AN ORDINANCE ADOPTING THE SAFE HOMES FOR ALL INITIATIVE [#]

FOR SUBMISSION TO THE TACOMA CITY COUNCIL
To Nicole Emery, City Clerk, City of Tacoma: We the undersigned citizens and legal voters of Tacoma Washington,respectfully direct that the proposed measure known as Citizens' Initiative Measure [Ballot #] entitled

[Ballot Title]

A full true and correct copy of which is printed on the reverse side of this petition, be transmitted to the City Council of the City of Tacoma, and we respectfully petition the City Council to submit the proposal to the people at the next election; and each of us for himself or herself says: I have personally signed this petition; I am a legal voter in the State of Washington in the city written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.

Warning: Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petition, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor. By signing this petition, your information written below is subject to disclosure

Only City of Tacoma Voters May Sign

DATE	SIGNATURE as registered	PRINT NAME for identification purposes	ADDRESS where registered to vote. No PO Boxes	CITY & ZIP	PHONE	EMAIL
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AN ORDINANCE adopting the SAFE HOMES FOR ALL INITIATIVE to improve compliance with tenant safety and protection laws. BE IT ENACTED BY THE PEOPLE OF THE CITY OF TACOMA

PART ONE: FINDINGS

Section 1. Findings

A. Noncompliance with the City of Tacoma's tenant safety and protection laws remains a serious problem that erodes the safety and wellbeing of thousands of tenants across our city.

B. The people of the City of Tacoma hereby adopt this citizen initiative to improve compliance with tenant safety and protection laws, through the following measures:

1. Improve voluntary compliance through landlord education, tenant organizing, and transparency measures. 2. Allow tenants to enforce tenant safety and protection laws.

3. Increase penalties for repeat offenders and remove exemptions for large for-profit landlords who repeatedly violate the law.

4. Authorize license cancellation for life-endangering violations.

5. Fund this program through a per-unit license fee, tiered to ensure repeat offenders pay more.

PART TWO : IMPROVING VOLUNTARY COMPLIANCE THROUGH EDUCATION, TENANT ORGANIZING, AND TRANSPARENCY MEASURES.

Section 2. Findings and Purpose

This ordinance seeks to improve voluntary compliance with tenant safety and protection laws through landlord education, tenant organizing, and transparency measures. Section 3. A new section is added to Chapter 1.95 to read as follows:

A.The City shall establish a tenant safety and protection program to educate landlords and tenants about the tenant safety and protection laws to improve voluntary compliance. As part of that program, the Director shall:

1. Provide information and training to landlords, with additional support for small landlords.

2. Educate tenants about their rights under housing safety and tenant protection laws.

3. Prepare and update as needed a summary of rights and obligations under tenant safety and protection laws, which landlords must distribute to tenants and prospective tenants as provided in TMC 1.95.030.

4. Collect and make publicly accessible, in the form of a searchable database, information about landlords operating in the City and their affiliated companies, including but not limited to names and number of units owned inside and outside Tacoma, evictions, and rent increases. This database must be available within 18 months of the effective date and shall ensure that no tenant-identifying information is made publicly available.

Section 4. A new section is added to Chapter 1.95 to read as follows:

A.Recognizing tenant's right to organize:

1.The City finds that tenant organizing will improve compliance with tenant safety and protection laws.

2.Tenants have the right to self-organization, including the right to (a) form, join, participate in, or assist a tenant union; and (b) communicate with other tenants regarding tenant safety and protection laws, tenant organizing, and any matter of common concern.

B. Recognition of Tenant Union and Good-Faith Bargaining:

1. A tenant union shall be recognized for purposes of this section once it demonstrates support from at least one resident from more than 50 percent of the occupied units within a building or residential complex. Recognition may be established by petition, membership list, or other reliable method demonstrating majority support.

2. Recognition establishes the right of the tenant union to represent tenants in communications with the landlord regarding matters of common concern for a three-year period or until another tenant union is established that has support from a greater number of units.

3. Upon recognition, landlords shall engage in good faith bargaining with the tenant union regarding matters of common concern, including compliance with tenant safety and protection laws, housing conditions and safety, services, building policies, lease agreements, fees, deposits, pets, and utilities.

4. A landlord must on written request of the tenant union attend, either themselves or through their representative, at least one tenant union meeting per calendar quarter, though more frequent attendance at the request of the tenant union is permitted. The landlord or the landlord's representative must remain in attendance at the meeting until all agenda items are complete, unless the meeting extends for more than two hours, in which case the landlord or the landlord's representative may withdraw from the meeting and request that the remaining items be continued to a subsequent meeting. These meetings shall occur at a mutually convenient time and place. To request that a landlord or their representative attend a meeting, the tenant union shall send the landlord a written request at least 14 days in advance; alternatively, if the tenant union meets at a regularly scheduled time and place, then the tenant union may send the landlord a single standing request to attend meetings for the duration of the calendar year.

5. Small landlords are exempt from the bargaining and notice requirements in Section 4(B) and (D).

C. Access to Common Areas for Organizing and Meetings:

1. Tenants and their tenant union and other invited guests have the right to use common areas of residential buildings and complexes to engage in organizing activities, meetings, and distribution of literature.

2. A landlord may not prohibit or unreasonably restrict door-to-door organizing, tenant meetings in areas otherwise open to tenant use, or distribution or posting of organizing materials in locations where other tenant notices are permitted. Landlords may not restrict a tenant's right to post information through window signs or yard signs relating to tenant organizing or tenant safety and protection laws.

3. If invited by a tenant, tenant union and tenant advocates have the right to reasonable access to residential buildings and complexes for the purpose of tenant organizing and education, and distribution of information related to tenant rights. Landlords shall provide reasonable accommodations for such access and may not enforce trespass or access rules in a manner that infringes these rights.

D. Required Notice

Every landlord shall prominently post and maintain a notice in a form prescribed by the City in at least one conspicuous location in each apartment building, and in each shared laundry room, that includes the headline: "YOU HAVE THE RIGHT TO FORM A TENANT UNION. CITY LAW PROTECTS YOUR RIGHT TO ORGANIZE WITHOUT RETALIATION."

E. Content-neutrality and privacy.

A tenant's or tenant union's rights under this section may not be waived by lease provision or house rules. Rules governing any conduct allowed by this section shall be content-neutral and may not single out or restrict any organizing, political, or associational speech or activity. Any communication or associational activity permitted under this section shall have an associated right to privacy, without monitoring or limitation on the content of communication.

PART THREE: ALLOWING TENANTS TO ENFORCE TENANT PROTECTION AND SAFETY LAWS.

Section 5. A new section to Chapter 1.95 is hereby enacted to read as follows:

A. The purpose of this section is to develop a new mechanism to allow tenants to commence actions to enforce tenant safety and protection laws and adopt procedures and remedies in such actions.

B. Any tenant or tenant union or tenant advocate may commence an action to enforce tenant safety and protection laws by either (a) filing a complaint with the Director, or (b) filing a lawsuit in Superior Court.

C. If the enforcement action is filed in Superior Court, the action's procedures, rights, and remedies shall be governed by TMC 1.100.080.

D. If the enforcement action is commenced by complaint filed with the Director, the Director shall have all powers and follow all procedures set forth in TMC 1.95.090, except as provided in this section. The Director shall:

1. Investigate and adjudicate the complaint. If the complaint contains a credible allegation of a violation involving habitability or tenant safety, the Director shall conduct an inspection.

2. Issue a decision on the complaint, including findings and conclusions. If the decision determines that a violation occurred, the Director shall issue a notice of violation and impose a penalty as provided under this section; however, a penalty for a violation of RCW 59.18.060 may be waived if (a) the landlord remedies the violation with reasonable promptness after receiving notice of the problem from the tenant, and (b) the violation has not caused undue hardship to the tenant.

3. If the Director decides not to issue a notice of violation, the Director must notify the complainant within ten days and provide a form and clear instructions for the tenant to appeal the decision to the City Hearing Examiner. The Director may attempt to settle by agreement.

E. Penalty Amounts.

1. For each violation, a landlord shall be liable for penalties of not less than $500 and up to five times the monthly rent of the dwelling unit at issue. The Director shall assess the penalty based upon a penalty scale, to be adopted by rule, which considers the seriousness of the violation, the harm caused to the tenant, whether the violation was willful, and other factors as the Director may determine. Penalties shall be no less than those outlined in TMC 1.95 and 1.100.

2. The penalty required under this section shall be collected by the City and promptly transferred to the impacted tenant or tenants.

F. Appeals to the Hearing Examiner.

A landlord, tenant, tenant union, or tenant advocate can appeal any Director's decision under this section to the City Hearing Examiner within thirty days of the decision. The Hearing Examiner appeal shall be governed by TMC 1.23.

PART FOUR: INCREASE PENALTIES AND REMOVE EXEMPTIONS FOR LARGE FOR-PROFIT LANDLORDS THAT ARE REPEAT OFFENDERS.

Section 6. A new section is added to Chapter 1.95 to read as follows:

A.To create additional deterrence, this section applies to large for-profit landlords that are repeat offenders.

B. In addition to any other penalty provided in law, when the violator is a repeat offender, the City must impose and retain an additional penalty that allows the City to recover its costs in bringing the enforcement action.

C. In addition, when a large for-profit landlord becomes a repeat offender, they become ineligible for any exemptions from Tacoma tenant safety and protection laws, including under TMC 1.100.017.

PART FIVE: REVOCATION OF LICENSES FOR LANDLORDS WHOSE VIOLATIONS CREATE LIFE-ENDANGERING CONDITIONS.

Section 7. A new section 6B.10.145 is hereby enacted to read as follows:

6B.10.145. Revocation of licenses and appeal.

A. The Director may revoke a landlord's business license when the Director finds that the business violated tenant safety and protection laws in a manner that posed a serious threat of loss of life or serious bodily injury.

B. A revocation under this section shall be subject to Tacoma laws regarding license revocations set forth in TMC 6B.10.140B, C, E, and F.

C. A business whose license is revoked may appeal the Director's revocation pursuant to the procedures set forth in TMC 6B.10.140G.

D. The Director shall adopt rules implementing this section, including rules designed to avoid displacement of tenants, or to relocate tenants to safe and stable housing.

PART SIX: THE ENFORCEMENT PROGRAM WILL BE PAID FOR BY LICENSE FEES.

Section 8. A new section is added to Chapter 1.95 to read as follows:

A. The people of Tacoma find that the City's rental housing system is antiquated in not requiring rental licensing, failing to require periodic inspections, and failing to charge a license fee to reduce taxpayer costs of regulation.

B. The Director shall implement, by rule, a rental license program and begin charging a per-unit rental license fee with proceeds going to enforce tenant safety and protection laws. Within the phase-in schedule adopted in this section, landlords must maintain a rental license and pay a rental license fee to operate rental housing in the City of Tacoma.

C. Within 18 months of the effective date, all landlords must obtain a rental license and pay the rental license fee. All other landlords must obtain a rental license and pay the rental license fee within three years of the effective date.

D. The rental license fee shall be set and periodically adjusted in an amount not to exceed the reasonable costs incurred by the City to implement, administer, and enforce the City's tenant safety and protection laws.

E. The Director shall structure the rental license fee so that it bears a reasonable relationship to the cost of regulation, and may establish tiers or differential rates by rule that reasonably reflect risk, compliance history, scale of operations, or enforcement burden. The Director shall charge a higher fee for large landlords and repeat offenders, with that additional fee earmarked for regulation of such landlords. The Director shall periodically adjust the rental license fee to ensure cost recovery and to prevent over-collection.

PART SEVEN: ANTI-RETALIATION.

Section 9. A new section is added to Chapter 1.95 to read as follows:

A landlord shall not interfere with, restrain, coerce, retaliate against, or penalize a tenant for exercising rights protected by this ordinance. Prohibited conduct includes any adverse action, including but not limited to eviction threats, rent increases, service reductions, or selective enforcement of building rules.

PART EIGHT: DEFINITIONS.

Except as provided herein, the definitions of Chapter 1.95 shall apply to this Ordinance. "Affiliated companies" means any person or entity that directly or indirectly controls, is controlled by, or is under common control with another person or entity, including through ownership, management, contractual relationships, or other arrangements that confer substantial influence or decision-making authority over housing operations. For purposes of this definition, "control" or "substantial control" includes, but is not limited to: 1) Ownership of 25 percent or more of an ownership interest; 2) The power to appoint or remove a majority of directors, managers, or officers; 3) Shared management, employees, or operational decision-making; 4) Use of common branding, centralized leasing, rent collection, or compliance functions; or 5) Any arrangement designed to avoid or evade the requirements of this ordinance.

"Good faith bargaining" means the mutual obligation of parties to: 1) meet and confer at reasonable times and locations; 2) exchange relevant information necessary to understand proposals; 3) consider proposals sincerely and respond in a timely manner; and 4) engage with the intent to reach agreement. Good faith bargaining does not require either party to agree to a particular proposal or make concessions, but does prohibit surface bargaining, refusal to meet, unreasonable delays, or conduct intended to frustrate meaningful negotiations.

"Large landlord" means any landlord, housing provider, or group of affiliated companies that owns, manages, or controls 25 or more dwelling units. For purposes of classification, all dwelling units owned, controlled, or managed by a landlord and that landlord's affiliated companies — whether inside or outside the City of Tacoma — shall be aggregated.

"Non-profit housing provider" means a non-profit corporation that provides housing, the Tacoma Housing Authority, or another public housing provider. A for-profit corporation does not qualify as a non-profit housing provider even if it owns units that are managed by a non-profit.

"Repeat offender" means a landlord, housing provider, or affiliated company that has been found, within the preceding 36 months, to have committed six or more violations of tenant safety and protection laws or has demonstrated a pattern or practice of violations affecting multiple dwelling units or tenants. Violations by affiliated companies shall be considered violations by the landlord for purposes of this definition.

"Small landlord" means any landlord, housing provider, or group of affiliated companies that owns, manages, or controls 4 or fewer dwelling units. For purposes of classification, all dwelling units owned, controlled, or managed by a landlord and that landlord's affiliated companies — whether inside or outside the City of Tacoma — shall be aggregated.

"Tenant Advocate" means a nonprofit organization, a legal services provider, a community-based organization, or an individual authorized by a tenant or tenant union, that provides education, counseling, representation, organizing assistance, or advocacy related to tenants' rights, housing stability, habitability, or compliance with tenant safety and protection laws.

"Tenant Safety and Protection Laws" means TMC Chapters 1.95 and 1.100, RCW 59.18.060(1) through (11), and this ordinance.

"Tenant Union" means any group of two or more tenants who reside in the same building, complex, or housing development and who have organized for the purpose of addressing issues related to housing conditions, tenancy, services, or tenant rights. A tenant union does not include any association, committee, or group formed, sponsored, controlled, or materially influenced by a landlord or housing provider.

PART NINE: MISCELLANEOUS.

A. Within six months of the effective date, the Director shall adopt and communicate rules for implementation of all provisions of this ordinance, which shall be consistent with this ordinance, and at a minimum cover: (1) rules for collecting and posting landlord information on the searchable website; (2) tenant union certification and decertification; (3) good faith bargaining; (4) penalty scales, including additional penalty amounts for cost recovery when applicable, and waiver of penalties under Section 5(D)(2); (5) filing appeals to Hearing Examiner; and (6) reasonable safety rules.

B. Sections 4(B) (recognition and good faith bargaining), (C) (access to common areas), and (D) (required notice), and Sections 5 (enforcement), 6 (increased penalties), and 7 (license revocation) will take effect six months after the effective date, by which time the Director must communicate the new law to all landlords in Tacoma and take steps to let tenants know their rights.

C. Nothing in this chapter eliminates a tenant's rights under a rental agreement.

D. The provisions of this chapter may not be waived, and any term of any rental agreement, contract, mutual termination agreement, or other agreement which purports to waive or limit a tenant's substantive or procedural rights under this chapter are contrary to public policy, unenforceable, and void.

E. Nothing in this paragraph shall be interpreted or applied to create any power or duty in conflict with state or federal law. In the event of any alleged conflict, state or federal requirements shall supersede.

F. The provisions of this chapter are declared to be separate and severable. If any provision of this chapter, or the application thereof to any person or circumstance, is held invalid, that invalidity shall not affect any other provision or application of this chapter that can be given effect without the invalid provision or application. All provisions in this chapter should be read in harmony with state and federal law, and if there is any question or conflict between Tacoma and state law, state law will apply. If a provision or its application is declared invalid due to preemption by state or federal law, then the remainder shall remain valid.

G. Any ambiguity in this chapter shall be construed in favor of the tenant. Statements that non-compliance with certain provisions constitutes a violation of this chapter and/or are subject to penalties are provided for emphasis only and such statements shall not be construed to mean that non-compliance with other provisions does not constitute a violation subject to penalties.

H. If this Initiative is challenged, the City Attorney must defend the Initiative's validity. If a private party expends resources to successfully defend the Initiative, the City shall reimburse that person for their reasonable costs and attorneys' fees.

I. If any party or the City violates the requirements of this Initiative, any person may file an action to require compliance with the Initiative. If a private party expends resources to successfully enforce the Initiative, the City shall reimburse that person for their reasonable costs and attorneys' fees.

J. This Ordinance shall be known as the SAFE HOMES FOR ALL INITIATIVE.

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