

**City of Kenmore
City Council Regular Meeting
Minutes
April 22, 2019**

CALL TO ORDER - Mayor David Baker called the meeting to order at 6:15 p.m.

RECESS TO EXECUTIVE SESSION

The meeting recessed to executive session at 6:15 p.m. pursuant to RCW 42.30.110(1)(i), to discuss Litigation or Potential Litigation for approximately 30 minutes.

RECONVENE TO REGULAR SESSION

The meeting reconvened to regular session at 6:40 p.m.

Council took a break from 6:40 p.m. to 7:00 p.m.

ROLL CALL

Mayor David Baker
Deputy Mayor Nigel Herbig
Councilmember Joe Marshall
Councilmember Milton Curtis
Councilmember Debra Srebnik
Councilmember Stacey Denuski
Councilmember Brent Smith

FLAG SALUTE

AGENDA APPROVAL

There were no changes to the agenda.

PROCLAMATION

2020 Census Awareness Month - April, 2019

PRESENTATION

Introduce Rita Moreno, Recreation Coordinator - Nancy Ousley, Assistant City Manager

Financial Sustainability Discussion - Kurt Triplett, City Manager, City of Kirkland

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City of Kenmore Partnership with the King County-Cities Climate Collaboration - Richard Sawyer, Environmental Services Manager

Regional Water Supply Resiliency - Al Nelson, General Manager, Northshore Utility District; Ethan Maiefski, Director of Maintenance and Operations, Northshore Utility District and Alex Chen, Water Planning and Program Management Division Director, Seattle Public Utilities

CITIZEN COMMENTS

Nadia Reigna Silver
18230 70th Lane NE, Unit 206
Kirkland, Washington 98028

Ms. Silver reported that there are poop bags and needles along the Tolt Trail. She urged the Council to consider safe injection sites in the City. She also asked the Council to consider latino or latina translation of Council materials.

Vicki Grayland
2308 73rd Avenue NE
Kenmore, Washington 98028

Ms. Grayland stated that she is very happy about Senate Bill 5116 on climate change. She told the Council about an upcoming K4C summit in Mercer Island. She also urged the Council to never use artificial turf in the City.

Eric Adman
7815 NE 192nd Street
Kenmore, Washington 98028

Mr. Adman thanked the Council for the work with SnoKing Watershed Council. He stated he was happy to see information in the City newsletter about surface water.

CONSENT AGENDA

MOTION: Councilmember Densuki made a motion to approve the consent agenda, Deputy Mayor Herbig seconded the motion. The motion passed unanimously.

The consent agenda included the following:

Total Check #s: 42037 through 42100 in the amount of \$365,786.78.
Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated: 3/29/19 in the amount of \$144,042.37.

Payroll Check #s: 10123-10126 in the amount of \$1,475.01.

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Authorize the City Manager to Execute Agreement 19-C1978 with Olson Brothers Pro-Vac for Stormwater System Cleaning, Vactor Services and Pipe Inspection

Authorize the City Manager to Execute a Contract with the Responsible at Low Bid Contractor for the 2019 Crack Sealing Project

BUSINESS AGENDA

Consider Options and Provide Direction to Staff on Notification of Rent Increases - Debbie Bent, Community Development Director and Lauri Anderson, Principal Planner

Director Bent and Principal Planner Anderson explained that the staff report on options for an increased notification period for rent increases was provided to Council last year and, at a subsequent meeting, the Council asked that the issue be brought back for consideration of an ordinance that would put in place a 90-day notice of rent increase for month-to-month tenants whose rent is proposed to increase by more than 10%. (The City Attorney has cautioned that a notification beyond 60 days could be subject to legal challenge.)

The Washington State legislature currently is considering a bill that would require a 60-day notice of rent increase for all tenants—regardless of the size of the increase. ESHB 1440 passed the House on March 5, 62 to 36, and the bill has been scheduled for a second reading in the Senate. If passed and signed by the Governor, this bill would amend the Residential Landlord-Tenant Act and education and enforcement issues would fall to the State.

The City's Municipal Code presently contains no standards addressing rental housing or the relationship between landlords and tenants. A new Municipal Code chapter would need to be prepared. The primary outstanding policy issues before preparation of a local ordinance relate to (1) code enforcement and (2) requirements for tenant education about the new rule.

Code enforcement

Earlier research showed that there are two general approaches to enforcement of a rent increase notification requirement:

Enforcement by the City. This approach is used in the cities of Seattle and Tacoma. In Seattle, code enforcement officers take the tenant's complaint. The landlord is called and given a warning. Typically, the landlord delays the rent increase as a result. According to City of Seattle staff, this type of code enforcement very rarely goes to a notice of violation. Tacoma's rules just went into effect in February of this year so although enforcement regulations are included in the Tacoma Municipal Code, the track record for experience with enforcement is not yet available.

Independent legal action. In all other jurisdictions surveyed (City of Vancouver, State of Oregon and State of California), enforcement is handled through an independent legal action between the tenant and landlord. In Vancouver, a rent increase that isn't properly noticed is unenforceable and no late fees may be charged or eviction actions taken.

If the City wishes to use the code enforcement approach, the Code will need to so state. If independent legal action is the approach to be taken, Code amendments related to enforcement will not be necessary, but a provision similar to Vancouver's that prohibits the imposition of late fees or eviction action may be desirable.

Education of Tenants

Education of tenants about the new notification rules is another policy issue. In Tacoma, it is the landlord's responsibility to provide information to tenants. In fact, the landlord must get the tenant's signature, documenting that they have received the information.

If the City wishes to require tenant education of the rent notification standard, a Municipal Code requirement for landlords could be added to the ordinance. Alternatively, the City could not take regulatory action, but could provide information on the website, for example.

BACKGROUND

Rent control is illegal in Washington State (RCW 35.21.830), allowing landlords to raise the rent without restriction as long as they comply with the appropriate notice periods and are not discriminating or retaliating against the tenant.

For leased property, a landlord cannot change the terms during the lease period except by mutual agreement. This means that rent is fixed for the life of the lease.

For month-to-month rentals, the landlord currently must give 30 days written notice of a rent increase to the tenant (RCW 59.18.140). The increase can go into effect at the beginning of the first full month following the notice.

Mobile home tenants (renting the mobile home pad) have different protections (RCW 59.20.090). Unless otherwise agreed, rental agreements must be for the term of one year. A landlord seeking to increase the rent upon expiration of the agreement must notify the tenant in writing three months prior to the effective date of any increase in rent.

Standards from other cities/states also were reviewed:

- City of Seattle: Requires 60 days prior written notice for an increase 10% or more in a 12-month period (SMC 7.24.030).
- City of Tacoma: Requires 60 days prior written notice for all increases (TMC 1.95).

- City of Vancouver, Washington: Requires a 45-day notification before the end of the rental term for an increase of 10% or more in a 12-month period (VMC 8.46).
- State of Oregon: In a month-to-month tenancy, the landlord may not increase rent during the first year of tenancy. After that, 90 days' written notice of increase is required. The rent increase may begin any time during a month.
- State of California: Advance notice of a rent increase expands from 30 days to 60 days if the increase amounts to more than 10% of the rent during the previous 12 months.

Council and staff engaged in a discussion.

MOTION: Councilmember Curtis made a motion to not create a 90-day notice Ordinance and stay with the State's regulations of a 60-day notice, Councilmember Srebnik seconded the motion. The motion failed 3-4-0 with Councilmember Curtis, Councilmember Srebnik and Councilmember Smith in favor.

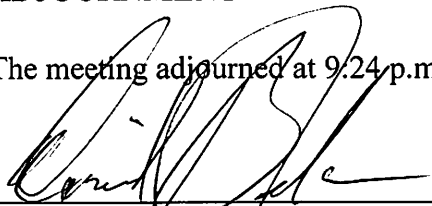
MOTION: Deputy Mayor Herbig made a motion to make it a 90-day notice when it is more than a 10% rent increase otherwise its 60 days, Councilmember Denuski seconded the motion. The motion passed 4-3-0 with Councilmember Curtis, Councilmember Srebnik and Councilmember Smith voting no.

MOTION: Councilmember Smith made a motion for code enforcement to be an independent legal action as staff has recommended, Councilmember Denuski seconded the motion. The motion passed unanimously.

MOTION: Councilmember Smith made a motion to publicize this in the newsletter and put a link on the website, Councilmember Curtis seconded the motion. The motion passed unanimously.

ADJOURNMENT

The meeting adjourned at 9:24 p.m.



David Baker, Mayor

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ATTEST:



Kelly M. Chelin, City Clerk