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Land Use & Environment Committee

Consideration of an Ordinance Adding a New Chapter to 5.82 to Title 5 of the Olympia Municipal Code regarding a Rental Housing Code

Agenda Date: 9/17/2020
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File Number: 20-0696

Type: recommendation **Version:** 1 **Status:** Passed

Title

Consideration of an Ordinance Adding a New Chapter to 5.82 to Title 5 of the Olympia Municipal Code regarding a Rental Housing Code

Recommended Action

Committee Recommendation:

Move to forward a recommendation to City Council to take emergency action to adopt these regulations on first and final reading as soon as possible.

City Manager Recommendation:

Move to approve the Land Use and Environment Committee recommendation.

Report

Issue:

Whether to forward a recommendation to the City Council for consideration on an Ordinance adding a new chapter 5.82 to Title 5 of the Olympia Municipal Code related to rental housing.

Staff Contact:

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Presenter(s):

Amy Buckler, Strategic Projects Programming and Planning Supervisor

Background and Analysis:

Consider a draft Ordinance Creating a Rental Housing Code in OMC Chapter 5.82. This ordinance protects tenants who have fallen behind in rent due to the COVID-19 pandemic.

King County adopted a similar ordinance in June of 2020. The King County ordinance extends Covid-19 protections to renters in King County until March 1, 2021. The draft ordinance included for the Land Use and Environment Committee's review would extend protections until July 1, 2021.

The ordinance authorizes a defense that a tenant may assert in court during a show cause hearing as to why the landlord should not be granted a writ of restitution restoring the landlord to the rental premises and evicting the tenant. It also provides a defense if a landlord refuses a tenant's request to enter into an installment repayment plan for unpaid rent due to the COVID-19 pandemic. The tenant has until October 1, 2021 or the sunset date of the ordinance, whichever occurs first, to pay the landlord in full for back rent. Late fees, interest and other charges are suspended and do not accrue commencing on the effective date of the ordinance until its sunset date.

The ordinance provides that the tenant's failure to pay rent was due to the following circumstances:

1. The tenant's illness;
2. Loss or reduction of income;
3. Loss of employment;
4. Reduction in compensated hours of work;
5. Business or office closure;
6. A need to miss work to care for a family member or child, where that care is uncompensated; or
7. Other similar loss of income due to the COVID-19 pandemic.

Repayment of rent owed is subject to the following conditions:

- a. The plan does not require the tenant to pay more than one-third of the overdue rent per month unless agreed to by the tenant in writing; and
- b. All rental debt accumulated resulting from the reasons in subsections A. and C. of this section shall be paid in full to the landlord by October 1, 2021 or the sunset date of this ordinance, whichever occurs first; and
- c. Late fees, interest or other charges due to late payment of rent shall not accrue from the commencement of the effective date of this ordinance until this ordinance sunsets as provided in OMC 5.82.030.B.

The Governor's Proclamation 20-19.3, Evictions and Related Housing Practices, was extended on July 24, 2020 until October 15, 2020. On September 1, 2020 the Center for Disease Control enacted a moratorium on evictions. This moratorium remains in effect until December 31, 2020.

In order to pass as an emergency measure, this ordinance must be adopted by a majority plus one of the full Council per RCW 35A.13.190. This ordinance will sunset one year after its effective date, unless legislatively extended by Council.

Neighborhood/Community Interests:

Rental properties are spread throughout the City. Over 50% of the residential properties in Olympia are renter occupied.

Options:

1. Consider the proposed ordinance and forward a recommendation to City Council to adopt the ordinance as an emergency measure.
2. Consider the proposed ordinance and provide feedback and direction to staff and return to the committee for further consultation.

3. Consider the ordinance and take no action.

Financial Impact:

No direct financial impacts are anticipated.

Attachments:

Draft Ordinance
King County Ordinance
Center for Disease Control's Order
Proclamation 20-19.3