

ORDINANCE No. 114865

COUNCIL BILL No. 107719

AN ORDINANCE amending the Downtown Housing Maintenance Ordinance, Chapter 22.220 of the Seattle Municipal Code, by amending sections 22.220.060, 22.220.070, 22.220.080, 22.220.090, 22.220.130, 22.220.140, 22.220.160,

22.220.170, 22.220.180, and 22.220.190.

HHS 12/5/89  
PASS 3-0

The City of

Honorable President:

Your Committee on \_\_\_\_\_

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

COMP

Introduced: <u>Dec 04, 1989</u>	To: <u>Noland</u>
Referred: <u>Dec 04, 1989</u>	To: <u>Housing/Urban Growth</u>
Referred:	To:
Referred:	To:
Reported: <u>DEC 1 1989</u>	Second Reading: <u>DEC 1 1989</u>
Third Reading: <u>DEC 1 1989</u>	Signed: <u>DEC 1 1989</u>
Presented to Mayor: <u>DEC 2 1989</u>	Approved:
Returned to City Clerk:	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

# The City of Seattle--Legislative Department

Date Reported  
and Adopted

## REPORT OF COMMITTEE

President:

Committee on \_\_\_\_\_

was referred the within Council Bill No. \_\_\_\_\_

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

Vote 8-0

\_\_\_\_\_  
Committee Chair

#35

C.B. 107719

ORDINANCE 114865

AN ORDINANCE amending the Downtown Housing Maintenance Ordinance, Chapter 22.220 of the Seattle Municipal Code, by amending sections 22.220.060, 22.220.070, 22.220.080, 22.220.090, 22.220.130, 22.220.140, 22.220.160, 22.220.170, 22.220.180, and 22.220.190.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That section 22.220.060 of the Seattle Municipal Code is amended to read as follows:

22.220.060 Low-income rental units -- Rental responsibility

A. Owners of habitable low-income rental units (~~er-ef low-income-rental-units-that-can-feasibly-be-made habitable~~) shall make a good-faith effort to rent all such units.

\* \* \*

C. In determining whether an owner is failing or refusing to make a good-faith effort to rent habitable low-income rental units (~~er-low-income-rental-units-that-can-feasibly-be-made-habitable~~), the Director may consider any actions by the owner which are inconsistent with keeping such units rented. Evidence of a lack of good faith may include, but shall not be limited to, the following:

\* \* \*

Section 2. That Section 22.220.070 of the Seattle Municipal Code is amended to read as follows:

22.220.070 Low-income rental units -- Repair responsibility

\* \* \*

B. Except as provided in subsection D below, the owner's contribution to the cost (~~er~~) of repairs necessary to make a low-income rental unit habitable shall not exceed (~~Two~~) Three Thousand Dollars (~~((2))3,000.00~~) per low-income rental unit for any three (3) year period, and the total repair cost of any low-income rental unit under this subsection shall not exceed (~~Four~~) Six Thousand Dollars

1 (\$((4))6,000.00) per low-income rental unit for any three  
2 (3) year period.

3 C. In determining the cost of repairing a low-income  
4 rental unit, the following rules shall apply:

5 1. The costs of repair shall include only repairs  
6 necessary to meet the minimum requirements of the Housing  
7 and Building Maintenance Code, SMC Chapter 22.206, except  
8 those requirements varianced or deferred pursuant to section  
9 22.220.080 of this chapter.

10 ((1))2. The costs of repairs to common areas or  
11 building systems shall be allocated to all the low-income  
12 rental units in the building which are required to be  
13 offered for rent, not solely to low-income rental units  
14 which are vacant or not habitable; provided that, if the  
15 shared building systems and/or common area costs allocated  
16 to one (1) or more units would cause those units to exceed  
17 the maximum total stated above, the excess allocated shared  
18 costs may be reallocated among the remaining units required  
19 to be offered for rent to the extent that such reallocation  
20 does not cause the total repair costs of such remaining  
21 units to exceed the maximum cost stated in subsection B of  
22 this section.

23 ((2))3. The unit-specific costs of repairing low-  
24 income rental units shall be allocated to specific units.

25 ((9))4. Costs of all capital repairs shall be included  
26 in calculating the owner's maximum contribution over a three  
27 (3) year period. The costs of ordinary maintenance shall  
28 not be included. For the purposes of this section, all  
repairs which are ordered to remedy code violations upon the  
first inspection of a rental unit under this chapter shall  
be deemed capital repairs; during subsequent inspections  
capital costs for repairs to correct code violations shall

1 be counted only if the Director determines that such repairs  
2 are not ordinary maintenance.

3 ((\*)5. Any individual unit whose total unit-specific  
4 and allocated shared repair costs exceed the maximum allowed  
5 by this chapter shall be determined to be not feasible to  
6 repair.

7 \* \* \*

8 Section 3. That section 22.220.080 of the Seattle  
9 Municipal Code is amended to read as follows:

10 22.220.080 Variances, deferrals and extended time for  
11 compliance.

12 \* \* \*

13 B. The Director may grant the departures authorized by  
14 this section if he or she determines that both of the  
15 following conditions or circumstances exist:

16 \* \* \*

17 E. The Director of Community Development or his or her  
18 designee is hereby authorized to apply to the Director for  
19 any departure from the Housing and Building Maintenance Code  
20 authorized by this section. No other person is authorized  
21 to make such application.

22 \* \* \*

23 Section 4. That section 22.220.090 of the Seattle  
24 Municipal Code is amended to read as follows:

25 22.220.090 Loans and grants to owners.

26 \* \* \*

27 B. The Director of Community Development may make  
28 grants for repairs necessary to make low-income rental units  
habitable. The maximum grant amount shall be ((~~Two~~) Three  
Thousand Dollars (\$((~~2~~))3,000.00) per unit, to be awarded  
after the owner has committed his or her own maximum  
contribution to the repair of a unit.

1 C. The Director of Community Development may extend  
2 loans for the repair of low-income units as follows:

3 1. The maximum loan amount shall be (~~Four~~) Six  
4 Thousand Dollars (~~(\$((4))~~)6,000.00) per unit.

5 2. The Director of Community Development may authorize  
6 the forgiveness of such loans at a rate of twenty percent  
7 (20%) per year, with a maximum forgiveness of (~~(\$~~ix~~~~  
8 ~~Hundred~~) One Thousand Dollars (~~(\$((6))~~)1,000.00) per year for  
9 each year the unit remains available for low-income  
10 occupancy, such forgiveness to continue until the entire  
11 amount has been forgiven; provided that the unit continues  
12 to be available for low-income occupancy during the entire  
13 forgiveness period.

14 3. The loans shall be made with no interest charged  
15 while the unit remains available for low-income occupancy.

16 4. If for any reason the units become unavailable for  
17 low-income occupancy, the remainder of the loan shall be  
18 required to be repaid, and in addition the Director of  
19 Community Development may require the immediate repayment of  
20 the remaining balance or said Director of Community  
21 Development may charge interest on the remaining balance at  
22 the then prevailing rate for the Washington State Housing  
23 Commission bond program.

24 D. The total amount of grants and loans authorized  
25 under this section shall not exceed (~~Four~~)Six Thousand  
26 Dollars (~~(\$((4))~~)6,000.00) per unit for any three (3) year  
27 period.

28 E. The Director of Community Development shall  
prescribe such additional terms and conditions of such loans  
and grants as he or she deems appropriate. Within thirty  
(30) days of the effective date of the ordinance codified in  
this chapter, the Director of Community Development shall

1 promulgate regulations describing the circumstances under  
2 which loans and grants will be approved and the general  
3 terms and conditions of such loans and grants.

4 Section 5. That section 22.220.130 of the Seattle  
5 Municipal Code is amended to read as follows:

6 22.220.130 Failure to rent or repair -- Administrative  
7 investigation and determination

8 A. Inspection. The Director shall inspect any  
9 building that he or she has reason to believe contains low-  
10 income rental units that the owner is not making a good-  
11 faith effort to rent or low-income rental units that are not  
12 habitable but could feasibly be made habitable. The  
13 Director may, upon presentation of proper credentials and  
14 with the consent of the occupant or owner, or pursuant to a  
15 lawfully issued warrant, enter at reasonable times any  
16 building, structure or premises in the City to perform any  
17 duty imposed by this ordinance.

18 B. Application for and Determination on Departures.

19 1. If the Director finds low-income rental units that  
20 are not habitable, he or she shall notify the Director of  
21 Community Development who shall have fifteen (15) days to  
22 determine if ~~((an-application-for))~~ a departure or  
23 departures as authorized in Section 22.220.080 is  
24 appropriate and, if so, to ~~((submit-an-application~~  
25 ~~requesting))~~ recommend such departures to the Director.

26 ~~((2--If-application-for-departure-is-made--the~~  
27 ~~Director-shall-serve-upon-owner-of-the-building--as-shown~~  
28 ~~upon-the-records-of-the-Department-of-Records-and-Elections~~  
29 ~~of-King-County-a-Notice-of-Probable-Violation-and~~  
30 ~~Application-for-Departure-citing-the-specific-rental-units~~  
31 ~~which-are-not-habitable--and-the-specific-code-violations~~  
32 ~~identified-and-stating-the-specific-variances--deferrals~~

1 and/or extended time for compliance requests made and  
2 stating that the Director will accept comments on said  
3 application for a period of ten (10) days from service of  
4 the Notice. The Notice and Application shall be served and  
5 posted in the manner prescribed for a Complaint stated  
6 below. After the close of the comment period, the Director  
7 shall issue his decision granting, modifying or denying the  
8 requested departures and shall notify the owner, the  
9 Director of Community Development and those submitting  
10 comments of the decision.

11 C. Determination of Feasibility to Make Units  
12 Habitable. After the Director has ((granted or denied))  
13 received and considered the recommendations of the Director  
14 of Community Development on the requested departures, if  
15 any, he or she shall, using the standards as prescribed in  
16 Section 22.220.070, make a determination as to the  
17 feasibility of making the uninhabitable units habitable.  
18 The Director may grant, modify or deny the recommended  
19 departures.

20 D. Issuance of Complaint and Notice.

21 1. If the Director finds that the owner has not made a  
22 good-faith effort to rent or that the building contains low-  
23 income rental units that are not habitable but could  
24 feasibly be made habitable, he or she shall serve upon the  
25 owner of the building, as shown upon the records of the  
26 Department of Records and Elections of King County, a  
27 complaint, identifying the specific low-income rental units  
28 which are not being offered for rent in good faith, the  
specific uninhabitable low-income rental units that could  
feasibly be made habitable, and, where applicable, the  
corrective action which the owner must take to make any low-  
income rental unit habitable and the amount of assistance

1 which may be available to the owner as determined by the  
2 Director of Community Development. The complaint shall be  
3 delivered by personal service, registered mail, or certified  
4 mail with return receipt requested, and shall be posted in a  
5 conspicuous place on the property. No complaint shall be  
6 issued for uninhabitable units if the owner holds a valid  
7 permit for the repairs, alterations, or improvements  
8 necessary to correct the noted deficiencies and is, in the  
9 opinion of the Director, making reasonable progress toward  
correcting those deficiencies.

10 2. The complaint shall:

11 a. Contain a notice that a hearing will be held  
12 before the Director at a specified time and place not less  
13 than ten (10) nor more than thirty (30) days after service  
of the complaint;

14 b. Explain that all parties have the right to  
15 file an answer to the complaint;

16 c. Advise the parties that they may appear in  
17 person or by representative and give testimony at the time  
and place designated in the complaint; and

18 d. Advise the parties that they may seek relief  
19 and present evidence as to whether or not administrative  
20 relief from the strict enforcement of the requirements of  
21 this chapter as provided in Section 22.220.120 should be  
22 granted.

23 3. A copy of the complaint shall be filed with the  
24 King County Department of Records and Elections. In  
25 addition to serving and posting the complaint, the Director  
26 shall mail or cause to be delivered to the occupants of all  
27 rental units and/or commercial units in the building a  
28 notice informing the occupants of the filing of the  
complaint and advising them of the relevant procedures.

\* \* \*

1  
2 G. Determination and Order of Director After Hearing.  
3 After the hearing provided for in subsection E of this  
4 section and the report and public comment provided for in  
5 subsection F of this section the Director shall issue a  
6 written decision granting or denying administrative relief,  
7 if such relief has been requested and, if upon consideration  
8 of the complete record before him or her the Director  
9 determines that the owner is not making a good-faith effort  
10 to rent low-income rental units, or that the owner's  
11 building contains low-income rental units that are not  
12 habitable but could feasibly be made habitable, then he or  
13 she shall issue and cause to be served upon the owner in the  
14 manner provided in subsection D and shall post in a  
15 conspicuous place on the property, an order requiring the  
16 owner to repair, alter, or improve the uninhabitable units  
17 and/or make a good-faith effort to rent vacant low-income  
18 rental units in the building within a time to be specified  
19 in the order. When determining a time for compliance, the  
20 Director shall take into consideration:

- 21 1. Any departures granted pursuant to Section  
22 22.220.080;
- 23 2. Any administrative relief granted pursuant to  
24 Section 22.220.120;
- 25 3. The availability of City funds for repair of the  
26 units;
- 27 4. The type and degree of hazard cited in the  
28 complaint;
- 29 5. The owner's ability to correct the noted  
30 deficiencies;
- 31 6. The procedural requirements for obtaining a permit  
32 to correct noted deficiencies;

1           7. The complexity of the required repairs or  
2 corrective action, including seasonal considerations,  
3 construction requirements and the legal rights of affected  
4 tenants; and

5           8. Circumstances beyond the owner's control.

6           Section 6. That section 22.220.140 of the Seattle  
7 Municipal Code is amended to read as follows:

8           22.220.140 Appeal -- From Director's order.

9                           \* \* \*

10           B. The Hearing Examiner shall consider the appeal in  
11 accordance with the procedures established by the  
12 Administrative Code of The City of Seattle (Chapter 3.02 of  
13 the Seattle Municipal Code) for hearing constested cases.  
14 Notice of hearing shall be provided to all parties not less  
15 than ten (10) days prior to the hearing. The Hearing  
16 Examiner's review shall be de novo. The Hearing Examiner  
17 may affirm the order of the Director, or may reverse or  
18 modify the order (~~of the Director~~) if it is determined  
19 that the Director's decision is clearly erroneous.

20                           \* \* \*

21           Section 7. That section 22.220.160 of the Seattle  
22 Municipal Code is amended to read as follows:  
23 22.220.160 Certificate of compliance -- Issuance conditions

24           A. If the Director finds that the repairs,  
25 alterations, improvements or other actions required in a  
26 final order have been satisfactorily completed, he or she  
27 shall prepare and, upon request therefor, issue to any party  
28 upon whom the final order was served, a certificate of  
compliance, stating that the deficiencies noted in the  
final order have been corrected. The certificate of  
compliance shall be filed with the King County Department of  
Records and Elections.

1 \* \* \*

2 Section 8. That section 22.220.170 of the Seattle  
3 Municipal Code is amended to read as follows:

4 22.220.170 Extension of compliance date.

5 The Director may, in his or her discretion, extend the  
6 time for compliance with a final order. Neither extensions,  
7 nor the Director's refusal to grant an extension shall be  
8 subject to any appeal.

9 Section 9. That section 22.220.180 of the Seattle  
10 Municipal Code is amended to read as follows:

11 22.220.180 Enforcement of final order.

12 Whenever any person fails to comply with a final order,  
13 the Director may:

14 A. Institute an action (~~in-Municipal-Court~~) to  
15 collect a civil penalty as provided in Section 22.220.190;  
16 and/or

17 \* \* \*

18 Section 10. That section 22.220.190 of the Seattle  
19 Municipal Code is amended to read as follows:

20 22.220.190 Civil Penalty

21 \* \* \*

22 B. The penalties imposed by this section shall be  
23 collected by a civil action brought in the name of the City  
24 (~~and-commenced-in-Municipal-Court~~). The Director (~~of~~  
25 ~~Construction-and-Land-Use~~) shall notify the City Attorney  
26 in writing of the name of any person subject to the penalty.  
27 The City Attorney shall, with the assistance of the Director  
28 (~~of-Construction-and-Land-Use~~), take appropriate action to  
collect the penalty.

(To be used for all Ordinances except Emergency.)

Section 6... This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 11<sup>th</sup> day of December, 1989,  
and signed by me in open session in authentication of its passage this 11<sup>th</sup> day of  
December, 1989.

*[Handwritten Signature]*  
President of the City Council.

Approved by me this 15<sup>th</sup> day of December, 1989.  
*[Handwritten Signature]*  
Mayor.

Filed by me this 15<sup>th</sup> day of December, 1989.

*[Handwritten Signature]*  
Norwood J. Brooks

Attest: City Comptroller and City Clerk.

(SEAL)

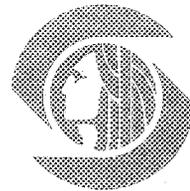
Published

By *[Handwritten Signature]*  
Theresa Dunbar  
Deputy Clerk.

Your  
Seattle

Department of Construction and Land Use

*Handwritten initials*



MEMORANDUM

DATE November 21, 1989

To: Councilmember Jane Noland

From: Dennis J. McLerran, Director *D.J.M.*

Subject: DHMO Amendments

Enclosed are amendments to the DHMO ordinance. These amendments are based on recommendations made in the report on the DHMO done earlier in the year by DCD.

DJM:tp  
Encl.

RECEIVED

NOV 29 1989

JANE NOLAND  
SEATTLE CITY COUNCIL

TIME AND DATE STAMP

**SPONSORSHIP**

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

*Jane Bland*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
PRESIDENT'S SIGNATURE

STATE OF WASHINGTON - KING COUNTY

22089  
City of Seattle

—ss.

No.

Affidavit of Publication

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

ORD: 114865

was published on

12/26/89

The amount of the fee charged for the foregoing publication is the sum of \$

         which amount has been paid in full.  
*Levi Ray*

Subscribed and sworn to before me on  
December 26, 1989  
*Valentino K. Gallegos*

Notary Public for the State of Washington,  
residing in Seattle

# City of Seattle

## ORDINANCE 11495

RESOLUTION amending the Downtown Housing Maintenance Ordinance, Chapter 22.220 of the Seattle Municipal Code, by amending sections 22.220.060, 22.220.070, 22.220.080, 22.220.090, 22.220.130, 22.220.140, 22.220.160, 22.220.170, 22.220.180, and 22.220.190.

### BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That section 22.220.060 of the Seattle Municipal Code is amended to read as follows:

22.220.060 Low-income rental units -- Rental responsibility  
A. Owners of habitable low-income rental units (hereinafter referred to as "rental units") shall make a good-faith effort to rent all such units.

\* \* \*

C. In determining whether an owner is failing or refusing to make a good-faith effort to rent habitable low-income rental units (hereinafter referred to as "rental units"), the Director may consider any actions by the owner which are inconsistent with keeping such units rented. Evidence of a lack of good faith may include, but shall not be limited to, the following:

\* \* \*

Section 2. That Section 22.220.070 of the Seattle Municipal Code is amended to read as follows:

22.220.070 Low-income rental units -- Repair responsibility  
E. Except as provided in subsection D below, the owner's contribution to the cost (hereinafter referred to as "cost") of repairs necessary to make a low-income rental unit habitable shall not exceed (hereinafter referred to as "limit") Three Thousand Dollars (\$3,000.00) per low-income rental unit for any three (3) year period, and the total repair cost of any low-income rental unit under this subsection shall not exceed (hereinafter referred to as "total cost") Six Thousand Dollars (\$6,000.00) per low-income rental unit for any three (3) year period.

C. In determining the cost of repairing a low-income rental unit, the following rules shall apply:

each year the unit remains available for low-income occupancy, such forgiveness to continue until the entire amount has been forgiven; provided that the unit continues to be available for low-income occupancy during the entire forgiveness period.

3. The loans shall be made with no interest charged while the unit remains available for low-income occupancy.

4. If for any reason the units become unavailable for low-income occupancy, the remainder of the loan shall be required to be repaid, and in addition the Director of Community Development may require the immediate repayment of the remaining balance or said Director of Community Development may charge interest on the remaining balance at the then prevailing rate for the Washington State Housing Commission bond program.

D. The total amount of grants and loans authorized under this section shall not exceed (hereinafter referred to as "limit") Six Thousand Dollars (\$6,000.00) per unit for any three (3) year period.

E. The Director of Community Development shall prescribe such additional terms and conditions of such loans and grants as he or she deems appropriate. Within thirty (30) days of the effective date of the ordinance codified in this chapter, the Director of Community Development shall promulgate regulations describing the circumstances under which loans and grants will be approved and the general terms and conditions of such loans and grants.

Section 5. That section 22.220.130 of the Seattle Municipal Code is amended to read as follows:

22.220.130 Failure to rent or repair -- Administrative investigation and determination  
A. Inspection. The Director shall inspect any building that he or she has reason to believe contains low-income rental units that the owner is not making a good-faith effort to rent or low-income rental units that are not habitable but could feasibly be made habitable. The Director may, upon presentation of proper credentials and

c. Advise the parties that they may appear in person or by representative and give testimony at and place designated in the complaint; and  
d. Advise the parties that they may see and present evidence as to whether or not administrative relief from the strict enforcement of the requirements of this chapter as provided in Section 22.220.120 shall be granted.

3. A copy of the complaint shall be filed with the King County Department of Records and Elections. In addition to serving and posting the complaint, the complainant shall mail or cause to be delivered to the occupant of the rental units and/or commercial units in the building notice informing the occupants of the filing of the complaint and advising them of the relevant provisions of this chapter.

\* \* \*

G. Determination and Order of Director After the hearing provided for in subsection E of this section and the report and public comment provided in subsection F of this section the Director shall issue a written decision granting or denying administrative relief. If such relief has been requested and, if upon review of the complete record before him or her the Director determines that the owner is not making a good-faith effort to rent low-income rental units, or that the owner's building contains low-income rental units that are not habitable but could feasibly be made habitable, the Director shall issue an order to be served upon the owner in the manner provided in subsection D and shall post in a conspicuous place on the property, an order requiring the owner to repair, alter, or improve the uninhabitable and/or make a good-faith effort to rent vacant low-income rental units in the building within a time to be determined by the Director. When determining a time for compliance the Director shall take into consideration:

1. Any departures granted pursuant to Section 22.220.080;