

NO. 74360-1-I

**IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION I**

Michelle J. Kinnucan,

Plaintiff/Appellant,

v.

City of Seattle,

Defendant/Respondent.

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BRIEF OF AMICUS CURIAE NORTHWEST JUSTICE PROJECT

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I. Introduction

Lower-income Seattle tenants face momentous stakes when owners choose to demolish or redevelop existing affordable housing. Not only must those tenants relocate—always a significant burden on those of limited financial means—but they also face very real prospects of displacement from their neighborhoods or from the city altogether.¹ Indeed, with almost twice as many low-income families needing housing in Seattle than affordable units available, that some displaced tenants will not secure new housing within the city seems mathematically inevitable.

Indeed, Seattle is currently experiencing what its mayor has called the “worst housing affordability crisis in decades.”² The city currently has just 54 units of affordable housing for every 100 households earning up to 50% of area median gross income, and only 33 affordable units for every 100 households at 30% of area median gross income.³ An estimated 15-20% of Seattle households are severely cost-burdened, meaning they

¹ See Bhatt, Sanjay, “Rising rents, rising towers push out tenants of modest means,” *Seattle Times*, Apr. 5, 2014.

² See Office of the Mayor, *Housing Livability and Affordability Agenda*, available on-line at: <http://murray.seattle.gov/housing/#sthash.wOfYHdnl.NynEZ98f.dpbs>, last visited June 14, 2016.

³ See Office of the Mayor, *Housing Affordability & Livability Agenda*, “Affordability and Availability: Rental Housing,” available on-line at: <http://murray.seattle.gov/housing/seattle-housing-data/#sthash.c0pdLzTq.dpbs>, last visited June 23, 2016.

spend more than half their incomes on rent and utility bills.⁴ With a rental vacancy rate of a remarkably low 1.8% (compared with a “balanced” rate of about 5%), securing rental housing in Seattle can be difficult even for households of means.⁵ For those at the opposite end of the economic spectrum, Seattle’s unsheltered homeless population now exceeds 4,500.⁶

To mitigate the hardships of displacement from affordable housing, the city long ago enacted the Tenant Relocation Assistance Ordinance (or “TRAO”).⁷ The TRAO is best known for ensuring that tenants displaced by redevelopment receive ample notice and, if low-income, financial assistance to cope with relocation.⁸ But the TRAO also imposes important protections that prevent owners from displacing tenants prematurely or from using redevelopment plans as a pretext for an unnecessary eviction.⁹

These protections against improper evictions are particularly important in the context of Seattle’s housing affordability crisis, where tenants may for compelling reasons challenge redevelopment projects that threaten

⁴ See Office of the Mayor, *Housing Affordability & Livability Agenda*, “Severely Cost Burdened Households” available on-line at: <http://murray.seattle.gov/housing/seattle-housing-data/#sthash.c0pdLzTq.dpbs>, last visited June 23, 2016.

⁵ Dept. of Commerce, *Affordable Housing Needs Assessment*, p. 20 (Jan. 2015).

⁶ See Office of the Mayor, *Housing Affordability & Livability Agenda*, “Homelessness in Seattle,” available on-line at: <http://murray.seattle.gov/housing/seattle-housing-data/#sthash.c0pdLzTq.dpbs>, last visited June 23, 2016.

⁷ See SMC 22.210.020.

⁸ See SMC 22.210.120 (ninety-day notice requirement), 130 (relocation assistance funds).

⁹ See SMC 22.210.140.

displacement or diminish the supply of affordable housing—such as through resident organizing, media, political engagement, or other lawful activism. Yet some tenants who participate in such resistance experience reprisals, including premature termination of their tenancies. To protect tenants from such abuses, the TRAO authorizes the city to impose fines and demand corrective action—and even to halt a redevelopment project in its tracks by withholding an all-important “tenant relocation license.”¹⁰

This scheme did not function as intended at Lockhaven Apartments, however, when the owner attempted to prematurely terminate the tenancy of Michelle Kinnucan, purportedly in retaliation for her activism (in opposing redevelopment). Kinnucan promptly reported this to the city, and her allegations could have established grounds for suspending or canceling the Lockhaven tenant relocation license. But the city declined to hear Kinnucan’s grievance simply because the license had already been issued—thus turning a blind eye to allegations of serious TRAO violations and depriving Kinnucan of the remedy she was entitled to by state law.¹¹

Kinnucan later brought this pro se action seeking to compel the city to establish procedures for insuring it does not fail to hear such grievances (as required by state law) in the future. On this core issue, the Court

¹⁰ See SMC 22.210.160-180.

¹¹ See RCW 59.18.440(5).

should hold that RCW 59.18.440(5) requires Seattle, throughout the entire relocation period (pre- and post-issuance), to hear tenant grievances that present grounds for denial or cancelation of a tenant relocation license.

II. Identity & Interest of Amicus Curiae

The Northwest Justice Project (NJP) is Washington's largest provider of free civil legal services those of low- and moderate-income. NJP's mission is to secure justice through high quality legal advocacy that promotes the long-term well-being of low-income individuals, families, and communities. NJP operates 17 field offices, a telephone hotline, and multiple websites to reach its client-eligible population across the state. In 2015, NJP served nearly 33,000 individuals and closed over 14,800 cases.

NJP has its largest office in the City of Seattle and regularly handles rental housing-related legal matters on behalf of Seattle tenants, including matters arising under the TRAO and Just Cause Evictions Ordinance. NJP prioritizes cases seeking to preserve affordable housing and regularly provides advice and representation to tenants and tenant organizations throughout Washington on matters involving the demolition, change-of-use, or other closure of subsidized and other affordable housing.

III. Statement of the Case

In April 2014, the owner of Lockhaven Apartments, Goodman Real Estate, obtained a tenant relocation license to do substantial rehabilitation

at the property.¹² The redevelopment would displace the existing tenants, including Plaintiff/Appellant Michelle Kinnucan, who had been a low-income resident of Lockhaven since 2009. She presented a grievance to the city in May 2014 alleging violations of Tenant Relocation Assistance Ordinance and other laws—including that Goodman had deviated from its planned rehabilitation schedule to terminate her tenancy much sooner than previously announced.¹³ Kinnucan asserted that the reason for this early lease termination was retaliation for her participation in tenant organizing activities and complaints about Goodman to government agencies.¹⁴ Her grievance requested that the city “amend or modify GRE Lockhaven’s relocation license to reset the ninety-day notice period[.]”¹⁵

The city did not amend, modify, “reset,” or otherwise impair GRE’s tenant relocation license and did not offer or hold a hearing on the grievance.¹⁶ The city cited SMC 22.210.150(C), which states that a “request for a hearing relating to authority to pursue unlawful detainer

¹² CP at 40-41.

¹³ CP at 71-74.

¹⁴ CP at 71-74.

¹⁵ CP at 73.

¹⁶ CP at 149, 153-54.

actions during the relocation period shall be filed prior to issuance of the tenant relocation license,” as authority for rejecting the grievance.¹⁷

Amicus otherwise adopts the Statement of the Case set forth in Appellant’s Opening Brief.

IV. Argument

Tenant relocation ordinances are authorized by the Residential Landlord-Tenant Act, RCW 59.18.440.¹⁸ This RLTA enabling provision requires such local ordinances to contain “provisions for administrative hearings to resolve disputes between tenants and property owners relating to relocation assistance or unlawful detainer actions during relocation[.]”¹⁹ As applied to Seattle’s Tenant Relocation Assistance Ordinance, this provision requires Seattle to hold administrative hearings for tenants (facing displacement) who contend that a tenant relocation license was improperly issued or should be revoked for post-issuance misconduct.

A. Overview of Seattle’s Tenant Relocation Assistance Ordinance (TRAO).

Seattle’s Tenant Relocation Assistance Ordinance requires an owner of rental housing to secure a “tenant relocation license” before demolishing, substantially rehabilitating, or changing the use of the property in a way

¹⁷ CP at 153-154.

¹⁸ See RCW 59.18.440.

¹⁹ RCW 59.18.440(5).

that will displace tenants.²⁰ To obtain the license, an owner must take three basic steps: (1) apply for the license, (2) deliver a 90-day notice of displacement and an “information packet” to tenants, and (3) deposit the owner’s required share of relocation assistance funds with the city.²¹

In addition, an owner must refrain from certain improper activities—including a duty not to evict tenants except for good cause.²² An owner who violates the TRAO—such as by attempting to evict a tenant other than for good cause—cannot lawfully secure a tenant relocation license.²³

The TRAO makes the director of Seattle’s Department of Construction and Inspections (or designee) responsible for investigating violations of the TRAO.²⁴ This enforcement responsibility, which appears to have been delegated to the Department of Planning & Development (or “DPD”), also carries the authority to issue notices of violation, to impose civil fines, and to deny tenant relocation licenses to noncompliant owners.²⁵ Appeals (from either tenants or owners) concerning the exercise of these powers are heard by the city’s Hearing Examiner.²⁶

²⁰ See SMC 22.210.050.

²¹ See SMC 22.210.060.

²² See SMC 22.210.140(A), 160(B).

²³ See SMC 22.210.160(B); see also SMC 22.210.050.

²⁴ See SMC 22.210.160(A), 170.

²⁵ CP at 6, 39-43; see SMC 22.210.160(C), 170, 180.

²⁶ SMC 22.210.150(A).

B. The TRAO is authorized by RCW 59.18.440.

The current version of Seattle's TRAO was enacted in 1990. But Seattle's first attempt at establishing tenant relocation protections came ten years before that, when Seattle passed its first Housing Preservation Ordinance.²⁷ That measure, which imposed a fee on developers who converted low-income housing to non-residential use without replacing the housing, was declared an unlawful tax in 1983.²⁸

Seattle then enacted a different version of the Housing Preservation Ordinance in 1985.²⁹ This version, being a clear forerunner of the current ordinance, required owners "to provide low income tenants with advance notice, eviction protection, and relocation assistance prior to demolishing or changing the use of residential units."³⁰ But the 1985 ordinance was similarly enjoined as an impermissible tax in 1989.³¹

²⁷ City of Seattle, Ordinance No. 109220 (1980).

²⁸ See *San Temlo Associates v. City of Seattle*, 108 Wn.2d 20, 24; 735 P.2d 673 (1987) ("Requiring a developer either to construct low income housing or 'contribute' to a fund for such housing [shifts] the public responsibility of providing such housing to a limited segment of the population. This shifting is a tax, and pursuant to RCW 82.02.020, it cannot be allowed.").

²⁹ City of Seattle, Ordinance No. 112342 (1985).

³⁰ *R/L Associates v. City of Seattle*, 113 Wn.2d 402, 404; 780 P.2d 838 (1989), describing former SMC 22.210.

³¹ See *R/L Associates* at 409 ("we hold that SMC 22.210.100 (Section 10), which requires the payment of relocation assistance, violates RCW 82.02.020 as an indirect charge on development, and is therefore invalid on its face. We note that the notice and eviction protection provisions (Sections 8 and 9) are not severable, and must also fail, because they are so closely connected that one without the other would be useless ...").

In 1990, however, the Legislature amended the RLTA to explicitly authorize local tenant relocation laws.³² Seattle enacted the TRAO later that year; like its 1985 predecessor, the TRAO imposes advance notice and eviction protection in properties undergoing redevelopment and requires owners to pay assistance funds for low-income tenants being displaced.³³ This history strongly suggests that Seattle’s current TRAO would not be possible had the Legislature not enacted RCW 59.18.440—and thus that compliance with the enabling statute is essential.

C. Administrative hearings required by RCW 59.18.440(5).

One obligation the RLTA imposes on local tenant relocation laws is that administrative hearings be available for resolving two different kinds of disputes between tenants and property owners: those “relating to relocation assistance,” and those relating to “unlawful detainer actions during relocation.”³⁴

1. Hearings for disputes regarding tenant relocation assistance funds.

Arguably the most significant benefit the TRAO provides for low-income tenants facing displacement is relocation assistance funds.³⁵ These

³² See RCW 59.18.440.

³³ See SMC 22.210 et seq.

³⁴ RCW 59.18.440(5).

³⁵ See SMC 22.210.100, 130.

payments, set initially at \$2,000 and adjusted annually for inflation, now exceed \$3,300.³⁶ The owner is responsible for half of these payments, while the balance is funded by the city.³⁷

To qualify for relocation assistance funds, a tenant must generally (i) be “low-income”³⁸ and (ii) reside in the premises when the owner applies for a tenant relocation license or other necessary permit.³⁹ A tenant who moves into a property after the owner has applied for a tenant relocation license or building permit can also qualify for funds if the owner does not properly notify that tenant of the redevelopment.⁴⁰ Naturally, disputes can arise over whether a tenant is low income, whether the tenant resided in the premises at the relevant time, whether a tenant who moved in later was properly notified of the redevelopment plans, and so forth. The city is

³⁶ See Dept. of Planning & Development, Director’s Rule 17-2015 (“The amount of relocation assistance required by subsection A of SMC 22.210.130 shall be \$3,340.00. This amount shall apply to all Tenant Relocation License applications that are submitted on or after August 1, 2015.”)

³⁷ See SMC 210.110(A); see also RCW 59.18.440(4)(b) (“The property owner's portion of any relocation assistance provided to low-income tenants under this section shall not exceed one-half of the required relocation assistance...”).

³⁸ SMC 22.210.030(G) (“‘Low income’ means total combined income per dwelling unit is at or below 50 percent of the median income, adjusted for family size, in King County, Washington”).

³⁹ See SMC 22.210.100(A).

⁴⁰ See SMC 22.210.100(A)(2).

obligated to hear and decide these disputes under RCW 59.18.440(5), and has provided for such hearings under the TRAO.⁴¹

2. Hearings for disputes regarding efforts to avoid application of the TRAO.

Since a tenant generally does not become eligible for relocation assistance funds unless he or she resides in the property at the time its owner applies for a permit or tenant relocation license,⁴² an owner could theoretically reduce its liability for relocation assistance by causing low-income tenants to move out before applying for the license or permit. The TRAO prevents this by prohibiting owners from “harass[ing] or intimidat[ing] tenants into vacating their units for the purpose of avoiding or diminishing the application of [TRAO],”⁴³ or from increasing rents in order to drive tenants out of premises planned for redevelopment.⁴⁴ Scenarios of this nature provide yet another basis on which hearings might be held to adjudicate disputes between owners and tenants “relating to relocation assistance.”⁴⁵

3. Hearings relating to unlawful detainer actions during relocation.

⁴¹ See SMC 22.210.150 (“tenant may request a hearing before the Hearing Examiner to appeal a determination concerning a tenant's eligibility for a relocation assistance”).

⁴² See RCW 59.18.440(7)(a); see also SMC 22.210.100.

⁴³ SMC 22.210.140(B).

⁴⁴ See SMC 22.210.136.

⁴⁵ See RCW 59.18.440(5).

The other type of dispute for which the RLTA requires administrative hearings is “unlawful detainer actions during relocation.”⁴⁶ Yet RCW 59.18.440 does not otherwise discuss unlawful detainer actions and neither the text nor the overall statutory scheme suggests that municipal hearing officers adjudicate unlawful detainer actions directly.⁴⁷ Thus, it is not clear what purpose such hearings could serve, until one considers the possibility that ordinances adopted under the RLTA statute might place local restrictions on the eviction of tenants during redevelopment. This is precisely what Seattle did in the TRAO, which—in conjunction with Seattle’s Just Cause Evictions Ordinance (or “JCEO”)—blocks owners from evicting tenants during redevelopment unless good cause exists.⁴⁸

The JCEO prohibits an owner from terminating a residential tenancy absent “just cause;” in a redevelopment setting, just cause can exist where an “owner seeks to do substantial rehabilitation in the building [or] elects to demolish the building, convert it to a cooperative, or convert it to a nonresidential use.”⁴⁹ But to invoke any of these grounds, an owner must obtain a tenant relocation license.⁵⁰

⁴⁶ RCW 59.18.440(5).

⁴⁷ See Respondent’s Brief at 15-16.

⁴⁸ See SMC 22.210.140(A); see also SMC 22.206.160(C).

⁴⁹ SMC 22.206.160(C)(1)(h) (just cause exists where “The owner seeks to do substantial rehabilitation in the building; provided that, the owner must obtain a tenant relocation

As this Court made clear in *Housing Authority v. Silva*, the lack of just cause under the JCEO is already a cognizable defense to unlawful detainer and applies whether the rental premises are undergoing redevelopment or not.⁵¹ But the TRAO further prohibits any owner who has applied for a tenant relocation license or necessary redevelopment permit from “evict[ing] any tenant except for good cause as defined in [the JCEO].”⁵² This is significant, because it makes attempting to evict a tenant without good cause a violation of the TRAO as well. And an owner who violates the TRAO cannot receive a tenant relocation license.⁵³

Here we see the true purpose of the administrative hearings the Legislature required for disputes relating to unlawful detainer actions during relocation.⁵⁴ A city need not, and cannot, adjudicate unlawful detainer actions—but it can and must determine whether an owner met the

license if required by Chapter 22.210 and at least one permit necessary for the rehabilitation, other than a Master Use Permit, before terminating the tenancy”), (i) (similar but applicable where “[t]he owner elects to demolish the building, convert it to a cooperative, or convert it to a nonresidential use”).

⁵⁰ Id.

⁵¹ See *Housing Authority v. Silva*, 94 Wn. App. 731, 736; 972 P.2d 952 (1999); see also SMC 22.206.160(C)(5) (“In any action commenced to evict or to otherwise terminate the tenancy of any tenant, it shall be a defense to the action that there was no just cause for such eviction or termination as provided in this Section).

⁵² SMC 22.210.140(A).

⁵³ See SMC 22.210.160(B) (“Whenever an owner fails to comply with the provisions of this chapter, the Director shall refuse to issue the tenant relocation license.”).

⁵⁴ See RCW 59.18.440(5).

city's tenant relocation requirements.⁵⁵ An administrative tribunal that finds an owner did not meet the local tenant relocation requirements could subject that owner to whatever administrative remedies the jurisdiction has established; in Seattle, this could mean a notice of violation commanding corrective action, civil penalties, or—as pertinent to this case—the denial or revocation of a tenant relocation license.⁵⁶

While a city cannot dismiss or otherwise actually adjudicate an unlawful detainer action, the ability to impose these kinds of sanctions carries significant coercive power. And in Seattle, where holding a tenant relocation license is an actual element in establishing just cause for redevelopment-related evictions, denying or revoking that license in an administrative forum can be outcome-determinative in a judicial forum.⁵⁷ Licensing decisions are ordinarily made in the public interest, but this factor potentially gives tenants a significant personal stake in whether a tenant relocation license is granted—so it stands to reason the Legislature would ensure that a tenant's objections could be heard.

The city argues that the statutory requirement (to allow administrative hearings relating to unlawful detainer actions during relocation) pertains

⁵⁵ See RCW 59.18.440(5); see SMC 22.210.160.

⁵⁶ See SMC 22.210.160-180.

⁵⁷ See SMC 22.206.160(C)(1)(h-i).

only to cases in which owners attempt to avoid liability for relocation assistance payments by evicting tenants.⁵⁸ This is untenable; because a tenant's eligibility for relocation assistance funds is fixed at the time the owner applies for a permit or a tenant relocation license, an eligible tenant would still be entitled to funds even if evicted.⁵⁹ And the city's contention that RCW 59.18.440 itself prohibits landlords from evicting tenants to avoid owing relocation assistance (say, just before applying for a tenant relocation license) is simply false; only Seattle's JCEO does this.⁶⁰ But the city's error here is telling; as the JCEO was first passed in 1981, the Legislature was surely aware that local eviction protections would exist and strongly alluded to their significance by requiring cities to hear and decide alleged violations of them under RCW 59.18.440(5).

D. Time limits for submitting administrative grievances cannot be arbitrary & capricious.

Though the city's statutory duty to hear and decide tenant grievances extends throughout the relocation period, the TRAO states that a "request for a hearing relating to authority to pursue unlawful detainer actions during the relocation period shall be filed prior to issuance of the tenant

⁵⁸ See Respondent's Brief at 14.

⁵⁹ See RCW 59.18.440(7).

⁶⁰ See RCW 59.18.440; see SMC 22.206.160(C)(1).

relocation license.”⁶¹ Accordingly, post-issuance grievances not heard. But this time limit on tenant grievances is arbitrary and capricious and irreconcilable with RCW 59.18.440(5).

1. The city’s deadline is arbitrary & capricious.

Cities adopting the administrative hearing procedures the RLTA requires can certainly impose deadlines and other restrictions on when those hearings may be requested. But such procedural limits must be consistent with the RLTA provision and not arbitrary and capricious.⁶² Kinnucan has argued that the city’s deadline conflicts with RCW 59.18.440(5) (because the TRAO imposes duties on owners that persist beyond the issuance of a license—such as not attempting to evict tenants without good cause—and yet a tenant who challenges a TRAO violation during the post-issuance portion of the relocation period cannot obtain a hearing). But the deadline is also arbitrary and capricious.

Arbitrary and capricious” means “willful and unreasoning action, taken without regard to or consideration of the facts and circumstances surrounding the action.”⁶³ Requiring a tenant (who seeks a hearing on an unlawful detainer action during relocation) to present her grievance before

⁶¹ SMC 22.210.150(C).

⁶² See *Abbenhaus v. City of Yakima*, 89 Wn.2d 855, 858-59; 576 P.2d 888 (1978) (municipal interpretations of state law are void if arbitrary & capricious).

⁶³ See *Abbenhaus*, 89 Wn.2d at 858.

the tenant relocation license is granted is arbitrary and capricious because there is no logical reason for treating tenants who submit grievances after a relocation license is issued less favorably than tenants who submit grievances before a license is issued. And the deadline, being written into the TRAO itself, bars consideration of all post-issuance grievances regardless of specific merits or circumstances.⁶⁴

2. Seattle has the authority to revoke tenant relocation licenses for post-issuance TRAO violations.

The city argues it has discretion to limit administrative hearings—and presumably the tenant relocation license revocations that could occur pursuant to such hearings—to a portion of the relocation period only. The city has not articulated any clear rationale for this limitation. But it does appear that the city’s requirement that tenant grievances be submitted before a license is issued is predicated on a view that tenant relocation licenses cannot be canceled after they are issued.

If tenant relocation licenses could not be revoked, then post-issuance administrative hearings might not accomplish much. After all, the duty to hold a hearing implies that the tribunal conducting that hearing have the

⁶⁴ See SMC 22.210.150(C).

power to afford adequate relief;⁶⁵ while the city could still issue notices of violation and fine a noncompliant owner, the inability to cancel a tenant relocation license could render a post-issuance administrative hearing less-than-meaningful to a tenant seeking to avoid displacement.⁶⁶

Fortunately, Seattle absolutely can revoke tenant relocation licenses. Not only is this authority implied by the TRAO's requirement that the director "refuse to issue the tenant relocation license" to a noncompliant owner,⁶⁷ but the power to revoke licenses generally is expressly given at RCW 35.22.280(32)⁶⁸ A license ordinarily may not be revoked without procedural due process,⁶⁹ but the TRAO even contains basic rules and procedures by which a revocation might be carried out.⁷⁰

⁶⁵ See *Amunrud v. Bd. of Appeals*, 158 Wn.2d 208, 216; 143 P.3d 571 (2006) (procedural due process requires that an opportunity to be heard must be at a meaningful time and in a meaningful manner appropriate to the case).

⁶⁶ See *Rabon v. City of Seattle*, 135 Wn.2d 278, 294-95; 957 P.2d 621 (1998) (despite having a criminal trial at which animal owner could contest classification of an animal as "vicious," pet owner was still entitled to separate administrative hearing before official with the authority to destroy the animal).

⁶⁷ See SMC 22.210.160(B).

⁶⁸ See RCW 35.22.280 ("Any city of the first class shall have power: ... (32) To grant licenses for any lawful purpose, and ... to provide for revoking the same."); see also see

⁶⁹ C.f. *Industrial Hydraulics v. City of Aberdeen*, 27 Wn. App. 123,125-26; 619 P.2d 980 (1980) ("The general rule has been that a permit issued under mistake of fact or in violation of law gives the permittee no vested rights and is revocable.").

⁷⁰ See SMC 22.210.150 (requiring that hearing request be "in writing [and] clearly state specific objections and the relief sought" and given to all interested parties at least ten days before the hearing date, requiring that a record be created, and requiring the hearing examiner to issue a written decision suitable for judicial review).

Since the city does have the power to revoke a tenant relocation license, a post-issuance administrative hearing could afford meaningful relief to a tenant seeking to avoid displacement (by triggering revocation). Hence, the supposed futility of post-issuance hearings is not a tenable basis on which to deny them.

3. Enforcing the TRAO promotes the public interest.

Redevelopment projects, such as Lockhaven, often unfold over months or years and can involve significant numbers of dwelling units or even buildings. Timetables and plans can change, or be abandoned altogether. The post-issuance portion of a relocation period can thus potentially last an extended length of time, throughout which the TRAO continuously protects residents from eviction without good cause.⁷¹ Particularly for a city coping with a massive housing affordability emergency, making sure owners do not attempt to expel tenants prematurely or unnecessarily is a critical public interest. Even a brief delay in a redevelopment project can equate to weeks or months of affordable housing for tenants in one dwelling unit, one residential building, or an even larger complex. RCW 59.18.440(5) does not permit the city to ignore post-issuance TRAO violations and for the city to do so in the midst of its worst housing

⁷¹ See SMC 22.210.140(A). Redevelopment activity is a necessary condition to evict a tenant, but not a sufficient one.

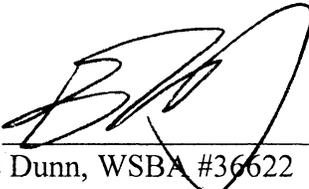
affordability crisis in decades is a betrayal not only of those specific tenants facing displacement, but of all other Seattle residents trying and hoping to find a modest home in today's cruel market.

V. Conclusion

For the reasons set forth herein, the Court should hold that RCW 59.18.440(5) requires Seattle to hear and decide tenant grievances that assert violations of the Tenant Relocation Assistance Ordinance at all times during the relocation period, whether before or after a tenant relocation license has been issued.

RESPECTFULLY SUBMITTED this 1 day of July, 2016.

NORTHWEST JUSTICE PROJECT

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