

UNDERSTANDING HOW THE RENTAL HOUSING CODE (TMC 1.95) & THE LANDLORD FAIRNESS CODE INITIATIVE (TMC 1.100) WORK TOGETHER

The Landlord Fairness Code Initiative does not replace the Rental Housing Code.

Both codes will be in effect starting December 8, 2023.

There are some conflicts between the Rental Housing Code and the Landlord Fairness Code which include:

- Late Fees – the Landlord Fairness Code caps late fees at \$10 versus a cap of \$75 in the Rental Housing Code.
- Rental Increase Notices – the Landlord Fairness Code requires two notices to increase rent starting at 210 days versus the Rental Housing Code’s one notice at 120 days.

The Landlord Fairness Code Initiative and the Rental Housing Code have separate and distinct enforcement mechanisms:

The Landlord Fairness Code Initiative contains no authorization for administrative enforcement by the City, and its provisions are enforced exclusively by private rights of action.

The Rental Housing Code is enforced through City administrative processes.

As a result, there is no fundamental conflict between the Initiative and the current Rental Housing Code. In other words, **the City will enforce the Rental Housing Code related to its provision for late fees and notices to increase rent. A tenant can seek to enforce the Initiative’s provisions regarding late fees and notices of rent increase through legal actions taken against the landlord.**