDINANCE relating to residential rental properties and establishing minimum notice period for residential rent increases, amending sections 10.57.130 and 10.57.140 of the Spokane Municipal Code, creating a new Section 10.57.160 of the Spokane Mun

Summary (Background)

An ordinance requiring a minimum of 180 days' prior notice to tenants whenever the housing costs to be charged a tenant are to increase and creating a new section, 10.57.160.

Lease? NO

Grant related? NO

Public Works? NO

Fiscal Impact

Approved in Current Year Budget? N/A

Total Cost \$

Current Year Cost \$

Subsequent Year(s) Cost \$

Narrative**Amount****Budget Account**

Neutral \$

#

Select \$

#

Select \$

#

Select \$

#

\$

#

\$

#

Committee Agenda Sheet

Urban Experience Committee

Submitting Department	City Council
Contact Name	Paul Dillon
Contact Email & Phone	pdillon@spokanecity.org
Council Sponsor(s)	CM Dillon, CM Zappone, CM Navarrete
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 5
Agenda Item Name	Ordinance relating to residential rental properties
Summary (Background) *use the Fiscal Impact box below for relevant financial information	An ordinance requiring a minimum of 180 days' prior notice to tenants whenever the housing costs to be charged a tenant are to increase and creating a new section, 10.57.160.
Proposed Council Action	Move resolution to legislative meeting
Fiscal Impact	
Total Cost:	
Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring	
Specify funding source: Department's Operating Budget	
Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring	
Other budget impacts: (revenue generating, match requirements, etc.) N/A	
Operations Impacts (If N/A, please give a brief description as to why)	
No operational impacts as the onus for notice is on landlords, not the city. The city will monitor compliance.	
How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities? If proper notice is not given, tenants have the ability to make a complaint with code enforcement.	
How will data be collected regarding the effectiveness of this program, policy, or product to ensure it is the right solution? Data will be gathered through tenant reporting.	
Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others? This ordinance will improve the health and safety of city residents that rent property. It provides a tenant additional time to find an alternate location to rent if the increase is unaffordable or allows additional time for a tenant to assess financial ability to pay the increase.	

ORDINANCE NO. C36515

AN ORDINANCE relating to residential rental properties and establishing minimum notice period for residential rent increases, amending sections 10.57.130 and 10.57.140 of the Spokane Municipal Code, creating a new Section 10.57.160 of the Spokane Municipal Code, and establishing an effective date.

WHEREAS, housing affordability and homelessness are a growing problem in the City of Spokane; and

WHEREAS, average rents continue to grow in Spokane and the broader region, while vacancies in rental housing are low, making it increasingly difficult for tenants, especially people with limited finances, to obtain rental housing; and

WHEREAS, in 2022, over 21,000 households (almost 90%) of renters in Spokane are cost-burdened, which means they spend over 30% of their income on rent, and 35% of renters spend 50% or more for shelter costs; and

WHEREAS, a large number of Spokane residents are renters and sudden rent increases may cause a tenant to become displaced due to inability to pay the increased rent if not given an ample amount of time to arrange for alternative housing; and

WHEREAS, conditions in the rental market have created a barrier to relocation because tenants face a significant amount of cost in order to afford rental deposits, security deposits, pet deposits, moving expenses, utility fees, etc.; this is especially true for people with limited finances who may be unable to save money in a limited amount of time; and

WHEREAS, displacement from a rental unit can increase the potential for an individual or family to experience homelessness; and

WHEREAS, this policy will increase housing stability for low-income renters in the City of Spokane by alleviating displacement pressures from rent increases that are noticed without time for the renter to plan for a new home; and

WHEREAS, increasing the notice period required for significant rent increases will help tenants to prepare for moving expenses or seek assistance in locating new housing; and

WHEREAS, the Spokane City Council desires to amend Chapter 10.57 to adopt the proposed protection, and finds that this ordinance will protect and promote the health, safety and welfare of the residents of the City of Spokane.

NOW, THEREFORE, the City of Spokane does ordain:

Section 1. Section 10.57.130 of the Spokane Municipal Code is amended to read as follows:

Section 10.57.130 Anti-Retaliation Protections

A. Purpose and Intent.

Due to fears of retaliation, tenants may fear speaking up about housing habitability issues, practices relating to collection of past due rent, enforcing their rights as tenants, or organizing as tenants. State law provides protection against retaliation, and the City of Spokane intends for its code to provide additional protections.

B. Prohibition on retaliation.

1. No landlord or owner or manager of residential rental real property in Spokane may intimidate any person because that person is engaging in activities designed to make other persons aware of, or encouraging such other persons to exercise rights granted or protected by the fair housing laws, or engaging in political speech or political organizing.
2. No person may threaten any employee or agent with dismissal or an adverse employment action, or take such adverse employment action, for any effort to assist any person in the exercise of their fair housing rights.
3. Landlords are prohibited from retaliating against individuals for invoking their rights or protections under subsections 10.57.115, 10.57.116, and 10.57.160.
4. For purposes of this section, “fair housing laws” and “fair housing rights” include the federal Fair Housing Act, and the Washington Law Against Discrimination.

Section 2. Section 10.57.140 of the Spokane Municipal Code is amended to read as follows:

Section 10.57.140 Private Right of Action

- A. Any person or class of persons who claim to have been injured by a violation of sections 10.57.020(H), 10.57.110, 10.57.120, ((or)) 10.57.130, or 10.57.160 may commence a civil action in Superior Court, not later than three (3) years after the occurrence of the alleged violation to obtain relief with respect to such violation. Upon prevailing, such aggrieved person may be awarded reasonable attorneys’ fees and costs, and such other legal and equitable relief as appropriate to remedy the violation including, without limitation, the payment of compensatory damages, a penalty of up to \$500, and injunctive relief.
- B. If a landlord fails to comply with the requirements of sections 10.57.020(H), 10.57.110, 10.57.120, ((or)) 10.57.130, or 10.57.160. and such failure was not

caused by the tenant, the tenant may terminate the rental agreement by written notice pursuant to law.

Section 3. There is enacted a new chapter 10.57.160 to Title 10 of the Spokane Municipal Code to read as follows:

10.57.160 Minimum Notice to Increase Rent

A landlord may not increase residential rent except in accordance with this section.

- A. A landlord is required to provide at least 180 days prior written notice whenever the periodic or monthly rent to be charged a residential tenant will increase by any amount charged the same tenant for the same housing unit, except as provided by RCW 59.18.140(3)(b) as it exists or is hereinafter amended for a subsidized tenancy where the amount of rent is based on the income of the tenant or circumstances specific to the subsidized household.
- B. Any notice of residential rent increase shall specify the percentage of the rent increase, the amount of the new rent, and the date on which the increase becomes effective.
- C. Any notice of a residential rent increase shall be served in accordance with RCW 59.12.040.
- D. For purposes of this section, the term “rent” shall have the meaning set forth in RCW 59.18.030 (29), as amended from time to time

Section 4. Effective Date. This ordinance shall go into effect on June 1, 2024 or the effective date set by Section 19 of the City Charter, whichever is later.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 6. Clerical Errors. Upon approval by the city attorney, the city clerk is authorized to make necessary corrections to this ordinance, including scrivener’s errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

PASSED by the City Council on _____

Council President

Attest:

City Clerk

Mayor

Approved as to form:

City Attorney

Date

Effective Date