

# Code Compliance

— guidelines on Seattle regulations governing safety and quality of life

## Terminating Tenancies under the Just Cause Eviction Ordinance

(to comply with Land Use Code  
restrictions on the number of residents)

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The Seattle Land Use Code limits the maximum number of people allowed to live together in one dwelling unit when any one of the residents is not related to the others (see SMC 23.84.016).

The term “dwelling unit” includes a single-family house, an apartment or condominium, one half of a duplex, and other buildings or parts of buildings arranged as independent living accommodations for one household.

There is no limit on the number of members of a single family who can live together in one unit, as long as there is sufficient space according to Housing Code standards.

### Two Situations

A property owner who wishes to terminate a tenancy in order to comply with the limit on number of persons must follow specific procedures found in the Just Cause Eviction Ordinance (JCEO) [SMC 22.206.160(C) (1) (k) and (l)]. These procedures vary, depending on whether the property owner voluntarily seeks to comply with the restriction or whether the owner is required to do so after receiving a notice of violation (NOV) for having too many residents. This Tip explains the steps a property owner must take in order to terminate a tenancy in these two situations.

### Voluntarily Terminating a Tenancy

Subsection (k) of the JCEO may be used by a property owner who voluntarily seeks to comply with the restriction in the Land Use Code. There are several specific conditions which must be met:

- There are currently more than 8 persons living in one dwelling unit and one or more of them are not family members, **AND**
- The number of persons living in the unit was legal as of August 10, 1994, **AND**
- That number has not increased since August 10, 1994 with the owner's knowledge or consent, **AND**
- The owner cannot, or chooses not to, legalize the property with the current number of residents (in other words, is unwilling or unable to obtain a permit as a legal nonconforming use).

If all of these conditions are met, the owner may take the following steps to terminate enough tenancies to bring the dwelling unit into compliance with current law:

1. Serve all tenants in the unit with a 30-day notice informing them that the number of tenants is illegal and must be reduced. This gives the tenants a chance to determine among themselves whether anyone is willing to move out voluntarily.
2. If, at the expiration of the 30-day notice, there are still too many people living in the unit, the owner may terminate one or more rental agreements by issuing a 10-day notice to comply with the legal limit allowed in the unit.

### When deciding which tenancies to terminate, the owner must follow these rules:

- (a) **If there is only one rental agreement for the unit**, the owner can terminate the rental agreement and therefore all residents (all on the same agreement) must vacate.
- (b) **If there is more than one rental agreement for the unit and if individual rooms or suites are rented separately**, there may be several separate rental agreements. In this case, the owner may choose which agreements to terminate, **EITHER** (i) the minimum number of rental agreements necessary to comply with the legal limit on the number of residents (8), **OR** (ii) only those agreements involving the minimum number of occupants necessary to comply with the legal limit (8).



## Terminating a Tenancy after Receiving a Notice of Violation (NOV)

Subsection (l) of the JCEO affects the owner who has received a notice of violation of the Land Use Code restriction on the number of unrelated occupants. In this situation, the owner may take the following steps to terminate enough tenancies to comply with current law and correct the conditions in the notice of violation:

1. If the number of tenants was increased above the legal limit **with the knowledge or consent of the owner**, the owner serves all tenants with a 30-day notice informing them that the number of tenants is illegal and must be reduced. This gives the tenants a chance to decide among themselves who should move out.
2. If the number of tenants exceeded the legal limit **without the owner's knowledge or consent**, this initial 30-day notice is not required and the owner may immediately issue a 10-day notice as described in paragraph 3 below.
3. If there are still too many people living in the building to comply with the law at the expiration of the 30-day notice (or immediately if no 30-day notice is required, see paragraph 2 above), the owner may terminate one or more of the rental agreements by issuing a 10-day notice to comply with the legal limit allowed in the building. When deciding which tenancies to terminate, the owner must follow these guidelines:
  - (a) **If there is only one rental agreement covering the unit**, the owner can terminate the rental agreement and therefore all of the residents must vacate.
  - (b) **If there is more than one rental agreement covering the unit**, the owner may choose which agreements to terminate, **EITHER** (i)

### Example: Terminating More than One Rental Agreement.

If 10 people were living in a dwelling unit, consisting of three single people, two couples, and a family of three, all with separate rental agreements, the owner would have three choices to reduce the number to eight: the owner could terminate the agreements of one of the couples or the family of three (the minimum number of rental agreements), or two of the single people (the minimum number of occupants). The owner could not use this just cause to terminate all three single people, or some combination of couples and singles, or the family and any other rental agreement, because then the owner would be terminating more than the minimum number of tenancies necessary to bring the number of residents down to eight.

the minimum number of rental agreements necessary to comply with the legal limit on the number of residents (8), **OR** (ii) only those agreements involving the minimum number of occupants necessary to comply with the legal limit (8). (See example at bottom left.)

4. **Relocation Assistance:** If the excess number of tenants occurred with the knowledge or consent of the owner, the owner must pay relocation assistance to any tenant households whose tenancies are terminated under this provision. The owner must pay the relocation assistance to the tenants at least two (2) weeks prior to the termination of tenancy. (In order to minimize confusion, we recommend that the 10-day notice actually be issued 14 days before the end of the rental period so that it is issued at the same time that payment of the relocation assistance is required.)

The amount of relocation assistance depends on the tenant's income: two thousand dollars (\$2,000.00) for low-income tenant households and two (2) months' rent for all others. A tenant household will be considered low-income if total income is at or below 50% of the median income in King County. Current figures are listed in the table; please call (206) 684-7979 for updates.

### 2004 Income Limits for Low-Income Status (50% of King County Median Income)

|           |          |
|-----------|----------|
| 1 person  | \$27,250 |
| 2 persons | \$31,150 |
| 3 persons | \$35,050 |
| 4 persons | \$38,950 |
| 5 persons | \$42,050 |
| 6 persons | \$45,200 |
| 7 persons | \$48,300 |
| 8 persons | \$51,400 |

5. The inspector will record compliance with the Land Use Code in King County records once the number of residents is eight or fewer and after any necessary relocation assistance has been paid.

A copy of the JCEO (Ordinance #117942) is available from the City Clerk's Office, 600 Fourth Ave., Suite 104, and on the City Clerk's website at <http://clerk.ci.seattle.wa.us/~public/CBOR1.htm>. For more information on these provisions, please call Seattle DCI's Code Compliance Program at (206) 684-7979.