

**FINDINGS AND DECISION
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE**

In the Matter of the Appeal of

Hearing Examiner File:
EDRA-23-034

**ADDISON ON FOURTH, GRE
DOWNTOWNER LLC,**

from an eligibility determination by the Director,
Department of Construction and Inspections
under the Economic Displacement Relocation
Assistance Ordinance.

Findings

1. The Department of Construction and Inspections (“Department”) determined Tenant Dresden Himmen was eligible for relocation assistance under the Economic Displacement Relocation Assistance Ordinance, Chapter 22.212 SMC (“EDRA”). EDRA provides low-income tenants relocation assistance when they must relocate due to a 10% or more rent increase. Landlord Addison on Fourth, GRE Downtowner LLC appealed the Department’s determination that the Tenant was due \$2,337 in relocation assistance.

2. The Examiner conducted a hearing on November 9, 2023. The Department appeared through Damari Corral. The Landlord appeared through Chad Lenchuk. Tenant Dresden Himmen appeared through Claire Carey. All three individuals testified.

3. The Department submitted its Hearing Memo, attaching Exhibits 1-5. The Landlord submitted Exhibits 1-2. The Examiner admitted the exhibits without objection.

4. The Department explained its analysis, which included confirming the Tenant’s income level is low-income, that there was a 10% or more increase, and that the Tenant vacated the apartment. The Tenant provided context on various challenges she faces. The Landlord addressed EDRA’s purpose. As the rent increase was not what prompted the move and the Landlord took measures to assist the Tenant, the Landlord’s position was that in this situation, EDRA’s purpose is not met. The parties did not dispute the facts the Department had presented.

Conclusions

1. The Hearing Examiner has jurisdiction.¹ The Examiner hears the appeal de novo.² As the code does not specify the appellant has the proof burden, the Department must make a prima facie showing that its decision is legally compliant. A prima facie showing requires

¹ SMC 22.212.090.

² SMC 22.212.090.

“evidence sufficient to compel a conclusion in the absence of contradicting evidence.”³
The proof standard is otherwise a preponderance of the evidence.⁴

2. EDRA’s relocation assistance requirements apply if a tenant receives a required rent increase notice of a ten percent or more rent increase,⁵ complies with certain code deadlines, vacates or gives notice to vacate before the increase takes effect, and the household is low-income.⁶

3. The parties did not dispute EDRA’s criteria were met. Instead, the Landlord and Tenant asked the Examiner to balance fairness concerns and decide whether relocation assistance should apply based on the context. There are case types in which the Examiner is afforded discretion to balance a wider range of concerns. With EDRA though, the only question the Examiner may decide is whether the relocation assistance criteria are met. That does not mean the concerns the parties raised are not valid, only that the Examiner’s authority is limited. The Department produced unchallenged evidence to demonstrate EDRA’s requirements for relocation assistance were met, so its determination should be upheld.

Decision

The Department’s determination is **UPHELD**.

Entered November 13, 2023



Susan Drummond
Deputy Hearing Examiner

³ Hearing Examiner Rule 5.17(c).

⁴ Hearing Examiner Rule 5.17(d).

⁵ SMC 22.212.010, .030(A).

⁶ SMC 22.212.030; Ordinance 126451 § 4 (2022).

Concerning Further Review

NOTE: It is the responsibility of the person seeking to appeal a Hearing Examiner decision to consult Code sections and other appropriate sources, to determine applicable rights and responsibilities.

A party's request for judicial review *may* need to be filed with the King County Superior Court within ten calendar days of this decision. SMC 22.210.150. Note this provision differs from that in SMC 22.212.090.

If the Superior Court orders review of the decision, the person seeking review must arrange for and bear the initial cost of preparing a verbatim hearing transcript. Instructions for transcript preparation are available from the Office of Hearing Examiner, PO Box 94729, Seattle, Washington 98124, (206) 684-0521.

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached **FINDINGS AND DECISION** to each person below in **ADDISON ON FOURTH, GRE DOWNTOWNER LLC**, Hearing Examiner File: **EDRA-23-034** in the manner indicated.

Party	Method of Service
Appellant Addison on Fourth, GRE Downtowner LLC operations@goodmanre.com	<input type="checkbox"/> U.S. First Class Mail <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
Authorized Representative Chad Lenchuk clenchuk@goodmanre.com	<input type="checkbox"/> U.S. First Class Mail <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
Department Damari Corral SDCI Damari.Corral@seattle.gov	<input type="checkbox"/> U.S. First Class Mail <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
Respondent Dresden Himmen himmen.brittani@gmail.com	<input type="checkbox"/> U.S. First Class Mail <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

Dated: November 13, 2023.

/s/Angela Oberhansly
Angela Oberhansly
Legal Assistant