

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE amending Sections 22.214.030, 23.44.051, 23.45.504, 23.45.545, 23.84A.024, 23.84A.030, and 23.84A.036 of the Seattle Municipal Code (SMC); and adding a new Section 23.42.060 to the SMC; relating to short-term rental uses and bed and breakfast uses.

...body

WHEREAS housing vacancy rates are at low levels, making it increasingly difficult for people to obtain permanent housing; and

WHEREAS, removal of residential units from the long-term housing market contributes to low vacancy rates; and

WHEREAS, the conversion of long-term housing units to short-term rentals could result in the loss of housing for Seattle residents; and

WHEREAS, it is in the public interest that short-term rental uses be regulated in order to help preserve housing for long-term tenants; and

WHEREAS, the business model of short-term rental agencies depends upon participation and contact with local short-term rental operators; and

WHEREAS, the standards for the operation of short-term rental uses contained in this ordinance help to preserve the availability of housing for long-term rentals by limiting the number of short-term rentals a person can operate, reduce negative effects on affordable housing, and protect the safety and livability of residential neighborhoods; and

WHEREAS, the City Council finds that this ordinance is necessary to protect and promote the health, safety, and welfare of the general public; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

1 Section 1. Section 22.214.030 of the Seattle Municipal Code, last amended by Ordinance
2 124312, is amended as follows:

3 **22.214.030 Applicability**

4 A. The registration provisions of this Chapter 22.214 shall apply to all rental housing
5 units with the exception of:

6 1. Housing units lawfully used as ~~((vacation))~~ short-term rentals for periods
7 not to exceed three consecutive months and not consecutively used by the same individual or
8 individuals for more than three months in any ~~((twelve))~~ 12-month period;

9 2. Housing units rented for not more than 12 consecutive months as a result
10 of the property owner, who previously occupied the unit as a primary residence, taking a work-
11 related leave of absence or assignment such as an academic sabbatical or temporary transfer;

12 3. Housing units that are a unit unavailable for rent;

13 4. Housing units in hotels, motels, inns, bed and breakfasts, or ~~((in))~~ similar
14 accommodations that provide lodging for transient guests, but not including short-term rentals as
15 defined in Section 23.84A.024 unless the short-term rental qualifies for exemption under
16 subsection 23.214.030.A.1;

17 5. Housing units in facilities licensed or required to be licensed under
18 ~~((RCW))~~ chapter 18.20, ~~((RCW))~~ 70.128, or ~~((RCW))~~ 72.36 RCW, or subject to another
19 exemption under this Chapter 22.214;

20 6. Housing units in any state licensed hospital, hospice, community-care
21 facility, intermediate-care facility, or nursing home;

22 7. Housing units in any convent, monastery, or other facility occupied
23 exclusively by members of a religious order or congregation;

1 of residents allowed in a household by this code. For sites with an accessory dwelling unit, the
2 total number of residents and guests occupying both the dwelling unit and any accessory
3 dwelling units may not exceed the number of residents allowed for a household.

4 E. Short-term rental uses may display signs identifying the use if the signs are
5 permitted by Chapter 23.55.

6 F. If a short-term rental operator provides breakfast, light snacks, or both to guests,
7 the facility and operator must meet applicable health and safety regulations including but not
8 limited to regulations of Public Health—Seattle & King County and the Washington State
9 Department of Health.

10 G. Notwithstanding Sections 23.42.100, 23.42.102, and 23.42.104, short-term rental
11 uses, as defined in Section 23.84A.024, in existence prior to adoption of Council Bill _____
12 shall comply with the requirements of this Chapter 23.42 no later than one year from the
13 adoption of Council Bill _____.

14 Section 3. Section 23.44.051 of the Seattle Municipal Code, last amended by Ordinance
15 124919, is amended as follows:

16 **23.44.051 Bed and breakfasts**

17 ~~((A bed and breakfast use is permitted if it meets the following standards))~~

18 A. ~~((General provisions))~~ New bed and breakfast uses. Subject to Section 23.76.026,
19 proposed bed and breakfast uses are prohibited after the effective date of Council Bill _____.
20 Proposed uses that would have been classified as a bed and breakfast use before that date may
21 qualify and be permitted as a short-term rental use.

22 B. Existing bed and breakfast uses

1 1. Existing bed and breakfast uses are not deemed to be nonconforming uses,
2 notwithstanding Sections 23.42.100, 23.42.102, and 23.42.104. Except as provided below, an
3 existing bed and breakfast use is a use that has one or more of the following: a land use permit
4 from The City of Seattle establishing the bed and breakfast use, a valid food service
5 establishment permit for a bed and breakfast use issued by Public Health—Seattle & King
6 County; or a valid transient accommodation license for a bed and breakfast use issued by the
7 Washington State Department of Health. A bed and breakfast use that was discontinued for one
8 year immediately preceding the effective date of Council Bill _____ is not an existing bed
9 and breakfast use.

10 2. Existing bed and breakfast uses are subject to the following requirements:

11 ~~((1.))~~ a. The bed and breakfast use shall have a valid business
12 license tax certificate issued by the Department of Finance and Administrative Services;

13 ~~((2.))~~ b. The bed and breakfast use shall be operated by ~~((an owner))~~
14 the primary resident of the dwelling unit where the bed and breakfast is located; ~~((who owns at~~
15 ~~least a 50 percent interest in the dwelling in which the bed and breakfast is located;~~

16 3. ~~— An owner who owns at least a 50 percent interest in the dwelling shall~~
17 ~~reside in the structure in which the bed and breakfast use is located during any period in which~~
18 ~~rooms are rented to guests;~~

19 4. ~~— No more than two people who reside outside the dwelling unit shall be~~
20 ~~employed, with or without compensation, in the operation of the bed and breakfast use;~~

21 5. ~~— The bed and breakfast use shall be operated within the principal structure,~~
22 ~~which shall be at least five years old;~~

1 ~~6.)~~ c. There shall be no evidence of the bed and breakfast use visible
2 from the exterior of the dwelling unit except for a sign permitted by subsection 23.55.020.D.1;

3 ~~((7.))~~ d. The bed and breakfast use shall have no more than five
4 guest rooms, provided that this limitation does not apply to bed and breakfast uses that were
5 established on or before April 1, 1987, and that have been continuously operated as a bed and
6 breakfast since that date; and

7 e. A bed and breakfast use may be located in a dwelling unit or an
8 accessory dwelling unit.

9 ~~((8. Parking shall be provided as required in Chapter 23.54.))~~

10 ~~((B. — Alterations to single-family structures. Interior and exterior alterations consistent~~
11 ~~with the development standards of the underlying zone are permitted.~~

12 ~~C. — Dispersion. Any lot line of property containing any proposed new bed and~~
13 ~~breakfast use must be located 600 feet or more from any lot line of any other bed and breakfast~~
14 ~~use.~~

15 ~~D. — Neighborhood mitigation provisions~~

16 ~~1. — The owner will make public transit information available to patrons, and~~
17 ~~the owner's operating plan must describe how the transit information will be made available to~~
18 ~~patrons.~~

19 ~~2. — The design of the structure in which the use is located and the orientation~~
20 ~~of the access will minimize impacts, such as noise, light and parking, to neighboring structures.~~

21 ~~3. — The owner's operating plan includes quiet hours, limits on programmed~~
22 ~~on-site outdoor activities, and parking policies to minimize impacts on residential neighbors.~~

1 a use that has one or more of the following as of the effective date of Council Bill _____ : a
2 land use permit from The City of Seattle establishing the bed and breakfast use, a valid Food
3 Service Establishment permit for a bed and breakfast use issued by Public Health—Seattle &
4 King County; or a valid transient accommodation license for a bed and breakfast use issued by
5 the Washington State Department of Health. A bed and breakfast use that was discontinued for
6 one year immediately preceding the effective date of Council Bill _____ is not an existing
7 bed and breakfast use;

8 b. The bed and breakfast use has a valid business license tax
9 certificate issued by the Department of Finance;

10 ~~2. The operation of a bed and breakfast use is conducted within a single~~
11 ~~dwelling unit;~~

12 ~~3. The bed and breakfast use is operated within the principal structure and~~
13 ~~not in an accessory structure;~~

14 ~~4.))~~ c. There shall be no evidence of a bed and breakfast use visible from
15 the exterior of the ((structure)) dwelling unit other than a sign permitted by subsection
16 23.55.022.D.1; ((, so as to preserve the residential appearance of the structure;)) and

17 d. A bed and breakfast use may be located in a dwelling unit or an
18 accessory dwelling unit.

19 ~~((5. No more than two people who are not residents of the dwelling may be~~
20 ~~employed in the operation of a bed and breakfast, whether or not compensated; and~~

21 ~~6. Parking is required pursuant to Chapter 23.54. Interior and exterior~~
22 ~~alterations consistent with the development standards of the underlying zone are permitted.))~~

1 Section 6. Section 23.84A.024 of the Seattle Municipal Code, last amended by Ordinance
2 125272, is amended as follows:

3 **23.84A.024 “L”**

4 * * *

5 “Lodging use” means a commercial use in which the primary activity is the provision of
6 rooms to transients. Lodging uses include but are not limited to the following uses:

7 1. “Bed and breakfast” means a lodging use ((7)) where rooms within a single
8 dwelling unit are provided to transients by a resident operator for a fee by prearrangement on a
9 daily or short-term basis. A breakfast and/or light snacks may be served to those renting rooms in
10 the bed and breakfast.

11 2. “Hotel” means a lodging use ((7)) located in a structure in which access to
12 individual units is predominantly by means of common interior hallways, and in which a
13 majority of the rooms are provided to transients for a fee on a daily or short-term basis.

14 3. “Motel” means a lodging use ((7)) located in a structure in which access to
15 individual units is predominantly by means of common exterior corridors, and in which a
16 majority of the rooms are provided to transients on a daily or short-term basis, and in which off-
17 street parking is provided on the lot.

18 4. “Short-term rental” means a lodging use, that is not a hotel or motel, in
19 which a dwelling unit or portion thereof is provided to guests by a short-term rental operator for
20 a fee for fewer than 30 consecutive nights. A dwelling unit or portion thereof that is used by the
21 same individual or individuals for 30 or more consecutive nights is not a short-term rental.

22 * * *

1 Section 7. Section 23.84A.030 of the Seattle Municipal Code, last amended by Ordinance
2 124378, is amended as follows:

3 **23.84A.030 “P”**

4 * * *

5 “Preliminary plat” means a neat and approximate drawing of a proposed subdivision
6 showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision,
7 that is submitted to furnish a basis for the approval or disapproval of the general layout of a
8 subdivision.

9 “Primary residence” means a person’s usual place of return for housing as documented
10 by motor vehicle registration, driver’s license, voter registration, or other similar evidence. A
11 person may have only one primary residence.

12 “Principal structure” means the structure housing one or more principal uses as
13 distinguished from any separate structures housing accessory uses.

14 * * *

15 Section 8. Section 23.84A.036 of the Seattle Municipal Code, last amended by Ordinance
16 125272, is amended as follows:

17 **23.84A.036 “S”**

18 * * *

19 “Short subdivision” means the division or redivision of land into nine (~~9~~) or fewer
20 lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, development, or financing.

21 “Short-term rental.” See “Lodging use.”

1 Section 10. This ordinance shall take effect on January 1, 2018.

2 Passed by the City Council the _____ day of _____, 2017,

3 and signed by me in open session in authentication of its passage this _____ day of

4 _____, 2017.

5 _____

6 President _____ of the City Council

7 Approved by me this _____ day of _____, 2017.

8 _____

9 Edward B. Murray, Mayor

10 Filed by me this _____ day of _____, 2017.

11 _____

12 Monica Martinez Simmons, City Clerk

13 (Seal)