



Renting in Tacoma

2023 Landlord Fairness Code Initiative: Q&A



Office of Equity & Human Rights – December 2023

The 2023 Landlord Fairness Code Initiative, also known as Measure 1, is a ballot measure that passed in the City of Tacoma November 2023 general election. The 2023 Landlord Fairness Code Initiative introduces some new requirements and rules for landlords and tenants in the City of Tacoma. These new requirements go into effect December 8, 2023.

Q: What is in the Landlord Fairness Code Initiative?

A: The Landlord Fairness Code Initiative (TMC 1.100) establishes requirements around notices to increase rent, move-in costs, pet fees, late fees, evictions, and economic displacement relocation assistance, health and safety requirements, and establishes enforcement and penalties. See below for details.

Q: What is City's Rental Housing Code?

A: The Rental Housing Code, established in 2019, provides protections for tenants and provides specific guidance to landlords who own or operate residential rental property in the Tacoma city limits.

In July 2023, the City updated its Rental Housing Code (RHC), strengthening requirements around notices to increase rent, shared housing standards, standards for fees and deposits, business license, health and safety requirements, rental regulations, and establishes standardized tenant screening criteria.

Q: Will the Landlord Fairness Code Initiative replace the Rental Housing Code?

A: No, the Landlord Fairness Code Initiative does not replace the Rental Housing Code. Both codes will be in effect starting December 8, 2023.

There are some conflicts between the Rental Housing Code and the Landlord Fairness Code which include:

- Late Fees – the Landlord Fairness Code caps late fees at \$10 versus a cap of \$75 in the Rental Housing Code.
- Rental Increase Notices – the Landlord Fairness Code requires two notices to increase rent starting at 210 days versus the Rental Housing Code's one notice at 120 days.

Q: How will the City handle the sections of the codes that conflict?

A: The Landlord Fairness Code Initiative and the Rental Housing Code have separate and distinct enforcement mechanisms:

- The Landlord Fairness Code Initiative contains no authorization for administrative enforcement by the City, and its provisions are enforced exclusively by private rights of action.
- The Rental Housing Code is enforced through City administrative processes.

As a result, there is no fundamental conflict between the Initiative and the current Rental Housing Code. In other words, the City will enforce the Rental Housing Code related to its provision for late fees and notices to increase rent. A tenant can seek to enforce the Initiative's provisions regarding late fees and notices of rent through legal actions taken against the landlord.

Q: What specific rules and requirements are in the Landlord Fairness Code Initiative?

A: There are eight topics addressed in the Landlord Fairness Code Initiative:

1. Two separate notices are required before increasing rent

- 1st notice to increase rent must be issued between 210 and 180 days before the rent increase takes effect.
- 2nd notice to increase rent must be issued between 120 and 90 days before rent increase takes effect.

2. Late fees

The fee for late rent cannot exceed \$10 per month.

3. Move-in costs

The total fee for all move-in costs cannot exceed one month's rent.

4. Pet damage deposit

The deposit cannot exceed 25% of first months' rent, and it must be refundable if no pet damage is done to the unit.

5. Certain evictions are prohibited

- Landlords may not carry out an eviction during the student/school year if kids or educators are in the household.
- Landlords may not carry out an eviction during cold weather—between November 1 and April 1.
- Landlords cannot evict a tenant based on their status as a member of military, first responder, senior, family member, health care provider, or educator.

6. Economic displacement relocation assistance

If the tenant's rent is raised 5% or more and the tenant can no longer afford to occupy the unit, the landlord is required to pay relocation assistance in the following amounts:

- If rent increases 5% to 7.5% — 2 times the monthly rent
- If rent increases 7.5% to 10% — 2.5 times the monthly rent
- If rent increases more than 10% — 3 times the monthly rent

7. Landlords are required to comply with health/safety laws

A landlord must have no violations under TMC 2.01.050 "Minimum Buildings and Structures Code," or violations under RCW 59.18.060, which may make the unit uninhabitable.

8. Enforcement and penalties

- Landlords who violate this chapter can 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.
- A tenant can sue landlord for violations.
- A tenant or organization can sue for injunctive relief.
- A landlord can seek court order to be exempted from provisions, and allow eviction, if they can show they would experience "an undue and significant hardship" if the code were enforced.

Q: Does Landlord Fairness Code Initiative apply to me?

A: The Landlord Fairness Code Initiative applies to anyone who owns, operates or rents residential rental property within the City of Tacoma limits.

*For more information about Renting in Tacoma,
the City's Landlord–Tenant Program, and resources for landlords and tenants,
visit www.cityoftacoma.org/oehr.*