

ORDINANCE No. 119509

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Law 2

COUNCIL BILL No. 112697

The City

AN ORDINANCE relating to enforcement of the Housing and Building Maintenance Code, amending the enforcement process for certain violations of Title 22 of the Seattle Municipal Code, amending Section 22.202.050(F), and adding a new Chapter 22.207.

Honorable President:

Your Committee on _____

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

COMPTROLLER FILE No. _____

Introduced: <i>MAY 24 1999</i>	By: DRAGO
Referred: <i>MAY 24 1999</i>	To: Business, Economic & Community Development
Referred:	To: _____
Referred:	To: _____
Reported:	Second Reading
<i>6-21-99</i>	
Third Reading:	Signed:
<i>6-21-99</i>	<i>6-21-99</i>
Presented to Mayor:	Approved:
<i>6-21-99</i>	<i>6/29/99</i>
Returned to City Clerk:	Published:
<i>6/30/99</i>	<i>Full 2/99</i>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

6/15/99 BBCV

6-21-99 Full Comm

(15)

Law Department

The City of Seattle--Legislative Department

Code,
Seattle
2.207.

REPORT OF COMMITTEE

Date Reported
and Adopted

able President:

ommittee on

h was referred the within Council Bill No.

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

6/15/99 BBCD to approve as amended 4-0

1-99 Full Council: Passed 8-0 (Excused: Fogelin)

Committee Chair

ORDINANCE 119509

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2
3 **AN ORDINANCE relating to enforcement of the Housing and Building Maintenance**
4 **Code, amending the enforcement process for certain violations of Title 22 of the**
5 **Seattle Municipal Code, amending Section 22.202.050(F), and adding a new**
6 **Chapter 22.207.**

7
8 **WHEREAS**, the current enforcement system for processing Housing and Building
9 Maintenance Code violations recognizes that the majority of citizens will voluntarily
10 comply with the code requirements once they are aware of a violation on their
11 property; and
12

13 **WHEREAS**, the current enforcement system can be changed to be more effective in dealing
14 with the more difficult housing cases, particularly those involving repeat offenders and
15 property owners who are unwilling to comply with the City's requirements; and
16

17 **WHEREAS**, it is appropriate that the Housing and Building Maintenance Code should
18 discourage repeat violations by imposing increasing penalties; and
19

20 **WHEREAS**, because substandard living conditions present health and safety risks, it is
21 sometimes appropriate to assess a penalty irrespective of how quickly the violation is
22 cured in order to deter such violations; and
23

24 **WHEREAS**, the City's ability to improve Housing and Building Maintenance Code
25 enforcement will ultimately result in safer housing conditions for the citizens of
26 Seattle;
27

28 **NOW THEREFORE,**

29
30 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

31
32 **Section 1.** Section 22.202.050 of the Seattle Municipal Code, which Section was
33 last amended by Ordinance 114815, is amended as follows:

34
35 **22.202.050 Housing and Abatement Account.**

36
37 A restricted account designated as the "Housing and Abatement Account" is
38 established in the Construction and Land Use Fund from which account the Director is
39 hereby authorized to pay the costs and expenses incurred for the repair, alteration,
40 improvement, vacation and closure, removal or demolition of any building, structure or other
41 dangerous condition pursuant to the provisions of this Code, or pursuant to any other
42 ordinance administered and enforced by the Director declaring any building, structure or

1 premises to be a public nuisance and ordering the abatement thereof. Money from the
2 following sources shall be paid into the Housing and Abatement Account:

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

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

8 C. The unencumbered balance remaining in the Housing and Abatement Revolving
9 Fund created by Ordinance 106319(~~(-is hereby transferred)~~);

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

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

13 F. Fines and penalties collected pursuant to Sections 22.206.280 and 22.208.150 and
14 pursuant to chapter 22.207.

15
16 **Section 2.** A new Section 22.207.002 is hereby added to the Seattle Municipal
17 Code, to read as follows:

18
19 **22.207.002 Scope.**

20
21 A. Violations of the following provisions of Seattle Municipal Code Chapter 22 shall be
22 enforced under the citation or criminal provisions set forth in this Chapter 22.207:

- 23 1. Minimum Fire and Safety Standards (Section 22.206.130); and
24 2. Minimum Security Standards (Section 22.206.140).

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

28
29 **Section 3.** A new Section 22.207.004 is hereby added to the Seattle Municipal
30 Code, to read as follows:

31
32 **22.207.004 Citation.**

33
34 A. Citation. If after investigation the Director determines that the standards or requirements
35 of provisions referenced in Section 22.207.002 have been violated, the Director may issue
36 a citation to the owner and/or other person or entity responsible for the violation. The
37 citation shall include the following information: 1) the name and address of the person to
38 which the citation is issued; 2) a reasonable description of the location of the property on
39 which the violation occurred; 3) a separate statement of each standard or requirement
40 violated; 4) the date of the violation; 5) a statement that the person cited must respond to
41 the citation within fifteen (15) days after service; 6) a space for entry of the applicable
42 penalty; 7) a statement that a response must be sent to the Hearing Examiner and
43 postmarked not later than midnight on the date the response is due; 8) the name, address
44 and phone number of the Hearing Examiner where the citation is filed; 9) a statement that

1 the citation represents a determination that a violation has been committed by the person
2 named in the citation and that the determination shall be final unless contested as
3 provided in this chapter; and 10) a certified statement of the inspector issuing the citation,
4 authorized by RCW 9A72.085, setting forth facts supporting issuance of the citation.

- 5 B. Service. The citation may be served by personal service in the manner set forth in RCW
6 4.28.080 for service of a summons or sent by first class mail, addressed to the last known
7 address of such person(s). Service shall be complete at the time of personal service, or if
8 mailed, three (3) days after the date of mailing. If a citation sent by first class mail is
9 returned as undeliverable, service may be made by posting the citation at a conspicuous
10 place on the property.

11
12 **Section 4.** A new Section 22.207.006 is hereby added to the Seattle Municipal
13 Code, to read as follows:

14
15 **22.207.006 Response to citations.**

16
17 Within fifteen (15) days after the date the citation is served, a person must respond to a
18 citation in one of the following ways:

- 19 A. Paying the amount of the monetary penalty specified in the citation, in which case the
20 record shall show a finding that the person cited has committed the violation; or
21 B. Requesting in writing a mitigation hearing to explain the circumstances surrounding the
22 commission of the violation and providing a mailing address to which notice of such
23 hearing may be sent; or
24 C. Requesting a contested hearing in writing specifying the reason why the cited violation
25 did not occur or why the person cited is not responsible for the violation, and providing a
26 mailing address to which notice of such hearing may be sent.

27
28 **Section 5.** A new Section 2.207.008 is hereby added to the Seattle Municipal Code,
29 to read as follows:

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31 **22.207.008 Failure to respond.**

32
33 If a person fails to respond to a citation within fifteen (15) days of service, an order shall be
34 entered by the Hearing Examiner finding that the person cited committed the violation stated
35 in the citation, and assessing the penalty specified in the citation.

36
37 **Section 6.** A new Section 22.207.010 is hereby added to the Seattle Municipal
38 Code, to read as follows:

39
40 **22.207.010 Mitigation Hearings.**

- 41
42 A. Date and Notice. If a person requests a mitigation hearing, the mitigation hearing shall be
43 held within thirty (30) days after written response to the citation requesting such hearing
44 is received by the Hearing Examiner. Notice of the time, place, and date of the hearing

1 will be sent by first class mail to the address provided in the request for hearing not less
2 than ten (10) days prior to the date of the hearing.

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

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

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

21
22 **Section 7.** A new Section 22.207.012 is hereby added to the Seattle Municipal
23 Code, to read as follows:

24
25 **22.207.012 Contested case hearing.**

26
27 A. Date and Notice. If a person requests a contested case hearing, the hearing shall be held
28 within sixty (60) days after the written response to the citation requesting such hearing is
29 received.

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

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

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

- 1 E. Evidence at Hearing. The certified statement or declaration authorized by RCW
2 9A.72.085 submitted by an inspector shall be prima facie evidence that a violation
3 occurred and that the person cited is responsible. The certified statement or declaration
4 of the inspector authorized under RCW 9A.72.085 and any other evidence accompanying
5 the report shall be admissible without further evidentiary foundation. Any certifications
6 or declarations authorized under RCW 9A.72.085 shall also be admissible without further
7 evidentiary foundation. The person cited may rebut the DCLU evidence and establish
8 that the cited violation(s) did not occur or that the person contesting the citation is not
9 responsible for the violation.
- 10 F. Disposition. If the citation is sustained at the hearing, the Hearing Examiner shall enter
11 an order finding that the person cited committed the violation. If the violation remains
12 uncorrected, the Hearing Examiner shall impose the applicable penalty. The Hearing
13 Examiner may reduce the monetary penalty in accordance with the mitigation provisions
14 in Section 22.207.010 if the violation has been corrected. If the Hearing Examiner
15 determines that the violation did not occur, the Hearing Examiner shall enter an order
16 dismissing the citation.
- 17 G. Appeal. The Hearing Examiner's decision shall be final unless one of the parties initiates
18 review by writ of certiorari in King County Superior Court within fifteen (15) days after
19 entry of the Hearing Examiner's decision.
20

21 **Section 8.** A new Section 22.207.014 is hereby added to the Seattle Municipal
22 Code, to read as follows:

23
24 **22.207.014 Failure to appear for hearing.**

25
26 Failure to appear for a requested hearing will result in an order being entered finding that the
27 person cited committed the violation stated in the citation and assessing the penalty specified
28 in the citation. For good cause shown and upon terms the Hearing Examiner deems just, the
29 Hearing Examiner may set aside an order entered upon a failure to appear.
30

31 **Section 9.** A new Section 22.207.016 is hereby added to the Seattle Municipal
32 Code, to read as follows:

33
34 **22.207.016 Penalties.**

- 35
36 A. First Violation. The first time that a person or entity is found to have violated one of the
37 provisions referenced in Section 22.207.002 after the effective date of this ordinance, the
38 person or entity shall be subject to a penalty of One Hundred Fifty dollars (\$150.00).
- 39 B. Second and Subsequent Violations. Any subsequent time that a person or entity is found
40 to have violated one of the provisions referenced in Section 22.207.002 within a five (5)
41 year period after the first violation, the person or entity shall be subject to a penalty of
42 Five Hundred dollars (\$500.00) for each such violation.
43

1 **Section 10.** A new Section 22.207.018 is hereby added to the Seattle Municipal
2 Code, to read as follows:

3
4 **22.207.018 Alternative criminal penalty.**

5
6 Any person who violates or fails to comply with any of the provisions referenced in Section
7 22.207.002 shall be guilty of a misdemeanor subject to the provisions of Chapters 12A.02
8 and 12A.04, except that absolute liability shall be imposed for such a violation or failure to
9 comply and none of the mental states described in Section 12A.04.030 need be proved. The
10 Director may request the City Attorney to prosecute such violations criminally as an
11 alternative to the citation procedure outlined in this Chapter.

12
13 **Section 11.** A new Section 22.207.020 is hereby added to the Seattle Municipal
14 Code, to read as follows:

15
16 **22.207.020 Abatement.**

17
18 Any property on which there continues to be a violation of any of the provisions referenced in
19 Section 22.207.002 after enforcement action taken pursuant to this chapter is hereby declared
20 a nuisance and subject to abatement by the City in the manner authorized by law.

21
22 **Section 12.** A new Section 22.207.022 is hereby added to the Seattle Municipal
23 Code, to read as follows:

24
25 **22.207.022 Collection of judgments.**

26
27 If the person cited fails to pay a penalty imposed pursuant to this chapter, the penalty may be
28 referred to a collection agency. The cost to the city for the collection services will be
29 assessed as costs, at the rate agreed to between the City and the collection agency, and added
30 to the judgment. Alternatively, the City may pursue collection in any other manner allowed
31 by law.

32
33 **Section 13.** A new Section 22.207.024 is hereby added to the Seattle Municipal
34 Code, to read as follows:

35
36 **22.207.024 Each day a separate violation.**

37
38 Each day a person or entity violates or fails to comply with a provision referenced in Section
39 22.207.002 may be considered a separate violation for which a citation may be issued.

40
41 **Section 14.** A new Section 22.207.026 is hereby added to the Seattle Municipal
42 Code, to read as follows:

1 **22.207.026 Additional relief.**

2
3 The Director may seek legal or equitable relief at any time to enjoin any acts or practices that
4 violate the provisions referenced in Section 22.207.002 or abate any condition that
5 constitutes a nuisance.

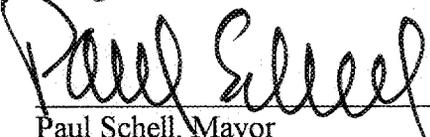
6
7 **Section 15.** The provisions of this ordinance are declared to be separate and
8 severable and the invalidity of any clause, sentence, paragraph, subdivision, section,
9 subsection, or portion of this ordinance, or the invalidity of the application thereof to any
10 person or circumstance, shall not affect the validity of the remainder of this ordinance or the
11 validity of its application to other persons or circumstances.

12
13 **Section 16.** This ordinance shall take effect and be in force thirty (30) days from and
14 after its approval by the Mayor, but if not approved and returned by the Mayor within ten
15 (10) days after presentation, it shall take effect as provided by Municipal Code
16 Section 1.04.020.

17
18 Passed by the City Council the 21st day of June, 1999, and signed by
19 me in open session in authentication of its passage this 21st day of June, 1999.

20
21
22 
23 _____
24 President of the City Council

25
26 Approved by me this 29th day of June, 1999.

27
28 
29 _____
30 Paul Schell, Mayor

31
32 Filed by me this 30th day of June, 1999.

33
34 
35 _____
36 acting City Clerk

37
38 (SEAL)

ORDINANCE

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AN ORDINANCE relating to enforcement of the Housing and Building Maintenance Code, amending the enforcement process for certain violations of Title 22 of the Seattle Municipal Code and adding a new Chapter 22.207.

WHEREAS, the current enforcement system for processing Housing and Building Maintenance Code violations recognizes that the majority of citizens will voluntarily comply with the code requirements once they are aware of a violation on their property; and

WHEREAS, the current enforcement system can be changed to be more effective in dealing with the more difficult housing cases, particularly those involving repeat offenders and property owners who are unwilling to comply with the City's requirements; and

WHEREAS, it is appropriate that the Housing and Building Maintenance Code should discourage repeat violations by imposing increasing penalties; and

WHEREAS, because substandard living conditions present health and safety risks, it is sometimes appropriate to assess a penalty irrespective of how quickly the violation is cured in order to deter such violations; and

WHEREAS, the City's ability to improve Housing and Building Maintenance Code enforcement will ultimately result in safer housing conditions for the citizens of Seattle;

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Section 22.207.002 is hereby added to the Seattle Municipal Code, to read as follows:

22.207.002 Scope.

- A. Violations of the following provisions of the Seattle Municipal Code Chapter 22 shall be enforced under the citation or criminal provisions set forth in this Chapter 22.207:
 - 1. Minimum Fire and Safety Standards (SMC section 22.206.130); and
 - 2. Minimum Security Standards (SMC sections 22.206.140).

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



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Section 2. A new Section 22.207.004 is hereby added to the Seattle Municipal Code, to read as follows:

22.207.004 Citation.

- A. Citation. If after investigation the Director determines that the standards or requirements of provisions referenced in Section 22.207.002 have been violated, the Director may issue a citation to the owner and/or other person or entity responsible for the violation. The citation shall include the following information: 1) the name and address of the person to which the citation is issued; 2) a reasonable description of the location of the property on which the violation occurred; 3) a separate statement of each standard or requirement violated; 4) the date of the violation; 5) a statement that the person cited must respond to the citation within fifteen (15) days after service; 6) a space for entry of the applicable penalty; 7) a statement that a response must be sent to the Hearing Examiner and postmarked not later than midnight on the date the response is due; 8) the name, address and phone number of the Hearing Examiner where the citation is filed; 9) a statement that the citation represents a determination that a violation has been committed by the person named in the citation and that the determination shall be final unless contested as provided in this chapter; and 10) a certified statement of the inspector issuing the citation, authorized by RCW 9A72.085, setting forth facts supporting issuance of the citation.
- B. Service. The citation may be served by personal service in the manner set forth in RCW 4.28.080 for service of a summons or sent by first class mail, addressed to the last known address of such person(s). Service shall be complete on the time of personal service, or if mailed, three (3) days after the date of mailing. If a citation sent by first class mail is returned as undeliverable, service may be made by posting the citation at a conspicuous place on the property.

Section 3. A new Section 22.207.006 is hereby added to the Seattle Municipal Code, to read as follows:

22.207.006 Response to citations.

Within fifteen (15) days after the dated the citation is served, a person must respond to a citation in one of the following ways:

- A. Paying the amount of the monetary penalty specified in the citation, in which case the record shall show that the person cited has committed the violation; or
- B. Requesting in writing a mitigation hearing to explain the circumstances surrounding the commission of the violation and providing a mailing address to which notice of such hearing may be sent; or
- C. Requesting a contested hearing in writing specifying the reason why the cited violation did not occur or why the person cited is not responsible for the violation, and providing a mailing address to which notice of such hearing may be sent.



1
2 **Section 4.** A new Section 2.207.008 is hereby added to the Seattle Municipal Code,
3 to read as follows:

4
5 **22.207.008 Failure to respond.**

6
7 If a person fails to respond to a citation within the fifteen (15) days of service, an order shall
8 be entered by the Hearing Examiner finding that the person cited committed the violation
9 stated in the citation, and assessing the penalty specified in the citation.

10
11 **Section 5.** A new Section 22.207.010 is hereby added to the Seattle Municipal
12 Code, to read as follows:

13
14 **22.207.010 Mitigation Hearings.**

- 15
16 A. Date and Notice. If a person requests a mitigation hearing, the mitigation hearing shall
17 be held within thirty (30) days after written response to the citation requesting such
18 hearing is received by the Hearing Examiner. Notice of the time, place, and date of the
19 hearing will be sent by first class mail to the address provided in the request for hearing
20 not less than 10 days prior to the date of the hearing.
21
22 B. Procedure at Hearing. The Hearing Examiner shall hold an informal hearing which shall
23 not be governed by the Rules of Evidence. The person cited may present witnesses, but
24 witness may not be compelled to attend. A representative from DCLU may also be
25 present and may present additional information, but attendance by a representative from
26 DCLU is not required.
27
28 C. Disposition. The Hearing Examiner shall determine whether the person's explanation
29 justifies reduction of the monetary penalty; however, the monetary penalty may not be
30 reduced unless the person provides at the hearing a certificate of compliance from DCLU
31 that the violation has been corrected prior to the mitigation hearing. Factors that may be
32 considered in whether to reduce the penalty include whether the violation was caused by
33 the act, neglect, or abuse of another; or whether correction of the violation was
34 commenced promptly prior to citation but that full compliance was prevented by a
35 condition or circumstance beyond the control of the person cited.
36
37 D. Entry of Order. After hearing the explanation of the person cited and any other
38 information presented at the hearing, the Hearing Examiner shall enter an order finding
39 that the person cited committed the violation and assessing a monetary penalty in an
40 amount determined pursuant to this section. The Hearing Examiner's decision is the
41 final decision of the City on this matter.
42

43 **Section 6.** A new Section 22.207.012 is hereby added to the Seattle Municipal
44 Code, to read as follows:
45

1 **22.207.012 Contested case hearing.**

- 2
- 3 A. Date and Notice. If a person requests a contested case hearing, the hearing shall be held
- 4 within sixty (60) days after the written response to the citation requesting such hearing is
- 5 received.
- 6
- 7 B. Hearing. Contested case hearings shall be conducted pursuant to the procedures for
- 8 hearing contested cases contained in SMC section 3.02.090 and the rules adopted by the
- 9 Hearing Examiner for hearing contested cases, except as modified by this section. The
- 10 issues heard at the hearing shall be limited to those raised in writing in the response to
- 11 the citation and that are within the jurisdiction of the Hearing Examiner. The Hearing
- 12 Examiner may issue subpoenas for the attendance of witnesses and the production of
- 13 documents, but shall not issue a subpoena for the attendance of a witness at the request
- 14 of the person cited unless the request is accompanied by the fee required by RCW
- 15 5.56.010 for a witness in district court.
- 16
- 17 C. Sufficiency. No citation shall be deemed insufficient for failure to contain a detailed
- 18 statement of the facts constituting the specific violation which the person cited is alleged
- 19 to have committed or by reason of defects or imperfections, provided such lack of detail ,
- 20 or defects or imperfections do not prejudice substantial rights of the person cited.
- 21
- 22 D. Amendment of Citation. A citation may be amended prior to the conclusion of the
- 23 hearing to conform to the evidence presented if substantial rights of the person cited are
- 24 not thereby prejudiced.
- 25
- 26 E. Evidence at Hearing. The certified statement or declaration authorized by RCW
- 27 9A.72.085 submitted by an inspector shall be prima facie evidence that a violation
- 28 occurred and that the person cited is responsible. The certified statement or declaration
- 29 of the inspector authorized under RCW 9A.72.085 and any other evidence
- 30 accompanying the report shall be admissible without further evidentiary foundation.
- 31 Any certifications or declarations authorized under RCW 9A.72.085 shall also be
- 32 admissible without further evidentiary foundation. The person cited may rebut the
- 33 DCLU evidence and establish that the cited violation(s) did not occur or that the person
- 34 contesting the citation is not responsible for the violation.
- 35
- 36 F. Disposition. If the citation is sustained at the hearing, the Hearing Examiner shall enter
- 37 an order finding that the person cited committed the violation. If the violation remains
- 38 uncorrected, the Hearing Examiner shall impose the applicable penalty. The Hearing
- 39 Examiner may reduce the monetary penalty in accordance with the mitigation provisions
- 40 in 22.207.010 if the violation has been corrected. If the Hearing Examiner determines
- 41 that the violation did not occur, the Hearing Examiner shall enter an order dismissing the
- 42 citation.
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G. Appeal. The Hearing Examiner's decision shall be final unless on of the parties initiates review by writ of certiorari in King County Superior Court within fifteen (15) days after entry of the Hearing Examiner's decision.

Section 7. A new Section 22.207.014 is hereby added to the Seattle Municipal Code, to read as follows:

22.207.014 Failure to appear for hearing.

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

Section 8. A new Section 22.207.016 is hereby added to the Seattle Municipal Code, to read as follows:

22.207.016 Penalties.

- A. First Citation. The penalty for a first violation of the provisions referenced in SMC 22.207.002 shall be One Hundred Fifty dollars (\$150.00).
- B. Second and Subsequent Citations. The penalty for a second and subsequent citations for a violation of the provisions referenced in Section 22.207.002 within a five (5) year period shall be Five Hundred dollars (\$500.00).

Section 9. A new Section 22.207.018 is hereby added to the Seattle Municipal Code, to read as follows:

22.207.018 Alternative criminal penalty.

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

Section 10. A new Section 22.207.020 is hereby added to the Seattle Municipal Code, to read as follows:



1 **22.207.020 Abatement.**

2
3 Any property on which there continues to be a violation of any of the provisions referenced
4 in Section 22.207.002 after enforcement action taken pursuant to this chapter is hereby
5 declared a nuisance and subject to abatement by the City in the manner authorized by law.
6

7 **Section 11.** A new Section 22.207.022 is hereby added to the Seattle Municipal
8 Code, to read as follows:
9

10 **22.207.022 Collection of judgments.**

11
12 If the person cited fails to pay a penalty imposed pursuant to this chapter, the penalty may be
13 referred to a collection agency. The cost to the city for the collection services will be
14 assessed as costs, at the rate agreed to between the City and the collection agency, and added
15 to the judgment. Alternatively, the City may pursue collection in any other manner allowed
16 by law.
17

18 **Section 12.** A new Section 22.207.024 is hereby added to the Seattle Municipal
19 Code, to read as follows:
20

21 **22.207.024 Each day a separate violation.**

22
23 Each day a person violates or fails to comply with a provision referenced in Section
24 22.207.002 is considered a separate violation and a new citation may be issued for each such
25 violation.
26

27 **Section 13.** A new Section 22.207.026 is hereby added to the Seattle Municipal
28 Code, to read as follows:
29

30 **22.207.026 Additional relief.**

31
32 The Director may seek legal or equitable relief at any time to enjoin any acts or practices
33 that violate the provisions referenced in section 22.207.002 or abate any condition that
34 constitutes a nuisance.
35

36 **Section 14.** The provisions of this ordinance are declared to be separate and
37 severable and the invalidity of any clause, sentence, paragraph, subdivision, section,
38 subsection, or portion of this ordinance, or the invalidity of the application thereof to any
39 person or circumstance, shall not affect the validity of the remainder of this ordinance or the
40 validity of its application to other persons or circumstances.
41

42 **Section 15.** This ordinance shall take effect and be in force thirty (30) days from and
43 after its approval by the Mayor, but if not approved and returned by the Mayor within ten
44 (10) days after presentation, it shall take effect as provided by Municipal Code
45 Section 1.04.020.

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Passed by the City Council the _____ day of _____, 1999, and signed by me in open session in authentication of its passage this _____ day of _____, 1999.

President of the City Council

Approved by me this _____ day of _____, 1999.

Paul Schell, Mayor

Filed by me this _____ day of _____, 1999.

(SEAL)

City Clerk

ORDINANCE

AN ORDINANCE relating to enforcement of the Housing and Building Maintenance Code, amending the enforcement process for certain violations of Title 22 of the Seattle Municipal Code, amending Section 22.202.050(F), and adding a new Chapter 22.207.

WHEREAS, the current enforcement system for processing Housing and Building Maintenance Code violations recognizes that the majority of citizens will voluntarily comply with the code requirements once they are aware of a violation on their property; and

WHEREAS, the current enforcement system can be changed to be more effective in dealing with the more difficult housing cases, particularly those involving repeat offenders and property owners who are unwilling to comply with the City's requirements; and

WHEREAS, it is appropriate that the Housing and Building Maintenance Code should discourage repeat violations by imposing increasing penalties; and

WHEREAS, because substandard living conditions present health and safety risks, it is sometimes appropriate to assess a penalty irrespective of how quickly the violation is cured in order to deter such violations; and

WHEREAS, the City's ability to improve Housing and Building Maintenance Code enforcement will ultimately result in safer housing conditions for the citizens of Seattle;

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.202.050 of the Seattle Municipal Code, which Section was last amended by Ordinance 114815, is amended as follows:

22.202.050 Housing and Abatement Account.

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

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

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

6 C. The unencumbered balance remaining in the Housing and Abatement Revolving
7 Fund created by Ordinance 106319(~~(, is hereby transferred)~~);

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

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

11 F. Fines and penalties collected pursuant to Sections 22.206.280 and 22.208.150
12 and pursuant to chapter 22.207.

13
14 **Section 2.** A new Section 22.207.002 is hereby added to the Seattle Municipal
15 Code, to read as follows:

16
17 **22.207.002 Scope.**

18
19 A. Violations of the following provisions of Seattle Municipal Code Chapter 22 shall be
20 enforced under the citation or criminal provisions set forth in this Chapter 22.207:

- 21
22 1. Minimum Fire and Safety Standards (Section 22.206.130); and
23 2. Minimum Security Standards (Section 22.206.140).

24
25 B. Any enforcement action or proceeding pursuant to this chapter 22.207 shall not affect,
26 limit or preclude any previous, pending or subsequent enforcement action or proceeding
27 taken pursuant to chapter 22.206.

28
29 **Section 3.** A new Section 22.207.004 is hereby added to the Seattle Municipal
30 Code, to read as follows:

31
32 **22.207.004 Citation.**

33
34 A. Citation. If after investigation the Director determines that the standards or requirements
35 of provisions referenced in Section 22.207.002 have been violated, the Director may
36 issue a citation to the owner and/or other person or entity responsible for the violation.
37 The citation shall include the following information: 1) the name and address of the
38 person to which the citation is issued; 2) a reasonable description of the location of the
39 property on which the violation occurred; 3) a separate statement of each standard or
40 requirement violated; 4) the date of the violation; 5) a statement that the person cited
41 must respond to the citation within fifteen (15) days after service; 6) a space for entry of
42 the applicable penalty; 7) a statement that a response must be sent to the Hearing
43 Examiner and postmarked not later than midnight on the date the response is due; 8) the
44 name, address and phone number of the Hearing Examiner where the citation is filed; 9)
45 a statement that the citation represents a determination that a violation has been
46 committed by the person named in the citation and that the determination shall be final

1 unless contested as provided in this chapter; and 10) a certified statement of the inspector
2 issuing the citation, authorized by RCW 9A72.085, setting forth facts supporting
3 issuance of the citation.

- 4 B. Service. The citation may be served by personal service in the manner set forth in RCW
5 4.28.080 for service of a summons or sent by first class mail, addressed to the last known
6 address of such person(s). Service shall be complete at the time of personal service, or if
7 mailed, three (3) days after the date of mailing. If a citation sent by first class mail is
8 returned as undeliverable, service may be made by posting the citation at a conspicuous
9 place on the property.

10
11 **Section 4.** A new Section 22.207.006 is hereby added to the Seattle Municipal
12 Code, to read as follows:

13
14 **22.207.006 Response to citations.**

15
16 Within fifteen (15) days after the date the citation is served, a person must respond to a
17 citation in one of the following ways:

- 18 A. Paying the amount of the monetary penalty specified in the citation, in which case the
19 record shall show a finding that the person cited has committed the violation; or
20 B. Requesting in writing a mitigation hearing to explain the circumstances surrounding the
21 commission of the violation and providing a mailing address to which notice of such
22 hearing may be sent; or
23 C. Requesting a contested hearing in writing specifying the reason why the cited violation
24 did not occur or why the person cited is not responsible for the violation, and providing a
25 mailing address to which notice of such hearing may be sent.

26
27 **Section 5.** A new Section 22.207.008 is hereby added to the Seattle Municipal Code,
28 to read as follows:

29
30 **22.207.008 Failure to respond.**

31
32 If a person fails to respond to a citation within fifteen (15) days of service, an order shall be
33 entered by the Hearing Examiner finding that the person cited committed the violation stated
34 in the citation, and assessing the penalty specified in the citation.

35
36 **Section 6.** A new Section 22.207.010 is hereby added to the Seattle Municipal
37 Code, to read as follows:

38
39 **22.207.010 Mitigation Hearings.**

- 40
41 A. Date and Notice. If a person requests a mitigation hearing, the mitigation hearing shall
42 be held within thirty (30) days after written response to the citation requesting such
43 hearing is received by the Hearing Examiner. Notice of the time, place, and date of the
44 hearing will be sent by first class mail to the address provided in the request for hearing
45 not less than ten (10) days prior to the date of the hearing.

- 1 B. Procedure at Hearing. The Hearing Examiner shall hold an informal hearing, which
2 shall not be governed by the Rules of Evidence. The person cited may present witnesses,
3 but witnesses may not be compelled to attend. A representative from DCLU may also be
4 present and may present additional information, but attendance by a representative from
5 DCLU is not required.
6
7 C. Disposition. The Hearing Examiner shall determine whether the person's explanation
8 justifies reduction of the monetary penalty; however, the monetary penalty may not be
9 reduced unless the person provides at the hearing a certificate of compliance from DCLU
10 that the violation has been corrected prior to the mitigation hearing. Factors that may be
11 considered in whether to reduce the penalty include whether the violation was caused by
12 the act, neglect, or abuse of another; or whether correction of the violation was
13 commenced promptly prior to citation but that full compliance was prevented by a
14 condition or circumstance beyond the control of the person cited.
15
16 D. Entry of Order. After hearing the explanation of the person cited and any other
17 information presented at the hearing, the Hearing Examiner shall enter an order finding
18 that the person cited committed the violation and assessing a monetary penalty in an
19 amount determined pursuant to this section. The Hearing Examiner's decision is the
20 final decision of the City on this matter.
21

22 **Section 7.** A new Section 22.207.012 is hereby added to the Seattle Municipal
23 Code, to read as follows:
24

25 **22.207.012 Contested case hearing.**
26

- 27 A. Date and Notice. If a person requests a contested case hearing, the hearing shall be held
28 within sixty (60) days after the written response to the citation requesting such hearing is
29 received.
30
31 B. Hearing. Contested case hearings shall be conducted pursuant to the procedures for
32 hearing contested cases contained in Section 3.02.090 and the rules adopted by the
33 Hearing Examiner for hearing contested cases, except as modified by this section. The
34 issues heard at the hearing shall be limited to those raised in writing in the response to
35 the citation and that are within the jurisdiction of the Hearing Examiner. The Hearing
36 Examiner may issue subpoenas for the attendance of witnesses and the production of
37 documents, but shall not issue a subpoena for the attendance of a witness at the request
38 of the person cited unless the request is accompanied by the fee required by RCW
39 5.56.010 for a witness in district court.
40
41 C. Sufficiency. No citation shall be deemed insufficient for failure to contain a detailed
42 statement of the facts constituting the specific violation which the person cited is alleged
43 to have committed or by reason of defects or imperfections, provided such lack of detail,
44 or defects or imperfections do not prejudice substantial rights of the person cited.
45

1 D. Amendment of Citation. A citation may be amended prior to the conclusion of the
2 hearing to conform to the evidence presented if substantial rights of the person cited are
3 not thereby prejudiced.
4

5 E. Evidence at Hearing. The certified statement or declaration authorized by RCW
6 9A.72.085 submitted by an inspector shall be prima facie evidence that a violation
7 occurred and that the person cited is responsible. The certified statement or declaration
8 of the inspector authorized under RCW 9A.72.085 and any other evidence
9 accompanying the report shall be admissible without further evidentiary foundation.
10 Any certifications or declarations authorized under RCW 9A.72.085 shall also be
11 admissible without further evidentiary foundation. The person cited may rebut the
12 DCLU evidence and establish that the cited violation(s) did not occur or that the person
13 contesting the citation is not responsible for the violation.
14

15 F. Disposition. If the citation is sustained at the hearing, the Hearing Examiner shall enter
16 an order finding that the person cited committed the violation. If the violation remains
17 uncorrected, the Hearing Examiner shall impose the applicable penalty. The Hearing
18 Examiner may reduce the monetary penalty in accordance with the mitigation provisions
19 in Section 22.207.010 if the violation has been corrected. If the Hearing Examiner
20 determines that the violation did not occur, the Hearing Examiner shall enter an order
21 dismissing the citation.
22

23 G. Appeal. The Hearing Examiner's decision shall be final unless one of the parties
24 initiates review by writ of certiorari in King County Superior Court within fifteen (15)
25 days after entry of the Hearing Examiner's decision.
26

27 **Section 8.** A new Section 22.207.014 is hereby added to the Seattle Municipal
28 Code, to read as follows:
29

30 **22.207.014 Failure to appear for hearing.**
31

32 Failure to appear for a requested hearing will result in an order being entered finding that the
33 person cited committed the violation stated in the citation and assessing the penalty specified
34 in the citation. For good cause shown and upon terms the Hearing Examiner deems just, the
35 Hearing Examiner may set aside an order entered upon a failure to appear.
36

37 **Section 9.** A new Section 22.207.016 is hereby added to the Seattle Municipal
38 Code, to read as follows:

1 **22.207.016 Penalties.**

2
3 A. First Violation. The first time that a person or entity is found to have violated one of the
4 provisions referenced in Section 22.207.002 after the effective date of this ordinance, the
5 person or entity shall be subject to a penalty of One Hundred Fifty dollars (\$150.00).
6

7 B. Second and Subsequent Violations. Any subsequent time that a person or entity is found
8 to have violated one of the provisions referenced in Section 22.207.002 within a five (5)
9 year period after the first violation, the person or entity shall be subject to a penalty of
10 Five Hundred dollars (\$500.00) for each such violation.
11

12 **Section 10.** A new Section 22.207.018 is hereby added to the Seattle Municipal
13 Code, to read as follows:
14

15 **22.207.018 Alternative criminal penalty.**

16
17 Any person who violates or fails to comply with any of the provisions referenced in Section
18 22.207.002 shall be guilty of a misdemeanor subject to the provisions of Chapters 12A.02
19 and 12A.04, except that absolute liability shall be imposed for such a violation or failure to
20 comply and none of the mental states described in Section 12A.04.030 need be proved. The
21 Director may request the City Attorney to prosecute such violations criminally as an
22 alternative to the citation procedure outlined in this Chapter.
23

24 **Section 11.** A new Section 22.207.020 is hereby added to the Seattle Municipal
25 Code, to read as follows:
26

27 **22.207.020 Abatement.**

28
29 Any property on which there continues to be a violation of any of the provisions referenced
30 in Section 22.207.002 after enforcement action taken pursuant to this chapter is hereby
31 declared a nuisance and subject to abatement by the City in the manner authorized by law.
32

33 **Section 12.** A new Section 22.207.022 is hereby added to the Seattle Municipal
34 Code, to read as follows:
35

36 **22.207.022 Collection of judgments.**

37
38 If the person cited fails to pay a penalty imposed pursuant to this chapter, the penalty may be
39 referred to a collection agency. The cost to the city for the collection services will be
40 assessed as costs, at the rate agreed to between the City and the collection agency, and added
41 to the judgment. Alternatively, the City may pursue collection in any other manner allowed
42 by law.
43

44 **Section 13.** A new Section 22.207.024 is hereby added to the Seattle Municipal
45 Code, to read as follows:
46

22.207.024 Each day a separate violation.

Each day a person or entity violates or fails to comply with a provision referenced in Section 22.207.002 may be considered a separate violation for which a citation may be issued.

Section 14. A new Section 22.207.026 is hereby added to the Seattle Municipal Code, to read as follows:

22.207.026 Additional relief.

The Director may seek legal or equitable relief at any time to enjoin any acts or practices that violate the provisions referenced in Section 22.207.002 or abate any condition that constitutes a nuisance.

Section 15. The provisions of this ordinance are declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section, subsection, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Section 16. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 1999, and signed by me in open session in authentication of its passage this _____ day of _____, 1999.

President of the City Council

Approved by me this _____ day of _____, 1999.

Paul Schell, Mayor

Filed by me this _____ day of _____, 1999.

(SEAL)

City Clerk

From: Diane Sugimura
To: Dan McGrady, Geri Beardsley
Date: 5/18/99 11:44am
Subject: URGENT: Reso and Ord Titles - Enforcement

Hope these work ... sorry for the delay. I forgot I had a 10:30 meeting.

AN ORDINANCE relating to enforcement of the Housing and Building Maintenance Code, amending the enforcement process for certain violations of Title 22 of the Seattle Municipal Code, and adding a new Chapter 22.207.

A RESOLUTION relating to a citation enforcement process for the Land Use Code and Housing and Building Maintenance Code, setting forth a strategy and direction for the Department of Design, Construction and Land Use's 1999/2000 work program for improving the enforcement process, including an evaluation of the new citation process.

Geri - feel free to suggest revisions to the reso title. Thanks. I will be here.

CC: Bob Laird, Rick Krochalis, Shawn Aronow, Wil Ha...

TIME AND DATE STAMP

SPONSORSHIP

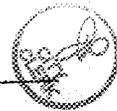
THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Len Drago

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE



STATE OF WASHINGTON - KING COUNTY

107855
City of Seattle, City Clerk

—ss.

No. ORD IN FULL

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 119509/FULL

was published on

07/15/99

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

[Handwritten signature]

Subscribed and sworn to before me on

07/15/99

[Handwritten signature]

Notary Public for the State of Washington,
residing in Seattle

City of Seattle

ORDINANCE 119609

AN ORDINANCE relating to enforcement of the Housing and Building Maintenance Code, amending the enforcement process for certain violations of Title 22 of the Seattle Municipal Code, amending Section 22.207.050(F), and adding a new Chapter 22.207.

WHEREAS, the current enforcement system for processing Housing and Building Maintenance Code violations recognizes that the majority of citizens will voluntarily comply with the code requirements once they are aware of a violation on their property; and

WHEREAS, the current enforcement system can be changed to be more effective in dealing with the more difficult housing cases, particularly those involving repeat offenders and property owners who are unwilling to comply with the City's requirements; and

WHEREAS, it is appropriate that the Housing and Building Maintenance Code should discourage repeat violations by imposing increasing penalties; and

WHEREAS, because substandard living conditions present health and safety risks, it is sometimes appropriate to assess a penalty irrespective of how quickly the violation is cured in order to deter such violations; and

WHEREAS, the City's ability to improve Housing and Building Maintenance Code enforcement will ultimately result in safer housing conditions for the citizens of Seattle;

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

SECTION 1. Section 22.207.050 of the Seattle Municipal Code, which Section was last amended by Ordinance 114815, is amended as follows:

22.207.050 HOUSING AND ABATEMENT ACCOUNT.

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

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

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

C. The unencumbered balance remaining in the Housing and Abatement Revolving Fund created by Ordinance 1063480, is hereby transferred;

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

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

F. Fines and penalties collected pursuant to Sections 22.206.380 and 22.206.150 and pursuant to chapter 22.207.

SECTION 2. A new Section 22.207.002 is hereby added to the Seattle Municipal Code, to read as follows:

22.207.002 SCOPE

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

1. Minimum Fire and Safety Standards (Section 22.205.130); and

penalty from DCU that the violation has been corrected prior to the mitigation hearing. Factors that may be considered in whether to reduce the penalty include whether the violation was caused by the act, neglect, or abuse of another; or whether correction of the violation was commenced promptly prior to citation but that full compliance was prevented by a condition or circumstance beyond the control of the person cited.

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

SECTION 3. A new Section 22.207.012 is hereby added to the Seattle Municipal Code, to read as follows:

22.207.012 CONTESTED CASE HEARING

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

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

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

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

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

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

G. Appeal. The Hearing Examiner's decision shall be final unless one of the parties initiates review by writ of certiorari in King County Superior Court within fifteen (15) days after entry of the Hearing Examiner's decision.

SECTION 4. A new Section 22.207.014 is hereby added to the Seattle Municipal Code, to read as follows:

22.207.014 FAILURE TO APPEAR FOR HEARING

Failure to appear for a requested hearing