

ORDINANCE No.

113545

COUNCIL BILL No.

106184

AN ORDINANCE relating to housing, health and safety establishing minimum standards for occupied and vacated buildings and property used for human habitation; establishing duties for landlords and tenants; authorizing the establishment of receiverships for rental properties in certain circumstances; providing for the abatement of buildings unfit for human habitation; creating a "Housing and Abatement Revolving Fund" for the repair, closure or demolition of structures and appropriating funds therefore; and defining offenses and providing civil and criminal penalties and repealing Ordinance 106319, 107797, 108647, 108736, 109219, 109709, 109974, 110226 and 110548.

The City of

COMPTROLLER FILE No.

Introduced:	By:
JUN 8 1987	EXECUTIVE
Referred:	To:
JUNE 8 1987	HHS
Referred:	To:
Referred:	To:
Reported:	Second Reading
AUG 10 1987	AUG 10 1987
Third Reading	Signed:
AUG 10 1987	AUG 10 1987
Presented to Mayor:	Approved:
AUG 11 1987	AUG 20 1987
Returned to City Clerk:	Published:
AUG 20 1987	
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Your Committee on

to which was referred the within Council report that we have considered the same

HHS

8-4-

Vote 6

REC'D ONE AUG 11 1987

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

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Committee on _____

as referred the within Council Bill No. _____

we have considered the same and respectfully recommend that the same:

45 8-4-87 DO PASS, as Amended 3-0

Vote 6-0



Committee Chair

ORDINANCE 113545

AN ORDINANCE relating to housing, health and safety establishing minimum standards for occupied and vacated buildings and property used for human habitation; establishing duties for landlords and tenants; authorizing the establishment of receiverships for rental properties in certain circumstances; providing for the abatement of buildings unfit for human habitation; creating a "Housing and Abatement Revolving Fund" for the repair, closure or demolition of structures and appropriating funds therefore; and defining offenses and providing civil and criminal penalties and repealing Ordinances 106319, 107797, 108647, 108736, 109219, 109709, 109974, 110226 and 110548.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Chapters 22.200, 22.202, 22.204, 22.206, and 22.208 of the Seattle Municipal Code, (Ordinance 106319, and its amendments, Ordinances 107797, 108647, 108736, 109219, 109709, 109974, 110226, and 110548), are hereby repealed; provided that such repeal shall not affect any right accrued, any time limit for compliance, any penalty incurred, or any proceeding commenced under or by virtue of the repealed provisions.

Section 2. There is hereby added to the Seattle Municipal Code a new Chapter 22.200 to read as follows:

Chapter 22.200

Title, Purpose and Scope

22.200.010 TITLE. This ordinance shall be known and may be cited as the "Housing and Building Maintenance Code" and is referred to herein as "this Code."

22.200.020 DECLARATION 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 lighted areas, and hazardous to the health, safety, and general welfare of the public.

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

8 C. It is further found that maintenance of the housing stock is critical
9 to the health, safety and welfare of the general public and it is the
10 intent of this Code to assure the preservation of the existing supply of
11 housing in The City of Seattle by establishing minimum standards and an
12 effective means for enforcement and by encouraging the rehabilitation and
13 re-use of existing structurally sound buildings.

14 D. The express purpose of this Code is to provide for and promote the
15 health, safety and welfare of the general public, and not to protect indi-
16 viduals or create or otherwise establish or designate any particular class
17 or group of persons who will or should be especially protected or benefited
18 by the terms of this Code. The obligation of complying with the require-
19 ments of this Code and the liability for failing to do so is hereby placed
20 upon the owner and/or occupant or persons responsible for the condition of
21 the buildings or premises.

22 22.200.030 SCOPE. This Code shall apply to all buildings, appurtenant
23 structures and premises, now in existence or hereafter constructed; pro-
24 vided, that:

25 A. The minimum standards of the Seattle Building, Mechanical, Fire,
26 Electrical, and Plumbing Codes in effect when a building, structure, or pre-
27 mises was constructed, altered, rehabilitated or repaired shall apply to
28 the construction, alteration, rehabilitation and repair, and shall apply to
maintenance except when this Code specifically requires higher standards;

1 B. The minimum standards set forth in Sections 22.206.010 through
2 22.206.140 shall be advisory only for all housing units which are owner
3 occupied and in which no rooms are rented or leased to others, except as
4 provided by Section 22.202.010 for owner-requested inspections; and

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

9 Section 3. There is hereby added to the Seattle Municipal Code a new
10 Chapter 22.202 to read as follows:

11 Chapter 22.202

12 Administration

13
14 22.202.010 A. ENFORCEMENT. The Director is hereby designated the
15 City Official to exercise the powers granted by this Code except that the
16 Chief of Police shall be responsible for the enforcement of Sections
17 22.206.180 and 22.206.190 and shall have equal responsibility with the
18 Director for enforcement of Sections 22.206.140 and 22.206.160B 3.

19 B. RULES. The Director is authorized to adopt, in accordance with
20 the Administrative Code of The City of Seattle, such rules as are necessary
21 to implement the requirements of this Code and to carry out the duties of
22 the Director hereunder.

23 22.202.020 FEES. Fees or charges for advisory inspections, inspections
24 for monitoring vacant buildings, and for requested services shall be as
25 specified in the Permit Fee Ordinance (SMC Chapter 22.900). No fee shall
26 be charged for inspections in response to citizen complaints.

27 22.202.030 RIGHT TO ENTRY. The Director or the Director's designee
28 may, with the consent of an occupant or owner, or pursuant to a lawfully

1 issued warrant, enter any building, structure or premises in the City to
2 perform any duty imposed by this Code.

3 22.202.035 OWNER REQUESTED INSPECTIONS. The Director is authorized to
4 make inspections upon the receipt of a request from an owner and upon
5 receipt of payment in accordance with the Permit Fee Ordinance (SMC Chapter
6 22.900) for the purpose of determining whether buildings and properties
7 comply with the standards of this Code. Such inspections may include
8 owner-occupied, single-family dwelling units otherwise beyond the scope of
9 this Code. The standards used in the inspection shall include all the
10 standards of this Code, including those items from which single-family
11 dwellings are otherwise exempted. As a result of an owner-requested
12 inspection, the Director shall require compliance with the following provi-
13 sions of this Code and no others:

- 14 1. Section 22.206.140 in housing units other than owner-occupied
15 housing units in which no rooms are rented or leased to others;
- 16 2. Section 22.206.130 in structures that are tenant-occupied;
- 17 3. Section 22.206.260.

18 22.202.040 LIABILITY. Nothing contained in this Code is intended to
19 be nor shall be construed to create or form the basis for any liability on
20 the part of the City, or its officers, employees or agents, for any injury
21 or damage resulting from the failure of an owner of property or land to
22 comply with the provisions of this Code, or by reason or in consequence of
23 any inspection, notice, order, certificate, permission or approval
24 authorized or issued or done in connection with the implementation or
25 enforcement of this Code, or by reason of any action or inaction on the
26 part of the City related in any manner to the enforcement of this Code by
27 its officers, employees or agents.

28 22.202.050 HOUSING AND ABATEMENT REVOLVING FUND. There is hereby
created in the Treasury a special fund to be designated the "Housing and

1 Abatement Revolving Fund" from which fund the Director is hereby authorized
2 to pay the costs and expenses incurred for the repair, alteration, improve-
3 ment, vacation and closure, removal, or demolition of any building, struc-
4 ture or other dangerous condition pursuant to the provisions of this Code
5 or pursuant to any other ordinance administered and enforced by the
6 Director declaring any building, structure or premises to be a public
7 nuisance and ordering the abatement thereof. Money from the following
8 sources shall be paid into the Housing and Abatement Revolving Fund:

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

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

16 C. The unencumbered balance remaining, as of the effective date of
17 this ordinance, in the Housing and Abatement Revolving Fund created by
18 Ordinance 106319, which fund is hereby abolished and said balance hereby
19 transferred;

20 D. Other sums which may by ordinance be appropriated to or designated
21 as revenue of the fund; and

22 E. Other sums which may by gift, bequest or grant be deposited in the
23 fund.

24 F. Fines and penalties collected pursuant to Sections 22.206.280 and
25 22.208.150.

26 Section 4. There is hereby added to the Seattle Municipal Code a new
27 Chapter 22.204 to read as follows:

Chapter 22.204

Definitions

22.204.010 GENERAL 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."

22.204.020 "A"

ADVISORY INSPECTIONS. "Advisory inspections" means an owner-requested inspection pursuant to Section 22.202.035.

APARTMENT HOUSE. "Apartment house" means any building containing three or more dwelling units and shall include residential condominiums, townhouses and cooperatives.

APPROVED. "Approved" means approved by the Director or by the Director of Public Health, or by the Superintendent of Water, 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.

22.204.030 "B"

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

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

3 BUILDING, CLOSED. See "Building, closed to unauthorized entry."

4 BUILDING, CLOSED TO ENTRY. See "Building, closed to unauthorized
5 entry."

6 BUILDING, CLOSED TO UNAUTHORIZED ENTRY. A "Building, closed to
7 unauthorized entry" means a building which meets the standards of Section
8 22.206.200.A4.

9 BUILDING, HISTORIC. "Historic building" means a building or structure
10 which has been nominated or designated for preservation by the Seattle
11 Landmarks Preservation Board pursuant to SMC Sections 25.12.350-440 or the
12 State of Washington; has been listed, or has been determined eligible for
13 listing on the National Register of Historical Places or on the Washington
14 State Register of Historic Places; or is located in a landmark historic
15 district created pursuant to SMC Chapter 25.12 and is subject to landmark
16 controls imposed by a landmark district designating Ordinance.

17 BUILDING SERVICE ROOM. "Building service room" means a room available
18 for the joint use of occupants of two or more housing units, other than
19 public hallways and exit passages, e.g. game rooms, laundry rooms, saunas
20 and TV rooms.

21 BUILDING, VACANT. See "Building, vacated."

22 BUILDING, VACATED. "Vacated building" means a building that is
23 unoccupied and is not used as a place of residence or business. At the
24 discretion of the Director, a portion of a vacated building may be occupied
25 if the occupied portion meets the standards for habitable buildings spe-
26 cified in this code and the vacated and closed portion complies with the
27 standards for vacant buildings in Section 22.206.200.

1 22.204.040 "C"

2 CABINETS. "Cabinets" means open shelving, curtained shelving or
3 shelving equipped with doors.

4 CERTIFICATE OF COMPLIANCE. "Certificate of Compliance" means a cer-
5 tificate issued by the Director, based upon an inspection which certifies
6 that required corrections have been made.

7 COURT. "Court" means a space, open and unobstructed to the sky,
8 located at or above grade level on a lot and bounded on three or more sides
9 by building walls.

10 22.204.050 "D"

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

13 DORMITORY. "Dormitory" means a guest room containing two (2) or more
14 beds.

15 DWELLING. "Dwelling" means any building containing two or fewer
16 dwelling units.

17 DWELLING UNIT. "Dwelling unit" means a building intended to be
18 occupied by one family which contains sleeping, eating, cooking and sanita-
19 tion facilities required by this Code.

20 22.204.060 "E"

21 EXISTING. "Existing" means in existence prior to adoption of this
22 Code.

23 EXIT. "Exit" means a continuous and unobstructed means of egress from
24 any place in a building including intervening aisles, doors, doorways,
25 corridors, exterior exit balconies, ramps, stairways, smokeproof enclo-
26

1 sures, horizontal exits, exit passageways, exit courts, yards, or any other
2 permitted means of egress to a street, alley or other public way.

3 22.204.070 "F"

4 FAMILY. "Family" means any number of related persons or eight or fewer
5 unrelated persons.

6
7 FIRE RESISTANCE OR FIRE-RESISTIVE CONSTRUCTION. "Fire resistance or
8 fire-resistive construction" means construction that resists the spread of
9 fire, as specified in the Seattle Building Code.

10 22.204.080 "G"

11
12 GARAGE. "Garage" means a building designed, used or intended to be
13 used for parking or storage of vehicles.

14
15 GARBAGE. "Garbage" means all discarded putrescible waste matter but
16 not including sewage or human or animal excrement.

17
18 GARBAGE CAN. "Garbage can" means a watertight container not exceeding
19 thirty-two (32) gallons in capacity, weighing not over twenty-six (26)
20 pounds when empty and without cover, fitted with two (2) sturdy handles,
21 one (1) on each side, and a tight cover equipped with a handle, or a
22 "sunken can" or other container, as required by the Director of
23 Engineering. A "sunken can" is any garbage can which is in a sunken
24 covered receptacle specifically designed to contain one (1) or more garbage
25 cans the tops of which are approximately at ground level.

26
27 GRADE. "Grade" means the lowest point of elevation of the finished
28 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
(5) feet from the building, between the building and a line five (5) feet
from the building.

1 GUEST. "Guest" means any person occupying a guest room pursuant to a
2 rental agreement.

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

6 22.204.090 "H"

7
8 HABITABLE ROOM. "Habitable room" means space in a building occupied,
9 used, designed or intended to be used for living, sleeping, eating or
10 cooking. Bathrooms, toilet compartments, closets, halls, storage or uti-
11 lity space, and similar areas are not habitable rooms.

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

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

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

19 HOUSING UNIT. "Housing unit" means any dwelling unit, housekeeping
20 unit, guest room, dormitory, or single room occupancy unit.

21 22.204.100 "I"

22
23 INFESTATION. "Infestation" means the presence of insects, rodents, or
24 other pests in or around a building in or around a building, in such
25 numbers as may be detrimental to the health, safety, or general welfare of
26 the occupants thereof.

27 22.204.120 "K"

1 KITCHEN. "Kitchen" means a space or room used, designed or intended to
2 be used for the preparation of food.

3
4 22.204.130 "L"

5 LAWFULLY INSTALLED. "Lawfully installed" means installed in accordance
6 with the requirements of approved codes or ordinances of the City.

7 LEASE. SEE RENTAL AGREEMENT.

8
9 22.204.140 "M"

10 MAINTENANCE ROOM. "Maintenance room" means a room for the maintenance
11 of mechanical, electrical, heating and other building systems, e.g. boiler
12 rooms, gas and electric meter rooms, elevator control rooms, and work rooms
13 for maintenance employees, but excluding such spaces as janitors' broom
14 closets.

15 22.204.160 "O"

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

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

20 OCCUPANT LOAD. "Occupant load" means the total number of persons that
21 may lawfully occupy a building at one time as determined by the Seattle
22 Building Code.

23 OWNER. "Owner" means any person who, alone or with others, has title
24 or interest in any building, with or without accompanying actual possession
25 thereof, and including any person who as agent, or executor, administrator,
26 trustee, or guardian of an estate has charge, care, or control of any
27 building.

1 22.204.170 "P"

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

6 PERSON. "Person" means any individual, firm, corporation, association,
7 or partnership and its agents or assigns.

8 PLUMBING SYSTEM. "Plumbing system" means any potable water distribu-
9 tion piping, and any drainage piping within or below any building,
10 including rainwater leaders and all plumbing fixtures, traps, vents and
11 devices appurtenant to such water distribution or drainage piping and
12 including potable water treating or using equipment, and any lawn
13 sprinkling system.

14 PREMISES. "Premises" means a plot of ground, whether occupied by a
15 structure or not.

16 22.204.190 "R"

17 RENTAL AGREEMENT. "Rental agreement" means an agreement, oral or writ-
18 ten, relating to the use and occupancy of a building, structure or premi-
19 ses.

20 RUBBISH. "Rubbish" means all discarded nonputrescible waste matter.

21 22.204.200 "S"

22 SINGLE ROOM OCCUPANCY UNIT (S.R.O.). "S.R.O. unit" means an existing
23 housing unit with one combined sleeping and living room of at least seventy
24 (70) square feet but of not more than 130 square feet. Such units may
25 include a kitchen and a private bath.

26 SMOKE DETECTOR. "Smoke detector" means an approved device which senses
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28

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

4 STAIRWAY ENCLOSURE. "Stairway enclosure" means the space enclosing
5 interior stairs, landings between flights, corridors, and passageways used
6 for direct exit to the exterior of a building and any lobbies or other com-
7 mon areas that open onto such direct exits. Any space in a lobby or com-
8 mon area that is separated from a direct exit by a one hour fire assembly
9 shall not be considered part of a stairway enclosure.

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

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

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

28 SUBSTANDARD BUILDING. "Substandard building" means any building which
fails to comply with the minimum standards set forth in SMC 22.206.

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

3 22.204.210 "T"

4 TENANT. "Tenant" means a person occupying or holding possession of a
5 building or premises pursuant to a rental agreement.
6

7 22.204.220 "U"

8 USED. "Used" means used or designed or intended to be used.
9

10 22.204.230 "V"

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

14 22.204.240 "W"

15 WINDOW. "Window" means an exterior glazed opening, including glazed
16 doors, which opens upon a yard, court, street, alley, or recess from a
17 court, and glazed skylights.
18

19 22.204.260 "Y"

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

23 Section 5. There is hereby added to the Seattle Municipal Code a new
24 Chapter 22.206 to read as follows:

25 22.206

26 Minimum Space and Occupancy Standards
27

28 22.206.010 RESERVED

1 22.206.020 FLOOR AREA.

2 A. Every dwelling unit shall have at least one (1) habitable room
3 which shall have not less than one hundred twenty (120) square feet of
4 floor area and no habitable room except kitchens shall be less than seven
5 (7) feet wide. Every room which is used for both cooking and living or
6 both living and sleeping quarters shall have a floor area of not less than
7 one hundred thirty (130) square feet if used or intended to be used by
8 only one (1) occupant, or of not less than one hundred fifty (150) square
9 feet if used or intended to be used by more than one (1) occupant. Every
10 room used for sleeping purposes shall have not less than seventy (70)
11 square feet of floor area. Where more than two (2) persons occupy a room
12 used for sleeping purposes, the required floor area shall be increased at
13 the rate of fifty (50) square feet for each occupant in excess of two.
14 In a dormitory, minimum floor area shall be sixty (60) square feet per
15 single or double bunk and aisles not less than three (3) feet in width
16 shall be provided between the sides of bunks and from every bunk to an
17 exit. The requirements of this subparagraph shall not apply to SRO units.

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

22 22.206.030 RESERVED.

23 22.206.040 LIGHT AND VENTILATION.

24 A. Every habitable room in a housing unit shall have a window not
25 less than one-tenth (1/10) of the floor area of the room, but in no event
26 shall such area be less than ten (10) square feet; provided, that an
27 approved system of artificial light may be used in lieu of the window
28 required by this section in kitchens and laundry rooms.

1 B. Every habitable room in a housing unit shall have natural ven-
2 tilation from an exterior opening with an area not less than one fourth
3 (1/4) of the required window area for the room. Every bathroom and water
4 closet compartment shall be provided with natural ventilation by means of
5 exterior openings with an area not less than one-twentieth (1/20) of the
6 floor area of the room, but in no event shall such area be less than one
7 and a half (1-1/2) square feet; provided, that in lieu of required exterior
8 openings for natural ventilation, a mechanical ventilating system or vent
9 shafts may be provided. Such system shall comply with the requirements of
10 the Seattle Energy Code and applicable requirements of the Seattle
11 Mechanical Code. If a mechanical ventilation system is provided in
12 laundry rooms and similar rooms, it shall be connected directly to the
13 outside and be capable of providing five (5) air changes per hour.

14 C. For the purpose of determining light and ventilation requirements,
15 any room may be considered a portion of an adjoining room if one-half (1/2)
16 of the area of the common wall is open and unobstructed and provides an
17 opening of not less than one tenth (1/10) of the floor area of the interior
18 room or twenty-five (25) square feet, whichever is greater.

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

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

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

4 22.206.050 SANITATION.

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

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

19 C. Other Buildings. Every building, other than a hotel, containing
20 housing units that do not have private toilets, lavatories and bathtubs or
21 showers shall contain at least one (1) toilet, one (1) lavatory and one (1)
22 bathtub or shower, accessible from a public hallway, for each eight (8)
23 occupants or portion thereof. On floors with fewer than eight (8) housing
24 units, the required sanitary facilities may be provided on an adjacent
25 floor if the floor on which facilities are provided is directly and
26 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.

27 D. Kitchens. Every dwelling unit shall have a kitchen. Every
28 kitchen shall have an approved kitchen sink, hot and cold running water,

1 counter work space, cabinets for storage of cooking utensils and dishes.
2 A kitchen shall also have approved cooking appliances and refrigeration
3 facilities or adequate space for their installation. All cooking applian-
4 ces and refrigeration facilities shall be maintained in a safe and good
5 working condition by the owner or furnisher of the appliance. Unapproved
6 cooking appliances shall be prohibited. Splash backs and countertops
7 shall have an impervious surface.

8 E. Fixtures. All plumbing fixtures shall be trapped and vented and
9 connected to an approved sanitary sewer or to an approved private sewage
10 disposal system. There shall be an approved system of water supply,
11 providing both hot and cold running water. All toilets shall be flush type
12 and in good working order. Hot water for the required sink, lavatory, and
13 bathtub or shower shall be provided at a temperature of not less than one
14 hundred degrees Fahrenheit (100°F.) at all times at the fixture outlet, to
15 be attained within approximately two (2) minutes after opening the fixture
16 outlet. Prior to a new tenants taking occupancy of a housing unit in
17 which hot water is supplied from an accessible, individual water heater,
18 the water heater shall be set by the owner at a temperature not higher
19 than one hundred twenty (120) degrees Fahrenheit or the minimum setting on
20 any water heater which cannot be set at one hundred twenty (120) degrees
21 Fahrenheit; provided, that buildings, other than dwellings, in which hot
22 water is supplied by a central water heater system need not comply with
23 this requirement.

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

27 Minimum Structural Standards

28 22.206.060 GENERAL. Roofs, floors, walls, chimneys, fireplaces, foun-
dations and all other structural components of buildings shall be reason-

ably decay-free and shall be capable of resisting any and all normal forces and loads to which they may be subjected.

22.206.070 SHELTER. 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.

22.206.080 MAINTENANCE.

A. Every foundation, room, exterior wall, door, skylight, window, and all building components, shall be reasonably weathertight, watertight, damp-free and rodent-proof, 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 (1) percent 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

1 top floor of buildings with combustible ceiling or roof construction. The
2 opening shall be readily accessible, and shall have dimensions of not less
3 than twenty (20) inches by twenty-four (24) inches.

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

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

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

12 Minimum Mechanical Standards (SMC Subchapter III)

13
14 22.206.090 HEATING. A. Minimum Temperatures. Every housing unit
15 shall have heating facilities which maintain an average room temperature of
16 at least sixty-five degrees Fahrenheit (65°F.) when the outside temperature
17 is twenty-four degrees Fahrenheit (24°F.) or higher, measured at a point
18 three (3) feet above the floor in all habitable rooms, baths and toilet
19 rooms. When the outside temperature is less than twenty-four degrees
20 Fahrenheit (24°F.), the heating facility must maintain an average room tem-
21 perature of at least fifty-eight degrees Fahrenheit (58°F.), measured at a
22 point three (3) feet above the floor, in all habitable rooms, baths and
23 toilet rooms.

24 B. Heating Devices. All heating devices and appliances shall be of an
25 approved type, in good and safe working order, and shall meet all installa-
26 tion and safety codes. Approved, unvented portable oil-fueled heaters may
27 be used as a supplement heat source provided that such heaters shall not
28 be located in any sleeping room or bathroom, as provided by SMC 22.400,
Section 807(a). Ventilation for rooms and areas containing fuel-burning
appliances shall be adequate for proper combustion.

1 22.206.100 VENTILATION EQUIPMENT. Ventilating equipment or shafts
2 shall be of an approved type and maintained in a safe manner. Where
3 mechanical ventilation is provided in lieu of the natural ventilation
4 pursuant to Section 22.206.040, the mechanical system shall be safe and
5 shall be maintained in good working order during the occupancy of any
6 building.

7 22.206.110 ELECTRICAL EQUIPMENT. A. All electrical equipment, wiring
8 and appliances shall be of an approved type, installed in accordance with
9 applicable provisions of the Seattle Electrical Code in effect at the time
10 of installation, unless otherwise specified in this Code, and safely
11 maintained.

12 B. Every habitable room, except kitchens, shall be provided with not less
13 than two (2) electrical receptacles, or one (1) receptacle and one (1)
14 supplied electric light fixture. Every kitchen shall be provided with not
15 less than three (3) convenience and/or appliance receptacles and one (1)
16 supplied light fixture. One (1) electrical appliance receptacle properly
17 installed as a part of a lawfully installed electric or gas kitchen range
18 shall be accepted in lieu of one (1) of the required receptacles in a
19 kitchen. In all cases, at least one (1) of the wall-mounted receptacles
20 shall not be obscured, either partially or otherwise by floor-mounted
21 appliances. Every toilet room, bathroom, laundry room, furnace
22 room, public hallway, porch, and flight of stairs between stories shall
23 contain at least one (1) supplied electric light fixture. Where an
24 interior stairway or public hallway changes direction, the required light
25 fixture shall be located so as to provide sufficient lighting for safe
26 exit.

26 22.206.120 MAINTENANCE. All mechanical facilities, fixtures, equip-
27 ment, and structures shall be maintained in a safe condition and in good
28 operating order.

Minimum Fire and Safety Standards (SMC Subchapter IV)

22.206.130 REQUIREMENTS.

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

A. STAIR AND STAIRWAY CONSTRUCTION. All stairs except winding, circular or spiral stairways shall have a minimum run of nine (9) inches and a maximum rise of eight (8) inches and a minimum width of thirty (30) inches from wall to wall. The rise and run may vary no more than one-half (1/2) inch in any flight of stairs. Every stairway having more than three (3) risers shall have at least one (1) handrail mounted at least twenty-eight (28) inches but no more than forty two (42) inches above the tread nose. A landing having minimum horizontal dimension of thirty (30) inches shall be provided at each point of access to the stairway. A door that swings away from a stairway shall be deemed to have created a landing in the area of its swing. Every required stairway, except in dwellings, shall have headroom clearance of not less than six (6) feet six (6) inches measured vertically from the nearest tread nose to the nearest soffit.

B. NUMBER OF EXITS. Every 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. A fire escape which meets the standards of subparagraph D of this section may be used as one (1) required exit; provided, that

1. Housing units in a two-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.

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

4 3. Housing units above the first floor or in a basement may have
5 one (1) exit if: a) an automatic fire sprinkler system is provided for all
6 exit ways and common areas in the building; or b) built to the single exit
7 requirements of Chapter 33 of the Seattle Building Code.

8 C. STAIRWAY ENCLOSURES

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

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

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

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

21 b. Each opening onto a stairway enclosure shall be pro-
22 tected by a self-closing door and latching assembly providing fire-
23 resistance equivalent to that provided by a solid wood door and assembly at
24 least one and three-fourths (1-3/4) inches thick.

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

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

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

3 c. The stairway enclosure is in a dwelling unit.

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

13 E. CORRIDORS, DOORS AND OPENINGS.

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

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

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

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

3 5. All doors opening into a corridor not included as part of a
4 stairway enclosure shall be of solid wood at least one and three-eighths
5 (1-3/8) inches thick, or shall provide equivalent fire-resistance except
6 where a lawfully installed automatic fire sprinkler system is provided
7 throughout all exitways and other public rooms and areas within the
8 building.

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

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

14 8. All corridor walls, floors, and ceilings shall be sealed with
15 one (1) hour fire-resistive material or shall be repaired in accordance
16 with codes and ordinances in effect at the time the corridors was
17 constructed.

18 F. EXIT SIGNS. Every exit doorway or change of direction of a corri-
19 dor shall be marked with a well-lighted exit sign or placard having green,
20 legible letters at least five (5) inches high.

21 G. ENCLOSURE OF VERTICAL OPENINGS.

22 1. Elevators, shafts, ducts, and other vertical openings shall be
23 protected with construction as required for stairways in subsection C or by
24 fixed wire glass set in steel frames, or by assemblies which comply with
25 Chapter 43 of the Seattle Building Code, Fire Resistive Standards.

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

1 H. SEPARATION OF OCCUPANCIES. Occupancy separations shall be pro-
2 vided as specified in Section 503 and Table 5-B of the Seattle Building
3 Code.

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

12 Minimum Security Standards

13 22.206.140 REQUIREMENTS. The requirements of this section shall apply
14 to all buildings except detached, owner-occupied, single-family dwellings
15 in which no rooms are rented or leased, in order to provide reasonable
16 security from criminal activity.

17 A. Building entrances, including main, rear, service, and garage-to-
18 building entrances, shall have doors which are self-closing, self-locking,
19 and equipped with either a dead bolt or a deadlatch with at least a one-
20 half (1/2) inch throw; provided, that the main entrance door need not be
21 self-locking if an attendant is present and on duty 24 hours per day.
22 When garage-to-exterior doors are equipped with an electrically operated
23 remote control device for opening and closing, garage-to-building doors
24 need not be self-locking. When either the garage-to-exterior doors or
25 garage-to-building doors are equipped for self-closing and self-locking,
26 the other need not be so equipped. Building entrance doors which open
27 directly into a single housing unit are not required to be self-closing or
28 self-locking.

1 B. 1. Entrance doors from interior corridors to individual housing
2 units shall not have glass openings and shall be capable of resisting for-
3 cible entry equal to a single-panel or hollow-core door, one and three-
4 eighths (1-3/8) inches thick. There shall be no openings on building
5 entrance doors (other than the main entrance door) except glazed openings,
6 which shall have wire or grilles to prevent operation of the door latch
7 from outside by hand or instrument. Main entrance doors may be framed or
8 unframed non-shattering glass or framed one-quarter (1/4) inch plate glass,
or an approved equivalent.

9 2. Windows may be located adjacent to and within the wall plane
10 of an entrance door, but if located within twelve (12) inches of such door,
11 as measured from a closed position, then such windows shall be made of
12 either framed or unframed nonshattering glass, framed one-quarter (1/4)
13 inch plate glass, or glass with sufficient wire or grilles so as to both
14 make the glass visible and prevent it from being used to operate the door
15 latch from outside by either hand or instrument.

16 3. Doors shall comply with the fire safety requirements listed in
17 Section 22.206.130 C and E.

18 C. Locks and keys shall be changed on change of tenants in all leased
19 or rented housing units in buildings other than hotels and other multi-unit
20 buildings having transient occupancies; provided, that a change of locks
21 and keys shall not be required where an approved proprietary key system is
22 used. Tenants shall be furnished keys for the required locks on their
23 respective units and building entrance doors.

24 D. All exit doors shall be openable from the interior without use of
25 keys.

26 E. Doors to storage, maintenance, and building service rooms shall be
27 self-closing and self-locking. Where private baths and toilets are not
28 provided in each housing unit, doors to community toilets or bathrooms
shall be self-closing and in lieu of a self-locking device they may be

1 equipped with a deadbolt having a minimum one (1) inch throw. Tenants
2 shall be furnished with a key for this lock.

3 F. 1. Every entrance door to an individual housing unit shall have
4 a deadbolt or a deadlatch with at least a one-half (1/2) inch throw. The
5 lock shall be so constructed that the deadbolt or deadlatch may be opened
6 from inside without use of a key.

7 2. In hotels and other multi-unit buildings that provide housing
8 for rent on a daily or weekly basis, every entrance door to individual
9 units shall have a chain door guard or barrel bolt on the inside.

10 G. Every entrance door, other than transparent doors, to individual
11 housing units, shall have a visitor-observation port (peephole) which shall
12 not decrease the fire-resistance of the door. Observation ports shall be
13 installed at a minimum height of fifty-four (54) inches and a maximum
14 height of sixty-six (66) inches.

15 H. Deadbolts or other approved locking devices shall be provided on
16 all sliding patio doors and installed so that the mounting screws for the
17 lock cases are inaccessible from the outside.

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

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

Duties of Owners and Tenants

22.206.150 GENERAL. 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.

22.206.160 DUTIES 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 10.52.010;

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; and

1 7. Maintain the building and equipment in compliance with the
2 minimum standards specified in Sections 22.206.010 through 22.206.140 and
3 in a safe condition, except for maintenance duties specifically imposed in
4 Section 22.206.170 on the tenant of the building; provided that this sub-
5 section 7 shall not apply to owner occupied dwelling units in which no
6 rooms are rented to others.

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

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

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

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

23 4. Install smoke detectors in each housing unit and test smoke
24 detectors when each housing unit becomes vacant;

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

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

1 C. JUST CAUSE EVICTION.

2 1. Owners of housing units shall not evict or attempt to evict
3 any tenant or otherwise terminate or attempt to terminate the tenancy of
4 any tenant except for good cause. The reasons for termination of tenancy
5 listed below, and no others, shall constitute good cause under this sec-
6 tion:

7 a. The tenant fails to comply with a notice to pay rent or
8 vacate pursuant to RCW 59.12.030(3); a ten-day notice to comply or vacate
9 pursuant to RCW 59.12.030(4); or a three-day notice to vacate for waste,
10 nuisance or maintenance of an unlawful business pursuant to
11 RCW 59.12.030(5);

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

15 c. The tenant fails to comply with a material term of the
16 rental agreement or fails to comply with a material obligation under
17 RCW 59.18 after service of a ten-day notice to comply or vacate;

18 d. The tenant habitually fails to comply with the material
19 terms of the rental agreement which causes the owner to serve a ten day
20 notice to comply or vacate three or more times in a twelve month period.

21 e. The owner seeks possession for the owner or for a member
22 of his or her immediate family and no substantially equivalent unit is
23 vacant and available in the same building. Immediate family shall include
24 the spouse, parents, grandparents, children, brothers and sisters of the
25 owner or owner's spouse.

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

28 g. The owner seeks to do major reconstruction or rehabili-

1 tation in the building which cannot be done with tenants in occupancy. Any
2 tenants dispossessed pursuant to this provision shall be given a right of
3 first refusal for the rehabilitated units;

4 h. The owner elects to demolish the building, convert it to
5 a condominium or a cooperative, or convert it to a nonresidential use;
6 provided, that the owner must obtain all permits which are necessary to
7 demolish or change the use before terminating any tenancy;

8 i. The owner seeks to discontinue use of a housing unit
9 unauthorized by Chapter 23 or 24 of the Seattle Municipal Code after
10 receipt of a Notice of Violation thereof, provided that relocation
11 assistance, at the rate of two (2) months' rent for each such unit, is paid
12 to the tenant(s) of each such unit at least two (2) weeks prior to the date
13 set for compliance in the notice of violation;

14 j. If a tenant is a resident of the owner's own housing
15 unit, the owner may evict the tenant at any time in the manner provided by
16 law.

17 k. If a tenant engages in criminal activity in the building
18 or on the premises.

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

22 3. With any termination notices required by law, owners ter-
23 minating any tenancy protected by this section shall advise the affected
24 tenant or tenants in writing of the reasons for the termination.

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

1 22.206.170 DUTIES OF TENANTS. It shall be the duty of every tenant
2 to:

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

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

8 C. Comply with reasonable requests of the owner for the prevention or
9 elimination of infestation including granting reasonable access for exter-
10 mination or preventive measures by the owner;

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

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

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

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

25 H. Test according to manufacturer's recommendations and keep in good
26 working condition all smoke detectors in the dwelling unit required by law.
27
28

1 22.206.180 HARASSING OR RETALIATING AGAINST TENANT.

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

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

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

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

11 4. Removing or excluding a tenant from the premises except pur-
12 suant to legal process; or

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

19 6. Entering a tenant's housing unit or premises except:
20

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

27 b. In an emergency.
28

1 22.206.190 HARASSING OR RETALIATING AGAINST OWNER. It is unlawful for
2 any tenant to harass or retaliate against an owner or to interfere with an
3 owner's management and operation of a building or premises by committing
4 any of the following acts:

5 A. Adding or tampering with any lock;

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

8 C. Willfully damaging or causing others to damage the building or
9 premises.
10

11 22.206.200 MINIMUM STANDARDS FOR VACANT BUILDINGS.

12 A. MAINTENANCE STANDARDS. Every vacant building shall conform to
13 the standards of sections 22.206.010 through 22.206.160 except when more
14 stringent standards are imposed by this section.
15

16 1. Sanitary facilities.

17 a. All plumbing fixtures connected to an approved water
18 system, an approved sewage system, or an approved natural gas utility
19 system shall be installed in accordance with applicable codes and be main-
20 tained in sound condition and good repair.

21 b. All plumbing fixtures connected to an approved water
22 system, sewage system, or approved natural gas utility system, not
23 installed or maintained in compliance with this Code and other applicable
24 codes and ordinances shall be removed and the service terminated in the
25 manner prescribed by current codes and ordinances.

26 c. All plumbing fixtures not connected to an approved water
27 system, an approved sewage system, or an approved natural gas utility
28 system shall either be connected to an approved system or the fixtures

1 shall be removed and the pipes capped in accordance with this Code and
2 other applicable City codes and ordinances.

3
4 2. Electrical System.

5 a. Every existing outlet and fixture shall be properly
6 connected, and wiring and service lines shall be installed and maintained
7 in accordance with this Code and other applicable codes and ordinances;

8 b. Outlets and fixtures not installed or maintained in
9 accordance with applicable codes and ordinances shall be removed and the
10 services terminated in the manner prescribed by law.

11
12 3. Safety From Fire.

13 a. No vacant building or premises shall contain any space
14 to be used for the storage of flammable liquids.

15 b. No room in any vacant building nor any premises shall be
16 used for storage of materials which would constitute a safety or fire
17 hazard.

18 c. Heating facilities or heating equipment in vacant
19 buildings shall be removed or maintained in accordance with applicable
20 codes and ordinances and any fuel supply shall be removed or terminated in
21 accordance with applicable codes and ordinances.

22 4. All vacant buildings shall be closed to unauthorized entry
23 according to the following standards:

24 a. All windows or glazed openings shall be protected by
25 intact glazing. All windows or glazed openings, the sills of which are
26 located ten (10) feet or less above grade, stairway, landing, ramp, porch,
27 roof, or other similarly accessible area, shall provide resistance to entry
28 equivalent to or greater than that of a solid sheet of one quarter ($\frac{1}{4}$) inch

1 plywood, painted to protect it from the elements, cut to fit the opening,
2 and securely nailed using 6D galvanized nails spaced not more than nine
3 (9) inches on center.

4 b. Doors and service openings with thresholds located ten
5 (10) feet or less above grade, a stairway, landing, ramp, porch, roof or
6 similarly accessible areas shall provide resistance to entry equivalent to
7 or greater than that of a closed single panel or hollow core door one and
8 three eighths (1-3/8) inches thick equipped with a half inch throw dead
9 bolt. Exterior doors, if openable, may be closed from the interior of the
10 building by toe nailing them to the door frame using 10D or 16D galvanized
11 nails.

12 c. There shall be one operable door into each building and
13 into each housing unit. If an existing door is operable, it may be used
14 and secured with a suitable lock such as a hasp and padlock or a one half
15 ($\frac{1}{2}$) inch deadbolt or dead latch. All locks shall be kept locked. When a
16 door cannot be made operable, a door shall be constructed of three quarter
17 ($\frac{3}{4}$) inch CDX plywood and shall be equipped with a lock as described
18 above.

19 d. All debris, combustible materials, litter and garbage
20 shall be removed from vacant buildings that have been closed to
21 unauthorized entry and from adjoining yard areas. After being closed to
22 unauthorized entry, the building and premises shall be maintained free from
23 such items.

24 B. OCCUPYING OR RENTING VACANT BUILDINGS. After a notice of viola-
25 tion, order or emergency order is issued in accordance with Section
26 22.206.220 or Section 22.206.260, no one shall use, occupy, rent, cause,
27 suffer, or allow any person to use or occupy or rent any vacant building or
28 building that has been vacated, after issuance of a notice of violation,
order or emergency order, unless a certificate of compliance has been

1 issued in accordance with Section 22.206.250. This Section does not prohi-
2 bit or make unlawful the occupancy of a detached single-family dwelling by
3 the owner if no rooms in the dwelling are rented or leased.

4 C. COMPLIANCE WITH OTHER PROVISIONS OF THIS CODE AND OTHER CODES.

5 Although this Code allows building vacation or closure under certain con-
6 ditions, buildings subject to regulation pursuant to the Downtown Housing
7 Maintenance Ordinance, SMC Chapter 22.220, may not be vacated or closed to
8 entry except as permitted by that ordinance. Owners vacating or closing a
9 building must comply with the just cause eviction requirements of section
10 22.206.160C of this Code.

11 D. TERMINATION OF UTILITIES. The Director may, by written notice to
12 the owner, the Superintendent of Water, the Superintendent of City Light or
13 to the Washington Natural Gas Co., request that water, electricity, or gas
14 service to a vacant building be terminated or disconnected. Upon receipt
15 of the notice the Superintendent of Water, Superintendent of City Light,
16 or the Washington Natural Gas Co., may terminate or disconnect the service.

17 E. RESTORATION OF SERVICE. Service shall be restored upon issuance of
18 a certificate of compliance by the Director in accordance with Section
19 22.206.250, or upon written notification by the Director that water,
20 electricity, or gas service should be restored. It shall be unlawful for
21 anyone, other than the Superintendent of Water, Superintendent of City
22 Light, or the Washington Natural Gas Co., or their duly authorized repre-
23 sentatives, to restore or reconnect any water, electricity, or gas service
terminated or disconnected pursuant to a Director's notice.

24 F. INSPECTION OF VACANT BUILDINGS.

25 1. When the Director has reason to believe that a building is
26 vacant, the Director may inspect the building and premises. If a violation
27 is found, a notice of violation shall be issued, and thereafter the premi-
28 ses shall be inspected quarterly to determine whether the building and

1 appurtenant structures are vacant and are closed to entry in conformance
2 with the standards of this Code. The owner or person responsible for the
3 building shall be assessed a fee by the Director pursuant to Section
4 22.202.020 of this Code for the cost of each quarterly inspection. When
5 valid building, electrical or plumbing permits have been issued in order to
6 correct violations of this Code, the Director shall continue to make quar-
7 terly inspections but shall not charge for the inspections during the life
8 of the permits if the Director determines that work is progressing at a
satisfactory rate.

9
10 2. Quarterly inspections shall cease when the building is reoc-
11 cupied and/or when the building and/or appurtenant structures have been
12 repaired or demolished pursuant to the requirements of this code. Any
13 occupancy of a building by anyone other than the owner, prior to issuance
14 of a Certificate of Compliance, shall constitute a violation of Section
22.206.200B.

15
16 3. If the Director finds that the condition of a building or
17 premises or appurtenant structure has deteriorated to an extent that it
18 endangers or is injurious to the health or safety of the occupants of
19 neighboring buildings or of the public, the Director shall commence abate-
ment proceedings in accordance with Chapter 22.206 or Chapter 22.208.

20
21 4. Any building or appurtenant structure that remains vacant and
22 open to entry after the closure date in a Director's Order is found and
23 declared to be a public nuisance which the Director is hereby authorized to
24 abate summarily. The costs of abatement shall be collected from the owner
in the manner provided by law.

25
26 5. Quarterly inspection charges shall be assessed as a fee under
27 the Permit Fee Ordinance (SMC Chapter 22.900) and if not paid upon demand
28 shall be collected pursuant to the Permit Fee Ordinance (SMC Chapter
22.900).

22.206.210 REMOVING 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.

Enforcement

22.206.220 NOTICE 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. List separately each violation of the standards and requirements of this Code;
2. State the corrective action necessary to bring the building and premises into compliance with the standards and requirements of this Code; and
3. 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(H),

1 a notice of violation or order for the same violations shall not be served
2 upon a new owner. The Director shall grant the new owner the same number
3 of days to comply with the Notice of Violation as was given the previous
4 owner, in the notice of violation. The compliance period shall be the
5 number of days between the date of issuance of the notice of violation and
6 the date for compliance stated in the text of the notice. The compliance
7 period for the new owner shall begin on the date that the deed or other
8 document conveying the property to the new owner is filed with the King
County Department of Records and Elections.

9
10 D. The notice shall be served upon the owner, tenant or other person
11 responsible for the condition by personal service, registered mail, or cer-
12 tified mail with return receipt requested, at the person's last known
13 address. If the address of the responsible person is unknown and cannot be
14 found after a reasonable search, the notice may be served by publishing it
15 once each week for two (2) consecutive weeks in the legal newspaper for
16 the City, and by mailing to the person a copy of the notice or order by
17 first class mail to the last known address, or if unknown, to the address
18 of the property subject to the notice of violation and by posting a copy of
19 the notice in a conspicuous place on the property. If a notice of viola-
tion 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.

20
21 E. In addition, a copy of the notice or order may be posted at a
22 conspicuous place on the property.

23
24 F. The Director may order that any other work in the building or on
25 the premises be stopped until the violations in the notice have been
26 corrected if, in the Director's opinion the continuation of other work will
27 impair the owner's ability to comply with this Code in a timely manner.

28
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.

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

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

6 1. The type and degree of violations found;

7
8 2. Applicable time limits for correction of similar violations
9 as provided in the State Landlord-Tenant Act, RCW Chapter 59.18;

10 3. The responsible party's demonstrated intent to repair, demo-
11 lish, or vacate and close the building as evidenced by:

12 a. A signed construction contract with a licensed
13 contractor to perform the required work by a specific date and for reason-
14 able compensation;

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

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

22
23 4. The procedural requirements for obtaining a permit to correct
24 the violations;

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

27 6. Circumstances beyond the control of the responsible person.
28

1 J. Unless a request for review by the Director is made in accordance
2 with Section 22.206.230, a notice of violation shall be the decision of the
3 Director. A copy of the notice of violation shall be filed with the King
4 County Department of Records and Elections. The Director is not required
5 to file a copy of the notice of violation if the notice is directed only to
6 a tenant or tenants.

7 22.206.230 REVIEW BY THE DIRECTOR.

8
9 A. Any party affected by a notice of violation issued by the Director
10 pursuant to Section 22.206.220 may obtain a review of the notice by the
11 Director by requesting such review in writing within ten (10) days after
12 service of the notice. When the last day of the period so computed is a
13 Saturday, Sunday, federal or City holiday, the period shall run until 5:00
14 p.m. of the next business day. Upon receipt of a request the Director
15 shall notify the person requesting the review, any persons served the
16 notice of violation, and any person who has requested notice of the review
17 of the date, time and place of the Director's review. The review shall be
18 not less than ten (10) nor more than twenty (20) days after the request is
19 received, unless otherwise agreed by the person requesting the review. Any
20 person affected by the notice of violation may submit any written material
21 to the Director for consideration on or before the date of the review.

22 B. A representative of the Director shall conduct the review. The
23 Director's representative shall explain the reasons for the issuance of the
24 notice of violation and will consider any information presented by the per-
25 sons attending. After the review, the Director shall:

- 26 1. Sustain the notice of violation; or
- 27 2. Withdraw the notice of violation; or
- 28 3. Continue the review to a future date; or

1 4. Amend the notice of violation; or

2 5. Grant a variance from the standards and requirements of
3 Sections 22.206.010 through 22.206.200 if the Director determines that all
4 of the following conditions or circumstances exist:

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

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

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

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

18 e. The requested variance would be consistent with the
19 spirit and purpose of this Code.
20

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

26 22.206.240 EXTENSION OF COMPLIANCE DATE.

27 A. The Director may extend the compliance date if required repairs
28 have been commenced and, in the Director's opinion are progressing at a

1 satisfactory rate. Extensions in excess of ninety (90) days may not be
2 granted unless the need therefor is established in a Director's review.

3 B. Vacating and Closing of Historic Buildings or Structures.

4 The Compliance date for historic buildings and structures that are closed
5 to entry pursuant to Section 22.206.200 of this Code, during the notice of
6 violation compliance period, shall be extended for as long as the building
7 or structure is maintained in compliance with the standards of Section
8 22.206.200 of this Code.

9
10 22.206.250 COMPLIANCE.

11 A. Compliance with a notice, order or decision shall be the respon-
12 sibility of each person cited in the notice, order or decision.

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

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

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

1 22.206.260 EMERGENCY ORDER.

2 A. Whenever the Director finds that any building or premises is an
3 imminent threat to the health or safety of the occupants or the public,
4 an emergency order may be issued directing that the building and/or premi-
5 ses be restored to a condition of safety, and specifying the time for
6 compliance. In the alternative the order may require that the building or
7 premises be immediately vacated and closed to entry. It shall be unlawful
8 for any person to use or occupy, or to cause or permit any person to use or
9 occupy the building or premises after the date provided in an emergency
10 order requiring the building to be vacated and closed until the Director
11 certifies that the conditions described in the emergency order have been
12 corrected and the building and premises have been restored to a safe con-
13 dition.

14 B. Any building or premises subject to an emergency order which is not
15 repaired within the time specified in the order is found and declared to be
16 a public nuisance which the Director is hereby authorized to abate sum-
17 marily by such means and with such assistance as may be available to the
18 Director and the costs thereof shall be recovered by the Director in the
19 manner provided by law.

20 22.206.270 VIOLATIONS.

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

23 B. It shall be a violation of this Code for any person to obstruct,
24 impede, or interfere with any attempt to correct a violation or comply
25 with any notice of violation, decision, emergency order, or stop work
26 order.

27 22.206.280 CIVIL PENALTY.

28 A. Any person who does not comply with a notice, decision or order

1 issued by the Director pursuant to this Chapter SMC 22.206 shall be subject
2 to a cumulative civil penalty in the amount of ~~Twenty five~~ ^{Fifteen} Dollars ~~(\$25)~~ ^{\$15}
3 per day for each housing unit in violation, and ~~Twenty Five~~ ^{Fifteen} Dollars ~~(\$25)~~ ^{\$15}
4 per day for violations in the common area or on the premises surrounding
5 the building or structure, from the date set for compliance until the
6 person complies with the notice, decision or order.

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

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

17 22.206.290 CRIMINAL PENALTIES.

18 A. Anyone who violates or fails to comply with the requirements of
19 Sections 22.206.180 or 22.206.190 shall, upon conviction:
20

21 1. Be fined in a sum not exceeding Five Thousand Dollars
22 (\$5,000) and/or

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

24 B. A fine not to exceed one thousand dollars (\$1,000) per violation
25 and/or a term of imprisonment not exceeding thirty (30) days may be
26 imposed:

27 1. For violations of Section 22.206.210;
28

1 2. For violations of Section 22.206.260;

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

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

6
7 22.206.300 RECEIVERSHIP AND OTHER EQUITABLE REMEDIES.

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

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

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

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

26
27 22.206.310 ABATEMENT OF NUISANCES Any building or structure, or the
28 premises on which the building or structure is located, in which violations
of this chapter remain uncorrected after a civil penalty has been imposed

1 pursuant to SMC 22.206.280 and which violations create a fire hazard or a
2 menace to the public health, safety or welfare of the public are hereby
3 declared public nuisances and may be abated. Upon initiation by the
4 Director and upon a finding by resolution of the City Council after public
5 hearing that a particular building, structure or premises is a public
6 nuisance, the Director is authorized to go onto private property to abate
7 such a nuisance and to utilize such funds as may be available for the costs
8 of performing the abatement. The costs of the abatement shall be collected
9 from the owner and-or other person responsible for the condition in such
10 manner as may be provided by law.

11 Section 6. There is hereby added to the Seattle Municipal Code a new
12 Chapter 22.208 to read as follows:

13 Chapter 22.208

14 Buildings Unfit for Human Habitation or Other Use

15
16 22.208.010 CONDITIONS FOR DECLARING A BUILDING UNFIT FOR HUMAN HABITATION
17 OR OTHER USE. Any building or structure, or the premises on which the
18 building or structure is located, in which any of the following conditions
19 exist to the extent that the health or safety of the occupants, of the
20 occupants of neighboring buildings or structures, or the public is
21 endangered, is declared to be unfit for human habitation or other permitted
22 use:

23 A. Structural members that are of insufficient size or strength to
24 carry imposed loads with safety, including, but not limited to, the
25 following:

- 26 1. Footings or foundations which are weakened, damaged, decayed,
27 deteriorated, insecure or missing.
28 2. Flooring or floor supports which are damaged, defective, or
deteriorated, decayed or missing.

1 3. Walls or partitions which are split or which lean, are
2 decayed, buckled, damaged or missing.

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

5 5. Ceilings or roofs or their supports which sag, buckle, or
6 are split, decayed or missing.

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

9
10 B. Inadequate protection to the extent that occupants are
11 exposed to the weather, including but not limited to the following:

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

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

16 3. Ineffective or inadequate waterproofing of foundations or
17 floors.

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

20
21 C. Inadequate sanitation to the extent that occupants or the general
22 public are directly exposed to the risk of illness or injury, including but
23 not limited to:

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

26 2. Defective or insanitary plumbing or plumbing fixtures.

27 3. Lack of running water connections to plumbing fixtures.
28

1 4. Defective or unsanitary kitchen countertops and/or cabinets.

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

3 6. Inadequate drainage.

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

5 Compliance with the Director's Rule governing the extermination of pests
6 shall be deemed compliance with this subsection 7.

8 8. Lack of adequate storage and removal of garbage and rubbish.

9
10 D. Inadequate light, heat, ventilation, or defective equipment,
11 including, but not limited to:

12 1. Inadequate light and/or ventilation.

13 2. Defective, deteriorated, hazardous, inadequate or missing
14 electrical wiring and/or electrical service.

15 3. Defective, hazardous, or improperly installed ventilating
16 equipment or systems.

17 4. Lack of a heating system which maintains an inside
18 temperature of sixty-five degrees Fahrenheit (65°F.) when the outside
19 temperature is twenty-four degrees Fahrenheit (24°F.) or above, measured
20 at a point three (3) feet above the floor, or one which is defective,
21 hazardous, or improperly installed.

22
23 E. Defective or inadequate exits, including but not limited to exits
24 that are unsafe, improperly located, or less than the required minimum
25 number or dimensions as defined by Section 22.206.130.

26 F. Conditions that increase the risk of fire or accident, including,
27 but not limited to:

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

1 2. Any building or device, apparatus, equipment, waste, vegeta-
2 tion, or other material in such condition as to cause a fire or explosion
3 or to provide a ready fuel to augment the spread or intensity of fire or
4 explosion.

5 22.208.020 STANDARDS FOR DEMOLITION, REPAIR OR VACATION AND CLOSURE.
6

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

11 1. Repaired, or demolished and removed, if the estimated cost of
12 repairing the conditions causing the building or premises to be unsafe or
13 unfit for human habitation exceeds fifty (50) percent of the replacement
14 value of a building or structure of similar size, design, type and quality.

15 2. Repaired, or vacated and closed, pursuant to Section
16 22.206.200 of this Code, if the estimated cost of repairing the conditions
17 causing the building or premises to be unsafe or unfit for human habitation
18 does not exceed fifty (50) percent of the replacement value of a building
19 or structure of similar type and quality.

20 B. If the Director finds that any of the following conditions exist,
21 the Director shall order that such conditions be eliminated before the
22 building is closed to entry pursuant to Section 22.206.200 of this Code.

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

27 2. Building appendages, as defined in Seattle Building Code
28 Section 104(d)(2), are in a deteriorated condition or are otherwise unable

1 to sustain the design loads specified; or

2 3. Part of the building or premises or equipment intended to
3 assist in extinguishing a fire or to prevent the origin or spread of fire or
4 to safeguard life or property from fire is in an unsafe or unusable condition.

5
6 22.208.030 INVESTIGATION, NOTICE AND HEARING.

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

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

13 2. Serve the complaint by personal service, registered mail, or
14 certified mail with return receipt requested, upon all persons having any
15 ownership interest in the building or premises as shown upon the records of
16 the King County Department of Records and Elections; and

17 3. Post the complaint in a conspicuous place on the property.

18
19 B. No complaint shall be issued and any issued complaint shall be
20 withdrawn if a permit has been issued for all repairs, alterations, and
21 improvements required to make the building fit for human habitation or
22 other permitted use, and the repair work, in the Director's opinion, is
23 progressing at a satisfactory rate.

24 C. If the address of the building's owner or owners cannot be ascer-
25 tained by the Director after a reasonable search, then the Director shall
26 make affidavit to that effect, then the complaint shall be served either by
27 personal service or by mailing a copy of the notice or order by certified
28 mail, postage prepaid, return receipt requested, to the address appearing
on the last equalized tax assessment roll of the County Assessor and to any

1 other address known to the County Assessor. A copy of the notice or order
2 shall also be mailed to each person whose address cannot be ascertained to
3 the address of the building or premises involved in the proceedings. A
4 copy of the complaint shall be filed with the King County Department of
5 Records and Elections. In addition to serving and posting the complaint,
6 the Director shall mail or cause to be delivered to all housing and/or
7 commercial rental units in the building a notice which informs each occu-
8 pant of the complaint and hearing procedures.

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

18 22.208.040 DETERMINATION AND ORDER OF DIRECTOR AFTER HEARING.

19 A. If, after the hearing provided for in Section 22.208.030, the
20 Director determines that a building or premises is unfit for human habita-
21 tion or other permitted use pursuant to Section 22.208.010, the Director
22 shall further determine, using the standards set forth in Section 22.208.020,
23 whether the building should be repaired, altered or improved; vacated and
24 closed; or demolished and removed. The Director shall state in writing the
25 facts in support of the decision and shall issue and serve upon the owner
26 and other parties in interest, in the manner provided in Section 22.208.030,
27 an order requiring the owner or other parties in interest, to repair, alter
28 or improve such building to make it fit for human habitation or other
permitted use; vacate and close the building; or demolish and remove the
building, on or before a specified date.

1 B. When calculating the time for compliance with an order issued
2 under subsection A, the Director shall consider:

3 1. The type of hazard and the nature and immediacy of the threat
4 to the public health and safety;

5 2. Whether the responsible party has demonstrated an intent to
6 repair, demolish or vacate and close the building by:

7 a. Entering into a contract with a licensed contractor to
8 perform the required work within a specific time and for a reasonable com-
9 pensation;

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

12 c. Securing a loan from an established lending institution to
13 provide sufficient funds to complete the required repairs;

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

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

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

20 5. Circumstances beyond the control of the responsible person.

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

23 22.208.050 APPEAL FROM ORDER OF DIRECTOR.

24 A. Any party affected by any order of the Director under this chapter
25 shall have the right to appeal the order of the Director to the Hearing
26 Examiner.
27
28

1 B. The appeal shall:

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

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

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

9 4. State briefly the remedy sought; and

10 5. Include the signatures of all appellants and their mailing
11 addresses.
12

13 C. The Hearing Examiner shall set a date for the hearing and provide
14 no less than twenty (20) days written notice of the hearing to the parties.
15 If agreed by the parties, the Hearing Examiner may decide the appeal on the
16 basis of the record presented.

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

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

24 F. The Hearing Examiner shall have the authority to affirm, modify or
25 reverse, or remand the order of the Director. The Hearing Examiner shall
26 summarily dismiss an appeal which is determined on its face to be without
27 merit, frivolous, or brought merely for the purpose of delay.
28

1 G. Within fourteen (14) days after the hearing or within fourteen
2 (14) days after receipt of an agreement by the parties that the case should
3 be decided without a hearing, the Hearing Examiner shall issue a written
4 decision containing findings of fact and conclusions and mail copies of the
5 decision to the parties of record. The decision of the Hearing Examiner
6 shall be the final decision of the City and shall have the same effect as a
7 decision of the Director issued pursuant to Section 22.206.230. The deci-
8 sion and order of the Hearing Examiner shall be filed by the Director in
9 the manner provided for filing of notices in Section 22.206.220.

10 22.208.060 PETITION TO SUPERIOR COURT. Any party affected by a deci-
11 sion and order of the Hearing Examiner pursuant to Section 22.208.050 may,
12 within fifteen (15) days after the date of the decision and order, petition
13 the Superior Court of King County for review of the Hearing Examiner's
14 decision.

15 22.208.070 EXTENSION OF COMPLIANCE DATE. An extension of time for
16 compliance with an order may be granted by the Director upon receipt of a
17 written request filed with the Director by any party affected not later
18 than fourteen (14) days prior to the date set for compliance in the order.
19 Any extensions granted shall be in writing. Extensions shall not be
20 subject to appeal. The Director may, without a written request, grant an
21 extension of time if in the Director's opinion such an extension is
22 warranted.

23 22.208.080 CERTIFICATE OF COMPLIANCE.

24 A. Compliance with an order issued pursuant to this Chapter 22.208
25 shall be the responsibility of each person cited in the order. If the
26 Director finds that the repairs, alteration, or corrections required by the
27 order have been made in compliance with the standards in this Code, the
28 Director shall issue a certificate of compliance certifying that, as of the
date of issue, the violations cited in the order have been corrected.

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

9 22.208.090 REINSPECTION OF VACANT BUILDINGS. When a building is
10 vacant and has been closed to entry pursuant to an order of the Director
11 issued pursuant to this Chapter, the Director shall reinspect the building
12 quarterly pursuant to Section 22.206.200D to assure that the building and
13 appurtenant structures remain vacant and closed to entry, and to determine
14 the extent to which of the building has deteriorated.

15 22.208.100 ENFORCEMENT OF THE ORDER OF THE DIRECTOR. If the person
16 served with an order fails to comply with an order to repair, alter or
17 improve; vacate and close; or demolish and/or remove the subject building,
18 the Director, by such means and with such assistance as may be available,
19 is hereby authorized and directed to cause the building to be repaired,
20 altered or improved; or vacated and closed; or demolished and/or removed,
21 and the costs thereof shall be recovered by the City in the manner provided
22 in Section 22.208.110. Owners who fail to comply with the order by the
23 date specified in the order will be subject to the civil penalty provided
24 in Section 22.208.150. Extensions of the compliance date may be granted in
25 accordance with Section 22.208.070.

26 22.208.110 RECOVERY OF COSTS.

27 A. If the costs incurred by the Director for repairs, alterations or
28 improvements, or of vacating and closing, or of demolition and removal,

1 pursuant to Section 22.208.100 are not paid after a written demand upon the
2 owner, such costs shall be assessed against the property for which the
3 costs were incurred.

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

9 C. After notice to the owner and other persons in interest that all or
10 a portion of the costs have not been paid, the Director shall notify the
11 City Treasurer of the amount due and owing, and upon receipt of the notifi-
12 cation the City Treasurer shall certify the amount to the County Treasurer
13 for assessment.

14 D. Upon certification by the City Treasurer of the assessment amount
15 due and owing, the County Treasurer shall enter the amount of assessment
16 upon the tax rolls against the real property for the current year to be
17 collected at the same time and with interest at the rates and in the manner
18 provided for in RCW 84.56.020, for delinquent taxes, and when collected
19 shall be deposited in the General Fund of the City and credited to the
20 Housing and Abatement Revolving Fund as provided in Section 22.202.050.

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

23 22.208.120 OCCUPYING OR RENTING BUILDING UNFIT FOR HABITATION;
24 TERMINATION OF UTILITIES.

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

1 fit for human habitation or other permitted use.

2 B. The Director may, by written notice directed to the owner and to
3 the Superintendent of Water, Superintendent of City Light, or to the
4 Washington Natural Gas Co., request that service of water, electricity, or
5 gas to the building be terminated or disconnected on or before a specified
6 date. Upon receipt of such notice the Superintendent of Water,
7 Superintendent of City Light, or the Washington Natural Gas Co. is
8 authorized to terminate or disconnect the service, and to restore the
9 service upon the issuance by the Director of a certificate of compliance in
10 accordance with Section 22.208.080, or upon written notification by the
11 Director that water, electricity or gas service should be restored.

12 C. It is unlawful for anyone other than the Superintendent of Water,
13 Superintendent of City Light, or the Washington Natural Gas Co., or their
14 authorized representatives, to restore any water, electricity, or gas ser-
15 vice that has been terminated or disconnected by notice from the Director.

16 22.208.130 REMOVING POSTED NOTICES. Only the Director may remove any
17 notice, complaint, or order posted in accordance with this Chapter prior to
18 issuance of a certificate of compliance.

19 22.208.140 VIOLATIONS.

20
21 A. Any failure or refusal to obey an order of the Director or Hearing
22 Examiner or any failure to comply with the requirements or standards of
23 this Code shall be a violation of this Code.

24 B. It shall be a violation of this Code for any person to obstruct,
25 impede or interfere with any attempt to correct any violation, or attempt
26 to comply with an order of the Director issued pursuant to this Chapter
27 22.208.

1 22.208.150 CIVIL PENALTIES.

2 A. Any person failing to comply with an order issued by the Director
3 or Hearing Examiner pursuant to this Chapter shall be subject to a cumula-
4 tive civil penalty in the amount of Fifty Dollars (\$50) per day from the
5 date set for compliance until compliance with the order is obtained.

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

9 22.208.160 CRIMINAL PENALTIES.

10 A. Anyone who violates or fails to comply with any of the require-
11 ments of this Chapter 22.208 and who within the previous five years has had
12 a civil penalty assessed against them pursuant to Section 22.208.150 of
13 this Code shall, upon conviction, be fined a sum not exceeding Five
14 Thousand Dollars (\$5,000) or imprisoned for a term not exceeding one year
15 or both. Each day that anyone shall violate or fail to comply with any of
16 the foregoing provisions shall be a separate offense.

17 B. A fine, not exceeding one thousand dollars (\$1,000) per violation
18 and/or a term of imprisonment not exceeding thirty (30) days may be imposed:

- 19 1. For violations of Section 22.208.130;
20 2. For any willful, intentional, or bad faith failure or refusal
21 to comply with the standards or requirements of this Code.

22
23 Section 7. The provisions of this ordinance are declared to be
24 separate and severable. The invalidity of any clause, sentence, paragraph,
25 subdivision, section or portion of this ordinance, or the invalidity of the
26 application thereof to any person or circumstances shall not affect the
27 validity of the remainder of this ordinance, or the validity of its
28 application to other persons or circumstances.

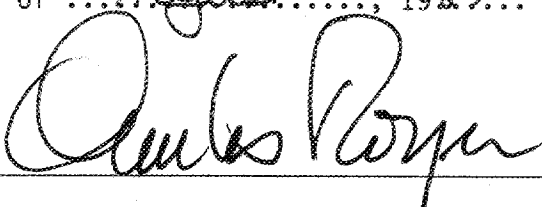
1 Section 8. Any acts made consistent with the authority and prior to
2 the effective date of this ordinance are hereby ratified and confirmed.

3 Section 9. This ordinance shall take effect and be in force thirty
4 days from and after its passage and approval by the Mayor; otherwise it
5 shall take effect at the time it shall become a law under the provisions of
6 the City Charter.

7
8 Passed by the City Council the 10th day of August...., 1987,
9 and signed by me in open session in authentication of its passage this
10 10th day of August....., 1987..

11
12 
13 President.....of the City Council

14
15 Approved by me this 20th day of August....., 1987...

16 
17 _____ Mayor

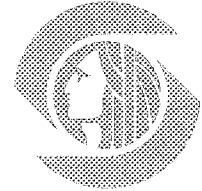
18
19 Filed by me this 20th day of August....., 1987...

20
21 Attest: Norward J. Brooks
22 City Comptroller and City Clerk

23
24 (SEAL)

25 Published _____ By Theresa Dunbar
26 Deputy Clerk

Seattle
Department of Construction and Land Use



Holly Miller, Director
Charles Royer, Mayor

March 25, 1987

Sam Smith
City Council President
Seattle City Council

Via Jim Ritch, Director, Office of Management and Budget

Dear Councilmember Smith:

Enclosed is a copy of the Draft Housing and Building Maintenance Code. This is a substantial revision of the current Housing Code, Chapter 22.200 of the Seattle Municipal Code. The Code was most recently revised in 1978.

This draft is the culmination of several years of effort and reflects contributions from many sources. The Building Code Advisory Board's Subcommittee on the Housing Code produced the initial draft. Last year, several public hearings were held and testimony was taken from citizens, representatives of tenant organizations such as the Tenants Union and People for Downtown Housing, and apartment owners' organizations such as the Apartment Operators Association. The Citizens Multi-Family Housing Code Enforcement Task Force, a department-level advisory group formed to review the Housing/Zoning Enforcement Division's administration of the Housing Code, also offered comments while working on their report in the Fall of 1986. City departments including Engineering, Police, Fire, Community Development, and Law have all made comments.

As you can imagine, there has been inevitable tension between landlords and tenants over changes to certain provisions in this code, most notably those dealing with the speed of the enforcement process, the amount of fines, the requirements for posting, relocation requirements and the appointment of receivers. We have listened to the many parties of interest to this code and have attempted to achieve a balanced approach to these and other concerns. We look forward to continuing to participate in the lively debate about these important issues during the City Council's deliberation.

This revision to the Housing Code is an attempt to solve several problems and issues frequently encountered in the existing code:

- ° Many of the changes will speed up the enforcement process thereby bringing buildings into compliance more quickly and referring violations to the Law Department for legal action sooner.
- ° The City's goal of keeping rental housing on the market and in habitable condition will be met by providing owners disincentives to taking buildings out of service.

Sam Smith, City Council President
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March 25, 1987

- Single family neighborhoods will be protected from the blighting effects of vacant single family homes by expanding the City's authority to regulate vacant buildings.
- The City's ability to pursue legal action for non-compliance will be improved by changes related to serving notices.
- Several changes in the area of relocation assistance and harassment will give additional protection to tenants.

Some of the key changes are described below:

- In order to protect tenants from eviction from housing units created illegally by an owner, we have added a requirement that owners pay relocation assistance to tenants when closing or vacating a unit because of enforcement action due to violation of the Land Use Code. (Section 22.206.160Cj, page 33)
- As a result of issues raised by tenants during meetings of the Multi-Family Task Force, the section on harassment against tenants has been revised. The change clarifies under what circumstances an individual may be cited for harassment or retaliation. (Section 22.206.180-190, pages 35-36.)
- The requirement of posting a Notice of Violation as a necessary component in serving a Notice has been eliminated. By making posting of a notice optional, inspectors will continue to post for public notice, but the failure to post will no longer preclude legal action on a case. This change will allow more timely action on cases and will eliminate the risk of losing court cases on this technicality. (Section 22.206.220E, pages 42.)
- Another change related to Notices of Violation will allow service to be accomplished through publishing in the newspaper. This change will allow enforcement action to proceed even when property owners are difficult to find or are avoiding service by mail or legal messenger. (Section 22.206.220D, page 42.)
- The existing code requires issuance of a new Notice of Violation when a change of ownership occurs. Under the new changes, the Notice stays in effect and the new owner is given the same amount of time to comply as the previous owner. This change will speed up the enforcement process. (Section 22.206.220C, page 42.)

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- When a building becomes vacant after a Notice of Violation has been served, the revisions to Section 22.206.200B now make it illegal to reoccupy the building until a Certificate of Compliance has been issued. This change protects future tenants from renting units which are in violation of the Housing Code (page 39).
- In an effort to speed up the enforcement process, we have shortened the appeal periods for Department reconsiderations and have changed the name of these reconsiderations to "Review by the Director." (Section 22.206.230, page 44.)
- The section called "Extension of Compliance Date", has been revised to encourage keeping buildings open and habitable. The code currently allows an owner to vacate and close a building in lieu of immediate compliance, and the compliance date is extended until the time the building is reoccupied. In this revision, we have eliminated vacating as a means of extending the compliance date. If the violations are not corrected by the compliance date, the case will be referred to the Law Department for legal action. This means owners will be required to maintain buildings, whether or not the building is vacant. (Section 22.206.240, page 46.)
- The City's authority to repair or demolish portions of buildings and to correct hazardous conditions on premises has been amended in Section 22.208.020. This clarifies our authority under the Washington State Unfit Buildings Act, RCW 35.70, and should permit a wider range of action in correcting problems associated with unfit buildings. This change will assist the City to act quickly to remove or repair vacant houses in neighborhoods. (Pages 53-54.)
- Also, in response to neighborhood concern about vacant buildings, we have added additional power of enforcement of minimum standards for unoccupied buildings. Under this requirement, vacant buildings must meet many of the same standards for occupied buildings, regarding sanitation, maintenance, mechanical fire safety and security standards, or those facilities and fixtures must be rendered safe. (Section 22.206.200, page 36-40.)
- Fines on civil penalties have been increased from \$3 a day per unit to \$25 a day per unit which brings Housing Code fines to the same level as Land Use Code fines. While only a small percentage of cases result in levying fines against an owner, this increase will provide a financial disincentive for failing to repair buildings. (Section 22.206.080 and 090, pages 48-49.)

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- ° A new section of the Code has been added which acknowledges the Superior Court's ability to appoint a receiver. This procedure follows the strict provisions of the State law and a receiver would be appointed only in cases of extreme neglect on the part of the property owner. The receiver would be required to ensure the building is responsibly managed, as well as protect the interest of the owner. (Section 22.206.300, pages 49-50.)
- ° Finally, the Housing Code has been updated throughout to incorporate ordinances and procedures that have been changed since it was last revised in 1978. Definitions and code language have been changed to match other City codes such as the Building and Land Use Code: the requirements of the Housing Preservation Ordinance and the Downtown Housing Maintenance Ordinance have been incorporated, and procedures for advisory inspections have been added. These changes put all City ordinances and procedures related to the Housing Code under one cover.

We have worked hard to draft a code which responds to the needs of neighborhood groups, tenants, apartment owners, and all citizens of Seattle. We have incorporated suggestions from a wide variety of individuals and organizations. The result will assist the Housing/Zoning Enforcement Division of the Department of Construction and Land Use to maintain the quality of life in the neighborhoods of our City and to preserve housing as a resource for our future.

Sincerely,



HOLLY MILLER
Director

cc: All Councilmembers

CR:bds

Enclosure

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

8 C. It is further found that maintenance of the housing stock is critical
9 to the health, safety and welfare of the general public and it is the
10 intent of this code to assure the preservation of the existing supply of
11 housing in the City of Seattle by establishing minimum standards and an
12 effective means for enforcement and by encouraging the rehabilitation and
13 re-use of existing structurally sound buildings.

14 D. The express purpose of this Code is to provide for and promote the
15 health, safety and welfare of the general public, and not to protect indi-
16 viduals or create or otherwise establish or designate any particular class
17 or group of persons who will or should be especially protected or benefited
18 by the terms of this Code. The obligation of complying with the require-
19 ments of this Code and the liability for failing to do so is hereby placed
20 upon the owner and/or occupant or persons responsible for the condition of
21 the buildings or premises.

22 22.200.030 SCOPE. This Code shall apply to all buildings, appurtenant
23 structures and premises, now in existence or hereafter constructed; pro-
24 vided, that:

25 A. The Seattle Building, Mechanical, Fire, Electrical, and Plumbing
26 Codes shall apply to the construction, alteration, rehabilitation, repair
27 and maintenance of all buildings, structures and premises except when this
28 Code specifically requires higher standards;

1 B. The minimum standards in effect when a building, structure, or pre-
2 mises was constructed, altered, rehabilitated or repaired shall apply to
3 the maintenance except when this Code specifically requires higher
4 standards;

5 C. The minimum standards set forth in Sections 22.206.010 through
6 22.206.140 shall be advisory only for all housing units which are owner
7 occupied and in which no rooms are rented or leased to others, except as
8 provided by Section 22.202.010 for owner-requested inspections; and

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

13 Section 3. There is hereby added to the Seattle Municipal Code a new
14 Chapter 22.202 to read as follows:

15 Chapter 22.202

16 Administration

17
18 22.202.010 A. ENFORCEMENT. The Director is hereby designated the
19 City Official to exercise the powers granted by this Code except that the
20 Chief of Police shall be responsible for the enforcement of Sections
21 22.206.180 and 22.206.190 and shall have equal responsibility with the
22 Director for enforcement of Sections 22.206.140 and 22.206.160B(8).

23
24 B. RULES. The Director is authorized to adopt, in accordance with
25 the Administrative Code of the City of Seattle, such rules as are necessary
26 to implement the requirements of this Code and to carry out the duties of
27 the Director hereunder.
28

1 22.202.020 FEES. Fees or charges for advisory inspections, inspections
2 for monitoring vacant buildings, and for requested services shall be as
3 specified in the Permit Fee Ordinance (SMC Chapter 22.900). No fee shall
4 be charged for inspections in response to citizen complaints.

5 22.202.030 RIGHT TO ENTRY. The Director or the Director's designee
6 may, with the consent of an occupant or owner, or pursuant to a lawfully
7 issued warrant, enter any building, structure or premises in the City to
8 perform any duty imposed by this Code.

9 22.202.035 OWNER REQUESTED INSPECTIONS. The Director is authorized to
10 make inspections upon the receipt of a request from an owner and upon
11 receipt of payment in accordance with the Permit Fee Ordinance (SMC Chapter
12 22.900) for the purpose of determining whether buildings and properties
13 comply with the standards of this Code. Such inspections may include
14 owner-occupied, single-family dwelling units otherwise beyond the scope of
15 this Code. The standards used in the inspection shall include those items
16 from which single-family dwellings are otherwise exempted. As a result of
17 an owner-requested inspection, the Director shall require compliance with
the following provisions of this Code and no others:

- 18 1. Section 22.206.140 in housing units other than owner-occupied
19 housing units in which no rooms are rented or leased to others;
20 2. Section 22.206.130 in structures that are tenant-occupied;
21 3. Section 22.206.260.

22
23 22.202.040 LIABILITY. Nothing contained in this Code is intended to
24 be nor shall be construed to create or form the basis for any liability on
25 the part of the City, or its officers, employees or agents, for any injury
26 or damage resulting from the failure of an owner of property or land to
27 comply with the provisions of this Code, or by reason or in consequence of
28

1 pounds when empty and without cover, fitted with two (2) sturdy handles,
2 one (1) on each side, and a tight cover equipped with a handle, or a
3 "sunken can", as permitted by the Director of Engineering. A "sunken can"
4 is any garbage can which is in a sunken covered receptacle specifically
5 designed to contain one (1) or more garbage cans the tops of which are
6 approximately at ground level.

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

12 GUEST. "Guest" means any person occupying a guest room pursuant to a
13 rental agreement.

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

17 22.204.090 "H"
18

19 HABITABLE ROOM. "Habitable room" means space in a building occupied,
20 used, designed or intended to be used for living, sleeping, eating or
21 cooking. Bathrooms, toilet compartments, closets, halls, storage or uti-
22 lity space, and similar areas are not habitable rooms.

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

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

1 22.204.190 "R"

2 RENTAL AGREEMENT. "Rental agreement" means an agreement, oral or writ-
3 ten, relating to the use and occupancy of a building, structure or premi-
4 ses.

5 RUBBISH. "Rubbish" means all discarded nonputrescible waste matter.

6 22.204.200 "S"

7
8 SINGLE ROOM OCCUPANCY UNIT (S.R.O.). "S.R.O. unit" means an existing
9 housing unit with one combined sleeping and living room of at least seventy
10 (70) square feet but of not more than 130 square feet. Such units may
11 include a kitchen and a private bath.

12 SMOKE DETECTOR. "Smoke detector" means an approved device which senses
13 the products of combustion. The device shall bear a label or other iden-
14 tification issued by an approved testing agency having a service for
15 inspection of materials and workmanship at the factory during fabrication
16 and assembly.

17 STAIRWAY ENCLOSURE. "Stairway enclosure" means the space enclosing
18 interior stairs, landings between flights, corridors, and passageways used
19 for direct exit to the exterior of a building and any lobbies or other com-
20 mon areas that open onto such direct exits. Any space in a lobby or com-
21 mon area that is separated from a direct exit by a one hour fire assembly
22 shall not be considered part of a stairway enclosure.

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

26 STORY. "Story" means that portion of a building included between the
27 upper surface of any floor and the upper surface of the floor next above;

1 shall be provided between the sides of bunks and from every bunk to an
2 exit. The requirements of this subparagraph shall not apply to SRO units.

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

7
8 22.206.030 RESERVED.

9 22.206.040 LIGHT AND VENTILATION.

10 A. Every habitable room in a housing unit shall have a window not
11 less than one-tenth (1/10) of the floor area of the room, but in no event
12 shall such area be less than ten (10) square feet; provided, that an
13 approved system of artificial light may be used in lieu of the window
14 required by this section in kitchens and laundry rooms.

15 B. Every habitable room in a housing unit shall have natural ven-
16 tilation from an exterior opening with an area not less than one fourth
17 (1/4) of the required window area for the room. Every bathroom, water clo-
18 set compartment, laundry room and similar room shall be provided with
19 natural ventilation by means of exterior openings with an area not less
20 than one-twentieth (1/20) of the floor area of the room, but in no event
21 shall such area be less than one and a half (1-1/2) square feet; provided,
22 that in lieu of required exterior openings for natural ventilation, a
23 mechanical ventilating system or vent shafts may be provided. Such system
24 shall comply with the requirements of the Seattle Energy Code and appli-
25 cable requirements of the Seattle Mechanical Code. If a mechanical ven-
26 tilation system is provided in laundry rooms and similar rooms, it shall
27 be connected directly to the outside and be capable of providing five (5)
28 air changes per hour.

1 C. For the purpose of determining light and ventilation requirements,
2 any room may be considered a portion of an adjoining room if one-half (1/2)
3 of the area of the common wall is open and unobstructed and provides an
4 opening of not less than one tenth (1/10) of the floor area of the interior
5 room or twenty-five (25) square feet, whichever is greater.

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

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

15 E. When exterior openings on a yard, court, street, or alley are used
16 to meet the light and ventilation requirements of this section 22.206.040,
17 then the yard, court, street, or alley shall extend at least three (3) feet
18 out from the face of the exterior opening. Every court shall be at least
19 ten (10) feet in length unless bounded on one end by a street or yard.

20
21 22.206.050 SANITATION.

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

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

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

17 D. Kitchens. Every dwelling unit shall have a kitchen. Every
18 kitchen shall have an approved kitchen sink, hot and cold running water,
19 counter work space, cabinets for storage of cooking utensils and dishes.
20 A kitchen shall also have approved cooking appliances and refrigeration
21 facilities or adequate space for their installation. All cooking applian-
22 ces and refrigeration facilities shall be maintained in a safe and good
23 working condition. Unapproved cooking appliances shall be prohibited.
24 Splash backs and countertops shall have an impervious surface.

25 E. Fixtures. All plumbing fixtures shall be trapped and vented and
26 connected to an approved sanitary sewer or to an approved private sewage
27 disposal system. There shall be an approved system of water supply,
28 providing both hot and cold running water. All toilets shall be flush type
and in good working order. Hot water for the required sink, lavatory, and

1 damp-free and rodent-proof, and shall be kept in a safe, sound, and
2 sanitary condition and in good repair.

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

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

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

16 E. Cross ventilation shall be provided in enclosed attics and
17 enclosed rafter spaces formed where ceilings are applied directly to the
18 underside of roof rafters through the installation of ventilating openings
19 which do not permit rain and snow to enter the building. The openings
20 shall be covered with corrosion-resistant metal mesh openings not exceeding
21 one-quarter ($\frac{1}{4}$) inch in dimension.

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

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

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

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

7 Minimum Mechanical Standards (SMC Subchapter III)
8

9 22.206.090 HEATING. A. Minimum Temperatures. Every housing unit
10 shall have heating facilities which maintain an average room temperature of
11 sixty-five degrees Fahrenheit (65°F.) when the outside temperature is
12 twenty-four degrees Fahrenheit (24°F.) or higher, measured at a point three
13 (3) feet above the floor in all habitable rooms, baths and toilet rooms.
14 When the outside temperature is less than twenty-four degrees Fahrenheit
15 (24°F.), the heating facility must maintain an average room temperature of
16 fifty-eight degrees Fahrenheit (58°F.), measured at a point three (3) feet
17 above the floor in all habitable rooms, baths and toilet rooms.

18 B. Heating Devices. All heating devices and appliances shall be of an
19 approved type, in good and safe working order, and shall meet all installa-
20 tion and safety codes. Approved, unvented portable oil-fueled heaters may
21 be used as a supplement heat source provided that such heaters shall not
22 be located in any sleeping room or bathroom, as provided by SMC 22.400,
23 Section 807(a). Ventilation for rooms and areas containing fuel-burning
24 appliances shall be adequate for proper combustion.

25 22.206.100 VENTILATION EQUIPMENT. Ventilating equipment or shafts
26 shall be of an approved type and maintained in a safe manner. Where
27
28

Minimum Fire and Safety Standards (SMC Subchapter IV)

22.206.130 REQUIREMENTS.

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

A. STAIR AND STAIRWAY CONSTRUCTION. All stairs except winding, circular or spiral stairways shall have a minimum run of nine (9) inches and a maximum rise of eight (8) inches and a minimum width of thirty (30) inches from wall to wall. The rise and run may vary no more than one-half (1/2) inch in any flight of stairs. Every stairway having more than three (3) risers shall have at least one (1) handrail mounted at least thirty (30) inches but no more than forty (40) inches above the tread nose. A landing having minimum horizontal dimension of thirty (30) inches shall be provided at each point of access to the stairway. A door that swings away from a stairway shall be deemed to have created a landing in the area of its swing. Every required stairway, except in dwellings, shall have headroom clearance of not less than six (6) feet six (6) inches measured vertically from the nearest tread nose to the nearest soffit.

B. NUMBER OF EXITS. Every 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. A fire escape which meets the standards of subparagraph D of this section may be used as one (1) required exit; provided, that

1. Housing units in a two-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.

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

4 3. Housing units above the first floor or in a basement may have
5 one (1) exit if: a) an automatic fire sprinkler system is provided for all
6 exit ways and common areas in the building; or b) built to the single exit
7 requirements of Chapter 33 of the Seattle Building Code.

8 C. STAIRWAY ENCLOSURES

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

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

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

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

21 b. Each opening onto a stairway enclosure shall be pro-
22 tected by a self-closing door and latching assembly providing fire-
23 resistance equivalent to that provided by a solid wood door and assembly at
24 least one and three-fourths (1-3/4) inches thick.

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

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

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

3 c. The stairway enclosure is in a dwelling unit.

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

14 E. CORRIDORS, DOORS AND OPENINGS.

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

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

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

1 H. SEPARATION OF OCCUPANCIES. Occupancy separations shall be pro-
2 vided as specified in Section 503 and Table 5-B of the Seattle Building
3 Code.

4 I. GUARDRAILS. A guardrail shall be provided whenever walking sur-
5 faces, including stairs, are thirty (30) inches or more above adjacent sur-
6 faces, except in building service areas. Guardrails shall be at least
7 thirty-six (36) inches in height. Open guardrails shall have intermediate
8 rails.

9 Minimum Security Standards

10 22.206.140 REQUIREMENTS. The requirements of this section shall apply
11 to all buildings except detached, owner-occupied, single-family dwellings
12 in which no rooms are rented or leased.

13 A. Building entrances, including main, rear, service, and garage-to-
14 building entrances, shall have doors which are self-closing, self-locking,
15 and equipped with a deadlatch with at least a one-half (1/2) inch throw
16 which shall penetrate the strike plate a minimum of one-fourth (1/4) inch;
17 provided, that the main entrance door need not be self-locking if an
18 attendant is present and on duty 24 hours per day. When garage-to-exterior
19 doors are equipped with an electrically operated remote control device for
20 opening and closing, garage-to-building doors need not be self-locking.
21 When either the garage-to-exterior doors or garage-to-building doors are
22 equipped for self-closing and self-locking, the other need not be so
23 equipped. Building entrance doors which open directly into a single
24 housing unit are not required to be self-closing or self-locking.

25 B. 1. Entrance doors from interior corridors to individual housing
26 units shall not have glass openings and shall be capable of resisting for-
27 cible entry equal to a single-panel or hollow-core door, one and three-
28

1 eighths (1-3/8) inches thick. There shall be no openings on building
2 entrance doors (other than the main entrance door) except glazed openings,
3 which shall have wire or grilles to prevent operation of the door latch
4 from outside by hand or instrument. Main entrance doors may be framed or
5 unframed non-shattering glass or framed one-quarter (1/4) inch plate glass,
6 or an approved equivalent.

7 2. Windows may be located adjacent to and within the wall plane
8 of an entrance door, but if located within twelve (12) inches of such door,
9 as measured from a closed position, then such windows shall be made of
10 either framed or unframed nonshattering glass, framed one-quarter (1/4)
11 inch plate glass, or glass with sufficient wire or grilles so as to both
12 make the glass visible and prevent it from being used to operate the door
13 latch from outside by either hand or instrument.

14 3. Doors shall comply with the fire safety requirements listed in
15 Section 22.206.130 C and E.

16 C. Locks and keys shall be changed on change of tenants in all leased
17 or rented housing units in buildings other than hotels and other multi-unit
18 buildings having transient occupancies; provided, that a change of locks
19 and keys shall not be required where an approved proprietary key system is
20 used. Tenants shall be furnished keys for the required locks on their
21 respective units and building entrance doors.

22 D. All exit doors shall be openable from the interior without use of
23 keys.

24 E. Doors to storage, maintenance, and building service rooms shall be
25 self-closing and self-locking. Community toilets or bathrooms shall be
26 self-closing and in lieu of a self-locking device they may be equipped
27 with a deadbolt having a minimum one (1) inch throw. Tenants shall be
28 furnished with a key for this lock.

1 F. 1. Every entrance door to an individual housing unit shall have
2 a deadbolt or a deadlatch with at least a one-half (1/2) inch throw which
3 penetrates the strike plate a minimum of one-fourth (1/4) inch. The lock
4 shall be so constructed that the deadbolt or deadlatch may be opened from
5 inside without use of a key.

6 2. In hotels and other multi-unit buildings that provide housing
7 for rent on a daily or weekly basis, every entrance door to individual
8 units shall have a chain door guard or barrel bolt on the inside.

9 G. Every entrance door, other than transparent doors, to individual
10 housing units, shall have a visitor-observation port (peephole) which shall
11 not decrease the fire-resistance of the door. Observation ports shall be
12 installed at a minimum height of fifty-four (54) inches and a maximum
13 height of sixty-six (66) inches.

14 H. Deadbolts or other approved locking devices shall be provided on
15 all sliding patio doors and installed so that the mounting screws for the
16 lock cases are inaccessible from the outside.

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

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

Duties of Owners and Tenants

22.206.150 GENERAL. 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.

22.206.160 DUTIES 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;
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 10.52.010;
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; and

1 7. Maintain the building and equipment in compliance with the
2 minimum standards specified in Sections 22.206.010 through 22.206.140 and
3 in a safe condition, except for maintenance duties specifically imposed in
4 Section 22.206.170 on the tenant of the building; provided that this sub-
5 section 7 shall not apply to owner occupied dwelling units in which no
6 rooms are rented to others.

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

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

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

16 3. Maintain heat in all occupied habitable rooms, baths and
17 toilet rooms at an inside temperature, as measured at a point three (3)
18 feet above the floor, of at least sixty-five degrees Fahrenheit (65°F.)
19 between the hours of 7 a.m. and 10:30 p.m. and fifty-eight degrees
20 Fahrenheit (58°F.) between the hours of 10:30 p.m. and 7 a.m. from
21 September 1 until June 30, when the owner is constructually obligated to
22 provide heat;

23 4. Install smoke detectors in each housing unit and test smoke
24 detectors when each housing unit becomes vacant;

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

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

1 C. JUST CAUSE EVICTION.

2
3 1. Owners of housing units shall not evict or attempt to evict
4 any tenant or otherwise terminate or attempt to terminate the tenancy of
5 any tenant except for good cause. The reasons for termination of tenancy
6 listed below, and no others, shall constitute good cause under this sec-
7 tion:

8 a. The tenant fails to comply with a notice to pay rent or
9 vacate pursuant to RCW 59.12.030(3); a ten-day notice to comply or vacate
10 pursuant to RCW 59.12.030(4); or a three-day notice for waste, nuisance or
11 maintenance of an unlawful business pursuant to RCW 59.12.030(5);

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

15 c. The tenant fails to comply with a material term of the
16 rental agreement or fails to comply with a material obligation under
17 RCW 59.18 after service of a ten-day notice to comply or vacate;

18 d. The tenant habitually fails to comply with the terms of
19 the rental agreement which causes the owner to serve a ten day notice to
20 comply or vacate three or more times in a twelve month period.

21 e. The owner seeks possession for the owner or for a member
22 of his or her immediate family and no substantially equivalent unit is
23 vacant and available in the same building. Immediate family shall include
24 the spouse, parents, grandparents, children, brothers and sisters of the
25 owner or owner's spouse.

26 f. The owner seeks to employ a manager to live on the
27 property in a designated unit. Any tenant dispossessed pursuant to this
28 provision shall be given the right to move into a vacant unit in the
building if one is available.

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

3 h. The owner seeks to do major reconstruction or rehabili-
4 tation in the building which cannot be done with tenants in occupancy. Any
5 tenants dispossessed pursuant to this provision shall be given a right of
6 first refusal for the rehabilitated units;

7 i. The owner elects to demolish the building, convert it to
8 a condominium or a cooperative, or convert it to a nonresidential use;
9 provided, that the owner must obtain all permits which are necessary to
10 demolish or change the use before terminating any tenancy;

11 j. The owner seeks to discontinue use of a housing unit
12 unauthorized by Chapter 23 or 24 of the Seattle Municipal Code after
13 receipt of a Notice of Violation thereof, provided that relocation
14 assistance, at the rate of two (2) months' rent for each such unit, is paid
15 to the tenant(s) of each such unit at least two (2) weeks prior to the date
16 set for compliance in the notice of violation;

17 k. If a tenant is a resident of the owner's own housing
18 unit, the owner may evict the tenant at any time in the manner provided by
19 law.

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

23 3. With any termination notices required by law, owners ter-
24 minating any tenancy protected by this section shall advise the affected
25 tenant or tenants in writing of the reasons for the termination.

26 4. In any action commenced to evict or to otherwise terminate
27 the tenancy of any tenant, it shall be a defense to the action that there
28

1 B. OCCUPYING OR RENTING VACANT BUILDINGS. After a notice of viola-
2 tion, order or emergency order is issued in accordance with Section
3 22.206.220 or Section 22.206.260, no one shall use, occupy, rent, cause,
4 suffer, or allow any person to use or occupy or rent any vacant building or
5 building that has been vacated, after issuance of a notice of violation,
6 order or emergency order, unless a certificate of compliance has been
7 issued in accordance with Section 22.206.250. This Section does not prohi-
8 bit or make unlawful the occupancy of a detached single-family dwelling by
9 the owner if no rooms in the dwelling are rented or leased.

10 C. COMPLIANCE WITH OTHER PROVISIONS OF THIS CODE AND OTHER CODES.
11 Buildings subject to a complaint issued pursuant to the Downtown Housing
12 Maintenance Ordinance, SMC Chapter 22.220, may not be vacated or closed to
13 entry except as permitted by that ordinance. Owners vacating or closing a
14 building must comply with the just cause eviction requirements of section
15 22.206.160C of this Code.

16 D. TERMINATION OF UTILITIES. The Director may, by written notice to
17 the owner, the Superintendent of Water, the Superintendent of City Light or
18 to the Washington Natural Gas Co., request that water, electricity, or gas
19 service to a vacant building be terminated or disconnected. Upon receipt
20 of the notice the Superintendent of Water, Superintendent of City Light,
21 or the Washington Natural Gas Co., may terminate or disconnect the service.

22 E. RESTORATION OF SERVICE. Service shall be restored upon issuance of
23 a certificate of compliance by the Director in accordance with Section
24 22.206.250, or upon written notification by the Director that water,
25 electricity, or gas service should be restored. It shall be unlawful for
26 anyone, other than the Superintendent of Water, Superintendent of City
27 Light, or the Washington Natural Gas Co., or their duly authorized repre-
28 sentatives, to restore or reconnect any water, electricity, or gas service
terminated or disconnected pursuant to a Director's notice.

5. Quarterly inspection charges shall be assessed as a fee under the Permit Fee Ordinance (SMC Chapter 22.900) and if not paid upon demand shall be collected pursuant to the Permit Fee Ordinance (SMC Chapter 22.900).

22.206.210 REMOVING 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.

~~Enforcement~~

22.206.220 NOTICE 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 pursuant to this section. The notice of violation shall:

1. List separately each violation of the standards and requirements of this Code;
2. State the corrective action necessary to bring the building and premises into compliance with the standards and requirements of this Code; and
3. 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;

1 2. The building is occupied by a tenant or tenants and viola-
2 tions of Section 22.206.130 or Section 22.206.140 are found.

3 C. After a notice of violation or order has been filed with the King
4 County Department of Records and Elections pursuant to Section
5 22.206.220(H), a notice of violation or order for the same violations shall
6 not be served upon a new owner. The Director shall grant the new owner the
7 same number of days to comply with the Notice of Violation as was given the
8 previous owner, in the notice of violation. The compliance period shall be
9 the number of days between the date of issuance of the notice of violation
10 and the date for compliance stated in the text of the notice. The
11 compliance period for the new owner shall begin on the date that the deed
12 or other document conveying the property to the new owner is filed with the
13 King County Department of Records and Elections.

14 D. The notice shall be served upon the owner, tenant or other person
15 responsible for the condition by personal service, registered mail, or cer-
16 tified mail with return receipt requested, at the person's last known
17 address. If the address of the responsible person is unknown and cannot be
18 found after a reasonable search, the notice may be served by publishing it
19 once each week for two (2) consecutive weeks in the legal newspaper for
20 the City, and by mailing to the person a copy of the notice or order by
21 first class mail to the last known address, or if unknown, to the address
22 of the property subject to the notice of violation and by posting a copy of
23 the notice in a conspicuous place on the property.

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

26 F. The Director may order that any other work in the building or on
27 the premises be stopped until the violations in the notice have been
28 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.

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

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

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

9 1. The type and degree of violations found;

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

12 3. The responsible party's demonstrated intent to repair, demo-
13 lish, or vacate and close the building as evidence by:

14 a. A signed construction contract with a licensed
15 contractor to perform the required work by a specific date and for reaso-
16 nable compensation;

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

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

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

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

3 6. Circumstances beyond the control of the responsible person.
4

5 J. Unless a request for review by the Director is made in accordance
6 with Section 22.206.230, a notice of violation shall be the decision of the
7 Director. A copy of the notice of violation shall be filed with the King
8 County Department of Records and Elections. The Director is not required
9 to file a copy of the notice of violation if the notice is directed only to
10 a tenant or tenants.

11 22.206.230 REVIEW BY THE DIRECTOR.
12

13 A. Any person affected by a notice of violation issued by the
14 Director pursuant to Section 22.206.220 may obtain a review of the notice
15 by the Director by requesting such review in writing within seven (7) days
16 after service of the notice. When the last day of the period so computed
17 is a Saturday, Sunday, federal or City holiday, the period shall run until
18 5:00 p.m. of the next business day. Upon receipt of a request the Director
19 shall notify the person requesting the review, any persons served the
20 notice of violation, and any person who has requested notice of the review of
21 the date, time and place of the Director's review. The review shall be not
22 less than ten (10) nor more than twenty (20) days after the request is
23 received, unless otherwise agreed by the person requesting the review.
24 Any person affected by the notice of violation may submit any written
25 material to the Director for consideration on or before the date of the
26 review.
27

28 B. A representative of the Director shall conduct the review. The
Director's representative shall explain the reasons for the issuance of the

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

6 22.206.240 EXTENSION OF COMPLIANCE DATE.

7
8 A. The Director may extend the compliance date if required repairs
9 have been commenced and, in the Director's opinion are progressing at a
10 satisfactory rate. Extensions in excess of ninety (90) days may not be
11 granted unless the need therefor is established in a Director's review.

12 B. Vacating and Closing of Historic Buildings or Structures.

13 The Compliance date for historic buildings and structures that are closed
14 to entry pursuant to Section 22.206.200 of this Code, during the notice of
15 violation compliance period, shall be extended for as long as the building
16 or structure is maintained in compliance with the standards of Section
17 22.206.200 of this Code.

18 22.206.250 COMPLIANCE.

19
20 A. Compliance with a notice, order or decision shall be the respon-
21 sibility of each person cited in the notice, order or decision.

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

27 C. Demolition and removal of the building within the period of time
28 set for compliance and in compliance with the Housing Preservation

1 22.206.270 VIOLATIONS.

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

4 B. It shall be a violation of this Code for any person to obstruct,
5 impede, or interfere with any attempt to correct a violation or comply
6 with any notice of violation, decision, emergency order, or stop work
7 order.

8 22.206.280 CIVIL PENALTY.

9 A. Any person who does not comply with a notice, decision or order
10 issued by the Director pursuant to this Chapter SMC 22.206 shall be subject
11 to a cumulative civil penalty in the amount of Twenty-five Dollars (\$25)
12 per day for each housing unit, and Twenty-Five Dollars (\$25) per day for
13 violations on the premises surrounding the building or structure, from the
14 date set for compliance until the person complies with the notice, decision
15 or order.

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

19 C. The violator may show, in mitigation of liability that correction
20 of the violation was commenced promptly upon receipt of notice, but that
21 compliance within the time specified was prevented by an inability to
22 obtain necessary materials or labor, inability to gain access to the sub-
23 ject building, or other condition or circumstance beyond the control of the
24 violator, and upon a showing of the above described conditions, the court
25 may enter judgement for less than the maximum penalty.

26 22.206.290 CRIMINAL PENALTIES.

27 A. Anyone who violates or fails to comply with the requirements of
28 Sections 22.206.180 or 22.206.190 and

1 B. Anyone violates or fails to comply with any provisions of this
2 Code and who within the past five (5) years has had a civil penalty
3 assessed against them pursuant to Section 22.206.280 of this Code, shall,
4 upon conviction:

5 1. Be fined in a sum not exceeding Five Thousand Dollars
6 (\$5,000) and/or

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

8 Each day that anyone shall continue to violate or fail to comply with
9 any of the foregoing provisions shall be considered a separate offense.
10

11 C. A fine not to exceeding one thousand dollars (\$1,000) per viola-
12 tion and/or a term of imprisonment not exceeding thirty (30) days may be
13 imposed:

14 1. For violations of Section 22.206.210;

15 2. For violations of Section 22.206.260;

16 3. For any willful, intentional, or bad faith failure or refusal
17 to comply with the standards or requirements of this Code.
18

19 22.206.300 RECEIVERSHIP.
20

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

25 B. Anyone may seek to have a receiver appointed in Superior Court to
26 take possession of and manage a property when it appears that the owner or
27 other person responsible for the management of the property has failed to
28

1 comply with the responsibilities imposed by this Code, the property is
2 unfit for human habitation, or otherwise constitutes a menace or hazard to
3 the safety or health of the occupants or to the public, and when, in the
4 judgment of the Court, it is necessary to secure justice for the parties.

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

10 Section 6. There is hereby added to the Seattle Municipal Code a new
11 Chapter 22.208 to read as follows:

12 Chapter 22.208

13
14 Buildings Unfit for Human Habitation or Other Use

15 22.208.010 CONDITIONS FOR DECLARING A BUILDING UNFIT FOR HUMAN HABITATION
16 OR OTHER USE. Any building or structure, or the premises on which the
17 building or structure is located, in which any of the following conditions
18 exist to the extent that the health or safety of the occupants, of the
19 occupants of neighboring buildings or structures, or the public is
20 endangered, is declared to be unfit for human habitation or other permitted
21 use:

22 A. Structural members that are of insufficient size or strength to
23 carry imposed loads with safety, including, but not limited to, the
24 following:

25 1. Footings or foundations which are weakened, damaged, decayed,
26 deteriorated, insecure or missing.

27 2. Flooring or floor supports which are damaged, defective, or
28 deteriorated, decayed or missing.

3. Lack of running water connections to plumbing fixtures.
4. Defective or unsanitary kitchen countertops and/or cabinets.
5. Lack of connection to an approved sewage disposal system.
6. Inadequate drainage.
7. Infestation by insects, vermin, rodents, or other pests.
8. Lack of adequate storage and removal of garbage and rubbish.

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

1. Inadequate light and/or ventilation.
2. Defective, deteriorated, hazardous, inadequate or missing electrical wiring and/or electrical service.
3. Defective, hazardous, or improperly installed ventilating equipment or systems.
4. Lack of a heating system which maintains an inside temperature of sixty-five degrees Fahrenheit (65°F.) when the outside temperature is twenty-four degrees Fahrenheit (24°F.) or above, measured at a point three (3) feet above the floor, or one which is defective, hazardous, or improperly installed.

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 increase the risk of fire or accident, including, but not limited to:

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

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

8 G. Within fourteen (14) days after the hearing or within fourteen
9 (14) days after receipt of an agreement by the parties that the case should
10 be decided without a hearing, the Hearing Examiner shall issue a written
11 decision containing findings of fact and conclusions and mail copies of the
12 decision to the parties of record. The decision of the Hearing Examiner
13 shall be the final decision of the City and shall have the same effect as a
14 decision of the Director issued pursuant to Section 22.206.230. The deci-
15 sion and order of the Hearing Examiner shall be filed by the Director in
16 the manner provided for filing of notices in Section 22.206.220.

17
18 22.208.060 PETITION TO SUPERIOR COURT. Any party affected by a deci-
19 sion and order of the Hearing Examiner pursuant to Section 22.208.050 may,
20 within fifteen (15) days after the date of the decision and order, petition
21 the Superior Court of King County for review of the Hearing Examiner's
22 decision.

23 22.208.070 EXTENSION OF COMPLIANCE DATE. An extension of time for
24 compliance with an order may be granted by the Director upon receipt of a
25 written request filed with the Director by any party affected not later
26 than fourteen (14) days prior to the date set for compliance in
27
28

1 22.208.100 ENFORCEMENT OF THE ORDER OF THE DIRECTOR. If the person
2 served with an order fails to comply with an order to repair, alter or
3 improve; vacate and close; or demolish and/or remove the subject building,
4 the Director, by such means and with such assistance as may be available,
5 is hereby authorized and directed to cause the building to be repaired,
6 altered or improved; or vacated and closed; or demolished and/or removed,
7 and the costs thereof shall be recovered by the City in the manner provided
8 in Section 22.208.110. Owners who fail to comply with the order by the
9 date specified in the order will be subject to the civil penalty provided
10 in Section 22.208.150. Extensions of the compliance date may be granted in
11 accordance with Section 22.208.070.

12 22.208.110 RECOVERY OF COSTS.

13 A. If the costs incurred by the Director for repairs, alterations or
14 improvements, or of vacating and closing, or of demolition and removal,
15 pursuant to Section 22.208.100 are not paid after a written demand upon the
16 owner, such costs shall be assessed against the property for which the
17 costs were incurred.

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

23 C. After notice to the owner and other persons in interest that all or
24 a portion of the costs have not been paid, the Director shall notify the
25 City Treasurer of the amount due and owing, and upon receipt of the notifi-
26 cation the City Treasurer shall certify the amount to the County Treasurer
27 for assessment.
28

1 D. Upon certification by the City Treasurer of the assessment amount
2 due and owing, the County Treasurer shall enter the amount of assessment
3 upon the tax rolls against the real property for the current year to be
4 collected at the same time and with interest at the rates and in the manner
5 provided for in RCW 84.56.020, for delinquent taxes, and when collected
6 shall be deposited in the General fund of the City and credited to the
7 Housing and Abatement Revolving Fund as provided in Section 22.202.050.

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

10 22.208.120 OCCUPYING OR RENTING BUILDING UNFIT FOR HABITATION;
11 TERMINATION OF UTILITIES.

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

18 B. The Director may, by written notice directed to the owner and to
19 the the Superintendent of Water, Superintendent of City Light, or to the
20 Washington Natural Gas Co., request that service of water, electricity, or
21 gas to the building be terminated or disconnected on or before a spe-
22 cified date. Upon receipt of such notice the Superintendent of Water,
23 Superintendent of City Light, or the Washington Natural Gas Co. is
24 authorized to terminate or disconnect the service, and to restore the ser-
25 vice upon the issuance by the Director of a certificate of compliance in
26 accordance with Section 22.208.080, or upon written notification by the
27 Director that water, electricity or gas service should be restored.
28

C-961-X

Affidavit of Publication

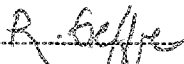
STATE OF WASHINGTON KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

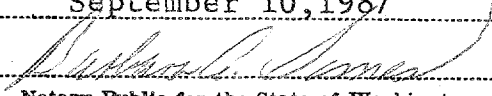
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

Ordinance No. 113545

was published on September 10, 1987


Subscribed and sworn to before me on

September 10, 1987


Notary Public for the State of Washington,
residing in Seattle.

City of Seattle

ORDINANCE 113343

AN ORDINANCE relating to housing, health and safety establishing minimum standards for occupied and vacated buildings and property used for human habitation, establishing duties for landlords and tenants, authorizing the establishment of reverse powers for rental properties in certain circumstances, providing for the abatement of buildings unfit for human habitation, creating a "Housing and Abatement Revolving Fund" for the repair, closure or demolition of structures and appropriating funds therefor, and defining offenses and providing civil and criminal penalties and imposing Ordinances 106319, 107797, 108647, 108736, 109219, 109709, 109974, 110226 and 110948.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Chapters 22.200, 22.202, 22.204, 22.206, and 22.208 of the Seattle Municipal Code (Ordinance 106319, and its amendments, Ordinances 107797, 108647, 108736, 109219, 109709, 109974, 110226, and 110948), are hereby repealed; provided that such repeal shall not affect any right accrued, any time limit for compliance, any penalty incurred, or any proceeding commenced under or by virtue of the repealed provisions.

Section 2. There is hereby added to the Seattle Municipal Code a new Chapter 22.200 to read as follows:

Chapter 22.200

Title, Purpose and Scope

22.200.010 TITLE. This ordinance shall be known and may be cited as the "Housing and Building Maintenance Code" and is referred to herein as "this Code."

22.200.020 DECLARATION 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, over crowding, electrical, mechanical and other defects increasing the hazards of fire, accidents, or other calamities, unhealthiness, 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 establishing minimum standards and an effective means for enforcement and by encouraging the rehabilitation and re-use of existing structurally sound buildings.

D. 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.

22.200.030 SCOPE. 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 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 22.204.010 through 22.208.140 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 22.204.010 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.

Section 3. There is hereby added to the

be appropriated to or designated as revenue of the fund, and

E. other sums which may by gift, bequest or grant be deposited in the fund.

F. Fines and penalties collected pursuant to Sections 22.206.260 and 22.208.150.

Section 4. There is hereby added to the Seattle Municipal Code a new Chapter 22.204 to read as follows:

Chapter 22.204

Definitions

22.204.010 GENERAL 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."

22.204.020 "A"

ADVISORY INSPECTIONS. "Advisory inspections" means an owner-requested inspection pursuant to Section 22.206.030.

APARTMENT HOUSE. "Apartment house" means any building containing three or more dwelling units and shall include residential condominiums, townhouses and cooperatives.

APPROVED. "Approved" means approved by the Director or by the Director of Public Health, or by the Superintendent of Water, 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.

22.204.030 "B"

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

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

BUILDING CLOSED. See "Building, closed to unauthorized entry."

BUILDING CLOSED TO ENTRY. See "Building, closed to unauthorized entry."

BUILDING CLOSED TO UNAUTHORIZED ENTRY. A "Building, closed to unauthorized entry" means a building which meets the standards of Section 22.206.260 A4.

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 23.12.350-440 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 23.12 and is subject to landmark controls imposed by a landmark district designating Ordinance.

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

BUILDING, VACANT. See "Building, vacated."

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.

22.204.040 "C"

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

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

COURT. "Court" means a space, open and unobstructed to the sky, located at or

safety, or general welfare of the occupants thereof.

22.204.120 "K"

KITCHEN. "Kitchen" means a space or room used, designed or intended to be used for the preparation of food.

22.204.130 "L"

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

LEASE SEE RENTAL AGREEMENT

22.204.140 "M"

MAINTENANCE ROOM. "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 work rooms for maintenance employees, but excluding such spaces as janitors' broom closets.

22.204.160 "O"

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

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

OCCUPANT LOAD. "Occupant load" means the total number of persons that may lawfully occupy a building at one time as determined by the Seattle Building Code.

OWNER. "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.

22.204.170 "P"

PARTY AFFECTED. "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.

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

PLUMBING SYSTEM. "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.

PREMISES. "Premises" means a plot of ground, whether occupied by a structure or not.

22.204.190 "R"

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

RUBBISH. "Rubbish" means all discarded nonrecyclable waste matter.

22.204.200 "S"

SINGLE ROOM OCCUPANCY UNIT (S.R.O.). "S.R.O. unit" means an existing housing unit with one combined sleeping and living room of at least seventy (70) square feet but of not more than 130 square feet. Such units may include a kitchen and a private bath.

SMOKE DETECTOR. "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.

STAIRWAY ENCLOSURE. "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-hour fire assembly shall not be considered part of a stairway enclosure.

STORAGE ROOM. "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.

STORY. "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

B. Every habitable room in a unit shall have natural ventilation, an exterior opening with an area not less than one-fourth (1/4) of the required area for the room. Every bed and water closet compartment shall be provided with natural ventilation means of exterior openings with not less than one-twentieth (1/20) floor area of the room, but in no shall such area be less than one (1) square foot; provided, that is required exterior openings for ventilation, a mechanical ventilation system shall comply with requirements of the Seattle Energy and applicable requirements of the Mechanical Code. If a mechanical ventilation system is provided in laundry and similar rooms, it shall be connected directly to the outside and not providing five (5) air changes per hour.

C. For the purpose of determining ventilation requirements, an may be considered a portion of an living room if one-half (1/2) 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 a living room or twenty-five (25) square feet, whichever is greater.

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

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

E. Every yard, court, street, or alley required windows facing there shall be not less than three feet (3) in width unobstructed to the sky.

22.206.050 SANITATION.

A. Dwelling Units. Every dwelling unit shall contain a toilet, a lavatory, bathtub or shower, and a separate room which shall be accessible from the dwelling unit. The toilet shall not be through another bedroom. A toilet shall be located in any room used for the preparation of food or a room containing a toilet open directly into such room or space unless the 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, one (1) toilet, one (1) lavatory, one (1) bathtub with shower, or one (1) shower for each ten (10) occupants, or portion thereof, at least one (1) toilet, one (1) lavatory, one (1) bathtub or shower accessible from a public hallway shall be provided.

C. Other Buildings. Every building other than a hotel, containing units that do not have private 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, eight (8) occupants or portion thereof, or units with fewer than eight (8) occupants, the required sanitary facilities shall be provided on an adjacent floor on which facilities are provided directly and readily accessible to occupants and if such use does not facilities to be used by a total of more than eight (8) persons.

D. Kitchens. Every dwelling unit have a kitchen. Every kitchen shall have an approved kitchen sink, hot or running water, counter work, cabinets for storage of cooking utensils and dishes. A kitchen shall also have approved cooking appliances and refrigeration facilities or adequate space for installation. All cooking appliances, refrigeration facilities shall be maintained in a safe and good working condition by the owner or the person who has the use of the kitchen. Unapproved cooking appliances are prohibited. Splash backs and counter shall have an impervious surface.

E. Fixtures. All plumbing fixtures shall be trapped and vented and connected to an approved private sewage disposal system shall be an approved system of waste, providing both hot and cold water. All toilets shall be flush type, good working order. Hot water for required sink, lavatory, and bathtub shall be provided at a temperature of not less than one hundred Fahrenheit (100°F) at all times at