

ORDINANCE No. 118441 118441

COUNCIL BILL No. 111561

Law Department

The City of Seattle--Legis

INDEXED

ORDINANCE

AN ORDINANCE relating to the Housing and Building Maintenance Code, deleting SMC Section 22.206.060 relating to rental housing registration, amending SMC Section 22.206.160 (C)(1), 22.206.160 (C)(5), 22.206.230 and 22.206.240 to delete reference to rental housing registration, and amending SMC Section 22.206.280 to delete reference to rental housing registration and to correct an incorrect reference to SMC Section 22.206.160.

REPORT OF COMMITTEE

Honorable President:

Your Committee on

to which was referred the within Council Bill No. 111561
report that we have considered the same and respectfully recommend that

BBCA Committee do pass

Hold full Council vote until Dec 7-0
Full Council vote 7-0

COMPTROLLER FILE No.

Introduced: <u>NOV 18 1996</u>	By: <u>DRAGO</u>
Referred: <u>NOV 18 1996</u>	To: <u>Business, Economic & Community Development Committee</u>
Referred:	To:
Referred:	To:
Reported: <u>DEC 2 1996</u>	Second Reading: <u>DEC 2 1996</u>
Third Reading: <u>DEC 2 1996</u>	Signed: <u>DEC 2 1996</u>
Presented to Mayor: <u>DEC 3 1996</u>	Approved: <u>DEC 9 1996</u>
Returned to City Clerk: <u>DEC 9 1996</u>	Published: <i>full 11 pag.</i>
Vetoed by Mayor:	Veto Published:
Passed over Veto	Veto Sustained: <i>OK</i>

US5047

SMEAD 45 YSF 17703

Committee Chair

Law Department

The City of Seattle--Legislative Department

INDEXED

REPORT OF COMMITTEE

Date Reported
and Adopted

Honorable President:

Your Committee on

to which was referred the within Council Bill No. _____
report that we have considered the same and respectfully recommend that the same:

BECA Committee do pass 3-0

Held full Council vote until Dec'd.

Full Council vote 7-0



Committee Chair

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

RJL:rji
11/13/96
v1

ORDINANCE 118441

AN ORDINANCE relating to the Housing and Building Maintenance Code, deleting SMC Section 22.202.060 relating to rental housing registration, amending SMC Section 22.206.160 (C)(1), 22.206.160 (C)(5), 22.206.240 and 22.206.240 to delete reference to rental housing registration, and amend SMC Section 22.206.280 to delete reference to rental housing registration and to correct an incorrect reference to SMC Section 22.206.160.

Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.202.060 of the Seattle Municipal Code, which was last amended by Ordinance 117492, is repealed:

~~((22.202.060 Rental housing registration~~

~~A. Every building containing two (2) or more housing units, where at least one (1) of such housing units is not occupied by the owner thereof, must have a current rental housing registration issued by the Department of Construction and Land Use. Each rental housing registration will be current and effective for a period of one (1) year from the date of issuance or until ownership of the building changes. A new rental housing registration must be obtained by a new owner of a building containing two (2) or more housing units within thirty (30) days of acquiring an ownership interest in such building.~~
~~B. The Department of Construction and Land Use will charge a rental housing registration fee for issuance of each rental housing registration based on the number of housing units contained in the building. The amount of the rental housing registration fee will be calculated as required by SMC Section 22.900.150. The annual rental housing registration fee shall be waived for publicly assisted low income housing units as defined by Director's Rule.~~

~~C. The owner of any building for which a rental housing registration is required under this section shall post a true and correct copy of the current rental housing registration for such building in a common area accessible to all of the building tenants.~~

~~D. The rental housing registration shall contain and reflect the following information:~~

~~1. The number of housing units contained in the building;~~

~~2. The name and address of the building owner;~~

~~3. Either the local residence address of the owner or the designation of a local agent of the owner who is empowered to accept service of legal powers and notices of violation concerning the housing units on behalf of the owner; and~~

~~4. The expiration date of the rental housing registration.~~

~~E. Any building owner who fails or refuses to obtain a current rental housing registration for a building containing two (2) or more housing units or who fails or refuses to comply~~

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

RJL:rjl
11/13/96
v1

1 with any requirements of this section shall be subject to a civil penalty in the amount of
2 three (3) times the rental housing registration fee for said building. The civil penalty
3 shall be collected as provided in Section 22.206.280 of this Code, and all civil penalties
4 so collected, excluding court costs, if any, shall be deposited in the same manner as the
5 rental registration fee.

6 F. The failure of a building owner to obtain a current rental housing registration shall not
7 invalidate or cancel any lease or rental agreement existing between such owner and a
8 tenant of a housing unit in such building.

9 G. In addition to the waivers of fees set forth in subsection B above, unpaid annual rental
10 registration fees for the period July 1, 1994 through June 30, 1995, and any late fees for
11 nonpayment of such fees, are waived. The waiver of fees does not alter the requirement
12 for having a current rental housing registration certificate. The Department shall not
13 issue certificates to owners whose fees have been waived until the owner provides the
14 information required by the Department for issuance of a certificate.))

15
16 **Section 2.** Subsection 22.206.160 (C) of the Seattle Municipal Code, which
17 Section was last amended by Ordinance 117942, is amended as follows:

18
19 C. Just Cause Eviction

20 1. Pursuant to provisions of the state Residential Landlord-Tenant Act (RCW 59.18.290),
21 owners may not evict residential tenants without a court order, which can be issued by a
22 court only after the tenant has an opportunity in a show cause hearing to contest the
23 eviction (RCW 59.18.380). In addition, owners of housing units shall not evict or
24 attempt to evict any tenant, or otherwise terminate or attempt to terminate the tenancy of
25 any tenant ((unless the building containing such housing unit has a current rental housing
26 registration, as required by SMC Section 22.202.060, and)) unless ((otherwise
27 specifically provided below,)) the owner can prove in court ((by a preponderance of the
28 evidence)) that just cause exists. The reasons for termination of tenancy listed below, and
29 no others, shall constitute just cause under this section:

30
31 a. The tenant fails to comply with a three (3) day notice to pay rent or vacate pursuant
32 to RCW 59.12.030(3); a ten (10) day notice to comply or vacate pursuant to RCW
33 59.12.030(4); or a three (3) day notice to vacate for waste, nuisance (including a drug-
34 related activity nuisance pursuant to RCW chapter 7.43), or maintenance of an unlawful
35 business pursuant to RCW 59.12.030(5);

36
37 b. The tenant habitually fails to pay rent when due which causes the owner to notify the
38 tenant in writing of late rent four (4) or more times in a twelve (12) month period;

39

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

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

4
5 d. The tenant habitually fails to comply with the material terms of the rental agreement
6 which causes the owner to serve a ten (10) day notice to comply or vacate three (3) or
7 more times in a twelve (12) month period;

8
9 e. The owner seeks possession so that the owner or a member of his or her immediate
10 family may occupy the unit as that person's principal residence and no substantially
11 equivalent unit is vacant in the same building. Immediate family shall include the
12 owner's domestic partner registered pursuant to Section 1 of Ordinance 117244 or the
13 owner's spouse, parents, grandparents, children, brothers and sisters of the owner, of the
14 owner's spouse, or of the owner's domestic partner. There shall be a rebuttable
15 presumption of a violation of this subsection if the owner or a member of the owner's
16 immediate family fails to occupy the unit as that person's principal residence for at least
17 sixty (60) consecutive days during the ninety (90) days immediately after the tenant
18 vacated the unit pursuant to a notice of termination or eviction using this subparagraph
19 as the cause for eviction;

20
21 f. The owner elects to sell a single family dwelling unit and gives the tenant at least
22 sixty (60) days written notice prior to the date set for vacating, which date shall coincide
23 with the end of the term of a rental agreement, or if the agreement is month to month,
24 with the last day of a monthly period. For the purposes of this section, an owner "elects
25 to sell" when the owner makes reasonable attempts to sell the dwelling within thirty
26 (30) days after the tenant has vacated, including, at a minimum, listing it for sale at a
27 reasonable price with a realty agency or advertising it for sale at a reasonable price in a
28 newspaper of general circulation. There shall be a rebuttable presumption that the
29 owner did not intend to sell the unit if

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

33
34 ii) within ninety (90) days after the date the tenant vacated or the date the property
35 was listed for sale, whichever is later, the owner withdraws the rental unit from
36 the market, rents the unit to someone other than the tenant, or otherwise
37 indicates that the owner does not intend to sell the unit.
38

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

RJL:rlj
11/13/96
v1

- 1 g. The tenant's occupancy is conditioned upon employment on the property and the
2 employment relationship is terminated;
- 3
4
5
6 h. The owner seeks to do substantial rehabilitation in the building, provided that the
7 owner must obtain a tenant relocation license if required by SMC Chapter 22.210 and at
8 least one permit necessary for the rehabilitation, other than a master use permit, before
9 terminating the tenancy. Any tenants dispossessed pursuant to this provision shall be
10 notified in writing by the owner at the time of vacating the unit that the tenant has a
11 right of first refusal for the rehabilitated unit. The owner shall notify the tenant in
12 writing, mailed by regular mail to the last address provided by the tenant, when the unit
13 is ready to be reoccupied, and the tenant shall exercise such right of first refusal within
14 thirty (30) days of the owner's notice;
- 15
16 i. The owner elects to demolish the building, convert it to a condominium or a
17 cooperative, or convert it to a nonresidential use; provided, that the owner must obtain
18 a tenant relocation license if required by SMC Chapter 22.210 and a permit necessary to
19 demolish or change the use before terminating any tenancy;
- 20
21 j. The owner seeks to discontinue the use of a housing unit unauthorized by Title 23 of
22 the Seattle Municipal Code after receipt of a Notice of violation thereof. The owner is
23 required to pay relocation assistance to the tenant(s) of each such unit at least two (2)
24 weeks prior to the date set for termination of the tenancy, at the rate of
- 25 (i) Two Thousand Dollars (\$2,000.00) for a tenant household with an income
26 during the past twelve (12) months at or below fifty percent (50%) of the County
27 median income, or
- 28 (ii) Two (2) months' rent for a tenant household with an income during the past
29 twelve (12) months above fifty percent (50%) of the County median income;
- 30
31 k. The owner seeks to reduce the number of individuals residing in a dwelling unit to
32 comply with the maximum limit of individuals allowed to occupy one dwelling unit, as
33 required by SMC Title 23, and:
- 34 (i) (a) the number of such individuals was more than is lawful under the current
35 version of SMC Title 23 or Title 24 but was lawful under SMC Title 23 or 24 on
36 August 10, 1994,
- 37 (b) that number has not increased with the knowledge or consent of the owner at
38 any time after August 10, 1994, and
- (c) the owner is either unwilling or unable to obtain a permit to allow the unit
with that number of residents;

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

- 1 (ii) the owner has served the tenants with a thirty (30) day notice, informing the tenants
2 that the number of tenants exceeds the legal limit and must be reduced to the
3 legal limit:
- 4 (iii) after expiration of the thirty (30) day notice, the owner has served the tenants with
5 and the tenants have failed to comply with a ten (10) day notice to comply with
6 the limit on the number of occupants or vacate; and
- 7 (iv) if there is more than one rental agreement for the unit, the owner may choose
8 which agreements to terminate, provided that the owner may either terminate no
9 more than the minimum number of rental agreements necessary to comply with
10 the legal limit on the number of occupants, or, at the owner's option, terminate
11 only those agreements involving the minimum number of occupants necessary
12 to comply with the legal limit;
- 13
- 14 1. (i) The owner seeks to reduce the number of individuals who reside in one dwelling
15 unit to comply with the legal limit after receipt of a notice of violation of the SMC Title
16 23 restriction on the number of individuals allowed to reside in a dwelling unit and;
- 17 (a) the owner has served the tenants with a thirty (30) day notice, informing the
18 tenants that the number of tenants exceeds the legal limit and must be reduced
19 to the legal limit, provided that no thirty (30) day notice is required if the
20 number of tenants was increased above the legal limit without the knowledge
21 or consent of the owner;
- 22 (b) after expiration of the thirty (30) day notice required by subsection (a) above,
23 or at any time after receipt of the notice of violation if no thirty (30) day
24 notice is required pursuant to subsection (a), the owner has served the tenants
25 with and the tenants have failed to comply with a ten (10) day notice to
26 comply with the maximum legal limit on the number of occupants or vacate;
27 and
- 28 (c) if there is more than one rental agreement for the unit, the owner may choose
29 which agreements to terminate, provided that the owner may either terminate
30 no more than the minimum number of rental agreements necessary to comply
31 with the legal limit on the number of occupants, or, at the option of the
32 owner, terminate only those agreements involving the minimum number of
33 occupants necessary to comply with the legal limit.
- 34 (ii) For any violation of the maximum legal limit on the number of individuals allowed
35 to reside in a unit that occurred with the knowledge or consent of the owner, the owner
36 is required to pay relocation assistance to the tenant(s) of each such unit at least two (2)
37 weeks prior to the date set for termination of the tenancy, at the rate of:

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

- 1 (a) Two Thousand Dollars (\$2,000.00) for a tenant household with an income
2 during the past twelve (12) months at or below fifty percent (50%) of the
3 County median income, or
4 (b) Two (2) months' rent for a tenant household with an income during the past
5 twelve (12) months above fifty percent (50%) of the County median income;
6
7 m. The owner seeks to discontinue use of an accessory dwelling unit for which a permit
8 has been obtained pursuant to SMC Section 23.44.025 after receipt of a notice of
9 violation of the development standards provided in that section. The owner is required
10 to pay relocation assistance to the tenant household residing in such a unit at least two
11 (2) weeks prior to the date set for termination of the tenancy, at the rate of:
12 (i) Two Thousand Dollars (\$2,000.00) for a tenant household with an income
13 during the past twelve (12) months at or below fifty percent (50%) of the
14 County median income, or
15 (ii) Two (2) months' rent for a tenant household with an income during the past
16 twelve (12) months above fifty percent (50%) of the County median income;
17
18 n. An emergency order requiring that the housing unit be vacated and closed has been
19 issued pursuant to SMC Section 22.206.260 and the emergency conditions identified in
20 the order have not been corrected;
21
22 o. The owner seeks to discontinue sharing with a tenant the owner's own housing unit,
23 i.e., the unit in which the owner resides, or seeks to terminate the tenancy of a tenant of
24 an accessory dwelling unit authorized pursuant to SMC 23.44.025 that is accessory to
25 the housing unit in which the owner resides, so long as the owner has not received a
26 notice of violation of the development standards of SMC 23.44.025 regarding that unit.
27 If the owner has received such a notice of violation, subsection (m) applies.
28
29 p. A tenant, or with the consent of the tenant, his or her subtenant, sublessee, resident or
30 guest, has engaged in criminal activity on the premises, or on the property or public
31 right of way abutting the premises, and the owner has specified in the notice of
32 termination the crime alleged to have been committed and the general facts supporting
33 the allegation, and has assured that the Department of Construction and Land Use has
34 recorded receipt of a copy of the notice of termination.
35 For purposes of this subsection a person has "engaged in criminal activity" if he or
36 she:
37 1) engages in drug-related activity that would constitute a violation of RCW
38 Chapters 69.41, 69.50 or 69.52; or

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

RJL:rjl
11/13/96
v1

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

3
4 2. Any rental agreement provision which waives or purports to waive any right, benefit
5 or entitlement created by this subsection C shall be deemed void and of no lawful force or
6 effect.

7
8 3. With any termination notices required by law, owners terminating any tenancy
9 protected by this section shall advise the affected tenant or tenants in writing of the
10 reasons for the termination and the facts in support of those reasons.

11
12 4. If a tenant who has received a notice of termination of tenancy claiming subparagraph
13 1e, 1f, or 1m as the ground for termination believes that the owner does not intend to
14 carry out the stated reason for eviction and makes a complaint to the Director, then the
15 owner must, within ten (10) days of being notified by the Director of the complaint,
16 complete and file with the Director a certification stating the owner's intent to carry out
17 the stated reason for the eviction. The failure of the owner to complete and file such a
18 certification after a complaint by the tenant shall be a defense for the tenant in an eviction
19 action based on this ground.

20
21 5. In any action commenced to evict or to otherwise terminate the tenancy of any tenant,
22 it shall be a defense to the action ~~((that there was no current rental housing registration, as~~
23 ~~required by SMC Section 22.202.060, for the building in which the tenancy existed, or))~~
24 that there was no just cause for such eviction or termination as provided in this section.

25
26 6. It shall be a violation of this section for any owner to evict or attempt to evict any
27 tenant or otherwise terminate or attempt to terminate the tenancy of any tenant using a
28 notice which references subparagraphs 1e, 1f, 1h, 1k, 1l, or 1m of this subsection C as
29 grounds for eviction or termination of tenancy without fulfilling or carrying out the stated
30 reason for or condition justifying the termination of such tenancy.

31
32 7. An owner who evicts or attempts to evict a tenant or who terminates or attempts to
33 terminate the tenancy of a tenant using a notice which references subparagraphs 1e, 1f, or
34 1h of this subsection C as the ground for eviction or termination of tenancy without
35 fulfilling or carrying out the stated reason for or condition justifying the termination of
36 such tenancy shall be liable to such tenant in a private right of action for damages up to
37 two thousand dollars (\$2,000.00), costs of suit or arbitration and reasonable attorney's
38 fees.

39

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1 **Section 3.** Section 22.206.230 of the Seattle Municipal Code, which was last
2 amended by Ordinance 115877, is amended as follows:

3
4 **22.206.230 Review by the Director**

5 A. Any party affected by a notice of violation issued by the Director pursuant to Section
6 22.206.220 may obtain a review of the notice by the Director by requesting such review
7 in writing within ten (10) days after service of the notice. When the last day of the period
8 so computed is a Saturday, Sunday, federal or City holiday, the period shall run until five
9 p.m. (5:00 p.m.) of the next business day. Upon receipt of a request the Director shall
10 notify the person requesting the review, any persons served the notice of violation, and
11 any person who has requested notice of the review, of the date, time and place of the
12 Director's review. The review shall be not less than ten (10) nor more than twenty (20)
13 days after the request is received, unless otherwise agreed by the person requesting the
14 review. Any person affected by the notice of violation may submit any written material
15 to the Director for consideration on or before the date of the review.

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

- 21 1. Sustain the notice of violation; or
22 2. Withdraw the notice of violation; or
23 3. Continue the review to a future date; or
24 4. Amend the notice of violation; or
25 5. ~~((Provided that a current rental housing registration exists for the building, e))~~
26 Grant a variance from the standards of the requirements of Sections 22.206.010 through
27 22.206.200 if the Director determines that all of the following conditions or
28 circumstances exist:

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

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

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

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

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1 e. The requested variance would be consistent with the spirit and intent of
2 the Code.

3 C. The Director shall issue a decision within seven (7) working days after the conclusion
4 of the review. The decision shall be served, posted and filed in the manner provided in
5 Section 22.206.220. When the decision affects only a tenant or tenants, the Director is
6 not required to file the decision with the King County Department of Records and
7 Elections.
8

9 **Section 4.** Section 22.206.240 of the Seattle Municipal Code, which was last
10 amended by Ordinance 114834, is amended as follows:
11

12 **22.206.240 Extension of compliance date**

13 A. The Director may extend the compliance date ~~((if the building has a current rental~~
14 ~~registration, as required by SMC Section 22.202.060, and))~~ if required repairs have been
15 commenced and, in the Director's opinion, are progressing at a satisfactory rate.
16 Extensions in excess of ninety (90) days may not be granted unless the need therefor is
17 established in a Director's review.

18 B. Vacating and Closing of Historic Buildings or Structures. The compliance date for
19 historic buildings and structures that are closed to entry pursuant to Section 22.206.200 of
20 this Code, during the notice of violation compliance period, shall be extended for as long
21 as the building or structure is maintained in compliance with the standards of Section
22 22.206.200 of this Code.
23

24 **Section 5.** Section 22.206.280 of the Seattle Municipal Code, which was last
25 amended by Ordinance 116315, is amended as follows:
26

27 **22.206.280 Civil penalty.**

28 A. In addition to any other sanction or remedial procedure which may be available, any
29 person violating or failing to comply with any requirement of this Code shall be subject
30 to a cumulative civil penalty in the amount of Fifteen Dollars (\$15.00) per day for each
31 housing unit in violation, and Fifteen Dollars (\$15.00) per day for violations in the
32 common area or on the premises surrounding the building or structure, from the date set
33 for compliance until the person complies with the requirements of this Code ~~((except that~~
34 ~~the cumulative civil penalty shall be tripled in any case where the building does not have~~
35 ~~a current rental housing registration as required by SMC 22.202.060)).~~

36 B. Any person who does not comply with an emergency order issued by the Director
37 pursuant to this Chapter SMC 22.206 shall be subject to a cumulative civil penalty in the
38 amount of One Hundred Dollars (\$100.00) per day from the date set for compliance until

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

RJL:rjl
11/13/96
v1

1 the Director certifies that the requirements of the emergency order are fully complied
2 with.

3 C. Any owner who fails to pay relocation assistance as required by subsection F of
4 Section 22.206.260 shall be subject to a cumulative civil penalty in the amount of One
5 Hundred Dollars (\$100.00) per day for each tenant who is entitled to receive but who
6 does not receive the required relocation assistance from the day such payment is required
7 by this Code until the required payments are made.

8 D. In addition to any other sanction or remedial procedure which may be available, any
9 owner of housing units who violates Section 22.205.160 (125) C6 shall be subject to a
10 civil penalty of not more than Two Thousand Five Hundred Dollars (\$2,500.00).

11 E. In addition to any other sanction or remedial procedure which may be available,
12 anyone who obstructs, impedes, or interferes with an attempt to inspect a building or
13 premises pursuant to the authority of an inspection warrant issued by any court or an
14 attempt to inspect a housing unit after consent to inspect is given by a tenant of the
15 housing unit shall be subject to a civil penalty of not more than One Thousand Dollars
16 (\$1,000.00).

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

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

26

27 **Section 6. Severability.** If any section, subsection, sentence, clause, or phrase of
28 this ordinance is, for any reason, held to be unconstitutional or invalid, such decision
29 shall not affect the validity of the remaining portions of the ordinance. The City Council
30 hereby declares that it would have passed this ordinance and each section, subsection,
31 sentence, clause or phrase thereof, irrespective of the fact that any one or more sections,
32 subsections, sentences, clauses, and phrases be declared unconstitutional or otherwise
33 invalid.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Seattle
Department of Construction and Land Use



R. F. Krochalis, Director
Norman B. Rice, Mayor

MEMORANDUM

TO: Jan Drago, Council President
via Tom Tierney, Director
Office of Management and Planning

FROM: *R. F. Krochalis*
R. F. Krochalis, Director

DATE: November 4, 1996

SUBJECT: Housing and Building Maintenance Code Amendments

The attached proposed Housing and Building Maintenance Code (HBMC) amendments are necessary if the *Margola* settlement is approved by King County Superior Court Judge William Downing. Judge Downing has made a preliminary determination that the settlement is reasonable and has scheduled a hearing on the proposed settlement for November 25, 1996. The proposed amendments also include one technical correction in the civil penalties section relating to failure to fulfill or carry out a stated just cause for eviction.

The ordinance removes references to the rental registration program from the HBMC.

- The HBMC had requirements that owners of certain rental housing units register those units with the City. That requirement is repealed in this proposed ordinance.
- The HBMC had provided that owners could not terminate a tenant's tenancy unless the building containing the rental unit had a current rental registration. The ordinance repeals that prohibition.
- The HBMC also prohibited the granting of a HBMC variance unless the building that was the subject of the request had a current housing registration. That limitation is repealed in this proposed ordinance.
- The HBMC currently prohibits granting an extension of the compliance date in a notice of violation if the building subject to the notice does not have a current rental housing registration. The proposed ordinance repeals that prohibition.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IS DUE TO THE QUALITY OF THE DOCUMENT.

- The HBMC also currently requires the trebling of civil penalties in cases where the building that gave rise to the penalty lacks a current rental housing registration. The proposed ordinance eliminates the treble penalty provision.
- The proposed ordinance also makes a technical correction to a reference to the just cause requirements in the civil penalties section. Recent amendments to the just cause eviction ordinance led some sections to be renumbered and a reference to Section 22.206.160 in the penalties section of the HBMC was not amended to account for the renumbering in Section 22.206.160.

Despite the repeal of the identified sections DCLU will continue its efforts to maintain and enhance the existing ownership database. The Department recently purchased an improved software package to facilitate identification of owners and responsible parties. DCLU will also continue work on measures requiring owners to have local agents for receiving tenant complaints, and receipt of notices of violation and similar documents.

The repeal of the registration provisions related to variances and extensions of the compliance date will have little effect on current practice. DCLU may still elect to not extend compliance dates for buildings, whether or not we require registration. The substantive requirements for HBMC variances remain unchanged; denial or granting of a variance will simply no longer require confirmation that the subject building has a current rental registration.

There is no current policy or practice that can substitute for the repeal of the provision providing that failure to have a required rental registration is a defense to an action to terminate a tenancy. Nor is there a substitute for the treble penalties for buildings lacking a current rental housing registration.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

City of Seattle

Executive Department—Office of Management and Planning

Thomas M. Tierney, Director
Norman B. Rice, Mayor
November 7, 1996

COPY RECEIVED
96 NOV -7 PM 3: 15
SEATTLE CITY ATTORNEY



The Honorable Mark Sidran
City Attorney
City of Seattle

11/13/96
approved as to form.
JLW

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING
DEPARTMENT: Construction and Land Use

SUBJECT: AN ORDINANCE relating to the Housing and Building Maintenance Code, deleting SMC Section 22.202.060 relating to rental housing registration, amending SMC Section 22.206.160 (C)(1), 22.206.160 (C)(5), 22.206.230 and 22.206.240 to delete reference to rental housing registration, and amending SMC Section 22.206.280 to delete reference to rental housing registration and to correct an incorrect reference to SMC Section 22.206.160.


Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMP. Any specific questions regarding the legislation can be directed to Elma Borbe at 684-8687.

Sincerely,

Norman B. Rice
Mayor

by


TOM TIERNEY
Director

h:\admin\legis\law\tr\borbe6

Enclosure

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

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:

San Diego

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

STATE OF WASHINGTON - KING COUNTY

75260
City of Seattle, City Clerk

—ss.

No. ORDINANCE IN

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

CT:ORD 118441

was published on

12/19/96

The amount of the fee charged for the foregoing publication is the sum of \$, which amount has been paid in full.

A. Randall
Subscribed and sworn to before me on

12/20/96

[Signature]
Notary Public for the State of Washington,
residing in Seattle

Affidavit of Publication

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.