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4
5
6 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
7 IN AND FOR PIERCE COUNTY

8 TACOMA FOR ALL and UNITED FOOD)
9 AND COMMERCIAL WORKERS LOCAL)
367,)
10 Plaintiffs,)
11 vs.)
12 CITY OF TACOMA, PIERCE)
COUNTY, and LINDA FARMER, in her)
13 official capacity.)
14 Defendants.)

No.
COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF, AND
PETITION FOR BALLOT TITLE APPEAL

15
16 **PART 1: COMBINED INTRODUCTION**

17 1.1 Tacoma voters, through Tacoma for All (“TFA”), have utilized the process in the
18 Tacoma City Charter to place the “Tenant Bill of Rights” Initiative (hereafter “Initiative”) on the
19 November ballot. **Exhibit A** (Initiative) and **Exhibit B** (City approval of petition form). Tacoma
20 voters signed the Initiative in sufficient number to qualify it for the ballot and the Tacoma City
21 Council (“Council”) duly enacted Resolution No. 41237 to place it on the November ballot for an up-
22 or-down (majority rules) vote. **Exhibit C** (includes Resolution No. 41237). The Tacoma City Charter
23 (“Charter”) required the Council to enact Resolution 41237 to place the Initiative on the ballot and
doing so is not in dispute. *Id.*

1 1.2 What is in dispute is the legality of what the Council did next. Rather than placing the
2 Initiative on the ballot for an up or down (majority) vote, as the Charter expressly requires, the
3 Council passed Resolution 41238 to place an alternative (which the City calls “Measure 2”) on the
4 ballot to compete with the Initiative and then instructed Pierce County to place the two measures on
5 the ballot as head-to-head, with the winner decided by a 2-part vote to be decided by a plurality (not
6 majority). **Exhibit C** (includes Resolution No. 41238). State law requires this head-to-head / plurality
7 election where a government is legally authorized to put an alternative on the ballot. *In re Ballot Title*
8 *Appeal of City of Seattle Initiatives 107-110*, 183 Wash. App. 379, 387, 334 P.3d 59, 62 (2014)
9 (endorsing 2-part question under the Seattle City Charter, which authorizes an alternative). But here
10 the Tacoma City Council has no such authority.

11 1.3 Resolution 41238 is illegal and void. ***The Charter does not give the City Council***
12 ***authority to place an alternative on the ballot to compete with a qualified citizen initiative and***
13 ***doing so impermissibly interferes with the People’s right to initiative.***¹ The Court should strike the
14 alternative from the ballot to preserve the People’s right to initiative.

15 1.4 Tacoma for All also petitions the Court to modify the assigned ballot title, which fails
16 to follow the proper form and would deceive the voters about the legal impact of the alternative, if it
17 makes it to the ballot and is approved. The assigned title adds insult to injury. First, the City seeks to
18 undermine the People’s initiative process by depriving voters of their right to an up-or-down
19 /majority vote on a qualified initiative. Then, it assigned a ballot title which deceives the voters about
20 the impact of the alternative. ***The assigned ballot title would hoodwink voters into believing that***

21 _____
22 ¹ Notably, the City seeks to place Measure 2 on the ballot because it has political disagreement with the Initiative. It first
23 tried to convince Tacoma for All to retract the Initiative. When Tacoma for All said no (since the voters signed the
24 initiative requesting a vote), the City resorted to this desperate and illegal action to undermine the Initiative. That is not
the proper role of a City faced with a citizen initiative.

1 **Measure 2 would enact new tenant protections, when in fact it would do nothing.** It’s worth stating
2 again – Measure 2 enacts no new protections. All of the tenant protections described in the ballot title
3 are existing law, which are just “reenacted.” The city admits that these provisions will remain the law
4 regardless of the outcome of the election. A ballot title can only describe the proposed substantive
5 changes to the law, not existing law.

6 1.5 Imagine the confusion that this will cause if this alternative remains on the ballot.
7 Rather than getting the straightforward campaign that the Charter promises, the Initiative Sponsors
8 would need to help voters understand a complex two-part ballot title where the so-called alternative
9 will remain the law regardless of the outcome of the election. Thus, voters are being asked to vote
10 against existing law that they may support and that will remain on the books regardless of the
11 election outcome. The placement of this so-called alternative on the ballot is a direct affront to the
12 People’s initiative right.

13 **PART 2: DESCRIPTION OF PARTIES**

14 2.1 Tacoma for All is a volunteer-driven grassroots organization based in Pierce County.
15 The organization focuses on developing and advocating strategies to achieve sustainable, dignified,
16 and affordable housing. Secure housing tenure is integral to adequate housing and is essential for
17 enjoying various civil, economic, political, and social rights. Tacoma For All strives to identify and
18 prioritize the unmet housing needs of vulnerable and marginalized groups, including the 52% of
19 Tacoma's renting households that are rent-burdened and at risk of involuntary displacement.

20 2.2 UFCW 367 is a Tacoma-based grocery and retail union representing over 8000
21 members who work in grocery and retail stores in the South Puget Sound region. There are over 1800
22 UFCW 367 members who live in the city of Tacoma and many of these members are renters. The
23 union describes itself as “a diverse, member driven union fighting for social and economic justice.

1 We empower through respect, integrity, and dignity. Our strength comes from standing in solidarity
2 with our communities to build a better life.”

3 2.3 Plaintiffs are taxpayers and plaintiffs’ members include taxpayers. Plaintiffs provided
4 notice to the Attorney General requesting that he take action to protect taxpayers from the costs of
5 holding an illegal election on Measure 2. **Exhibit D.** Plaintiffs therefore represent the interests of
6 taxpayers in this lawsuit.

7 2.4 Defendant City of Tacoma has proposed to place Measure 2 on the ballot.

8 2.5 Pierce County is a political subdivision of the State of Washington and Pierce County
9 Auditor Linda Farmer is named only in her official capacity.

10 **PART 3: COMBINED FACTUAL STATEMENT**

11 **A. Voters signed the Tenant Bill of Rights Initiative in sufficient numbers to send it to the
12 ballot for an up-or-down (majority rules) vote.**

13 3.1 The most important fact in this case is not in dispute: Enough Tacoma voters signed
14 the Initiative to qualify it for the ballot, pursuant to the process laid out in the Charter, and the City
15 passed Resolution 41237 to place it on the ballot for an up-or-down (majority rules) vote.

16 3.2 As the City confirmed in Resolution 41237, Tacoma for All submitted the petition on
17 June 16, 2023. **Exhibit C.** To qualify for the ballot, the petition required 4,207 valid signatures, and
18 the Peirce County Auditor determined that 4523 valid signatures were submitted. *Id.* On July 11,
19 2023, the Council passed resolution 41237, which stated:

20
21
22
23
24

1 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

2 1 That a ballot measure be transmitted to the Pierce County Auditor to be
3 2 placed on the ballot for the General Election on Tuesday, November 7, 2023,
4 3 which reads:
5 4

5 CITY OF TACOMA
6 CITIZENS' INITIATIVE MEASURE NO. 1
6

7 Citizens' Initiative Measure No. 1 concerns enacting rental
7 requirements for landlords and rental rights for tenants.

8 This measure would require landlords to comply with health and safety
9 laws before raising rent or evicting a tenant; set limits on certain rental
10 fees; require landlords provide two notices to increase rent and offer
11 relocation assistance when the increase is 5% or more; create a
12 defense against certain student/schoolyear evictions, evictions
13 between November 1 and April 1, and evictions against
14 servicemembers, seniors, families and others with protected status
15 under the measure; and provide penalties and enforcement
16 mechanisms.

14 Should this measure be enacted into law?

15 Yes.....

16 No.....

17 **B. The City expressed its disagreement on policy and attempted to convince the Sponsor to
18 withdraw the Initiative, which the Sponsor refused.**

19 3.3 The powers that be in the City of Tacoma had already expressed their disagreement
20 with the Initiative to Tacoma for All. They encouraged TFA to not submit the signatures and even
21 offered to enact a compromise measure to convince TFA not to submit the signatures. The City also
22 threatened that if TFA submitted its signatures, the City would place its own proposal on the ballot as
23 a head-to-head alternative. When TFA refused these overtures and submitted the Initiative, the City
24 decided to do just that.

1 **C. The City then decided to place existing law on the ballot as an “alternative” to the**
2 **Initiative, with the winner decided by a plurality (not majority) vote.**

3 3.4 Soon after enacting Resolution 41237 to place the Initiative on the ballot alone (for an
4 up-or-down/majority rules vote), the Council enacted Resolution 41238 illegally denying that vote.

5 **Exhibit C.**

6 3.5 Resolution 41238 starts by describing the history underlying the Council’s passage of
7 Ordinance 28894: After several years of consideration, the Council enacted Ordinance 28894 to
8 make a set of discrete amendments to the City’s Rental Housing Code (“RHC”). Then, the Council
9 placed that Ordinance on the ballot as a head-to-head alternative to the Initiative, with the winner
10 decided by a plurality vote.

11 7 | BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:
12 8 | Section 1. That the Pierce County Auditor, as *ex officio* supervisor of
13 9 | elections in Pierce County, Washington, is hereby authorized to place an initiative
14 10 | measure amending the Tacoma Municipal Code (“TMC”), Chapter 1.95, “Rental
15 11 | Housing Code,” on the November 7, 2023, ballot as an alternative to Citizens’
16 12 | Initiative Measure No. 1, the Landlord Fairness Code.
17 13 | Section 2. The City shall submit to the electorate of the City of Tacoma
18 14 | in the form substantially as follows:
19 15 |
20 16 |

MEASURE NOS. 1 AND 2 CONCERN RENTAL HOUSING CODE REGULATIONS.

Measure No. 1 would require landlords to comply with health and safety laws before raising rent or evicting a tenant; set limits on certain rental fees; require landlords provide two notices to increase rent and offer relocation assistance when the increase is 5% or more; create a defense against certain student/schoolyear evictions, evictions between November 1 and April 1, and evictions against servicemembers, seniors, families and others with protected status under the measure; and provide penalties and enforcement mechanisms.

As an alternative, the Tacoma City Council proposes Measure No. 2, which would repeal and reenact portions of the City's rental housing code and require landlords to comply with health and safety laws; have a City license before increasing rent or evicting tenants; set limits on rent late fees and pet deposits; require 120 day notice to raise rent; add new regulations for shared housing; standardize screening criteria for tenant income required to qualify for housing, for reviewing tenant's criminal history and identification.

Should either of these measures be enacted into law?

Yes.

No

2. Regardless of whether you voted yes or no above, if one of these measures is enacted, which one should it be?

Measure No. 1

or

Measure No. 2

Resolution 41238, pp. 4-5. A copy of Ordinance 28894 is attached as **Exhibit E**.

3.6 The City's tactic is illegal, as discussed below, and also designed to deceive the voters because the City's so-called alternative is existing law; the Council already enacted the same law that is being put forward as Measure 2. Measure 2's passage would merely "repeal and re-enact" the existing law.

1 3.7 Resolution 41238 admits that because Ordinance 28894 is existing law, it would
2 remain in effect regardless of the outcome of the election. The Resolution states that if “Measure No.
3 2 receives the majority of votes, then ordinance No 28894 will be repealed and re-enacted in its
4 entirety,” whereas “If the Landlord Fairness Code receives the majority of the votes, it will prevail
5 and Initiative No. 2 would fail, meaning that Ordinance No. 28894 would *not* be repealed, and would
6 remain in effect”. **Exhibit C** (Resolution 41238 at p. 3-4). *See also* **Exhibit F** (Measure 1
7 Explanatory Statement) and **Exhibit G** (Explanatory statements for Initiative and Measure 2).

8 **D. The Charter entitles Sponsors and voters to an Up-or-Down (majority rules) vote and
9 does not give the Council a right to place an alternative on the ballot.**

10 3.8 In our State, the initiative process comes in two forms: Initiatives to the People and
11 Initiatives to the Legislature. In the stronger Initiative to the People process, a qualified initiative
12 goes on the ballot *alone* for an up-or-down (majority rules) vote. Under the Initiative to the
13 Legislature process, the legislative authority can put an alternative on the ballot to compete with the
14 qualified initiative, with the winner determined by a 2-part, plurality vote.

15 3.9 Charter cities are free to choose either or both systems. When the People of Tacoma
16 amended the Charter to enshrine the People’s right to initiative, it adopted the stronger Initiative to
17 the People process; they did not empower the City Council to place an alternative on the ballot. The
18 City’s attempt to place an initiative on the ballot is illegal.

19 **E. The City Attorney assigned an improper ballot title to Measure 2.**

20 3.10 Adding insult to injury, the City Attorney issued a ballot title to Measure 2 which fails
21 to follow the statutory required form (which applies when there is a lawful alternative) and misleads
22 voters about the legal impact of Measure 2. It falsely describes Measure 2 as if it would enact new
23 law, when in fact it would just re-enact existing law, and it misstates such existing law.

1 **PART 4: COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

2 4.1 All previous paragraphs are hereby incorporated by reference as if fully set forth
3 herein.

4 **I. JURISDICTION AND VENUE**

5 4.2 This Court has subject matter jurisdiction over this action under chapter 7.24 RCW
6 and chapter 7.40 RCW and chapter 29A.68 RCW.

7 4.3 Venue is proper in Pierce County, Washington, including under RCW 4.12.020.

8 **II. FIRST CAUSE OF ACTION – DECLARATORY RELIEF**

9 4.4 The preceding paragraphs are incorporated by reference as if set forth fully herein.

10 4.5 Courts review before elections a local initiative or referendum to determine, notably,
11 whether an initiative is properly on the ballot. *City of Port Angeles v. Our Water - Our Choice!*, 170
12 Wn.2d 1, 7 (2010).

13 4.6 A controversy exists between Plaintiffs and Defendants regarding

14 (1) the authority of the Tacoma City Council to place an alternative on the ballot to compete
15 with a qualified citizen initiative.

16 (2) whether the Tacoma City Council’s placement of an alternative on the ballot without
17 express authority in the City Charter constitutes an infringement on the People’s right of initiative.

18 4.7 Pre-election review of a local initiative is permitted where, as here, there is a dispute
19 regarding the authority to place a measure on the ballot. If the invalid alternative were to be placed
20 on the ballot, Plaintiff’s members would be deprived of an up-or-down (majority rules) vote on their
21 qualified initiative and would be required to expend significant resources to oppose the alternative.

1 4.8 Plaintiffs seek a declaration that the City’s action placing Measure 2 on the ballot is
2 invalid because they lack authority to place a measure on the ballot and doing so impermissibly
3 infringes on the people’s right to initiative.

4 4.9 Tacoma City Charter Section 2.19 provides only an Initiative to the People process
5 which does not authorize the Council to place an alternative on the ballot:

6 Section 2.19 – Citizens of Tacoma may by initiative petition ask the voters to approve
7 or reject ordinances or amendments to existing ordinances, subject to any limitation
8 on topics in state law, by the following process:

9 . . .

10 (j) . . . *If the petition is validated, the City Council may enact or reject the Initiative,
11 but shall not modify it. If it rejects the Initiative or within thirty (30) calendar days
12 fails to take final action on it, the City Council shall submit the proposal to the people
13 at the next Municipal or General Election that is not less than ninety (90) days after
14 the date on which the signatures on the petition are validated.* (emphasis added).

15 4.10 Tacoma City Charter Section 2.23 make it clear that qualified initiatives are subject to
16 an up-or-down, majority rules vote:

17 Section 2.23 – *If a majority of the qualified electors voting upon any ordinance
18 initiated or referred shall vote in favor thereof, the same shall take effect ten days
19 after the certification of the result of the election thereof or at the time fixed therein;
20 provided, that if the provisions of two or more proposed ordinances approved at the
21 same election are inconsistent, the provisions of the ordinance receiving the highest
22 vote shall prevail. Any ordinance initiated or referred failing of such majority shall be
23 rejected. . . .* (emphasis added).

24 4.11 Placing an alternative on the ballot in a head-to-head vote is inconsistent with the
Charter and undermines the People’s initiative rights, including the right to have the measure decided
in a majority vote. *In re Recall of W.*, 155 Wash. 2d 659, 671, 121 P.3d 1190, 1197 (2005) (initiative
laws should be construed to facilitate, not frustrate, the People’s right to initiative).

1 **III. SECOND CAUSE OF ACTION – INJUNCTIVE RELIEF**

2 4.12 The preceding paragraphs are incorporated by reference as if set forth fully herein.

3 4.13 Because Measure 2 is not a lawful exercise of the initiative or referendum power, it
4 should be enjoined from appearing on any future ballot. *Protect Pub. Health*, 192 Wash. 2d at
5 643. (“I-27 is outside the scope of the local initiative power, and the superior court properly enjoined
6 it from the ballot.”)

7 **IV. RELIEF REQUESTED**

8 WHEREFORE, Plaintiffs seek relief as follows:

9 4.14 Entry of judgment declaring (1) that the Tacoma City Council lacks authority to place
10 an alternative on the ballot to compete with a qualified initiative and doing so impermissibly
11 interferes with the people’s right to initiative; and (2) Resolution 41283 placing Measure 2 on the
12 ballot is invalid and void in its entirety;

13 4.15 Entry of an injunction against Pierce County and Pierce County Elections to (1) bar
14 Measure 2 from appearing on a future ballot or taking any actions to conduct an election on Measure
15 2; and (2) to require Measure 1 to appear alone on the ballot pursuant to the Tacoma City Charter.

16 4.16 Granting such other relief as the Court deems just and equitable.

17 **PART 5: PETITION FOR BALLOT TITLE APPEAL**

18 5.1 Pursuant to RCW 29A.36.090, petitioners appeal the ballot title formulated by the
19 City Attorney for the City of Tacoma for Measure No. 2, and requests amendments thereto. The
20 ballot title should be amended because it fails to meet the requirements of RCW 29A.72.050,
21 incorporated by RCW 29A.36.071, and is prejudicial.

22 5.2 Petitioners hereby incorporate all previous paragraphs as if fully set forth herein.

1 **I. JURISDICTION**

2 5.3 This Court has jurisdiction over this appeal pursuant to RCW 29A.36.090.

3 5.4 Pursuant to RCW 29A.36.090, a copy of this petition and notice of its filing was
4 served upon the Pierce County Auditor and the City Attorney for the City of Tacoma.

5 **II. BALLOT TITLE PREPARED BY THE CITY ATTORNEY AND SCOPE OF THIS**
6 **APPEAL.**

7 5.5 On July 26, 2023, the City Attorney for the City of Tacoma filed a ballot title for
8 Measure 2, which is a purported alternative to Citizen’s Initiative Measure 1, which previously
9 qualified for the ballot and was issued a ballot title. A copy of the transmittal letter for Measure 2 is
10 attached as **Exhibit H.**

11 5.6 The assigned ballot title states:

12 **MEASURE NOS. 1 AND 2 CONCERN RENTAL HOUSING CODE**
13 **REGULATIONS.**

14 Measure No. 1 would require landlords to comply with health and safety laws
15 before raising rent or evicting a tenant; set limits on certain rental fees; require
16 landlords provide two notices to increase rent and offer relocation assistance when
17 the increase is 5% or more; create a defense against certain student/schoolyear
18 evictions, evictions between November 1 and April 1, and evictions against
19 servicemembers, seniors, families and others with protected status under the
20 measure; and provide penalties and enforcement mechanisms.

1 As an alternative, the Tacoma City Council proposes Measure No. 2, which if
2 approved maintains Council amendments to the City’s rental housing code as a
3 voter approved ordinance; requires landlords comply with health and safety laws;
4 have a City license before increasing rent or evicting tenants; sets limits on rent
5 late fees; requires additional time before increasing rent; adds regulations for
6 shared housing; and standardizes screening criteria for tenant income required to
7 qualify for housing.

8 Should either of these measures be enacted into law?

9 Yes.

10 No

11 2. Regardless of whether you voted yes or no above, if one of these measures is
12 enacted, which one should it be?

13 Measure No. 1

14 or

15 Measure No. 2

16 **III. STANDARDS FOR BALLOT TITLES**

17 5.7 RCW 29A.72.050 explicitly recognizes that a clear, unbiased ballot title is critically
18 important to an informed electorate. It requires that the ballot description “be a true and impartial
19 description of the measure’s essential contents, clearly identify the proposition to be voted on, and
20 not, to the extent reasonably possible, create prejudice either for or against the measure.” *Id.*

21 5.8 The statement of subject and the concise description are particularly important
22 because only they will appear on the ballot. RCW 29A.72.050.

23 **IV. ARGUMENT**

24 5.9 Petitioner contends that the ballot title assigned fails to reflect accurately and clearly
the measure’s content and is prejudicial. The concise description is limited to “a true and impartial

1 description of the measure’s essential content... and not, to the extent reasonably possible, create
2 prejudice either for or against the measure.” RCW 29A.72.050.

3 **A. The Measure 2 title falsely states that the measure would change the law.**

4 5.10 The assigned ballot title for Measure 2 falsely suggests to voters that Measure 2 will
5 change the law in many ways. For example, it states that Measure 2 “requires landlords comply with
6 health and safety laws; have a City license before increasing rent or evicting tenants; sets limit on ret
7 late fees; requires additional time before increasing rent; adds regulation for shared housing; and
8 standardizes screening criterial for tenant income required to qualify for housing.”

9 5.11 In fact, the Tacoma City Council enacted Ordinance 28894 which makes all of these
10 legal changes. *Measure 2, if enacted, would not change the law at all.* It would merely repeal and
11 reenact the legal protections currently in effect.

12 5.12 The Explanatory Statement issued by the City recognizes that it is existing law—not
13 Measure 2 – that enacts legal requirements (e.g., “sets limits on rent late fees and pet deposits.”) A
14 true and correct copy of the Explanatory Statement is hereby attached as **Exhibit G**. However, the
15 assigned ballot title falsely tells voters that Measure 2 would enact such legal requirements.

16 5.13 Ballot titles are only allowed to describe the proposed changes in the law, not the
17 existing law. The assigned ballot title illegally and falsely informs voters that Measure 2 would
18 change the law, when in fact it will not.

19 5.14 Describing Measure 2 as changing the law is prejudicial and deceptive and illegal.

20 **B. The ballot title misrepresents existing law.**

21 5.15 Even if the City were legally allowed to embellish its Measure 2 ballot title with a
22 description of existing law – which it cannot – the ballot title falsely represents such law. Nothing in
23 Ordinance 28894 “requires landlords to comply with health and safety laws” or “requires additional

1 time before increasing rent.” Neither of these phrases reflect existing law or changes that will be
2 made by Measure 2, or even the law that will be reenacted. They are fictional.

3 **C. The ballot title fails to follow the required form.**

4 5.16 The ballot title also fails to follow the required form where an alternative is allowed,
5 as discussed further below.

6 **VI. REQUEST FOR RELIEF AND PROPOSED AMENDMENTS TO TITLE**

7 5.17 WHEREFORE Petitioner requests that the Court examine Measure 2, along with the
8 ballot title assigned by the City Attorney and amend the ballot title in the manner requested.

9 5.18 Petitioners request that the Court amend the ballot title for to comply with RCW
10 29A.72.050(4), as follows:

11 MEASURE INITIATIVE NOS. 1 AND 1.B2 CONCERNS ENACTING RENTAL
12 REQUIREMENTS FOR LANDLORDS AND RENTAL RIGHTS FOR TENANTS
RENTAL HOUSING CODE REGULATIONS.

13 Measure Initiative No. 1 would require landlords to comply with health and safety laws
14 before raising rent or evicting a tenant; set limits on certain rental fees; require landlords
15 provide two notices to increase rent and offer relocation assistance when the increase is 5% or
16 more; create a defense against certain student/schoolyear evictions, evictions between
November 1 and April 1, and evictions against servicemembers, seniors, families and others
with protected status under the measure; and provide penalties and enforcement mechanisms.

17 As an alternative, the Tacoma City Council proposes Measure No. 1.b2, which if approved
18 would not change the law but would maintains existing Council amendments to the City’s
rental housing code (Ordinance 28894) as a voter-approved ordinance, preventing Council
amendments for two years.

19 • First, pursuant to RCW 29A.72.050(4), the titles for the Tenant Bill of Rights
20 Initiative and the City alternative – if one is legally allowed -- must be called “*Initiative 1*” (not
21 Measure 1) and “Measure No 1.B” (not Measure 2).

22 • Second, the concise description must be in the form of “As an alternative, the
23 [Tacoma City Council] has proposed [Measure No. 1.B], which would (concise description).”

Exhibit A

Landlord Fairness Code: A TENANT BILL OF RIGHTS

FOR SUBMISSION TO THE TACOMA CITY COUNCIL
To Doris Sorum, 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 No. 2023-01 entitled:

Citizens' Initiative Measure No. 2023-01 concerns enacting rental requirements for landlords and rental rights for tenants.

This measure would require landlords to comply with health and safety laws before raising rent or evicting a tenant; set limits on certain rental fees; require landlords provide two notices to increase rent and offer relocation assistance when the increase is 5% or more; create a defense against certain student/schoolyear evictions, evictions between November 1 and April 1, and evictions against servicemembers, seniors, families and others with protected status under the measure; and provide penalties and enforcement mechanisms,

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 enact said proposed measure into law; 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 petitions, 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.

**City of Tacoma Voters
please sign this initiative petition.**

Signature (as registered)	Print Name Here (for identification purposes)	Street Address (where registered to vote - No PO Boxes)	City & Zip Code	Phone	Email	Date
1						
2						
3						
4						
5						
6						
7						

BE IT ENACTED BY THE PEOPLE OF THE CITY OF TACOMA
A new chapter is to be added to the Tacoma Municipal Code, providing as follows:

PART ONE FINDINGS

- Section 1. Findings.
The people of the City of Tacoma hereby adopt this initiative for the purpose of protecting families and tenants and reducing homelessness. This measure is intended to:
 - require landlords to comply with tenant protection laws before raising rent or evicting a tenant;
 - prohibit unfair or excessive fees;
 - require landlords to provide notice of rent increases and pay relocation assistance when significant rent increases require tenants to relocate;
 - prohibit certain student/school-year evictions and cold-weather evictions; and
 - provide penalties and other enforcement mechanisms.
- This measure is designed to protect families, promote community, stabilize the rental market, and reduce homelessness. It is Tacoma's intent to continue its long-term commitment to maintain vibrant and diverse neighborhoods within the City. The regulations contained in this initiative balance the needs of the landlord, tenant, and Tacoma while creating a partnership to ensure safe, healthy, and thriving rental housing in Tacoma. Providing housing for Tacoma residents directly impacts quality of life at the most basic level, and therefore requires regulations to ensure that it is equitably undertaken.

PART TWO

ADOPTING THE LANDLORD FAIRNESS CODE

- Section 2. Adopting Landlord Fairness Code.
Through this initiative, the people of the City of Tacoma adopt the following Landlord Fairness Code to protect tenants in our City, as further outlined in this initiative:
 - Landlords must comply with tenant protection laws before raising rent or evicting a tenant.
 - Landlords must not charge unfair or excessive fees.
 - Landlords must give advanced notice of rent increases and pay relocation assistance when significant rent increases require tenants to relocate.
 - Landlords are prohibited from carrying out student/school-year evictions and cold-weather evictions.
 - It shall be a defense to eviction for a landlord to be in violation of the Landlord Fairness Code as set forth herein.
- Section 3. Landlords must comply with tenant protection laws.
Landlords must comply with all tenant protection laws. Landlords in violation of such laws may not increase rent or evict a tenant, as provided in this section.
 - A landlord shall be prohibited from increasing a tenant's rent if:
 - the landlord is determined to be in violation of tenant protection laws related to health and safety, according to the procedures detailed in TMC 2.01.050; or
 - the dwelling unit has defective conditions making the dwelling unit uninhabitable, if a request for repairs to make the dwelling unit habitable has not been resolved, or the landlord is otherwise in violation of RCW 59.18.060, as it exists or may be amended. If the tenant believes the dwelling unit has defective conditions making the unit uninhabitable or in violation of RCW 59.18.060, the tenant shall notify the landlord in writing as required by RCW 59.18.070, specifying the premises involved; the owner's name, if known; and the nature of the defective condition before the effective date listed in the notice of rent increase. Once such notice of defective condition is provided, the landlord must remedy the defective condition and provide notice of such remedy to the tenant and the City before rent may be increased.
 - It shall be a defense against eviction that the landlord is, at time of eviction, in violation of tenant protection laws related to health and safety, pursuant to the procedures set forth in paragraph 2 of this section.

Section 4. Landlords must not charge unfair or excessive fees.

- Landlords are prohibited from charging tenants "unfair or excessive fees." As used in this section, "unfair or excessive fees" means any of the following:
 - Any rental application fees not complying with RCW 59.18.257.
 - Any non-refundable fee charged at the beginning of the tenancy, including but not limited to a fee to hold a unit prior to the tenant taking possession, except as specifically allowed in this section or that is specifically allowed under state law.
 - A pet damage deposit exceeding 25% of one month's rent or where the landlord may retain any part of the pet deposit exceeding the actual costs of repairing the pet damage.
 - Move-in fees that in total exceed the first month's rent.If a tenant pays a portion of rent and the remainder is covered by a subsidy, "first month's rent" includes both the tenant's payment and subsidy.
 - Any fee or charge for late payment of rent exceeding \$10.00 per month or that are paid or charged after the end of the tenancy, except as required by State or Federal law.
 - Any rental agreement shall be deemed void. This extent it requires payment of fees prohibited by this section. This section shall not apply to or limit decisions, orders, and rulings of courts of competent jurisdiction.
- Section 5. Landlords must give advanced notice of rent increases and pay relocation assistance when significant rent increases require tenants to relocate.
- As a precondition to raising rent, a landlord must provide the tenant with two notices of the rent increase. The first notice must be provided between 210 and 180 days before the rent increase is to take effect. A second reminder notice must be provided between 120 and 90 days before the rent increase is to take effect.
 - The notice shall be in a form established by the City of Tacoma, which must include the actual dollar amount of the new rent or rent increase, a description of the rental relocation assistance program and how the relocation assistance payment will be calculated, if applicable, and must be served in accordance with RCW 59.12.040.
 - This section shall not apply to an administrator of a rental subsidy when the administrator is notifying the tenant of a change in the tenant's portion of the total rent and the remaining portion of the rent is paid by subsidy such as a housing voucher.
 - At any time after receiving the 180-day notice of a rent increase of 5% or more, a tenant deciding to relocate rather than paying the rent increase may send the landlord a request for relocation

assistance. Within 30 days of receiving such request, landlords must pay the relocation assistance to tenant. Payment of relocation assistance shall be per dwelling unit, not per person, and shall be split evenly among all the tenants.

- The tenant relocation assistance amounts shall be equal to two months of rent. However, if the notified rent increase is over 7.5%, the relocation assistance shall be equal to two and a half months of rent, and if the notified rent increase is over 10%, the relocation assistance shall be equal to three months of rent. This scale is adopted in recognition of the additional time required to find replacement housing when a tenant's current rent is below market rate. Tenant relocation assistance shall be calculated based upon the rent in effect at the time of the 180-day notice.
- Landlords shall provide copies of the request for relocation assistance and confirmation of payment to the Landlord-Tenant Coordinator or other city designated official.
- In the event that the tenant is unable to relocate and remains in the dwelling unit at the increased rent, the tenant must repay the relocation assistance.
- The requirement to pay tenant relocation assistance will not apply to: (a) a landlord and tenant living on the same site if the site has four or fewer dwelling units; (b) tenants who have lived in the dwelling unit for less than six months; (c) a landlord that temporarily rents out the landlord's principal residence during the landlord's absence due to active duty military service.

Section 6. Landlords are prohibited from carrying out student/school-year, and cold-weather evictions.

- Except as provided in subsection 4, it shall be a defense to eviction if the eviction qualifies as a student/school-year eviction or a cold-weather eviction.
- An eviction qualifies as a student/school-year eviction if it would require the tenant to vacate their dwelling unit during the school year and the tenant or any resident of the dwelling unit is:
 - A child or student;
 - A person having legal custody of a child or student, including but not limited to the child's or student's parent, step-parent, adoptive parent, guardian, foster parent, or custodian; or
 - An educator.
- An eviction qualifies as a prohibited cold-weather eviction if it would require the tenant to vacate their dwelling unit between November 1 and April 1.
- This section does not apply and prevent an eviction if the reason for termination of the tenancy is due to (1) the following conditions described in TMC section 1.95.070C: (a) subsection (7)(d) (owner or family to occupy the unit); (b) subsection (7)(h) (condemnation or uninhabitability); (c) subsection (7)(i) (desire for roommate to vacate); (d) subsection (7)(p) (sexual harassment by tenant); (2) the tenant's failure to comply with a three day or ten day notice to vacate for a drug-related activity nuisance pursuant to chapter 7.43 RCW; (3) maintenance of an unlawful business or conduct pursuant to RCW 59.12.030(5); or (4) because the tenant's conduct has a substantial detrimental impact on, or constitutes an imminent threat to, the health or safety of other tenants in the rental building or the owner.

Section 7. Prohibiting evictions based upon tenant's status as a member of the military, first responder, senior, family member, health care provider, or educator.

- The people of Tacoma hereby declare their intent to outlaw discriminatory evictions against members of the military, first responders, seniors, family members, health care providers, and educators. Additional protection is provided to these groups of tenants because they serve an essential role in our community, they have been subject to documented discrimination in the rental housing market, or they are likely to face discrimination in the rental market.
- It shall be a violation of this chapter and a defense against eviction for a landlord to evict a tenant based upon the tenant's status as a member of the military, first responder, senior, family member, health care provider, or educator.
- To carry out the policy protecting family members, it shall be a violation of this chapter and a defense against eviction for a landlord to evict a tenant or the tenant's immediate family members based upon a tenant's immediate family members residing in the unit, absent a violation of occupancy limits under federal, state, or local law.

PART THREE ADOPTING PENALTIES FOR VIOLATION AND PROCEDURES TO PROTECT THE RIGHTS OF LANDLORDS AND TENANTS

- Adopting penalties and procedures.
 - Any tenant claiming injury from any violation of this chapter shall be entitled to bring an action in Pierce County Superior Court or in any other court of competent jurisdiction to enforce the provisions of this chapter, and shall be entitled to all remedies available at law or in equity appropriate to remedy any violation of this chapter, including declaratory or injunctive relief. A tenant who prevails in any action to enforce this chapter shall be awarded his or her actual damages, costs, reasonable attorney's fees, and expenses.
 - A landlord who violates this chapter shall also be liable for penalties of not less than \$500 and up to five times the monthly rent of the dwelling unit at issue, per violation. If the violation constitutes failure to pay a valid request for relocation assistance, the penalty shall be no less than three times the relocation assistance. If the violation constitutes imposition of a monthly or periodic rent that is illegal under this chapter, the penalty shall be no less than three times the monthly or periodic rent.
 - Failure of a landlord to comply with any of the provisions of this chapter shall provide the tenant with a defense in any legal action brought by the landlord to recover possession of the dwelling unit.
 - A tenant or an organization representing tenants may seek injunctive relief on their own behalf or on behalf of other affected tenants.
 - A landlord may seek a court order allowing a particular eviction or exempting them from a provision of this chapter if they can show that a provision of this chapter, if fully enforced, would constitute either (a) an undue and significant economic hardship, or (b) a takings under the United States or Washington State constitutions, or (c) that the chapter as applied is preempted by federal or state law.
 - Retaliation and retaliatory evictions constitute a violation of this ordinance and subject to all remedies provided in this section.
 - Remedies provided in this section are in addition to any other existing legal remedies and are not intended to be exclusive.
 - Retaliation and retaliatory evictions constitute a violation of this ordinance and subject to all remedies provided in this section.
 - Remedies provided in this section are in addition to any other existing legal remedies and are not intended to be exclusive.

PART FOUR DEFINITIONS

Section 9. Definitions.

"Child" or "student" means any person either under the age of 18 years or currently enrolled in a school.
"Dwelling unit" or "unit" is a structure or that part of a structure which is used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, including but not limited to single-family residences, units of multiplexes, units of apartment buildings, mobile homes, and mobile home lots.

"Educator" means any person who works at a school as an employee or independent contractor of the school or its governing body, including but not limited to all teachers, substitute teachers, paraprofessionals, substitute paraprofessionals, administrators, administrative staff, counselors, social workers, psychologists, school nurses, speech pathologists, custodians, cafeteria workers, and maintenance workers.

"Eviction" or "evict" is an effort by the landlord to terminate or discontinue the tenancy through any means, including unlawful detainer, refusing to offer a new lease, or seeking a mutual termination agreement.

"Immediate family" includes: spouse, domestic partner, or partner in a committed intimate relationship; and parents, grandparents, children, grandchildren, siblings, nieces, and nephews, whether related by blood, marriage, domestic partnership, or committed intimate relationship.

"Landlord" means the owner, lessor, or sublessor of the dwelling unit or the property of which it is a part, and in addition means any person designated as representative of the owner, lessor, or sublessor including, but not limited to, an agent, a resident manager, or a designated property manager.

"Move-in fees" include all charges imposed by the landlord on a tenant prior to taking possession of a dwelling unit, or as a condition of maintaining residency, including but not limited to fees required to apply for tenancy (including processing fees and credit and background check charges), security deposits, prepayment of rent (e.g., "last month's rent"), but excluding a valid pet fee.

"Mutual termination agreement" means any agreement by a landlord and tenant to terminate a tenancy.

"Rent" means any recurring or periodic payments for the use and occupancy of the dwelling unit, which may include utilities. Rent does not include any non-recurring charges such as late fees, notice fees, attorney's fees, court costs, damages, or other fees.

"Rental agreement" means all agreements by the tenant which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit.

"Retaliatory eviction" is an eviction in response to a tenant's assertion of rights or protections afforded under this chapter or another tenant protection law.

"Retaliation" has the same meaning as "reprisal or retaliatory action" under RCW 59.18.240.

"School" means any child care, early childhood education and assistance program, or head start facility, and any public, private, or parochial institution that provides educational instruction in any or all of the grades and age groups up to and including twelfth grade, except this grade limitation shall not apply to special education students where the education plan extends beyond the twelfth grade.

"School year" means the period from (and including) the first day of the academic year to the last day of the academic year, as set by Tacoma Public Schools, or its successor, on its calendar for first through twelfth grade students. If for those grades there are multiple dates for the first day or last day of the academic year, the earliest and latest dates, respectively, shall define the period.

"Tenancy" refers to the right of a tenant to reside in a dwelling unit for living or dwelling purposes.

"Tenant" is any person who occupies a dwelling unit primarily for living or dwelling purposes.

"Tenant protection laws" includes this chapter, RCW 59.18.060, RCW 59.18.240, and any other federal, state, or local law or regulation designed to protect tenants, regardless of whether such laws or regulations are enacted before or after this chapter.

PART FIVE

MISCELLANEOUS PROVISIONS

- Nothing in this chapter eliminates a tenant's rights under a rental agreement, including the right to civil relief if a landlord terminates a rental agreement before its expiration.
- All written notices required under this chapter must be served in a manner consistent with RCW 59.12.040.
- 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. A landlord may not coerce a tenant to sign a mutual termination agreement. If a tenant has agreed to terminate a tenancy, whether within a rental agreement, in a separate termination agreement, or otherwise, the tenant may rescind such agreement to terminate: (a) within ten business days after signing the agreement by delivering written notice of rescission to the landlord; or (b) by delivering written notice of rescission to the landlord at a later time, if the tenant agreed to terminate without representation by an attorney or other tenant advocate or outside of a proceeding mediated by a neutral third party. Nothing in this paragraph shall be interpreted or applied so as to create any power or duty in conflict with federal law. In the event of any conflict, federal requirements shall supersede the requirements of this paragraph.
- 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.
- 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.
- The subject of this initiative is reducing homelessness by regulating the housing rental market.
This Act shall be known as the Tacoma Landlord Fairness Code initiative.

Exhibit B



City of Tacoma
Office of the City Attorney

March 7, 2023

Ann Dorn
6701 East B Street
Tacoma, WA 98404
ann@tacomalegalcoach.com

Re: Initiative Petition Landlord Fairness Code V7 – Initiative 2023-07

Dear Ms. Dorn:

The City has received by email on March 7, 2023, your full initiative petition. I have reviewed the full initiative petition and determined it is proper in terms of form and style as required under Tacoma City Charter Section 2.19(c). You have previously been supplied the official ballot title on March 6, 2023.

Nothing contained herein should be construed as a comment upon the legal sufficiency of the content of the proposed ordinance.

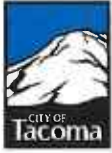
Please contact me if you have any questions.

Sincerely,

WILLIAM FOSBRE
City Attorney

cc: Doris Sorum, City Clerk

Exhibit C




City of Tacoma
Office of the City Clerk


CERTIFICATE OF CITY CLERK

I, Susan D. Haigh, Interim City Clerk of the City of Tacoma, Washington, do hereby certify that the attached are full, true, and correct copies of Resolution No. 41237 and Amended Resolution No. 41238, passed by the City Council on July 11, 2023.

Dated this 13th day of July, 2023.



Susan D. Haigh, Interim City Clerk
City of Tacoma, Washington





RESOLUTION NO. 41237

1 A RESOLUTION transmitting a ballot measure to the Pierce County Auditor to be
2 placed on the ballot for the General Election on Tuesday, November 7, 2023.

3 WHEREAS an initiative petition to enact rental requirements for landlords
4 and rental rights for tenants was submitted by the Tacoma For All community group
5 (“TFA”) to the City Clerk’s Office on June 16, 2023, and

6 WHEREAS pursuant to Section 2.19(i) of the City Charter, petitions for
7 enactment of an ordinance must be signed by registered voters equal in number
8 to at least 10 percent of the total votes cast in the last preceding mayoral election,
9 and
10

11 WHEREAS for this petition, the number of valid signatures required was
12 determined by the Pierce County Auditor to be 4,207; the petitioners submitted
13 a total of 1,232 pages of signatures to the City Clerk, and
14

15 WHEREAS on June 23, 2023, the Pierce County Auditor’s Office completed
16 checking the pages submitted and determined that the petition contained 4,523
17 valid signatures, and

18 WHEREAS Section 2.19(j) of the City Charter states in part that once a
19 petition is validated, the City Council must enact or reject the initiative, but shall not
20 modify it, and if the City Council rejects the initiative or within 30 calendar days fails
21 to take final action on it, the City Council shall submit the proposal to the people at
22 the next Municipal or General Election that is not less than 90 days after the date
23 on which the signatures on the petition are validated, and
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WHEREAS the deadline for the City Council to place the issue on the
November 7, 2023, ballot is August 1, 2023, and

WHEREAS TFA maintains that this initiative will protect tenants in our City,
and with the City Council forwarding this initiative to the voters in November, the
community will be able to vote on whether or not they believe this initiative should
become law; Now, Therefore,



BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

1 That a ballot measure be transmitted to the Pierce County Auditor to be
2 placed on the ballot for the General Election on Tuesday, November 7, 2023,
3 which reads:
4

5 **CITY OF TACOMA**
6 **CITIZENS' INITIATIVE MEASURE NO. 1**

7 Citizens' Initiative Measure No. 1 concerns enacting rental
8 requirements for landlords and rental rights for tenants.

9 This measure would require landlords to comply with health and safety
10 laws before raising rent or evicting a tenant; set limits on certain rental
11 fees; require landlords provide two notices to increase rent and offer
12 relocation assistance when the increase is 5% or more; create a
13 defense against certain student/schoolyear evictions, evictions
14 between November 1 and April 1, and evictions against
15 servicemembers, seniors, families and others with protected status
16 under the measure; and provide penalties and enforcement
17 mechanisms.

14 Should this measure be enacted into law?

15 Yes.
16 No

18 Adopted July 11, 2023

19 *M Woodards*
20 Mayor

21 Attest:

22 *S. O'Hara*
23 City Clerk

24 Approved as to form:

25 *Debra Casp*
26 Deputy City Attorney



RESOLUTION NO. 41238

1 BY REQUEST OF MAYOR WOODARDS, DEPUTY MAYOR WALKER, AND
2 COUNCIL MEMBERS HINES AND USHKA

3 A RESOLUTION relating to rental housing regulations; transmitting a ballot
4 measure to the Pierce County Auditor to be placed on the ballot for the
5 General Election on Tuesday, November 7, 2023, amending the Tacoma
6 Municipal Code, Chapter 1.95, "Rental Housing Code," as an alternative to
7 Citizens' Initiative Measure No. 1, the Landlord Fairness Code.

8 WHEREAS this recommendation is based upon the desire to give voters
9 the choice of voting on an alternative to Citizens' Initiative Measure No. 1, the
10 Landlord Fairness Code, and

11 WHEREAS Ordinance No. 28894 is being considered by the City Council on
12 July 11th for second reading following five years of administering the Rental
13 Housing Code ("RHC"), ongoing engagements with the RHC Stakeholder Advisory
14 Group ("Group"), targeted community outreach efforts conducted in the spring of
15 2023, and a year of engagement with the Council Community Vitality and Safety
16 ("CVS") Committee, and

17 WHEREAS initial work to develop the RHC began in the spring of 2018, and
18 the Group was also formed at this time; the RHC was formally adopted on
19 November 20, 2018, and went into effect on February 1, 2019, and

20 WHEREAS in March 2021, staff and the Group began work on updates to
21 the RHC, including just cause eviction ("JCE") standards and the current proposed
22 changes; the JCE standards were adopted on September 21, 2021, and work
23 continued to develop the proposed changes that are currently being brought
24 forward for consideration, and
25
26



1 WHEREAS, staff returned to CVS on July 28, 2022, and again on
2 October 27, 2022, to discuss the proposed changes and after receiving committee
3 feedback, staff conducted additional City Council engagement to explain the
4 proposed changes and began developing the community engagement plan, and
5

6 WHEREAS since outreach efforts on current code updates began, a
7 community initiative has recently been filed to address items covered by, or that
8 would impact the RHC, and
9

10 WHEREAS over the course of May 2023, City Council sponsors, including
11 Mayor Woodards, Deputy Mayor Walker, and Council Members Hines and Ushka
12 met with signature gatherers to better understand the community proposal, and
13 following these meetings, the sponsors worked with RHC staff to further develop
14 recommended protections that were shared with the CVS Committee on May 25th,
15 and with the full City Council at Study Session on June 13th and 20th, and
16

17 WHEREAS on July 11th, the City Council will consider Ordinance
18 No. 28894 for approval, and if approved this legislation will strengthen protections
19 for tenants, who are disproportionately lower-income and residents of color, and
20 would provide additional guidance and standards to housing providers and
21 property managers operating in the City, and
22

23 WHEREAS Tacoma City Charter Section 2.22 authorizes the City Council
24 to submit a proposed ordinance to the voters for their approval or rejection, and
25 this proposed resolution will place Initiative Measure No. 2 on the November ballot
26 as an alternative to the Landlord Fairness Code, and



1 WHEREAS proposed Initiative Measure No. 2 would, if it receives a majority
2 of votes, require landlords to comply with health and safety laws and have a City
3 business license before increasing rent or evicting tenants; set limits on rent late
4 fees and pet deposits; require a 120-day notice to raise rent; add new regulations
5 for shared housing; standardize screening criteria for tenant income required to
6 qualify for housing, and for reviewing a tenant's criminal history and identification,
7 and
8

9 WHEREAS Revised Code of Washington ("RCW") 29A.72.050(4) provides
10 that "For an initiative to the legislature (e.g. City Council) for which the legislature
11 has proposed an alternative, the ballot title...must be displayed on the ballot" in a
12 specific way outlined in state law (see *In re Ballot title Appeal of City of Seattle*, 183
13 Wn.App. 379, 384-385 (2014) and RCW 29A.36.071(1), and
14

15 WHEREAS if the majority of voters support enactment of either measure into
16 law and Initiative Measure No. 2 receives the majority of the votes, then Ordinance
17 No. 28894 will be repealed and re-enacted in its entirety by the voters, and the City
18 Council, per City Charter Section 2.24, would not be able to amend or repeal the
19 new provisions within two years after their enactment, unless such amendatory or
20 repealing ordinance is submitted to the qualified voters, and
21
22

23 WHEREAS if the majority of voters support enactment of either measure into
24 law and the Landlord Fairness Code receives the majority of the votes, it will prevail
25 and Initiative Measure No. 2 would fail, meaning that Ordinance No. 28894
26



1 would *not* be repealed, and would remain in effect as a City Council enacted
2 ordinance, and

3 WHEREAS this ordinance will be placed on the November ballot as an
4 alternative (per RCW 29A.72.050(4) and City Charter Sections 2.22 and 2.23) to the
5 Landlord Fairness Code organized by Tacoma For All; Now, Therefore,
6

7 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

8 Section 1. That the Pierce County Auditor, as *ex officio* supervisor of
9 elections in Pierce County, Washington, is hereby authorized to place an initiative
10 measure amending the Tacoma Municipal Code ("TMC"), Chapter 1.95, "Rental
11 Housing Code," on the November 7, 2023, ballot as an alternative to Citizens'
12 Initiative Measure No. 1, the Landlord Fairness Code.
13

14 Section 2. The City shall submit to the electorate of the City of Tacoma
15 in the form substantially as follows:
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MEASURE NOS. 1 AND 2 CONCERN RENTAL HOUSING CODE REGULATIONS.

Measure No. 1 would require landlords to comply with health and safety laws before raising rent or evicting a tenant; set limits on certain rental fees; require landlords provide two notices to increase rent and offer relocation assistance when the increase is 5% or more; create a defense against certain student/schoolyear evictions, evictions between November 1 and April 1, and evictions against servicemembers, seniors, families and others with protected status under the measure; and provide penalties and enforcement mechanisms.

As an alternative, the Tacoma City Council proposes Measure No. 2, which would repeal and reenact portions of the City's rental housing code and require landlords to comply with health and safety laws; have a City license before increasing rent or evicting tenants; set limits on rent late fees and pet deposits; require 120 day notice to raise rent; add new regulations for shared housing; standardize screening criteria for tenant income required to qualify for housing, for reviewing tenant's criminal history and identification.

Should either of these measures be enacted into law?

Yes.
No

2. Regardless of whether you voted yes or no above, if one of these measures is enacted, which one should it be?

Measure No. 1
or
Measure No. 2



1 Section 3. That, prior to August 1, 2023, the City Clerk shall send to the
2 Pierce County Auditor, as *ex officio* supervisor of elections, a certified copy of this
3 resolution, together with an initiative substantially in the form set forth above, for
4 the November 7, 2023, General Election. The proper City officials are authorized to
5 perform such duties as are necessary or required by law to submit the question of
6 whether the City's Rental Housing Code TMC Chapter 1.95 should be amended,
7 as provided in this resolution, to the electors at the November 7, 2023, General
8 Election.
9

10 Section 4. That the City has chosen to participate jointly with Pierce County
11 in its voters' pamphlet. Pursuant to RCW 29A.32.220, the text for the ballot
12 measure, accompanied by an explanatory statement, shall be submitted to the
13 Auditor's Office for inclusion in the Official Voters' Pamphlet. The explanatory
14 statement shall not exceed 200 words and shall be submitted to the Auditor, as *ex*
15 *officio* supervisor of elections, by August 1, 2023.
16
17

18 Section 5. That if a section, subsection, paragraph, sentence, clause, or
19 phrase of this resolution is declared unconstitutional or invalid for any reason by
20 any court of competent jurisdiction; such decision shall not affect the validity of
21 the remaining portions of this resolution.
22
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1 Section 6. That Measure No. 2, which if adopted, would repeal Substitute
 2 Ordinance No. 28894, as amended, and replace it with the voter-approved
 3 ordinance, shall read as follows:

4 AN ORDINANCE relating to rental housing, repealing Substitute
 5 Ordinance No. 28894, as amended, and re-enacting amendments to
 6 Chapter 1.95 of the Tacoma Municipal Code, relating to the "Rental
 7 Housing Code" as set forth in Exhibit "A" to Substitute Ordinance
 8 No. 28894, as amended.

8 BE IT ORDAINED BY THE VOTERS OF THE CITY OF TACOMA:

9 Section 1. That Substitute Ordinance No. 28894, as amended, is hereby repealed
 10 in its entirety.

11 Section 2. That Chapter 1.95 of the Official Code of the City of Tacoma is
 12 hereby amended as set forth in Exhibit "A" to Substitute Ordinance No. 28894, as
 13 amended, which exhibit is incorporated by this reference as though fully set forth
 14 herein."
 15

16 Adopted July 11, 2023
 17

18 
 19 Mayor

20 Attest:

21 
 22 City Clerk

23 Approved as to form:

24 
 25 Deputy City Attorney
 26

Exhibit D

SMITH & LOWNEY

PLLC

ATTORNEYS AT LAW

July 28, 2023

Attorney General Bob Ferguson
1125 Washington St SE
PO Box 40100
Olympia, WA 98504-0100

Via us mail and email

Subject: Request for enforcement

Attorney General Ferguson,

I am writing on behalf of myself and Ty Moore to request that your office take immediate action to prevent Tacoma Measure 2 from being placed on the ballot using taxpayer funds.

The City of Tacoma has illegally placed this “alternative” to a citizen initiative on the ballot even though it has no authority under the Tacoma City Charter to do so.

We ask that you immediately commence an action to prohibit this measure from the ballot. Given the urgency of this election law matter, we can give your office only until the middle of next week before we need to commence an action to protect taxpayers. Please get in touch if you would like further information or to discuss this matter, or if your office needs additional time to investigate.

Yours very truly,

SMITH & LOWNEY, PLLC

By: Knoll Lowney
Knoll Lowney



Exhibit E



**SUBSTITUTE
ORDINANCE NO. 28894**

1 BY REQUEST OF COUNCIL MEMBER BUSHNELL

2 AN ORDINANCE amending chapter 1.95 of the Municipal Code, relating to the
3 "Rental Housing Code," to require landlords to comply with health and
4 safety laws; have a City business license before increasing rent or
5 evicting tenants; set limits on late fees for rent and on pet deposits;
6 require 120-day notice to raise rent; add new regulations for shared
7 housing; and standardize screening criteria for the amount of tenant
8 income required to qualify for housing, for reviewing a tenant's criminal
9 history, and acceptable identification.

10 WHEREAS this recommendation is based on five years of administering
11 the Rental Housing Code ("RHC"), ongoing engagements with the RHC
12 Stakeholder Advisory Group, targeted community outreach efforts conducted in
13 the spring of 2023, and a year of engagement with the Community Vitality and
14 Safety Committee ("CVS"), and

15 WHEREAS initial work to develop the RHC began in the spring of 2018,
16 and the RHC Stakeholder Advisory Group was also formed at this time; the
17 RHC was formally adopted on November 20, 2018, and went into effect on
18 February 1, 2019, and

19 WHEREAS in March 2021, staff and the RHC Stakeholder Advisory
20 Group began work on updates to the RHC, including just cause eviction ("JCE")
21 standards and the current proposed changes; the JCE standards were adopted
22 on September 21, 2021, and

23 WHEREAS, staff returned to CVS on July 28, 2022, and again on
24 October 27, 2022, to discuss the proposed changes, and after receiving
25 committee feedback, staff conducted additional City Council engagement to
26



1 explain the proposed changes and began developing the community engagement
2 plan, and

3 WHEREAS since the outreach efforts on current code updates, a community
4 initiative has recently been filed to address items covered by, or that which would
5 impact, the RHC, and

6 WHEREAS throughout May of 2023, City Council sponsors including Mayor
7 Woodards, Deputy Mayor Walker, and Council Members Hines and Ushka, met
8 with signature gatherers to better understand the community proposal, and
9 following these meetings, the sponsors worked with RHC staff to further develop
10 recommended protections that have been shared with the CVS committee on
11 May 25, 2023, and with the full City Council at its study session on June 13 and 20,
12 2023, and

13 WHEREAS the proposed changes were developed by City staff in
14 partnership with the RHC Stakeholder Advisory Group, who represent a diverse
15 set of community members, including tenant advocates, landlord representatives,
16 nonprofit housing providers, local government agencies, and relevant City offices,
17 and

18 WHEREAS upon drafting the initial proposals, staff conducted a community
19 survey resulting in 1,270 responses from tenants, landlords, and property managers,
20 and hosted five community meetings with approximately 200 total attendees, to
21 discuss the proposed changes, and
22
23
24
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26



1 WHEREAS after completing the community outreach, several proposed
2 changes were amended after further consultation with the RHC Stakeholder
3 Advisory Group, City Council, and Tacoma 4 All organizers, and
4

5 WHEREAS the City of Tacoma is prioritizing the affordable housing
6 crises and deed-restricted affordable housing as a mechanism for guaranteeing
7 the long-term affordability of units, and
8

9 WHEREAS providing parity between deed-restricted affordable housing
10 units and other low-income or subsidized units will help the City's affordable
11 housing providers continue safely operating and maintaining existing units, and
12 continue building badly needed new affordable housing stock in the City, and
13

14 WHEREAS this legislation will strengthen protections for tenants, who
15 disproportionately represent lower-income levels in the City, and provide
16 additional guidance and standards to landlords and property managers, and
17

18 WHEREAS by strengthening renter protections, the City will increase
19 housing stability for low-income Tacoma renters by alleviating displacement
20 pressures and reducing the number who are cost-burdened and improving the
21 quality of life as more residents are housed, and help to support a more robust
22 rental market that is competitive and safe for both renters and landlords,
23 making the City a more desirable market for people who may look to relocate to
24 the City over other jurisdictions; Now, Therefore,
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BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 1.95 of the Tacoma Municipal Code ("TMC"), relating to the "Rental Housing Code," is hereby amended, to read as set forth in the attached Exhibit "A."

Section 2. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Passed July 11, 2023

M Woodards
Mayor

Attest:

Jan W. H...
City Clerk

Approved as to form:

Debra Caspi
Deputy City Attorney

Exhibit F



City of Tacoma
Office of the City Attorney

SENT VIA EMAIL

July 28, 2023

Honorable Linda Farmer, Pierce County Auditor
Pierce County Auditor's Office
2401 S. 35th St., #200
Tacoma, WA 98409

Dear Ms. Farmer:

The Tacoma City Council has passed Resolution Nos. 41237 and 41238 transmitting to your office ballot Measure No. 1 and, in the alternative, Measure No. 2.

Below is the official explanatory statement for Measure No. 1 (the statement for Measure No. 2 is sent by separate letter from me dated July 27, 2023):

MEASURE NO. 1 EXPLANATORY STATEMENT CONCERNING RENTAL HOUSING CODE REGULATIONS.

Adopting Measure 1 will create new tenant protections by establishing the Tacoma Landlord Fairness Code. Measure 1 will protect children, their families, and educators from certain evictions during the school year. It will also prevent certain cold-weather evictions. It will not prevent evictions of tenants who use their units for illegal activities or who threaten the health and safety of others.

Measure 1 will require landlords to provide two notices for all rent increases, the first at least 180 days in advance, and the second at least 90 days in advance. Landlords will also be required to pay relocation assistance when they increase rent over 5% and tenants decide to move out. Many small landlords will be exempt from paying relocation assistance.

Additionally, Measure 1 will require landlords to comply with health and safety laws before raising rent or evicting tenants. It will prohibit landlords from charging move-in fees totaling more than the first month's rent, and limit late fees to \$10/month. Pet deposits will not exceed 25% of one month's rent. Finally, Measure 1 creates additional enforcement mechanisms and penalties for landlords who break the law.

Honorable Linda Farmer, Pierce County Auditor
July 28, 2023
Page 2

Please contact me if you have any questions. I can be reached at (253) 345-8704 or bfosbre@cityoftacoma.org.

Sincerely,

A handwritten signature in blue ink that reads "William Fosbre". The signature is written in a cursive, flowing style.

WILLIAM FOSBRE
City Attorney

cc: Susan Haigh, Interim City Clerk
Kyle Haugh, Pierce County Elections Manager

Exhibit G



City of Tacoma
Office of the City Attorney

SENT VIA EMAIL

July 27, 2023

Honorable Linda Farmer, Pierce County Auditor
Pierce County Auditor's Office
2401 S. 35th St., #200
Tacoma, WA 98409

Dear Ms. Farmer:

The Tacoma City Council has passed Resolution Nos. 41237 and 41238 transmitting to your office ballot Measure No. 1 and, in the alternative, Measure No. 2.

Below is the official explanatory statement for Measure No. 2 (the statement for Measure No. 1 will come under a separate letter from me):

MEASURE NO. 2 EXPLANATORY STATEMENT CONCERNING RENTAL HOUSING CODE REGULATIONS.

The Tacoma City Council enacted the Rental Housing Code in November of 2018. The purpose of this code is to establish regulations to increase housing security and establish standards and enforcement mechanisms related to rental housing.

On July 11, 2023, the City Council enacted amendments to the Rental Housing Code that requires landlords to comply with health and safety laws; requires a City business license before increasing rent or evicting tenants; sets limits on rent late fees and pet deposits; requires a 120-day notice to raise rent, with certain exceptions; adds new regulations for shared housing; and standardizes screening criteria for tenant income required to qualify for housing and for reviewing a tenant's criminal history and identification.

Measure No. 2 has been proposed by the Tacoma City Council as an alternative to Measure No. 1. Measure No. 2, if approved, would repeal the amendments adopted by the City Council on July 11, 2023, and would re-enact the same amendments. These voter-approved amendments could not be amended or repealed by the Tacoma City Council for a period of two years unless approved by a future vote of the people.

Honorable Linda Farmer, Pierce County Auditor
July 27, 2023
Page 2

Please contact me if you have any questions. I can be reached at (253) 345-8704 or bfosbre@cityoftacoma.org.

Sincerely,

A handwritten signature in blue ink that reads "William Fosbre". The signature is written in a cursive, flowing style.

WILLIAM FOSBRE
City Attorney

cc: Susan Haigh, Interim City Clerk
Kyle Haugh, Pierce County Elections Manager

Exhibit H



City of Tacoma
Office of the City Attorney

SENT VIA EMAIL

July 26, 2023

Honorable Linda Farmer, Pierce County Auditor
Pierce County Auditor's Office
2401 S. 35th St., #200
Tacoma, WA 98409

Dear Ms. Farmer:

The Tacoma City Council has passed Resolution Nos. 41237 and 41238 transmitting to your office ballot Measure No. 1 and, in the alternative, Measure No. 2. Per my authority under City Charter Section 2.19 and RCW 29A.36.071 I have prepared ballot titles for these measures. The ballot title for Measure No. 1 was prepared in January 2023 so the citizen's initiative sponsors could obtain the required number of signatures to place it on the November ballot. In preparing this title, the City followed (former) Deputy County Prosecutor David Prather's advice to only count the words that begin AFTER the words "*Measure No. 1 would*"; based on this advice, Measure No. 1's title is exactly 75 words.

I understand Mr. Prather has retired, and Pierce County Elections Manager Kyle Haugh has asked going forward that we count all words in the title. Although I disagree with this interpretation, I have followed his request for the ballot title for Measure No. 2.

Below are the official ballot titles and questions to the voters for the two alternative measures:

MEASURE NOS. 1 AND 2 CONCERN RENTAL HOUSING CODE REGULATIONS.

Measure No. 1 would require landlords to comply with health and safety laws before raising rent or evicting a tenant; set limits on certain rental fees; require landlords provide two notices to increase rent and offer relocation assistance when the increase is 5% or more; create a defense against certain student/schoolyear evictions, evictions between November 1 and April 1, and evictions against servicemembers, seniors, families and others with protected status under the measure; and provide penalties and enforcement mechanisms.

Honorable Linda Farmer, Pierce County Auditor

July 26, 2023

Page 2

As an alternative, the Tacoma City Council proposes Measure No. 2, which if approved maintains Council amendments to the City's rental housing code as a voter approved ordinance; requires landlords comply with health and safety laws; have a City license before increasing rent or evicting tenants; sets limits on rent late fees; requires additional time before increasing rent; adds regulations for shared housing; and standardizes screening criteria for tenant income required to qualify for housing.

Should either of these measures be enacted into law?

Yes.

No

2. Regardless of whether you voted yes or no above, if one of these measures is enacted, which one should it be?

Measure No. 1

or

Measure No. 2

Please contact me if you have any questions. I can be reached at (253) 345-8704 or bfosbre@cityoftacoma.org.

Sincerely,



WILLIAM FOSBRE
City Attorney

cc: Susan Haigh, Interim City Clerk
Kyle Haugh, Pierce County Elections Manager

Exhibit I



City of Tacoma
Office of the City Attorney

February 3, 2023

Ann Dorn
6701 East B Street
Tacoma, WA 98404
ann@tacomalegalcoach.com

Re: Initiative Petition Landlord Fairness Code V1 – Initiative 2023-01

Dear Ms. Dorn:

The City Clerk received your proposed initiative petition on January 23, 2023. The proposed initiative petition was forwarded to my office on January 24, 2023, to review the petition to determine if it is proper in terms of form and style as required under Tacoma City Charter Section 2.19(c), and then write the official ballot title as required by City Charter and state law. After speaking with you, Ty Moore, and Knoll Lowney on January 30, 2023, I have agreed to provide you with the ballot title now and then you agreed to file the draft petition with the City Clerk shortly thereafter.

The official ballot title reads as follows:

CITY OF TACOMA CITIZENS’ INITIATIVE MEASURE NO. 2023-01

Citizens’ Initiative Measure No. 2023-01 concerns enacting rental requirements for landlords and rental rights for tenants.

This measure would require landlords to comply with health and safety laws before raising rent or evicting a tenant; set limits on certain rental fees; require landlords provide two notices to increase rent and offer relocation assistance when the increase is 5% or more; create a defense against certain student/schoolyear evictions, evictions between November 1 and April 1, and evictions against servicemembers, seniors, families and others with protected status under the measure; and provide penalties and enforcement mechanisms.

Should this measure be enacted into law?

Yes

No

Ann Dorn
February 3, 2023
Page 2

The official ballot title for the initiative petition will be filed with the City Clerk today.

Nothing contained herein should be construed as a comment upon the legal sufficiency of the content of the proposed ordinance.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "William Fosbre". The signature is written in a cursive, flowing style.

WILLIAM FOSBRE
City Attorney

WF/bn

cc: Doris Sorum, City Clerk