



SEATTLE CITY COUNCIL | DISTRICT 3

# COUNCILMEMBER KSHAMA SAWANT

Thursday, February 6, 2020

To: Mayor Jenny Durkan

CC: Nathan Torgelson, Director, Seattle Department of Construction and Inspections  
Emily Alvarado, Director, Office of Housing  
Jason Johnson, Acting Director, Human Services Department  
Andrew Lofton, Executive Director, Seattle Housing Authority

Dear Mayor Durkan,

I am writing in response to your February 4 memo, "Re: Protecting Renters from Evictions," in which you "express deep concerns with Council Bill 11926," the ordinance my office produced at the recommendation of the City of Seattle Renters Commission to ban cruel winter evictions. I wish to dispense at the start with the fiction that this memo was produced by department directors to share their knowledge and expertise. In fact, I found your memo to be almost entirely devoid of concrete data or examples, relying instead on hypothetical arguments that are reminiscent of the ones from big business when our movement was fighting for the \$15/hour minimum wage.

In 2014, we heard the baseless claim from big business that raising the minimum wage would be detrimental to the very workers \$15/hour was intended to benefit. Similarly, in this memo, you repeatedly, and essentially, argue that being subjected to eviction is in the best interest of renters. I join everyone who has ever been through the harrowing experience of being evicted in rejecting this spurious logic.

In 2017, according to the Losing Home report, nearly 9 out of every 10 renters who were evicted ended up homeless; many of them were children. They were disproportionately people of color. Four of the evicted tenants committed suicide.

It is appalling to hear a public official claim that somehow allowing evictions to continue during the coldest, wettest months is the proper course for our city. It reveals how out of touch your office seems to be with the realities faced by a majority in our city.

I am, nevertheless, going to systematically reply to your assertions so there are no unanswered questions. I also recommend you read the memo Council Central Staff produced regarding this legislation, and I strongly encourage you to discuss with the City Attorney's office for answers to your legal questions. We have found their insights invaluable.

*Assertion: "Tenants will still end up evicted."*

**Answer:** This legislation bans winter evictions during the coldest and wettest months. With that extra time, many tenants will work out agreements with their landlord or access rental assistance programs like Home Base, and will avoid eviction. Even when that does not happen, the tenant will still avoid being turned out on the streets during the most dangerous part of the year.

*Assertion: “Tenants could exit the envisioned process with significant debt.”*

**Answer:** If a tenant believes that the debt they are accruing is more harmful than losing their home, there is nothing in this law that forces the tenant to stay. However, I doubt many tenants would appreciate your desire to see them evicted to reduce (not eliminate) their debts. Also, this is a worst-case scenario. The more likely scenario, borne out of real-life experience, is that given that tenants are highly motivated to avoid an eviction record and salvage their credit, in the intervening winter months, tenants will strive to raise the funds to get caught up on rent through an improvement in their own financial conditions or through existing rent assistance programs.

*Assertion: “Tenants will be less likely to benefit from longer-term agreements that serve as alternatives to eviction.”*

**Answer:** There is no evidence of this hypothetical negative scenario. In France, a similar winter eviction ban has been law for decades without these negative effects. You could as easily hypothesize that landlords would be more willing to voluntarily come to these longer-term agreements during the winter months, knowing that immediate eviction is not an option.

*Assertion: “Evictions will be likely to increase during non-winter months.”*

**Answer:** Because this ordinance does not ban all evictions, just winter evictions, evictions that would have happened during the cold, dark, and wet winter months may happen in April instead, if they have not been resolved before then. I support ending all evictions, and have never claimed that this bill would accomplish that. That will require a transformative shift in the balance of political power between renters and corporate landlords, and would entail significant other policies, including strong citywide rent control, right-to-counsel laws, substantially more investment in programs like tenant assistance, and a massive expansion of social housing paid for by progressive taxes on big business. As you know, I support all of those policies, and would be overjoyed if you would join me in supporting them as well.

*Assertion: “The legislation creates an incentive for informal evictions.”*

**Answer:** This argument is reminiscent of corporations who said we shouldn’t raise the minimum wage to \$15/hour, because if we did so then businesses would skirt the law by paying under the table.

Elected city leaders have a duty to pass laws that benefit our residents, and then make sure that those laws are enforced.

You are the City Executive. The Seattle Department of Construction and Inspections and the Seattle Police Department report to you. It’s the executive branch’s responsibility to enforce laws, including those that prevent landlords from illegally driving people from their homes. Are you seriously arguing that if landlords cannot legally evict people, they will do so illegally, and there is nothing you can do?

*Assertion: “CB 119726 could have adverse impacts on the health and safety of rental communities.”*

**Answer:** Evictions should be a last resort, particularly for the Seattle Housing Authority. Our ban on winter evictions has an exception for criminal activity. Unfortunately, Seattle Housing Authority administration has a horrendous track record with evictions, which is entirely consistent with your 2014 attempt to implement 400% rent increases through the program with the Orwellian title of “Stepping Forward.” My office was proud to stand with SHA tenants, the East African immigrant community, the Tenants Union, and Socialist Alternative, in building a movement that successfully defeated Stepping Forward.

*Assertion: "An increased risk to property owners may result in increased rent or higher screening criteria."*

**Answer:** This is the dog-whistle response of the landlord lobby to literally every tenant rights bill. There is no evidence that it is true, and you have provided none.

*Assertion: "The legislation will impact operations of publicly subsidized affordable housing."*

**Answer:** You've provided no evidence to substantiate this hypothetical situation. Indeed, tenants in these subsidized houses will qualify for emergency assistance, and with more time to cure their nonpayment, will be able to connect with the nonprofit organizations that provide assistance, so that the rent gets paid.

*Assertion: "The language is unclear."*

**Answer:** In Council and Council Committee meetings we have been clear that the moratorium is a defense to an eviction. However, we intend to bring as a technical amendment, language to make more explicit that this the moratorium will be a defense to an eviction.

*Assertion: "Enforcement and the City's jurisdiction is in question."*

**Answer:** This assertion, made without any legal analysis, is clearly intended to cause confusion where there is none. The city in general, and SDCI in specific, have no role in enforcement. This legislation makes the winter months moratorium a defense to an eviction in King County Superior Court. The court will take up that defense under the same procedures as any other defense, such as Seattle's Just Cause Eviction Ordinance.

*Assertion: "Notices are likely to expire," and "Writs are likely to expire."*

**Answer:** It is generally a good thing for tenants when notices and writs expire, because that means that a tenant will not be evicted as rapidly, or in some cases, not at all. However, your assertions are untrue, because the winter evictions ban operates by making the moratorium a defense to an eviction.

*Assertion: "Rent, or partial payments of rent, are unlikely to be accepted, increasing tenant's debt," and "Interest will likely accrue and increase tenant debt."*

**Answer:** This unsubstantiated assertion is again made without evidence. However, even if it were true, it is simply repeating the earlier assertion that you believe that tenants would rather be evicted than have increased debt. Even if that scenario were true, tenants would still have the option to save unaccepted rent payments for a future judgment to reduce debt if they wished.

*Assertion: "Tenants' legal status is in question."*

**Answer:** This scenario is again extremely hypothetical, but if it were to happen the way you describe, the result is a tenant who is able to remain in their home. That hypothetical outcome is good from my perspective, and it's good for the tenant who is not out on the street.

*Assertion: "We believe we can develop more effective ways to reduce evictions, in ways that are not limited to just the winter months and in ways that do not adversely impact tenants."*

**Answer:** I too, believe that we can develop more effective ways to reduce evictions, but that is not mutually exclusive to protecting tenants from cruel winter evictions by passing this Council Bill. The most effective way to reduce evictions year-round is to pass comprehensive rent control, and to

massively expand social housing. I would welcome your support on those policies. I have also worked with community members to produce legislation to create a right to legal counsel for any tenant facing eviction, and would welcome your support to not only pass that bill, but also to fund those eviction attorneys in the next City Budget.

Finally, as you note, “we have increased funding to community organizations to provide eviction defense and other tenant services.” However, we need to be honest that, just like this winter evictions ban legislation is being led by a movement, those tenant victories were won by our People’s Budget movement, not offered voluntarily by your office. I am pleased to hear that you look forward to working with Council “in partnership toward the goal of preventing evictions and preventing homelessness.” But partnership must mean not opposing every meaningful new tenants’ rights policy. My office will continue to support the struggle for rent control and a massive expansion of social housing, and I hope you will support those measures.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kshama Sawant', with a stylized, cursive script.

Councilmember Kshama Sawant, District 3