

ORDINANCE NO. 4211

AN ORDINANCE relating to rental units which are being converted to condominium apartments; clarifying Council intent by amending Sections 3 and 8 of Ordinance 4189; and declaring an emergency.

PREAMBLE:

Because of a possible ambiguity in Ordinance 4189, there exists a question regarding whether the ordinance protects tenants who receive notices of conversion and/or eviction prior to filing of the condominium declaration for their units. It was and is the Council's intent to have the ordinance apply to this class of tenants and to protect them against evictions for the purpose of avoiding application of the ordinance.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 4189, Section 3 is hereby amended as follows:

APPLICATION.

A. In General. This Ordinance shall apply only to the conversion and sale of rental units that have not yet been converted to condominium apartments and to those units in converted buildings that are not yet subject to a binding purchase commitment or have not been sold on the effective date of this Ordinance. However, in the case of occupied units for which a declaration has been filed pursuant to RCW Chapter 64.32 and whose tenants have received notice of such declaration and of the developer's intent to sell prior to the effective date of this Ordinance, the notice requirements of Part II of this Ordinance shall be deemed fulfilled if the notices delivered to tenants and subtenants in possession are at least equal to those required in Part II. The provisions of this Ordinance shall not apply to a unit once it has been sold as a condominium apartment. Part II of this Ordinance, Protection of Tenants, shall not apply to condominium apartments that are vacant on the effective date of this Ordinance and which have been offered for sale prior to that date; provided that any tenant who takes possession of the apartment after said date shall be provided the disclosures

1 required by Section 3B of this Ordinance and shall be entitled to  
2 the benefits of that section if the required disclosures are not  
3 given.

4 B. Application to Tenants. This Ordinance shall apply  
5 only to those tenants who have received notice that their units  
6 may be converted and/or who are in possession of rental units in  
7 converted buildings at the time the notices, offers, and  
8 disclosures provided by this Ordinance are required to be  
9 delivered, including tenants who have received an eviction notice  
10 under RCW 59.18.200 effective after the effective date of this  
11 Ordinance. This Ordinance shall not apply to tenants who take  
12 possession of a unit vacated by a tenant who has received the  
13 notices and other benefits provided by this Ordinance; provided,  
14 that developers shall disclose in writing to all tenants who take  
15 possession after service of the 120-day notice required by this  
16 Ordinance that the unit has been sold or will be offered for sale  
17 as a condominium apartment. This disclosure shall be made prior  
18 to the execution of any written rental agreement or prior to the  
19 tenant's taking possession whichever occurs earlier. A  
20 developer's failure to disclose, within the time specified above,  
21 that the unit has been sold or offered for sale shall entitle the  
22 tenant to all the other protections and benefits of this  
23 Ordinance.

24 C. New Condominium Apartments. Newly constructed  
25 apartment units for which a certificate of occupancy is issued  
26 subsequent to the date of this Ordinance, and which have been  
27 declared as condominiums prior to occupancy, shall be exempt from  
28 the provisions of the ordinance for a period of 280 days from the  
29 date of first occupancy; PROVIDED that if any unit in such  
30 apartment is rented prior to sale, the developer or owner shall  
31 provide written notice to the prospective tenant, in a form  
32 approved by the Director, that the apartment is a condominium  
33 subject to future sale.

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1            SECTION 2. Ordinance 4189, Section 8, is hereby amended as  
2 follows:

3                    UNLAWFUL EVICTIONS.

4            A. A developer shall not evict (~~tenants~~) any person  
5 or force (~~tenants~~) any person to vacate (~~their~~) his or her  
6 rental unit(~~s~~), through unreasonable increases in rents or any  
7 other device, for the purpose of avoiding application of this  
8 Ordinance. During the 90-day period immediately preceding filing  
9 of a declaration, a developer shall not increase rents in an  
10 affected unit in a cumulative amount greater than 10% of the base  
11 rent that was charged at the beginning of the 90-day period. If  
12 a unit was unoccupied at the beginning of the 90-day period but  
13 was subsequently rented during that period, then the base rent  
14 shall be that initially charged the tenant. A developer shall  
15 not increase rents in an affected unit from the time a  
16 declaration is filed until expiration of the 120-day notice  
17 period provided by Section 5 of this Ordinance and pertaining to  
18 sale of that particular unit. If a unit was unoccupied at the  
19 time of filing the declaration but was subsequently rented during  
20 the period, then the base rent shall be that initially charged  
21 the tenant.

22            B. A tenant shall be evicted only for good cause  
23 during the 120-day notice period provided by Section 5 of this  
24 Ordinance and pertaining to sale of the tenant's unit. For the  
25 purposes of this Ordinance good cause shall mean: (a) failure to  
26 quit the premises after expiration of the term of the lease as  
27 provided in RCW 59.12.030(1) (not applicable to periodic  
28 tenancy); (2) failure to pay rent after service of a three (3)  
29 day notice to pay rent or vacate as provided in RCW 59.12.030(3);  
30 (3) failure to comply with a term or terms of the tenancy after  
31 service of a ten (10) day notice to comply or vacate as provided  
32 in RCW 59.12.030(4); and (4) the commission or permission of a  
33 waste or the maintenance of a nuisance on the premises and

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failure to vacate after service of a three (3) day notice as provided in RCW 59.12.030(5).

SECTION 3. The County Council finds as a fact and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public peace, health or safety or for the support of county government and its existing public institutions.

INTRODUCED AND READ for the first time this 23<sup>rd</sup> day of April, 1979.

PASSED this 23<sup>rd</sup> day of April, 1979.

KING COUNTY COUNCIL,  
KING COUNTY, WASHINGTON

Ruby Chow  
Chairman

ATTEST:

Dorothy M. Chum  
Deputy Clerk of the Council

APPROVED this 2d day of May, 1979.

[Signature]  
King County Executive