ORDINANCE NO. 3434-15

An Ordinance concerning the Multiple Family Property Tax Exemption program requirements for "tenant displacement" and "building code deficiency," amending Section 7.D.2 of Ordinance No. 2347-98, as amended (EMC Chapter 3.78)

WHEREAS, the City Council finds the following:

1. There have been changes to the State law governing the multiple family property tax exemption since the City initially adopted Ordinance No. 2347-98 (Chapter 3.78 of the Everett Municipal Code (the "EMC")), establishing the program for the City of Everett.
2. Not all changes to State law have been incorporated into the corresponding sections of the Chapter 3.78 EMC.
3. The City wishes to make the EMC provisions related to tenant displacement and building code deficiency consistent with the State law as stated in RCW Chapter 84.14.030(5), which reads as follows:

   Property proposed to be rehabilitated must fail to comply with one or more standards of the applicable State or local building or housing codes on or after July 23, 1995. If the property proposed to be rehabilitated is not vacant, an applicant must provide each existing tenant housing of comparable size, quality, and price and a reasonable opportunity to relocate; and

WHEREAS, the City Council concludes the following:

1. The proposed amendments to Chapter 3.78 EMC provide for the public health, safety and welfare; and for the best long-term interests of the Everett community.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. Section 7.D.2 of Ordinance No. 2347-98, as amended (EMC 3.78.070.D.2), which reads as follows:

D. Project Eligibility. A proposed project must meet the following requirements for consideration for a property tax exemption:

2. Tenant Displacement Prohibited. The project must not displace existing residential tenants of structures that are proposed for redevelopment. Existing dwelling units proposed for

rehabilitation must have been unoccupied for a minimum of twelve months prior to submission of an application and must fail to comply with one or more requirements of the Uniform Building Code or of the City's housing ordinance as set forth in EMC Title 16. Applications for new construction cannot be submitted for vacant property upon which an occupied residential rental structure previously stood, unless a minimum of twelve months has elapsed from the time of most recent occupancy.

Be and the same is hereby amended to read as follows:

D. Project Eligibility. A proposed project must meet the following requirements for consideration for a property tax exemption:

2. Tenant Displacement-Building Code Deficiency.

a. Tenant Displacement. If the property proposed to be rehabilitated is not vacant prior to application, an applicant must provide each existing tenant housing of comparable size, quality, and price and a reasonable opportunity to relocate.

b. Building Code Deficiency. Existing dwelling units proposed for rehabilitation must fail to comply with one or more requirements of the State Building Code as adopted by the City or the International Property Maintenance Code as adopted by the City as each are set forth in EMC Title 16.

Section 2. **Severability.** Should any section, paragraph, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulations, this shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. **Conflict.** In the event there is a conflict between the provisions of this Ordinance and any other City ordinance, the provisions of this Ordinance shall control.

Section 4. **Corrections.** The City Clerk and the codifiers of this Ordinance are 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 number and any references thereto.

Section 5. **General Duty.** It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is

intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

Section 6. Savings

The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

Ray Stephanson, Mayor

ATTEST:

CITY CLERK

Passed: 4/22/2015

Valid: 4/27/2015

Published: 5/1/2015

Effective Date: 5/12/2015