Subtitle I Building Code

Chapter 22.100
ADOPTION OF BUILDING CODE AND ADMINISTRATIVE AMENDMENTS

Sections:

Subchapter I Documents Adopted

22.100.010Adoption of the Uniform Building Code.

The following are hereby adopted and by this reference made a part of this subtitle: Uniform Building Code, 1994 edition, excepting Chapters 1, 11, 30, 32 and 34 and including the Uniform Building Code Standards, 1994 edition, as published by the International Conference of Building Officials, ASME A17.1-1993 with ASME A17.1a-1994 Addenda, Safety Code for Elevators and Escalators, excepting Part XIX of ASME A17.1, Elevators Used for Construction; Washington Administrative Code Chapter 296-81, Sections .005 through .370, Safety rules governing elevators, dumbwaiters, escalators and other lifting devices — moving walks; Washington Administrative Code Chapter 296-91, Safety regulations for casket lifts in mortuaries; Washington Administrative Code Chapter 296-93 for Material lifts; and Washington Administrative Code Chapter 396-95, Minimum standards for existing conveyances. One copy of each of the above is filed with the City Clerk in C. F. 300680.

The Uniform Building Code and Uniform Building Code Standards, 1994 edition, and the codes and standards listed above, together with the amendments and additions thereto adopted, shall constitute the Seattle Building Code.[1]
(Ord. 117721 § 1, 1995.)

1.Editor's Note: Amendments to the 1994 Building Code adopted by Section 1 of Ordinance 117721 are set out in Sections 2 through 158 of Ordinance 117721, Sections 1 through 39 of Ordinance 117865, Section 19 of Ordinance 118181, Section 1 of Ordinance 118271 and Sections 72 through 74 of Ordinance 118553, on file in the City Clerk's Office.

Subtitle II Housing Code

Severability: The several provisions of this subtitle are declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this subtitle, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this subtitle or the validity of its application to other persons or circumstances.
(Ord. 106319 § 6.02, 1977.)

Chapter 22.200
TITLE, PURPOSE AND SCOPE

Sections:

Cases: Violations of the Seattle Housing Code are by reference made violations of the State Landlord/Tenant Act, RCW 59.18.060(1). **State v. Schwab**, 103 Wn.2d 542, 544, 693 P.2d 108 (1986).

22.200.010Title.

The ordinance codified in Chapters 22.200 through 22.208 of this subtitle shall be known and may be cited as the "Housing and Building Maintenance Code" and is referred to herein as "this Code."
(Ord. 113545 § 2(part), 1987.)

22.200.020Declaration of findings and intent.

A. It is found and declared that there exist, within The City of Seattle, buildings together with appurtenant structures and premises which are substandard, deteriorating, in danger of causing or contributing to the creation of slums or otherwise blighted areas, and hazardous to the health, safety, and general welfare of the public.

B. It is further found and declared that these conditions are the result of, among other causes: inadequate original construction; dilapidation; failure to repair; lack of proper sanitary facilities and maintenance; structural defects; vacant or abandoned buildings or properties; overcrowding; electrical, mechanical and other defects increasing the hazards of fire, accidents or other calamities; uncleanliness; inadequate heating, lighting and ventilation.

C. It is further found that maintenance of the housing stock is critical to the health, safety and welfare of the general public and it is the intent of this Code to assure the preservation of the existing supply of housing in The City of Seattle by estab-

lishing minimum standards and an effective means for enforcement and by encouraging the rehabilitation and re-use of existing structurally sound buildings.

D. It is further found and declared that arbitrary eviction of responsible tenants imposes upon such tenants the hardship of locating replacement housing and provides no corresponding benefit to property owners.

E. It is further found and declared that tenants who do not respect the rights of others impose unnecessary hardship.

F. The express purpose of this Code is to provide for and promote the health, safety and welfare of the general public, and not to protect individuals or create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Code. The obligation of complying with the requirements of this Code and the liability for failing to do so is hereby placed upon the owner and/or occupant or persons responsible for the condition of the buildings or premises.

(Ord. 115671 § 1, 1991; Ord. 115671 § 1, 1991; Ord. 113545 § 2(part), 1987.)

22.200.030Scope.

This Code shall apply to all buildings, appurtenant structures and premises, now in existence or hereafter constructed; provided, that:

A. The minimum standards of the Seattle Building, Mechanical, Fire, Electrical and Plumbing Codes[1] in effect when a building, structure or premises was constructed, altered, rehabilitated or repaired shall apply to the construction, alteration, rehabilitation and repair, and shall apply to maintenance except when this Code specifically requires higher standards;

B. The minimum standards set forth in Sections 22.206.010 through 22.206.140 shall be advisory only for all housing units which are owner-occupied and in which no rooms are rented or leased to others, except as provided by Section 22.202.010 for owner-requested inspections; and

C. The minimum standards of this Code shall not apply to any structure constructed and maintained in compliance with standards and procedures of the Seattle Building, Mechanical, Fire, Electrical and Plumbing Codes currently in effect.

(Ord. 113545 § 2(part), 1987.)

1.Editor's Note: The codes mentioned here are codified in the following subtitles of this Title: Building, Subtitle I; Mechanical, Subtitle IV; Fire, Subtitle VI; Electrical, Subtitle III; Plumbing, Subtitle V.

Chapter 22.202
ADMINISTRATION

Sections:

22.202.010Enforcement authority—Rules.

A. Enforcement. The Director is hereby designated the City Official to exercise the powers granted by this Code, except that the Chief of Police shall be responsible for the enforcement of Sections 22.206.180 and 22.206.190 and shall have equal responsibility with the Director for enforcement of Sections 22.206.140 and 22.206.160 B3.

B. Rules. The Director is authorized to adopt, in accordance with the Administrative Code[1] of The City of Seattle, such rules as are necessary to implement the requirements of this Code and to carry out the duties of the Director hereunder.

(Ord. 113545 § 3(part), 1987.)

1.Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

22.202.020Fees.

Fees or charges for advisory inspections, inspections for monitoring vacant buildings, and for requested services shall be as specified in the Permit Fee Ordinance (SMC Chapter 22.900). No fee shall be charged for inspections in response to citizen complaints.

(Ord. 113545 § 3(part), 1987.)

22.202.030Right to entry.

The Director or the Director's designee may, with the consent of an occupant or owner, or pursuant to a lawfully issued warrant, enter any building, structure or premises in the City to perform any duty imposed by this Code.
(Ord. 113545 § 3(part), 1987.)

22.202.035Owner-requested inspections.

The Director is authorized to make inspections upon the receipt of a request from an owner and upon receipt of payment in accordance with the Permit Fee Ordinance (SMC Chapter 22.900) for the purpose of determining whether buildings and properties comply with the standards of this Code. Such inspections may include owner-occupied, single-family dwelling units otherwise beyond the scope of this Code. The standards used in the inspection shall include all the standards of this Code, including those items from which single-family dwellings are otherwise exempted. As a result of an owner-requested inspection, the Director shall require compliance with the following provisions of this Code and no others:

A. Section 22.206.140 in housing units other than owner-occupied housing units in which no rooms are rented or leased to others;

B. Section 22.206.130 in structures that are tenant-occupied;

C. Section 22.206.260.
(Ord. 113545 § 3(part), 1987.)

22.202.040Liability.

Nothing contained in this Code is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the failure of an owner of property or land to comply with the provisions of this Code, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this Code, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of this Code by its officers, employees or agents.
(Ord. 113545 § 3(part), 1987.)

22.202.050Housing and Abatement Account.

A restricted account designated as the "Housing and Abatement Account" is established in the Construction and Land Use Fund from which account the Director is hereby authorized to pay the costs and expenses incurred for the repair, alteration, improvement, vacation and closure, removal or demolition of any building, structure or other dangerous condition pursuant to the provisions of this Code, or pursuant to any other ordinance administered and enforced by the Director declaring any building, structure or premises to be a public nuisance and ordering the abatement thereof. Money from the following sources shall be paid into the Housing and Abatement Account:

A. Sums recovered by the City as reimbursement for costs incurred by the City for the repair, alteration, stabilization, improvement, vacation and closure, removal or demolition of buildings or structures in accordance with this Code;

B. Sums recovered by the City as reimbursement for costs and expenses of abatement of buildings, structures and premises declared to be public nuisances;

C. The unencumbered balance remaining in the Housing and Abatement Revolving Fund created by Ordinance 106319;

D. Other sums which may by ordinance be appropriated to or designated as revenue of the account;

E. Other sums which may by gift, bequest or grant be deposited in the account; and

F. Fines and penalties collected pursuant to Sections 22.206.280 and 22.208.150 and pursuant to Chapter 22.207.
(Ord. 119509 § 1, 1999; Ord. 114815 § 1, 1989: Ord. 113545 § 3(part), 1987.)

Chapter 22.204
DEFINITIONS

Sections:

22.204.010General provisions.

A. For the purpose of this Code, certain terms, phrases, words and their derivations shall be construed as specified in this chapter. Words used in the singular include the plural, and words used in the plural include the singular. Words used in the masculine gender include the feminine and words used in the feminine gender include the masculine.

B. Whenever the words "apartment house," "building," "dormitory," "dwelling," "dwelling unit," "guest room," "habitable room," "hotel," "housekeeping room," "housing unit," or "structure" are used in this Code, such words shall be construed as if followed by the words "or any portion thereof."

(Ord. 113545 § 4(part), 1987.)

22.204.020"A."

A. "Advisory inspections" means an owner-requested inspection pursuant to Section 22.202-.035.

B. "Apartment house" means any building containing three (3) or more dwelling units and shall include residential condominiums, townhouses and cooperatives.

C. "Approved" means approved by the Director or by the Director of Seattle-King County Public Health, or by the Director of Seattle Public Utilities, or by the Fire Chief, as the result of investigations or tests, or approved by the Director by reason of accepted principles or tests recognized by authorities, or technical or scientific organizations.

(Ord. 118396 § 169, 1996: Ord. 113545 § 4(part), 1987.)

22.204.030"B."

A. "Basement" means any floor level below the first story in a building. See "Story."

B. "Building" means any structure which is used, designed or intended to be used for human habitation or other use.

C. Building, Closed. See "Building, closed to unauthorized entry."

D. Building, Closed to Entry. See "Building, closed to unauthorized entry."

E. "Building, closed to unauthorized entry" means a building which meets the standards of Section 22.206.200 A4.

F. Building, Historic. "Historic building" means a building or structure which has been nominated or designated for preservation by the Seattle Landmarks Preservation Board pursuant to SMC Sections 25.12.350 through 25.12.440 or The State of Washington; has been listed, or has been determined eligible for listing on the National Register of Historical Places or on the Washington State Register of Historic Places; or is located in a landmark historic district created pursuant to SMC Chapter 25.12 and is subject to landmark controls imposed by a landmark district designating ordinance.

G. "Building service room" means a room available for the joint use of occupants of two (2) or more housing units, other than public hallways and exit passages, e.g. game rooms, laundry rooms, saunas and TV rooms.

H. Building, Vacant. See "Building, vacated."

I. Building, Vacated. "Vacated building" means a building that is unoccupied and is not used as a place of residence or business. At the discretion of the Director, a portion of a vacated building may be occupied if the occupied portion meets the standards for habitable buildings specified in this Code and the vacated and closed portion complies with the standards for vacant buildings in Section 22.206.200.

(Ord. 113545 § 4(part), 1987.)

22.204.040"C."

A. "Cabinets" means open shelving, curtained shelving or shelving equipped with doors.

B. "Certificate of Compliance" means a certificate issued by the Director, based upon an inspection which certifies that required corrections have been made.

C. Closed. See "Building, closed to unauthorized entry."

D. Closed to Unauthorized Entry. See "Building, closed to unauthorized entry."

E. "Court" means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three (3) or more sides by building walls.

(Ord. 115671 § 2, 1991; Ord. 113545 § 4(part), 1987.)

22.204.050"D."

A. "Director" means the Director of Construction and Land Use of the City of Seattle and/or the Director's designee.

B. "Dormitory" means a guest room containing two (2) or more beds.

C. "Dwelling" means any building containing two (2) or fewer dwelling units.

D. "Dwelling unit" means a building or portion of a building intended to be occupied by one (1) family and containing sleeping, eating, cooking and sanitation facilities required by this Code.

(Ord. 115671 § 3, 1991; Ord. 113545 § 4(part), 1987.)

22.204.060"E."

A. "Existing" means in existence prior to adoption of this Code.[1]

B. "Exit" means a continuous and unobstructed means of egress from any place in a building, including intervening aisles, doors, doorways, corridors, exterior exit balconies, ramps, stairways, smokeproof enclosures, horizontal exits, exit passageways, exit courts, yards, or any other permitted means of egress to a street, alley or other public way.

C. "Exterior stairs on grade" means any outside stairs that are no more than eighteen inches (18″) above finished grade.

(Ord. 115671 § 4, 1991; Ord. 113545 § 4(part), 1987.)

1.Editor's Note: Chapters 22.200 through 22.208 of this Code were adopted by Ordinance 113545, passed by the Council on August 10, 1987.

22.204.070"F."

A. "Family" means any number of related persons or eight (8) or fewer unrelated persons.

B. "Fire resistance" or "fire-resistive construction" means construction that resists the spread of fire, as specified in the Seattle Building Code.[1]

(Ord. 113545 § 4(part), 1987.)

1.Editor's Note: The Building Code is codified in Subtitle I of this Title.

22.204.080"G."

A. "Garage" means a building designed, used or intended to be used for parking or storage of vehicles.

B. "Garbage" means all discarded putrescible waste matter, but not including sewage or human or animal excrement.

C. "Garbage can" means a watertight container not exceeding thirty-two (32) gallons in capacity, weighing not over twenty-six (26) pounds when empty and without cover, fitted with two (2) sturdy handles, one (1) on each side, and a tight cover equipped with a handle, or a "sunken can" or other container, as required by the Director of Seattle Public Utilities. A "sunken can" is any garbage can which is in a sunken covered receptacle specifically designed to contain one (1) or more garbage cans the tops of which are approximately at ground level.

D. "Governmental entity" means the United States Government and its agencies, The State of Washington and its agencies, counties, cities, and other political subdivisions of The State of Washington.

E. "Grade" means the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or when the property line is more than five feet (5′) from the building, between the building and a line five feet (5′) from the building.

F. "Guest" means any person occupying a guest room pursuant to a rental agreement.

G. "Guest room" means a room or rooms used or intended to be used for living and sleeping purposes and which may share common bathrooms and cooking facilities.

(Ord. 118396 § 170, 1996: Ord. 117861 § 1, 1995: Ord. 113545 § 4(part), 1987.)

22.204.090"H."

A. "Habitable room" means space in a building occupied, used, designed or intended to be used for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, laundry rooms, storage or utility space, and similar areas are not habitable rooms.

B. "Hazard" means a condition that exposes any person to the risk of illness, bodily harm, or loss of or damage to possessions.

C. Historic. See "Building, historic."

D. "Hotel" means a building which contains six (6) or more guest rooms and is intended for occupancy by transients.

E. "Housekeeping unit" means a housing unit of one (1) or more rooms, used for living, sleeping and cooking and sharing a common bathroom.

F. "Housing unit" means any dwelling unit, housekeeping unit, guest room, dormitory, or single room occupancy unit.

(Ord. 115671 § 5, 1991; Ord. 113545 § 4(part), 1987.)

22.204.100"I."

A. "Inaccessible service area" means an area which is not a habitable room, is not located within any housing unit and is not accessible to tenants or their guests but which contains electrical, mechanical or other service facilities, access to which is limited to the owner or maintenance staff. Examples of inaccessible service areas would include boiler rooms, elevator equipment rooms and similar areas.

B. "Infestation" means the presence of insects, rodents, or other pests in or around a building, in such numbers as may be detrimental to the health, safety, or general welfare of the occupants thereof.
(Ord. 115671 § 6, 1991; Ord. 113545 § 4(part), 1987.)

22.204.120"K."

A. "Kitchen" means a space or room used, designed or intended to be used for the preparation of food.
(Ord. 113545 § 4(part), 1987.)

22.204.130"L."

A. "Lawfully installed" means installed in accordance with the requirements of approved codes or ordinances of the City.

B. Lease. See "Rental agreement."
(Ord. 113545 § 4(part), 1987.)

22.204.140"M."

A. "Maintenance room" means a room for the maintenance of mechanical, electrical, heating and other building systems, e.g. boiler rooms, gas and electric meter rooms, elevator control rooms, and workrooms for maintenance employees, but excluding such spaces as janitors' broom closets.
(Ord. 113545 § 4(part), 1987.)

22.204.160"O."

A. "Occupancy" means the purpose for which a building is used or intended to be used.

B. "Occupant" means a person, over one (1) year of age, occupying or having possession of a building or any portion thereof.

C. "Occupant load" means the total number of persons that may lawfully occupy a building at one (1) time, as determined by the Seattle Building Code.[1]

D. "Owner" means any person who, alone or with others, has title or interest in any building,

with or without accompanying actual possession thereof, and including any person who as agent, or executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building.
(Ord. 113545 § 4(part), 1987.)

1.Editor's Note: The Building Code is codified in Subtitle I of this Title.

22.204.170"P."

A. "Party affected" means any owner, tenant, or other person having a direct financial interest in a building or adjacent property, or any person whose health or safety is directly affected by the condition of a building.

B. "Person" means any individual, firm, corporation, association, governmental entity, or partnership and its agents or assigns.

C. "Plumbing system" means any potable water distribution piping, and any drainage piping within or below any building, including rainwater leaders and all plumbing fixtures, traps, vents and devices appurtenant to such water distribution or drainage piping and including potable water treating or using equipment, and any lawn-sprinkling system.

D. "Premises" means a plot of ground, whether occupied by a structure or not.
(Ord. 117861 § 2, 1995: Ord. 113545 § 4(part), 1987.)

22.204.190"R."

A. "Receptacle" means an electrical contact device installed at an outlet for the connection of a single electrical attachment plug.

B. "Receptacle outlet" means an electrical outlet where one (1) or more receptacles are installed.

C. "Rental agreement" means an agreement, oral or written, relating to the use and occupancy of a building, structure or premises.

D. "Rubbish" means all discarded nonputrescible waste matter.
(Ord. 115671 § 7, 1991; Ord. 113545 § 4(part), 1987.)

22.204.200"S."

A. "Single-family dwelling unit" means a detached structure containing one (1) dwelling unit and having a permanent foundation.

B. "Single room occupancy unit (S.R.O. unit)" means an existing housing unit with one (1) combined sleeping and living room of at least seventy (70) square feet but of not more than one hundred thirty (130) square feet. Such units may include a kitchen and a private bath.

C. "Smoke detector" means an approved device which senses the products of combustion.

The device shall be approved by a testing agency having a service for inspection of materials and workmanship at the factory during fabrication and assembly.

D. "Stairway enclosure" means the space enclosing interior stairs, landings between flights, corridors, and passageways used for direct exit to the exterior of a building, and any lobbies or other common areas that open onto such direct exits. Any space in a lobby or common area that is separated from a direct exit by a one (1) hour fire assembly shall not be considered part of a stairway enclosure.

E. "Storage room" means a room for the storage of supplies or personal belongings in a location other than an individual housing unit, but excluding such spaces as personal storage lockers.

F. "Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above; provided, that the top story is that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused underfloor space is more than six feet (6′) above grade for more than fifty (50) percent of the total perimeter, or is more than twelve feet (12′) above grade for more than twenty-five feet (25′) at the perimeter, then the basement or unused underfloor space shall be considered a story. Required driveways up to twenty-two feet (22′) in width shall not be used in measuring the twenty-five feet (25′) unless the driveway is within ten feet (10′) of the twenty-five-foot (25′) exemption.

G. "Structure" means anything that is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together.

H. "Substandard building" means any building which fails to comply with the minimum standards set forth in SMC Chapter 22.206.

I. "Substantial rehabilitation" means extensive structural repair or extensive remodeling which requires a building, electrical, plumbing or mechanical permit, and which cannot be done with the tenant in occupancy.

J. "Supplied" means paid for, furnished by, provided by, or under the control of the owner of a building.

(Ord. 117942 § 1, 1995: Ord. 113545 § 4(part), 1987.)

22.204.210"T."

A. "Tenant" means a person occupying or holding possession of a building or premises pursuant to a rental agreement.

(Ord. 113545 § 4(part), 1987.)

22.204.220"U."

A. "Used" means used or designed or intended to be used.

(Ord. 113545 § 4(part), 1987.)

22.204.230"V."

A. Vacant. See "Building, vacated."

B. Vacated. See "Building, vacated."

C. "Vent shaft" means an open, unobstructed passage or duct used to ventilate a bathroom, toilet compartment, kitchen or utility or other service room.

(Ord. 115671 § 8, 1991; Ord. 113545 § 4(part), 1987.)

22.204.240"W."

A. "Window" means an exterior glazed opening, including glazed doors, which opens upon a yard, court, street, alley, or recess from a court, and glazed skylights.

(Ord. 113545 § 4(part), 1987.)

22.204.260"Y."

A. "Yard" means an open unoccupied space other than a court on the lot on which a building is situated, unobstructed from the ground to the sky except as specifically permitted by the Seattle Building Code.[1]

(Ord. 113545 § 4(part), 1987.)

1.Editor's Note: The Building Code is codified in Subtitle I of this Title.

Chapter 22.206
HABITABLE BUILDINGS

Sections:

Subchapter I Minimum Space and Occupancy Standards

22.206.010 Reserved.
(Ord. 113545 § 5(part), 1987.)

22.206.020Floor area.

A. Every dwelling unit shall have at least one (1) habitable room which shall have not less than one hundred twenty (120) square feet of floor area.

B. No habitable room except a kitchen may be less than seven feet (7′) in any floor dimension.

C. Every room used for sleeping purposes, including an SRO unit, shall have not less than seventy (70) square feet of floor area. Every room, except an SRO unit, which is used for both cooking and living or both living and sleeping quarters shall have a floor area of not less than one hundred thirty (130) square feet if used or intended to be used by only one (1) occupant, or of not less than one hundred fifty (150) square feet if used or intended to be used by two (2) occupants. Where more than two (2) persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of fifty (50) square feet for each occupant in excess of two (2).

D. In a dormitory, minimum floor area shall be sixty (60) square feet per single or double bunk, and aisles not less than three feet (3′) in width shall be provided between the sides of bunks and from every bunk to an exit. The requirements of this subparagraph shall not apply to SRO units.

E. The required floor area square footage of all dwelling units, dormitories, and SRO units shall not include built-in equipment which extends from the floor to thirty inches (30″) above the floor, including but not limited to wardrobes, cabinets, and kitchen sinks or appliances.

(Ord. 115671 § 9, 1991; Ord. 113545 § 5(part), 1987.)

22.206.030Reserved.

(Ord. 113545 § 5(part), 1987.)

22.206.040Light and ventilation.

A. Every habitable room in a housing unit shall have a window or windows with an area of not less than ten percent (10%) of the floor area of the room, but in no event shall such area be less than ten (10) square feet; provided, that an approved system of artificial light may be used in lieu of the window or windows required in kitchens by this section.

B. Every habitable room in a housing unit and every laundry room shall have natural ventilation from an exterior opening with an area not less than two and one-half percent (2.5%) of the floor area of the room but in no event less than two and one-half (2-½) square feet. In lieu of required exterior openings for natural ventilation in all habitable rooms and in laundry rooms, a mechanical ventilating system may be provided.

Such system shall comply with the requirements of the Seattle Energy Code[1] in effect on the date of installation and applicable requirements of the Mechanical Code.[1]

C. Every bathroom and water closet compartment shall be provided with natural ventilation by means of exterior openings with an area not less than five percent (5%) of the floor area of the room, but in no event shall such area be less than one and one half (1-½) square feet; provided, that in lieu of required exterior openings for natural ventilation, a mechanical ventilating system or vent shafts may be provided. Such system shall comply with the requirements of the Seattle Energy Code in effect on the date of installation and applicable requirements of the Seattle Mechanical Code.[1] If a mechanical ventilation system is provided in laundry rooms or similar rooms, it shall be connected to the outside.

D. For the purpose of determining light and ventilation requirements, any room may be considered a portion of an adjoining room if one-half (½) of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth (1/10) of the floor area of the interior room or twenty-five (25) square feet, whichever is greater.

E. Required exterior openings for natural light or natural ventilation shall open directly onto a street or public alley, or a yard or court adjacent to the required exterior opening; provided, that required exterior openings may open onto a roofed porch where the porch:

1. Abuts a street, yard or court; and
2. Has a ceiling height of not less than six feet, eight inches (6′8″); and
3. Is at least sixty-five percent (65%) open and unobstructed for its length, or is open at both ends.

F. Every yard, court, street or alley having required windows facing thereon shall be not less than three feet (3′) in width and unobstructed to the sky.

(Ord. 115671 § 10, 1991: Ord. 113545 § 5(part), 1987.)

1.Editor's Note: The Energy Code is codified in Subtitle VII of this Title; The Mechanical Code is codified in Subtitle IV of this Title.

22.206.050 Sanitation.

A. Dwelling Units. Every dwelling unit shall contain a toilet, a lavatory, and a bathtub or shower in a separate room or rooms which shall be accessible from inside the dwelling unit. The only access from a bedroom to the only bathroom shall not be through another bedroom. No toilet shall be located in any room or space used for the preparation of food, nor shall a room containing a toilet open directly into any such room or space unless the toilet room has a tight-fitting door.

B. Hotels. Every hotel that does not provide private toilets, lavatories, bathtubs, or showers shall have on each floor, accessible from a public hallway, at least one (1) toilet, one (1) lavatory, and one (1) bathtub with shower or one (1) separate shower for each ten (10) occupants or portion thereof. For each additional ten (10) occupants, or portion thereof, an additional one (1) toilet, one (1) lavatory and one (1) bathtub with shower or separate shower accessible from a public hallway shall be provided.

C. Other Buildings. Every building, other than a hotel, containing housing units that do not have private toilets, lavatories and bathtubs or showers shall contain at least one (1) toilet, one (1) lavatory and one (1) bathtub or shower, accessible from a public hallway, for each eight (8) occupants or portion thereof. On floors with fewer than eight (8) housing units, the required sanitary facilities may be provided on an adjacent floor if the floor on which facilities are provided is directly and readily accessible to such occupants and if such use does not cause the facilities to be used by a total of more than eight (8) persons.

D. Kitchens. Every dwelling unit shall have a kitchen. Every kitchen shall have an approved kitchen sink, hot and cold running water, counter work-space, and cabinets for storage of cooking utensils and dishes. A kitchen shall also have approved cooking appliances and refrigeration facilities or adequate space and approved gas or electric hookups for their installation. All cooking appliances and refrigeration facilities shall be maintained in a safe and good working condition by the owner or furnisher of the appliance. Unapproved cooking appliances shall be prohibited. Splash backs and countertops shall have an impervious surface.

E. Fixtures. All plumbing fixtures shall be trapped and vented and connected to an approved sanitary sewer or to an approved private sewage disposal system. All toilets shall be flush type and in good working order. Every discharge opening of the spout of a water supply outflow (faucet)

shall be not less than one inch (one″) above the flood rim of the fixture into which it discharges.

F. Water Supply. There shall be an approved system of water supply, providing both hot and cold running water. Hot water for the required sink, lavatory, and bathtub or shower shall be provided at a temperature of not less than one hundred degrees Fahrenheit (100° F.) at all times at the fixture outlet, to be attained within approximately two (2) minutes after opening the fixture outlet. Prior to a new tenant occupying of a housing unit in which hot water is supplied from an accessible, individual water heater, the water heater shall be set by the owner at a temperature not higher than one hundred twenty degrees Fahrenheit (120 F.°) or the minimum setting on any water heater which cannot be set at one hundred twenty degrees Fahrenheit (120° F.); provided, that buildings, other than dwellings, in which hot water is supplied by a central water-heater system need not comply with this requirement.

G. Maintenance. All sanitary facilities, fixtures, equipment, structures, and premises, including gas piping, shall be maintained in a safe and sanitary condition, and in good working order.

H. Fuel Shutoff Valves. An approved accessible shutoff valve shall be installed in the fuel-supply piping outside of each appliance and ahead of the union connection thereto, and in addition to any valve on the appliance. Shutoff valves shall be within three feet (3′) of the appliance. Shutoff valves may be located immediately adjacent to and inside or under an appliance when placed in an accessible and protected location and when such appliance may be removed without removal of the shutoff valve.

(Ord. 115671 § 11, 1991; Ord. 115671 § , 1991; Ord. 113545 § 5(part), 1987.)

Subchapter II Minimum Structural Standards

22.206.060General.

Roofs, floors, walls, chimneys, fireplaces, foundations and all other structural components of buildings shall be reasonably decay-free and shall be capable of resisting any and all normal forces and loads to which they may be subjected.

(Ord. 113545 § 5(part), 1987.)

22.206.070Shelter.

Every building shall be protected so as to provide shelter for the occupants against the weather. Every basement used for human habitation shall be dry; and habitable rooms therein shall conform to all requirements of size, lighting and ventilation. No portion of a basement, or building used for human habitation shall have dirt floors.

(Ord. 113545 § 5(part), 1987.)

22.206.080Maintenance.

A. Every foundation, roof, exterior wall, door, skylight, window, and all building components shall be reasonably weathertight, watertight, damp-free and rodentproof, and shall be kept in a

safe, sound and sanitary condition and in good repair.

B. All appurtenant structures, floors, floor coverings, interior walls and ceilings shall be kept in a safe, sound and sanitary condition and in good repair.

C. Any repair or removal of asbestos materials shall comply with regulations of the Environmental Protection Agency and the Puget Sound Air Pollution Control Agency.

D. Underfloor areas other than basements shall have adequate ventilation. The ventilation opening shall be provided in exterior walls and shall be screened. The total ventilation opening shall be at least equal to one-tenth (1/10) of one percent (1%) of the underfloor area. Ventilation openings shall be located so as to insure a cross-current of air. These openings may be equipped with an approved, thermally operated damper device.

E. An attic access opening shall be provided in the ceiling of the top floor of buildings with combustible ceiling or roof construction. The opening shall be readily accessible, and shall have dimensions of not less than twenty inches (20″) by twenty-four inches (24″).

F. Toxic paint and other toxic materials shall not be used in areas readily accessible to children.

G. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint or other approved protective covering or treatment.

H. All premises shall be graded and drained, and all premises and structures shall be free of standing water and maintained in a safe condition.

I. All additions, alterations or repairs, including but not limited to additions, alterations or repairs made in response to a notice of violation, shall comply with the provisions of the Seattle Building, Electrical and Mechanical Codes[1] in effect at the time of the work unless a different standard is expressly permitted by this Code.

(Ord. 115671 § 12, 1991; Ord. 113545 § 5(part), 1987.)

1.Editor's Note: The Building, Mechanical and Electrical Codes are set out at Subtitles II, IV and III, respectively, of this title.

Subchapter III Minimum Mechanical Standards

22.206.090Heating.

A. Minimum Heating Equipment. Every housing unit shall have permanently installed, functioning heating facilities and an approved power or fuel supply system which are capable of maintaining an average room temperature of at least sixty-five degrees Fahrenheit (65°) measured at a point three feet (3′) above the floor in all habitable rooms, baths and toilet rooms, when the outside temperature is twenty-four degrees Fahrenheit (24° F.) or higher. When the outside temperature is less than twenty-four degrees Fahrenheit (24° F.), the permanently installed, functioning heating facility and approved power or fuel supply system must be capable of maintaining an average room temperature of at least fifty-eight degrees Fahrenheit (58° F.), measured at a point three feet (3′) above the floor, in all habitable rooms, baths and toilet rooms.

B. Heating Devices. All heating devices and appliances, including but not limited to furnaces, fireplaces, electric baseboard heaters and water heaters, shall be of an approved type, in good and safe working order, and shall meet all installation and safety codes. Approved, unvented portable oil-fueled heaters may be used as a supplemental heat source provided that such heaters shall not be located in any sleeping room or bathroom, as provided by SMC Chapter 22.400 Section 807(a). Ventilation for rooms and areas containing fuel-burning appliances shall be adequate for proper combustion.

(Ord. 115671 § 13, 1991: Ord. 113545 § 5(part), 1987.)

22.206.100Ventilation equipment.

Ventilating equipment or shafts shall be of an approved type and maintained in a safe manner. Where mechanical ventilation is provided in lieu of the natural ventilation pursuant to Section 22.206.040, the mechanical system shall be safe and shall be maintained in good working order during the occupancy of any building.

(Ord. 113545 § 5(part), 1987.)

22.206.110Electrical equipment.

A. All electrical equipment, wiring and appliances shall be of an approved type, installed in accordance with applicable provisions of the Seattle Electrical Code in effect at the time of installation, unless otherwise specified in this Code,[1] and safely maintained.

B. Every habitable room, except kitchens, shall be provided with not less than two (2) electrical receptacle outlets, or one (1) receptacle outlet and one (1) supplied electric light fixture.

C. Every kitchen shall be provided with not less than three (3) electrical receptacle outlets and one (1) supplied light fixture. One (1) electrical appliance receptacle outlet properly installed as a part of a lawfully installed electric or gas kitchen range shall be accepted in lieu of one (1) of the required receptacle outlets in a kitchen. In all cases, at least one (1) of the wall-mounted receptacle outlets shall not be obscured, either partially or otherwise by floor-mounted appliances.

D. Every toilet room, bathroom, laundry room, furnace room, public hallway, porch, and flight of stairs between stories shall contain at least one (1) supplied electric light fixture. Where an interior stairway or public hallway changes direction, more than one (1) supplied electric light fixture may be required to provide sufficient lighting for safe exit. Such required light fixture or fixtures shall be located so as to provide sufficient lighting for safe exit.

(Ord. 115671 § 14, 1991; Ord. 113545 § 5(part), 1987.)

1.Editor's Note: The Electrical Code is codified in Subtitle III of this Title.

22.206.120Maintenance.

All mechanical facilities, fixtures, equipment and structures shall be maintained in a safe condition and in good operating order.

(Ord. 113545 § 5(part), 1987.)

Subchapter IV Minimum Fire and Safety Standards

22.206.130Requirements.

A. Stair and Stairway Construction.

1. All stairs, except stairs to inaccessible service areas, exterior stairs on grade and winding, circular or spiral stairs shall have a minimum run of nine inches (9″) and a maximum rise of eight inches (8″) and a minimum width of thirty inches (30″) from wall to wall. The rise and run may vary no more than one-half inch (1/2″) in any flight of stairs.

2. All exterior stairs on grade and winding, circular and spiral stairs shall be in good repair and shall be configured for safe use and travel.

3. Every stairway except stairs to in accessible service areas, having more than three (3) risers shall have at least one (1) handrail mounted at least twenty-eight inches (28″) but no more than forty-two inches (42″) above the tread nose.

4. A landing having minimum horizontal dimension of thirty inches (30″) shall be provided at each point of access to a stairway; provided, that stairs to an inaccessible service area need not have such a landing. A door that swings away from a stairway shall be deemed to have created a landing in the area of its swing.

5. Every required stairway shall have headroom clearance of not less than six feet six inches (6′6″) measured vertically from the nearest tread nose to the nearest soffit.

6. Stairs or ladders within an individual dwelling unit used to gain access to intermediate floor areas of less than four hundred (400) square feet and not containing the primary bathroom or kitchen are exempt from the requirements of this subsection A.

B. Number of Exits. Occupied floors containing one (1) or more housing unit above the first floor or in a basement shall have access to not less than two (2) unobstructed exits which meet the standards of this Section 22.206.130; provided, that:

1. Housing units in a two (2) story building which has an occupant load of not more than ten (10) persons above the first floor or in a basement having an occupant load of not more than ten (10) persons may have one (1) exit;

2. A housing unit on the second floor may have one (1) exit if the exit is a stairway or corridor leading directly to the outside and contains no openings in the stairway or corridor;

3. Housing units above the first floor or in a basement may have one (1) exit if:

a. An automatic fire-sprinkler system is provided for all exit ways and common areas in the building, or

b. Built to the single exit requirements of Chapter 33 of the Seattle Building Code.[1]

4. A fire escape which meets the standards of subsection D of this section may be used as one (1) required exit.

C. Stairway Enclosures.

1. The standards for stairway enclosures shall be as follows:

a. The walls of all portions of a stairway enclosure shall be at least one (1) hour fire-resistive construction. Materials fastened to walls or floors of stairway enclosures shall comply with the Seattle Building Code, Section 4204; provided, that:

(1) Existing partitions forming part of a stairway enclosure shall be permitted in lieu of one (1) hour fire-resistive construction if they are constructed of lath and plaster that is not cracked, loose or broken; or

(2) Existing wainscoting and other decorative woodwork which was lawful at the time of installation is permitted if it is coated with an approved fire-retardant.

b. Each opening onto a stairway enclosure shall be protected by a self-closing door and latching assembly providing fire-resistance equivalent to that provided by a solid wood door and assembly at least one and three-fourths inches (1-¾″) thick.

2. Stairway enclosures need not meet the above standards if:

a. A lawfully installed automatic fire-extinguishing system is provided for all corridors, stairs and common areas within the building; or

b. The stairway enclosure connects to only two (2) floors and is not connected to corridors or stairways serving other floors; or

c. The stairway enclosure is in a dwelling unit.

D. Fire Escapes. Existing fire escapes that are structurally sound may be used as one (1) means of egress, provided that the pitch does not exceed sixty degrees (60°), the width is not less than eighteen inches (18″), the run of the treads is not less than four inches (4″), and they extend to the ground or are provided with counterbalanced stairs reaching to the ground. Access shall be from an opening having a minimum dimension of twenty-nine inches (29″) in all directions when open. The sill of the fire escape window shall be no more than thirty inches (30″) above the floor and the exterior landing.

E. Corridors, Doors and Openings.

1. Corridors shall have a fire-resistance not less than that of wood lath and plaster that is not cracked, loose or broken.

2. Existing dead-end corridors longer than thirty feet (30′) that serve housing units, shall be eliminated, unless an approved automatic sprinkler system is lawfully installed throughout the affected corridor, or unless approved smoke detectors are lawfully installed outside the door of each housing unit whose corridor exit door is located beyond the thirty-foot (30′) limitation. The detectors may be self-contained or installed as part of the electrical system.

3. Exit doors shall be self-closing, self-latching, and when serving an occupant load of fifty (50) or more shall swing in the direction of exit travel. Exit doors from housing units which do not open directly into a stairway enclosure shall be exempt from these requirements if they were installed and are maintained in accordance with safety codes and ordinances in effect at the time of installation.

4. Exit doors shall be openable from the inside without the use of a key or other special device, knowledge or effort.

5. All doors opening into a corridor, except doors opening directly to the outside, not included as part of a stairway enclosure shall be of solid wood at least one and three-eighths inches

(1-3/8″) inches thick, or shall provide equivalent fire-resistance except where a lawfully installed automatic fire-sprinkler system is provided throughout all exitways and other public rooms and areas within the building.

6. Transoms and openings other than doors, from corridors to rooms shall be fixed closed and shall be covered with a minimum of five-eighths-inch (5/8″) gypsum Type "X" wallboard on both sides.

7. Gravity-closing metal overhead or pocket doors in an exit path shall be removed or shall be permanently secured in the open position.

8. All corridor walls, floors and ceilings shall be of one (1) hour fire-resistive construction, or shall be repaired in accordance with codes and ordinances in effect at the time the corridor was constructed.

F. Exit Signs. Every exit doorway or change of direction of a corridor shall be marked with a well-lighted exit sign or placard having green, legible letters at least five inches (5″) high.

G. Enclosure of Vertical Openings.

1. Elevator shafts, and other vertical openings shall be protected with construction as required for stairways in subsection C1 or by fixed wire-glass set in steel frames, or by assemblies which comply with Chapter 43 of the Seattle Building Code, Fire Resistive Standards.[1]

2. Doors on vertical openings shall be of solid wood at least one and three-eighths inches (1-3/8″) inches thick or shall provide equivalent fire resistance.

H. Separation of Occupancies. Occupancy separations shall be provided as specified in Section 503 and Table 5-B of the Seattle Building Code.

I. Guardrails. A guardrail shall be provided whenever walking surfaces, including stairs, are thirty inches (30″) or more above adjacent surfaces, except in building service areas. Every guardrail shall be at least thirty-six inches (36″) in height unless it is an existing guardrail which was constructed in compliance with the standards in effect at the time the guardrail was constructed, is in good condition, and is between twenty-eight (28) and forty-two inches (42″) in height. Open guardrails shall have intermediate rails.

J. Emergency Escape Windows and Doors.

1. In buildings constructed after August 10, 1972, every room used for sleeping purposes below the fourth story shall have at least one (1) operable window or exterior door approved for emergency escape or rescue.

2. Every room converted or established for sleeping purposes below the fourth story after August 10, 1972 shall have at least one (1) operable window or exterior door approved for emergency escape or rescue.

3. Emergency escape windows and doors shall not open into space without a means of escape. The window or door shall be operable from the inside to provide a full clear opening without the use of separate tools. All emergency escape windows shall have a minimum net clear opening of 5.7 square feet.

4. Every room used for sleeping purposes below the fourth story which had on January 1, 1990 an operable window or door that meets the requirements of Section 1204 of the Seattle Building Code[1] for emergency escape or rescue, regardless of the date of construction of the building, shall maintain that operable window or door as required by subsection J3 of this section.

K. Bars, grilles, grates or similar devices may be installed on emergency escape windows or doors, provided:

1. Such devices are equipped with approved release mechanisms which are openable from the inside without the use of a key or special knowledge or effort; and

2. The building is equipped with smoke detectors as required by this Code.

L. Dwellings shall be exempt from the requirements of subsections B through H of this section; provided, that for purposes of this section, no building containing residential and connercial uses or other similar mixed uses shall be deemed a dwelling.

(Ord. 115671 § 15, 1991; Ord. 113545 § 5(part), 1987.)

1.Editor's Note: The Building Code is codified in Subtitle I of this Title.

Subchapter V Minimum Security Standards

22.206.140Requirements.

A. The following requirements shall apply to housing units and buildings which contain housing units, except detached single-family dwellings, to provide a reasonable security from criminal actions to the permanent and transient occupants thereof and to their possessions.

1. All building entrance doors, except building entrance doors which open directly into a single housing unit, shall be self-closing, self-locking, and equipped with a deadlatch with at least a one-half inch (1 /2″) throw which penetrates the striker at least one-quarter inch (1/4″); provided, that the main entrance door need not be self-locking if an attendant is present and on duty twenty-four (24) hours per day.

2. All building entrance doors, other than a main entrance door which opens into a common area, shall be solid or, if provided with glazed openings, shall have wire or grilles to prevent operation of the door latch from outside by hand or instrument. Main entrance doors which open into a common area may be framed or unframed nonshattering glass or framed one-quarter inch (1/4″) plate glass.

3. When garage-to-exterior doors are equipped with an electrically operated remote control device for opening and closing, garage-to-building doors need not be self-locking. When either the garage-to-exterior doors or garage-to-building doors are equipped for self-closing and self-locking, the other need not be so equipped.

4. Entrance doors from interior corridors to individual housing units shall not have glass openings and shall be capable of resisting forcible entry equal to a single-panel or hollow-core door one and three-eights inches (1-3/8″) thick.

5. Every entrance door to an individual housing unit shall have a dead bolt or deadlatch with at least a one-half-inch (1/2″) throw which penetrates the striker not less than one-quarter inch (1/4″). The lock shall be so constructed that the dead bolt or deadlatch may be opened from inside without use of a key. In hotels and other multi-unit buildings that provide housing for rent on a daily or weekly basis, every entrance door to individual units shall have a chain door guard or barrel bolt on the inside.

6. Every entrance door to an individual housing unit, other than transparent doors, shall have a visitor-observation port which port shall not impair the fire-resistance of the door. Observation ports shall be installed at a height of not less than fifty-four inches (54″) and not more than sixty-six inches (66″) above the floor.

7. In all leased or rented housing units in buildings other than hotels and other multi-unit buildings having transient occupancies, lock mechanisms and keys shall be changed upon a change of tenancy, except that such change of locks and keys will not be required where an approved proprietary key system is used.

8. All building entrance doors shall be openable from the interior without use of keys.

9. Doors to storage, maintenance and building service rooms shall be self-closing and self-locking.

10. Dead bolts or other approved locking devices shall be provided on all sliding patio doors and installed so that the mounting screws for the lock cases are inaccessible from the outside.

11. Openable windows shall be equipped with operable inside latching devices, except that this requirement shall not apply to any window whose sill is located ten (10) or more feet above grade or above any deck, balcony or porch that is not readily accessible from grade except through a single housing unit.

12. Where private baths and toilets are not provided in each housing unit, doors to community toilets and bathrooms shall be self-closing, and in lieu of a self-locking device, may be equipped with a dead bolt having a minimum one-inch (1″) throw. Tenants shall be furnished with a key for this lock.

13. Windows may be located adjacent to and within the wall plane of a building entrance door, but if located within twelve inches (12″) of such door, as measured from a closed position, then such windows shall be made of either framed or unframed nonshattering glass, or glass with sufficient wire or grilles so as to make the glass visible and to prevent operation of the door latch from outside by either hand or instrument.

B. The following requirements shall apply to detached single-family dwellings to provide reasonable security from criminal actions to the permanent and transient occupants thereof and to their possessions.

1. Building entrance doors shall be capable of locking and shall be equipped with a dead bolt or deadlatch with at least a one-half-inch (½″) throw which penetrates the striker not less than one-quarter inch (¼″). The lock shall be so constructed that the dead bolt or deadlatch may be opened from the inside without use of a key.

2. Windows may be located adjacent to and within the wall plane of an entrance door, but if located within twelve inches (12″) of such door, as measured from a closed position, then such windows shall be made of either framed or unframed nonshattering glass, framed one-quarter-inch (¼″) plate glass, or glass with sufficient wire or grilles so as to both make the glass visible and prevent it from being used to operate the door latch from outside by either hand or instrument.

3. Garage-to-exterior doors may be equipped with a remote-control electrically operated opening and closing device in lieu of a deadlatch. When garage-to-exterior doors are equipped with such remote-control devices, garage-to-building doors need not be locking.

4. Every entrance door shall have a visitor-observation port of glass side light. Observation ports shall be installed at a height of not less than fifty-four inches (54″) and not more than sixty-six (66″) from the floor.

5. Dead-bolts or other approved locking devices shall be provided on all sliding patio doors and openable windows and shall be installed so that the mounting screws for the lock cases are inaccessible from the outside, except that locks shall not be required on any window whose sill is located ten (10) or more feet above grade or above any deck, balcony or porch that is not readily accessible from grade except through the building.

C. Subject to approval by the Director, alternate security devices may be substituted for those required herein if the devices are equally capable of resisting illegal entry, and installation of the devices does not conflict with the requirements of this Code or the requirements of other ordinances regulating safe exits.

(Ord. 115671 § 16, 1991; Ord. 113545 § 5(part), 1987.)

Subchapter VI Duties of Owners and Tenants

22.206.150General.

Notwithstanding the provisions of any rental agreements or contracts to the contrary, there are hereby imposed on owners and tenants certain duties with respect to the use, occupancy, and maintenance of buildings.

(Ord. 113545 § 5(part), 1987.)

22.206.160Duties of owners.

A. It shall be the duty of all owners, regardless of any lease provision or other agreement that purports to transfer the owner's responsibilities hereunder to an operator, manager or tenant, to:

1. Remove all garbage, rubbish and other debris from the premises;

2. Secure any building which became vacant against unauthorized entry as required by Section 22.206.200 of this Code;

3. Exterminate insects, rodents and other pests which are a menace to public health, safety or welfare. Compliance with the Director's Rule governing the extermination of pests shall be deemed compliance with this subsection 3;

4. Remove from the building or the premises any article, substance or material imminently hazardous to the health, safety or general welfare of the occupants or the public, or which may substantially contribute to or cause deterioration of the building to such an extent that it may become a threat to the health, safety or general welfare of the occupants or the public;

5. Remove vegetation and debris as required by SMC Section 10.52.030;

6. Lock or remove all doors and/or lids on furniture used for storage, appliances, and furnaces which are located outside an enclosed, locked building or structure;

7. Maintain the building and equipment in compliance with the minimum standards specified in Sections 22.206.010 through 22.206.140 and in a safe condition, except for maintenance duties specifically imposed in Section 22.206.170 on the tenant of the building; provided that this

subsection 7 shall not apply to owner-occupied dwelling units in which no rooms are rented to others;

8. Affix and maintain the street number to the building in a conspicuous place over or near the principal street entrance or entrances or in some other conspicuous place. This provision shall not be construed to require numbers on either appurtenant buildings or other buildings or structures where the Director finds that the numbering is not appropriate. Numbers shall be easily legible, in contrast with the surface upon which they are placed. Figures shall be no less than two (2) inches high;

9. Maintain the building in compliance with the requirements of Section 104(d) of the Seattle Building Code;[1]

10. Comply with any emergency order issued by the Department of Construction and Land Use; and

11. Furnish tenants with keys for the required locks on their respective housing units and building entrance doors.

B. It shall be the duty of all owners of buildings that contain rented housing units, regardless of any lease provision or other agreement that purports to transfer the owner's responsibilities hereunder to an operator, manager or tenant, to:

1. Maintain in a clean and sanitary condition the shared areas, including yards and courts, of any building containing two (2) or more housing units;

2. Supply enough garbage cans or other approved containers of sufficient size to contain all garbage disposed of by such tenants;

3. Maintain heat in all occupied habitable rooms, baths and toilet rooms at an inside temperature, as measured at a point three (3) feet above the floor, of at least sixty-five (65) degrees Fahrenheit between the hours of seven (7:00) a.m. and ten-thirty (10:30) p.m. and fifty-eight (58) degrees Fahrenheit between the hours of ten-thirty (10:30) p.m. and seven (7:00) a.m. from September 1st until June 30th, when the owner is contractually obligated to provide heat;

4. Install smoke detectors on the ceiling or on the wall not less than four (4) inches nor more than twelve (12) inches from the ceiling at a point or points centrally located in a corridor or area in each housing unit and test smoke detectors when each housing unit becomes vacant;

5. Make all needed repairs or replace smoke detectors with operating detectors before a unit is reoccupied; and

6. Instruct tenants as to the purpose, operation and maintenance of the detectors.

C. Just Cause Eviction.

1. Pursuant to provisions of the state Residential Landlord-Tenant Act (RCW 59.18-.290), owners may not evict residential tenants without a court order, which can be issued by a court only after the tenant has an opportunity in a show cause hearing to contest the eviction (RCW 59.18.380). In addition, owners of housing units shall not evict or attempt to evict any tenant, or otherwise terminate or attempt to terminate the tenancy of any tenant unless the owner can prove in court that just cause exists. The reasons for termination of tenancy listed below, and no others, shall constitute just cause under this section:

a. The tenant fails to comply with a three (3) day notice to pay rent or vacate pursuant to RCW 59.12.030(3); a ten (10) day notice to comply or vacate pursuant to RCW 59.12.030(4); or a three (3) day notice to vacate for waste, nuisance (including a drug-related activity nuisance pursuant to RCW Chapter 7.43) or maintenance of an unlawful business or conduct pursuant to RCW 59.12.030(5);

b. The tenant habitually fails to pay rent when due which causes the owner to notify the tenant in writing of late rent four (4) or more times in a twelve (12) month period;

c. The tenant fails to comply with a ten (10) day notice to comply or vacate that requires compliance with a material term of the rental agreement or that requires compliance with a material obligation under RCW 59.18;

d. The tenant habitually fails to comply with the material terms of the rental agreement which causes the owner to serve a ten (10) day notice to comply or vacate three (3) or more times in a twelve (12) month period;

e. The owner seeks possession so that the owner or a member of his or her immediate family may occupy the unit as that person's principal residence and no substantially equivalent unit is vacant and available in the same building. "Immediate family" shall include the owner's domestic partner registered pursuant to Section 1 of Ordinance 117244 or the owner's spouse, parents, grandparents, children, brothers and sisters of the owner, of the owner's spouse, or of the owner's domestic partner. There shall be a rebuttable presumption of a violation of this subsection if the owner or a member of the owner's immediate family fails to occupy the unit as that person's principal residence for at least sixty (60) consecutive days during the ninety (90) days immediately after the tenant vacated the unit pursuant to a notice of termination or eviction using this subparagraph as the cause for eviction;

f. The owner elects to sell a single-family dwelling unit and gives the tenant at least sixty (60) days written notice prior to the date set for vacating, which date shall coincide with the end of the term of a rental agreement, or if the agreement is month to month, with the last day of a monthly period. For the purposes of this section, an owner "elects to sell" when the owner makes reasonable attempts to sell the dwelling within thirty (30) days after the tenant has vacated, including, at a minimum, listing it for sale at a reasonable price with a realty agency or advertising it for sale at a reasonable price in a newspaper of general circulation. There shall be a rebuttable presumption that the owner did not intend to sell the unit if:

i. Within thirty (30) days after the tenant has vacated, the owner does not list the single-family dwelling unit for sale at a reasonable price with a realty agency or advertise it for sale at a reasonable price in a newspaper of general circulation, or

ii. Within ninety (90) days after the date the tenant vacated or the date the property was listed for sale, whichever is later, the owner withdraws the rental unit from the market, rents the unit to someone other than the former tenant, or otherwise indicates that the owner does not intend to sell the unit;

g. The tenant's occupancy is conditioned upon employment on the property and the employment relationship is terminated;

h. The owner seeks to do substantial rehabilitation in the building; provided that, the owner must obtain a tenant relocation license if required by SMC Chapter 22.210 and at least one (1) permit necessary for the rehabilitation, other than a Master Use Permit, before terminating the tenancy. Any tenants dispossessed pursuant to this provision shall be notified in writing by the owner at the time of vacating the unit that the tenant has a right of first refusal for the rehabilitated unit. The owner shall notify the tenant in writing, mailed by regular mail to the last address provided by the tenant, when the unit is ready to be reoccupied, and the tenant shall exercise such right of first refusal within thirty (30) days of the owner's notice;

i. The owner elects to demolish the building, convert it to a condominium or a cooperative, or convert it to a nonresidential use; provided that, the owner must obtain a tenant relocation license if required by SMC Chapter 22.210 and a permit necessary to demolish or change the use before terminating any tenancy;

j. The owner seeks to discontinue use of a housing unit unauthorized by Title 23 of the Seattle Municipal Code after receipt of a notice of violation thereof. The owner is required to pay relocation assistance to the tenant(s) of each such unit at least two (2) weeks prior to the date set for termination of the tenancy, at the rate of:

i. Two Thousand Dollars ($2,000) for a tenant household with an income during the past twelve (12) months at or below fifty (50) percent of the County median income, or

ii. Two (2) months' rent for a tenant household with an income during the past twelve (12) months above fifty (50) percent of the County median income;

k. The owner seeks to reduce the number of individuals residing in a dwelling unit to comply with the maximum limit of individuals allowed to occupy one (1) dwelling unit, as required by SMC Title 23, and:

i.

(A)

The number of such individuals was more than is lawful under the current version of SMC Title 23 or Title 24 but was lawful under SMC Title 23 or 24 on August 10, 1994,

(B)

That number has not increased with the knowledge or consent of the owner at any time after August 10, 1994, and

(C)

The owner is either unwilling or unable to obtain a permit to allow the unit with that number of residents,

ii. The owner has served the tenants with a thirty (30) day notice, informing the tenants that the number of tenants exceeds the legal limit and must be reduced to the legal limit,

iii. After expiration of the thirty (30) day notice, the owner has served the tenants with and the tenants have failed to comply with a ten (10) day notice to comply with the limit on the number of occupants or vacate, and

iv. If there is more than one (1) rental agreement for the unit, the owner may choose which agreements to terminate; provided that, the owner may either terminate no more than the minimum number of rental agreements necessary to comply with the legal limit on the number of occupants, or, at the owner's option, terminate only those agreements involving the minimum number of occupants necessary to comply with the legal limit;

l. i. The owner seeks to reduce the number of individuals who reside in one (1) dwelling unit to comply with the legal limit after receipt of a notice of violation of the SMC Title 23 restriction on the number of individuals allowed to reside in a dwelling unit, and:

(A) The owner has served the tenants with a thirty (30) day notice, informing the tenants that the number of tenants exceeds the legal limit and must be reduced to the legal limit; provided that, no thirty (30) day notice is required if the number of tenants was increased above the legal limit without the knowledge or consent of the owner,

(B) After expiration of the thirty (30) day notice required by subsection C1li(A) above, or at any time after receipt of the notice of violation if no thirty (30) day notice is required pursuant to subsection C1li(A), the owner has served the tenants with and the tenants have failed to comply with a ten (10) day notice to comply with the maximum legal limit on the number of occupants or vacate, and

(C) If there is more than one (1) rental agreement for the unit, the owner may choose which agreements to terminate; provided that, the owner may either terminate no more than the minimum number of rental agreements necessary to comply with the legal limit on the number of occupants, or, at the option of the owner, terminate only those agreements involving the minimum number of occupants necessary to comply with the legal limit.

ii. For any violation of the maximum legal limit on the number of individuals allowed to reside in a unit that occurred with the knowledge or consent of the owner, the owner is required to pay relocation assistance to the tenant(s) of each such unit at least two (2) weeks prior to the date set for termination of the tenancy, at the rate of:

(A) Two Thousand Dollars ($2,000) for a tenant household with an income during the past twelve (12) months at or below fifty (50) percent of the county median income, or

(B) Two (2) months' rent for a tenant household with an income during the past twelve (12) months above fifty (50) percent of the county median income;

m. The owner seeks to discontinue use of an accessory dwelling unit for which a permit has been obtained pursuant to SMC Section 23.44.041 after receipt of a notice of violation of the development standards provided in that section. The owner is required to pay relocation assistance to the tenant household residing in such a unit at least two (2) weeks prior to the date set for termination of the tenancy, at the rate of:

i. Two Thousand Dollars ($2,000) for a tenant household with an income during the past twelve (12) months at or below fifty (50) percent of the county median income, or

ii. Two (2) months' rent for a tenant household with an income during the past twelve (12) months above fifty (50) percent of the county median income;

n. An emergency order requiring that the housing unit be vacated and closed has been issued pursuant to SMC Section 22.206.260 and the emergency conditions identified in the order have not been corrected;

o. The owner seeks to discontinue sharing with a tenant the owner's own housing unit, i.e., the unit in which the owner resides, or seeks to terminate the tenancy of a tenant of an accessory dwelling unit authorized pursuant to SMC Section 23.44.041 that is accessory to the housing unit in which the owner resides, so long as the owner has not received a notice of violation of the development standards of SMC Section 23.44.041 regarding that unit. If the owner has received such a notice of violation, subsection C1m of this section applies;

p. A tenant, or with the consent of the tenant, his or her subtenant, sublessee, resident or guest, has engaged in criminal activity on the premises, or on the property or public right-of-way abutting the premises, and the owner has specified in the notice of termination the crime alleged to have been committed and the general facts supporting the allegation, and has assured that the Department of Design, Construction and Land Use has recorded receipt of a copy of the notice of termination. For purposes of this subsection a person has "engaged in criminal activity" if he or she:

i. Engages in drug-related activity that would constitute a violation of RCW Chapters 69.41, 69.50 or 69.52, or

ii. Engages in activity that is a crime under the laws of this state, but only if the activity substantially affects the health or safety of other tenants or the owner.

2. Any rental agreement provision which waives or purports to waive any right, benefit or entitlement created by this subsection C shall be deemed void and of no lawful force or effect.

3. With any termination notices required by law, owners terminating any tenancy protected by this section shall advise the affected tenant or tenants in writing of the reasons for the termination and the facts in support of those reasons.

4. If a tenant who has received a notice of termination of tenancy claiming subsection C1e, C1f, or C1m of this section as the ground for termination believes that the owner does not intend to carry out the stated reason for eviction and makes a complaint to the Director, then the owner must, within ten (10) days of being notified by the Director of the complaint, complete and file with the Director a certification stating the owner's intent to carry out the stated reason for the eviction. The failure of the owner to complete and file such a certification after a complaint by the tenant shall be a defense for the tenant in an eviction action based on this ground.

5. In any action commenced to evict or to otherwise terminate the tenancy of any tenant, it shall be a defense to the action that there was no just cause for such eviction or termination as provided in this section.

6. It shall be a violation of this section for any owner to evict or attempt to evict any tenant or otherwise terminate or attempt to terminate the tenancy of any tenant using a notice which references subparagraphs 1e, 1f, 1h, 1k, 1l, or 1m of this subsection C as grounds for eviction or

termination of tenancy without fulfilling or carrying out the stated reason for or condition justifying the termination of such tenancy.

7. An owner who evicts or attempts to evict a tenant or who terminates or attempts to terminate the tenancy of a tenant using a notice which references subparagraphs 1e, 1f, or 1h of this subsection C as the ground for eviction or termination of tenancy without fulfilling or carrying out the stated reason for or condition justifying the termination of such tenancy shall be liable to such tenant in a private right for action for damages up to Two Thousand Dollars ($2,000), costs of suit or arbitration and reasonable attorney's fees.

(Ord. 119617 § 1, 1999: Ord. 118441 § 2, 1996; Ord. 117942 § 2, 1995; Ord. 117570 § 2, 1995; Ord. 115877 § 1, 1991; Ord. 115671 § 17, 1991: Ord. 114834 § 2, 1989; Ord. 113545 § 5(part), 1987.)

1.Editor's Note: The Seattle Building Code is adopted in Chapter 22.100 of this title.

22.206.170Duties of tenants.

It shall be the duty of every tenant to:

A. Maintain in a clean and sanitary condition the part or parts of the building and the premises occupied or controlled by the tenant;

B. Store and dispose of all garbage and rubbish in a clean, sanitary and safe manner in garbage cans or other approved containers provided by the owner;

C. Comply with reasonable requests of the owner for the prevention or elimination of infestation, including granting reasonable access for extermination or preventive measures by the owner;

D. Exercise reasonable care in the use and operation of electrical and plumbing fixtures and maintain all sanitary facilities, fixtures and equipment in a clean and sanitary condition;

E. Within a reasonable time, repair or pay for the reasonable cost of repair of all damage to the building caused by the negligent or intentional act of the tenant or the invitees or licensees of the tenant;

F. Grant reasonable access to the owner of the building for the purpose of inspection by the Director, or maintenance or repairs by the owner in the performance of any duty imposed on the owner by this Code;

G. Refrain from placing or storing in the building or on the premises thereof any article, substance or material imminently dangerous to the health, safety or general welfare of any occupant thereof or of the public, or which may substantially contribute to or cause deterioration of the building; and

H. Test according to manufacturer's recommendations and keep in good working condition all smoke detectors in the dwelling unit required by law.

(Ord. 113545 § 5(part), 1987.)

22.206.180Harassing or retaliating against tenant.

A. It is unlawful for any owner to interfere with a tenant's peaceable possession of the building or premises or by committing any of the following acts:

1. Changing or tampering with any lock or locks on a door or doors used by the tenant; or

2. Removing any door, window, fuse box, or other equipment, fixtures, or furniture; or

3. Requesting, causing or allowing any gas, electricity, water or other utility service supplied by the owner to be discontinued; or

4. Removing or excluding a tenant from the premises except pursuant to legal process; or

5. Evicting, increasing rent, or otherwise imposing, threatening or attempting any punitive measure against a tenant for the reason that the tenant has in good faith reported violations of this Code to the Department of Construction and Land Use, or otherwise exercised or attempted to exercise any legal rights granted tenants by law and arising out of the tenant's occupancy of the building;

6. Entering a tenant's housing unit or premises except:

a. At reasonable times with the tenant's consent, after giving the tenant at least two (2) days' notice of intent to enter, for the purpose of inspecting the premises, making necessary or agreed repairs, alterations or improvements, supplying necessary or agreed services, or exhibiting the dwelling unit to prospective or actual purchasers, mortgages, tenants, workers or contractors; or

b. In an emergency.

(Ord. 113545 § 5(part), 1987.)

22.206.190 Harassing or retaliating against owner.

It is unlawful for any tenant to harass or retaliate against an owner or to interfere with an owner's management and operation of a building or premises by committing any of the following acts:

A. Adding or tampering with any lock;

B. Removing or otherwise interfering with any supplied equipment, fixtures, furniture or services;

C. Wilfully damaging or causing others to damage the building or premises.

(Ord. 113545 § 5(part), 1987.)

22.206.200 Minimum standards for vacant buildings.

A. Maintenance Standards. Every vacant building shall conform to the standards of Sections 22.206.060; 22.206.070; 22.206.080 A, B, C, G, H and I; 22.206.130 I; 22.206.160 A1, 3, 4, 5, 6 and 8 except when different standards are imposed by this section.

1. Sanitary Facilities.

a. Plumbing fixtures connected to an approved water system, an approved sewage system, or an approved natural gas utility system shall be installed in accordance with applicable codes and be maintained in sound condition and good repair.

b. Plumbing fixtures connected to an approved water system, an approved sewage system, or an approved natural gas utility system, not installed or maintained in compliance with applicable codes, shall be removed and the service terminated in the manner prescribed by applicable codes.

c. Plumbing fixtures not connected to an approved water system, an approved sewage system, or an approved natural gas utility system shall either be connected to an approved system or the fixtures shall be removed and the pipes capped in accordance with applicable codes.

2. Electrical Systems. Electrical service lines, wiring, outlets or fixtures not installed or maintained in accordance with applicable codes shall be repaired, or they shall be removed and the services terminated in accordance with applicable codes.

3. Safety From Fire.

a. No vacant building or premises or portion thereof shall be used for the storage of flammable liquids or other materials that constitute a safety or fire hazard.

b. Heating facilities or heating equipment in vacant buildings shall be removed, rendered inoperable, or maintained in accordance with applicable codes. Any fuel supply shall be removed or terminated in accordance with applicable codes.

4. All vacant buildings and their accessory structures shall meet the following standards:

a. All windows shall have intact glazing or plywood of at least one-quarter inch (1/4″) thickness, painted or treated to protect it from the elements, cut to fit the opening, and securely nailed using 6D galvanized nails or woodscrews spaced not more than nine inches (9″) on center.

b. Doors and service openings with thresholds located ten feet (10′) or less above grade, or stairways, landings, ramps, porches, roofs, or similarly accessible areas shall provide resistance to entry equivalent to or greater than that of a closed single panel or hollow core door one and three-eighths inches (1 3/8″) thick equipped with a one-half inch (1/2″) throw deadbolt. Exterior doors, if openable, may be closed from the interior of the building by toe nailing them to the door frame using 10D or 16D galvanized nails.

c. There shall be at least one (1) operable door into each building and into each housing unit. If an existing door is operable, it may be used and secured with a suitable lock such as a hasp and padlock or a one-half inch (1/2″) deadbolt or deadlatch. All locks shall be kept locked. When a door cannot be made operable, a door shall be constructed of three-quarter inch (3/4″) CDX plywood or other comparable material approved by the Director and equipped with a lock as described above.

d. All debris, combustible materials, litter and garbage shall be removed from vacant buildings, their accessory structures and adjoining yard areas. The building and premises shall be maintained free from such items.

e. The Director may impose additional requirements for the closure of a vacant building, including but not limited to installation of three-quarter inch (3/4″) plywood, brick or metal coverings over exterior openings, when the standards specified in subparagraphs 4a through 4d above are inadequate to secure the building:

i.

Due to the design of the structure, or

ii.

When the structure has been subject to two (2) or more unauthorized entries after closure pursuant to the standards specified above, or

iii.

When the Director determines, in consultation with the Seattle Police Department and the Seattle Fire Department, that the structure may present a substantial risk to the health or safety of the public, or to police or fire personnel if closed to the standards of subparagraphs 4a through 4d above.

5. If a building component of a vacant building or a structure accessory to a vacant building does not meet the standards of Section 22.206.060, the component or a portion thereof may be removed in accordance with applicable codes, provided the Director determines that the removal does not create a hazardous condition.

6. Interior floor, wall and ceiling coverings in vacant structures need not be intact so long as the Director determines they do not present a hazard. If a hole in a floor presents a hazard, the hole shall be covered with three-quarter inch (¾″) plywood, or a material of equivalent strength, cut to overlap the hole on all sides by at least six inches (6″). If a hole in a wall presents a hazard, the hole shall be covered with one-half inch (½″) Type X gypsum, or a material of equivalent strength, cut to overlap the hole on all sides by at least six inches (6″). Covers for both floor and wall holes shall be securely attached.

B. Occupying or Renting Vacant Buildings. After a notice of violation, order or emergency order is issued in accordance with Section 22.206.220 or Section 22.206.260, no one shall use, occupy, rent, cause, suffer, or allow any person to use or occupy or rent any vacant building unless a certificate of compliance has been issued in accordance with Section 22.206.250. This section does not prohibit or make unlawful the occupancy of a detached single-family dwelling by the owner if no rooms in the dwelling are rented or leased.

C. Compliance With Other Provisions of this Code and Other Codes. Buildings subject to regulation pursuant to the Downtown Housing Maintenance Ordinance, SMC Chapter 22.220, may not be vacated or closed to entry except as permitted by that ordinance. Owners vacating or closing a building must comply with the just cause eviction requirements of Section 22.206.160 C of this Code.

D. Termination of Utilities. The Director may, by written notice to the owner and to the Director of Seattle Public Utilities, the Superintendent of City Light or the Washington Natural Gas Co., request that water, electricity, or gas service to a vacant building be terminated or disconnected.

E. Restoration of Service. If water, electricity or gas service has been terminated or disconnected pursuant to Section 22.206.200 D, no one except the utility may take any action to restore the service, including an owner or other private party requesting restoration of service until a certificate of compliance has been issued in accordance with Section 22.206.250, or upon written notification by the Director that service may be restored. It shall be unlawful for anyone other than the Director of Seattle Public Utilities, Superintendent of City Light, or the Washington Natural Gas Co. or their duly authorized representatives, to restore or reconnect any water, electricity, or gas service terminated or disconnected as a result of a Director's notice issued pursuant to Section 22.206.200 D.

F. Inspection of Vacant Buildings.

1. When the Director has reason to believe that a building is vacant, the Director may inspect the building and the premises. If the Director identifies a violation of the minimum standards for vacant buildings, a notice of violation shall be issued pursuant to SMC Section 22.206.220. Thereafter the premises shall be inspected quarterly to determine whether the building and its accessory structures are vacant and closed to entry in conformance with the standards of this Code.

2. Quarterly inspections shall cease at the earliest of the following:

a. When the building is repaired pursuant to the requirements of this Code and reoccupied;

b. When the building is repaired pursuant to the requirements of this Code and has subsequently been subject to three (3) consecutive quarterly inspections without further violation; or

c. When the building and any accessory structures have been demolished.

3. A building or structure accessory thereto that remains vacant and open to entry after the closure date in a Director's Order or notice of violation is found and declared to be a public nuisance. The Director is hereby authorized to summarily close the building to unauthorized entry. The costs of closure shall be collected from the owner in the manner provided by law.

4. Quarterly inspection charges shall be assessed and collected as a fee under the Permit Fee Ordinance (SMC Chapters 22.901A—22.901T).

(Ord. 118396 § 171, 1996: Ord. 117861 § 3, 1995: Ord. 115671 § 18, 1991; Ord. 113545 § 5(part), 1987.)

22.206.210Removing posted notices.

Only the Director may remove or order the removal of any notice, complaint or order posted in accordance with this chapter prior to issuance of a certificate of compliance by the Director.

(Ord. 113545 § 5(part), 1987.)

Subchapter VII Enforcement

22.206.215Alternate materials and design.

A. The provisions of this Code are not intended to prevent the use of any material not specifically prescribed by this Code, provided any alternate has been approved and its use authorized by the Director. The Director may approve any such alternate provided he or she finds that it complies with the purpose and intent of this Code and is of at least equivalent suitability, strength, effectiveness, fire resistance, durability, safety and sanitation as that prescribed by this Code.

B. Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Director may grant modifications for individual cases, provided he or she first finds that a special individual reason makes compliance with the strict letter of this Code impractical and that the modification is in conformity with the intent and purpose of this Code and that such modification does not lessen any fire protection or safety requirements or any degree of structural integrity. The details of any action granting modifications shall be recorded and entered in the files of the Director.
(Ord. 115671 § 19, 1991.)

22.206.220Notice of violation.

A. The Director shall inspect any building or premises which the Director has reason to believe may not be in compliance with the standards and requirements of Sections 22.206.010 through 22.206.170, and Section 22.206.200 of this Code. If those standards and requirements have not been met, the Director shall serve a notice of violation on the owner and/or other person responsible for the violation pursuant to this section. The notice of violation shall:

1. Identify each violation of the standards and requirements of this Code and the corrective action necessary to bring the building and premises into compliance; and

2. Specify a time for compliance.

B. No notice of violation shall be issued as a result of an advisory inspection performed pursuant to Section 22.202.010 unless:

1. The building is in condominium or cooperative ownership;

2. The building is occupied by a tenant or tenants and violations of Section 22.206.130 or Section 22.206.140 are found.

C. After a notice of violation or order has been filed with the King County Department of Records and Elections pursuant to Section 22.206.220 J, a notice of violation or order for the same violation need not be served upon a new owner. If a new notice of violation is not issued and served upon a new owner, the Director shall grant the new owner the same number of days to comply with the notice of violation as was given the previous owner, in the notice of violation. The compliance period shall be the number of days between the date of issuance of the notice of violation and the date for compliance stated in the text of the notice. The compliance period for the new owner shall begin on the date that the conveyance is completed.

D. The notice shall be served upon the owner, tenant or other person responsible for the condition by personal service, registered mail, or certified mail with return receipt requested, at the person's last known address. If the address of the responsible person is unknown and cannot be found after a reasonable search, the notice may be served by publishing it once each week for two (2) consecutive weeks in the legal newspaper for the City, and by mailing to the person a copy of the notice or order by first class mail to the last known address, or if unknown, to the address of the property subject to the notice of violation and

by posting a copy of the notice in a conspicuous place on the property. If a notice of violation is directed to a tenant or other person responsible for the violation, a copy of the notice shall be sent to the owner of the property.

E. In addition, a copy of the notice or order may be posted at a conspicuous place on the property.

F. The Director may order that any other work in the building or on the premises be stopped until the violations in the notice have been corrected if, in the Director's opinion the continuation of other work will impair the owner's ability to comply with this Code in a timely manner.

G. Nothing herein shall hinder or limit in any manner the Director's authority or ability to bring an action pursuant to Chapter 22.208 to abate a nuisance, or to issue an emergency order pursuant to Section 22.206.260.

H. In addition to serving and posting the notice or order, the Director may mail or cause to be delivered to all housing and/or commercial rental units in the building a notice which informs each occupant of the notice of violation and the relevant requirements and procedures.

I. In calculating a time for compliance, the Director shall consider:

1. The type and degree of violations found;

2. Applicable time limits for correction of similar violations as provided in the State Landlord-Tenant Act, RCW Chapter 59.18;

3. The responsible party's demonstrated intent to repair, demolish, or vacate and close the building as evidenced by:

a. A signed construction contract with a licensed contractor to perform the required work by a specific date and for reasonable compensation,

b. Proof of the availability of financial resources to perform the required work with such funds placed in a segregated account to be used only for required repairs or a binding commitment from an established lending institution providing sufficient funds to complete the required repairs;

c. The filing of a complete application for a permit to perform the required work and evidence of payment of any required fees;

4. The procedural requirements for obtaining a permit to correct the violations;

5. The complexity of the repairs, seasonal considerations, construction requirements and the legal prerogatives of tenants; and

6. Circumstances beyond the control of the responsible person.

J. Unless a request for review by the Director is made in accordance with Section 22.206.230, a notice of violation shall be the decision of the Director. A copy of the notice of violation shall be filed with the King County Department of Records and Elections. The Director is not required to file a copy of the notice of violation if the notice is directed only to a tenant or tenants. (Ord. 115671 § 20, 1991; Ord. 113545 § 5(part), 1987.)

22.206.230Review by the Director.

A. Any party affected by a notice of violation issued by the Director pursuant to Section 22.206.220 may obtain a review of the notice by the Director by requesting such review in writing within ten (10) days after service of the notice. When the last day of the period so computed is a Saturday, Sunday, federal or City holiday, the period shall run until five (5:00) p.m. of the next business day. Upon receipt of a request the Director shall notify the person requesting the review, any persons served the notice of violation, and any person who has requested notice of the review, of the date, time and place of the Director's review. The review shall be not less than ten (10) nor more than twenty (20) days after the request is received, unless otherwise agreed by the person requesting the review. Any person affected by the notice of violation may submit any written material to the Director for consideration on or before the date of the review.

B. The review will consist of an informal review meeting held at the Department. A representative of the Director who is familiar with the case and the applicable ordinances will attend. The Director's representative shall explain the reasons for the issuance of the notice of violation and will consider any information presented by the persons attending. At or after the review, the Director shall:

1. Sustain the notice of violation; or
2. Withdraw the notice of violation; or
3. Continue the review to a future date; or
4. Amend the notice of violation; or
5. Grant a variance from the standards and requirements of Sections 22.206.010 through 22.206.200 if the Director determines that all of the following conditions or circumstances exist:

a. Because of unusual conditions applicable to the subject property, which were not created by the owner or applicant, the strict application of this Code would deprive the property owner of rights and privileges enjoyed by other similar properties; and

b. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon similar properties; and

c. The granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity; and

d. The literal interpretation and strict application of the applicable provisions or requirements of this Code would cause undue and unnecessary hardship; and

e. The requested variance would be consistent with the spirit and purpose of this Code.

C. The Director shall issue a decision within seven (7) working days after the conclusion of the review. The decision shall be served, posted and filed in the manner provided in Section 22.206.220. When the decision affects only a tenant or tenants, the Director is not required to file the decision with the King County Department of Records and Elections.

(Ord. 118441 § 3, 1996: Ord. 115877 § 2, 1991; Ord. 115671 § 21, 1991; Ord. 114834 § 3, 1989; Ord. 113545 § 5(part), 1987.)

22.206.240Extension of compliance date.

A. The Director may extend the compliance date if required repairs have been commenced and, in the Director's opinion, are progressing at a satisfactory rate. Extensions in excess of ninety (90) days may not be granted unless the need therefor is established in a Director's review.

B. Vacating and Closing of Historic Buildings or Structures. The compliance date for historic buildings and structures that are closed to entry pursuant to Section 22.206.200 of this Code, during the notice of violation compliance period, shall be extended for as long as the building or structure is maintained in compliance with the standards of Section 22.206.200 of this Code.

(Ord. 118441 § 4, 1996: Ord. 114834 § 4, 1989: Ord. 113545 § 5(part), 1987.)

22.206.250Compliance.

A. Compliance with a notice, order or decision shall be the responsibility of each person cited in the notice, order or decision. Whether cited or not, the owner of rental housing units shall always be responsible for compliance with the requirements of Sections 22.206.010 through 22.206.160 and with Sections 22.206.200 and 22.206.260 of this Code.

B. When the Director finds that the obligations imposed by a notice or order have been fulfilled in accordance with the standards established in Sections 22.206.010 through 22.206.200, the Director shall issue a certificate of compliance, certifying that, as of the date of issue, the violations cited in the notice, order or decision have been corrected.

C. Demolition and removal of the building within the period of time set for compliance and in compliance with the Housing Preservation Ordinance (SMC Chapter 22.210) shall constitute compliance with this Code.

D. On issuance of a certificate of compliance, the Director warrants only that the violations listed in the notice, order or decision have been corrected as required by this Code. The Director makes no representation concerning other conditions in buildings, or of any equipment therein that is not listed in the notice of violation and shall not be responsible for any injury, damage, death or other loss of any kind sustained by any person, organization or corporation arising out of any condition of the building, structure or equipment.

(Ord. 115671 § 22, 1991; Ord. 113545 § 5(part), 1987.)

22.206.260Emergency order.

A. Whenever the Director finds that any building, housing unit or premises is an imminent threat to the health or safety of the occupants or the public, an emergency order may be issued directing that the building, housing unit and/or premises be restored to a condition of safety and specifying the time for compliance. In the alternative, the order may require that the building, housing unit or premises be immediately vacated and closed to entry.

B. The emergency order shall be posted on the building, housing unit or premises, and shall be mailed by regular, first class mail to the last known address of the owners and, if applicable, to the occupants. All owners and occupants of such building, housing unit or premises are deemed to

have notice of any emergency order so posted and mailed.

C. It shall be unlawful for any person to fail to comply with an emergency order issued by the Director requiring that the building, housing unit and/or premises be restored to a condition of safety by a specified time.

D. It shall be unlawful for any person to use or occupy, or to cause or permit any person to use or occupy the building, housing unit or premises after the date provided in an emergency order requiring the building, housing unit and/or premises to be vacated and closed until the Director certifies that the conditions described in the emergency order have been corrected and the building, housing unit and/or premises have been restored to a safe condition.

E. Any building, housing unit or premises subject to an emergency order which is not repaired within the time specified in the order is found and declared to be a public nuisance which the Director is hereby authorized to abate summarily by such means and with such assistance as may be available to the Director, and the costs thereof shall be recovered by the Director in the manner provided by law.

F. Any tenant who is required to vacate and actually vacates a housing unit as a result of an emergency order shall be paid relocation assistance by the owner at the rate of Two Thousand Dollars ($2,000) for each tenant household with income during the past twelve (12) months at or below fifty (50) percent of the county median income and two (2) months' rent for each tenant household with income during the past twelve (12) months above fifty (50) percent of the county median income, provided all of the following conditions are met:

1. The emergency order requires the housing unit occupied by the tenant to be vacated and closed;

2. The conditions which create the emergency arise from circumstances within the control of the owner, including but not limited to conditions arising from failure to perform maintenance on the premises, affirmative acts of the owner, or termination of water or utility services provided by the owner;

3. The conditions which create the emergency do not arise from an act of God or from the affirmative actions of a person or persons beyond the control of the owner; and

4. The conditions which create the emergency are not caused solely by the actions of the tenant.

G. The owner is required to pay relocation assistance provided in subsection F no later than the deadline specified in the emergency order to vacate and close the building, housing unit or premises.

(Ord. 115671 § 23, 1991: Ord. 113545 § 5(part), 1987.)

22.206.270Violations.

A. Any failure to comply with a notice of violation, decision or order shall be a violation of this Code.

B. It shall be a violation of this Code for any person to obstruct, impede, or interfere with any attempt to (1) correct a violation, (2) comply with any notice of violation, decision, emergency order, or stop work order, (3) inspect a building or premises pursuant to the authority of an inspection warrant issued by any court, or (4) inspect a housing unit after consent to inspect is given by a tenant of the housing unit.

C. Any person who does not comply with an emergency order issued by the Director shall be in violation of this Code, regardless of intent, knowledge or mental state.

D. Any person who fails to pay relocation assistance required by Section 22.206.260 F shall be in violation of this Code.

(Ord. 116364 § 1, 1992: Ord. 116315 § 2, 1992; Ord. 115671 § 24, 1991: Ord. 113545 § 5(part), 1987.)

22.206.280Civil penalty.

A. In addition to any other sanction or remedial procedure which may be available, any person violating or failing to comply with any requirement of this Code shall be subject to a cumulative civil penalty in the amount of Fifteen Dollars ($15) per day for each housing unit in violation, and Fifteen Dollars ($15) per day for violations in the common area or on the premises surrounding the building or structure, from the date set for compliance until the person complies with the requirements of this Code.

B. Any person who does not comply with an emergency order issued by the Director pursuant to this SMC Chapter 22.206 shall be subject to a cumulative civil penalty in the amount of One Hundred Dollars ($100) per day from the date set for compliance until the Director certifies that the requirements of the emergency order are fully complied with.

C. Any owner who fails to pay relocation assistance as required by subsection F of Section 22.206.260 shall be subject to a cumulative civil penalty in the amount of One Hundred Dollars ($100) per day for each tenant who is entitled to receive but who does not receive the required relocation assistance from the day such payment is required by this Code until the required payments are made.

D. In addition to any other sanction or remedial procedure which may be available, any owner of housing units who violates Section 22.206.160 C6 shall be subject to a civil penalty of not more than Two Thousand Five Hundred Dollars ($2,500).

E. In addition to any other sanction or remedial procedure which may be available, anyone who obstructs, impedes, or interferes with an attempt to inspect a building or premises pursuant to the authority of an inspection warrant issued by any court or an attempt to inspect a housing unit after consent to inspect is given by a tenant of the housing unit shall be subject to a civil penalty of not more than One Thousand Dollars ($1000).

F. The Director shall notify the City Attorney in writing of the name of any person subject to the penalty. The City Attorney shall, with the assistance of the Director, take appropriate action to collect the penalty.

G. The violator may show, in mitigation of liability, that correction of the violation was commenced promptly upon receipt of notice, but that compliance within the time specified was prevented by an inability to obtain necessary materials or labor, inability to gain access to the subject building, or other condition or circumstance beyond the control of the violator, and upon a showing of the above described conditions, the court may enter judgment for less than the maximum penalty.

(Ord. 118441 § 5, 1996: Ord. 116315 § 3, 1992: Ord. 115877 § 3, 1991; Ord. 115671 § 25, 1991: Ord. 115671 § , 1991; Ord. 114834 § 5, 1989; Ord. 113545 § 5(part), 1987.)

22.206.290Criminal penalties.

A. Anyone who violates or fails to comply with the requirements of Sections 22.206.180 or 22.206.190 shall, upon conviction:

1. Be fined in a sum not exceeding Five Thousand Dollars ($5,000); and/or

2. Be imprisoned for a term not exceeding one (1) year.

B. A fine not to exceed One Thousand Dollars ($1,000) per violation and/or a term of imprisonment not exceeding thirty (30) days may be imposed:

1. For violations of Section 22.206.210;

2. For violations of Section 22.206.260, where the person charged has had a civil judgment under Section 22.206.280 or any of its predecessors rendered against him or her during the past five (5) years;

3. For any pattern of wilful, intentional, or bad-faith failure or refusal to comply with the standards or requirements of this Code.

C. Each day that anyone shall continue to violate or fail to comply with any of the foregoing provisions shall be considered a separate offense.

(Ord. 115671 § 26, 1991; Ord. 113545 § 5(part), 1987.)

22.206.300Receivership and other equitable remedies.

A. The Director may seek legal or equitable relief in Superior Court to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of this Code when civil or criminal penalties are inadequate to effect compliance.

B. The Director, or three (3) or more tenants in the subject building, unless the building has less than three (3) tenants, in which case, all tenants, may seek to have a receiver appointed in Superior Court to take possession of and manage a property when it appears that the owner or other person responsible for the management of the property has failed to comply with the responsibilities imposed by this Code, the property is unfit for human habitation, or otherwise constitutes a menace or hazard to the safety or health of the occupants or to the public in the judgment of the Court.

C. The receiver shall have the authority, under control of the Court, to take and keep possession of the property, to lease the property, receive rents, collect debts, make expenditures for repairs, enter into contracts and generally perform such acts respecting the property as the Court may authorize, and for such term certain as the Court may require.

D. The City may not be eligible to be designated as a receiver.

(Ord. 113545 § 5(part), 1987.)

22.206.310Abatement of nuisances.

Any building or structure, or the premises on which the building or structure is located, in which violations of this chapter remain uncorrected after a civil penalty has been imposed pursuant to SMC Section 22.206.280 and which violations create a fire hazard or a menace to the public health, safety or welfare of the public, are hereby declared public nuisances and may be abated. Upon initiation by the Director and upon a finding by resolution of the City Council after public hearing that a particular building, structure or premises is a public nuisance, the Director is authorized to go onto private property to abate such a nuisance and to utilize such funds as may be available for the costs of performing the abatement. The costs of the abatement shall be collected from the owner and/or other person responsible for the condition in such manner as may be provided by law.

(Ord. 113545 § 5(part), 1987.)

Chapter 22.207

CITATION—HEARINGS—PENALTIES

Sections:

22.207.002Scope.

A. Violations of the following provisions of Seattle Municipal Code Chapter 22 shall be enforced under the citation or criminal provisions set forth in this Chapter 22.207:

1. Minimum Fire and Safety Standards (Section 22.206.130); and

2. Minimum Security Standards (Section 22.206.140).

B. Any enforcement action or proceeding pursuant to this Chapter 22.207 shall not affect, limit or preclude any previous, pending or subsequent enforcement action or proceeding taken pursuant to Chapter 22.206.

(Ord. 119509 § 2, 1999.)

22.207.004Citation.

A. Citation. If after investigation the Director determines that the standards or requirements of provisions referenced in Section 22.207.002 have been violated, the Director may issue a citation to the owner and/or other person or entity responsible for the violation. The citation shall include the following information: (1) the name and address of the person to whom the citation is issued; (2) a reasonable description of the location of the property on which the violation occurred; (3) a separate statement of each standard or requirement violated; (4) the date of the violation; (5) a statement that the person cited must respond to the citation within eighteen (18) days after service; (6) a space for entry of the applicable penalty; (7) a statement that a response must be received at the Office of Hearing Examiner not later than five p.m. on the date the response is due; (8) the name, address and phone number of the Office of Hearing Examiner where the citation is to be filed; (9) a statement that the citation represents a determination that a violation has been committed by the person named in the citation and that the determination shall be final unless contested as provided in this chapter; and (10) a certified statement of the inspector issuing the citation, authorized by RCW 9A72.085, setting forth facts supporting issuance of the citation.

B. Service. The citation may be served by personal service in the manner set forth in RCW 4.28.080 for service of a summons or sent by first class mail, addressed to the last known address of such person(s). Service shall be complete at the time of personal service, or if mailed, on the date of mailing. If a citation sent by first class mail is returned as undeliverable, service may be made by posting the citation at a conspicuous place on the property.

(Ord. 119896 § 1, 2000: Ord. 119509 § 3, 1999.)

22.207.006Response to citations.

A. A person must respond to a citation in one (1) of the following ways:

1. Paying the amount of the monetary penalty specified in the citation, in which case the record shall show a finding that the person cited committed the violation; or

2. Requesting in writing a mitigation hearing to explain the circumstances surrounding the commission of the violation and providing a mailing address to which notice of such hearing may be sent; or

3. Requesting a contested hearing in writing specifying the reason why the cited violation did not occur or why the person cited is not responsible for the violation, and providing a mailing address to which notice of such hearing may be sent.

B. A response to a citation must be received by the Office of the Hearing Examiner no later than eighteen (18) days after the date the citation is served. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until five p.m. on the next business day.

(Ord. 119896 § 2, 2000: Ord. 119509 § 4, 1999.)

22.207.008Failure to respond.

If a person fails to respond to a citation within fifteen (15) days of service, an order shall be entered by the Hearing Examiner finding that the person cited committed the violation stated in the citation, and assessing the penalty specified in the citation.

(Ord. 119509 § 5, 1999.)

22.207.010Mitigation hearings.

A. Date and Notice. If a person requests a mitigation hearing, the mitigation hearing shall be held within thirty (30) days after written response to the citation requesting such hearing is received by the Hearing Examiner. Notice of the time, place, and date of the hearing will be sent by first class mail to the address provided in the request for hearing not less than ten (10) days prior to the date of the hearing.

B. Procedure at Hearing. The Hearing Examiner shall hold an informal hearing, which shall not be governed by the Rules of Evidence. The person cited may present witnesses, but witnesses may not be compelled to attend. A representative from DCLU may also be present and may present additional information, but attendance by a representative from DCLU is not required.

C. Disposition. The Hearing Examiner shall determine whether the person's explanation justifies reduction of the monetary penalty; however, the monetary penalty may not be reduced unless DCLU affirms or certifies that the violation has been corrected prior to the mitigation hearing. Factors that may be considered in whether to reduce the penalty include whether the violation was caused by the act, neglect, or abuse of another; or whether correction of the violation was commenced promptly prior to citation but that full compliance was prevented by a condition or circumstance beyond the control of the person cited.

D. Entry of Order. After hearing the explanation of the person cited and any other information presented at the hearing, the Hearing Examiner shall enter an order finding that the person cited committed the violation and assessing a monetary penalty in an amount determined pursuant to this section. The Hearing Examiner's decision is the final decision of the City on this matter.

(Ord. 119896 § 3, 2000: Ord. 119509 § 6, 1999.)

22.207.012Contested case hearing.

A. Date and Notice. If a person requests a contested case hearing, the hearing shall be held within sixty (60) days after the written response to the citation requesting such hearing is received.

B. Hearing. Contested case hearings shall be conducted pursuant to the procedures for hearing contested cases contained in Section 3.02.090 and the rules adopted by the Hearing Examiner for hearing contested cases, except as modified by this section. The issues heard at the hearing shall be limited to those raised in writing in the response to the citation and that are within the jurisdiction of the Hearing Examiner. The Hearing Examiner may issue subpoenas for the attendance of witnesses and the production of documents.

C. Sufficiency. No citation shall be deemed insufficient for failure to contain a detailed statement of the facts constituting the specific violation which the person cited is alleged to have committed or by reason of defects or imperfections, provided such lack of detail, or defects or imperfections do not prejudice substantial rights of the person cited.

D. Amendment of Citation. A citation may be amended prior to the conclusion of the hearing to conform to the evidence presented if substantial rights of the person cited are not thereby prejudiced.

E. Evidence at Hearing. The certified statement or declaration authorized by RCW 9A.72.085 submitted by an inspector shall be prima facie evidence that a violation occurred and that the person cited is responsible. The certified statement or declaration of the inspector authorized under RCW 9A.72.085 and any other evidence accompanying the report shall be admissible without further evidentiary foundation. Any certifications or declarations authorized under RCW 9A.72.085 shall also be admissible without further evidentiary foundation. The person cited may rebut the DCLU evidence and establish that the cited violation(s) did not occur or that the person contesting the citation is not responsible for the violation.

F. Disposition. If the citation is sustained at the hearing, the Hearing Examiner shall enter an order finding that the person cited committed the violation. If the violation remains uncorrected, the Hearing Examiner shall impose the applicable penalty. The Hearing Examiner may reduce the monetary penalty in accordance with the mitigation provisions in Section 22.207.010 if the violation has been corrected. If the Hearing Examiner determines that the violation did not occur, the Hearing Examiner shall enter an order dismissing the citation.

G. Appeal. The Hearing Examiner's decision is the final decision of the City. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision in accordance with RCW 36.70C.040.

(Ord. 119896 § 4, 2000: Ord. 119509 § 7, 1999.)

22.207.014Failure to appear for hearing.

Failure to appear for a requested hearing will result in an order being entered finding that the person cited committed the violation stated in the citation and assessing the penalty specified in the citation. For good cause shown and upon terms the Hearing Examiner deems just, the Hearing Examiner may set aside an order entered upon a failure to appear.
(Ord. 119509 § 8, 1999.)

22.207.016Penalties.

A. First Violation. The first time that a person or entity is found to have violated one of the provisions referenced in Section 22.207.002 after the effective date of the ordinance codified in this chapter,[1] the person or entity shall be subject to a penalty of One Hundred Fifty Dollars ($150).

B. Second and Subsequent Violations. Any subsequent time that a person or entity is found to have violated one (1) of the provisions referenced in Section 22.207.002 within a five (5) year period after the first violation, the person or entity shall be subject to a penalty of Five Hundred Dollars ($500) for each such violation.
(Ord. 119509 § 9, 1999.)

1.Editor's Note: Ordinance 119509, which enacted Chapter 22.207, is effective on July 29, 1999.

22.207.018Alternative criminal penalty.

Any person who violates or fails to comply with any of the provisions referenced in Section 22.207.002 shall be guilty of a misdemeanor subject to the provisions of Chapters 12A.02 and 12A.04, except that absolute liability shall be imposed for such a violation or failure to comply and none of the mental states described in Section 12A.04.030 need be proved. The Director may request the City Attorney to prosecute such violations criminally as an alternative to the citation procedure outlined in this chapter.
(Ord. 119509 § 10, 1999.)

22.207.020Abatement.

Any property on which there continues to be a violation of any of the provisions referenced in Section 22.207.002 after enforcement action taken pursuant to this chapter is hereby declared a nuisance and subject to abatement by the City in the manner authorized by law.
(Ord. 119509 § 11, 1999.)

22.207.022Collection of judgments.

If the person cited fails to pay a penalty imposed pursuant to this chapter, the penalty may be referred to a collection agency. The cost to the City for the collection services will be assessed as costs, at the rate agreed to between the City and the collection agency, and added to the judgment. Alternatively, the City may pursue collection in any other manner allowed by law.
(Ord. 119509 § 12, 1999.)

22.207.024Each day a separate violation.

Each day a person or entity violates or fails to comply with a provision referenced in Section 22.207.002 may be considered a separate violation for which a citation may be issued.
(Ord. 119509 § 13, 1999.)

22.207.026Additional relief.

The Director may seek legal or equitable relief at any time to enjoin any acts or practices that violate the provisions referenced in Section 22.207.002 or abate any condition that constitutes a nuisance.
(Ord. 119509 § 14, 1999.)

Chapter 22.208
BUILDINGS UNFIT FOR HUMAN HABITATION OR OTHER USE

Sections:

22.208.010 Conditions for declaring a building or premises unfit for human habitation or other use.

Any building, structure, or the premises or portions thereof, in or on which any of the following conditions exist to the extent that the health or safety of the occupants, of the occupants of neighboring buildings or structures, or the public is endangered, is declared to be unfit for human habitation or other use:

A. Structural members that are of insufficient size or strength to safely carry imposed loads, including, but not limited to, the following:

1. Footings or foundations that are weakened, damaged, decayed, deteriorated, insecure or missing,

2. Flooring or floor supports that are damaged, defective, deteriorated, decayed or missing,

3. Walls or partitions that are split or that lean, are decayed, buckled, damaged or missing,

4. Vertical or lateral supports that are damaged, defective, deteriorated, loose, decayed or missing,

5. Ceilings or roofs or their supports that sag, buckle, or are split, decayed or missing, and

6. Fireplaces or chimneys that bulge, settle, or have masonry or mortar which is loose, broken, or missing;

B. Inadequate protection to the extent that occupants are exposed to the weather, including but not limited to the following:

1. Crumbling, broken, loose, or missing interior wall or ceiling covering,

2. Broken or missing doors, windows, door frames or window sashes,

3. Ineffective or inadequate waterproofing of foundations or floors, and

4. Deteriorated, buckled, broken, decayed or missing exterior wall or roof covering;

C. Inadequate sanitation to the extent that occupants or the general public are directly exposed to the risk of illness or injury, including but not limited to:

1. Lack of, or inadequate number of toilets, lavatories, bathtubs, showers, or kitchen sinks,

2. Defective or unsanitary plumbing or plumbing fixtures,

3. Lack of running water connections to plumbing fixtures or lack of an approved water service,

4. Defective or unsanitary kitchen countertops or cabinets,

5. Lack of connection to an approved sewage disposal system,

6. Inadequate drainage,

7. Infestation by insects, vermin, rodents, or other pests, and

8. Accumulation of garbage and rubbish;

D. Inadequate light, heat, ventilation, or defective equipment, including but not limited to:

1. Defective, deteriorated, hazardous, inadequate or missing electrical wiring, electrical service, or electrical equipment, and

2. Defective, hazardous, or improperly installed ventilating equipment or systems,

3. Lack of an approved, permanently installed, functioning heating facility and an approved power or fuel supply system that is capable of maintaining an average room temperature of at least sixty-five degrees Fahrenheit (65° F.), measured at a point three feet (3′) above the floor in all habitable rooms, baths, and toilet rooms, when the outside temperature is twenty-four degrees Fahrenheit (24° F.) or higher. When the outside temperature is less than twenty-four degrees Fahrenheit (24°F.), the heating facilities must be capable of maintaining an average room temperature of at least fifty-eight degrees Fahrenheit (58° F.), measured at a point three feet (3′) above the floor, in all habitable rooms, baths, and toilet rooms;

E. Defective or inadequate exits, including, but not limited to exits that are unsafe, improperly located, or less than the required minimum number or dimensions as defined by Section 22.206.130;

F. Conditions that create a health, fire or safety hazard, including, but not limited to:

1. Accumulation of junk, debris, or combustible materials,

2. Any building or device, apparatus, equipment, waste, vegetation, or other material in such condition as to cause a fire or explosion or to provide a ready fuel to augment the spread or intensity of fire or explosion, and

3. To the extent that it endangers or may endanger the occupants of the building, the occupants of neighboring buildings or the public, the presence of friable asbestos or the storage of toxic or hazardous materials.

(Ord. 117861 § 4, 1995: Ord. 116420 § 1, 1992: Ord. 113545 § 6(part), 1987.)

22.208.020 Standards for demolition, repair or vacation and closure.

A. Whenever the Director determines, pursuant to the procedures established in Section 22.208.030 of this Code, that all or any portion of a building and/or premises is unfit for human habitation or other use, the Director shall order that the unfit building and/or premises or portion thereof be:

1. Repaired, or demolished and removed, if the estimated cost of repairing the conditions causing the building or structure to be unsafe or unfit for human habitation or other use exceeds fifty percent (50%) of the replacement value of a building or structure of similar size, design, type and quality, provided that the Director may order a building or structure, for which the estimated cost of such repairs do not exceed fifty percent (50%) of such replacement value, to be repaired, or demolished and removed, if the degree of structural deterioration is as described in 22.208.010 A, D or E, and the owner has failed three (3) or more times in the last five (5) years to correct the conditions by compliance dates as ordered by the Director;

2. Repaired, and/or vacated and closed pursuant to Section 22.206.200 of this Code, if the estimated cost of repairing the conditions causing the building or structure to be unsafe or unfit for human habitation or other use does not exceed fifty percent (50%) of the replacement value of a building or structure of similar size, design, type and quality; or

3. Corrected or improved as specified in the Order of the Director as to the conditions that

caused the premises other than buildings and structures to be unfit.

Nothing in this section shall limit the authority of the City to condemn and resell property pursuant to RCW 35.80A.

B. In estimating the replacement value of an unfit building or structure, the Director shall use the Square Foot Cost Estimating Method set forth in the "Residential Cost Handbook," Marshall and Swift, latest available edition, or a cost estimating publication that the Director deems comparable.

C. In estimating the cost of repairs, the Director shall apply the following standards:

1. Only the conditions causing the building, structure or portion thereof to be unfit for human habitation or other use shall be included in the cost estimate;

2. All repair costs shall be based on estimates calculated from the "Home-Tech Remodeling and Renovation Cost Estimator," latest available edition, or a cost estimating publication that the Director deems comparable;

3. Repair estimates shall assume that all work will comply with the requirements of the current Building, Mechanical, Electrical, Plumbing, Energy, and Fire Codes in effect in The City of Seattle;

4. If the extent of damage to a portion of a building or structure cannot be ascertained from visual inspection, the Director shall assume that the relative extent of damage or deterioration identified in the observable portion of the building exists in the unobserved portions; and

5. Cost estimates for replacing or repairing the building, structure or portion thereof shall include the same type and quality of materials as originally used in the structure. If the building or structure is so damaged that the original materials cannot be determined, repair costs shall be estimated using the materials identified under the applicable building quality classification in the Square Foot Cost Estimating Method in the "Residential Cost Handbook" by Marshall and Swift.

D. If the Director finds that any of the following conditions exist, the Director shall order that such conditions be eliminated and that the building be closed within a time specified:

1. The condition or conditions which cause the building or premises to be unsafe or unfit for human habitation create a hazard to the public health, safety, or welfare that would exist even if the building were vacated and closed to entry; or

2. Building appendages, as defined in Seattle Building Code Section 3402.2,[1] are in a deteriorated condition or are otherwise unable to sustain the design loads specified; or

3. Part of the building or premises or equipment intended to assist in extinguishing a fire, to prevent the origin or spread of fire, or to

safeguard life or property from fire is in an unsafe or unusable condition.
(Ord. 117861 § 5, 1995: Ord. 116420 § 2, 1992: Ord. 113545 § 6(part), 1987.)

1.Editor's Note: The Building Code is codified in Subtitle I of this Title.

22.208.030Investigation, notice and hearing.

A. The Director may investigate any building or premises which the Director believes to be unfit for human habitation or other use. If the investigation reveals conditions that make the building or premises unfit for human habitation or other use, the Director shall:

1. Issue a complaint stating the conditions that make the building or premises unfit for human habitation or other use; and

2. Serve the complaint by personal service, registered mail, or certified mail with return receipt requested, upon all persons who appear on a litigation guarantee from a licensed title insurance company as having any ownership interest in the building or premises; and

3. Post the complaint in a place on the property conspicuous to persons entering the structure and if practical conspicuous from an abutting public right-of-way.

B. No complaint shall be issued if a permit has been issued for all repairs, alterations, and improvements required to make the building or premises fit for human habitation or other use, and the repair work, in the Director's opinion, is progressing at a satisfactory rate.

C. If the address of the persons appearing on the litigation guarantee identified in subparagraph A cannot be ascertained by the Director after a reasonable search, then the Director shall make affidavit to that effect, and the complaint shall be served either by personal service or by mailing a copy of the complaint by certified mail, postage prepaid, return receipt requested, to the address appearing on the last equalized tax assessment roll of the County Assessor and to any other address known to the County Assessor. A copy of the complaint shall also be mailed to each person whose address cannot be ascertained, to the address of the building or premises involved in the proceedings. In addition to serving and posting the complaint, the Director shall mail or cause to be delivered to all housing and commercial rental units in the building or on the premises a copy of the complaint.

D. The complaint shall state that a hearing will be held before the Director at a specified time and place, not less than ten (10) days nor more than thirty (30) days after service of the complaint; and that all persons having any interest therein shall have the right to file an answer to the complaint, and to appear in person or by representative and to give testimony at the time and place fixed in the complaint. At the hearing, the Director shall have the authority to administer oaths and affirmations, examine witnesses and receive evidence. The rules of evidence shall not apply in hearings before the Director.

E. A copy of the complaint shall be filed with the King County Department of Records and Elections.
(Ord. 117861 § 6, 1995: Ord. 116420 § 3, 1992: Ord. 113545 § 6(part), 1987.)

22.208.040Determination and order of Director after hearing.

A. If, after the hearing provided for in Section 22.208.030, the Director determines that a building or premises is unfit for human habitation or other use pursuant to Section 22.208.010, the Director shall further determine, using the standards set forth in Section 22.208.020, whether the building should be:

1. Repaired, altered or improved;
2. Vacated and closed; or
3. Demolished and removed, and/or

whether the premises and the conditions that cause it to be unfit should be corrected or improved. The Director shall issue a written order requiring that the building or premises be made fit for human habitation or other use. The order shall state the facts in support of the decision and a specific date for correction. The Director shall serve the order upon all parties served with a copy of the complaint, in the manner provided in Section 22.208.030. The order shall require that:

1. The building be:
   a. Vacated and closed; and/or either
   b. Repaired, altered or improved, or
   c. Demolished and removed, and/or
2. The premises and the conditions that cause it to be unfit should be corrected and improved.

B. 1. If a building is to be demolished and removed by the owner or other parties in interest they shall obtain an asbestos survey and make the same available to the Director.

2. If an owner fails to comply with an order and the Director elects to demolish and remove a building pursuant to Section 22.208.100 the owner shall either obtain an asbestos survey and make the same available to the Director or allow the Director access to the structure so that the Director may obtain an asbestos survey.

C. When calculating the time for compliance under subsection A, the Director shall consider:

1. The type of hazard, the nature and immediacy of the threat to the public health and safety, and the blight created by the conditions of the premises;

2. A demonstrated intent by a responsible party to repair, demolish or vacate and close the building or to correct or improve the condition of the premises by:

a. Entering into a contract with a licensed contractor to perform the required work within a specific time and for a reasonable compensation,

b. Depositing cash in a segregated account in an amount sufficient to complete the required repairs,

c. Securing a loan from an established lending institution that will provide sufficient funds to complete the required repairs, or

d. Securing a permit to perform the required work and paying the required permit fees;

3. The length of time required to obtain permits needed to complete the repairs;

4. The complexity of the repairs, seasonal considerations, construction requirements and the legal rights of tenants; and

5. Circumstances beyond the control of the responsible person.

D. If no appeal is filed, a copy of the order shall be filed with the King County Department of Records and Elections.

(Ord. 117861 § 7, 1995: Ord. 116420 § 4, 1992: Ord. 113545 § 6(part), 1987.)

22.208.050Appeal from order of Director.

A. Any party affected by any order of the Director under this chapter shall have the right to appeal the order of the Director to the Hearing Examiner. Notice of the right to appeal shall be posted in a place on the property conspicuous to persons entering the structure and if practical conspicuous from an abutting public right-of-way.

B. The appeal shall:

1. Be filed with the Hearing Examiner no more than ten (10) days after service of the Director's order;

2. Be in writing and state clearly and concisely the specific objections to the Director's order;

3. State the ownership or other interest that each appellant has in the building, premises, or portion thereof involved in the order of the Director;

4. State briefly the remedy sought; and

5. Include the signatures of all appellants and their mailing addresses.

C. The Hearing Examiner shall set a date for the hearing and provide no less than twenty (20) days' written notice of the hearing to the parties. Notice of the appeal and hearing shall be posted in a place on the property conspicuous to persons entering the structure and if practical conspicuous from an abutting public right-of-way.

D. The appeal hearing shall be conducted pursuant to the contested case provisions of the Administrative Code, SMC Chapter 3.02. The Hearing Examiner is authorized to promulgate procedural rules for the appeal hearing pursuant to the Administrative Code.

E. The appeal hearing shall be de novo. The Director's decision shall be affirmed unless the Hearing Examiner finds such decision to be arbitrary and capricious.

F. The Hearing Examiner shall have the authority to affirm, modify, or reverse the order of the Director, or remand the case to the Director for further proceedings. The Hearing Examiner shall summarily dismiss an appeal which is determined on its face to be without merit, frivolous, or brought merely for the purpose of delay.

G. Within fourteen (14) days after the hearing the Hearing Examiner shall issue a written decision containing findings of fact and conclusions and shall mail copies of the decision to the parties of record. The decision of the Hearing Examiner shall be the final decision of the City and shall have the same effect as a decision of the Director issued pursuant to Section 22.206.230. The decision and order of the Hearing Examiner shall be filed by the Director with the King County Department of Records and Elections.
(Ord. 117861 § 8, 1995: Ord. 113545 § 6(part), 1987.)

22.208.060 Petition to Superior Court.

Any person who has standing to file a land use petition in the Superior Court of King County may file such a petition within twenty-one (21) days of issuance of the Hearing Examiner's decision pursuant to Section 22.208.050, as provided by Section 705 of Chapter 347 of the Laws of 1995.
(Ord. 117789 § 1, 1995: Ord. 113545 § 6(part), 1987.)

22.208.070 Extension of compliance date.

An extension of time for compliance with an order may be granted by the Director upon receipt of a written request filed with the Director by any party affected by the order not later than seven (7) days prior to the date set for compliance in the order. Any extension granted shall be in writing, and shall be posted in a place on the property conspicuous to persons entering the structure and if practical conspicuous from an abutting public right-of-way. Extensions shall not be subject to appeal. The Director may, without a written request, grant an extension of time if in the Director's opinion such an extension is warranted.
(Ord. 117861 § 9, 1995: Ord. 113545 § 6(part), 1987.)

22.208.080 Certificate of compliance.

A. Compliance with an order issued pursuant to this Chapter 22.208 shall be the responsibility of each person named as a responsible party in the order. An owner or responsible party shall request a reinspection from the Director following correction of the conditions set forth in the order. If the Director finds that the repairs, alterations, corrections or other actions required by the order have been performed in compliance with the standards in this Code, the Director shall issue a certificate of compliance certifying that, as of the date it is issued, the violations cited in the order have been corrected.

B. On issuance of a certificate of compliance, the Director certifies only that the violations listed in the complaint, order or decision have been corrected as required by this Code. The Director makes no representation concerning other conditions in the building or any equipment therein, or of the premises, that is not listed in the complaint, order or decision. The Director shall not be responsible for any injury, damage, death or other loss of any kind sustained by any person, organization, or corporation arising out of any condition of the building, structure, equipment, or premises.
(Ord. 117861 § 10, 1995: Ord. 116420 § 5, 1992: Ord. 113545 § 6(part), 1987.)

22.208.090 Reinspection of vacant buildings.

When a building is vacant and has been closed to entry pursuant to an order of the Director issued pursuant to this chapter, the Director shall reinspect the building quarterly pursuant to Section 22.206.200 F to verify that the building and structures accessory to the building remain vacant and closed to entry and meet the minimum standards for vacant buildings set forth in this Code, and to determine the extent to which the building has deteriorated. The owner shall be charged an inspection fee for the quarterly inspections. Quarterly inspection charges shall be assessed and collected as a fee under the Permit Fee Ordinance (SMC Chapters 22.901A—22.901T)).
(Ord. 117861 § 11, 1995: Ord. 116420 § 6, 1992: Ord. 113545 § 6(part), 1987.)

22.208.100 Enforcement of the order of the Director.

A. If the person served with an order fails to comply with the order, the Director, by such means and with such assistance as may be available, is hereby authorized and directed to cause the building to be:

1. Repaired, altered or improved; or
2. Vacated and closed; or
3. Demolished and removed; or
4. To cause the premises and the conditions that cause it to be unfit to be corrected or improved, and the costs thereof shall be recovered by the City in the manner provided in Section 22.208.110.

B. If an owner fails to comply with an order and the Director elects to demolish and remove a building pursuant to subsection A, the owner shall either obtain an asbestos survey and make the same available to the Director, or allow the Director access to the building so that the Director may obtain an asbestos survey.

(Ord. 117861 § 12, 1995: Ord. 116420 § 7, 1992: Ord. 113545 § 6(part), 1987.)

22.208.110 Recovery of costs.

A. If the costs incurred by the Director pursuant to Section 22.208.100 for repairs, alterations or improvements, or of vacating and closing, or of demolition and removal are not paid after a written demand upon the owner and other persons named as responsible parties in the complaint, such costs shall be assessed against the property for which the costs were incurred in the manner provided below.

B. If the building is removed or demolished by the Director, the Director shall, if possible, sell the salvageable materials from the building and shall apply the proceeds of the sale to the reimbursement of the costs of demolition and removal. Any funds remaining shall be paid to the owner.

C. After notice to the owner and other persons with an ownership interest as shown on the litigation guarantee that all or a portion of the costs have not been paid, the Director shall notify the City Finance Director of the amount due and owing, and upon receipt of the notification the City Finance Director shall certify the amount to the King County Financial Management Office for assessment.

D. Upon certification by the City Finance Director of the amount due and owing, the Director of the King County Financial Management Office or designee shall enter the amount of the assessment upon the tax rolls against the real property for the current year to be collected at the same time as the general taxes and with interest at the rates and in the manner provided in RCW 84.56.020 for delinquent taxes. When collected, it shall be deposited in the General Fund of the City and credited to the Housing and Abatement Account provided in Section 22.202.050.

E. The assessment shall constitute a lien against the property which shall be of equal rank with state, county and municipal taxes.

(Ord. 117861 § 13, 1995: Ord. 117242 § 25, 1994; Ord. 116420 § 8, 1992: Ord. 116368 § 293, 1992; Ord. 113545 § 6(part), 1987.)

22.208.120 Occupying or renting building or premises unfit for habitation—Termination of utilities.

A. No one shall use, occupy, rent or cause, suffer, or allow another to use, occupy, or rent any building or premises found to be unfit for human habitation or other use from and after the date specified in a Director's order to repair, alter, or improve, vacate and close, or demolish and remove a building or correct or improve the condition of the premises until the Director has certified that the building or premises is fit for human habitation or other use.

B. The Director may, by written notice directed to the owner and to the Director of Seattle Public Utilities, Superintendent of City Light, or to the Washington Natural Gas Co., request that service of water, electricity or gas to the building or premises be terminated or disconnected on or before a specified date. Upon receipt of such notice the Director of Seattle Public Utilities, Superintendent of City Light, or the Washington Natural Gas Co. is authorized to terminate or disconnect the service, and to restore the service upon the issuance by the Director of a certificate of compliance in accordance with Section 22.208.080, or upon written notification by the Director that water, electricity or gas service should be restored.

C. It is unlawful for anyone other than the Director of Seattle Public Utilities, Superinten-

dent of City Light, or the Washington Natural Gas Co., or their authorized representatives, to restore any water, electricity, or gas service that has been terminated or disconnected by notice from the Director.
(Ord. 118396 § 172, 1996: Ord. 116420 § 9, 1992: Ord. 113545 § 6(part), 1987.)

22.208.130Removing posted notices.

Only the Director may remove any notice, complaint or order posted in accordance with this chapter prior to issuance of a certificate of compliance.
(Ord. 113545 § 6(part), 1987.)

22.208.140Violations.

A. Any failure or refusal to obey an order of the Director or Hearing Examiner or any failure to comply with the requirements or standards of this Code shall be a violation of this Code.

B. It shall be a violation of this Code for any person to obstruct, impede or interfere with any attempt to correct any violation, or attempt to comply with an order of the Director issued pursuant to this Chapter 22.208.
(Ord. 113545 § 6(part), 1987.)

22.208.150Civil penalties.

A. Any person failing to comply with an order issued by the Director or Hearing Examiner pursuant to this Chapter shall be subject to a cumulative civil penalty in an amount not to exceed Five Hundred Dollars ($500) per day from the date set for compliance until the owner or a responsible party requests a reinspection and the Director verifies following reinspection that the property is in compliance.

B. Any person violating Section 22.208.130 shall be subject to a civil penalty in the amount of Five Hundred Dollars ($500).

C. The Director shall notify the City Attorney in writing of the name of any person subject to a penalty. The City Attorney shall, with the assistance of the Director, take appropriate action to collect the penalty.

D. Once a civil penalty has been established by judgment, and that judgment certified to Superior Court, the judgment may be satisfied, if approved by the Director and at the discretion of the Director, by payment of one-third (⅓) of the total judgment accompanied by an agreement by which the property is permitted to be used for a period of up to three (3) years for a City approved program for job training or temporary housing purposes, that results in correction of the violation. This provision shall not be construed to limit or otherwise affect the authority of the Director or City Attorney to negotiate a satisfaction of judgments on other terms as dictated by the circumstances.
(Ord. 117861 § 14, 1995: Ord. 113545 § 6(part), 1987.)

22.208.160Criminal penalties.

A. Anyone who violates or fails to comply with any of the requirements of this Chapter 22.208 and who within the previous five (5) years has had a civil penalty assessed against him or her pursuant to Section 22.208.150 of this Code shall, upon conviction, be fined a sum not exceeding Five Thousand Dollars ($5,000) or imprisoned for a term not exceeding one (1) year, or both. Each day that anyone violates or fails to comply with any of the foregoing provisions shall be a separate offense.

B. A fine, not exceeding Five Thousand Dollars ($5,000) per violation and/or a term of imprisonment not exceeding one (1) year may be imposed for any wilful, intentional, or bad faith failure or refusal to comply with the standards or requirements of this chapter.
(Ord. 117861 § 15, 1995: Ord. 113545 § 6(part), 1987.)

Chapter 22.210
TENANT RELOCATION ASSISTANCE

Sections:

Effective Date. The requirements of this ordinance shall apply to any dwelling unit from which a tenant is displaced after the effective date of this ordinance because of the demolition, change of use, substantial rehabilitation or the removal of use restrictions from any dwelling unit after July 1, 1990.
(Ord. 115141 § 2, 1990.)

Severability. If any provision of this ordinance or its application to any person or circumstance is declared illegal, the remainder of the ordinance or its application to other persons or circumstances shall not be affected thereby.
(Ord. 115141 § 5, 1990.)

Cases: An earlier version of the Housing Preservation Ordinance was held to be unconstitutional. **San Telmo Associates v. Seattle**, 108 Wn.2d 20, 735 P.2d 673 (1987); **R/L Associates v. Seattle**, 113 Wn.2d 402, 780 P.2d 838 (1989). Followup actions for damages or refunds under 42 U.S.C. §1983 are **Sintra v. Seattle**, 119 Wn.2d 1, 829 P.2d 765 (1992), and **Robinson v. Seattle**, 119 Wn.2d 34, 830 P.2d 318 (1992).

The exemption of the Washington State Trade and Convention Center from certain housing replacement requirements under an earlier version of the ordinance was valid. **Convention Center Coalition v. Seattle**, 107 Wn.2d 370, 730 P.2d 636 (1986).

Editor's Note: **Transition reimbursement rule**. Any tenant who 1) was determined eligible for relocation assistance before the effective date of Ordinance 117094, 2) has otherwise complied with the requirements of Ordinance 117094, and 3) has received or will receive only the City of Seattle's share of relocation assistance, One Thousand Seventy-one Dollars ($1,071.00), because of the suspension of the owner payment requirement, shall be entitled to reimbursement from the City of Seattle for any actual relocation costs incurred that exceed One Thousand Seventy-one Dollars ($1,071.00). Provided, that the total relocation assistance (including what the City previously paid) may not exceed Two Thousand One Hundred Forty-two Dollars ($2,142.00), that reimbursements shall be based only on actual documented expenses, that reimbursements shall not be paid until final settlement of all claims or lawsuits or potential claims or lawsuits that the tenant has against the City or its officers or employees in connection with the application of SMC Chapter 22.210 to such relocation, and that reimbursements shall be reduced by any other funds paid by any party (including voluntary payments by landlords) to such tenant for relocation costs. For purposes of this provision, "relocation costs" includes only actual physical moving costs and expenses, advance payments required for moving into a new residence such as the cost of first and last month's rent and security and damage deposits (less the amount of security and damage deposits returned from the landlord of the building from which the tenant was displaced), utility connection fees and deposits, and increased utility costs and rent for up to one (1) year.
(Ord. 117094 § 11, 1994.)

22.210.010Short title.

The ordinance codified in this chapter shall be known and may be cited as the "Tenant Relocation Assistance Ordinance."
(Ord. 115141 § 1(part), 1990.)

22.210.020Findings and purpose.

A. Findings.

1. The City of Seattle is experiencing a rapid rate of development that has reduced and continues to reduce the supply of rental housing available to low- and moderate-income tenants and has reduced the supply of rental housing affordable to such tenants.

2. The development and real estate market in Seattle has not been able to replace low-income units lost due to demolition, change of use, substantial rehabilitation and removal of use restrictions from assisted housing, making it more difficult and more costly for low-income persons who are displaced by demolition, change of use, substantial rehabilitation or removal of use restrictions from assisted housing to locate affordable substitute rental housing.

3. Rents in Seattle have been increasing rapidly and vacancies in rental housing are at low levels, making it increasingly difficult for tenants, especially those with low incomes, to locate affordable rental housing.

4. Pursuant to the public hearing held on June 7, 1990, the City Council finds that costs incurred by tenants to relocate within Seattle include actual physical moving costs, advance payments, utility fees, security and damage deposits and anticipated additional rent and utility costs, which, on average, equal or exceed Two Thousand Dollars ($2,000.00) per tenant household.

5. The State of Washington has adopted legislation authorizing local jurisdictions to require the payment of relocation assistance to low-income tenants who are displaced from dwelling units by housing demolition, change of use, substantial rehabilitation or removal of use restrictions from assisted housing.

6. Conditions in the current rental market have created a relocation crisis, because tenants, especially low-income tenants, do not have sufficient time to save money for relocation costs or to find comparable housing when they are evicted as a result of demolition, change of use, substantial rehabilitation or removal of use restrictions from their dwelling units.

B. Purpose. Based upon the above findings, the purpose of this chapter is to provide relocation assistance to low-income tenants displaced by demolition, substantial rehabilitation, or change of use of residential rental property, or the removal of use restrictions from assisted housing developments.
(Ord. 115141 § 1(part), 1990.)

22.210.030Definitions.

Unless the context clearly requires otherwise,

the definitions in this section apply throughout this chapter:

A. "Assisted housing development" means a multifamily residential housing development that either receives or has received government assistance and is defined as federally assisted housing in RCW 59.28.020, or that receives or has received other federal, State or local government assistance and is subject to use restrictions as defined in this section.

B. "Change of use" means the conversion of any dwelling unit from a residential use to a nonresidential use which results in the displacement of existing tenants or conversion from residential use to another residential use which requires the displacement of existing tenants, such as a conversion to a retirement home where payment for long-term care is a requirement of tenancy, or conversion to an emergency shelter or transient hotel. For purposes of this chapter, "change of use" shall not mean a conversion of a rental dwelling unit to a condominium.

C. "Demolition" means the destruction of any dwelling unit or the relocation of an existing dwelling unit or units to another site.

D. "Director" means the Director of the Department of Construction and Land Use, or the Director's designee.

E. "Displacement" means, in the case of demolition, substantial rehabilitation or change of use, that existing tenants must vacate the dwelling unit because of the demolition, substantial rehabilitation or change of use; in the case of removal of use restrictions from an assisted housing development, it means that the nonrestricted rent of a dwelling unit after the removal of use restrictions will exceed by twenty percent (20%) or more, exclusive of increases due to operating expenses, the restricted rent of the dwelling unit before the removal of use restrictions. For purposes of this chapter, "displacement" shall not include the permanent relocation of a tenant from one dwelling unit to another dwelling unit in the same building with the tenant's consent or the temporary relocation of a tenant for less than seventy-two (72) hours.

F. "Dwelling unit" means a structure or that part of a structure which is used as a home, residence, or sleeping place by one (1) person or by two (2) or more persons maintaining a common household, including but not limited to single-family residences and units of multiplexes, apartment buildings, and mobile homes.

G. "Low income" means total combined income per dwelling unit is at or below fifty percent (50%) of the median income, adjusted for family size, in King County, Washington.

H. "Major educational institution" means an educational institution which is designated as a "major institution" in Section 23.48.025 of the Seattle Municipal Code, or any amendments thereto.

I. "Master use permit" means the document issued by the Department of Construction and Land Use which records all land use decisions which are made by the Department of Construction and Land Use.

J. "Owner" means one (1) or more persons, jointly or severally, in whom is vested:

1. All or any part of the legal title to property; or

2. All or part of the beneficial ownership, and a right to present use and enjoyment of the property.

K. "Rental agreement" means all oral or written agreements which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit. For purposes of this chapter, "rental agreement" shall not include any agreement relating to the purchase, sale or transfer of ownership of a dwelling unit.

L. "Substantial rehabilitation" means extensive structural repair or extensive remodeling which requires a building, electrical, plumbing or mechanical permit, and which cannot be done with the tenant in occupancy.

M. "Tenant" means any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement and includes those persons who are considered to be tenants under the State Residential Landlord-Tenant Act under RCW Chapter 59.18 and those tenants whose living arrangements are exempted from the State Residential Landlord-Tenant Act under RCW 59.18.040(3) if their living arrangement is considered to be a rental or lease pursuant to RCW 67.28.180(1). For purposes of this chapter, "tenant" shall not include the owner of a dwelling unit or members of the owner's immediate family.

N. "Use restriction" means any Federal, State or local statute, regulation, ordinance or contract

which, as a condition of receipt of any housing assistance, including an operating subsidy, rental subsidy, mortgage subsidy, mortgage insurance, tax-exempt financing, or low-income housing tax credits by an assisted housing development, establishes maximum limitations on tenant income as a condition of eligibility for occupancy of the units within an assisted housing development; imposes any restrictions on the maximum rents that may be charged for any of the units within the assisted housing development; or requires that rents for the units within an assisted housing development be reviewed by any governmental body or agency before the rents are implemented or changed.
(Ord. 115141 § 1(part), 1990.)

22.210.040Application of chapter.

This chapter shall apply to displacement caused by demolition, change of use, substantial rehabilitation, or removal of use restrictions from any dwelling unit in The City of Seattle, with the exception of displacements from the following:

A. Any dwelling unit demolished or vacated because of damage caused by an event beyond the owner's control, including that caused by fire, civil commotion, malicious mischief, vandalism, tenant waste, natural disaster or other destruction;

B. Any dwelling unit ordered vacated or demolished by the Director pursuant to SMC Section 22.206.260, because of damage within the owner's control;

C. Any dwelling unit owned by the Seattle Housing Authority;

D. Any dwelling unit being converted from rental housing to a condominium, which conversion is regulated pursuant to SMC Chapter 22.903;

E. Any dwelling unit located inside the boundaries of a major educational institution which is owned by the institution and which is occupied by students, faculty or staff of the institution;

F. Any dwelling unit located in a mobile home park, unless such unit is rented by the occupant thereof from the owner or operator of the mobile home park;

G. Any dwelling unit for which relocation assistance is required to be paid to the tenants pursuant to state, federal or other law.

H. Any dwelling unit for which the Seattle School District is providing relocation assistance according to a plan that the Director has approved as providing substantially equal or greater benefits to dislocated tenants than the benefits required pursuant to this chapter.

I. Any dwelling unit operated as emergency or temporary shelter for homeless persons (whether or not such persons have assigned rooms or beds, and regardless of duration of stay for any occupant) by a nonprofit organization or public agency owning, leasing, or managing such dwelling unit.
(Ord. 117094 § 1, 1994: Ord. 115141 § 1(part), 1990.)

22.210.050Tenant relocation license—Required.

Prior to the demolition, change of use or substantial rehabilitation of any dwelling unit, and prior to the removal of use restrictions from any dwelling unit which results in the displacement of a tenant, an owner must obtain a tenant relocation license. The Director shall not issue any permit for the demolition, change of use or substantial rehabilitation of any dwelling unit until the owner has obtained a tenant relocation license.
(Ord. 115141 § 1(part), 1990.)

22.210.060Issuance of tenant relocation license.

The Director shall issue a tenant relocation license when the owner has completed all of the following:

A. Submitted an application for a tenant relocation license as provided in Section 22.210.070;

B. Delivered relocation information packets to tenants and submitted proof of delivery as required by Section 22.210.080;

C. Paid the owner's share of tenant relocation assistance as required by Section 22.210.110; and

D. Complied with the ninety (90) day tenant notice provisions as required by Section 22.210.120.
(Ord. 118839 § 1, 1997: Ord. 117094 § 2, 1994; Ord. 115141 § 1(part), 1990.)

22.210.070Tenant relocation license—Application.

Prior to or at the time of application for a master use permit necessary for the demolition, change of use or substantial rehabilitation of any dwelling unit, or if no master use permit is required, prior to or at the time of application for any building permit necessary for the demolition,

change of use or substantial rehabilitation of any dwelling unit; or prior to a change of use which does not require a master use permit or removal of use restrictions from any dwelling unit which will result in the displacement of a tenant, the owner must submit to the Director a tenant relocation license application on a form established by the Director. The application shall include:

A. A statement certifying the number of dwelling units to be demolished, changed in use, substantially rehabilitated, or from which use restrictions will be removed; and

B. A list containing the name, mailing address and phone number, if available, of each tenant residing in such dwelling units as of the date of the earlier of:

1. The application for the tenant relocation license;

2. The application for the master use permit; or

3. The application for the building permit.

(Ord. 115141 § 1(part), 1990.)

22.210.080 Tenant relocation information packets.

A. At the time of submission of the tenant relocation license application, the owner shall obtain from the Director one (1) tenant relocation packet for each dwelling unit for which demolition, change of use, substantial rehabilitation or removal of use restrictions is to occur. The tenant relocation information packet shall contain the following:

1. A relocation assistance certification form with instructions for its submission to the Director;

2. A description of the potential relocation benefits available to eligible tenants; and

3. An explanation of the tenants' rights to remain in possession unless evicted for cause as provided in Section 22.206.160 C, excluding subsections C1d and C1e, of the Seattle Municipal Code (Just Cause Eviction Ordinance).

B. Within thirty (30) days after submission of the tenant relocation license application, the owner shall personally deliver or cause to be personally delivered a tenant relocation information packet to an adult tenant of each dwelling unit to be demolished, changed in use, substantially rehabilitated or from which use restrictions are to be removed. In those cases where the tenant moved after the earlier of the owner's application for a tenant relocation license, a master use permit or a building permit and left the owner no forwarding address, an owner may deliver the tenant relocation information packet by certified mail, return receipt requested and by regular mail addressed to the last known address of the tenant. Except as provided in the preceding sentence, delivery of the packets by depositing them in the United States mail shall not be adequate delivery.

C. 1. The owner shall obtain and submit to the Director a signed delivery receipt from an adult tenant of each affected dwelling unit showing delivery of the tenant relocation information packet.

2. If no adult tenant of a dwelling unit is willing to sign a delivery receipt for the packet, the owner shall deliver the packet and shall submit to the Director a sworn statement describing the date of delivery of the packet and the time and circumstances of the tenant's refusal to acknowledge receipt.

3. If the tenant refuses to accept the packet or if, after diligent efforts by the owner, the tenant cannot be found for delivery of the packet, the owner shall attach the packet to the door of the dwelling unit and shall mail a copy of the packet both by certified mail, return receipt requested and by regular mail to the last known address or forwarding address of the tenant, and shall submit to the Director a sworn statement describing the date of attempted delivery of the packet, efforts made by the owner to deliver the packet, the time and circumstances of the tenant's absence or refusal to accept delivery, the date and time of attaching the packet to the dwelling unit door, the date of mailing by regular and certified mail, and a copy of the return receipt.

4. The delivery receipts and sworn delivery statements shall be submitted to the Director within ten (10) days of delivery of the last tenant information packet.

D. The owner shall personally deliver or shall cause to be personally delivered, or mailed as provided in subsection C of this section, a tenant relocation information packet to any tenant who, after the earlier of the owner's application for a tenant relocation license, master use permit or building permit, moves into a dwelling unit to be demolished, changed in use, substantially rehabilitated, or from which use restrictions are to be removed; provided, that the owner shall not be

required to provide a tenant relocation information packet to any new tenant who is not eligible for relocation assistance under subsection B of Section 22.210.100 of this chapter.
(Ord. 115141 § 1(part), 1990.)

22.210.090Tenant income verification.

A. Within thirty (30) days after the date of delivery of the tenant relocation information packet, each tenant of a dwelling unit to be demolished, changed in use, substantially rehabilitated or from which use restrictions are to be removed, shall submit to the Director a signed and completed relocation assistance certification form certifying the names and addresses of all occupants of the dwelling unit, the total combined annual income of the occupants of the dwelling unit for the previous calendar year, and the total combined income of the occupants for the current calendar year:

1. Provided that, a tenant who, with good cause, is unable to return the certification form within thirty (30) days may, within thirty (30) days after the date of delivery of the tenant relocation information packet, submit to the Director a written request for an extension of time, which details the facts supporting the claim of "good cause." If the request is submitted within the thirty (30) day period and the facts constitute good cause in accordance with the rules adopted pursuant to this chapter, the deadline for submission of the tenant certification form shall be extended thirty (30) days. When an extension has been granted, the Director shall notify the tenant and the owner of the extension.

B. Any tenant who fails or refuses to submit the relocation assistance certification form, who refuses to provide information regarding his or her income within thirty (30) days of receipt of the information packet or any extension thereof, or who intentionally misrepresents any material information regarding income or entitlement to relocation benefits shall not be entitled to relocation assistance under this chapter.

C. If information submitted by a tenant on a relocation assistance certification form is incomplete, inadequate or appears to be inaccurate, the Director may require the tenant to submit additional information to establish eligibility for relocation assistance. If the tenant fails or refuses to respond within fifteen (15) days to the Director's request for additional information, such tenant shall not be eligible for relocation assistance.
(Ord. 118839 § 2, 1997; Ord. 117094 § 3, 1994; Ord. 115141 § 1(part), 1990.)

22.210.100Tenant eligibility for relocation assistance.

A. Low-income tenants shall be eligible for relocation assistance if:

1. The tenant resided in a dwelling unit to be demolished, substantially rehabilitated, changed in use, or from which use restrictions will be removed on the date of the earlier of:

a. The owner's application for a tenant relocation license pursuant to this chapter,

b. The owner's application for a master use permit pursuant to SMC Chapter 23.76, et seq. which is necessary to demolish, substantially rehabilitate, change the use of or remove use restrictions from a dwelling unit, or

c. The owner's application for a building permit which is necessary to demolish, substantially rehabilitate, change the use of or remove use restrictions from a dwelling unit; or

2. The tenant moved into a dwelling unit after the earlier of the owner's application for a tenant relocation license, a master use permit necessary for demolition, substantial rehabilitation, change of use, or removal of use restrictions, or a building permit necessary for demolition, substantial rehabilitation, change of use, or removal of use restrictions; and, prior to taking possession of the dwelling unit, such tenant was not advised by the owner in writing:

a. That the dwelling unit may be demolished, substantially rehabilitated, changed in use, or use restrictions removed, and

b. That the tenant is ineligible for relocation assistance.

B. The owner shall provide the tenant with a copy of the written notice described in subsection A2 of this section prior to the tenant's occupancy of the dwelling unit, and the owner shall retain a copy with the tenant's signature acknowledging its receipt and the date of receipt. Any tenant who is not advised in writing as provided in subsection A2 of this section prior to taking occupancy shall be entitled to full relocation benefits.

C. Within fifteen (15) days of the Director's receipt of the signed relocation assistance certification forms from all tenants listed in the tenant relocation license application or within fifteen (15) days of the expiration of the tenants' thirty (30) day period for submitting signed relocation assistance certification forms to the Director, whichever occurs first, the Director shall send to each tenant household who submitted a signed certification form and to the owner, by both regular United States mail and certified mail, return receipt requested, a notice stating whether the tenant household's certification form indicates eligibility for relocation assistance. For those tenants who have been granted an extension pursuant to Section 22.210.090 A1, the Director shall issue a notice concerning tenant eligibility for relocation assistance to the owner and tenants within five (5) days instead of within fifteen (15) days of receiving the signed and completed relocation assistance certification forms.

D. Either the tenant or the owner may file an appeal with the Hearing Examiner, pursuant to Section 22.210.150, of the Director's determination of the tenant's eligibility for relocation assistance.

(Ord. 118839 § 3, 1997; Ord. 117094 § 4, 1994; Ord. 115141 § 1(part), 1990.)

22.210.110Owner's contribution to relocation assistance.[1]

A. The owner of a dwelling unit to be demolished, changed in use, substantially rehabilitated or from which use restrictions will be removed, is responsible for payment of one-half (1/2) of the total amount of relocation assistance due to eligible tenants pursuant to this chapter. The City is responsible for payment of the remaining one-half (1/2) of the relocation assistance.

B. 1. Within five (5) days after receipt by the owner of the notice of tenant eligibility pursuant to subsection C of Section 22.210.100, the owner shall provide the Director with a cash deposit or a security instrument in the form of an irrevocable letter of credit with terms acceptable to the Director equal to one-half (1/2) of the amount of total relocation assistance to be paid to eligible tenants in the dwelling units to be demolished, changed in use, substantially rehabilitated, or from which use restrictions will be removed. The total relocation assistance shall be calculated based on the number of units occupied by tenant households who are determined by the Director to be eligible for relocation assistance, as modified by any decisions by the Hearing Examiner or a court concerning eligibility for relocation assistance at the time of payment of the owner's share of relocation assistance.

2. An owner may, but is not required to, provide the Director with the owner's share of relocation assistance any time after application for the tenant relocation license but prior to the time it is required by subsection B1 above. If the owner chooses this option, the amount to be provided to the Director will be based on the number of units to be demolished, changed in use, substantially rehabilitated, or from which use restrictions will be removed, multiplied by the owner's share per unit for the number of units for which relocation assistance may be required. Returns of unused portions of the owner's share paid pursuant to this subsection shall be returned in accordance with subsection F of Section 22.210.130.

C. If the Director determines, at any time after the owner provides the Director with the owner's share of relocation assistance pursuant to subsection B above, that the owner has not provided sufficient funds to pay the owner's share of relocation assistance to all eligible tenants, the Director shall notify the owner of the additional amount needed, and the owner shall provide the Director with a security instrument in the form of an irrevocable letter of credit or cash deposit in the requested amount within five (5) days of the Director's request.

(Ord. 115141 § 1(part), 1990.)

1.Editor's Note: Ordinance 117290 § 1 suspends this section, effective from October 4, 1994 to October 2, 1995.

22.210.120Ninety-day tenant notice.

A. Requirement of Notice. The owner shall deliver to each tenant in each dwelling unit to be demolished, changed in use, substantially rehabilitated, or from which use restrictions are to be removed, a ninety (90) day notice of the owner's intention to demolish, substantially rehabilitate, change the use of or remove use restrictions from the dwelling unit. In addition, a copy of the notice shall be posted at every entrance to any building containing dwelling units to be demolished, changed in use, substantially rehabilitated, or from which use restrictions will be removed.

B. Timing of Notice. The owner may deliver the ninety (90) day notice any time after the expiration of ten (10) days after the owner's receipt of the Director's notices of tenant eligibility for relocation assistance pursuant to Section 22.210.100, so long as the owner has already paid the owner's share of relocation assistance pursuant to SMC Section 22.210.110 B1. Exceptions to this rule are:

1. If a Director's determination of eligibility is appealed to the Hearing Examiner pursuant to Section 22.210.150, the owner may not deliver the ninety (90) day notice to any tenant whose eligibility decision was appealed until the issuance of any final unappealed decision on such tenant's eligibility, unless the owner has paid the owner's share of relocation assistance to the Director pursuant to SMC Section 22.210.110 B2 for the tenant whose eligibility decision is being appealed, in which case the ninety (90) day notice may be delivered after the later of:

a. The date ten (10) days after receipt of the Director's original notice of eligibility, or

b. The date the owner's share of relocation assistance was paid to the Director for the tenant(s) pursuant to SMC Section 22.210.110 B2;

2. If the actual date of payment of the owner's share of relocation assistance pursuant to SMC Section 22.210.110 B1 is more than ten (10) days after receipt of the Director's notices of tenant eligibility, then the ninety (90) day notice may not be delivered until after payment of the owner's share of relocation assistance; and

3. If a tenant has been granted an extension pursuant to SMC Section 22.210.090 A1, the owner may deliver the ninety (90) day notice to a tenant either:

a. Any time after expiration of ten (10) days after the owner's receipt of the Director's notice of eligibility for a tenant with an extension, so long as the owner has already paid the owner's share of relocation assistance pursuant to SMC Section 22.210.110 B1, or

b. The later of:

i. The same date the owner would have been able to deliver the ninety (90) day notice to that tenant or any tenant, had no such extension been granted, so long as the owner has paid the owner's share of relocation assistance for all tenants pursuant to SMC Section 22.210.110, or

ii. The actual date that the owner pays the owner's share of relocation assistance pursuant to Section 22.210.110 for a tenant with an extension.

C. The ninety (90) day notice shall be on a form provided by the Director and shall describe the relocation benefits available to eligible tenants and explain the tenant's right to remain in possession unless evicted for cause as provided in Section 22.210.140 of this chapter.

D. The ninety (90) day tenant notice shall be delivered to the tenants personally or by registered or certified mail with return receipt requested. If personally delivered, an affidavit of service must be completed by the owner.

E. Concurrently with issuance of the ninety (90) day tenant notice, the owner shall provide the Director with a copy of the notice, a list of current tenants in the affected units, and for each tenant who has moved into a unit since the date of application for the earlier of the tenant relocation license application, Master Use Permit application, or building permit application necessary for the demolition, change of use, substantial rehabilitation or removal of use restrictions, proof of delivery of either the tenant relocation information packet or the written notice provided in Section 22.210.100 A2.

F. Within twenty (20) days of delivery of the ninety (90) day notice to the tenants, the owner shall provide the Director with proof of delivery of the notice to a tenant of each dwelling unit to be demolished, changed in use, substantially rehabilitated or for which use restrictions will be removed.

G. No tenant relocation license may be issued by the Director until the expiration of ninety (90) days from the date of delivery of the ninety (90) day notice to all affected tenants.

(Ord. 118839 § 4, 1997: Ord. 117094 § 6, 1994; Ord. 115141 § 1(part), 1990.)

22.210.130Relocation assistance payments.

A. Low-income tenants who are displaced by demolition, change of use, substantial rehabilitation, or removal of use restrictions, and who comply with the requirements of this chapter, shall be paid a total relocation assistance payment in the amount of Two Thousand Dollars ($2,000) to be paid by the City, subject to appropriation of sufficient funds for such purpose by the City. The amount of relocation assistance shall be adjusted

annually by the percentage amount of change in the housing component of the Consumer Price Index, as published by the United States Department of Labor, Bureau of Labor Statistics. Such adjustments shall be published in a Director's rule.

B. A tenant shall be entitled to obtain a relocation assistance payment only after receipt of a notice from the Director of eligibility for tenant relocation assistance or, if an appeal was taken pursuant to Section 22.210.150, after receipt of a final unappealed decision from the Hearing Examiner or a court that the tenant is eligible for relocation assistance.

C. An eligible tenant may obtain the relocation assistance payment by completing a request for relocation assistance and an affidavit of the date of vacating the unit and submitting the originals to the Director. Within twenty-one (21) days after submission to the Director, a check will be issued.

D. The relocation assistance payment shall be in addition to the refund from the owner of any deposits or other sums to which the tenant is lawfully entitled.

E. If an eligible tenant does not submit a completed request for relocation assistance, or does not negotiate the check for relocation assistance within one hundred eighty (180) days after vacating the dwelling unit to be demolished, changed in use, substantially rehabilitated or from which use restrictions are to be removed, the tenant shall be deemed to have waived his or her right to relocation assistance.

F. Any money remaining in either the cash deposit or the letter of credit which the owner submitted to the Director as the owner's share of relocation assistance pursuant to Section 22.210.110 for tenants whose eligibility was appealed or for tenants who have not claimed the relocation payment, shall be refunded to the owner as follows:

1. If there was an appeal of a tenant's eligibility and the tenant was found to be not eligible, the owner's share of the relocation assistance for that tenant shall be returned to the owner within thirty (30) days of a final unappealed decision; or

2. If a tenant has not claimed his or her relocation assistance payment within one hundred eighty (180) days after vacating the dwelling unit, the owner's share of the relocation assistance for that tenant shall be refunded to the owner.

(Ord. 119271 § 1, 1998; Ord. 118839 § 5, 1997; (Ord. 117290 § 2, 1994; Ord. 117094 § 7, 1994: Ord. 115141 § 1(part), 1990.)

22.210.140Eviction protection.

A. After the earlier of (1) the owner's application for a tenant relocation license; (2) the owner's application for a Master Use Permit necessary for demolition, change of use, substantial rehabilitation, or removal of use restrictions from a dwelling unit; or (3) the owner's application for a building permit necessary for demolition, change of use, substantial rehabilitation, or removal of use restrictions from a dwelling unit, the owner shall not evict any tenant except for good cause as defined in Section 22.206.160 C, subsections 1a, 1b, 1c, 1g, 1h, li, ln, and 1p, of the Seattle Municipal Code, and shall not, for the purpose of avoiding or diminishing the application of this chapter, reduce the services to any tenant, or materially increase or change the obligations (apart from the obligation to pay rent) of any tenant.

B. Prior to application for a tenant relocation license, a master use permit necessary for demolition, change of use, substantial rehabilitation, or removal of use restrictions from a dwelling unit, or a building permit necessary for demolition, change of use, substantial rehabilitation, or removal of use restrictions from a dwelling unit, an owner shall not harass or intimidate tenants into vacating their units for the purpose of avoiding or diminishing the application of this chapter.

(Ord. 118839 § 6, 1997; Ord. 117094 § 8, 1994; Ord. 115141 § 1(part), 1990.)

22.210.150Administrative appeals.

A. Either an owner or a tenant may request a hearing before the Hearing Examiner to appeal a determination concerning a tenant's eligibility for a relocation assistance payment. Either an owner or a tenant may request a hearing before the Hearing Examiner to resolve a dispute concerning the authority to institute unlawful detainer actions during the ninety (90) day period after service of the notice required by Section 22.210.120 of this chapter.

B. Appeals regarding eligibility for relocation assistance shall be filed within ten (10) days after receipt of the Director's notice of tenant eligibility for relocation assistance.

C. A request for a hearing relating to authority to pursue unlawful detainer actions during the relocation period shall be filed prior to issuance of the tenant relocation license.

D. When the last day of the appeal period is a Saturday, Sunday, or federal or City holiday, the period shall run until five (5:00) p.m. on the next business day.

E. All requests for a hearing and appeals shall be in writing and shall clearly state specific objections and the relief sought. The appellant shall not be required to pay the filing fee set forth in Section 3.04.125 of the Seattle Municipal Code, Hearing Examiner filing fees.

F. Notice of the hearing shall be mailed by the Hearing Examiner at least ten (10) days prior to the scheduled hearing date to the tenant, the owner, the Director and any other interested parties who have requested notice.

G. A record shall be established at the hearing before the hearing examiner. Appeals shall be considered de novo. The Director shall not be a necessary party to any hearing examiner proceedings pursuant to this section.

H. The Hearing Examiner's decision shall be mailed on the day the decision is issued to the tenant, the property owner, the Director and to all those requesting notice.

I. The Hearing Examiner's decision shall be final and conclusive unless, within ten (10) calendar days of the date of the Hearing Examiner decision, an application or petition for a writ of review is filed in King County Superior Court. Judicial review shall be confined to the record of the administrative hearing. The Superior Court may reverse the Hearing Examiner decision only if the decision is arbitrary and capricious, contrary to law, in excess of the authority or jurisdiction of the Hearing Examiner, made upon unlawful procedure, or in violation of constitutional provisions.

(Ord. 118839 § 7, 1997; Ord. 117094 § 9, 1994; Ord. 115141 § 1(part), 1990.)

22.210.160Administration and enforcement.

A. The Director shall administer and enforce the provisions of this chapter and is authorized to adopt reasonable rules and regulations consistent with the chapter to carry out the Director's duties.

B. Whenever an owner fails to comply with the provisions of this chapter, the Director shall refuse to issue the tenant relocation license.

C. Any failure to comply with the requirements of this chapter or with a decision of the Hearing Examiner under this chapter shall be a violation of the Code.

D. Any failure of a tenant who has received relocation assistance pursuant to this chapter to vacate the dwelling unit on or before the expiration of the ninety (90) day notice issued pursuant to Section 22.210.120 and receipt of relocation assistance pursuant to this chapter by a person not eligible for such assistance under this chapter shall be violations of this chapter.

(Ord. 115141 § 1(part), 1990.)

22.210.170Notice of violation.

If after investigation the Director determines that a violation of this chapter has occurred or exists, the Director may have a notice of violation served upon the person responsible for the violation. The notice may be served by personal service, registered mail, or certified mail, return receipt requested, to the last known address of the person responsible for the violation. The notice of violation shall identify the violation of this chapter and what corrective action is necessary to comply.

(Ord. 115141 § 1(part), 1990.)

22.210.180Violations and penalties.

A. In addition to any other sanction or remedial procedure which may be available, any person violating any provision of this chapter shall be subject to a cumulative civil penalty in the amount of One Thousand Dollars ($1,000) per day for each day from the date the violation began until the requirements of this chapter are satisfied, and if:

1. The violation resulted in a tenant who would have been eligible for relocation assistance not receiving it, the penalty shall be increased by

the amount of the violator's share of the relocation assistance that should have been paid; or

2. The violation is for receipt of relocation assistance by an ineligible tenant or for failure to vacate pursuant to Section 22.210.160, the penalty shall be increased by the amount of relocation assistance received by the tenant.

B. The penalty imposed by this section shall be collected by civil action brought in the name of the City. The Director shall notify the City Attorney of the name of any person subject to the penalty, and the City Attorney shall, with the assistance of the Director, take appropriate action to collect the penalty.

C. Any tenant or person aggrieved by a violation of this chapter may institute a private action to enforce the obligations contained in this chapter, provided, that this section does not create any right of action against the City or any officer or employee thereof, for the failure either to require any owner to pay relocation assistance or to pay tenants the amount of the owner's share with City funds. This section shall be retroactive to June 22, 1993.

(Ord. 117094 § 10, 1994; Ord. 115141 § 1(part), 1990.)