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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4354

AN ORDINANCE relating to relocation assistance for low-income tenants; and adding a new Chapter 9.21 to the Bellevue City Code.

WHEREAS, the State Legislature adopted, as part of the Growth Act of 1990, a provision for relocation assistance for low-income tenants; and

WHEREAS, the State provision, codified as RCW 59.18.440, authorizes cities to require property owners to provide their portion of reasonable relocation assistance to low-income tenants in certain circumstances; and

WHEREAS, the City of Bellevue is experiencing the physical deterioration of rental housing available to low income tenants and, in addition, a reduction in the supply of rental housing affordable to such tenants; and

WHEREAS, in accordance with RCW 59.18.440(1) and (3), a public hearing, upon public notice, was held before the City Council on April 13, 1992, to receive public testimony on this ordinance; and

WHEREAS, this ordinance incorporates the provisions of relocation assistance statutes which pertain to the displacement of low-income tenants as a result of code enforcement actions into the Bellevue City Code; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act and the City's Environmental Procedure Code; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Bellevue City Code is amended by the addition of a new Chapter 9.21 (Relocation Assistance) as follows:

Chapter 9.21

Relocation Assistance

Sections:

9.21.010 Purpose
9.21.020 Definitions

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9.21.030 Applicability
9.21.040 Relocation Assistance Payment Amounts
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9.21.090 Payment of Relocation Assistance
9.21.100 Public Hearing - Unlawful Detainer
9.21.110 Appeal of Hearing Examiner Decision
9.21.120 Eviction Protection
9.21.130 Violations - Penalty

9.21.010 Purpose. Pursuant to RCW 59.18.440 cities may require property owners to provide their portion of reasonable relocation assistance to low-income tenants upon the demolition, substantial rehabilitation or change of use of residential property, or upon the removal of use restrictions in an assisted housing development. This Chapter establishes the requirements and procedures for providing relocation assistance only to low-income tenants who are displaced as a result of building or land use code enforcement actions initiated by the City of Bellevue.

9.21.020 Definitions. The following words and phrases when used in this chapter, unless the context otherwise indicates, shall have the following meanings:

A. "Change or elimination in residential use" means the conversion of a residential unit to a non-residential use or the elimination of a residential unit.

B. "City Codes" means the Land Use Code, Uniform Building Code and related standards, Uniform Housing Code, Washington State Energy Code, Uniform Code For the Abatement of Dangerous Buildings, Uniform Fire Code, Uniform Mechanical Code, Uniform Plumbing Code, and National Electrical Code, as adopted and amended by the Bellevue City Code.

C. "Demolition" means the destruction of any dwelling unit or the relocation of an existing dwelling unit or units to another site.

D. "Director" means the Director of the Department of Design Development or the Director's designee.

E. "Displacement" means that existing tenants must vacate the dwelling unit because of the demolition, substantial rehabilitation, or change or elimination of residential use. For purposes of this chapter, "displacement" shall not include the permanent relocation of a tenant from one dwelling unit to another dwelling unit in the same building with the

tenant's consent or the temporary relocation of a tenant for less than seventy-two hours.

F. "Low-income tenants" means tenants whose combined total household income per dwelling is at or below fifty percent of the median income, as adjusted for family size, as determined by the United States Department of Housing and Urban Development for King County or the Seattle Metropolitan Statistical Area.

G. "Owner" means one or more persons, jointly or severally, in whom is vested:

(1) All or any part of the legal title to the property; or

(2) all or part of the beneficial ownership and a right to present use and enjoyment of the property.

H. "Substantial rehabilitation" means extensive structural repair or extensive remodeling which requires a building, electrical, plumbing or mechanical permit, and which cannot be done with the tenant in occupancy.

I. "Tenant" means any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement and includes those persons who are considered to be tenants under the State Residential Landlord-Tenant Act, RCW Chapter 59.18, and those tenants whose living arrangements are exempted from the State Residential Landlord Tenant Act under RCW 59.18.040(3) if their living arrangement is considered to be a rental or lease pursuant to RCW 67.28.180(1). For purposes of this chapter, "tenant" shall not include the owner of a dwelling unit or members of the owner's immediate family.

9.21.030 Applicability. The provision of relocation assistance to low-income tenants applies if the displacement is the result of the following:

A. Demolition of dwelling units or structures if the demolition is ordered by the Director due to City code violations or deficiencies; or

B. Substantial rehabilitation ordered by the Director due to City code violations or deficiencies; or

C. Change or elimination of a residential use if the change or elimination is ordered by the Director due to City code violations or deficiencies.

9.21.040 Relocation Assistance Payment Amounts.

A. Low-income tenants who are displaced by demolition, substantial rehabilitation, or change or elimination of a residential use and who comply with the requirements of this chapter, shall be paid a relocation assistance payment in the amount of $2,000 per dwelling unit. The amount of relocation assistance shall be adjusted annually by the percentage amount of change in the housing component of the Consumer Price Index as published by the United States Department of Labor, Bureau of Labor Statistics.

B. The Owner is responsible for payment in cash of one-half of the required relocation assistance per dwelling unit. The portion of the relocation assistance not payable by the Owner shall be paid by the City of Bellevue up to a maximum of one-half the total payment amount in Section 9.21.040.

9.21.050 Permit Issuance. The requirements of this Chapter must be complied with prior to the issuance of a residential demolition permit or permits relating to substantial rehabilitation if the demolition or substantial rehabilitation has been ordered by the Director due to City code violations or deficiencies, or prior to the eviction of tenants for a change or elimination of residential use if the change or elimination of use is ordered by the Director due to City code violations or deficiencies.

9.21.060 Notification to Tenants. If the Director has initiated enforcement action to resolve City code violations or deficiencies and is reasonably certain that the required corrective action will result in demolition, substantial rehabilitation, or change or elimination of residential use which will displace tenants, the Director shall require that the Owner provide mailing labels with the name and address of each tenant whose dwelling unit will be potentially displaced. The Director shall mail notice by certified mail to each tenant informing them of their rights under this Chapter. The notice shall include a tenant income verification form and instructions that tenants must complete and return the form to the Director within thirty (30) days from the date that the Director's notice was mailed.

9.21.070 Tenant Eligibility for Relocation Assistance.

A. The completed information on the tenant income verification form shall include the names of all occupants of the dwelling unit, the total combined annual income of the occupants of the dwelling unit, and the total combined income of the occupants for the current calendar year. Any tenant who fails to return a completed tenant income verification form to the Director within thirty days from the notification date shall not be eligible for relocation assistance, unless the tenant has requested and received a written extension from the Director.

B. Based on the information contained in the tenant income verification form, the Director shall determine which tenants qualify as low-income tenants and are therefore eligible to receive relocation assistance upon displacement.

C. Within 15 days of the Director's receipt of the signed relocation assistance forms from all tenants or within 15 days of the expiration of the tenants' 30-day period for submitting signed relocation assistance forms to the Director, whichever occurs first, the Director shall send to each tenant household who submitted a signed form and to the owner, by both regular United States mail and certified mail, a notice stating whether the tenant qualifies as a low-income tenant and is eligible for relocation assistance. The Director shall send notice to the owner indicating all tenants deemed eligible for relocation assistance.

D. Both the tenant and the owner may file an appeal with the Hearing Examiner, pursuant to Land Use Code Section 20.35.600 (Process VI), of the Director's determination of the tenant's eligibility for relocation assistance. The Hearing Examiner must issue a decision within thirty days from the date the appeal was filed.

9.21.080 Owner's Contribution to Relocation Assistance

Within ten (10) days after receipt by the Owner of the notice of tenant eligibility, the owner shall pay to the Director one-half of the total relocation assistance cost. If an appeal is filed pursuant to Section 9.21.070.D, the owner's contribution is due within ten (10) days of the Hearing Examiner's decision. The total relocation assistance shall be calculated based on the number of units occupied by tenant households who are determined by the Director to be eligible for relocation assistance, as modified by any decisions by the Hearing Examiner concerning eligibility for relocation assistance, multiplied by the payment amount established in Section 9.21.040.

9.21.090 Payment of Relocation Assistance.

Upon receipt of the owner's share of relocation assistance costs, the Director shall send total relocation assistance payments to eligible tenants. The Director may request verification that the tenant will be displaced by the demolition, substantial rehabilitation, or change in or elimination of residential use.

9.21.100 Public Hearing - Unlawful Detainer. Owner or tenants may request a public hearing before the Hearing Examiner to resolve disputes between displaced tenants and the Owner relating to unlawful detainer actions during relocation. The hearing will be pursuant to Land Use Code Section 20.35.600 (Process VI) and the Hearing Examiner must issue a

decision within thirty days from the date the request for a hearing was filed.

9.21.110 Appeal of Hearing Examiner Decision. A decision of the Hearing Examiner under Section 9.21.070.D or 9.21.100 is the final City decision. The decision of the Hearing Examiner may be appealed to Superior Court by filing a petition within ten (10) calendar days following the date of the decision. Appeals to Superior Court are by application for a writ of certioriari, writ of prohibition or writ of mandamus.

9.21.120 Eviction Protection.

A. During a period from the date that the Director first notifies the Owner of building code violations or deficiencies, to the time that relocation assistance payments are paid to eligible tenants, the owner shall not:

(1) evict, or harass or intimidate tenants into vacating their units for the purpose of avoiding or diminishing application of this chapter including an unreasonable rent increase; or

(2) reduce the services to any tenant; or

(3) materially increase or change the obligations of any tenant.

B. Low-income tenants who are evicted or vacate as a result of conditions (1) - (3) prior to receiving relocation assistance payments, may be eligible for relocation assistance payments, as determined by the Director.

9.21.130 Violation - Penalty.

A. The violation of or failure to comply with any provision of this chapter is declared to be unlawful.

B. Any violation of any provision of this chapter is a civil violation as provided for in Bellevue City Code Chapter 1.18, for which a monetary penalty may be assessed and abatement may be required as provided therein.

C. In addition to or as an alternative to any other penalty provided by this chapter or by law, any person who violates any provision of this chapter shall be guilty of a misdemeanor.

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Section 2. This ordinance shall be in force and takes effect thirty days after final passage by the City Council.

PASSED by the City Council this 4th day of May, 1992, and signed in authentication of its passage this 13th day of July, 1992.

(SEAL)

Cary Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard Gidley, Deputy City Attorney

Attest:

Marie K. O'Connell, City Clerk

Published July 15, 1992