



# Seattle Office for Civil Rights

## Use of Eviction History in Housing, SMC 14.09 Frequently Asked Questions

The [Use of Eviction History in Housing Ordinance](#) prohibits housing providers from taking adverse action against a tenant or potential tenant, such as refusing to rent to an applicant, based on eviction history that occurred during or up to six months after the civil emergency related to COVID-19. This law was created to mitigate the long-term impact of an eviction record on tenants who may be evicted as a result of the severe economic disruptions caused by the COVID-19 global pandemic. The law amends Seattle Municipal Code [\(SMC\) 14.09](#), which previously only regulated use of criminal records.

The Seattle Office for Civil Rights (SOCR) is responsible for administering and enforcing this ordinance. SOCR conducts free and impartial investigations when someone believes there has been a violation of the law. SOCR does not provide legal advice or representation to parties involved in a claim. Compliance with the law is reached by SOCR playing a neutral role in the process.

SOCR also provides free technical assistance to rental housing providers, community organizations, members of the public, and anyone else that is impacted by this law. This Frequently Asked Questions (FAQ) document addresses some of the most common questions about the law.

If you are a **prospective renter, applicant, or tenant** with a question that is not covered by this FAQ, please contact SOCR at 206-684-4500 or email us at [discrimination@seattle.gov](mailto:discrimination@seattle.gov). You may also contact us in these ways if you believe the law has been violated.

If you are an **owner, housing provider, property manager, or community advocate** with a question that is not covered by this FAQ, please contact SOCR at 206-684-4500 or email us at [discriminationquestions@seattle.gov](mailto:discriminationquestions@seattle.gov).

Reasonable accommodations for disabilities and language interpretation are always available.

**IMPORTANT NOTE:** This FAQ should not be used as substitute for codes and regulations. The reader is responsible for compliance with all code and rule requirements.

### **1. Why is the Use of Eviction History in Housing Ordinance needed?**

Since March 2020, non-essential businesses in the City of Seattle have been closed. As a result, many people in our communities do not have income and are struggling to pay rent. The likelihood of tenants facing eviction, especially in communities of color, has increased in direct relation to the COVID-19 pandemic. Evictions can have long-term impacts on individuals, families, and the City.

### **2. What does the Use of Eviction History in Housing Ordinance do?**

The law amends the existing Fair Chance Housing Ordinance to include a definition of eviction history, as well as additional notice requirements for landlords and protections for tenants based on eviction history. Broadly, the law says that landlords cannot take adverse actions against a tenant or potential tenant, such as denying a rental application, based on eviction history that occurred during or up to six months after the civil emergency related to COVID-19. Other examples of adverse actions include treating a tenant differently based on their eviction history from this time period or retaliating against them for asserting their rights under the law.

The civil emergency was proclaimed on March 3, 2020 and does not yet have a scheduled end date. When the Mayor announces the end date of the civil emergency, the time period covered by the ordinance will extend from March 3, 2020 to six months after the scheduled end date.

### **3. Isn't there an eviction moratorium in place?**

Yes. On March 19, 2020, Mayor Durkan signed an emergency order stating that residential landlords would temporarily not be allowed to evict tenants, except when a tenant's conduct violates their rental agreement AND presents an imminent threat to the health and safety of other tenants. These protections have been extended by Seattle's City Council to remain in place until December 4, 2020. You can find more information about the eviction moratorium and additional COVID-19 related eviction protections at [www.seattle.gov/rentinginseattle](http://www.seattle.gov/rentinginseattle).

While the eviction moratorium prevents housing providers from evicting tenants until December 4, 2020, the civil emergency may still be in place after that date and the economic impacts of the pandemic are expected to continue far beyond this time.

### **4. Will landlords be able to take adverse action based on eviction history from the time of the civil emergency at some point in the future?**

No. Going forward, landlords may not take adverse action against potential or existing tenants for eviction history from this time period. For example, if a prospective tenant

applied for housing ten years from now, a landlord would not be able to deny their application because of eviction history from the COVID-19-related civil emergency and six months after.

**5. Under the new law, what is included in eviction history?**

The new law states that eviction history includes information disclosing that an unlawful detainer action was filed. An unlawful detainer action is a lawsuit that a landlord files to evict a tenant. Eviction history also includes information disclosing that the landlord notified the tenant of their intent to evict the tenant, including notices issued to pay or vacate.

**6. When and how can landlords use eviction history under the new law?**

Landlords can still look up eviction history and receive information about the eviction histories of applicants from screening companies, including eviction history during or up to six months after the civil emergency related to COVID-19. They can also include eviction histories in their criteria to select tenants, but landlords may not take an adverse action for eviction history that occurred during and up to six months after the COVID-19-related civil emergency, unless an exemption applies (See FAQ 12 below for more information about exemptions).

If a landlord sees eviction history from this timeframe and takes an adverse action, such as denying tenancy, the presumption will be that the landlord did so because of that eviction, unless they can prove otherwise.

**7. Will judges grant an order of limited dissemination for evictions that occur during the period protected by the new law?**

An order of limited dissemination prevents an eviction from appearing on future tenant reports. Judges have the option to issue orders of limited dissemination for evictions that occur during this time period. However, judges are not required to do so and, as a result, potential housing providers may see this eviction history when screening applicants.

**8. Can housing providers retaliate against tenants or potential tenants for exercising their rights under this law?**

No. The new law includes protections against retaliation.

**9. How should a tenant with an eviction that occurred during the civil emergency answer the question “Have you ever been evicted?” if it is asked on a rental housing application?**

Questions on rental applications should be answered honestly. If a potential tenant’s application is denied and the landlord knew about an eviction that occurred during the protected time period, the presumption will be that this knowledge was the reason for the denial, unless the landlord can prove otherwise.

**10. Does the new law apply to evictions that occurred outside the City of Seattle?**

Yes. For example, if a tenant has eviction history from a property outside the City of Seattle that occurred during the protected time period and is now applying for housing in the City of Seattle, the law will apply.

**11. How does a landlord provide the notice that the new law requires?**

A landlord must have the requirements of SMC 14.09, including the requirements of the new law, written on all applications for rental properties. If an application is online, the required notice must be written on the online application.

The written notice regarding the new law must inform potential tenants that landlords are prohibited from taking an adverse action against a tenant based on eviction history occurring during or within six months after the end of the civil emergency proclaimed by Mayor Durkan on March 3, 2020, and that the Seattle Office for Civil Rights is the department that will enforce any violations of this ordinance. This written notice is in addition to the other notice requirements under SMC 14.09 regarding [criminal history](#).

**12. Are there any exemptions?**

The new law includes exemptions for:

- Evictions where the tenant’s actions posed an imminent threat to the health or safety of the tenant, neighbors, or the landlord.
- Federally assisted housing that is subject to federal regulations that require the denial of tenancy.

**13. How do I know if my organization qualifies as “federally assisted housing subject to federal regulations that require denial of tenancy” that qualifies as an exclusion under SMC 14.09?**

If your organization is a federally assisted housing provider, federal laws and regulations may require that you deny tenancy based on eviction history. For example, federal laws and regulations require the Seattle Housing Authority to deny tenancy to applicants

with an eviction record for drug-related criminal activity that occurred within three years from the date of application. All other portions of SMC 14.09 such as the notice requirements and anti-retaliation provisions apply to public housing authorities unless specifically exempt under federal regulations.

**14. Does the new law apply to owner-occupied single-family homes?**

Yes. The ordinance applies to rental housing, including:

- Single-family dwellings where the owner or subleasing tenant occupies part of the single-family dwelling
- Accessory dwelling units (ADU) or detached accessory dwelling units (DADU) when the owner or person entitled to possession maintains a permanent residence on the same lot.

**15. Are commercial tenants included?**

No. The new law only applies to residential tenants.

**16. When does the new law go into effect?**

It went into effect when it was signed into law on May 15, 2020.

**17. Can I sue someone in court under this law?**

No. This ordinance does not provide the right to file in court.

**18. Who will enforce this new law?**

On May 15, 2020, the Seattle Office for Civil Rights (SOCR) began enforcement of this law. SOCR will receive complaints about housing providers that are non-compliant.

**19. How do I report a violation?**

- Submit a report [online](#).
- Send an email to [discrimination@seattle.gov](mailto:discrimination@seattle.gov).
- Call us at 206-684-4500 or TTY 206-684-4503
- The Seattle Office for Civil Rights currently cannot accept drop-in visitors. When public health guidance allows, you may report the violation by visiting in person at 810 Third Avenue, Suite 750, Seattle, WA 98104.

You will be asked to provide the date, location of the property, name of the housing provider, and other information related to the alleged violation.

**20. Are there other new City of Seattle rental housing laws related to COVID-19?**

Yes. [Ordinance 126075](#) extends eviction protections to tenants facing eviction for non-payment of rent to December 4, 2020. [Ordinance 126081](#) requires that tenants be permitted to pay overdue rent in installments during, or within six months after the termination of, the civil emergency. It also prohibits late fees, interest, or other charges during and for one year following the end of the civil emergency. Both laws are enforced by the [Seattle Department of Construction and Inspections](#).

Have more questions? Call us at 206-684-4500, TTY 206-684-4503, or email us at [discriminationquestions@seattle.gov](mailto:discriminationquestions@seattle.gov).