

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE related to the regulation of short-term rental businesses; adding a new chapter 6.600, Short-Term Rentals, to the Seattle Municipal Code.

..body

WHEREAS, housing vacancy rates are at low levels, making it increasingly difficult for people to locate permanent housing; and

WHEREAS, removal of residential units from the long-term housing market contributes to low vacancy rates; and

WHEREAS, the conversion of long-term housing units to short-term rentals could result in the loss of housing for Seattle residents; and

WHEREAS, it is in the public interest that short-term rental uses be regulated in order to conserve limited housing resources; and

WHEREAS, the short-term rental platforms, as part of a new but growing industry, would also benefit from regulation to ensure good business standards and practices; and

WHEREAS, short-term rental platform businesses depend upon participation and contact with local short-term rental operators; and

WHEREAS, this ordinance provides standards for the operation of short-term rental platform and short-term rental operators; and

WHEREAS, the City Council finds that this ordinance is necessary to protect and promote the health, safety, and welfare of the general public; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Chapter 6.600 is added to the Seattle Municipal Code as follows:

Chapter 6.600 SHORT-TERM RENTALS

1 **6.600.010 Scope and purpose**

2 This chapter 6.600 applies to all short-term rental operators and short-term rental platforms that
3 facilitate short-term rental operators to offer a dwelling unit, or portion thereof, for short-term
4 rental use within The City of Seattle. The ordinance enacting this Chapter 6.600 is an exercise of
5 The City of Seattle's police power to license short-term rental platforms and short-term rental
6 operators for regulation. Some of its regulatory purposes are to preserve the City's permanent
7 housing stock, increase economic opportunity for residents operating short-term rentals in their
8 own homes, reduce any indirect negative effects on the availability of affordable housing, create
9 a level playing field for all parties engaged in the business of providing lodging, and protect the
10 livability of residential neighborhoods.

11 **6.600.020 Application of other provisions**

12 The licenses provided for in this Chapter 6.600 are subject to the general provisions of the new
13 Seattle License Code set forth in Chapter 6.202 as now or hereafter amended. In the event of a
14 conflict between the provisions of Chapter 6.202 and this Chapter 6.600, the provisions of this
15 Chapter 6.600 shall control.

16 **6.600.030 Definitions**

17 "Accessory dwelling unit" or "ADU" means an "Accessory dwelling unit" or a
18 "Detached accessory dwelling unit" or "DADU" as defined under "Residential use" in Section
19 23.84A.032.

20 "Booking service" means any reservation and/or payment service provided by a person or
21 entity that facilitates a short-term rental transaction between a short-term rental operator and a
22 prospective short-term rental guest, and for which the person or entity collects or receives,

1 directly or indirectly through an agent or intermediary, a fee in connection with the reservation
2 and/or payment services provided for the short-term rental transaction.

3 “Director” means the Director of Finance and Administrative Services or that Director’s
4 designee.

5 "Dwelling unit" means a room or rooms located within a structure that are configured to
6 meet the standards of Section 23.42.048 and that are occupied or intended to be occupied by not
7 more than one household as living accommodations independent from any other household.

8 "Fee" means remuneration or anything of economic value that is provided, promised, or
9 donated primarily in exchange for services rendered.

10 "Guest" means any person or persons renting a short-term rental.

11 "Household" means a housekeeping unit consisting of any number of related persons;
12 eight or fewer non-related persons; eight or fewer related and non-related persons, unless a grant
13 of special or reasonable accommodation allows an additional number of persons.

14 "Local contact" means the short-term rental operator or the person(s) designated by the
15 short-term rental operator who: (1) reside in King County; and (2) are the point of contact for
16 any short-term rental guest(s) for the duration of the guest(s)’ stay in the short-term rental.

17 “Operate a short-term rental platform within the City” means that a short-term rental
18 platform is engaged in business in the City, including having agreements with short-term rental
19 operators or other customers in the City who provide dwelling units, or portions thereof, located
20 in the City for short-term rental use, regardless of whether the short-term rental platform is
21 physically present in the City.

22 "Owner" means any person who, alone or with others, has title or interest in any building,
23 property, dwelling unit or portion thereof, with or without accompanying actual possession

1 thereof, and including any person who as agent, or executor, administrator, trustee, or guardian
2 of an estate has charge, care, or control of any building.

3 "Person" means any individual, firm, corporation, association, governmental entity, or
4 partnership and its agents or assigns.

5 "Primary residence" means a person's usual place of return for housing as documented by
6 motor vehicle registration, driver's license, voter registration or other such evidence as
7 determined by Director's rule. A person may have only one primary residence.

8 "Short-term rental advertisement" means any method of soliciting use of a dwelling unit
9 for short-term rental purposes.

10 "Short-term rental" means a lodging use, that is not a hotel or motel, in which a dwelling
11 unit or portion thereof is provided to guest(s) by a short-term rental operator for a fee for fewer
12 than 30 consecutive nights. A dwelling unit or portion thereof that is used by the same individual
13 or individuals for 30 or more consecutive nights is not a short-term rental.

14 "Short-term rental operator" means any person who is the owner or tenant of a dwelling
15 unit, or portion thereof who provides a dwelling unit, or portion thereof, for short-term rental
16 use.

17 "Short-term rental operator registry" means a log of information maintained by the short-
18 term rental operator.

19 "Short-term rental platform" means a person that provides a means through which an
20 owner or tenant of a dwelling unit, or portion thereof, may offer the dwelling unit, or portion
21 thereof, for short-term rental use and from which the platform derives revenues, including, but
22 not limited to, booking fees or advertising revenues from providing or maintaining booking
23 services. This service includes but is not limited to allowing a short-term rental operator to

1 advertise the dwelling unit, or portion thereof, for short-term rental use through a website
2 provided by the short-term rental platform and providing a means for potential users to arrange
3 payment for use of the short-term rental, whether the user pays directly to the owner or tenant or
4 to the short-term rental platform. Merely publishing a short-term rental advertisement for
5 accommodations does not make the publisher a short-term rental platform.

6 "Tenant" means a person occupying or holding possession of a dwelling unit or portion
7 thereof for a period of 30 or more days, pursuant to written or oral agreement.

8 **6.600.040 License required**

9 A. It is unlawful for any person to operate as a short-term rental platform within the
10 City without a valid short-term rental platform license issued pursuant to this Chapter 6.600.

11 B. It is unlawful for any person to operate as a short-term rental within the City
12 without a valid short-term rental operator license issued pursuant to this Chapter 6.600.

13 **6.600.050 License applications**

14 A. Short-term rental platform licenses are issued by the Director and may be
15 obtained by filing with the Director a short-term rental platform application in a format
16 determined by the Director.

17 B. Short-term rental operator licenses are issued by the Director and may be
18 obtained by filing with the Director a short-term rental operator license application in a format
19 determined by the Director and by submitting a signed declaration of compliance attesting that
20 each dwelling unit, or portion thereof, offered for short-term rental use satisfies the
21 requirements of Section 6.600.070.

22 C. Each short-term rental operator license shall be issued a license number and
23 such other information as the Director deems necessary.

1 D. All short-term rental platform licenses and short-term rental operator licenses
2 shall expire one year from the date the license is issued and shall be renewed annually.

3 **6.600.060 Short-term rental platforms general provisions**

4 All short-term rental platforms operating in Seattle city limits shall comply with the following:

5 A. Possess a valid short-term rental platform license issued pursuant to this Chapter
6 6.600.

7 B. Provide booking services only for short-term rental operators who possess valid
8 short-term rental operator licenses issued pursuant to this Chapter 6.600.

9 C. Provide the following information electronically to the City on a quarterly basis:

10 1. The total number of short-term rentals in the City listed on the platform
11 during the applicable reporting period; and

12 2. The total number of nights each Seattle listing was rented through the
13 short-term rental platform during the applicable reporting period.

14 D. Inform all short-term rental operators who register with the short-term rental
15 platform of the operator's responsibility to collect and remit all applicable local, state and federal
16 taxes unless the short-term rental platform does this on the operator's behalf.

17 E. Provide a copy of summaries prepared by the Director pursuant to Section
18 6.600.065 to any short-term rental operator for which the short-term rental platform provides
19 booking services. Such provision includes notifying all short-term rental operators of changes to
20 local regulations when the short-term rental platform is notified by the Department. Upon
21 request, the short-term rental platform shall provide documentation demonstrating that the
22 required notification was provided.

1 F. Upon request, permit the Director to review any records that are required to be
2 kept under this Chapter 6.600.

3 **6.600.065 Summaries of short-term rental regulations**

4 The Department shall, as soon as practicable after passage of the ordinance introduced as
5 Council Bill [REDACTED], and as the Department shall deem necessary thereafter, prepare a
6 summary of this Chapter 6.600 and any other applicable regulations or identified best practices
7 for operating a short-term rental. This shall include information pertinent to the neighborhood
8 where the short-term rental is located including, but not limited to parking restrictions,
9 restrictions on noise and amplified sounds, trash collection schedule, and any other
10 information, as determined by the Director.

11 **6.600.070 Short-term rental operator general provisions**

12 All short-term rental operators who offer dwelling units, or portions thereof, for short-term rental
13 use in the City shall comply with the following:

14 A. Possess no more than one valid short-term rental operator license issued pursuant
15 to this Chapter 6.600.

16 B. Limit on the number of dwelling units provided by the short-term rental operator.

17 1. Except as provided in subsection 23.600.070.B.2, a short-term rental
18 operator may be issued a license to provide a maximum of one dwelling unit, or portion thereof,
19 for short term rental use, or a maximum of two dwelling units, if one of the units is the operator's
20 primary residence. If the short-term rental operator's primary residence is located on a lot that
21 includes a principal dwelling unit and an accessory dwelling unit, both units shall be considered
22 the operator's primary residence.

1 2. A short-term rental operator who operates short-term rentals in the
2 Downtown Urban Center, Uptown Urban Center, or the South Lake Union Urban Center, as
3 established in the Seattle Comprehensive Plan, may be issued a license to provide short-term
4 rental use in: (1) the operator’s primary residence, or portion thereof; (2) any dwelling units
5 located in the Downtown Urban Center, Uptown Urban Center, or the South Lake Union Urban
6 Center that the short-term rental operator provided as a short-term rental prior to the effective
7 date of the ordinance introduced as Council Bill [REDACTED], and (3) no more than one additional
8 dwelling unit, or portion thereof, located outside of the Downtown Urban Center, Uptown Urban
9 Center, or the South Lake Union Urban Center. If the license applicant wishes to continue
10 operating a short-term rental in a location described in subsection 6.600.070.B.2(2), the applicant
11 must provide the Director with the following evidence of the prior short-term rental use:

12 a. A business license tax certificate issued by the Department of
13 Finance and Administrative Services for the short-term rental use, in effect on the effective date
14 of the ordinance introduced as Council Bill [REDACTED]; and

15 b. Records demonstrating collection and remittance of all applicable
16 local, state and federal taxes within the 12-month period prior to the effective date of the
17 ordinance introduced as Council Bill [REDACTED]; and

18 c. A registry identifying the dates the dwelling unit was used as
19 short-term rental within the 12-month period prior to the effective date of the ordinance
20 introduced as Council Bill [REDACTED].

21 C. Post the short-term rental operator license number issued for the dwelling unit on
22 every listing advertising or soliciting the dwelling unit, or portion thereof, for use as a short-term
23 rental.

1 D. Comply with all standards provided in Section 23.42.060.

2 E. Provide local contact information to all short-term rental guests during a guest's
3 stay. The local contact must be available to respond to inquiries at the short-term rental during
4 the length of the stay.

5 F. Comply with the requirements of the Housing and Building Maintenance Code in
6 subsection 22.214.050.M and the Rental Registration and Inspection program, unless exempted
7 from registration pursuant to subsection 22.214.030.A.1.

8 G. Comply with RCW 19.27.530 by ensuring that all dwelling units have working
9 smoke detectors and carbon monoxide alarm(s) in every bedroom and on all habitable floors and
10 a properly maintained and charged fire extinguisher.

11 H. Post the following information in a conspicuous place within each dwelling unit
12 used as a short-term rental:

13 1. Emergency contact information;

14 2. Contact information for the short-term rental operator or the designated
15 local contact;

16 3. Street address;

17 4. Floor plan indicating fire exits and escape routes;

18 5. Information about how a guest can contact The City of Seattle's Customer
19 Service Bureau to report any concerns or complaints; and

20 6. Maximum occupancy limits.

21 I. Upon request by the Director, provide documentation and a signed declaration of
22 compliance attesting to compliance with subsections 6.600.070.A through 6.600.070.H.

1 J. Maintain liability insurance appropriate to cover the short-term rental use in the
2 aggregate of not less than \$1,000,000 or conduct each short-term rental transaction through a
3 short-term rental platform that provides equal or greater coverage.

4 K. Remit all applicable local, state and federal taxes unless the short-term rental
5 platform does this on the short-term rental operator's behalf.

6 **6.600.080 License fees**

7 A. Short-term rental platform license fees. The fee for a short-term rental platform
8 license issued pursuant to this Chapter 6.600 shall be a quarterly fee based on the total number of
9 nights booked for short-term rental use through the short-term rental platform. Short-term rental
10 platforms shall pay *[\$2 to \$7]* per night booked. The per night fees shall be calculated and paid
11 on a quarterly basis. If a short-term rental platform fails to provide complete information as
12 required by subsection 6.600.060.C, the quarterly per night license fee may be estimated by the
13 Director.

14 B. Short-term rental operator license fees. The fee for a short-term rental operator
15 license issued pursuant to this Chapter 6.600 shall be *[\$50 - \$100]* per dwelling unit annually,
16 paid at the time the application is submitted to the City.

17 C. The Director may adjust any of the fees in subsections 6.600.080.A and
18 6.600.080.B in the Director's Rules following consideration of the following factors:

- 19 1. The projected costs and annual budget allotted for administrative,
20 enforcement and regulatory costs across the short-term rental industry;
- 21 2. The need for increased enforcement to reduce illegal activity;
- 22 3. The total number of nights booked in Seattle city limits across the short-
23 term rental industry; and

1 4. The administrative burden of issuing additional short-term rental platform
2 or operator licenses.

3 D. The purpose of any adjustment is to ensure the fees cover the Director’s
4 administrative, enforcement and other regulatory costs.

5 E. License fees are non-refundable and non-transferrable.

6 **6.600.090 Enforcement and rulemaking**

7 The Director of Finance and Administrative Services is authorized to enforce this Chapter 6.600
8 and to promulgate and adopt rules pursuant to Chapter 3.02 to implement the provisions of this
9 Chapter 6.600.

10 **6.600.100 Short-term rental platform – Violations and enforcement**

11 A. Violations. It is a violation of this Chapter 6.600 for any person or short-term
12 rental platform to:

13 1. Operate a short-term rental platform in Seattle city limits without
14 possessing a valid short-term rental platform license issued pursuant to this Chapter 6.600.

15 2. Provide booking services to short-term rental operators who do not
16 possess a valid short-term rental operator licenses issued pursuant to this Chapter 6.600.

17 3. Misrepresent any material fact in an application for a short-term rental
18 platform license or other information submitted to the Director pursuant to this Chapter 6.600.

19 4. Fail to comply with any requirements of Chapter 6.600 applicable to short-
20 term rental platforms.

21 B. Enforcement

22 1. Investigation and notice of violation

1 a. The Director is authorized to investigate any person or short-term
2 rental platform the Director reasonably believes does not comply with the provisions of Chapter
3 6.600 applicable to short-term rental platforms.

4 b. If, after investigation, the Director determines that any provisions
5 of provisions of Chapter 6.600 applicable to short-term rental platforms have been violated, the
6 Director may issue a notice of violation to the short-term rental platform or other person
7 responsible for the violation.

8 c. The notice of violation shall state the provisions violated,
9 necessary corrective action, and a compliance due date.

10 d. The notice of violation shall be served upon the short-term rental
11 platform, agent, or other responsible person by personal service or regular first class mail
12 addressed to the last known address for the short-term rental platform or responsible person.

13 e. Nothing in this Section 6.600.100 limits or precludes any action or
14 proceeding to enforce this code, and nothing obligates or requires the Director to issue a notice
15 of violation prior to the imposition of civil or criminal penalties.

16 f. Unless a request for review before the Director is made in
17 accordance with subsection 6.600.100.B.2, the notice of violation shall become the final order of
18 the Director.

19 2. Review by the Director

20 a. Any person aggrieved by a notice of violation issued by the
21 Director pursuant to subsection 6.600.100.B.1 may obtain a review of the notice by requesting
22 such review in writing within ten days of the date of the notice. When the last day of the period
23 so computed is a Saturday, Sunday or federal or City holiday, the period shall run until 5 p.m. on

1 the next business day. Within 15 days of the request for review, the aggrieved person may submit
2 additional information in the form of written material to the Director for consideration as part of
3 the review.

4 b. The review will be made by a representative of the Director who is
5 familiar with the case and the applicable ordinances. The Director's representative will review all
6 additional information received by the deadline for submission of information. The reviewer may
7 also request clarification of information received. After review of the additional information, the
8 Director may:

- 9 1. Sustain the notice of violation;
- 10 2. Withdraw the notice of violation;
- 11 3. Continue the review to a date certain for receipt of
12 additional information; or
- 13 4. Modify the notice of violation, which may include an
14 extension of the compliance date.

15 c. The Director shall issue an Order of the Director containing the
16 decision and shall cause the same to be mailed by first class mail to the person or persons
17 requesting the review and the persons named on the notice of violation.

18 d. Extension of compliance date. The Director may grant an
19 extension of time for compliance with any notice or order, whether pending or final, upon the
20 Director's finding that substantial progress toward compliance has been made and that the public
21 will not be adversely affected by the extension. An extension of time may be revoked by the
22 Director if it is shown the conditions at the time the extension was granted have changed, the
23 Director determines a party is not performing corrective actions as agreed, or if the extension

1 creates an adverse effect on the public. The date of revocation shall then be considered the
2 compliance date.

3 4. Penalties

4 a. In addition to any other sanction or remedial procedure that may be
5 available, any person violating or failing to comply with any of the provisions of Chapter 6.600
6 applicable to short-term rental platforms shall be subject to the following cumulative penalties
7 for each violation for each listing from the date the violation occurs until compliance is achieved:

- 8 1) \$500 per day for each violation for the first ten days, and
9 2) \$1,000 per day for each violation for each day beyond ten
10 days of non-compliance until compliance is achieved.

11 b. In cases where the Director has issued a notice of violation or order
12 of the Director, the violation will be deemed to begin, for purposes of determining the number of
13 days in violation, on the date that compliance is required on the notice of violation or order of the
14 Director.

15 5. Civil actions. Civil actions to enforce subsection 6.600.040.A, Section
16 6.600.060, or subsection 6.600.100.A shall be brought in the Seattle Municipal Court, except as
17 otherwise required by law or court rule. In any civil action for a penalty, the City has the burden
18 of proving by a preponderance of the evidence that a violation exists or existed; the issuance of a
19 notice of violation or an order following a review by the Director is not itself evidence that a
20 violation exists.

21 6. Appeals to Superior Court. Final decisions of the Seattle Municipal Court
22 on enforcement actions authorized by subsection 6.600.100.A may be appealed pursuant to the
23 Rules for Appeal of Courts of Limited Jurisdiction.

1 **6.600.110 Short-term rental operator -- Violations and enforcement**

2 A. Violations. It is a violation of this Chapter 6.600 for any person to:

3 1. Provide a dwelling unit, or portion thereof, for short-term rental use
4 without possessing a valid short-term rental operator's license for that dwelling unit, or portion
5 thereof, issued pursuant to this Chapter 6.600.

6 2. Misrepresent any material fact in any short-term rental operator license
7 application or other information submitted to the Director pursuant to this Chapter 6.600.

8 3. Fail to comply with any requirements of Chapter 6.600 applicable to short-
9 term rental operators.

10 B. Enforcement. If after investigation the Director determines that any of the
11 provisions of Chapter 6.600 applicable to short-term rental operators have been violated, the
12 Director may issue a civil citation to the short-term rental operator or other person responsible
13 for the violation.

14 1. The civil citation shall include the following information: (1) the name
15 and address of the person to whom the citation is issued; (2) the address of the dwelling unit
16 involving the violation; (3) a separate statement of each provision violated; (4) the date of the
17 violation; (5) a statement that the person cited must respond to the civil citation within 15 days
18 after service; (6) a space for entry of the applicable penalty; (7) a statement that a response must
19 be sent to the Hearing Examiner and received not later than 5 p.m. on the day the response is
20 due; (8) contact information for the Hearing Examiner where the citation is to be filed; (9) a
21 statement that the citation represents a determination that a violation has been committed by the
22 person named in the citation and that the determination shall be final unless contested as

1 provided in this chapter; and (10) a certified statement of the Director's representative issuing the
2 citation, authorized by RCW 9A.72.085, setting forth facts supporting issuance of the citation.

3 2. Service. The citation shall be served by first class mail, addressed to the
4 short-term rental operator or other person responsible for the violation. Service shall be complete
5 three days after the mailing. If a citation sent by first class mail is returned as undeliverable,
6 service may be made by posting the citation at a conspicuous place on The property where the
7 violation occurred and service shall be complete on the date of posting. The citation may also be
8 served in person.

9 3. Response to citations

10 a. A person cited must respond to a citation in one of the following
11 ways:

12 1) Paying the amount of the monetary penalty specified in the
13 citation, in which case the record shall show a finding that the person cited committed the
14 violation; or

15 2) Requesting in writing a mitigation hearing to explain the
16 circumstances surrounding the commission of the violation and providing an address to which
17 notice of such hearing may be sent; or

18 3) Requesting in writing a contested hearing specifying the
19 reason why the cited violation did not occur or why the person cited is not responsible for the
20 violation, and providing an address to which notice of such hearing may be sent.

21 b. A response to a citation must be received by the Office of the
22 Hearing Examiner no later than 15 days after the date the citation is served. When the last day of

1 the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall
2 run until 5 p.m. on the next business day.

3 c. Failure to respond. If a person fails to respond to a citation within
4 15 days of service, an order shall be entered by the Hearing Examiner finding that the person
5 cited committed the violation stated in the citation, and assessing the penalty specified in the
6 citation.

7 4. Hearings

8 a. Mitigation hearings

9 1) Date and notice. If a mitigation hearing is requested, the
10 mitigation hearing shall be held within 30 days after written response to the citation requesting
11 such hearing is received by the Hearing Examiner. Notice of the time, place, and date of the
12 hearing shall be sent to the address specified in the request for hearing not less than ten days
13 prior to the date of the hearing.

14 2) Procedure at hearing. The Hearing Examiner shall hold an
15 informal hearing that shall not be governed by the Rules of Evidence. The person cited may
16 present witnesses, but witnesses may not be compelled to attend. A representative from the
17 Department of Finance and Administrative Services may also be present and may present
18 additional information, but attendance by a representative from the Department of Finance and
19 Administrative Services is not required.

20 3) Disposition. The Hearing Examiner shall determine
21 whether the cited person's explanation justifies reduction of the monetary penalty; however, the
22 monetary penalty may not be reduced unless the Department of Finance and Administrative
23 Services affirms or certifies that the violation has been corrected prior to the mitigation hearing.

1 Factors that may be considered in whether to reduce the penalty include whether the violation
2 was caused by the act, neglect, or abuse of another; or whether correction of the violation was
3 commenced prior to the issuance of the citation but that full compliance was prevented by a
4 condition or circumstance beyond the control of the person cited.

5 4) Entry of order. After hearing the explanation of the person
6 cited and any other information presented at the hearing, the Hearing Examiner shall enter an
7 order finding that the person cited committed the violation and assessing a monetary penalty in
8 an amount determined pursuant to subsection 6.600.110.B.5. The Hearing Examiner's decision is
9 the final decision of the City on the matter.

10 b. Contested hearings

11 1) Date and notice. If a person requests a contested hearing,
12 the hearing shall be held within 60 days after the written response to the citation requesting such
13 hearing is received.

14 2) Hearing. Contested hearings shall be conducted pursuant to
15 the procedures for hearing contested cases contained in Section 3.02.090 and the rules adopted
16 by the Hearing Examiner for hearing contested cases, except as modified by this Section
17 6.600.110. The issues heard at the hearing shall be limited to those that are raised in writing in
18 the response to the citation and that are within the jurisdiction of the Hearing Examiner. The
19 Hearing Examiner may issue subpoenas for the attendance of witnesses and the production of
20 documents.

21 3) Sufficiency. No citation shall be deemed insufficient for
22 failure to contain a detailed statement of the facts constituting the specific violation which the

1 person cited is alleged to have committed or by reason of defects or imperfections, provided such
2 lack of detail, or defects or imperfections do not prejudice substantial rights of the person cited.

3 4) Amendment of citation. A citation may be amended prior to
4 the conclusion of the hearing to conform to the evidence presented if substantial rights of the
5 person cited are not thereby prejudiced.

6 5) Evidence at hearing. The certified statement or declaration
7 authorized by RCW 9A.72.085 shall be prima facie evidence that a violation occurred and that
8 the person cited is responsible. The certified statement or declaration authorized under RCW
9 9A.72.085 and any other evidence accompanying the report shall be admissible without further
10 evidentiary foundation. Any certifications or declarations authorized under RCW 9A.72.085
11 shall also be admissible without further evidentiary foundation. The person cited may rebut the
12 Department of Finance and Administrative Services' evidence and establish that the cited
13 violation(s) did not occur or that the person contesting the citation is not responsible for the
14 violation.

15 6) Disposition. If the citation is sustained at the hearing, the
16 Hearing Examiner shall enter an order finding that the person cited committed the violation and
17 impose the applicable penalty pursuant to subsection 6.600.110.B.5. The Hearing Examiner may
18 reduce the monetary penalty in accordance with the mitigation provisions in subsection
19 6.600.100.B.4.a.3. If the Hearing Examiner determines that the violation did not occur, the
20 Hearing Examiner shall enter an order dismissing the citation.

21 7) Final decision. The Hearing Examiner's decision is the final
22 decision of the City.

1 c. Failure to appear for hearing. Failure to appear for a requested
2 hearing will result in an order being entered finding that the person cited committed the violation
3 stated in the citation and assessing the penalty specified in the citation. For good cause shown
4 and upon terms the Hearing Examiner deems just, the Hearing Examiner may set aside an order
5 entered upon a failure to appear and schedule a new contested hearing date.

6 5. Citation penalties

7 a. Violation warning. The Director may, in an exercise of discretion,
8 issue a warning to the person responsible for the violation if that person has not been previously
9 warned or cited for violating this Chapter 6.600.

10 b. First violation. The first time a person is found to have violated
11 one of the provisions referenced in subsection 6.600.040.B, Section 6.600.070, or subsection
12 6.600.110.A, the person shall be subject to a penalty of \$150.

13 c. Second and subsequent violations. Any second or subsequent time
14 a person is found to have violated one of the provisions referenced in subsection 6.600.040.B,
15 Section 6.600.070, or subsection 6.600.110.A, the person shall be subject to a penalty of \$500 for
16 each subsequent violation.

17 d. Collection of penalties. If the person cited fails to pay a penalty
18 imposed pursuant to this subsection 6.600.110.B, the penalty may be referred to a collection
19 agency. The cost to the City for the collection services will be assessed as costs, at the rate
20 agreed to between the City and the collection agency, and added to the penalty. Alternatively,
21 the City may pursue collection in any other manner allowed by law.

22 e. Each day a separate violation. Each day a person violates or fails to
23 comply with one of the provisions referenced in subsection 6.600.040.B, Section 6.600.070, or

1 subsection 6.600.110.A may be considered a separate violation for which a civil citation may be
2 issued.

3 **6.600.120 Alternative criminal penalty**

4 Any person who violates or fails to comply with any of the provisions in this Chapter 6.600 and
5 who has had at least two or more citations, or two or more notices of violation issued against
6 them for violating this Chapter 6.600, within the past three years from the date the criminal
7 charge is filed shall be guilty of a misdemeanor subject to the provisions of Chapters 12A.02
8 and 12A.04, except that absolute liability shall be imposed for such a violation or failure to
9 comply and none of the mental states described in Section 12A.04.030 need be proved. The
10 Director may request the City Attorney prosecute such violations criminally as an alternative to
11 the citation and notice of violation procedures outlined in this Chapter 6.600.

12 **6.600.130 Additional relief**

13 The Director may seek legal or equitable relief to enjoin any acts or practices when necessary to
14 achieve compliance.

15 **6.600.140 Denial, revocation, or refusal to renew license**

16 A. The Director may revoke the license of any short-term rental platform for
17 violating or failing to comply with any applicable provision of this Chapter 6.600 or for any
18 reason set forth in Section 6.208.020.

19 B. The Director may revoke the license of any short-term rental operator for
20 violating or failing to comply with any applicable provision of this Chapter 6.600 or for any
21 reason set forth in Section 6.208.020.

1 C. The Director shall deny any renewal application if grounds exist for the Director
2 to deny a license pursuant to Section 6.202.230. No license may be renewed unless all
3 outstanding penalties assessed against the licensee are paid in full to the Department.

4 Section 2. The provisions of this ordinance are declared to be separate and severable.
5 The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this
6 ordinance, or the invalidity of its application to any person or circumstance, does not affect the
7 validity of the remainder of this ordinance, or the validity of its application to other persons or
8 circumstances.

9

DRAFT

1 Section 3. This ordinance shall take effect on January 1, 2018.

2 Passed by the City Council the _____ day of _____, 2017,

3 and signed by me in open session in authentication of its passage this _____ day of

4 _____, 2017.

5 _____

6 President _____ of the City Council

7 Approved by me this _____ day of _____, 2017.

8 _____

9 Edward B. Murray, Mayor

10 Filed by me this _____ day of _____, 2017.

11 _____

12 Monica Martinez Simmons, City Clerk

13 (Seal)