



The Burien City Council is discussing a suite of complementary policies and programs to help protect renters, reduce and prevent evictions, and address housing affordability and poor housing conditions in Burien. The following outlines *proposed* policies and programs. These proposed policies reflect community feedback gathered during public meetings held in February and March.

The following changes, based on community feedback, were made to the proposed ordinance regulating rental housing in Burien. There were no changes to the proposed Rental Housing Inspection Program.

- Addition of a housing ombudsperson program.
- Addition of Just Cause Eviction protections.
- Requirement of 60-day notice of termination for tenants in month-to-month rental contracts.
- Requirement of 120-day notice of termination when property is to be sold, demolished, rehabilitated, or undergoes change of use.

Additional updates were made to reflect new Washington laws passed in the 2018–2019 legislative session. These include:

- Removal of sections that duplicate state law, including regulations regarding notice of rent increase and protections against harassment and retaliation.
- Changes to section regarding notice to pay to tenant for no cause termination from three to 14 days, to make consistent with new State law.
- Minor updates to definition of terms to be consistent with State regulations.

Why is Burien considering rental housing policies?

Burien is one of the fastest growing cities in King County. Wages and housing production, however, have not kept up with the growth. As a result, rents have increased and Burien is seeing an increasing trend of displacement of low-income residents to other communities. Some displaced residents may even become homeless, further worsening our region's current homelessness crisis. 47 percent of Burien households are in rental properties.

The current housing stock in Burien is aging. As a result, there may be an increase in the number of older multi-family housing units that will be redeveloped, which has the potential of displacing current residents. While housing renovations can improve the levels of habitability and quality of life residents, rental housing policies can minimize displacement and other negative impacts.

Regional Issue

The Regional Affordable Housing Task Force report shows that the King County region needs 156,000 new units of housing right now to meet current housing needs, and 244,000 units will be needed by 2040.

RAPID GROWTH



HOME PRICE ▲
2012-2017

53%



RENT ▲
2012-2017

47%

244,000

Additional Affordable Homes
needed by 2040

Graphic: Regional Affordable Housing Task Force



Tenant Information Packet

This proposed protection would require a landlord to provide a tenant filling out a rental application, written rental criteria and link to a City of Burien informational website, which will include information relevant to the renter's legal rights and information about the property. A landlord would be required to provide this information when a rental agreement is offered, whether the agreement is for a new or renewal agreement. Where there is an oral rental agreement, the landlord would be required to give the tenant copies of the information, either before entering into the oral rental agreement or as soon as reasonably possible after entering into the oral rental agreement. If a prospective tenant cannot access the Internet, the landlord would be required to provide the tenant a paper copy of the property and landlord information that can be found on the City website.

The City website will include:

- Local code enforcement information
- Information that could be beneficial to new residents
- Summaries of the Burien Building and Property Maintenance Code (BMC 15.40), State Residential Landlord-Tenant Act (RCW 59.18), Forcible Entry and Forcible and Unlawful Detainer (RCW 59.12), and Fair Housing laws, describing the respective rights, obligations, and remedies of landlords and tenants, including information about legal resources available to tenants

Housing Ombudsperson Program

An independent, impartial local office available to the public and empowered to investigate housing disputes, to help both tenants and landlords resolve conflict, to document issues and problems with residential rental housing and landlord-tenant relationships, and recommend needed changes to laws to the Burien City Council.

Just Cause Eviction (JCE)

This proposed tenant protection would prevent tenants from being forced to leave their rental homes without reasonable justification. The ordinance would specify reasons in which a tenant may be required to move, and requires owners to state the reason, in writing, for ending a tenancy when giving a termination notice. Although Washington state law prohibits unfair, retaliatory evictions, a City-enforced JCE-requirement will clearly enumerate the grounds on which landlords can end a tenant's month-to-month tenancy. Any evictions or terminations of month-to-month tenancy outside those specified by the ordinance are considered illegal once the JCE requirement is in effect. This policy also lays the groundwork for recourse when tenants experience unfair termination of their tenancy. Landlords who unlawfully evict tenants will be liable to the tenant for damages up to \$2,000.

Notice of Sale Ordinance

This proposed regulation would require notification in writing to the City when a certain rental property is listed with a realtor. This requirement would provide the City with information about the sale of properties with rents affordable to low-income tenants in order to support preservation of these properties. The City, in partnership with the King County Housing Authority and community partners, can use the notification information to evaluate properties and deploy a range of property preservation tools, including incentives and acquisition.

Written Rental Agreement for Security Deposits

If a landlord requires a security deposit, the deposit and its amount must be identified in a written rental agreement. Additionally, the landlord must prepare and provide a tenant with a written checklist or statement specifically describing the condition and cleanliness of or existing damages to the premises and furnishings, including, but not limited to, walls, floors, countertops, carpets, drapes, furniture, and appliances. The checklist or statement shall be signed and dated by the landlord and the tenant, and the tenant shall be provided with a copy of the signed checklist or statement. All security deposits must be placed in a trust account and the landlord must provide the tenant with the name, address, and location of the depository. The landlord must inform the tenant of any subsequent changes of the location of the deposit. The landlord must provide a copy of the checklist to the tenant for the tenant's records, and, upon request, one free replacement copy.

Installment Payments for Move-in Fees

This proposed protection would require landlords to allow installment payments for move-in fees. For any rental agreement term that is month-to-month or every two months, the tenant may elect to pay the security deposit, non-refundable move-in fees, and last month's rent in two equal installments. The first payment is due at the beginning of the tenancy, and the second payment is due on the first day of the second month or period of the tenancy. For terms of three or more months, the tenant may make payments of these fees in three equal installments.

The landlord is not required to allow installment payments for a tenant screening report. The tenant cannot elect to pay the security deposit and non-refundable move-in fees in installments if (1) the total amount of the security deposit and nonrefundable move-in fees does not exceed 25 percent of the first full month's rent for the tenant's dwelling unit; and (2) payment of last month's rent is not required at the inception of the tenancy. Landlords may not impose any fee, charge any interest, or otherwise impose a cost on a tenant because a tenant elects to pay in installments. Installment payments are due at the same time as rent is due. All installment schedules must be in writing, signed by both parties.

Notices to Vacate

This proposed protection would require landlords to provide to tenants 120 days' written notice to vacate when the rented property will be demolished, substantially rehabilitated, or when there is to be a change of use. The landlord must also provide displaced tenants with a Tenant Relocation Information Packet. For notices to vacate not related to demolition, substantial rehabilitation, or changes in use, a landlord may only terminate a tenancy by providing the tenant written notice of at least 60 days' notice.

A tenant who receives a 120-day notice may request an in person meeting with the landlord to discuss the upcoming termination. If such request is made, the landlord shall schedule, notify tenants in writing, and hold such a meeting within 20 days of such request, at a time and location reasonably convenient for the parties. A landlord may schedule and hold one meeting for multiple tenants and requests. A landlord holding such meeting at a reasonable time and location shall meet this requirement, regardless of whether the affected tenants attend.

Tenant Meeting

A tenant who receives a 120-day notice as provided herein may request an in person meeting with the landlord to discuss the upcoming termination. If such request is made, the landlord shall schedule, notify tenants in writing, and hold such a meeting within 20 days of such request, at a time and location reasonably convenient for the parties. A landlord may schedule and hold one meeting for multiple tenants and requests. A landlord holding such meeting at a reasonable time and location shall meet the requirements herein, regardless of whether the impacted tenants attend.



Rental Housing and Inspection Program (RHIP)

This program would require all rental housing units in Burien—from single family residences to large rental complexes—to register and complete a housing inspection in order to get a business license. Landlords would be required to display the certificate of inspection in a visible location on the property. Every three years after the initial registration of all rental units, the City will randomly inspect 20 percent of all rental units in Burien to determine whether the units are in compliance with all housing codes. In the years between City inspections, landlords would be required to register rental units annually in order to obtain a business license. Issuance of a residential rental business license would require a declaration from the landlord that all units remain in compliance with housing codes and shall be dependent on completed Inspection Certificate signed by inspector. The RHIP is intended to support healthy housing conditions and protect tenants from retaliation.

Proposed types of housing that will require inspection:

- Multi-family residential (apartments), which includes residential buildings designed for or occupied by three or more families.
- Non-owner occupied single-family residences
- Non-owner occupied condominiums and townhomes

Over time, this program is expected to improve living conditions in rental apartments across the community. While a resident can report unsafe living conditions to Burien Code Enforcement at any time by emailing CodeEnforcement@burienwa.gov or reporting online at burienwa.gov/report, some residents do not self-report for fear of landlord retaliation. The Landlord-Tenant Act (RCW 59.18) protects tenants from retaliation, but creation of this program is intended to address rental property issues proactively without the need for self-reporting.

For more information about the RHIP, see *RHIP Fact Sheet*.

Funding

The following programs would require additional funding.

Policy/Program	Estimated Annual Cost	Funding Source Identified
Rental Housing Inspection Program	Full-time RHIP Coordinator 1 FTE Coordinator	Rental Housing Registration Fees Kent example: 1 - 10 units \$101 11 – 50 units \$300 51 or more units \$600
Housing Ombudsperson Program	Staff ombudsperson or Contract service \$75,000, 1 FTE includes benefits	No funding source identified
Just Cause Eviction	Hearing Examiner \$2,500 to \$5,000 per appeal depending on complexity	No funding source identified

PROPOSED CITY OF BURIEN RENTAL HOUSING POLICIES



Questions? Please email communications@burienwa.gov
More info at: burienwa.gov/rentalpolicies