



Land Use & Environment Committee

Follow-up Discussion: Just Cause and Vacate Notice Extensions for Rental Housing

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Title

Follow-up Discussion: Just Cause and Vacate Notice Extensions for Rental Housing

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Discuss the draft Just Cause and Vacate Notice Extensions for Rental Housing.

Report

Issue:

Whether to discuss the draft Vacate Notice Extensions for Rental Housing discussed at the April Land Use and Environment Committee meeting.

Staff Contact:

Cary Retlin, Home Fund Manager, Community Planning & Development, 360.570.3956.

Presenter(s):

Cary Retlin, Home Fund Manager

Background and Analysis:

Land Use and Environment Committee has had numerous meetings related to potential code amendments that could help make rental housing more stable for tenants. At the April Land Use and Environment Committee meeting staff was asked to bring draft code recommendations related to just cause and notice extensions.

In the last two years, the Washington State Legislature has also updated the state Residential Landlord Tenant Act - but just cause and notice provisions, included in this staff proposal, were not included. Staff will update the committee on some of those recent changes during their presentation.

What is Just Cause?

Just cause ordinances prevent property owners or managers from ending rental agreements with tenants, except for specific reasons. If this draft ordinance were to take effect, rental agreements

could only be terminated for the specified reasons listed in the ordinance - and many of those terminations would include time notices that extend past the current requirements of the state Residential Landlord-Tenant Act (59.18 RCW).

Just Cause in Other Cities

Many cities have passed various renter protections. Cities that have enacted code to specify just causes for termination of tenancy include Bellingham, Federal Way, Burien and Seattle. Seattle's first just cause ordinances were passed in 1980.

Draft Just Cause and Notice Extensions in Olympia Unfair Housing Practices (OMC 5.80)

Staff have attached a first draft of a just cause ordinance. This is a brief overview of some significant changes.

- Just cause must be shown before terminating a tenancy or refusing to renew a tenancy
- Owners cannot evict a tenant when the owner is in violation of the Olympia Unfair Housing Practices (OMC 5.80) or state Residential Landlord-Tenant Act (59.18 RCW).
- Owners cannot evict or attempt to evict tenants or refuse to renew a rental agreement without just cause. Causes include:
 - Failure to pay rent under the state Residential Landlord-Tenant Act (59.18 RCW).
 - Breach of non-monetary lease terms that have not been addressed.
 - Damaged or misused the property or committed crimes within the property (with a 20-day notice to vacate).
 - Disturbances to the owner or neighbors that have not been addressed.
 - Three or more pay or vacate notices served.
 - Removal of the property from the market because of future owner-occupancy, conversion to condominium, demolition or rehabilitation, government restriction, removal from the market for two years.
 - Removal of property from market causes all now have 120-day notice requirements (up from 20-days in the Residential Landlord Tenant Act).
 - Owners that live in the unit with the tenant that no longer wish to cohabitate with tenants must provide 20-day notice to vacate.
 - Notice requirements are specified.
 - Coercing a tenant to sign a mutual termination is prohibited.
 - Allowable alterations to rental agreements are specified (like term, rent and utility costs); others are prohibited.
 - Owners accepting rent waive specified to declare forfeiture or seek eviction for prior breaches of the rental agreement or Residential Landlord Tenant Act.

Brief History of Tenant Protection Conversations at Council

In May 2019, Tumwater staff approached Olympia, Lacey, and Thurston County and proposed a cross-jurisdictional approach to exploring renter protections. Tumwater staff shared a long list of tenant protections that served as the beginning of potential changes that could be considered. That list had been ranked by Tumwater City Council based on impact and ease of adoption. Land Use and Environment Committee reviewed that list in August and made their own rankings with many overlaps.

In October 2019, Land Use and Environment Committee reviewed and revised a list of the Tumwater

protections and ranked them based on what appears most ready for consideration for adoption. Many of those items have been adopted in other cities. Just causes for terminations of tenancy were on that list.

In October, Washington Community Action Network and local tenants rallied outside city hall and spoke to Council about renter protections. They also proposed renter protections for Olympia that included just causes for terminations and evictions.

In March, Land Use and Environment Committee hosted a community meeting on rental housing at Washington Middle School. The meeting was well attended by tenants, property owners, and some property managers. The format of the meeting had to be changed to accommodate the strong feelings of tenants, property owners, and property managers. At that time there were no specific proposals being considered.

Neighborhood/Community Interests (if known):

Thurston Regional Planning Council estimates that 53 percent of Olympia households are renters. Changes to Olympia Municipal Code's Unfair Housing Practices (OMC 5.80) will be a topic of significant interest to renters and rental housing owners and operators within the city and around Thurston County.

Options:

1. Return draft Just Cause and Vacate Notice Extensions to Land Use and Environment Committee based on Committee discussion and public comment.
2. Forward draft Just Cause and Vacate Notice Extensions to Council based on discussion and public comment.
3. Take other action.

Financial Impact:

Not significant based on the ordinance drafted by staff. Extended community meetings on the topic would require additional staff time.

Attachments:

Staff Draft of Just Cause and Vacate Notice Extensions