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ORDINANCE NO. 3610

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, CREATING A NEW CHAPTER 19.95 ECDC CONVERSION CONDOMINIUM, PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City Council finds that there has been a surge in conversions of apartment buildings to condominiums within the City limits; and

WHEREAS, the City Council finds that such conversions present a hardship to low income tenants residing in affected apartment buildings who must relocate; and

WHEREAS, Chapter 64.34 RCW sets forth requirements for apartment building owners converting apartments to condominiums; and

WHEREAS, the same allows cities and counties to impose certain requirements with respect to condominium conversion within the jurisdiction of such cities and counties; and

WHEREAS, the City Council finds that it would be in the public's best interest to impose certain requirements with respect to condominium conversion within the City of Edmonds; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. A new chapter, Chapter 19.95 ECDC entitled "Conversion Condominiums," is hereby added to Title 19 ECDC, building code to read as follows:

**CHAPTER 19.95
CONVERSION CONDOMINIUMS**

Sections:
19.95.010 **Definitions**
19.95.020 **Relocation assistance.**
19.95.030 **Violations.**
19.95.040 **Civil penalty.**
19.95.050 **Enforcement.**

19.95.010 Definitions.

The following words and phrases used in this chapter shall have the meaning set forth in this section:

A. "Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to this chapter.

B. "Conversion condominium" means a condominium (a) that at any time before creation of the condominium was lawfully occupied wholly or partially by a tenant or subtenant for residential purposes pursuant to a rental agreement, oral or written, express or implied, for which the tenant or subtenant had not received the notice described in (b) of this subsection; or (b) that, at any time within twelve months before the conveyance of, or acceptance of an agreement to convey, any unit therein other than to a declarant or any affiliate of a declarant, was lawfully occupied wholly or partially by a residential tenant of a declarant or an affiliate of a declarant and such tenant was not notified in writing, prior to lawfully occupying a unit or executing a rental agreement, whichever event first occurs, that the unit was part of a condominium and subject to sale. "Conversion condominium" shall not include a condominium in which, before the effective date of the ordinance codified herein, any unit therein had been conveyed or been made subject to an agreement to convey to any transferee other than a declarant or an affiliate of a declarant.

C. "Declarant" means any person who:

1. Executes as declarant the document, however denominated, that creates a condominium by setting forth the information required by RCW 64.34.216 and any amendments to that document; or

2. Reserves any special declarant right in the declaration; or

3. Exercises special declarant rights or to whom special declarant rights are transferred; or

4. Is the owner of a fee interest in the real property which is subjected to the declaration at the time of the recording of an instrument pursuant to RCW 64.34.316 and who directly or through one or more affiliates is materially involved in the construction, marketing, or sale of units in the condominium created by the recording of the instrument; or

5. Undertakes to convert, sell, or offer for sale units in a conversion condominium.

D. “Director” means the Development Services Director or his designee.

E. “Notice of conversion” means the 90 day notice pursuant to RCW 64.34.440(1) required to be given by the declarant or his agent to residential tenants and subtenants in possession of a portion of a conversion condominium.

F. “Person” means a natural person, corporation, partnership, limited partnership, trust, association, or other legal entity.

G. “Tenant” or “subtenant” means any person who occupies and has a leasehold interest in a rental unit under a lawful rental agreement, whether oral or written, express or implied.

H. “Unit” means a physical portion of the condominium designed for separate ownership, the boundaries of which are described pursuant to RCW 64.34.216(1)(d).

19.95.020 Relocation assistance.

A. Declarant shall pay relocation assistance of five hundred dollars (\$500.00) per unit to tenants and subtenants who elect not to purchase a unit and who are in lawful occupancy for residential purposes of a unit, and whose monthly household income from all sources, on the date of the notice of conversion, was less than an amount equal to eighty percent (80%) of the monthly median income for comparably sized households in the Seattle-Everett Standard Metropolitan Statistical Area, as defined and established by the United States Department of Housing and Urban Development.

B. The household size of a unit shall be based on the number of natural persons actually in lawful occupancy of the unit on the date of the notice of conversion.

C. The tenant or subtenant actually in lawful occupancy of the unit shall be entitled to the relocation assistance.

D. Relocation assistance shall be paid on or before the date the tenant or subtenant vacates and shall be in addition to any damage deposit or other compensation or refund to which the tenant is otherwise entitled. Unpaid rent or other amounts owed by the tenant or subtenant to the landlord may be offset against the relocation assistance.

E. Rights of tenants and subtenants set forth in the notice of conversion pursuant to RCW 64.34.440(1) must set forth tenants' and subtenants' right to relocation assistance as provided in this section.

19.95.030 Violations.

It shall be a violation of this chapter for a declarant to fail or refuse to comply with the provisions of this chapter. Each tenant and subtenant who is subjected to a violation of the provisions of this chapter shall constitute a separate violation. Each day of violation shall constitute a separate violation.

19.95.040 Civil penalty.

Any person who fails or refuses to comply with the provisions or requirements of this chapter shall be subject to a civil penalty in the amount of one hundred dollars (\$100.00) per violation per day from the date that the violation is first committed until the declarant complies with the requirements of this chapter.

19.95.050 Enforcement.

A. Tenants and subtenants subjected to violations of the provisions of this chapter, or their agents, may file a complaint with the Director. The Director is authorized and directed to receive complaints and conduct such investigations as are deemed necessary such as contacting declarants and seeking explanation for apparent violations.

B. Whenever it is determined that there has been a violation of this chapter, the Director is authorized to pursue, at the Director's discretion, enforcement of the code pursuant to provisions Chapter 20.110 ECDC.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction,

such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

MAYOR GARY HAAKENSEN

ATTEST/AUTHENTICATED:

CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY

W. SCOTT SNYDER

FILED WITH THE CITY CLERK: 11/03/2006
PASSED BY THE CITY COUNCIL: 11/06/2006
PUBLISHED: 11/12/2006
EFFECTIVE DATE: 11/17/2006
ORDINANCE NO. 3610

SUMMARY OF ORDINANCE NO. 3610

of the City of Edmonds, Washington

On the 6th day of November, 2007, the City Council of the City of Edmonds, passed Ordinance No. 3610. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, CREATING A NEW CHAPTER 19.95 ECDC CONVERSION CONDOMINIUM, PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 7th day of November, 2007.

CITY CLERK, SANDRA S. CHASE