

## Tenant Protection Access Plan

June 30, 2022



**King County**

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## I. Executive Summary

Ordinance 19311 created several tenant protections for unincorporated King County.<sup>1</sup> The Ordinance also required the Executive to develop a tenant protections access plan to expand knowledge of and access to tenant protections by providing the King County Council with recommendations. This report outlines the called-for plan and associated recommendations. The recommendations are based on factors such as magnitude of positive impact, funding availability, and feasibility.

In unincorporated King County, areas with the highest number of renters, renter households are disproportionately headed by Black, Indigenous, and other people of color (BIPOC) and have the highest number of people born outside of the United States.<sup>2</sup> Unincorporated King County renters are less likely than homeowners to have financial resources to enforce their rights, such as hiring a private attorney, because renters tend to have significantly less income than homeowners.<sup>3</sup> A plan to expand knowledge of and access to tenant protections in unincorporated King County needs to be tailored to the demographics of the community, including multiple culturally responsive tenant outreach methods that incorporate different languages.

Tenant protections have evolved significantly over the past several years at the federal, state, and local level. The new laws are intended to increase access to housing and provide more stability for tenants by providing tenants with more time to pay rent, reducing barriers to housing, lengthening notice for rent increases, and similar protections.<sup>4,5,6,7,8,9,10,11</sup> Unincorporated King County provides tenants with stronger tenant protections than what is available on the state level.<sup>12</sup>

Most low-income tenants living in King County are housing cost-burdened, meaning they spend more than 30 percent of their income on housing costs.<sup>13</sup> The lack of affordable housing options can force tenants to live in costly rental units or units in disrepair as well as make them fearful to enforce their rights.<sup>14,15</sup> Increasing access to tenant protections will help tenants, but ultimately King County residents need access to safe, affordable, and healthy housing to achieve housing stability. Therefore, King County must continue to balance investments in anti-eviction strategies, such as civil legal aid and rental

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<sup>1</sup> See Appendix A for the full text of Ordinance 19311. Ordinance 19311 tenant protections are codified in King County Code 2.60.050 and 12.25. [\[link\]](#) [\[link\]](#)

<sup>2</sup> U.S. Census Bureau (2020). 2015-2019 American Community Survey.

<sup>3</sup> U.S. Census Bureau (2020). 2015-2019 American Community Survey.

<sup>4</sup> CARES Act, 15 U.S.C. § 116 (2020). [\[link\]](#)

<sup>5</sup> Engrossed Second Substitute House Bill 2578 (2018). [\[link\]](#)

<sup>6</sup> Engrossed Substitute House Bill 1440 (2019). [\[link\]](#)

<sup>7</sup> Engrossed House Bill 1694 (2020). [\[link\]](#)

<sup>8</sup> Engrossed Second Substitute Senate Bill 5160 (2021). [\[link\]](#)

<sup>9</sup> Engrossed Substitute House Bill 1236 (2021). [\[link\]](#)

<sup>10</sup> King County Ordinance 18708 (2018). [\[link\]](#)

<sup>11</sup> King County Ordinance 19311 (2021). [\[link\]](#)

<sup>12</sup> King County Ordinance 19311 (2021). [\[link\]](#)

<sup>13</sup> King County Department of Community and Human Services. (2021, May 19). *Regional Affordable Housing Dashboard*. [\[link\]](#)

<sup>14</sup> US Department of Housing and Urban Development. (2015, April). *Worst Case Housing Needs 2015 Report to Congress*. [\[link\]](#)

<sup>15</sup> Chisholm, Howden-Chapman & Fougere. (2018). Tenants' Responses to Substandard Housing: Hidden and Invisible Power and the Failure of Rental Housing Regulation. *Housing, Theory and Society*. 37:2, 139-161 [\[link\]](#)

assistance, with investments in creating healthy, affordable housing that addresses some of the root causes of landlord-tenant disputes.

DCHS developed this report by assessing existing tenant outreach and legal aid programs, including those currently funded by King County. This analysis included:

- reviewing local and state laws;
- determining what tenant protection and outreach gaps exist for unincorporated King County;
- collecting best practices from jurisdictions within King County and the U.S.;
- determining what actions could be taken with existing resources; and
- identifying potential options that could be explored if funding is allocated.

DCHS consulted with the Department of Local Services (DLS) on the implementation needs for this report’s recommendations. DCHS gathered information about the current tenant protection enforcement landscape, existing tenant hotlines, and local legal aid operations from multiple organizations involved in assisting tenants in crisis.<sup>16</sup> DCHS also met with immigrant rights organizations to learn about the experience of undocumented immigrants enforcing their rights through the courts.<sup>17</sup>

Figure 1 shows this plan’s recommendations in response to the requirements of Ordinance 19311. These recommendations will expand knowledge of and access to tenant protections in the King County Code.

**Figure 1: Tenant Protection Access Plan Recommendations**

Legislative Requirement	Recommendations
a. recommendations on providing information about tenant protections in King County and access to those protections to residents with limited English proficiency;	<ul style="list-style-type: none"> <li>• The Executive will create and maintain a landing page on the County website with basic information about the tenant protection ordinances adopted by King County.</li> <li>• As part of a potentially renewed Veterans, Seniors and Human Services Levy (VSHSL), the Executive intends to explore opportunities to support community-based organizations and legal aid organizations in developing educational materials like a renter’s handbook or similar material.</li> </ul>
b. recommendations on providing tenant protections to undocumented residents who may have a fear of accessing tenant protections through the court system;	<ul style="list-style-type: none"> <li>• The Executive intends to support state legislation that:               <ul style="list-style-type: none"> <li>○ creates an expedited process to enforce the tenants’ rights so tenants do not need to wait months or years to resolve housing issues;</li> <li>○ allows in some cases third-party organizations to go to court on behalf of tenants using the expedited process; and</li> <li>○ simplifies the process to enforce tenants’ rights so tenants can self-advocate without an attorney if necessary.</li> </ul> </li> </ul>

<sup>16</sup> DCHS gathered information from Eastside Legal Assistance Program (ELAP), King County Bar Association’s Housing Justice Project (HJP), Legal Counsel for Youth and Children (LCYC), Northwest Justice Project (NJP), Tenant Law Center, and Tenants Union of Washington.

<sup>17</sup> DCHS met with Northwest Immigrant Rights Project (NWIRP) and Washington Immigrant Solidarity Network (WAISN).

Legislative Requirement	Recommendations
	<ul style="list-style-type: none"> <li>• If the State Legislature passes legislation reforming the tenant rights enforcement process, the Executive will work with stakeholders to determine how to support community organizations in utilizing the new legal pathway for tenant rights enforcement.</li> <li>• The Executive commits to transmit to the King County Council a proposed ordinance to create a right to reside with family in unincorporated King County. This law would allow undocumented tenants to move a documented family member into their unit who could enforce tenant protections on behalf of the household.</li> </ul>
<p>c. a "know your rights" campaign with the objective of spreading awareness of the new provisions in this ordinance. The plan shall utilize partnerships with community organizations and the King County immigrant and refugee commission;</p>	<ul style="list-style-type: none"> <li>• The Executive will send the webpage recommended in (a) to community organizations and the King County Immigrant and Refugee Commission.</li> <li>• Given the other actions necessary to ensure tenants have efficient avenues to enforce their rights, the Executive intends to focus on addressing these needs, through actions such as those in (b). The Executive plans to revisit a "know your rights" campaign once more avenues are in place.</li> <li>• DCHS and DLS do not currently have funding available to implement a "know your rights" campaign. Should funding be provided, this report provides a 'know your rights' campaign plan and the estimated cost of such work.</li> </ul>
<p>d. recommendations on ways to provide free legal representation, advice and other legal assistance to tenants facing eviction, harassment, disrepair and other housing related issues, including an analysis of the right-to-counsel law available through the New York City office of civil justice's legal representation program; and</p>	<ul style="list-style-type: none"> <li>• While the Executive does not recommend creating a County-level right to legal counsel in housing matters beyond what is provided under State law, the Executive intends as part of planning for a potentially renewed VSHSL to explore increasing capacity for free civil legal representation for eligible persons in eviction and other housing-related matters.<sup>18,19</sup></li> <li>• The Executive intends to support state legislation to reform the process to enforce tenants' rights, as described in (b). Efficient avenues for tenant rights enforcement will provide attorneys more capacity to help more tenants. In a simplified system, more tenants will also be able to navigate an expedited process to enforce their own rights, unlike the current process which is extremely difficult to navigate without a lawyer.</li> <li>• As part of the planning process for a potentially renewed VSHSL, or if an alternate funding source is identified, to maximize the effectiveness of state rental assistance and eviction prevention resources, the Executive will explore opportunities to connect existing legal services for eviction prevention with coordinated social services within a potentially renewed VSHSL's strategy to prevent inappropriate housing loss. Such services would aim to: <ul style="list-style-type: none"> <li>○ prioritize supporting tenants facing imminent eviction with financial resources to prevent eviction and social services to address</li> </ul> </li> </ul>

<sup>18</sup> Engrossed Second Substitute Senate Bill 5160 (2021). [\[link\]](#)

<sup>19</sup> Engrossed Substitute Senate Bill 5693, Section 116(7) (2022). [\[link\]](#)

Legislative Requirement	Recommendations
	<p>underlying issues that lead to eviction, such as helping tenants apply for benefits, access mental health services, or move to a more affordable unit; and</p> <ul style="list-style-type: none"> <li>○ perform outreach to tenants with court-filed eviction cases to prevent them from automatically being evicted for not appearing in court.</li> <li>● The Executive recommends future engagement with King County Superior Court to provide the court with feedback and data from Executive-administered programs and program participants that can inform court efforts to train staff.</li> </ul>
<p>e. a phone number, either internal to the county or through a request for proposals to outside entities, for tenants who believe their rental agreement has been unlawfully terminated or who believe a landlord failed to renew a rental agreement unlawfully. The phone number should be staffed by the department of community and human services, the department of public defense, or a designee to provide information on protections afforded to tenants in state law and King County Code. The plan shall include an analysis of the level of funding the executive would need to create and staff such a phone number.</p>	<ul style="list-style-type: none"> <li>● The Executive does not recommend creating a standalone county-run tenant hotline but will ensure that County staff who answer calls to the existing customer service hotline refer callers from unincorporated King County with tenant protections questions to the webpage described in (a) and other relevant resources such as legal aid or tenant advocacy organizations.</li> <li>● As part of a potentially renewed VSHSL, the Executive intends to maintain the flexibility of existing civil legal funding that allows these organizations to respond to tenant requests for help, advice, and information about relevant resources rather than too restrictively limiting legal aid organizations to providing only a few types of assistance. The Executive will also explore opportunities to increase capacity for civil legal aid and other tenant organizations.</li> <li>● This plan includes information about the staffing and funding necessary to operate a county-run tenant hotline.</li> </ul>

The Executive intends to implement several recommendations in this plan using existing resources and will explore potential additional resources to make other recommendations possible. Two strategies discussed in this plan are not recommended. Figure 2 identifies the recommendations the Executive will implement with existing resources.

**Figure 2: Recommendations to be Implemented with Existing Resources**

Recommendation	Anticipated Timeframe	Estimated Cost using Existing Resources
The Executive will create and maintain a landing page on the County website with basic information about the tenant protection ordinances adopted by King County.	Completed by Fourth Quarter of 2022	\$50,000 (0.1 full-time equivalent (FTE) staff time and translation costs)

Recommendation	Anticipated Timeframe	Estimated Cost using Existing Resources
The Executive will send the webpage to community organizations and the King County Immigrant and Refugee Commission.	Completed by Fourth Quarter of 2022	Minimal
<p>The Executive intends to support state legislation that:</p> <ul style="list-style-type: none"> <li>• creates an expedited process to enforce tenants’ rights so tenants do not need to wait months or years to resolve housing issues;</li> <li>• allows in some cases third-party organizations to go to court on behalf of tenants using the expedited process; and</li> <li>• simplifies the process to enforce tenants’ rights so tenants can self-advocate without an attorney if necessary.</li> </ul>	Upcoming state legislative sessions	Minimal
If the State Legislature passes legislation reforming the tenant rights enforcement process, the Executive will work with stakeholders to determine how to support community organizations in utilizing the new legal pathway for tenant rights enforcement.	Dependent upon when state legislation reforming tenant rights enforcement passes	Minimal
The Executive commits to transmit to the King County Council a proposed ordinance to create a right to reside with family in unincorporated King County. This law would allow undocumented tenants to move a documented family member into their unit who could enforce tenant protections on behalf of the household.	Transmitted to Council by Second Quarter of 2023	\$25,000 (0.1 FTE staff time)

*The Executive emphasizes that recognizing the merit of a potential renter protection program is different than considering which unit of government is best situated to implement that program and different than having the capacity, staffing, or funding to successfully implement a program.*

*Given King County’s limited authority over tenant protection laws, the Executive recommends supporting efforts at the state level to strengthen tenant protections and enforcement.*

*DCHS and DLS do not have either the staff capacity or funding to research, design, or implement a renter protection information campaign or policy program. The Executive cannot recommend such programs at this time because they would require substantial new resources for successful implementation, and there is not an identifiable source for those funds.*

## II. Background

### Department Overview

The King County Department of Community and Human Services (DCHS) provides equitable opportunities for people to be healthy, happy, and connected to community. Within DCHS, the Housing, Homelessness, and Community Development Division's (HHCDD) mission is to increase housing stability and develop strong communities. The division strives to be anti-racist and to collaborate with partners to center historically excluded and systemically marginalized people.

### Key Historical Conditions and Current Context

*Renter Demographics in Unincorporated King County* - A plan to expand knowledge of an access to tenant protections in unincorporated King County needs to be tailored to the demographics of the community. Unincorporated regions with the highest number of renter households correspond with the areas that have the highest rates of households headed by Black, Indigenous, and other people of color (BIPOC).<sup>20</sup> For example, the Bryn Mawr-Skyway Census Designated Place (CDP) has the highest number of renter households (2,887) and the highest rate of BIPOC households (64.3 percent).<sup>21,22</sup> Given the high rate of renting among different communities of color, King County needs to use multiple outreach methods to expand knowledge of and access to tenant protections in the King County Code. Figure 3 shows the percentage of homeowners and renters by race in the areas of unincorporated King County with the highest number of renter households.<sup>23</sup>

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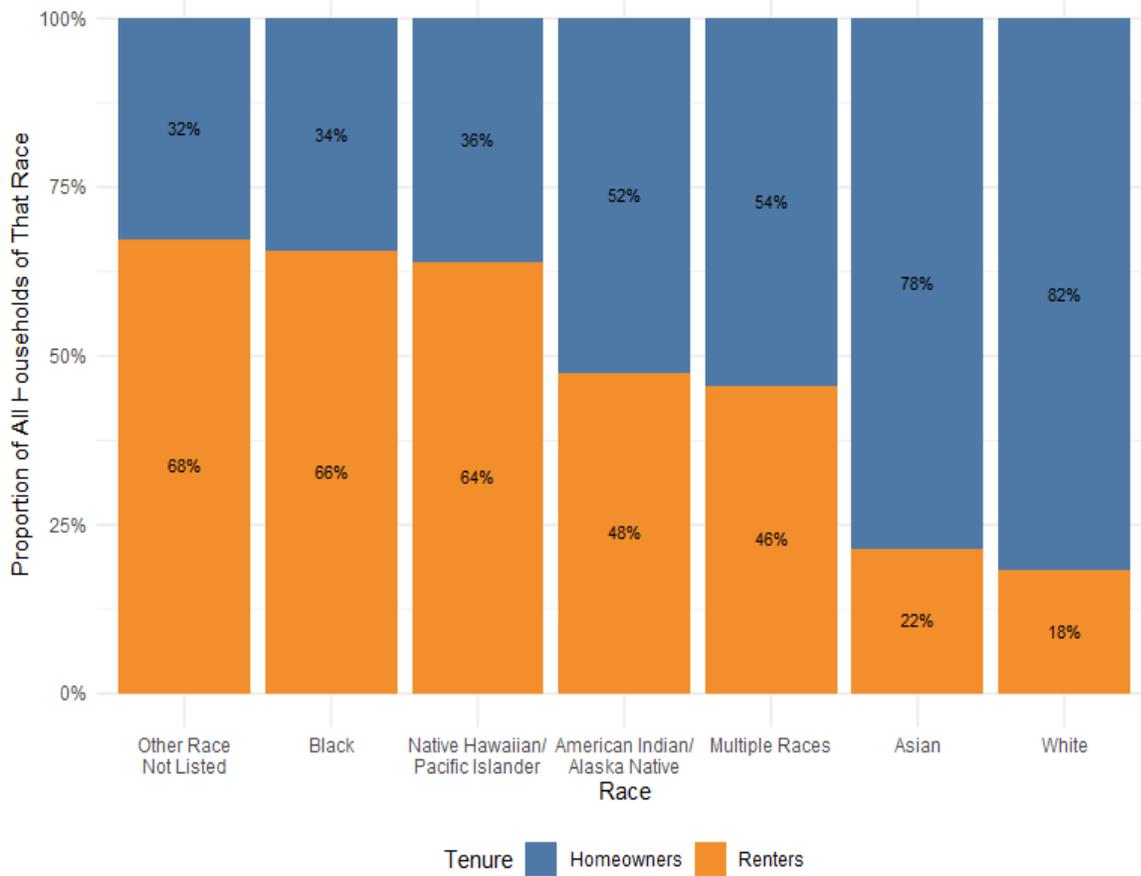
<sup>20</sup> U.S. Census Bureau (2020). 2015-2019 American Community Survey

<sup>21</sup> CDPs are statistical entities that represent a geographic area in order to provide data.

<sup>22</sup> All data comes from the 5-year 2015-2019 American Community Survey (ACS), which is conducted by the U.S. Census Bureau. The ACS does not share data at a geographical level that perfectly matches the borders of unincorporated King County which presents a significant challenge collecting data for this jurisdiction. The ACS presents data through place level data and block group data, which are two different groupings of geographies. Neither grouping captures all unincorporated King County. The data analysis in this section focuses on the ten census regions with the highest number of renters: Boulevard Park CDP, Bryn Mawr-Skyway CDP, Cottage Lake CDP, East Renton Highlands CDP, Fairwood CDP, Lakeland North CDP, Lakeland South CDP, Union Hill-Novelty Hill CDP, Vashon CDP, and White Center CDP.

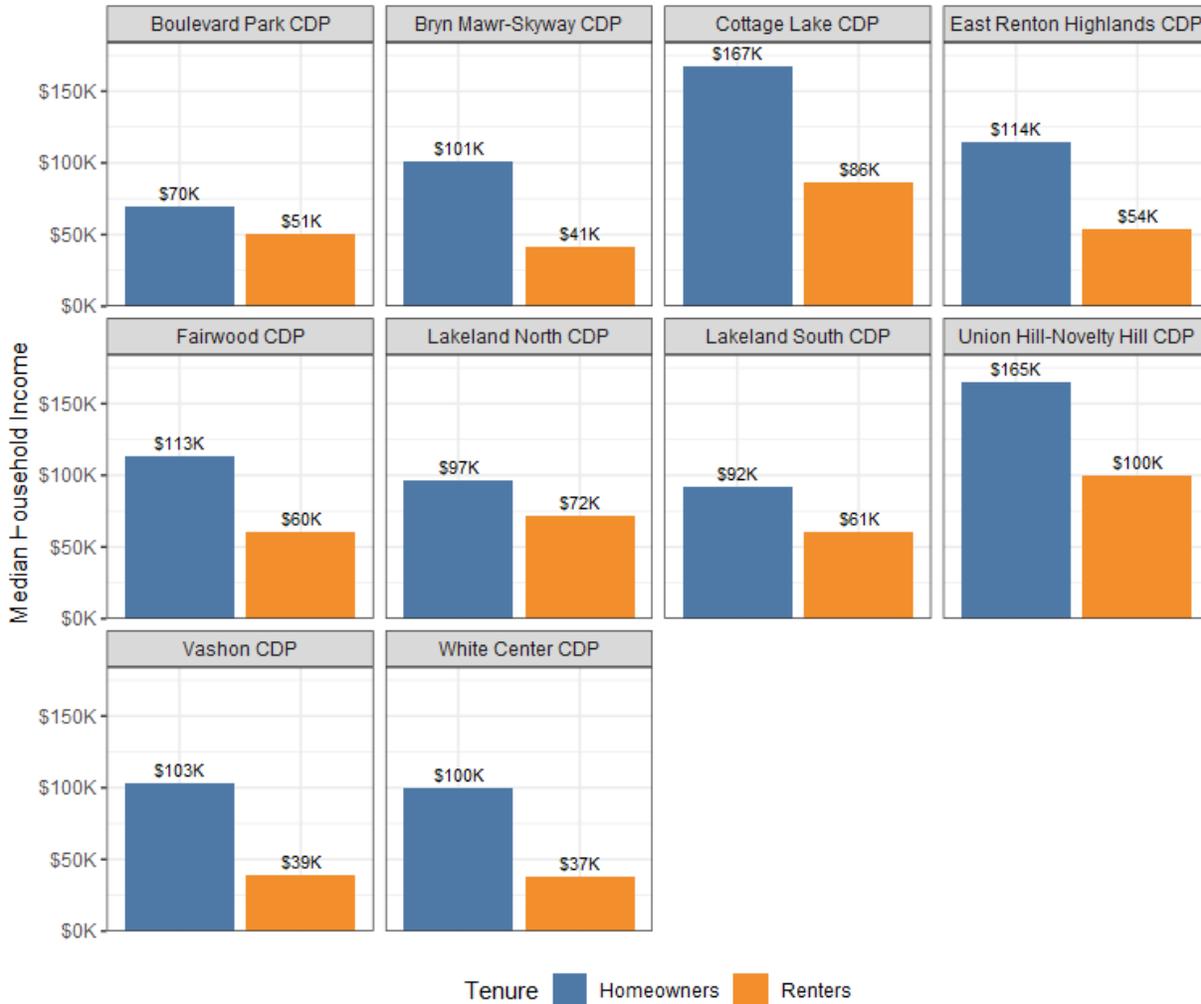
<sup>23</sup> U.S. Census Bureau (2020). 2015-2019 American Community Survey

**Figure 3: Housing Tenure by Race in Unincorporated King County Areas with the Highest Number of Renters**



The income gap between homeowners and renters is significant in the regions with the highest rate of renters.<sup>24</sup> Therefore, renters in unincorporated King County are less likely than homeowners to have financial resources to enforce their rights, such as hiring a private attorney. Figure 4 compares the incomes of unincorporated King County homeowners and renters by CDP.<sup>25</sup> The largest income gap among these selected CDPs exists in Cottage Lake CDP, where the homeowner median income is \$81,206 higher than the renter median income.<sup>26</sup> The White Center CDP has the lowest median renter household income at \$37,490.<sup>27</sup>

**Figure 4: Homeowner and Renter Household Median Income in Unincorporated King County Areas with Highest Number of Renters**



The U.S. Census Bureau does not ask residents their immigration status, so it does not have data regarding undocumented or documented immigrants, but the census asks residents if they were born in

<sup>24</sup> U.S. Census Bureau (2020). 2015-2019 American Community Survey.

<sup>25</sup> U.S. Census Bureau (2020). 2015-2019 American Community Survey.

<sup>26</sup> U.S. Census Bureau (2020). 2015-2019 American Community Survey.

<sup>27</sup> U.S. Census Bureau (2020). 2015-2019 American Community Survey.

the U.S.<sup>28</sup> Nearly a third of residents in the Bryn Mawr-Skyway, White Center, and Boulevard Park CDPs were born outside of the U.S.<sup>29</sup> Nationally, immigrants are more likely to rent than own their homes.<sup>30</sup> Therefore, tenant protection legislation for unincorporated King County needs to be designed with this in mind, including defining family in a culturally competent way.

*Evolution of Tenant Protections at the Federal, State, and Local Level Since 2018* - Washington State passed the Residential Landlord Tenant Act in 1973 and did not pass major changes to the act until 2018.<sup>31</sup> In the period since 2018, federal and local governments have also adopted multiple landlord-tenant laws to strengthen tenant rights. This section provides an overview of tenant protections implemented by federal, state, and local governments.

*Federal* - On March 27, 2020, the federal government passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act into law to provide economic assistance to residents and businesses impacted by the COVID-19 pandemic.<sup>32</sup> The CARES Act requires certain landlords to provide a 30-day notice to tenants prior to eviction, which provides tenants with more time to prevent the eviction.<sup>33</sup> While most other provisions of the CARES Act were temporary, this notice requirement is permanent. The Urban Institute estimates that approximately 28.1 percent of rental properties throughout the country are covered by this provision of the CARES Act.<sup>34</sup> The law covers properties with federally backed mortgages and properties regulated by the United States Department of Housing and Urban Development (HUD), United States Department of Agriculture (USDA), and the Department of the Treasury.<sup>35</sup> A federally backed mortgage is a mortgage owned, insured, or guaranteed by the Department of Veterans Affairs, HUD, USDA, Fannie Mae, or Freddie Mac.<sup>36,37</sup>

*Washington State* - Washington State has passed several laws that strengthen tenant protections since 2018, as described in Figure 5. These laws represented the most significant changes to Washington's landlord-tenant laws since 1973.<sup>38</sup> They are intended to increase access to housing and provide more stability for tenants.

These legal changes correspond with the state's housing market becoming increasingly unaffordable. For example, beginning in 2016, the average rent for a one-bedroom apartment in King County cost

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<sup>28</sup> U.S. Census. (2021, December 3). Frequently Asked Questions (FAQs) About Foreign Born. [\[link\]](#)

<sup>29</sup> U.S. Census Bureau (2020). 2015-2019 American Community Survey.

<sup>30</sup> Siniavskaja, N. (2012, August 3). Immigrants and Housing Demand. *National Association of Home Builders*. [\[link\]](#)

<sup>31</sup> Engrossed Substitute Senate Bill 2226 (1973). [\[link\]](#)

<sup>32</sup> CARES Act, 15 U.S.C. § 116 (2020). [\[link\]](#)

<sup>33</sup> CARES Act, 15 U.S.C. § 116 (2020). [\[link\]](#)

<sup>34</sup> Urban Institute. (2020, April 2). The CARES Act Eviction Moratorium Covers All Federally Financed Rentals – That's One in Four Rental Units. *Urban Wire* [\[link\]](#)

<sup>35</sup> National Housing Law Project. (2021, July 20). Foreclosure Protection and Mortgage Payment Relief for Homeowners. [\[link\]](#)

<sup>36</sup> National Housing Law Project. (2021, July 20). Foreclosure Protection and Mortgage Payment Relief for Homeowners. [\[link\]](#)

<sup>37</sup> CARES Act, 15 U.S.C. § 116 (2020). [\[link\]](#)

<sup>38</sup> Engrossed Substitute Senate Bill 2226 (1973). [\[link\]](#)

more than the entire average Social Security payment to a retiree.<sup>39,40</sup> The fair market rent for a one-bedroom rental in King County increased 98.29 percent from 2010 to 2020.<sup>41</sup> Over the same period, the minimum wage increased 42.56 percent from \$9.47 to \$13.50, and the average Social Security retiree payment increased only 14.57 percent from \$1,170 to \$1,340.<sup>42</sup>

**Figure 5: Washington State Tenant Protections Passed Since 2018**

Tenant Protection	Bill Number	Year	Summary	Intended Result
Source of Income Discrimination (SOID) <sup>43</sup>	House Bill 2578	2018	<ul style="list-style-type: none"> <li>Landlords cannot refuse to rent to prospective tenants using alternative source of income, such as Social Security payments, a Housing Choice Voucher, or rental assistance.</li> </ul>	<ul style="list-style-type: none"> <li>Stop landlords from discriminating against tenants with alternative sources of income so these tenants can access housing.<sup>44,45,46,47</sup></li> </ul>

<sup>39</sup> U.S. Department of Housing and Urban Development Office of Policy Development and Research. (n.d.). Fair Market Rents (40<sup>th</sup> Percentile Rents). [\[link\]](#)

<sup>40</sup> U.S. Social Security Administration. (n.d.) *Benefits Paid by Type of Beneficiary*. Retrieved April 15, 2022. [\[link\]](#)

<sup>41</sup> U.S. Department of Housing and Urban Development Office of Policy Development and Research. (n.d.). *Fair Market Rents (40<sup>th</sup> Percentile Rents)*. [\[link\]](#)

<sup>42</sup> Washington State Department of Labor & Industries. (n.d.). *History of Washington State’s Minimum Wage*. [\[link\]](#)

<sup>43</sup> Engrossed Second Substitute House Bill 2578 (2018) [\[link\]](#)

<sup>44</sup> U.S. Department of Housing and Urban Development. (n.d.) *Housing Choice Vouchers Fact Sheet*. Retrieved April 11, 2022. [\[link\]](#)

<sup>45</sup> Cunningham, M., Galvez, M., Aranda, C., Santos, R., Wissoker, D., Oneto, A., Pitingolo, R., Crawford, J. (2018). *A Pilot Study of Landlord Acceptance of Housing Choice Vouchers* U.S. Department of Housing and Urban Development. [\[link\]](#)

<sup>46</sup> Pacheco-Flores, A. (2018, February 12). Washington Legislature considers banning housing discrimination based on income source. *The Seattle Times*. [\[link\]](#)

<sup>47</sup> Beekman, D. (2016, August 8). Seattle’s new ordinance cracks down on discrimination against renters, ends discounts tied to work place. *The Seattle Times*. [\[link\]](#)

Tenant Protection	Bill Number	Year	Summary	Intended Result
Eviction Reform <sup>48</sup>	Senate Bill 5600	2019	<ul style="list-style-type: none"> <li>• No evictions for non-rent charges, except move-in costs paid in installments.</li> <li>• Nonpayment of rent eviction notice lengthened to 14 days and standardized.</li> <li>• Judges have more judicial discretion to order payment plans in lieu of eviction for nonpayment, depending on factors such as the reason the tenant owes rent.</li> <li>• Landlords and tenants can apply to the Tenancy Preservation Program to pay off judgment so tenancy is maintained.<sup>49</sup></li> <li>• Tenants have the statutory right to reinstate their tenancy if all incurred costs are paid off five days after a judgment or sooner.</li> </ul>	<ul style="list-style-type: none"> <li>• Stop tenants from being evicted for small amounts of money or as the result of an emergency, such as hospitalization or temporary job loss.<sup>50,51,52</sup></li> </ul>
Extended Notice of Rent Increase <sup>53</sup>	House Bill 1440	2019	<ul style="list-style-type: none"> <li>• Landlords must provide at least 60 days' notice of a rent increase unless the tenant's rent is determined by their income, such as a tenant in public housing.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide tenants with more time to prepare for a rent increase or find alternative housing.<sup>54</sup></li> </ul>
Payment Plans <sup>55</sup>	House Bill 1694	2020	<ul style="list-style-type: none"> <li>• Tenants are allowed to pay the security deposit, last month's rent, and certain move-in costs in installments.</li> </ul>	<ul style="list-style-type: none"> <li>• Reduce financial barriers to accessing housing created by high move-in costs.<sup>56</sup></li> </ul>

<sup>48</sup> Engrossed Second Substitute Senate Bill 5600 (2019). [\[link\]](#)

<sup>49</sup> Washington State Department of Commerce Tenancy Preservation Program. [\[link\]](#)

<sup>50</sup> Cookson, T., Diddams, M., Maykovich, X., & Witter, E. (2018, September). Losing Home: The Human Cost of Eviction in Seattle. *Seattle Women's Commission and King County Bar Association Housing Justice Project*. [\[link\]](#)

<sup>51</sup> Smith, R. (2019, April 25). Landmark Eviction Reform Bill Passes Washington Legislature. *The Stranger*. [\[link\]](#)

<sup>52</sup> Nicklesburg, M. (2019, February 5). Amazon, Microsoft, Expedia and other tech giants urge Washington state to pass eviction reform. *Geekwire* [\[link\]](#)

<sup>53</sup> Engrossed Substitute House Bill 1440 (2019) [\[link\]](#)

<sup>54</sup> Thomas, J. and Hastings, P. (2019, March 4). Legislature: Bills look to build on progress in housing aid. *The Columbian*. [\[link\]](#)

<sup>55</sup> Engrossed House Bill 1694 (2020) [\[link\]](#)

<sup>56</sup> House Democrats. (2020, February 18). Rep. Morgan's tenancy installment payments bill passes House. [\[link\]](#)

Tenant Protection	Bill Number	Year	Summary	Intended Result
Right-to-Counsel <sup>57</sup>	Senate Bill 5160	2021	<ul style="list-style-type: none"> <li>• Low-income tenants have the right to an attorney in eviction cases, subject to available funding.</li> </ul>	<ul style="list-style-type: none"> <li>• Reduce the imbalance of legal representation between landlords and tenants in eviction cases.<sup>58,59</sup></li> </ul>
Just-Cause Eviction <sup>60</sup>	House Bill 1236	2021	<ul style="list-style-type: none"> <li>• Landlords can only evict or refuse to renew a tenancy if they have a just cause as prescribed under the law.</li> <li>• Co-occupants of a tenant have the right to apply to remain in the unit after the tenant permanently vacates.</li> </ul>	<ul style="list-style-type: none"> <li>• Stop tenants from being evicted for small amounts of money or as the result of an emergency, such as hospitalization or temporary job loss.<sup>61,62,63</sup></li> </ul>

*King County* - King County has the authority to adopt local landlord-tenant regulations that cover unincorporated King County.<sup>64</sup> Since 2018, King County has adopted two tenant protection ordinances to address discrimination some tenants face and to provide more housing stability for tenants.

- *Ordinance 18708: Source of Income Discrimination (SOID)*-In 2018, King County passed Ordinance 18708, a local SOID ordinance for unincorporated King County.<sup>65</sup> While the law went into effect before the statewide SOID law, it aligns with the state’s protections.<sup>66,67,68</sup> Councilmembers supported this legislation to ensure fair access to housing.<sup>69</sup> Research has also shown that SOID causes geographic economic segregation.<sup>70</sup>

<sup>57</sup> Engrossed Second Substitute Senate Bill 5160 (2021). [\[link\]](#)

<sup>58</sup> Brownstone, S. (2021, April 10). Washington may soon be first state to guarantee lawyers for low-income tenants facing eviction. *The Seattle Times*. [\[link\]](#)

<sup>59</sup> Brownstone, S., & Groover, H. (2021, April 26). Washington becomes first state to guarantee lawyers for low-income tenants during evictions. *The Seattle Times*. [\[link\]](#)

<sup>60</sup> Engrossed Substitute House Bill 1236 (2021). [\[link\]](#)

<sup>61</sup> Cookson, T., Diddams, M., Maykovich, X., & Witter, E. (2018, September). Losing Home: The Human Cost of Eviction in Seattle. *Seattle Women’s Commission and King County Bar Association Housing Justice Project*. [\[link\]](#)

<sup>62</sup> Smith, R. (2019, April 25). Landmark Eviction Reform Bill Passes Washington Legislature. *The Stranger*. [\[link\]](#)

<sup>63</sup> Nicklesburg, M. (2019, February 5). Amazon, Microsoft, Expedia and other tech giants urge Washington state to pass eviction reform. *Geekwire*. [\[link\]](#)

<sup>64</sup> This limitation is in keeping with authority expressed in Washington State Constitution Article 11 Section 11, for cities to “make and enforce within [their] limits all such ... regulations as are not in conflict with general laws.”

<sup>65</sup> King County Ordinance 18708 (2018). [\[link\]](#)

<sup>66</sup> King County Code 230.70. [\[link\]](#)

<sup>67</sup> King County Ordinance 18708 (2018). [\[link\]](#)

<sup>68</sup> Engrossed Second Substitute House Bill 2578 (2018). [\[link\]](#)

<sup>69</sup> Kelety, J. (2018, April 18). King County Council passes renter protections bill. *Vashon-Maury Island Beachcomber*. [\[link\]](#)

<sup>70</sup> Tighe, J., Hatch, M., and Mead, J. (2017). Source of Income Discrimination and Fair Housing Policy. *Journal of Planning Literature*, 32(1), 3-15. [\[link\]](#)

- *Ordinance 19311*: In 2021, King County passed Ordinance 19311, creating several tenant protections for unincorporated King County that go beyond what is in state law.<sup>71</sup> This Ordinance ensures tenants, especially those facing financial difficulties caused by the COVID-19 pandemic, have housing stability.<sup>72,73,74</sup> Specifically, the Ordinance:
  - reduces barriers to housing by limiting upfront charges required at move-in and allowing longer move-in costs payment plans than what is required in state law;
  - creates more housing stability by providing stronger protections against eviction and requiring a longer rent increase notice period than what is prescribed in the state law;
  - protects undocumented tenants by prohibiting landlords from requiring prospective tenants to provide a Social Security Number; and
  - adopts other tenant protections.

The legislation also requires landlords to use standardized eviction notices created by King County when evicting an unincorporated King County tenant. DCHS is currently developing standardized eviction notices for unincorporated King County as required by Ordinance 19311 and expects to complete this work by the fourth quarter of 2022. The notices will be translated into the top ten languages in King County. The notices will provide tenants with information about legal aid and rental assistance resources when they face eviction so tenants can engage with eviction prevention services to maintain their housing.

*Lack of Affordable Housing* - Tenant protections are only one component of housing stability for tenants. In 2019, 68 percent of King County low-income households were housing cost-burdened, meaning they spent more than 30 percent of their income on housing costs.<sup>75</sup> Approximately 85 percent of extremely low-income households in King County, meaning households who are at or below 30 percent of the Area Median Income (AMI), are housing cost-burdened.<sup>76</sup> Low-income tenants are more likely to live in rental units in disrepair than higher-income tenants due to lack of affordable housing options.<sup>77</sup> Low-income tenants may also fear challenging their landlord on issues like disrepair or harassment because they might not be able to find other housing.<sup>78</sup> Increasing access to tenant protections will help tenants, but ultimately King County residents need access safe, affordable, and healthy housing and achieve housing stability. Therefore, King County must continue to balance investments in anti-eviction strategies, such as civil legal aid and rental assistance, with investments in creating healthy, affordable housing that addresses some of the root causes of landlord-tenant disputes.

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<sup>71</sup> King County Ordinance 19311 (2021) [\[link\]](#)

<sup>72</sup> Groover, H. (2021, June 29). New limits on evictions and rental fees set by King County Council. *The Seattle Times*. [\[link\]](#)

<sup>73</sup> Smith, R. (2021, June 30). King County Council Passes Tenant Protections Without Watering Them Down That Much. *The Stranger*. [\[link\]](#)

<sup>74</sup> Stewart-Wood, H. (2021, July 1). King County Council passes tenant protections. *Mercer Island Reporter*. [\[link\]](#)

<sup>75</sup> King County Department of Community and Human Services. (2021, May 19). *Regional Affordable Housing Dashboard*. [\[link\]](#)

<sup>76</sup> King County Department of Community and Human Services. (2021, May 19). *Regional Affordable Housing Dashboard*. [\[link\]](#)

<sup>77</sup> US Department of Housing and Urban Development. (2015, April). *Worst Case Housing Needs 2015 Report to Congress*. [\[link\]](#)

<sup>78</sup> Elinor Chisholm, Philipa Howden-Chapman & Geoff Fougere (2018) Tenants' Responses to Substandard Housing: Hidden and Invisible Power and the Failure of Rental Housing Regulation. *Housing, Theory and Society*. 37:2, 139-161 [\[link\]](#)

## Report Methodology

DCHS developed this report by assessing existing tenant outreach and legal aid programs, including those currently funded by King County. This analysis included:

- reviewing local and state laws;
- determining what tenant protection and outreach gaps exist for unincorporated King County;
- collecting best practices from jurisdictions within King County and the U.S.;
- determining what actions could be taken with existing resources; and
- identifying potential options that could be explored if funding is allocated.

DCHS consulted with the DLS on the implementation needs for this report's recommendations. DCHS gathered information about the current tenant protection enforcement landscape, existing tenant hotlines, and local legal aid operations from these organizations:

- Eastside Legal Assistance Program (ELAP);
- King County Bar Association's Housing Justice Project (HJP);
- Legal Counsel for Youth and Children (LCYC);
- Northwest Justice Project (NJP);
- Tenant Law Center (TLC); and
- Tenants Union of Washington.

DCHS also met with two additional organizations to learn about the experience of undocumented immigrants enforcing their rights through the courts:

- Northwest Immigrant Rights Project (NWIRP); and
- Washington Immigrant Solidarity Network (WAISN).

### III. Report Requirements

As identified above, DCHS and DLS do not have either the staff capacity or funding to research, design, or implement a renter protection information campaign or policy program. The Executive cannot recommend such programs at this time because they would require substantial new resources for successful implementation, and there is not an identifiable source for those funds. Given King County's limited authority over tenant protection laws, the Executive expresses support for related efforts at the State level to strengthen tenant protections and enforcement outlined below.

This section is organized to respond to the requirements of Ordinance 19311.<sup>79</sup>

#### A. Recommendations on providing information about tenant protections in King County and access to those protections to residents with limited English proficiency

*How Tenants Learn Their Rights* - Many tenants, especially tenants with limited English proficiency, face language barriers that may prevent them from seeking social services or becoming aware of their options and resources under evolving landlord-tenant law.<sup>80</sup> Tenants often rely on their leases to learn about their rights and responsibilities as a tenant.<sup>81</sup> Research has found that many leases have misleading information regarding a tenant's rights and responsibilities, and some leases contradict the law.<sup>82</sup> Even if leases are consistent with the law, existing law and many lease provisions are not provided in plain language or in the household's primary language.<sup>83</sup> Tenants are not able to fully assert their rights if the only information available to them is incorrect, misleading, or difficult to understand. Tenants need access to educational materials in plain language, and they need these materials to be available in multiple languages. Such materials would make tenants more aware of their rights, responsibilities, and resources.<sup>84</sup>

*Current King County Investments* - King County's Veterans, Seniors, and Human Services Levy (VSHSL) provides funding for housing stability, healthy living, financial stability, social engagement services for veterans, military servicemembers and their families, seniors and their caregivers, and vulnerable populations.<sup>85</sup> VSHSL directly funds a variety of civil legal aid services, such as tenant representation, foreclosure prevention, immigration services, and public benefits acquisition that helps residents access government programs like Temporary Assistance for Needy Families (TANF). King County awarded nearly \$6.2 million to community-based organizations to conduct outreach, tenant education, and

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<sup>80</sup> Greenberg, D., Gershenson, C., & Desmond, M. (2016). Discrimination in evictions: empirical evidence and legal challenges. *Harvard Civil Rights-Civil Liberties Law Review*, 51(1), 136.

<sup>81</sup> Furth-Matzkin, M. (2017). On the Unexpected Use of Unenforceable Contract Terms: Evidence from the Residential Rental Market.

<sup>82</sup> Furth-Matzkin, M. (2017). On the Unexpected Use of Unenforceable Contract Terms: Evidence from the Residential Rental Market.

<sup>83</sup> Spotts, Michael. (2021) Stable Residents, Stable Properties: Perspectives on Rent Control, Eviction Moratoriums, and Other Contemporary Approaches. *Urban Land Institute* [\[link\]](#)

<sup>84</sup> Spotts, Michael. (2021) Stable Residents, Stable Properties: Perspectives on Rent Control, Eviction Moratoriums, and Other Contemporary Approaches. *Urban Land Institute* [\[link\]](#)

<sup>85</sup> King County Department of Community and Human Services. (2018, July 11). *Veterans, Seniors, and Human Services Levy Implementation Plan.*[\[link\]](#)

provide eviction prevention legal services from 2020-2023 through the VSHSL.<sup>86</sup> These organizations are currently providing services to fulfill the VSHSL’s eviction prevention strategy:

- African Community Housing and Development;
- Eastside Legal Assistance Program;
- King County Bar Association’s Housing Justice Project (HJP);
- Legal Counsel for Youth and Children; and
- Northwest Justice Project.

Most VSHSL eviction prevention funding supports legal services. African Community Housing and Development is funded to provide culturally specific and in-language tenant outreach, education, and case management to prevent evictions and help tenants work with landlords.

### Overview of Other Policies

Several cities in the Puget Sound with local tenant protections invest in educational materials that explain tenant rights and relevant resources, such as information about rental assistance. These materials are simple to understand and are available in multiple languages so all tenants, including those with limited English proficiency, can understand their rights.

*City of Seattle* - The City of Seattle maintains the *Renting in Seattle* website, which aims to provide a comprehensive overview of landlord-tenant regulations and resources for landlords and tenants.<sup>87</sup> The website launched in 2019.<sup>88</sup> Nearly 18,000 unique users visited the *Renting in Seattle* website from February 1, 2022 to February 22, 2022.<sup>89</sup> The City translated the website into 14 languages: Amharic, Simplified Chinese, Traditional Chinese, English, Khmer, Korean, Lao, Oromo, Russian, Somali, Spanish, Thai, Tigrinya, and Vietnamese.<sup>90</sup>

The City of Seattle also maintains a handbook called *Renter’s Handbook*.<sup>91</sup> The handbook provides in-depth information about the different phases of renting: finding a unit, applying for rentals, moving into a rental, living in a rental, and moving out. Resources for tenants are referenced throughout the handbook. The handbook is written in plain language to be accessible to many people. The handbook is translated into the same languages as the *Renting in Seattle* website. The City of Seattle requires landlords to provide the *Renter’s Handbook* to tenants at move-in and on an annual basis.<sup>92</sup>

*City of Burien* - The City of Burien has a website summarizing regulations and resources for landlords and tenants.<sup>93,94</sup> The City staff also developed and maintain a handbook called *Renting in Burien* in English

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<sup>86</sup> King County Department of Community and Human Services. VSHSL HS 5C Civil Legal Services, Eviction Prevention Contract Award Decision.

<sup>87</sup> Seattle Department of Construction & Inspections. (n.d.) *Renting in Seattle*. Retrieved February 17, 2022 [\[link\]](#)

<sup>88</sup> Hightower, K. (2019, April 30). Mayor Durkan Announces City of Seattle’s New “Renting in Seattle” Program Providing Centralized Resources for Renters and Landlords. Office of the Mayor Press Releases. [\[link\]](#)

<sup>89</sup> Geoff Tallent, City of Seattle Department of Construction and Inspection. (2022, March 17). Email communication to DCHS staff.

<sup>90</sup> Seattle Department of Construction & Inspections. (n.d.) *Renting in Seattle*. Retrieved February 17, 2022 [\[link\]](#)

<sup>91</sup> Seattle Department of Construction & Inspections. (2021, January). *Renter’s Handbook*. Renting in Seattle. [\[link\]](#)

<sup>92</sup> Seattle Municipal Code 7.24.080 [\[link\]](#)

<sup>93</sup> City of Burien. (2021, August 27). *Information for Renters*. Renting in Burien. [\[link\]](#)

<sup>94</sup> City of Burien. (2021, May 13). *Information for Landlords*. Renting in Burien. [\[link\]](#)

and Spanish.<sup>95,96,97</sup> This handbook summarizes local and state landlord-tenant regulations in plain language. Burien staff emphasize using plain language when designing their educational materials, because of landlord-tenant law complexity.<sup>98</sup>

Landlords must provide prospective tenants with the City’s renting information website.<sup>99</sup> Landlords must also provide tenants with the *Renting in Burien* handbook at the beginning of a new and renewal lease agreement. Landlords must obtain the tenant’s signature acknowledging the receipt of the handbook at the start of the tenancy. Landlords must also provide tenants with the updated handbook within 30 days after the City updates the handbook.

### Analysis and Recommendations

Landlord-tenant law has drastically changed over the past several years to provide tenants more housing stability. Tenants need to know about and understand these changes to benefit from them. Currently, the County does not have detailed, accessible information about tenant protections in King County Code available publicly on the county website. As of April 2022, local tenant organizations do not have information specific to unincorporated King County posted on their websites either. Tenants need to understand their rights under both state law and local law, and to understand how the state and local laws intersect.

**ACTION 1: The Executive will create and maintain a webpage on the County website with basic information about the tenant protection ordinances adopted by King County. (cost \$50,000)**

**ACTION 2: The Executive intends to explore opportunities to support community-based organizations and legal aid organizations in developing educational materials like a renter’s handbook or similar material. (cost undetermined)**

To provide accurate information about tenant protections to tenants and to reach those with limited English proficiency, the Executive will create and maintain a webpage on the County website with basic information about the tenant protection ordinances adopted by King County. The website will provide information specific to unincorporated King County, like the just-cause eviction protections and notice of rent increase requirements. DCHS estimates this work will require about 0.1 full-time equivalent (FTE) in staff time, costing approximately \$25,000. DCHS will incur additional staff costs if the webpage needs to be updated to reflect County adoption of any new landlord-tenant laws. Translation will cost approximately \$25,000 to make the materials available in the County’s top two language tiers: Spanish,

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<sup>95</sup> City of Burien. (2021, January). *Renting in Burien Handbook*. [\[link\]](#)

<sup>96</sup> City of Burien. (2021, January). *Manual de alquiler en Burien*. [\[link\]](#)

<sup>97</sup> Lori Fleming, Burien Rental Housing Inspection Program. (2022, February 16). Email communication to DCHS staff.

<sup>98</sup> Lori Fleming, Burien Rental Housing Inspection Program. (2022, February 16). Email communication to DCHS staff.

<sup>99</sup> Burien Municipal Code 5.63.030. [\[link\]](#)

Simplified Chinese, Traditional Chinese, Vietnamese, Somali, Russian, Korean, Ukrainian, Tagalog, Amharic, and Arabic.<sup>100</sup> The Executive intends to complete this work by the end of 2022.

As part of a potentially renewed VSHSL, the Executive intends to explore opportunities to support community-based organizations and legal aid organizations in developing educational materials like a renter's handbook or similar material.

## **B. Recommendations on providing tenant protections to undocumented residents who may have a fear of accessing tenant protections through the court system**

*Enforcement of Tenant Protections* - Tenants generally rely on government institutions to enforce tenant protections, whether through the courts or a government enforcement agency.<sup>101</sup> In unincorporated King County, tenants can sue their landlords for violating state or local law.<sup>102,103</sup> However, this option would require a tenant to interact with the court, an action many undocumented tenants may prefer to avoid. Tenants can hire attorneys to enforce their rights, but private attorneys rarely take tenant cases because any contingency fee connected to damages won by a tenant would not cover the litigation costs of such cases.<sup>104</sup> King County legal aid organizations help low-income tenants at no cost on a variety of issues, but these organizations have very limited capacity to take on new clients.<sup>105</sup>

King County currently does not have an agency dedicated to enforcing tenant protections. Some jurisdictions in the United States have government agencies that handle tenant and landlord complaints and disputes. Typically, one party can appeal the decision to the courts.<sup>106</sup> Some jurisdictions have a government agency to proactively enforce housing codes, such as a proactive rental inspection program, but generally the government does not seek relief for an individual.<sup>107</sup> Rather, the government seeks relief that benefits the broader community. For example, a government agency could sue a landlord for uninhabitable housing and require the landlord to make repairs to multiple units in disrepair instead of seeking damages for one tenant.

Undocumented residents may still fear interacting with these non-judicial government agencies due to potential record disclosures. All Washington government agencies, both courts and other government entities, are subject to the Public Records Act, which require government agencies to disclose government records to the public, with limited exceptions.<sup>108</sup> Undocumented residents may not want their address or other personal information to be publicly disclosed because of fear that the United States Immigration and Customs Enforcement (ICE) officials will use that information to find them.

*Undocumented Residents and the Courts* - ICE and the United States Customs and Border Patrol (CBP)

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<sup>100</sup> King County Office of Equity and Social Justice. (2021, March 5). *King County Written Translation Manual*, Appendix B. [\[link\]](#)

<sup>101</sup> Sabbeth, Kathryn A., "(Under)Enforcement of Poor Tenants' Rights" (2019). *Faculty Publications*. 466. [\[link\]](#)

<sup>102</sup> Revised Code of Washington 59.18. [\[link\]](#)

<sup>103</sup> King County Ordinance 19311. [\[link\]](#)

<sup>104</sup> Sabbeth, Kathryn A., "(Under)Enforcement of Poor Tenants' Rights" (2019). *Faculty Publications*. 466. [\[link\]](#)

<sup>105</sup> See [Section III.D](#) for more information about King County legal aid organizations.

<sup>106</sup> Department of Housing and Community Affairs. (n.d.) *Commission on Landlord-Tenant Affairs*. Retrieved February 17, 2020. [\[link\]](#)

<sup>107</sup> Sabbeth, Kathryn A., "(Under)Enforcement of Poor Tenants' Rights" (2019). *Faculty Publications*. 466. [\[link\]](#)

<sup>108</sup> Revised Code of Washington 42.56 [\[link\]](#)

have arrested undocumented residents who went to court for matters unrelated to immigration.<sup>109,110</sup> State and local governments have passed laws and policies to curb ICE activity.<sup>111</sup>

King County adopted an ordinance that prohibits county staff or contractors from asking a resident about their immigration status or sharing personal information with outside parties, unless required by state or federal law or a court order.<sup>112</sup> Washington passed the Keep Washington Working Act in 2019, which prohibits state and local law enforcement agencies from providing federal immigration authorities with information about an individual in noncriminal matters.<sup>113</sup> In 2020, Washington passed the Courts Open to All Act, which protects people from warrantless civil immigration arrests at courts and prohibits court staff and prosecutors from using state and local resources to assist in federal immigration enforcement.<sup>114</sup> Washington state courts have limitations on using either a party's or witness's immigration status as evidence in court under Evidence Rule 413.<sup>115</sup> King County Superior Court has a policy prohibiting the execution of arrest warrants based on immigration status, unless directly ordered by the presiding judge.<sup>116</sup>

In 2021, the Biden administration limited ICE immigration enforcement actions in and around courthouses to enforcement actions against individuals who pose a threat to public safety.<sup>117</sup> Immigration reform advocates are skeptical these reforms will create a drastic reduction in federal immigration enforcement action, so undocumented residents may still fear going to courthouses.<sup>118,119</sup>

### Overview of Other Policies

Several potential government-based alternatives and reforms to the court process can enforce tenant protections. Even though there is no evidence ICE would use landlord-tenant government agencies to find undocumented residents and there are local and state laws limiting the disclosure of immigration status information, any such model adopted by King County would still be subject to public disclosure laws and court orders, so undocumented tenants may still feel fearful about relying on a government agency to assert their rights.

This section discusses how:

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<sup>109</sup> Desautels, S. (2020). Limitations of Washington Evidence Rule 413. *Washington Law Review*, 95(1), 429-458.

[\[link\]](#)

<sup>110</sup> Fowler, L. (2019, April 9). More immigrants report arrests at WA courthouses, despite outcry. *Crosscut*. [\[link\]](#)

<sup>111</sup> University of Washington Center for Human Rights. (2021, August 11) *Protecting Immigrant Rights: Is Washington's Law Working?* [\[link\]](#)

<sup>112</sup> King County Code 2.15 (2018) [\[link\]](#)

<sup>113</sup> Engrossed Second Substitute Senate Bill 5497 (2019) [\[link\]](#)

<sup>114</sup> Substitute House Bill 2567 (2020) [\[link\]](#)

<sup>115</sup> Washington Courts. (2021, November, 2). *Evidence Rule 413 Immigration Status*. [\[link\]](#)

<sup>116</sup> King County Superior Court. (n.d.) *Superior Court Policy on Immigration Enforcement in Courtrooms*. Retrieved February 17, 2022. [\[link\]](#)

<sup>117</sup> Johnson, T. and Miller, T. (2021, April 27). Memorandum for U.S Immigration and Customs Enforcement and U.S. Customs and Border Protection about Civil Immigration Enforcement Actions in or near Courthouses. [\[link\]](#)

<sup>118</sup> Rose, J. (2022, January 21). Biden's limits on ICE offered hope. But immigrant advocates say he's broken promises. *National Public Radio*. [\[link\]](#)

<sup>119</sup> University of Washington Center for Human Rights. (2021, August 11) *Protecting Immigrant Rights: Is Washington's Law Working?* [\[link\]](#)

- community organizations, local jurisdictions, and similar parties could enforce tenant protections on behalf of a tenant so that a person does not have to go to court themselves, if the state reformed the tenant rights enforcement process;
- some Seattle workers can enforce their rights anonymously through a city agency, providing a potential model for the enforcement of tenant protections;
- Seattle tenants enforce their rights through a city department instead of using the court process; and
- Seattle and Federal Way tenants can move family members into their rent unit without fear of eviction, which would potentially allow an undocumented person to move a documented family member into the unit and this additional person could enforce the family’s tenant protections on behalf of the household in court without fear.

*Tenant Rights Enforcement Reform* - The State legislature considered but did not pass House Bill 2023 during the 2022 legislative session.<sup>120</sup> This bill would have reformed the enforcement of landlord-tenant laws by allowing tenants to use a summary proceedings process to enforce their rights. Summary proceedings is an expedited legal process that allows matters such as getting a protection order to be adjudicated quickly because there is no lengthy pre-trial process or jury. House Bill 2023’s reform would also help undocumented tenants enforce their tenant rights because it also allows third-party organizations to go to court on their behalf, relieving them of the burden of going to court.

The bill would allow a tenant, a group of tenants, a community organization whose mission is to protect the welfare of tenants, the attorney general, or any city or county government to file petitions to enforce tenant protections.<sup>121</sup> Undocumented residents would not need to use the court system themselves to enforce their tenant rights if this bill passed, because a community organization, the attorney general, or a local government could litigate the case on their behalf. This bill also would have allowed a tenant to litigate a complaint in a few weeks, compared to more than a year or longer if the tenant had to go through small claims court or a traditional lawsuit.

For example, an undocumented tenant who has a landlord that refuses to repair broken plumbing could reach out to a community organization for support. Under the bill, the community organization could file a petition with the court on behalf of the tenant. The court would hear the case at a show-cause hearing, which is a shorter, informal court hearing, and could then order the landlord to make the necessary repairs and pay any damages incurred by the tenant. This process could take two or three weeks, much shorter than a traditional lawsuit.

*City of Seattle – Office of Labor Standards (OLS)* - While employee protections are a separate area of law from tenant protections, their enforcement options provide a general model for what is possible when enforcing civil rights through government agencies. Seattle’s Office of Labor Standards (OLS) enforcement method shows one way that people can file complaints that can result in relief to individuals after an investigation, without the complainant’s identity being disclosed. The City of Seattle created the Office of Labor Standards (OLS) on April 1, 2015.<sup>122</sup> OLS enforces local worker protection ordinances, such as Seattle’s Minimum Wage, Secure Scheduling, and Hotel Employees Protection Ordinances. Workers in the City of Seattle can file complaints when their worker

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<sup>120</sup> House Bill 2023 (2022) [\[link\]](#)

<sup>121</sup> House Bill 2023 (2022) [\[link\]](#)

<sup>122</sup> City of Seattle. (n.d.) *Office of Labor Standards*. Retrieved March 16, 2022. [\[link\]](#)

rights are violated with the OLS. OLS investigates complaints filed by workers who earn up to approximately 350 percent of the Federal Poverty Level (FPL), which is \$47,565 or \$22.87 an hour or less. Due to capacity, OLS prioritizes taking the most urgent and severe violations that impact the most workers. OLS also considers other factors when deciding to investigate a complaint, such as the type of industry and the potential for positive ripple effects in the industry. OLS refers workers to other resources if the office does not take further action on the case.

Workers can file a complaint with OLS anonymously, except when the complaint is about employer retaliation against a specific worker.<sup>123</sup> OLS investigates the entire company when a case is opened, so the office does not need to reveal the complainant's identity to the employer, unless the complaint is about employer retaliation against a specific worker. All workers affected by violations found in an OLS investigation will receive money owed to them, going back three years from the start of the investigation. OLS aims for investigations to take six to 12 months, but investigations sometimes take longer.

*City of Seattle – Seattle Department of Construction and Inspection (SDCI)* - Tenants in Seattle can enforce their rights through the courts, like all tenants in Washington. However, Seattle tenants have an additional option outside of the courts to enforce their rights by filing complaints with SDCI. SDCI enforces a variety of housing-related issues, such as:<sup>124</sup>

- housing and rental registration and inspection compliance;
- tenant relocation assistance due to development, emergency conditions, illegal units, and economic displacement;
- move-in costs and payment plans;
- just-cause eviction protections; and
- other tenant protections and building requirements in city code.

The SDCI complaint process may be more accessible for undocumented Seattle residents than utilizing the court process to enforce their tenant rights. Tenants do not need representation or knowledge about landlord-tenant law to file a complaint with SDCI, unlike most court action. SDCI does not ask tenants about their immigration status. SDCI is subject to public disclosure rules but does not disclose confidential information. Tenants may have to pay court costs to enforce their rights, depending on the situation, but they do not need to pay the City to file a complaint with SDCI.

Tenants can file complaints with SDCI via phone or an online form.<sup>125</sup> SDCI assigns the complaint to the relevant staff members who contacts the tenant to gather relevant information. Complaints filed with SDCI have risen significantly over the past several years. common tenant protection complaints SDCI receives include deposit returns, rent increases, eviction notices, and landlord entry without proper notices. The most common complaints SDCI receives about housing conditions include:

- kitchen issues like faulty appliances, leaking/clogged faucets, and lack of ventilation;
- bathroom issues like leaking clogged faucets, mold, and moisture;
- rodents, bugs, and other pests;

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<sup>123</sup> Seattle Office of Labor Standards. (n.d.) *A Worker's Guide to Office of Labor Standards Investigations*. Retrieved March 16, 2022. [\[link\]](#)

<sup>124</sup> Tallent, G. and Lumsden F. (2022, March 18). Seattle Department of Construction and Inspection. *Sustainability & Renters' Rights Committee Presentation*. Seattle City Council. [\[link\]](#)

<sup>125</sup> Tallent, G. and Lumsden F. (2022, March 18). Seattle Department of Construction and Inspection. *Sustainability & Renters' Rights Committee Presentation*. Seattle City Council. [\[link\]](#)

- broken locks and windows;
- and safety concerns like no smoke or carbon monoxide detectors.

SDCI prioritizes emergency housing conditions and eviction issues.<sup>126</sup> SDCI contacts the landlord after receiving a complaint. If SDCI finds a violation, it attempts to achieve voluntary compliance from the landlord to resolve issues faster and more efficiently, typically resulting in landlords rescinding illegal eviction notices, returning tenants' deposit, or making needed repairs. Voluntary resolution was possible in 40 percent of SDCI cases in 2021. In the 60 percent of cases where landlords do not comply, SDCI can use several enforcement methods, such as fines, notices of violations (NOV), penalties, citations, and referral to the city's legal team.<sup>127,128,129</sup>

SDCI's complaint process can take significant time to resolve tenant complaints if the landlord is non-compliant. When a landlord is non-compliant with the first outreach from SDCI, the City issues citations for the first two violations, then NOVs which must allow time for compliance. SDCI can issue penalties if the landlord does not meet the deadline required by the NOV, with enforcement requiring referral to the Seattle City Attorney. SDCI can also take the landlord to municipal court and record on title, which is when fines or penalties are charged against a property title.<sup>130</sup> Any fines or penalties recorded on a property title must be paid before the property can be sold or refinanced.

*Right to Reside with Family Protections in Seattle and Federal Way* - Recent immigrants often move in with family members to afford rent and access social support as they transition to a new area.<sup>131</sup> Family members may also need to move into another family member's rental unit to provide caregiving support to an elderly or disabled relative.<sup>132</sup> Families also live together due to cultural reasons.<sup>133</sup> Many immigrants to King County come from countries that are more likely to live in multigenerational households. In King County, BIPOC households are more likely to be multi-generational, meaning three or more generations live together, often including young adults.<sup>134,135</sup> The COVID-19 pandemic has also contributed to renters moving in with family members to offset the cost of rent.<sup>136</sup>

<sup>126</sup> Tallent, G. and Lumsden F. (2022, March 18). Seattle Department of Construction and Inspection. *Sustainability & Renters' Rights Committee Presentation*. Seattle City Council. [\[link\]](#)

<sup>127</sup> Tallent, G. and Lumsden F. (2022, March 18). Seattle Department of Construction and Inspection. *Sustainability & Renters' Rights Committee Presentation*. Seattle City Council. [\[link\]](#)

<sup>128</sup> Geoff Tallent, City of Seattle Department of Construction and Inspection. (2022, March 17). Email Communication to DCHS Staff.

<sup>129</sup> Tallent, G. and Lumsden F. (2022, March 18). Seattle Department of Construction and Inspection. *Sustainability & Renters' Rights Committee Presentation*. Seattle City Council. [\[link\]](#)

<sup>130</sup> Dulce, O'Sullivan, City of Seattle Department of Construction and Inspection. (2022, March 24). Email communication to DCHS staff.

<sup>131</sup> Schmidt, S. (2020, November 13) COVID-19, Staying at Home, and Immigrant Renter Families. *Latino Rebels*. [\[link\]](#)

<sup>132</sup> Centers for Disease Control and Prevention. (n.d.) Caregiving for Family and Friends – A Public Health Issue. [\[link\]](#)

<sup>133</sup> Balk, G. (2020, May 26). Household size could be contributing to King County's racial disparity in coronavirus cases. *The Seattle Times*. [\[link\]](#)

<sup>134</sup> Porter, E. (2018, April 10). Issaquah low-income renters fight to keep apartments. *KIRO 7*. [\[link\]](#)

<sup>135</sup> Balk, G. (2020, May 26). Household size could be contributing to King County's racial disparity in coronavirus cases. *The Seattle Times*. [\[link\]](#)

<sup>136</sup> Dougherty, C. (2021, February 6). Pandemic's Toll on Housing: Falling Behind, Doubling Up. *The New York Times*. [\[link\]](#)

In 2019, the City of Seattle passed Ordinance 125950 which requires landlords to allow the occupancy of a tenant, a tenant's immediate family, one additional person who is not a member of the tenant's immediate family, and the additional person's immediate family.<sup>137</sup> The total number of people allowed to live in the unit cannot violate occupancy limits established by local, state, or federal law.

Landlords can screen the person who is not a member of the tenant's family, but the landlord cannot use screening criteria beyond what was used to screen the original tenant.<sup>138</sup> Landlords can screen a tenant's immediate family member but can only exclude a tenant's immediate family member from the unit in limited circumstances. Federally assisted housing landlords, such as the Seattle Housing Authority, can exclude a tenant's immediate family member only if federal regulations require the denial, such as a denying a person with a lifetime sex offender registration requirement or a person convicted of manufacturing methamphetamine on the premises of federally assisted housing. Landlords who occupy the same rental unit or accessory dwelling unit may screen the additional tenant with the same criteria used to screen the original tenant.

In 2019, Federal Way voters passed Initiative 19-001.<sup>139,140,141</sup> The law created several tenant protections for Federal Way tenants, such as the right to reside with family.<sup>142</sup> The law prohibits landlords from evicting tenants or a tenant's immediate family members based on the tenant's immediate family members residing in the unit, unless the number of people violate occupancy limits under federal, state, or local law.<sup>143</sup>

The Seattle and Federal Way right to reside with family ordinances apply to approximately 38 percent of King County residents.<sup>144</sup> As of the writing of this report, other King County jurisdictions, such as Kenmore, are researching additional tenant protections, including a right to reside with family protection.<sup>145</sup>

### Analysis and Recommendations

Many undocumented residents are fearful of using the court system to enforce their rights because of the risk of being detained by the federal government. Through state and local legislation as well as court policy, Washington has attempted to ensure the courts are a safe place for undocumented residents, but the State and County are limited in the actions they can take regarding immigration because immigration is federally regulated. Outside of courts, undocumented residents are also afraid of other government institutions releasing personally identifiable information to federal immigration

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<sup>137</sup> City of Seattle Ordinance 125950 (2019) [[link](#)]

<sup>138</sup> City of Seattle Ordinance 125950 (2019) [[link](#)]

<sup>139</sup> King County Elections. (2019, November 5). *Ballot measures*. [[link](#)]

<sup>140</sup> King County Elections. (2019, November 26). *November 5, 2019 General Elections*. [[link](#)]

<sup>141</sup> The law defines immediate family member as a tenant's spouse, domestic partner, or partner in a committed intimate relationship; and parents, grandparents, children, grandchildren, siblings, nieces, and nephews, whether related by blood, marriage, domestic partnership, or committed intimate relationship.

<sup>142</sup> Federal Way Revised Code 20.05 (2019). [[link](#)]

<sup>143</sup> Federal Way Revised Code 20.05 (2019). [[link](#)]

<sup>144</sup> King County Department of Community and Human Services. (2021, May 19). *Regional Affordable Housing Dashboard*. [[link](#)]

<sup>145</sup> Karlinsey, R. City of Kenmore City Manager. (2021, December 20). *Residential Tenant Protection Memo*. [[link](#)]

enforcement. Laws passed at the state and county level restrict release of this information, but it is not fully dependable.

Residents rely on government institutions to enforce their rights under the law, so if an undocumented tenant wants to enforce their tenant rights, they will have to interact with a government entity in some way. The state legislature should implement a bill like House Bill 2023 that creates a summary proceedings process for enforcing tenant protections.<sup>146</sup> This action would most directly help undocumented tenants enforce their rights without going to court by enabling a community organization, local jurisdiction, or similar entity to file a petition on their behalf. This would relieve the undocumented person of the burden of going to court.

Enacting a right to reside with family ordinance for unincorporated King County would also create a path for an undocumented tenant to move into a unit with a documented family member and access tenant housing rights, in which case the documented household member could more comfortably enforce those rights if a disagreement with a landlord occurs.

Non-judicial government agencies focused on tenant protections can also help undocumented residents enforce their rights without going to court. However, these alternatives to the court process, such as government agencies or a quasi-judicial commission, would require significant funding that does not currently exist and should be prioritized for strategies that directly provide affordable housing access. Therefore, the Executive does not recommend this option at this time.

#### Commitments with Current Resources

The most straightforward way for undocumented tenants to avoid courthouses and other government agencies to enforce their rights is to allow another person to enforce their rights. With current resources, the Executive intends to take two main actions:

**ACTION 3: Support state legislation to reform the tenant rights enforcement process.<sup>147</sup> (minimal cost)**

**ACTION 4: Transmit to the King County Council a proposed Ordinance to create a right to reside with family in unincorporated King County. (cost \$25,000)**

*Support State Legislation that Reforms Tenant Rights Enforcement* - If the State Legislature changes the current process for enforcing landlord-tenant protections, tenants in unincorporated King County can avoid going to court themselves to enforce their rights. The Executive intends to support state legislation that reforms the tenant rights enforcement process, including:

- creating an expedited process to enforce tenants' rights so tenants do not need to wait months or years to resolve housing issues;

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<sup>146</sup> House Bill 2023 (2022). [\[link\]](#)

<sup>147</sup> See also further discussion of this action in [Section III.D.](#)

- allowing in some cases third-party organizations to go to court on behalf of tenants using the expedited process; and
- simplifying the process to enforce tenants’ rights so tenants can self-advocate without an attorney if necessary.

Upon state-level reform of the tenant rights enforcement process, the Executive will work with stakeholders to determine how to support community organizations to utilize the new legal pathway to ensure undocumented residents can enforce tenant protections without going to court themselves.

*Right to Reside with Family Ordinance* - Many undocumented residents have family members who are documented immigrants or U.S. citizens and could enforce tenant protections for their household.<sup>148</sup> The Executive commits to transmit to the King County Council a proposed ordinance to create a right to reside with family in unincorporated King County. If passed by Council, this law would allow undocumented tenants to move a documented family member into their unit to enforce the tenant protections on behalf of the household. This work will require 0.1 FTE in staff time, costing approximately \$25,000. The Executive expects to transmit the ordinance by the end of the second quarter of 2023. This timeline reflects diversion of staff resources to implementation of the King County Eviction Prevention and Rental Assistance Program (EPRAP) as part of COVID-19 response during 2021 and early 2022. It will also allow DCHS to engage with stakeholders as it develops the ordinance, including landlord organizations, tenant organizations, immigrant rights organizations who work with undocumented tenants, and unincorporated King County residents.

Protecting a tenant’s right to reside with their family also creates more housing stability for the community. Outside of Seattle and Federal Way, families countywide who move into rentals together currently risk eviction if the landlord prohibits the tenant from adding additional occupants. Different people define family differently, so the definition of family under the proposed ordinance will be flexible to meet the needs of the entire community.<sup>149,150</sup>

### **C. Recommendations on creating a "know your rights" campaign with the objective of spreading awareness of the new provisions in this ordinance.**

Policymakers have passed several tenant protection laws and allocated millions of dollars to rent assistance, especially during COVID, but many tenants are unaware of these protections and resources.<sup>151</sup> The Urban Institute surveyed tenants nationwide in 2021 about their awareness of rental assistance programs and the federal COVID-19 eviction moratorium. Only 28.3 percent of tenants who experienced challenges paying rent were aware of rental assistance programs, compared to 38.7 percent of tenants who did not experience challenges paying rent.<sup>152</sup> Vulnerable tenants are less aware of tenant protections and resources, increasing the possibility of a tenant’s eviction without exercising their rights.

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<sup>148</sup> Fwd.Us. (2021). *Pathways to Citizenship*. [\[link\]](#)

<sup>149</sup> Cataline Velasquez, Washington Immigrant Solidarity Network. (2022, March 29). Personal communication with DCHS staff.

<sup>150</sup> Jorge Baron, Northwest Immigrant Rights Project. (2022, March 30). Personal communication with DCHS staff.

<sup>151</sup> Goodman, L. & Choi, J. (2021, March 9). Landlords and Tenants Need More Information on Rental Assistance and Eviction Moratorium Policies. *Urban Institute*. [\[link\]](#)

<sup>152</sup> Goodman, L. & Choi, J. (2021, March 9). Landlords and Tenants Need More Information on Rental Assistance and Eviction Moratorium Policies. *Urban Institute*. [\[link\]](#)

### Overview of Other Policies

*City of Seattle* - The City of Seattle contracts with community-based organizations and legal aid organizations to educate Seattle tenants about their rights.<sup>153</sup> In 2022, the City contracted \$1,720,000 to 10 organizations to provide tenant education and services. Several of the organizations provide legal aid to tenants. The other organizations, like Be:Seattle and the Tenant’s Union, provide tenant education services. The City also contracted with organizations, such as the Interim Community Development Association, LGBTQ Allyship, United Indians of All Tribes Foundation, Villa Comunitaria, and West African Community Council, to provide tenant education services to specific communities. The City prioritized tenant education projects that utilized a variety of strategies to spread tenant rights awareness, such as providing tenants with example correspondence, door-to-door outreach, assistance with tenant organizing, and hosting community trainings.

*King County* - Through the VSHSL, King County invests \$6.2 million in several organizations to provide tenant education and services from 2020 to 2023. See [Section III.A](#) for more information about the eviction prevention and tenant education work King County has funded.

### Analysis and Recommendations

The Executive emphasizes that recognizing the merit of a potential renter protection program is different than considering which unit of government is best situated to implement that program and different than having the capacity, staffing, or funding to successfully implement a program.

Given King County’s limited authority over tenant protection laws, the Executive recommends supporting efforts at the State level to strengthen tenant protections and enforcement.

DCHS and DLS do not have the staff capacity or funding to research, design, or implement a renter protection information campaign or policy program. The Executive cannot recommend such programs at this time because they would require substantial new resources for successful implementation, and there is not an identifiable source for those resources.

***The Executive does not recommend a “know your rights” campaign at this time. DCHS and DLS do not currently have funding available to implement such a campaign. (cost \$530,000-\$780,000)***

**ACTION 5: The Executive will send the webpage recommended in [Section III.A](#) to community organizations and the King County Immigrant and Refugee Commission. (minimal cost)**

**ACTION 6: The Executive plans to revisit a “know your rights” campaign once more enforcement options are in place.**

Given the other actions necessary to ensure tenants have efficient avenues to enforce their rights, the

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<sup>153</sup> Seattle Department of Construction & Inspections. (n.d.) *Funding for Tenant Services*. [\[link\]](#) Retrieved March 29, 2022.

Executive intends to focus on addressing these needs (through actions such as those in Section III.B) and plans to revisit a “know your rights” campaign once more avenues are in place. With current resources, the Executive will send the webpage information recommended in Section III.A to community organizations and the King County Immigrant and Refugee Commission so they can distribute the information among the community.

Educating a tenant about their rights is important, but a “know your rights” campaign will only empower tenants if they first have access to enforce their rights, through the recommended state reforms to the enforcement process for tenants.<sup>154</sup>

DCHS and DLS do not currently have funding available to implement a “know your rights” campaign. Should funding be identified, a “know your rights campaign” would:

- procure multiple community-based partners representative of communities disproportionately impacted by housing instability to perform direct community outreach, host trainings, and answer individual tenant questions;
- utilize partnerships with multiple community-based organizations and the King County Immigrant Refugee Commission;
- develop communications materials, including digital media, earned media, newsletters, press releases and website copy to spread information about tenant protections in the King County Code;
- provide training to tenants about how to enforce their rights; and
- inform tenants about resources available to address rental assistance needs and civil legal assistance for individuals at-risk of eviction or in need of other legal remedies.

Staff at the organizations implementing the “know your rights” campaign need to speak languages other than English and communicate with tenants in a culturally competent manner. Organizations should be representative of King County’s BIPOC, LGBTQ, and immigrant communities and people with disabilities.

An effective “know your rights” campaign for tenants living in unincorporated King County would likely require at least five community-based organizations due to the large geographic size of the area, costing at least \$250,000 per year if these organizations used part-time staff and \$500,000 per year if these organizations used full-time staff. The “know your rights” campaign would also require an interpretation and translation budget of at least \$30,000 per year to support the translation of materials in multiple languages and to fund interpreters at community meetings. DCHS would need an additional full-time staff person to manage the contracts. Including all of these program components, the total cost of a “know your rights” campaign for unincorporated King County would be approximately \$530,000 to \$780,000 for one year.

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<sup>154</sup> See [Section III.B](#) for more information about potential state-level reforms to the tenant rights enforcement process.

## D Providing free legal representation, advice and other legal assistance to tenants facing eviction, harassment, disrepair, and other housing-related issues, including an analysis of the Right-to-Counsel law available through the New York City office of civil justice's legal representation program

*Overview of Tenant Legal Aid Providers in King County* - Several legal aid organizations provide King County tenants with legal representation and consultation.<sup>155</sup> Generally, tenants' household income must be at or below 200 percent FPL to receive services from local legal aid providers. A single person must make \$27,180 or less annually to meet the 200 percent FPL requirement.<sup>156</sup> A full-time worker earning the Washington minimum wage exceeds this threshold.<sup>157</sup> Legal aid providers report having limited capacity which has been exacerbated by the COVID-19 pandemic.<sup>158</sup> Most King County tenant attorneys focus on eviction defense over less urgent, though still important, issues like disrepair. Figure 6 provides an overview of the legal aid organizations serving King County, including people they serve, their scopes of work, and their staff capacity.

**Figure 6: Overview of Tenant Legal Aid Organizations in King County**

Legal Aid Organization	Clients Served	Landlord-Tenant Issues	Number of Attorneys
Eastside Legal Assistance Program (ELAP)	<ul style="list-style-type: none"> <li>King County residents whose income is at or below 200% FPL</li> <li>typically Bellevue, Kirkland, and South King County tenants</li> </ul>	<ul style="list-style-type: none"> <li>eviction defense</li> <li>disrepair issues</li> <li>security deposit returns</li> </ul>	<ul style="list-style-type: none"> <li>two full-time attorneys</li> <li>one full-time attorney</li> </ul>
King County Bar Association's Housing Justice Project (HJP)	<ul style="list-style-type: none"> <li>King County residents who are at or below 200% FPL or receive a public benefit</li> </ul>	<ul style="list-style-type: none"> <li>eviction defense</li> <li>illegal lockout and landlord harassment cases, depending on capacity<sup>159</sup></li> </ul>	<ul style="list-style-type: none"> <li>15 full-time attorneys</li> <li>seven non-attorneys who work on processing rental assistance, answering the hotline, and similar work</li> </ul>
Legal Counsel for Youth and Children (LCYC)	<ul style="list-style-type: none"> <li>King County young adults between the ages of 18 – 24 who are unstably housed</li> </ul>	<ul style="list-style-type: none"> <li>lease terminations</li> <li>disrepair issues</li> <li>landlord harassment</li> <li>payment agreements</li> <li>illegal lockouts</li> </ul>	<ul style="list-style-type: none"> <li>two full-time attorneys</li> <li>two part-time attorneys</li> </ul>

<sup>155</sup> See [Section III.A](#) for more information about the VSHSL eviction prevention strategy, which includes legal aid funding.

<sup>156</sup> U.S. Centers for Medicare & Medicaid Services. (2022) *Federal Poverty Level (FPL)*. [\[link\]](#)

<sup>157</sup> The 2022 Washington minimum wage is \$14.49. A minimum-wage worker who works 40 hours weekly earns \$30,139.20. Washington State Department of Labor & Industries. (2021, September). *Announcement*. [\[link\]](#)

<sup>158</sup> Edmund Witter, King County Bar Association Housing Justice Project Managing Attorney and former New York City Tenant Attorney (2022, April 19). Personal communication with DCHS staff.

<sup>159</sup> Illegal lockouts occur when a landlord changes the locks on a rental unit or otherwise locks a tenant out of a rental unit without going through an eviction process.

Legal Aid Organization	Clients Served	Landlord-Tenant Issues	Number of Attorneys
Northwest Justice Project (NJP)	<ul style="list-style-type: none"> <li>King County tenants who are documented, legal residents and below 200% FPL<sup>160</sup></li> </ul>	<ul style="list-style-type: none"> <li>subsidy terminations</li> <li>tenant screening issues</li> <li>unreasonable damages claims</li> </ul>	<ul style="list-style-type: none"> <li>four full-time attorneys</li> <li>three paralegals<sup>161</sup></li> </ul>
Tenant Law Center (TLC)	<ul style="list-style-type: none"> <li>tenants who are at or below 80 percent AMI</li> <li>typically Seattle tenants</li> </ul>	<ul style="list-style-type: none"> <li>eviction defense</li> <li>subsidy termination</li> <li>debt issues</li> <li>reasonable accommodations</li> </ul>	<ul style="list-style-type: none"> <li>two attorneys</li> <li>two full time and two part-time non-attorneys who perform paralegal or outreach work</li> </ul>

*Need in King County for Tenant Legal Representation* - In 2019, 4,471 eviction cases were filed in King County.<sup>162,163</sup> Based on the ideal attorney to case ratio provided by HJP, one attorney would serve approximately 60 to 80 tenants in eviction cases annually if all tenants appeared in court. King County would need approximately 56 to 75 attorneys to serve all the tenants who had an eviction case filed in 2019, far more than the number of attorneys who currently work on eviction cases. This is likely an underestimate of the legal need for eviction cases because Washington allows lawsuits, such as an eviction case, to start when the defendant, or the tenant in an eviction case, is served with legal paperwork, instead of when the case is first filed in court.<sup>164</sup> Many tenants will leave their rental unit when served with legal paperwork to avoid having the case filed in court and appearing in the public record, so any estimate of King County evictions relying on court record statistics is an undercount. This estimate does not account for any appeals process of an eviction judgment.

Non-eviction cases can require more of an attorney’s time, reducing the number of cases one attorney can work on annually. In most King County jurisdictions, tenants enforce their rights through the court system.<sup>165</sup> Based on the ratio provided by TLC and NJP, one attorney serves approximately 36 to 50 tenants in non-eviction cases.

The Washington legislature appropriated approximately \$11.1 million statewide for state fiscal year 2022 and \$12.9 million statewide for state fiscal year 2023 toward implementing the new Washington Right-to-Counsel program.<sup>166</sup> Washington will spend approximately \$1.44 per capita on this program in state fiscal year 2022, enough to meet only a fraction of the need.

<sup>160</sup> NJP receives federal funding that restricts their ability to serve undocumented residents. The funding King County provides to NJP is to serve tenants who are veterans.

<sup>161</sup> NJP reports the three paralegal positions will be reduced to one position in the coming months.

<sup>162</sup> King County Bar Association’s Housing Justice Project. (n.d.) *2019 – A Year of Evictions*. Retrieved April 19, 2022. [\[link\]](#)

<sup>163</sup> 2019 is a better measure for evictions than 2020 or 2021 because the COVID-19 eviction moratoriums prevented landlords from filing evictions that they may have otherwise filed.

<sup>164</sup> Cookson, T., Diddams, M., Maykovich, X., & Witter, E. (2018, September). *Losing Home: The Human Cost of Eviction in Seattle*. *Seattle Women’s Commission and King County Bar Association Housing Justice Project*. [\[link\]](#)

<sup>165</sup> See [Section III.B](#) for more information about tenant protection enforcement.

<sup>166</sup> Engrossed Substitute Senate Bill 5693, Section 116(7) (2022). [\[link\]](#)

*New York City, New York Office of Civil Justice Legal Representation Program* - In New York City (NYC), landlord-tenant issues are heard in NYC Housing Courts, courts dedicated specifically to landlord-tenant cases.<sup>167</sup> In 2017, NYC passed a Right-to-Counsel law that guaranteed full legal representation for certain low-income tenants at or below 200 percent FPL with evictions in NYC Housing Court.<sup>168,169, 170</sup> Only tenants in high-need zip codes were covered by the program until the law was expanded in 2020 to cover all low-income tenants with evictions in housing court.<sup>171</sup> New York City used existing legal aid funding to create the Right-to-Counsel program.<sup>172</sup> While tenants only have the right to an attorney in cases of eviction, NYC legal aid organizations represent tenants in non-eviction housing matters.

In fiscal year 2020, 37,919 households consisting of 92,253 individuals received Office of Civil Justice (OCJ)-funded legal services in landlord-tenant matters.<sup>173</sup> Of the households assisted, 65.2 percent received legal aid for eviction proceedings in either the NYC Housing Court or New York City Housing Authority (NYCHA) Administration Eviction Proceedings.<sup>174</sup> Approximately 34.8 percent of tenant households served by OCJ-funded legal aid providers received assistance in other housing cases, such as disrepair issues. Approximately 86 percent of households represented by legal aid during an eviction proceeding were able to stay housed in their unit.<sup>175</sup> Tenant attorneys and social workers also work in the Housing Court to provide wraparound services to tenants.<sup>176</sup>

To achieve these results, the OCJ contracts significant resources with nonprofit legal aid providers to provide New York Residents legal assistance and representation on tenant, foreclosure, immigration, and worker issues.<sup>177</sup> In city fiscal year 2021, the OCJ provided \$124.5 million in contracts to civil legal aid organizations for tenant legal services and representation in eviction, harassment, disrepair, and other housing cases. New York City spent approximately \$14.14 per capita on this program in 2021, nearly 10 times what Washington will spend on its Right-to-Counsel program in state fiscal year 2022.

*Analysis of the Right-to Counsel Law available through the New York City Office of Civil Justice’s Legal Representation Program* - Providing legal representation to tenants is only one component of fully meeting a tenant’s need. New York’s social services are integrated with legal aid organizations, working together to prevent eviction and address underlying issues that put a tenant’s housing stability at risk. New York’s Right-to-Counsel Program is successful because:

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<sup>167</sup> Andra Kranzler. Tenant Law Center. (2022, February 18). Email Communication to DCHS Staff.

<sup>168</sup> Andra Kranzler. Tenant Law Center. (2022, February 18). Email Communication to DCHS Staff.

<sup>169</sup> New York City. (n.d.) *Housing Court for Tenants and Landlords*. Retrieved February 18, 2022. [\[link\]](#)

<sup>170</sup> New York City Local Law 2017/136. (2017, August 11). [\[link\]](#)

<sup>171</sup> New York City Local Law 2021/054. (2021, May 11). [\[link\]](#)

<sup>172</sup> New York City Local Law 2017/136. (2017, August 11). [\[link\]](#)

<sup>173</sup> New York City Office of Civil Justice. (2020). *NYC Office of Civil Justice 2020 Annual Report*. New York City Department of Social Services. [\[link\]](#)

<sup>174</sup> New York City Office of Civil Justice. (2020). *NYC Office of Civil Justice 2020 Annual Report*. New York City Department of Social Services. [\[link\]](#)

<sup>175</sup> New York City Office of Civil Justice. (2020). *NYC Office of Civil Justice 2020 Annual Report*. New York City Department of Social Services. [\[link\]](#)

<sup>176</sup> Eaton, L. and Kaufman, L. (2005, April 26). In Problem-Solving Court, Judges Turn Therapists. *The New York Times*. [\[link\]](#)

<sup>177</sup> New York City Office of Civil Justice. (2020). *NYC Office of Civil Justice 2020 Annual Report*. New York City Department of Social Services. [\[link\]](#)

- legal aid is connected to centralized social services to allow tenants to access financial resources or other services to address underlying problems that lead to eviction or other housing issues;
- landlord-tenant cases are litigated in front of specialized judges who deeply understand landlord-tenant law and available social services;
- New York’s judges have broader discretion than Washington judges, allowing them to better consider all factors in a case and available resources to order alternatives to eviction; and
- New York has an expedited legal process, allowing tenants to enforce their rights faster and more effectively than Washington tenants.

In King County, by contrast, social services are not closely integrated with legal aid services, judges hearing cases are not specialized in landlord-tenant law, and Washington tenants do not have a meaningful way to enforce their rights.

- Centralized Social Services - NYC Right-to-Counsel attorneys have access to a wide range of centralized social services that help prevent a tenant from being evicted, unlike King County tenant attorneys. Addressing the acute legal need of a tenant does not always address the underlying need of a tenant. For example, a tenant facing eviction for nonpayment of rent ultimately needs affordable housing and financial resources. Legal aid can delay an eviction in nonpayment cases for reasons like an invalid eviction notice, but if a tenant needs financial assistance, they need to be connected to a rental assistance program or a case manager who could help them access public benefits like Temporary Assistance for Needy Families (TANF) and similar programs. Legal aid attorneys can negotiate agreements for tenants facing eviction due to a mental health need, such as hoarding behavior, but such tenants may also need case management support to fulfill the requirements of the agreement. A tenant who is living in a unit in severe disrepair might prefer to move rather than navigating the legal process to get the landlord to repair it but may not have the resources to move to a better unit.

For example, when a New York City senior received an eviction notice due to hoarding behaviors, she contacted Eviction Intervention Services (EIS), a social service organization that offered the tenant crisis intervention and connected her with legal representation.<sup>178</sup> The tenant’s attorney brought evidence to court that the tenant was working with the nonprofit to address the problem, so the judge postponed the eviction. The nonprofit cleaned the unit and the tenant received weekly home visits from a social worker and eventually accepted mental health services. The tenant stayed housed and significantly curbed her hoarding behaviors, reducing the future risk of eviction.

In 2005, the United Way of New York City (UWNYC), NYC Housing Court, and NYC Department of Homelessness Services (DHS) launched a pilot Housing Help Program in the Bronx that worked to address tenant problems underlying an eviction case.<sup>179</sup> Over 90 percent of families served by the program had at least one primary social service need outside of housing legal help, such as substance use, domestic violence, mental health, and other needs.<sup>180</sup> Approximately 88 percent of all clients received at least one hour of social services, such as mental health assessments, financial

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<sup>178</sup> Rodriguez, C., Panero, L., & Tannen, A. (2010). Personalized intervention for hoarders at risk of eviction. *Psychiatric Services* (Washington, D.C.), 61(2), 205. [\[link\]](#)

<sup>179</sup> Hoffman, L. (2010, June). *Housing Help Program Homelessness Prevention Pilot Final Report*. Seedco. [\[link\]](#)

<sup>180</sup> Hoffman, L. (2010, June). *Housing Help Program Homelessness Prevention Pilot Final Report*. Seedco. [\[link\]](#)

literacy counseling, childcare counseling, benefits advocacy, and food pantry referrals.<sup>181</sup> Approximately four percent of clients received 10 or more hours of social services to address more intensive needs that were connected to future homelessness risk.<sup>182</sup>

Eligible NYC tenants also have access to an eviction prevention program called Family Homelessness and Eviction Prevention Supplement (FHEPS).<sup>183</sup> The program serves families who have been evicted or are in the process of being evicted. Tenants can receive up to \$20,000 in back rent and a rental supplement moving forward for up to five years with the possibility of an extension.<sup>184</sup> Legal aid attorneys often file the FHEPS application with the appropriate agency for a tenant with an active eviction case.<sup>185</sup> The attorneys monitor the court case and ensure the court provides any necessary extensions so the agency could process the application prior to the court taking any legal action against the tenant. Once the FHEPS application is approved, the attorneys ensure the landlord receives payment and the eviction case is dismissed.

- Specialized Judges - Landlord-tenant cases are handled in the New York City Housing Courts. New York City established Housing Courts throughout the city in 1972 with the goal of solving the underlying problem that led tenants to court in the first place, such as lack of financial resources, lack of case management, or housing in disrepair.<sup>186</sup> In these courts, judges who specialize in landlord-tenant law and have a deep understanding of the social safety net oversee landlord-tenant cases.<sup>187</sup> For example, New York City judges are provided with bench cards which summarize the relevant landlord-tenant law and the services and referrals available for tenants.<sup>188</sup> This enables them to resolve cases in a way that benefits all parties and the broader community
- Legal Process - While New York City's Right-to-Counsel program only applies to eviction cases, legal aid providers do work on other housing issues.<sup>189</sup> New York tenants enforce their rights through an expedited legal process that does not require extensive pre-hearing legal work, which allows cases like disrepair issues, to be adjudicated quickly. The courts have the authority send inspectors to inspect housing disrepair allegations.<sup>190</sup> The judge can order the landlord to make repairs or send the case to a trial if the landlord refuses to enter into an agreement with the tenant.<sup>191</sup> Washington

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<sup>181</sup> Hoffman, L. (2010, June). *Housing Help Program Homelessness Prevention Pilot Final Report*. Seedco. [\[link\]](#)

<sup>182</sup> Hoffman, L. (2010, June). *Housing Help Program Homelessness Prevention Pilot Final Report*. Seedco. [\[link\]](#)

<sup>183</sup> New York City Human Resources Administration Department of Social Services (2022, February 11). *Family Homelessness & Eviction Prevention Supplement (FHEPS) Fact Sheet* [\[link\]](#)

<sup>184</sup> New York City Human Resources Administration Department of Social Services (2022, February 11). *Family Homelessness & Eviction Prevention Supplement (FHEPS) Fact Sheet* [\[link\]](#)

<sup>185</sup> Edmund Witter, King County Bar Association Housing Justice Project Managing Attorney and former New York City Tenant Attorney (2022, April 19). Personal Communication with DCHS Staff

<sup>186</sup> Kaye, J. & Lippman, J. (1997, September). *Breaking New Ground* New York State Unified Court System.

<sup>187</sup> Eaton, L. and Kaufman, L. (2005, April 26). In Problem-Solving Court, Judges Turn Therapists. *The New York Times*. [\[link\]](#)

<sup>188</sup> Ignacio, J., Laurel, F., Lopez, R., and Rotter, M. (2021, November). *Eviction Prevention and Mental Health a New Paradigm for Civil Justice Reform*. Center for Court Innovation. [\[link\]](#)

<sup>189</sup> New York City Office of Civil Justice. (2020). *NYC Office of Civil Justice 2020 Annual Report*. New York City Department of Social Services. [\[link\]](#)

<sup>190</sup> Housing Court Answers. (n.d.) *How do I prepare for my HP action court date?* Retrieved May 3, 2022. [\[link\]](#)

<sup>191</sup> Housing Court Answers. (n.d.) *If your landlord refuses to make the repairs or does not show up in court*. Retrieved May 3, 2022. [\[link\]](#)

tenants must navigate a longer, less accessible legal process to enforce their rights, as compared with the options available to New York tenants.<sup>192</sup>

### Analysis and Recommendations

The Executive commits to several actions to expand access to free legal representation, advice, and other legal assistance to tenants facing eviction, harassment, disrepair, and other housing-related issues:

**ACTION 3: Support state legislation to reform the tenant rights enforcement process.<sup>193</sup> (minimal cost)**

**ACTION 7: Within a potentially renewed VSHSL, explore increasing capacity for free civil legal representation for eligible persons in eviction and other housing-related matters. (cost undetermined)**

**ACTION 8: Within a potentially renewed VSHSL, explore opportunities to coordinate existing legal services for eviction prevention with social services. (cost undetermined)**

**ACTION 9: Recommend future engagement with King County Superior Court to provide the court with feedback and data from Executive-administered programs and program participants that can inform court efforts to train staff, such as commissioners, on how to work with interpreters, on tenant protections connected to different federal funding, on social safety net programs, on implicit bias, and on related topics. (cost undetermined)**

Currently, most tenants must enforce their rights through a traditional court process.<sup>194</sup> The complexity of enforcing tenant rights regarding eviction, harassment, disrepair, and other housing-related issues requires attorneys who can dedicate significant time litigating a case. Legal aid providers do not have the capacity to fully meet the need for all tenants facing eviction, let alone tenants facing harassment, disrepair, or other housing issues.

### Commitment with Current Resources

*Support State Legislation that Reforms Tenant Rights Enforcement* - As detailed in Section III.B, the Executive intends to support state legislation that would create an improved, expedited legal process for tenant rights enforcement.<sup>195</sup> Legal aid providers would likely have capacity to serve more tenants if the State Legislature simplified the process for tenant rights enforcement. Landlords already use an expedited legal process to evict tenants. Giving tenants similar opportunities to resolve problems efficiently would rectify an imbalance of power between landlords and tenants. Simplifying the tenant rights enforcement process would also allow some tenants to self-advocate to the court, likely easing the pressure on legal aid organizations.

### Potential Solutions if Additional Resources are Identified

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<sup>192</sup> See [Section III.B](#) for more information about tenant rights enforcement in Washington.

<sup>193</sup> See also further discussion of this action in [Section III.B](#).

<sup>194</sup> See [Section III.B](#) for more information about tenant rights enforcement in Washington.

<sup>195</sup> Revised Code of Washington 59.12 [[link](#)]

*Increase Capacity for Civil Legal Aid Organizations Representing Tenants* - Access to legal representation is critical to ensuring renters can enforce their rights under the King County Code. However, implementing free legal representation for all tenants in need of an attorney continues to be cost-prohibitive for King County government. While the Executive does not recommend creating a County-level right to legal counsel in housing matters beyond what is provided under State law, the Executive intends as part of planning for the next VSHSL to explore increasing the capacity for free civil legal representation for eligible persons in eviction and other housing-related matters.

The State's Right-to-Counsel program provides funding for 10 attorneys to represent King County tenants facing eviction.<sup>196</sup> DCHS funds approximately 2.5 attorneys and several support staff. The funded organization, HJP, estimates it will have approximately 2,500 eviction cases annually in which tenants appear, requiring at a minimum 34 attorneys to represent these tenants. HJP estimates that the 21.5 more attorneys needed to represent just the tenants who appear in court would cost over \$3.5 million annually.<sup>197</sup> Based on 2019 eviction volume, it would cost more than double this amount to provide an attorney for all tenants who have an eviction case filed.<sup>198,199</sup>

Even if the County and state each increase tenant attorney funding, legal aid organizations will likely still have to prioritize the most urgent cases or narrow their scope. Funding for this use will compete for priority with investments in affordable housing development and construction, which is the Executive's top priority for housing-related public funding.

*Coordinate Legal Services with Social Services* - To maximize the effectiveness of state-provided rental assistance and eviction prevention resources, the Executive will explore opportunities to coordinate existing legal services for eviction prevention with coordinated social services within a potentially renewed VSHSL's strategy to prevent inappropriate housing loss. Such services would aim to:

- prioritize supporting tenants facing imminent eviction with financial resources to prevent eviction and social services to address underlying issues that lead to eviction, such as helping tenants apply for benefits, access mental health services, or move to a more affordable unit; and
- perform outreach to tenants with court-filed eviction cases to prevent them from automatically being evicted for not appearing in the court case.

*Train Court Staff Who Work on Eviction Cases* - Executive identifies the potential benefits of providing courts with feedback and data from Executive-administered programs and program participants that can inform court efforts to train staff, such as commissioners, on how to work with interpreters, on tenant protections that are connected to different federal funding, on social safety net programs, on implicit bias, and on related topics. The Executive identifies this potential benefit while respecting the independence of the Courts and recognizing that judges in King County are themselves elected.

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<sup>196</sup> Edmund Witter, King County Bar Association Housing Justice Project Managing Attorney and former New York City Tenant Attorney (2022, April 19). Personal communication with DCHS staff.

<sup>197</sup> HJP budgets approximately \$165,000 for one attorney. HJP's estimates assume approximately 55 percent of tenants do not appear in their eviction case and that HJP will not represent these tenants.

<sup>198</sup> King County Bar Association's Housing Justice Project. (n.d.) *2019 – A Year of Evictions*. Retrieved April 19, 2022.

[\[link\]](#)

<sup>199</sup> 2019 is a better measure for evictions than 2020 or 2021 because the COVID-19 eviction moratoriums prevented landlords from filing evictions that they may have otherwise filed.

Unlike New York City’s Housing Courts, the King County Superior Court assigns eviction cases to court commissioners who hear a variety of legal cases, so commissioners do not specialize exclusively in evictions. In addition, implicit bias exists in the court system.<sup>200</sup> Judges in King County have identified the importance of keeping improper biases “out of the courtroom.”<sup>201</sup> Evictions disproportionately impact BIPOC tenants and tenants experiencing poverty, so judges need to be aware of their own implicit bias to reduce racism within the court system.<sup>202,203</sup> Specialized training helps achieve this goal.

Tenants facing eviction also may have language barriers and require translation services, so courts may benefit from continued emphasis on increase language access and incorporating translation services effectively into a courtroom. In addition, the eviction reforms passed by the State Legislature allow tenants to delay or prevent an eviction by utilizing social safety net programs, so it is important for the courts to be aware of and fully understand what programs exist as the local, state and federal levels as well as how these programs work so tenants can effectively assert their rights.

**E. Providing a phone number for tenants who believe their rental agreement has been unlawfully terminated or who believe a landlord failed to renew a rental agreement unlawfully. The phone number should be staffed by the department of community and human services, the department of public defense, or a designee to provide information on protections afforded to tenants in state law and King County Code. The plan shall include an analysis of the level of funding the executive would need to create and staff such a phone number.**

King County tenants have several existing hotlines they can call to access legal advice, tenant counseling, and resources. The organizations managing these hotlines have limited capacity to meet the demand, especially with the growing need caused by the pandemic. DCHS provides funding to 211, HJP, and Tenants Union (TU), but not explicitly to provide advice to tenants about their rights.

*King County Information Line* - King County Executive Customer Service staffs and operates the main county information line, an email inbox, and a “contact us” form for County residents that that allows staff to route and respond to customer inquiries for all agencies and separately elected offices.<sup>204</sup> The main information line received 66,920 total calls in 2021. Most callers self-referred to agencies and departments using the phone menu. Executive Customer Services staff handled 14,865 of these calls in English, which included approximately 300 callers needing assistance in Spanish, Russian, or Vietnamese. When a caller needs interpretation, County staff dial Language Line, an interpretation service with whom the county contracts for live interpretation in 85 languages.<sup>205</sup>

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<sup>200</sup> Kang, J., Bennett, M., Carbado, D., Casey, P., & Levinson, J. (2012). Implicit bias in the courtroom. *UCLA Law Review*, 59(5), 1124-1187. [\[link\]](#)

<sup>201</sup> King County Superior Court and King County District Court. Unconscious bias – does it impact your decisions? [\[link\]](#)

<sup>202</sup> George, T. and Yoon, A.(2017)/ Measuring Justice in State Courts: The Demographics of the State Judiciary, *Vanderbilt Law Review*, 70(6), 1887-1910. [\[link\]](#)

<sup>203</sup> Cookson, T., Diddams, M., Maykovich, X., & Witter, E. (2018, September). Losing Home: The Human Cost of Eviction in Seattle. *Seattle Women’s Commission and King County Bar Association Housing Justice Project*. [\[link\]](#)

<sup>204</sup> Residents can call 206-296-0100 or 1-800-325-6165 to reach the main county information line.

<sup>205</sup> King County. (2021, May 25). *Language Access for Limited English-Speaking Populations*. [\[link\]](#)

The call system does not collect data on the specific topic of eviction prevention or rent-related issues. However, most calls for DCHS were for this topic, and totaled approximately 996 calls in 2021. Executive Customer Service staff managed 9,771 customer inquiries that came in through the “contact us” form on the main county website in 2021, the second year with a record number of inquiries and more than double pre-pandemic levels. Of the 383 inquiries last year routed to or involving DCHS, 218 (or about 57 percent) related to rent or eviction. This does not include the approximately 100 inquiries that were routed to other agencies, such as the King County Sheriff’s Office, for issues related to rental assistance or evictions and COVID. When residents call the customer service hotline for support on eviction prevention support, tenant legal aid, or similar issues, Customer Service staff refer the caller to DCHS or relevant regional and community resources, depending on their location and need.<sup>206</sup>

*211* - Crisis Connections manages the 211 hotline that refers callers to resources.<sup>207</sup> The organization’s 211 specialists complete an intake process with callers that includes collecting demographic information, zip code, and the specifics of the caller’s need.<sup>208</sup> 211 refers tenants calling for legal services to the appropriate legal aid provider based on the screening. In 2021, 211 provided tenant legal aid information and referrals to approximately 2,200 callers. As of February 28, 2022, 211 has provided the same assistance to approximately 700 calls since the beginning of the year.

*Housing Justice Project Hotline* - In March 2020, HJP launched a hotline for tenants.<sup>209</sup> Tenants call the hotline and leave a voicemail. Tenants can also email and fill out a webform to request legal assistance. HJP offers tenants legal advice and screens tenants for eligibility for legal representation if tenants have an eviction-related issue. HJP will refer tenants with other legal problems to other organizations, such as ELAP, NJP, and TLC. Three full-time staff members and several volunteers monitor the hotline. HJP reports it can take up to three days to respond to voicemails given its limited staff capacity. HJP has received over 12,000 calls since launching the hotline at the beginning of the pandemic. As of February 2022, HJP receives approximately 40 to 90 calls from tenants daily. HJP estimates they would need at least two additional full-time staff to respond to tenants in a 24-hour period or less. King County provides funding for HJP, but not explicitly for a hotline. For more information about HJP, please refer to Section III.D.

*Tenants Union of Washington Hotline* - The Tenants Union of Washington (TU) manages a hotline for tenants to call for tenant counseling.<sup>210</sup> Four staff members and two volunteers answer calls live and return missed calls and voicemails from tenants. Tenants can request live translation services during the call. The hotline is open during daytime hours Monday through Saturday.<sup>211</sup> Tenants call staff with questions regarding issues such as high rent increases, eviction, and disrepair concerns. Staff tell tenants who call the hotline about their rights and refer them to legal resources if necessary. TU reports calls have tripled since the COVID-19 pandemic started and estimates they need three more full time staff to keep up with the number of calls received.

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<sup>206</sup> King County. (2020) *Customer Service Guide 2020*. [\[link\]](#)

<sup>207</sup> Crisis Connections. King County 2-1-1. [\[link\]](#)

<sup>208</sup> Tiffany Olson. Crisis Connections. (2022, February 28). Email communication with DCHS staff.

<sup>209</sup> Edmund Witter. King County Bar Association’s Housing Justice Project. (2022, February 22). Email communication with DCHS staff.

<sup>210</sup> Violet Lavatai, Tenant’s Union of Washington State. (2022, February 24). Personal communication with DCHS staff.

<sup>211</sup> Tenants Union of Washington State. (n.d.). *Tenant Counseling*. Retrieved March 14, 2022. [\[link\]](#)

*Washington Immigrant Solidarity Network* - The Washington Immigrant Solidarity Network (WAISN) launched a deportation defense hotline in 2016 to take reports about ICE activities, arrests, and raids so the community could respond.<sup>212</sup> In response to the COVID-19 pandemic, WAISN transformed their deportation defense hotline to include referrals for support on health care access, worker rights, rent assistance, and similar issues. WAISN has built relationships with legal aid organizations to provide information about tenant rights to undocumented residents. The hotline runs 12 hours daily and is operated by both staff members and volunteers. Callers can also leave voicemails if their call is not answered. Most staff and volunteers are bilingual Spanish and English speakers, and they use an interpretation service for other languages. In 2021, WAISN's hotline received almost 30,000 calls.

#### Analysis and Recommendations

As noted above, DCHS and DLS do not have the staff capacity or funding to research, design, or implement a renter protection information campaign or policy program. The Executive cannot recommend such programs at this time because they would require substantial new resources for successful implementation, and there is not an identifiable source for those resources.

***The Executive does not recommend creating a County-operated hotline. (cost \$1.3 million per year)***

**ACTION 10: Continue to rely on the customer service hotline to refer tenants to the applicable resource such as 211 or the webpage recommended in [Section III.A](#). (cost minimal)**

**ACTION 11: As part of the planning process for a potentially renewed VSHSL, explore increasing funding for civil legal aid and tenant organizations that supports non-attorney staff to connect with more tenants through existing hotlines. (cost undetermined)**

The Executive does not recommend creating a County-operated hotline because:

- the County does not have the internal infrastructure necessary to launch a hotline, and creating the necessary infrastructure would be both more expensive than supplementing existing hotlines;
- legal aid and community-based organizations already operate tenant hotlines, so creating an additional hotline would duplicate existing resources without any additional benefit; and
- tenant protections in the King County code only apply to unincorporated King County, but tenants from all over the County would likely call this hotline and County staff would be very limited in providing tenants any support or advice.

Based on the estimates provided by local organizations, the Executive would require at least five additional full-time employees, administrative costs, and interpretation services costing at least \$1.3 million annually to operate a hotline within a County department.<sup>213</sup> In contrast, based on estimates from existing hotline operators, supplementing existing hotlines would be more affordable because

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<sup>212</sup> Christy Korow, Washington Immigrant Solidarity Network. (2022, April 28). Email communication with DCHS staff.

<sup>213</sup> This estimate assumes the program would require the hiring of a Project Program Manager (PPM) III, 3 PPMIIs, and 1 PPMI.

these organizations already have the necessary infrastructure for a tenant hotline. King County tenants have several existing hotlines to call for information about their rights and to get connected to legal aid.

Local partners receive thousands of calls annually from tenants, and the County does not currently operate a tenant rights hotline. Creating a countywide hotline would duplicate existing services. In addition, DCHS anticipates many tenants will call the hotline asking about how the law applies to their specific situation. King County staff cannot provide legal advice to tenants, so staff would only be able to provide general information to tenants who called a government hotline. King County staff would only be able to refer tenants to legal aid providers, a task that King County and other jurisdictions currently fund 211 referral specialists to do.

This report finds that DCHS should not staff a tenant rights hotline that provides information on protections afforded to tenants in state law and King County Code, which is only applicable to tenants living in unincorporated King County. Residents do not always know they live in unincorporated King County, so it would likely be difficult to ensure the public understands that such a hotline only served unincorporated King County tenants.<sup>214</sup> Tenants throughout the entire County would likely call the hotline, not just tenants in unincorporated King County.

Instead of creating a new hotline, the Executive will continue to rely on the customer service hotline and will refer tenants who believe their rental agreement has been unlawfully terminated or who believe a landlord failed to renew a rental agreement unlawfully to the applicable resource such as 211 or the webpage recommended in Section III.A.

Additionally, as part of the planning process for a potentially renewed VSHSL, the Executive will explore increasing funding for civil legal aid and tenant organizations that supports non-attorney staff to connect with more tenants through existing hotlines. Also as part of a potentially renewed VSHSL, the Executive intends to maintain the flexibility of existing civil legal funding that allows these organizations to respond to tenant requests for help, advice, and information about relevant resources rather than too restrictively limiting legal aid organizations to providing only a few types of assistance. By investing in existing infrastructure, this provides a more cost-efficient option than a new county-operated hotline.

#### **IV. Conclusion and Next Actions**

This plan's recommendations will expand knowledge of and access to tenant protections in the King County Code. The Executive intends to implement several recommendations in this plan using existing resources and will explore potential additional resources that are needed to make other recommendations possible. Two strategies discussed in this plan are not recommended.

Figure 7 lists the recommendations that can be implemented with existing resources.

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<sup>214</sup> Many tenants and landlords served in the King County Eviction Prevention and Rental Assistance Program were not aware they lived in unincorporated areas, so many people mistakenly thought emergency COVID-19 tenant protections passed by cities like Seattle, applied to them.

**Figure 7: Recommendations to be Implemented with Existing Resources**

Recommendation	Anticipated Timeframe	Estimated Cost using Existing Resources
The Executive will create and maintain a landing page on the County website with basic information about the tenant protection ordinances adopted by King County.	Completed by Fourth Quarter of 2022	\$50,000 (0.1 FTE staff time and translation costs)
The Executive will send the webpage to community organizations and the King County Immigrant and Refugee Commission.	Completed by Fourth Quarter of 2022	Minimal
The Executive intends to support state legislation that: <ul style="list-style-type: none"> <li>• creates an expedited process to enforce tenants’ rights so tenants do not need to wait months or years to resolve housing issues;</li> <li>• allows in some cases third-party organizations to go to court on behalf of tenants using the expedited process; and</li> <li>• simplifies the process to enforce tenants’ rights so tenants can self-advocate without an attorney if necessary.</li> </ul>	Upcoming state legislative sessions	Minimal
If the State Legislature passes legislation reforming the tenant rights enforcement process, the Executive will work with stakeholders to determine how to support community organizations in utilizing the new legal pathway for tenant rights enforcement.	Dependent upon when state legislation reforming tenant rights enforcement passes	Minimal
The Executive commits to transmit to the King County Council a proposed ordinance to create a right to reside with family in unincorporated King County. This law would allow undocumented tenants to move a documented family member into their unit who could enforce tenant protections on behalf of the household.	Transmitted to Council by Second Quarter of 2023	\$25,000 (0.1 FTE staff time)

The Executive has not identified specific funding for the recommendations listed in Figure 8. A potential VSHSL renewal may be a revenue source for some of these recommendations, but the County is in very preliminary stages of VSHSL renewal planning. The recommendations in this plan do align with the intent of the current VSHSL. The current levy expires December 31, 2023.<sup>215</sup> DCHS is compiling information about VSHSL strategy implementation to date, incorporating feedback from community partners and their own learnings about successes, challenges, and lessons learned, and recommendations for improvement. DCHS is also hosting several community meetings and informational presentations for people who live or work in King County to receive a brief introduction to

<sup>215</sup> To begin the discussion and planning process, the County Council passed Motion 16129 requesting a report from the Executive assessing the current VSHSL and proposing recommendations for a renewed levy. Motion 16129. (2022). [\[link\]](#)

the VSHSL and its possible renewal and provide input to inform renewal planning. The assessment report, due to the Council in July 2022, will inform deliberations about the potential renewal of the VSHSL. DCHS will explore the costs of many of the recommendations in Figure 8 through the VSHSL renewal planning process.

**Figure 8: Recommendations to be Explored with Future Resources**

<b>Recommendation</b>
As part of a potentially renewed VSHSL, the Executive intends to explore opportunities to support community-based organizations and legal aid organizations in developing educational materials like a renter’s handbook or similar material.
While the Executive does not recommend creating a County-level right to legal counsel in housing matters beyond what is provided under State law, the Executive intends as part of planning for a potentially renewed VSHSL to the Executive will partner with legal aid providers to explore increasing capacity for free civil legal representation for eligible persons in eviction and other housing-related matters.
As part of the planning process for a potentially renewed VSHSL, or if an alternate funding source is identified, to maximize the effectiveness of state rental assistance and eviction prevention resources, the Executive will explore opportunities to connect existing legal services for eviction prevention with coordinated social services within a potentially renewed VSHSL’s strategy to prevent inappropriate housing loss. Such services would aim to: <ul style="list-style-type: none"> <li>○ prioritize supporting tenants facing imminent eviction with financial resources to prevent eviction and social services to address underlying issues that lead to eviction, such as helping tenants apply for benefits, access mental health services, or move to a more affordable unit; and</li> <li>○ perform outreach to tenants with court-filed eviction cases to prevent them from automatically being evicted for not appearing in court.</li> </ul>
As part of the planning process of a potentially renewed VSHSL, the Executive intends to maintain the flexibility of existing civil legal funding that allows these organizations to respond to tenant requests for help, advice, and information about relevant resources rather than too restrictively limiting legal aid organizations to providing only a few types of assistance. The Executive will also explore opportunities to increase this capacity of civil legal aid and other tenant organizations.
As part of the planning process of a potential renewal of the VSHSL, the Executive will explore increasing funding for civil legal aid and tenant organizations that supports non-attorney staff to connect with more tenants through existing hotlines.
The Executive recommends future engagement with King County Superior Court to provide the court with feedback and data from Executive-administered programs and program participants that may inform court efforts to train staff. DCHS does not have funding or staff for this purpose.

Figure 9 describes the strategies not recommended at this time and their estimated cost to implement. Currently, there is no identified funding for these strategies.

**Figure 9: Strategies not Recommended**

Strategies Not Recommended	Estimated Cost
The Executive does not recommend launching a “know your rights” campaign regarding tenant protections in King County code at this time. Given the other actions necessary to ensure tenants have efficient avenues to enforce their rights, the Executive intends to focus on addressing these needs through state legislative action and plans to revisit a “know your rights” campaign once more avenues are in place. <b>DCHS and DLS do not currently have funding available to implement a “know your rights” campaign.</b>	\$530,000 to \$780,000 annually
The Executive does not recommend creating a standalone county-run tenant hotline.	\$1.3 million annually

As identified above, the Executive emphasizes that recognizing the merit of a potential renter protection program is different than considering which unit of government is best situated to implement that program and different than having the capacity, staffing, or funding to successfully implement a program.

Given King County’s limited authority over tenant protection laws, the Executive recommends supporting efforts at the State level to strengthen tenant protections and enforcement.

DCHS and DLS do not have the staff capacity or funding to research, design, or implement a renter protection information campaign or policy program. The Executive cannot recommend such programs at this time because they would require substantial new resources for successful implementation, and there is not an identifiable source for those resources.

## V. Appendix A: Full Text of Ordinance 19311

AN ORDINANCE relating to tenant protections; amending Ordinance 383, Section 5, as amended, and K.C.C. 2.60.050, adding a new chapter to K.C.C. Title 12 and repealing Ordinance 16223, Section 3, and K.C.C. 12.47.010, Ordinance 16223, Section 4, and K.C.C. 12.47.020, Ordinance 16223, Section 5, and K.C.C. 12.47.030 and Ordinance 16223, Section 6, and K.C.C. 12.47.040.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

### SECTION 1. Findings:

A. The King County council finds that establishing this ordinance, a just cause and tenant protections ordinance, is necessary to protect the public health, safety and welfare.

B. Under a provision of the Washington state Residential Landlord-Tenant Act of 1973, RCW 59.18.290, landlords may not evict residential tenants without a court order, which under RCW 59.18.380 can be issued by a court only after the tenant has an opportunity to contest the eviction.

C. King County established the regional affordable housing task force in 2017 through Motion 14873. The task force's charge was to develop a recommended countywide affordable housing strategy.

D. The regional affordable housing task force released its Final Report and Recommendations in December 2018, and the King County council declared through Motion 15372 that recommendations contained therein represent the policy of the council.

E. The regional affordable housing task force's report included Census data that showed that more than one hundred twenty-four thousand low-income households in King County are severely cost burdened. Of those, eighty-eight percent, or one hundred nine thousand seven hundred households, earn fifty percent or less of area median income, meaning the county's poorest residents struggle most with housing costs. The report found that communities of color and renters are disproportionately likely to be severely cost burdened, paying more than half of their income toward housing costs. The report also included a recommended strategy of adopting ordinances to expand tenant protection and provide implementation support.

F. The Washington state Legislature passed Engrossed Substitute House Bill 1236, which became Chapter 212, Laws of Washington 2021. Those statutes establish just cause eviction regulations at the state level. This ordinance builds on those protections, to offer additional protections that are necessary for the public health, welfare and safety of the residents of King County. This ordinance includes the following additional protections:

1. A just cause for reducing the number of tenants in response to a notice and order. The county has regulations in place that limit the number of people that may reside in a dwelling unit. That just cause adds a protection for the landlord in a case where the county has found a violation of those regulations and the landlord seeks to comply with that notice, but the tenant continues in possession of the dwelling unit;

2. A just cause for a landlord who seeks to discontinue residential use of an accessory dwelling unit. Chapter 212, Laws of Washington 2021, does not contemplate accessory dwelling units as rental units. Accessory dwelling units are an important supply of rental housing in unincorporated King County, and this ordinance provides the same protections to tenants of those types of units as other types of rental housing;

3. Two just causes for owners seeking to discontinue renting out an owner's primary residence or an accessory dwelling unit on an owner's primary residential property. Those protections

provide an owner with more rights to discontinue renting out parts of their primary residence or primary residential property;

4. Protections for victims of a physical assault or the victim of the use or threatened use of a firearm or other deadly weapon. This ordinance clarifies the status of those victims, in order to provide them safe housing; and

5. A provision limiting security deposits to a maximum of one month's rent and capping late fees and administrative costs of the landlord. The county finds that use of these fees can pose a financial hardship for tenants, and placing a cap on these fees will allow more individuals and families to obtain stable housing.

NEW SECTION. SECTION 2. Sections 3 through 16 of this ordinance should constitute a new chapter of K.C.C. Title 12.

NEW SECTION. SECTION 3. There is hereby added to the new K.C.C. chapter established in section 2 of this ordinance a new section to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. The definitions in RCW 59.18.030 also apply to this chapter unless otherwise defined in this section.

A. "Dwelling" or "dwelling unit" has the same meaning as "dwelling unit" in RCW 59.18.030, in addition to any vacant land that is offered for sale or lease for mobile and manufactured homes.

B. "Landlord" has the same meaning as "landlord" in RCW 59.18.030.

C. "Occupancy" means the formal designation of the primary purpose of the building structure or portion thereof.

D. "Owner" has the same meaning as "owner" in RCW 59.18.030.

E. "Tenant" has the same meaning as "tenant" in RCW 59.18.030 or 59.20.030, depending on the context, and excludes living arrangements identified in RCW 59.18.040.

NEW SECTION. SECTION 4. There is hereby added to the chapter established in section 2 of this ordinance a new section to read as follows:

A. Except as otherwise specifically required or allowed by K.C.C. Title 12 or by the Washington state Residential Landlord-Tenant Act of 1973, chapter 59.18 RCW, it is unlawful for any landlord to:

1. Remove or exclude from the premises a tenant except under a court order authorizing the removal or exclusion; or

2. Evict, reduce services, increase the obligations of a tenant or otherwise impose, threaten or attempt any punitive measure against a tenant for the reason that the tenant has in good faith asserted, exercised or attempted to exercise any legal rights granted tenants by law and arising out of the tenant's occupancy of the dwelling unit.

NEW SECTION. SECTION 5. There is hereby added to the chapter established in section 2 of this ordinance a new section to read as follows:

A. In addition to the just causes allowed under state law, a landlord shall not evict a tenant, refuse to continue a tenancy or terminate a tenancy except for the just causes enumerated and otherwise provided under this section:

1. The tenant continues in possession after the tenant fails to comply with:

a. a notice to pay rent or vacate in accordance with RCW 59.12.030(3);

b. a notice to comply or vacate in accordance with RCW 59.12.030(4); or

c. a notice to vacate for waste, nuisance, including a drug-related activity nuisance in accordance with chapter 7.43 RCW, or maintenance of an unlawful business or conduct in accordance with RCW 59.12.030(5);

2. The tenant fails to comply with a ten-day notice to comply or vacate requiring compliance with a material term of the rental agreement or that requires compliance with a material obligation under chapter 59.18 RCW;

3. The tenant continues in possession after the landlord seeks possession so that the owner or a member of the owner's immediate family may occupy the unit as that person's principal residence and no substantially equivalent unit is vacant and available in the same building, and the landlord has given the tenant at least ninety days' advance written notice of the date the tenant's possession is to end. For the purposes of this subsection A.3., "immediate family" includes the owner's domestic partner registered under chapter 26.60 RCW or the owner's spouse, parents, grandparents, children, brothers and sisters of the owner, of the owner's spouse or of the owner's domestic partner. There is a rebuttable presumption of a violation of this subsection A.3. if the owner or a member of the owner's immediate family fails to occupy the unit as that person's principal residence for at least sixty consecutive days during the ninety days immediately after the tenant vacated the unit in accordance with a notice of termination or eviction using this subsection A.3. as the cause for eviction;

4. The tenant continues in possession after the owner elects to sell a single-family dwelling unit and gives the tenant at least ninety days' written notice before the date set for vacating, which date shall coincide with the end of the term of a rental agreement, or if the agreement is month-to-month, with the last day of a monthly period. For the purposes of this subsection A.4., an owner "elects to sell" when the owner, at a minimum, lists the dwelling for sale at fair market value, such as with a realty agency or advertising in a newspaper of general circulation. There shall be a rebuttable presumption that the owner did not intend to sell the unit if:

a. within thirty days after the tenant has vacated, the owner does not list the single-family dwelling for sale at fair market value, or

b. within ninety days after the date the tenant vacated or the date the property was listed for sale, whichever is later, the owner withdraws the rental unit from the sales market, rents the unit to someone other than the former tenant or otherwise indicates that the owner does not intend to sell the unit;

5. The tenant continues in possession after the landlord seeks to do substantial rehabilitation in the building, but only if the owner or designee submitted a complete application for at least one permit required under K.C.C. Title 16 for the rehabilitation. The landlord shall serve the tenant with advance written notice in accordance with RCW 59.18.200(2)(c). Substantial rehabilitation has the same meaning as "substantially rehabilitate" in RCW 59.18.200(2)(c);

6. The tenant continues in possession after the landlord:

a. elects to demolish the building, convert it to a cooperative or convert it to a nonresidential use, though the owner or designee must obtain a permit necessary to demolish before terminating any tenancy. The landlord shall serve the tenant with advance written notice in accordance with RCW 59.18.200(2)(c); or

b. elects to withdraw the premises to pursue a conversion in accordance with RCW 64.34.440 or RCW 64.90.655. The landlord shall serve the tenant with advance written notice in accordance with RCW 64.34.440 and RCW 64.90.655;

7.a. The tenant continues in possession after the landlord seeks to reduce the number of occupants who reside in one dwelling unit to comply with the legal limit, and:

(1) the landlord has served the tenants with a thirty-day written notice, informing the tenants that the number of occupants exceeds the legal limit and must be reduced to the legal limit; however, a thirty-day notice is not required if the number of occupants was increased above the legal limit without the knowledge or consent of the landlord;

(2) after expiration of the thirty-day notice required by subsection A.7.a.(1) of this section, or any time after receipt of the notice and order if a thirty-day notice is not required in accordance with subsection A.7.a.(1) of this section, the landlord has served the tenants and the tenants have failed to comply with a ten-day notice to comply with the maximum legal limit on the number of occupants or vacate; and

(3) if there is more than one rental agreement for the unit, the landlord may choose which agreements to terminate; however, the landlord may terminate no more than the minimum number of rental agreements necessary to comply with the legal limit on the number of occupants.

b. For any violation of the maximum legal limit on the number of individuals allowed to reside in a dwelling unit that occurred with the knowledge or consent of the landlord, upon creation of a relocation assistance program, the landlord is required to pay relocation assistance to the tenant or tenants of each such a unit as the program dictates;

8. The tenant continues in possession after the landlord seeks to discontinue residential use of an accessory dwelling unit;

9. The tenant continues in possession after a landlord or owner receives a notice and order issued under K.C.C. Title 16 or 23 and violations identified in the notice and order have not been corrected, but only if the notice and order restricts the tenant's ability to reside in the dwelling unit. The landlord shall be required to make a showing of medical or financial hardship to the tenant that the landlord could not correct the violations identified in the notice order. However, the tenant may elect to repair and stay in the dwelling unit as set forth in RCW 59.18.100;

10.a. The tenant continues in possession after the owner intends to discontinue leasing to a tenant of the owner's own dwelling unit in which the owner resides;

b. The owner intends to evict a tenant, to refuse to continue a tenancy, or to terminate the tenancy of an accessory dwelling unit accessory to the dwelling unit in which the owner resides; or

c. The owner seeks to evict a tenant, refuse to continue a tenancy, or terminate the tenancy in a single-family dwelling unit and the owner resides in an accessory dwelling unit on the same lot;

11.a. The tenant continues in possession after the tenant, or with the consent of the tenant, the tenant's subtenant, sublessee, resident or guest, has engaged in criminal activity on the premises, or on the property or public right-of-way abutting the premises. For purposes of this subsection A.11., a person has "engaged in criminal activity" if the person:

(1) engages in a drug-related activity that would constitute a violation of chapters 69.41, 69.50 or 69.52 RCW;

(2) engages in activity that is a crime under the laws of this state, but only if the activity substantially affects the health or safety of any person. An activity substantially affects the health or safety of other tenants or the landlord if:

(a) the activity is imminently hazardous to the physical safety of any person;

(b) the activity entails physical assaults upon another person that result in an arrest; or

(c) the activity entails the unlawful use of a firearm or other deadly weapon, as defined in RCW 9A.04.110, that results in an arrest, including threatening another tenant or the landlord with a firearm or other deadly weapon under RCW 59.18.352; or

(3) The activity renders people in at least two or more dwelling units or residences insecure in life or the use of property or that injures or endangers the safety or health of people in at least two or more dwelling units or residences.

b. In determining whether a tenant's activity substantially affects the health or safety of other tenants or the landlord, a court may consider the totality of the circumstances, including factors such as whether there have been a significant number of complaints to the landlord about the tenant's

activities at the property, damage done by the tenant to the property, including the property of other tenants or neighbors, harassment or threats made by the tenant to other tenants or neighbors that have been reported to law enforcement agencies, any police incident reports involving the tenant, and the tenant's criminal history.

c. Nothing in this subsection A.11. shall authorize the termination of tenancy or eviction of the victim of a physical assault or the victim of the use or threatened use of a firearm or other deadly weapon; or

12. The tenant continues in possession after the tenant, or with the consent of the tenant, the tenant's subtenant, sublessee, resident or guest:

i. Knowingly allows to reside in the dwelling unit, without receiving written consent from a landlord before moving into the dwelling unit, an animal that has been declared vicious by the manager of the regional animal services section in accordance with K.C.C. Title 11; or

ii. Knowingly continues to maintain in the dwelling unit an animal that is declared vicious by the manager of the regional animal services section in accordance with K.C.C. Title 11 during the terms of the rental agreement.

B. Any rental agreement provision that waives or purports to waive any right created by this chapter shall be deemed void and of no lawful force or effect. No rental agreement may provide that the tenant agrees to waive or to forgo rights or remedies under this ordinance. A provision prohibited in this ordinance included in a rental agreement is unenforceable. If a landlord knowingly uses a rental agreement containing provisions known by the landlord to be prohibited, the tenant may recover actual damages sustained by the tenant, and exemplary damages not to exceed two times the monthly rent charged for the unit, and reasonable litigation costs and attorneys' fees.

C. Whenever a termination notice is required by law, a landlord refusing to continue a tenancy or seeking to terminate a tenancy protected by this chapter shall serve the notice in a manner consistent with RCW 59.12.040 and identify the facts and circumstances known and available to the landlord at the time of the issuance of the notice that support the cause or causes with enough specificity so as to enable the tenant to respond and prepare a defense to any incidents alleged. The landlord may present additional facts and circumstances regarding the noticed allegations if such evidence was unknown or unavailable at the time of the issuance of the notice.

D. Landlords shall provide at least thirty days' written notice when evicting a tenant, refusing to continue a tenancy or terminating a tenancy for a just cause enumerated in subsection A. of this section, unless a longer noticing period is required by state law or the rental agreement.

E. It shall be a violation of this chapter for any landlord to remove or cause to remove a tenant from a dwelling unit using a notice that references subsection A.3., 4., 5. or 6. of this section as grounds for eviction or termination of tenancy without fulfilling or carrying out the stated reason for or condition justifying the termination of such a tenancy within sixty days after the tenant has vacated, unless another time frame is specified in subsection A.3., 4., 5. or 6. of this section.

F. Nothing in this chapter is intended to affect or limit a landlord's rights to pursue an action for unlawful detainer as defined by RCW 59.12.030, except as specifically set forth in this chapter.

NEW SECTION. SECTION 6. There is hereby added to the chapter established in section 2 of this ordinance a new section to read as follows:

Sections 7 through 16 of this ordinance apply to tenancies governed by chapter 59.20 RCW and are in addition to the provisions provided to those tenancies in RCW 59.20.080.

NEW SECTION. SECTION 7. There is hereby added to the chapter established in section 2 of this ordinance a new section to read as follows:

A. All move in fees and security deposits charged by a landlord before a tenant takes possession of a dwelling unit shall not exceed one month's rent, except in subsidized tenancies where

the amount of rent is set based on the income of the tenant. The exception for subsidized housing shall not include tenancies regulated under Section 8 of the Housing Act of 1937, 42 U.S.C. Sec. 1437f, commonly known as the choice voucher program.

B. Tenants entering rental agreements with terms lasting six or more months may elect to pay their move in fees and security deposits in six equal monthly installments over the first six months occupying the unit.

C. Tenants entering rental agreements with terms lasting fewer than six months or month-to-month rental agreements, may choose to pay move in fees and security deposits in two equal monthly installments over the first two months occupying the unit.

NEW SECTION. SECTION 8. There is hereby added to the chapter established in section 2 of this ordinance a new section to read as follows:

Late fees or costs due to nonpayment of rent charged to a tenant shall not exceed one and one-half percent of the tenant's monthly rent.

NEW SECTION. SECTION 9. There is hereby added to the chapter established in section 2 of this ordinance a new section to read as follows:

Any rental agreement or renewal of a rental agreement shall include, or shall be deemed to include, a provision requiring not less than one hundred twenty days' notice for rent increases greater than three percent. If the rental agreement governs a subsidized tenancy where the amount of rent is based on the income of the tenant or circumstances specific to the subsidized household, the landlord shall provide a minimum of thirty days' prior written notice of an increase in the amount of rent to each affected tenant.

NEW SECTION. SECTION 10. There is hereby added to the chapter established in section 2 of this ordinance a new section to read as follows:

A. Landlords are prohibited from unfair or abusive acts or practices or deceptive acts or practices as defined in this section.

B. For the purposes of this section:

1. "Deceptive acts or practices" means representations, omissions, acts or practices that mislead or are likely to mislead a tenant; the tenant's interpretation of the representation, omission, act or practice is reasonable under the circumstances; and the representation, omission, act or practice is material. "Deceptive acts or practices" includes threatening to evict a tenant for nonpayment of charges except as authorized by section 5 of this ordinance.

2. "Unfair or abusive acts or practices" means those representations, omissions, acts or practices that:

a. Materially interfere with the ability of any tenant to understand a term or condition of the rental agreement or the tenancy; or

b. Take unreasonable advantage of a lack of understanding on the part of the tenant regarding the conditions of the tenancy or rights under the law or the inability of the tenant to protect the tenant's interests.

NEW SECTION. SECTION 11. There is hereby added to the chapter established in section 2 of this ordinance a new section to read as follows:

Except as otherwise provide in Section 2(2)(n)(i), Chapter 212, Laws of Washington 2021, a landlord's acceptance of rent waives the right to declare forfeiture or evict based solely on any prior breach or breaches of the rental agreement. This section does not waive any landlord's remedy for nonpayment of rent if additional rent is outstanding.

NEW SECTION. SECTION 12. There is hereby added to the chapter established in section 2 of this ordinance a new section to read as follows:

A landlord shall not increase the rent to be charged to a tenant by any amount if the dwelling unit has defective conditions making the dwelling unit uninhabitable or is in violation of RCW 59.18.060. If the tenant believes the dwelling unit has defective conditions making the unit uninhabitable or is in violation of RCW 59.18.060, the tenant shall notify the landlord in writing in accordance with RCW 59.18.070 specifying the premises involved, the name of the owner, if known, and the nature of the defective condition before the effective date listed in the notice of housing costs increase the tenant received from the landlord.

NEW SECTION. SECTION 13. There is hereby added to the chapter established in section 2 of this ordinance a new section to read as follows:

Rental agreements shall include a provision stating that when late fees may be assessed after rent becomes due, the tenant may propose that the due date be altered to a different date of the month. Additionally, the provision shall specify that, according to RCW 59.18.170(3), a landlord shall agree to such a proposal if it is submitted in writing and the tenant can demonstrate that his or her primary source of income is a regular, monthly source of governmental assistance that is not received until after the date rent is due in the rental agreement. A landlord shall not refuse to enter into a rental agreement with a prospective tenant because the prospective tenant requests such accommodations.

NEW SECTION. SECTION 14. There is hereby added to the chapter established in section 2 of this ordinance a new section to read as follows:

A landlord found in violation of any of the provisions in this chapter, unless otherwise provided in this chapter, shall be liable to such a tenant in a private right of action for the greater of double the tenant's economic and noneconomic damages or three times the monthly rent of the dwelling unit at issue, and reasonable litigation costs and attorneys' fees.

NEW SECTION. SECTION 15. There is hereby added to the chapter established in section 2 of this ordinance a new section to read as follows:

A landlord serving a notice to the tenant to pay rent or vacate under RCW 59.12.030(3) must include on the notice substantially in the form of the following statement in sixteen-point, bolded font: "Pursuant to RCW 58.12.030(3), you have fourteen days to pay the rent required by this notice. After fourteen days, the landlord is required by RCW 59.18.410(2) to allow you to pay the rent up to five court days after a judgement in an eviction proceeding, but you may be subject to a late fee, if a late fee is required in the rental agreement and any court costs incurred at the time of payment. Attorneys' fees may also be requested by the landlord and may be awarded to the landlord by a judge."

NEW SECTION. SECTION 16. There is hereby added to the chapter established in section 2 of this ordinance a new section to read as follows:

A. A landlord shall not require a social security number for the purposes of screening a prospective tenant, as allowed under RCW 59.18.257. A landlord may request a social security number and screen prospective tenants. A landlord shall not refuse to enter into a rental agreement with a prospective tenant because the prospective tenant does not agree to provide a social security number. A landlord may utilize information including, but not limited to, previous names, addresses, personal references and work history to screen prospective tenants. A landlord shall maintain the right to take adverse action because of inaccurate, unfavorable or unavailable screening results.

B. A landlord found in violation of subsection A. of this section shall be liable to such a prospective tenant in a private right of action for the greater of double the tenant's economic and noneconomic damages or one month of rent of the dwelling unit at issue, and reasonable litigation costs and attorneys' fees

SECTION 17. Ordinance 383, Section 5, as amended, and K.C.C. 2.60.050 are hereby amended to read as follows:

A. Legal defense services through the department shall be made available to all eligible persons for whom counsel is constitutionally required. In addition, legal defense services through department shall be made available when funds are available: to any eligible person in legal proceedings arising in King County that may result in the person's loss of liberty by an act of King County or any of its agencies, including, but not limited to, criminal proceedings alleging a violation of any law of the state of Washington or ordinance of King County, juvenile matters, mental illness and similar commitment proceedings, revocations and habeas corpus proceedings when they arise in King County; ~~((and))~~ to eligible parents and children in dependency proceedings arising in King County; and to tenants whose rental agreements have been terminated or tenants who are subject to unlawful detainer actions by a landlord whom the tenant alleges terminated a tenancy or initiated an unlawful detainer action in violation of any King County ordinance.

B. Legal defense services through the department may be made available to a person charged in King County with a felony of public notoriety, at the person's expense, when the court finds that the defendant is unable to employ adequate private counsel as a result of the public notoriety. The county public defender shall establish a reasonable fee for the legal defense services, subject to the approval of the court.

SECTION 18. The following are hereby repealed:

- A. Ordinance 16223, Section 3, and K.C.C. 12.47.010;
- B. Ordinance 16223, Section 4, and K.C.C. 12.47.020;
- C. Ordinance 16223, Section 5, and K.C.C. 12.47.030; and
- D. Ordinance 16223, Section 6, and K.C.C. 12.47.040.

SECTION 19.

A. The executive shall develop standard notices required to be used by landlords who are terminating a month-to-month tenancy, failing to renew a fixed-term lease or evicting due to one or more of the causes enumerated in section 5.A. of this ordinance. The notices shall provide information for tenants on how to access legal services for eviction prevention. The executive shall translate the notice into the ten most common languages used in King County. In developing the notices, the executive shall consult with organizations that represent landlords and tenants and provide a minimum thirty-day public comment period.

B.1. The executive shall transmit a tenant protections access plan to the council by June 30, 2022, with the goal of expanding knowledge of and access to tenant protections in the King County Code. The plan shall include at least the following components, and if the executive is already conducting the work identified in a. through d. of this subsection B.1., the plan shall include an explanation of the work being done, the funding mechanism to accomplish scope of work, and how it addresses the goals of this subsection B.1.:

- a. recommendations on providing information about tenant protections in King County and access to those protections to residents with limited English proficiency;
- b. recommendations on providing tenant protections to undocumented residents who may have a fear of accessing tenant protections through the court system;
- c. a "know your rights" campaign with the objective of spreading awareness of the new provisions in this ordinance. The plan shall utilize partnerships with community organizations and the King County immigrant and refugee commission;
- d. recommendations on ways to provide free legal representation, advice and other legal assistance to tenants facing eviction, harassment, disrepair and other housing-related issues, including an analysis of the right-to-counsel law available through the New York City office of civil justice's legal representation program; and

e. a phone number, either internal to the county or through a request for proposals to outside entities, for tenants who believe their rental agreement has been unlawfully terminated or who believe a landlord failed to renew a rental agreement unlawfully. The phone number should be staffed by the department of community and human services, the department of public defense, or a designee to provide information on protections afforded to tenants in state law and King County Code. The plan shall include an analysis of the level of funding the executive would need to create and staff such a phone number.

2. The executive shall transmit a landlord outreach plan by June 30, 2022, with the goal of expanding knowledge of tenant protections contained in King County Code to landlords.

3. The tenant protections access plan and the landlord outreach plan shall be electronically transmitted to the clerk of the council with motions that should acknowledge receipt of the plans and a proposed ordinance making recommended changes from the tenant protections access plan, if recommendations necessitate an ordinance. The clerk of the council shall provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the community, health and housing services committee, or its successor.

SECTION 20. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.