




# Director's Rule 01-2021

<b>Applicant:</b>  City of Seattle Office of Sustainability and Environment	<b>Page:</b>  1 of 3	<b>Supersedes:</b>  NA
	<b>Publication:</b>  4/1/2021	<b>Effective:</b>  4/28/2021
<b>Subject:</b>  <i>FINAL</i>  Building Tune-Ups COVID-19 Extension	<b>Code and Section Reference:</b>  Seattle Municipal Code 22.930 Building Tune-Up Requirement	
	<b>Type of Rule:</b>  Code Interpretation	
	<b>Ordinance Authority:</b>  SMC 3.14.970	
<b>Index:</b>  Ordinance - Procedural Requirements	<b>Approved:</b>   <small>Michelle Caulfield (Apr 28, 2021 13:01 PDT)</small>	<b>Date</b>  _____
Michelle Caulfield, Interim Director, OSE		

## ***Office of Sustainability & Environment Director's Rule***

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### ***Extension of Building Tune-Ups Requirements Due to COVID-19***

#### **1. PURPOSE AND BACKGROUND**

Seattle Municipal Code (SMC) 22.930, Building Tune-Ups, requires owners of all buildings in the City of Seattle that meet specified size thresholds (gross square feet) and building uses to conduct tune-ups of building energy and water systems and submit a report to the City of findings, outcomes, and actions taken based on the tune-up to ensure optimized energy and water performance.

The purpose of this Rule is to provide for extensions beyond the compliance deadlines listed in SMC 22.930 and Director's Rule 2016-01 and to define the processes through which Building Owners and other parties affected by the novel coronavirus (COVID-19) pandemic may satisfactorily request an extension to comply with Building Tune-Ups requirements and report the results to the City of Seattle.

#### **2. COMPLIANCE EXTENSIONS**

Building Owners of non-residential buildings from 50,000 SF to 99,999 SF (excluding parking) may be granted a one-year extension from a tune-up compliance due date for an individual building by providing documentation of any one of the COVID-19 extension conditions identified below. The grant of an extension does not change compliance deadlines for subsequent tune-up cycles.

Requests for COVID-19 related tune-up extensions are available to building owners of cohort 3 buildings (70,000 SF to 99,999 SF, excluding parking) due to comply by April 1, 2021 or cohort 4 buildings (50,000 SF to 69,999 SF, excluding parking) due to comply by October 1, 2021. Cohort 3 building owners must submit a COVID-19 extension request to the OSE Director no later than October 1, 2021, via an OSE-provided COVID-19 Tune-Up Extension Request form. Cohort 4 building owners must submit a COVID-19 extension request to the OSE Director no later than April 1, 2022, via an OSE-provided COVID-19 Tune-Up Extension Request form. The Request must include the following:

- Seattle OSE Building ID;
- building address;
- building owner's name and contact information;
- criteria under which the building is applying for an extension; and
- appropriate documentation to meet that criteria.

The OSE Director will notify the applicant of the Director's decision to approve or deny the request within 21 days of receipt of a complete COVID-19 Tune-Up Extension Request form.

#### **COVID-19 Tune-Up Extension Documentation Requirements**

Building owners in financial distress because of the COVID-19 pandemic or building owners that have repurposed facilities for emergency uses related to the COVID-19 pandemic qualify for a COVID-19 extension, as evidenced by documentation of any of the following:

- A. Loss of income due to:
  - i. complete loss of tenant income due to tenant permanently closing business and vacating their lease; or
  - ii. partial loss of income due to tenants not making full payments on rent.
- B. Owner occupied building where business has experienced significant revenue losses limiting their ability to finance tune-up assessment or implementation of identified corrective actions.
- C. Facility has been repurposed for an emergency use. Examples of repurposed emergency uses include, but are not limited to, the following: vaccination site, homeless housing or hygiene center, COVID-19 positive isolation and/or treatment facility, etc.

### **COVID-19 Tune-up Extension Conditions**

Building Owners should provide documentation of any one of the below-listed COVID-19 Extension conditions which demonstrate economic distress/loss of income due to COVID-19. Examples of conditions include, but are not limited to, the following:

- Building owner has one or more tenants who have been unable to make lease payments; or
- Building owner or tenant has received a grant from City of Seattle Small Business Stabilization Fund; or
- Building owner has a tenant whose business remains closed due to Washington State's "Safe Start – Stay Healthy" order phasing (i.e. music halls, theatres, etc.); or
- Building owner has a tenant who has permanently closed and vacated their space/canceled their lease (AND building is not 50% or greater vacant); or
- Owner occupied building business has recorded significant financial losses since March 3, 2020 when Seattle Mayor Jenny Durkan issued a Proclamation of Civil Emergency for the City of Seattle due to the spread of COVID-19.

### **3. EXPIRATION DATE**

This rule allowing building owners to request an extension of Building Tune-Ups requirements due to COVID-19 shall expire 11:59 p.m. on December 31, 2022.