

Ordinance No. 121076

Council Bill No. 114456

The City of Seattle Council Bill/Ordinance

An ordinance relating to relocation assistance for emergency orders, amending SMC Section 22.200.020 relating to the intent of the Code regarding relocation assistance payments; amending SMC Section 22.202.050 relating to fines and penalties deposited in the Housing and Abatement Account; adding a new SMC Section 22.202.060 to establish an account for the payment of emergency relocation assistance; amending SMC Section 22.206.260 to provide for annual adjustment to the amount of relocation assistance for emergency orders; adding a new SMC Section 22.206.265 to establish procedures for paying relocation assistance for emergency orders; amending SMC Section 22.206.280 to increase the penalty when a property owner fails to pay relocation assistance for an emergency order; and adding a new SMC Section 22.206.295 providing a private right of action for tenants.

2/4/03 Pass

CF No.

Date Introduced:	<u>JAN 21 2003</u>	
Date 1st Referred:	<u>JAN 21 2003</u>	
To: (committee)	<u>Land Use Committee</u>	
Date Re- Referred:		
To: (committee)		
Date Re - Referred:		
To: (committee)		
Date of Final Passage:	<u>2/18/03</u>	
Full Council Vote:	<u>Absent 6-0 Drago, Conlin, McDev</u>	
Date Presented to Mayor:	<u>2-19-03</u>	
Date Approved:	<u>2/24/03</u>	
Date Returned to City Clerk:	Date Published:	T.O. <input checked="" type="checkbox"/> P.T. <input type="checkbox"/>
<u>2/28/03</u>	<u>16 APR</u>	
Date Vetted by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

Passed AS Amended

This file is complete and ready

Law Department
Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: NECASTRO

John A.
Councilmember

Committee Action:

2/4/03 Pass 3-0 (UN, RC, MP)

Amended

This file is complete and ready for presentation to Full Council. Committee: _____

(initial/date)

Law Department

Law Dept. Review

OMP
Review

[Signature]

City Clerk
Review

*Final Note
Approved
Bill TCH loaded*

Electronic
Copy Loaded

Indexed

ORDINANCE 121076

1
2 AN ORDINANCE relating to relocation assistance for emergency orders, amending SMC
3 Section 22.200.020 relating to the intent of the Code regarding relocation assistance
4 payments; amending SMC Section 22.202.050 relating to fines and penalties deposited in
5 the Housing and Abatement Account; adding a new SMC Section 22.202.060 to establish
6 an account for the payment of emergency relocation assistance; amending SMC Section
7 22.206.260 to provide for annual adjustment to the amount of relocation assistance for
8 emergency orders; adding a new SMC Section 22.206.265 to establish procedures for
9 paying relocation assistance for emergency orders; amending SMC Section 22.206.280 to
10 increase the penalty when a property owner fails to pay relocation assistance for an
11 emergency order; and adding a new SMC Section 22.206.295 providing a private right of
12 action for tenants.

13 WHEREAS, the Seattle Housing and Building Maintenance Code (SMC Chapter 22.206)
14 provides that property owners are required to pay relocation assistance to tenants who
15 vacate their housing units pursuant to an Emergency Order to Vacate and Close issued
16 because the condition of the building is an imminent threat to the health and safety of the
17 occupants or the public; and

18 WHEREAS, tenants who are required to move by an Emergency Order to Vacate and Close often
19 have very low incomes and lack the financial resources to secure, on short notice, other
20 affordable living accommodations; and

21 WHEREAS, an Emergency Order to Vacate and Close often gives tenants less than seventy-two
22 (72) hours to vacate an unsafe premises; and

23 WHEREAS, the typical costs incurred by tenants within The City of Seattle to relocate often
24 include screening and application fees, the cost to move household goods, utility service
25 deposit and connection fees, advance payment of first and last month's rent, and security
26 and damage deposits; and

27 WHEREAS, owners of properties who are required to pay relocation assistance to tenants who
28 vacate pursuant to an Emergency Order to Vacate and Close issued under the Housing
and Building Maintenance Code frequently do not pay within the timeframe required by
the ordinance; and

WHEREAS, poor and low income tenants who vacate as required by an Emergency Order are at
a greater risk of becoming homeless, because they do not have sufficient resources to
secure alternative accommodations;



1 **NOW, THEREFORE,**

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

3 Section 1. Section 22.200.020 of the Seattle Municipal Code, which was last amended
4 by Ordinance 115671, is amended as follows:

5 **22.200.020 Declaration of findings and intent.**

6
7 A. It is found and declared that there exist, within The City of Seattle, buildings together
8 with appurtenant structures and premises ((which)) that are substandard, deteriorating, in danger
9 of causing or contributing to the creation of slums or otherwise blighted areas, and hazardous to
10 the health, safety ((;)) and general welfare of the public.

11
12 B. It is further found and declared that these conditions are the result of, among other
13 causes: inadequate original construction; dilapidation; failure to repair; lack of proper sanitary
14 facilities and maintenance; structural defects; vacant or abandoned buildings or properties;
15 overcrowding; electrical, mechanical and other defects increasing the hazards of fire, accidents or
16 other calamities; uncleanliness; inadequate heating, lighting and ventilation.

17
18 C. It is further found that maintenance of the housing stock is critical to the health, safety
19 and welfare of the general public and it is the intent of this Code to assure the preservation of the
20 existing supply of housing in The City of Seattle by establishing minimum standards and an
21 effective means for enforcement and by encouraging the rehabilitation and re-use of existing
22 structurally sound buildings.

23
24 D. It is further found and declared that arbitrary eviction of responsible tenants imposes
25 upon such tenants the hardship of locating replacement housing and provides no corresponding
26 benefit to property owners.



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

3 F. It is the intent of this Code that relocation assistance payments required by Subtitle II
4 of Title 22 shall be in addition to a refund from the property owner of any deposits and of other
5 sums to which a tenant is lawfully entitled under state or federal law.

6
7 G. The express purpose of this Code is to provide for and promote the health, safety and
8 welfare of the general public, and not to protect individuals or create or otherwise establish or
9 designate any particular class or group of persons who will or should be especially protected or
10 benefited by the terms of this Code. The obligation of complying with the requirements of this
11 Code and the liability for failing to do so is hereby placed upon the property owner and/or
12 occupant or persons responsible for the condition of the buildings or premises.

13
14 Section 2. Section 22.202.050 of the Seattle Municipal Code, which was last amended by
15 Ordinance 120537, is amended as follows:

16 **22.202.050 Housing and Abatement Accounting Unit.**

17
18 A restricted accounting unit designated as the "Housing and Abatement Account" is
19 established in the Construction and Land Use Fund from which account the Director is hereby
20 authorized to pay the costs and expenses incurred for the repair, alteration, improvement,
21 vacation and closure, removal or demolition of any building, structure or other dangerous
22 condition pursuant to the provisions of this Code, or pursuant to any other ordinance
23 administered and enforced by the Director declaring any building, structure or premises to be a
24 public nuisance and ordering the abatement thereof. Money from the following sources shall be
25 paid into the Housing and Abatement Accounting Unit:
26
27
28



1 A. Sums recovered by ~~((the))~~ The City as reimbursement for costs incurred by ~~((the))~~ The
2 City for 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))~~ 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 Fund
7 created by Ordinance 106319;

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

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

12 F. Fines and penalties collected pursuant to ~~((Sections 22.206.280 and 22.208.150 and~~
13 ~~pursuant to))~~ subsections A, B, D, E, F, and G of SMC Section 22.206.280, SMC Chapter 22.207
14 and SMC Section 22.208.150.

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18 Section 3. A new Section 22.202.060 is added to the Seattle Municipal Code to read as
19 follows:

20 **22.202.060 Emergency Relocation Assistance Accounting Unit.**

21 A restricted accounting unit designated as the "Emergency Relocation Assistance
22 Account" is established in the Construction and Land Use Fund, from which account the Director
23 is hereby authorized to pay relocation assistance pursuant to SMC Section 22.206.265, when a
24 property owner is required to deposit such assistance pursuant to SMC Section 22.206.260.
25
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1 A. The total amount of unreimbursed advances from this account shall not exceed Fifty
2 Thousand Dollars (\$50,000.00) at any given time.

3 B. Money from the following sources shall be paid into the Emergency Relocation
4 Assistance Account:

- 5
- 6 1. Fines and penalties collected pursuant to subsection C of SMC Section
7 22.206.280;
 - 8
 - 9 2. Sums that may by ordinance be appropriated to or designated as revenue to this
10 account;
 - 11
 - 12 3. Other sums that may by gift, bequest or grant be deposited in the account;
 - 13
 - 14 4. Reimbursement of monies paid by The City of Seattle as relocation assistance
15 from this account; and
 - 16 5. Relocation assistance monies deposited by property owners with the Director
17 pursuant to subsection G of SMC Section 22.206.260.

18 Section 4. Section 22.206.260 of the Seattle Municipal Code, which was last amended by
19 Ordinance 115671, is amended as follows:

20 **22.206.260 Emergency order.**

21

22 A. Whenever the Director finds that any building, housing unit or premises is an
23 imminent threat to the health or safety of the occupants or the public, an emergency order may be
24 issued directing that the building, housing unit ~~((and/))~~ or premises be restored to a condition of
25



1 safety and specifying the time for compliance. In the alternative, the order may require that the
2 building, housing unit or premises be immediately vacated and closed to entry.

3 B. The emergency order shall be posted on the building, housing unit or premises, and
4 shall be mailed by regular, first class mail to the last known address of the property owners and,
5 if applicable, to the occupants. All property owners and occupants of such building, housing unit
6 or premises are deemed to have notice of any emergency order so posted and mailed.
7

8 C. It shall be unlawful for any person to fail to comply with an emergency order issued
9 by the Director requiring that the building, housing unit (~~and~~) or premises be restored to a
10 condition of safety by a specified time.
11

12 D. It shall be unlawful for any person to use or occupy, or to cause or permit any person
13 to use or occupy the building, housing unit or premises after the date provided in an emergency
14 order requiring the building, housing unit (~~and~~) or premises to be vacated and closed until the
15 Director certifies that the conditions described in the emergency order have been corrected and
16 the building, housing unit (~~and~~) or premises have been restored to a safe condition.
17

18 E. Any building, housing unit or premises subject to an emergency order (~~which~~) that is
19 not repaired within the time specified in the order is found and declared to be a public nuisance
20 (~~which~~) that the Director is hereby authorized to abate summarily by such means and with such
21 assistance as may be available to the Director, and the costs thereof shall be recovered by the
22 Director in the manner provided by law.
23

24 F. 1. Any tenant who is required to vacate and actually vacates a housing unit as a result
25 of an emergency order shall be paid relocation assistance (~~by the owner~~) pursuant to and
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1 contingent upon compliance with the provisions of subsections G and H of SMC Section
2 22.206.260 and SMC Section 22.206.265 at the rate of ((Two Thousand Dollars (\$2,000.00)))
3 Two Thousand Eight Hundred Dollars (\$2,800.00) for each tenant household with income during
4 the ((past)) preceding twelve (12) months at or below fifty ((50)) percent (50%) of the ((county
5 median income)) median family income for the Seattle-Bellevue-Everett Primary Metropolitan
6 Statistical Area, adjusted for family size ("median family income"), and two (2) months' rent for
7 each tenant household with income during the ((past)) preceding twelve (12) months above fifty
8 ((50)) percent (50%) of the ((county median income)) median family income, provided all of the
9 following conditions are met:

11
12 ((+))a. The emergency order requires the housing unit occupied by the
13 tenant to be vacated and closed;

14
15 ((2))b. The conditions ((which)) that create the emergency arise from
16 circumstances within the control of the property owner, including, but not limited to, conditions
17 arising from failure to perform maintenance on the premises, affirmative acts of the property
18 owner, or termination of water or utility services provided by the property owner;

19
20 ((3))c. The conditions ((which)) that create the emergency do not arise
21 from an act of God or from the affirmative actions of a person or persons beyond the control of
22 the property owner; and

23
24 ((4))d. The conditions ((which)) that create the emergency are not caused
25 solely by the actions of the tenant.



1 2. The amount of relocation assistance to be paid pursuant to subsection F1 of
2 SMC Section 22.206.260 to a tenant household with income during the preceding twelve (12)
3 months at or below fifty percent (50%) of the median family income may be adjusted annually
4 by the percentage change in the housing component of the Consumer Price Index for All Urban
5 Consumers (CPI-U) for the Seattle-Bellevue-Everett Primary Metropolitan Statistical Area as
6 published by the United States Department of Labor, Bureau of Labor Statistics. Such
7 adjustments are authorized to be made by Director's Rule.

9 G. The property owner is required to ((pay)) deposit with the Director the relocation
10 assistance provided in subsection F in a form acceptable to the Director no later than the deadline
11 specified in the emergency order to vacate and close the building, housing unit or premises.

12 H. No relocation assistance may be paid pursuant to subsection F1 of SMC Section
13 22.206.260 to tenants with household incomes during the preceding twelve (12) months greater
14 than fifty percent (50%) of the median family income unless the property owner has deposited
15 the required assistance pursuant to subsection G of SMC Section 22.206.260.

16 Section 5. A new Section 22.206.265 is added to the Seattle Municipal Code to read as
17 follows:

18 **22.206.265 Emergency relocation assistance payments.**

19 A. A tenant subject to an emergency order to vacate and close may request an emergency
20 relocation assistance payment from the Emergency Relocation Assistance Account. The Director
21 may establish by Rule application requirements for this Section.
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1 1. To apply for emergency relocation assistance, a tenant household with a
2 household income during the preceding twelve (12) months at or below fifty percent (50%) of the
3 median family income must:

4 a. Submit a completed and signed request for an emergency relocation
5 assistance payment on an application form provided by the Director along with documentation
6 sufficient to establish tenant household income for the preceding twelve (12) months and any
7 additional information required by the Director;

8 b. Certify, in a manner approved by the Director, that the tenant has
9 vacated a building, housing unit or premises pursuant to an emergency order to vacate and close;
10 and
11

12 c. Complete the application requirements contained in this subsection
13 within seven (7) days of the date set for compliance with an emergency order to vacate and close
14 a building, housing unit or premises.
15

16 2. To apply for emergency relocation assistance, a tenant household with a
17 household income during the preceding twelve (12) months greater than fifty percent (50%) of
18 the median family income must:

19 a. Submit a completed and signed request for an emergency relocation
20 assistance payment on an application form provided by the Director along with documentation
21 sufficient to establish the monthly rental amount of the building, housing unit or premises under
22 the existing rental agreement for the most recent rental period and that the household income for
23 the preceding twelve (12) months is greater than fifty percent (50%) of the median family income
24 as well as any additional information required by the Director;
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1 b. Certify, in a manner approved by the Director, that the tenant has
2 vacated a building, housing unit or premises pursuant to an emergency order to vacate and close;
3 and

4 c. Complete the application requirements contained in this subsection
5 within seven (7) days of the date set for compliance with an emergency order to vacate and close
6 a building, housing unit or premises.
7

8 B. A relocation assistance payment deposited with the Director by a property owner
9 pursuant to subsection G of SMC Section 22.206.260 shall be paid to the tenant on whose behalf
10 the deposit was made within three (3) business days after receipt by the Director of both the
11 funds for relocation assistance and a completed and signed application for an emergency
12 relocation assistance payment from the tenant.
13

14 C. If a tenant with a household income during the preceding twelve (12) months at or
15 below fifty percent (50%) of the median family income satisfactorily completes the application
16 process described in subsection A1 and the property owner fails to deposit the relocation
17 assistance as required by subsection G of SMC Section 22.206.260, the Director may pay to such
18 tenant from the Emergency Relocation Assistance Account, subject to the limitation established
19 in subsection A of SMC Section 22.202.060, the full amount of relocation assistance that such
20 tenant would have received had the property owner deposited the relocation assistance as
21 required.
22

23 D. If a tenant has been paid relocation assistance from the Emergency Relocation
24 Assistance Account pursuant to subsection C and is subsequently paid the relocation assistance
25 provided by subsections F and G of SMC Sections 22.206.260 directly by the property owner, the
26
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1 tenant must reimburse The City of Seattle the full amount of relocation assistance paid from the
2 Emergency Relocation Assistance Account within three (3) business days of the receipt of the
3 relocation assistance payment from the property owner.

4 E. If a tenant either fails to submit to the Director a completed and signed application for
5 relocation assistance by the deadline established in subsection A or fails to negotiate a check or
6 warrant for emergency relocation assistance within sixty (60) days of the date of the check or
7 warrant, the Director shall refund to the property owner the full amount of relocation assistance
8 deposited on behalf of a tenant pursuant to SMC Section 22.206.260 within seven (7) business
9 days after such failure by the tenant.
10

11 F. Any check or warrant for relocation assistance from the Emergency Relocation
12 Assistance Account that is not presented for payment within sixty (60) days may not be honored.

13 Section 6. Section 22.206.280 of the Seattle Municipal Code, which was last amended by
14 Ordinance 120302, is amended as follows:
15

16 **22.206.280 Civil penalty.**
17

18 A. In addition to any other sanction or remedial procedure that may be available, and
19 except for violations of SMC Section 22.206.180, any person violating or failing to comply with
20 any requirement of this Code shall be subject to a cumulative civil penalty in the amount of:
21

22 1. Fifteen Dollars (\$15.00) per day for each housing unit in violation, and Fifteen
23 Dollars (\$15.00) per day for violations in the common area or on the premises surrounding the
24 building or structure, from the date set for compliance until the person complies with the
25 requirements of this Code; or
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1 2. Seventy-five Dollars (\$75.00) per day for each building in violation of the
2 standards contained in SMC Section 22.206.200, from the date set for compliance until the
3 person complies with the requirements of that section.

4 3. One Hundred Dollars (\$100.00) per day from the date a tenant fails to
5 reimburse The City of Seattle for emergency relocation assistance as required by subsection D of
6 SMC Section 22.206.265 until the date the relocation assistance is repaid to The City of Seattle.

7 4. One Hundred Dollars (\$100.00) per day for any person who provides false or
8 misleading information to the Director and as a result of the false or misleading information is
9 paid emergency relocation assistance by The City of Seattle for which the person would not
10 otherwise be eligible, from the date the person receives the emergency relocation assistance until
11 the date the relocation assistance is repaid to The City of Seattle.

12 B. Any person who does not comply with an emergency order issued by the Director
13 pursuant to this SMC Chapter 22.206 shall be subject to a cumulative civil penalty in the amount
14 of One Hundred Dollars (\$100.00) per day from the date set for compliance until the Director
15 certifies that the requirements of the emergency order are fully complied with.

16 C. Any property owner who fails to ~~((pay))~~ deposit relocation assistance as required by
17 ~~((subsection))~~ subsections F and G of SMC Section 22.206.260 shall be subject to a cumulative
18 civil penalty ~~((in the amount))~~ of:

19 1. For each tenant with a household income during the preceding twelve (12)
20 months at or below fifty percent (50%) of the median family income for whom the property
21



1 owner did not deposit relocation assistance as required by subsection G of SMC Section

2 22.206.260:

3 a. ~~((Two Thousand Five Hundred Dollars (\$2,500.00);))~~ Three Thousand

4 Three Hundred Dollars (\$3,300.00), plus

5
6 b. One Hundred Dollars (\$100.00) per day ~~((for each tenant who is~~
7 ~~entitled to receive but who does not receive the required relocation assistance from the day such~~
8 ~~payment is required by this Code until the required payments are made.))~~ from the date such
9 deposit by the property owner is required until the date the property owner pays to The City the
10 penalty provided for in subsection C1a; or

11
12 2. For each tenant with a household income during the preceding twelve (12)
13 months greater than fifty percent (50%) of the median family income for whom the property
14 owner did not deposit relocation assistance as required by subsection G of SMC Section
15 22.206.260, One Hundred Dollars (\$100.00) per day from the date such deposit is required until
16 the date on which the relocation assistance required by subsections F and G of SMC Section
17 22.206.260 is deposited with The City of Seattle.

18
19
20 D. In addition to any other sanction or remedial procedure that may be available, any
21 owner of housing units who violates subsection C6 of SMC Section 22.206.160 ~~((€6))~~ shall be
22 subject to a civil penalty of not more than Two Thousand Five Hundred Dollars (\$2,500.00).

23
24 E. In addition to any other sanction or remedial procedure that may be available, anyone
25 who obstructs, impedes, or interferes with an attempt to inspect a building or premises pursuant
26 to the authority of an inspection warrant issued by any court or an attempt to inspect a housing
27



1 unit after consent to inspect is given by a tenant of the housing unit shall be subject to a civil
2 penalty of not more than One Thousand Dollars (\$1,000.00).

3 F. Any person who violates or fails to comply with subsections A5, A6 or A7 of SMC
4 Section ((s)) 22.206.180 (~~A5, 22.206.180 A6, or 22.206.180 A7~~) shall be subject to a
5 cumulative civil penalty in an amount not less than One Hundred Dollars (\$100.00) nor more
6 than Three Hundred Dollars (\$300.00) per violation. Each day that a separate ((act)) action or
7 inaction occurs that is a violation of subsections A5, A6 or A7 of SMC Section ((s)) 22.206.180
8 (~~A5, 22.206.180 A6 or 22.206.180 A7~~) constitutes a separate violation.
9
10

11 G. The Director shall notify the City Attorney in writing of the name of any person
12 subject to a civil penalty for violations of this Code, except that for violations of SMC Section
13 22.206.180, the Chief of Police shall notify the City Attorney. The City Attorney shall take
14 appropriate action to collect the penalty. In any civil action for a penalty, the City has the burden
15 of proving by a preponderance of the evidence that a violation exists or existed and, for
16 violations of sections other than SMC Section 22.206.180, that the violation was not corrected by
17 the date established by the Director in a notice, order or decision. The issuance of a notice of
18 violation or an order following a review by the Director is not itself evidence that a violation
19 exists.
20
21

22 H. The violator may show, in mitigation of liability, that correction of the violation was
23 commenced promptly upon receipt of notice, but that compliance within the time specified was
24 prevented by an inability to obtain necessary materials or labor, inability to gain access to the
25 subject building, or other condition or circumstance beyond the control of the violator, and upon
26
27
28



1 a showing of the above described conditions, the court may enter judgment for less than the
2 maximum penalty.

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5 Section 7. A new Section 22.206.295 is added to the Seattle Municipal Code to read as
6 follows:

7 **22.206.295 Private right of action.**

8 In addition to any other sanction or remedial procedure that may be available, any
9 property owner who does not deposit emergency relocation assistance with The City of
10 Seattle for a tenant pursuant to subsections F and G of SMC Section 22.206.260 shall be subject
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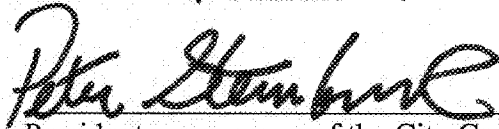


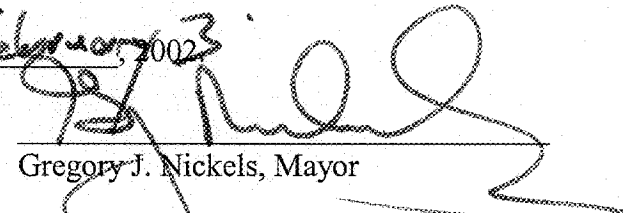
1 to a private civil action by such tenant to recover ~~((actual damages))~~ the actual amount of
2 relocation assistance payable to the tenant but not deposited with The City of Seattle by the
3 property owner, attorney fees and court costs.

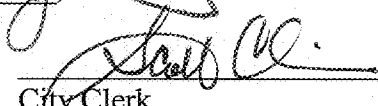
4 Section 8. The provisions of this ordinance are declared to be separate and severable.
5 The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this
6 ordinance, or the invalidity of the application thereof to any person or circumstance shall not
7 affect the validity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

10 Section 9. This ordinance shall take effect and be in force thirty (30) days from and after
11 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
12 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
13

14 Passed by the City Council the 18 day of Feb., 2002³, and signed by me in open
15 session in authentication of its passage this 18 day of Feb, 2002³.

16
17 
18 President _____ of the City Council

19 Approved by me this 24 day of February, 2002³.
20
21 
22 Gregory J. Nickels, Mayor

23 Filed by me this 28th day of February, 2002.
24
25 
26 City Clerk

27
28 (Seal)



Fiscal Note

Department:	Contact Person/Phone:	DOF Analyst/Phone:
D.C.L.U.	Jim Metz 684-7979	Stephen Land 684-7920

Legislation Title:

Emergency Relocation Assistance Account

Summary of Legislation:

The proposed ordinance establishes an Emergency Relocation Assistance Account in the Construction and Land Use Fund to assist low income tenants with household incomes at or below fifty percent (50%) of the median family income in King County who must move as a result of an Emergency Order to Vacate and Close their housing unit. The main purpose of the Account would be to advance relocation assistance payments to eligible low income tenants when property owners failed to pay such tenants as required under current authorization of the Housing and Building Maintenance Code (HBMC). The Account would also be used to pass through relocation payments to tenants from those property owners who complied with the requirements of the HBMC.

Appropriations (in \$1,000's):

Fund Name and Number	Department	Budget Control Level*	2002 Appropriation	2003 Anticipated Appropriation
			0	0
TOTAL			0	0

** This is line of business for operating budgets, and program or project for capital improvements*

Notes: No appropriation is being sought to fund the Emergency Relocation Assistance Account. The Account would be reimbursed by civil penalties assessed for failure to pay relocation assistance. The total amount of unreimbursed advances from the Account at any give time would not exceed \$50,000.00

Anticipated Revenue/Reimbursement (in \$1,000's):

Fund Name and Number	Department	Revenue Source	2002 Revenue	2003 Revenue
			0	0
TOTAL			0	0

Notes: The Emergency Relocation Assistance Account would not generate revenues. It would be only reimbursed by civil penalties assessed for failure to pay relocation assistance.



Total Permanent Positions Created Or Abrogated Through Legislation, Including FTE Impact; Estimated FTE Impact for Temporary Positions:

Fund Name and Number	Department	Position Title*	2002 FTE	2003 FTE
			0	0
TOTAL			0	0

* List each position separately

Do positions sunset in the future? (If yes, identify sunset date):

There are no permanent positions created or abrogated by the proposed ordinance.

Background (Include brief description which states the purpose and context of legislation and include record of previous legislation and funding history, if applicable):

The main purpose of the Emergency Relocation Assistance Account is to advance relocation assistance payments to eligible low income tenants when property owners fail to pay relocation to such tenants displaced by an Emergency Order to Vacate and Close as required under current authorization of the Housing and Building Maintenance Code (HBMC). The Account would also be used to pass through relocation payments to tenants from those property owners who complied with the requirements of the HBMC.

The proposed procedures are a departure from present practice. Currently, property owners are responsible for paying relocation assistance directly to tenants displaced by an Emergency Order. Under this proposal, property owner payments would be passed through the new account and paid to the tenants by the City. When owners failed to pay, the account would advance payments to low income tenants and impose a penalty upon the defaulting property owners.

The Account would be reimbursed by civil penalties assessed for failure to pay relocation assistance. No appropriation is being sought to fund the Account and the total amount of unreimbursed advances from the Account at any given time would be limited to \$50,000.

The financial cost of not implementing the legislation (Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented):

There would be no direct financial cost to the City if the proposed ordinance is not implemented.

Possible alternatives to the legislation which could achieve the same or similar objectives (Include any potential alternatives to the proposed legislation, including using an existing facility to fulfill the uses envisioned by the proposed project, adding components to or subtracting components from the total proposed project, contracting with an outside organization to provide the services the proposed project would fill, or other alternatives):

1) Retain the current Housing and Building Maintenance Code (HBMC) requirement that



property owners pay relocation assistance directly to tenants. This approach would leave unresolved the current problem of owners not paying relocation assistance to low income tenants and the associated negative impact on this vulnerable population. 2) Set the penalty for failure to pay relocation assistance so high as to provide a strong incentive for owners to comply with the HBMC. It is our view, however, that it is highly unlikely that the courts would levy penalties at levels sufficient to accomplish this objective

Is the legislation subject to public hearing requirements (If yes, what public hearings have been held to date):

A public hearing is not required for the proposed ordinance.

Other Issues (including long-term implications of the legislation):

The proposed legislation was developed in response to repeated failures by property owners to pay relocation assistance to tenant households displaced by emergency orders to vacate and close. The majority of those affected have been largely single-parent households, single men and women with very low wage jobs or who are receiving some form of public assistance, and individuals who were recently homeless. Currently, the City has the authority to sue a property owner who fails to pay required relocation assistance, but can only seek to collect civil penalties. It has no authority to sue a property owner for the amount of unpaid relocation assistance. A tenant can bring a private civil action to claim the assistance. However, it has been the experience of the D.C.L.U. that the average tenant is unprepared to sue, even in Small Claims Court. This problem would remain unaddressed should the proposed legislation not be implemented.

Implementation of the proposed ordinance would result in a small increase in administrative costs associated with processing deposits by property owners, reviewing applications for assistance, and processing payment requests and checks. Since it is anticipated that the number of cases requiring the payment of relocation assistance will be rather small, the additional administrative costs should also be small. As an example, in the period May 2000 through December 2001, eight (8) low income households were not paid relocation assistance as required by the Housing and Building Maintenance Code.

FOR CAPITAL PROJECTS ONLY

Background (Include brief description that states the purpose and context of legislation, the expected useful life, anticipated customers/users, assumed level of LEED or other sustainable design elements. Also include record of previous legislation and funding history, if applicable):

Project Name:	Project Location:	Start Date:	End Date:



Spending Plan and Future Appropriations for Capital Projects (Estimate cost of legislation over time; list timing of anticipated appropriation authority requests and expected spending plan. Please identify your cost estimate methodology including inflation assumptions and key assumptions related to the timing of appropriation requests and expected expenditures. In addition, include the projected costs of meeting the LEED Silver standard in all facilities and buildings with over 5,000 gross square feet of occupied space. Also, be sure to include percent for art and percent for design as appropriate):

Spending Plan and Budget	2002	2003	2004	2005	2006	2007	Total
Spending Plan							
Current Year Appropriation							
Future Appropriations							

Key Assumptions:

--

Funding source (Identify funding sources including revenue generated from the project and the expected level of funding from each source):

Funding Source	2002	2003	2004	2005	2006	2007	Total
TOTAL							

Bond Financing Required (If the project or program requires financing, please list type of financing, amount, interest rate, term and annual debt service or payment amount. Please include issuance costs of 3% in listed amount):

Type	Amount	Assumed Interest Rate	Term	Timing	Expected Annual Debt Service/Payment
TOTAL					

Uses and Sources for Operation and Maintenance Costs for the Project (Estimate cost of one-time startup, operating and maintaining the project over a six year period and identify each fund source available. Estimate the annual savings of implementing the LEED Silver standard. Identify key assumptions such as staffing required, assumed utility usage and rates and other potential drivers of the facility's cost):

Jim Metz
 August 23, 2002
 Emergency Relocation Assistance
 Version #1.

O&M	2002	2003	2004	2005	2006	2007	Total
Uses							
Start Up							
On-going							
Sources (itemize)							

Key Assumptions:

--

Periodic Major Maintenance costs for the project (Estimate capital cost of performing periodic maintenance over life of facility. Please identify major work items, frequency):

Major Maintenance Item	Frequency	Cost	Likely Funding Source
TOTAL			

Funding sources for replacement of project (Identify possible and/or recommended method of financing the project replacement costs):

--

Revised 7/09/02





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

January 13, 2003

Honorable Peter Steinbrueck
President
Seattle City Council
Municipal Building, 11th Floor

Dear Council President Steinbrueck:

The attached ordinance would establish an Emergency Relocation Assistance Account within the Construction and Land Use Fund to assist low income households (at or below 50% of median family income) who must move as a result of an Emergency Order to Vacate and Close their housing unit. The main purpose of the Account would be to advance relocation assistance payments to eligible low income tenants when property owners fail to do so as required under current authorization of the Housing and Building Maintenance Code (HBMC). The Account would be reimbursed by civil penalties assessed for failure to pay relocation assistance. No appropriation is being sought to fund the Account and the total amount of unreimbursed advances from the Account at any given time would not exceed \$50,000.

This ordinance was developed in response to repeated failures by property owners to pay relocation assistance to tenant households displaced by Emergency Orders to Vacate and Close. The majority of those affected have been single-parent households, single men and women with very low wage jobs or receiving some form of public assistance, and individuals who were formerly homeless.

Currently, the City has the authority to sue a property owner who fails to pay required relocation assistance, but can only collect civil penalties. It has no authority to sue a property owner for the amount of unpaid relocation assistance. A tenant can bring a private civil action to claim the assistance; however, the average tenant is generally unprepared to sue, even in Small Claims Court.

The proposed ordinance would allow the Department of Design, Construction and Land Use to pay \$2,000 relocation assistance to eligible households if the owner fails to do so. The owner would be assessed a civil penalty of \$2,500 plus \$100 per day until the required assistance was paid.

Thank you for your consideration of this legislation. Should you have questions please contact Karen White, Manager, Compliance Service Center at (206) 615-0097.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels".

Greg Nickels
Mayor of Seattle

cc. Honorable Members of the Seattle City Council

600 Fourth Avenue, 12th Floor, Seattle, WA 98104-1873

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E:mail: mayors.office@ci.seattle.wa.us

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ORDINANCE

1
2 AN ORDINANCE relating to relocation assistance for emergency orders, amending SMC
3 Section 22.200.020 relating to the intent of the Code regarding relocation assistance
4 payments; amending SMC Section 22.202.050 relating to fines and penalties deposited in
5 the Housing and Abatement Account; adding a new SMC Section 22.202.060 to establish
6 an account for the payment of emergency relocation assistance; amending SMC Section
7 22.206.260 to provide for annual adjustment to the amount of relocation assistance for
8 emergency orders; adding a new SMC Section 22.206.265 to establish procedures for
9 paying relocation assistance for emergency orders; amending SMC Section 22.206.280 to
10 increase the penalty when a property owner fails to pay relocation assistance for an
11 emergency order; and adding a new SMC Section 22.206.295 providing a private right of
12 action for tenants.

13 WHEREAS, the Seattle Housing and Building Maintenance Code (SMC Chapter 22.206)
14 provides that property owners are required to pay relocation assistance to tenants who
15 vacate their housing units pursuant to an Emergency Order to Vacate and Close issued
16 because the condition of the building is an imminent threat to the health and safety of the
17 occupants or the public; and

18 WHEREAS, tenants who are required to move by an Emergency Order to Vacate and Close often
19 have very low incomes and lack the financial resources to secure, on short notice, other
20 affordable living accommodations; and

21 WHEREAS, an Emergency Order to Vacate and Close often gives tenants less than seventy-two
22 (72) hours to vacate an unsafe premises; and

23 WHEREAS, the typical costs incurred by tenants within The City of Seattle to relocate often
24 include screening and application fees, the cost to move household goods, utility service
25 deposit and connection fees, advance payment of first and last month's rent, and security
26 and damage deposits; and

27 WHEREAS, owners of properties who are required to pay relocation assistance to tenants who
28 vacate pursuant to an Emergency Order to Vacate and Close issued under the Housing
and Building Maintenance Code frequently do not pay within the timeframe required by
the ordinance; and

WHEREAS, poor and low income tenants who vacate as required by an Emergency Order are at
a greater risk of becoming homeless, because they do not have sufficient resources to
secure alternative accommodations;

1 **NOW, THEREFORE,**

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

3 Section 1. Section 22.200.020 of the Seattle Municipal Code, which was last amended
4 by Ordinance 115671, is amended as follows:

5 **22.200.020 Declaration of findings and intent.**

6
7 A. It is found and declared that there exist, within The City of Seattle, buildings together
8 with appurtenant structures and premises ((which)) that are substandard, deteriorating, in danger
9 of causing or contributing to the creation of slums or otherwise blighted areas, and hazardous to
10 the health, safety ((s)) and general welfare of the public.

11
12 B. It is further found and declared that these conditions are the result of, among other
13 causes: inadequate original construction; dilapidation; failure to repair; lack of proper sanitary
14 facilities and maintenance; structural defects; vacant or abandoned buildings or properties;
15 overcrowding; electrical, mechanical and other defects increasing the hazards of fire, accidents or
16 other calamities; uncleanliness; inadequate heating, lighting and ventilation.

17
18 C. It is further found that maintenance of the housing stock is critical to the health, safety
19 and welfare of the general public and it is the intent of this Code to assure the preservation of the
20 existing supply of housing in The City of Seattle by establishing minimum standards and an
21 effective means for enforcement and by encouraging the rehabilitation and re-use of existing
22 structurally sound buildings.

23
24 D. It is further found and declared that arbitrary eviction of responsible tenants imposes
25 upon such tenants the hardship of locating replacement housing and provides no corresponding
26 benefit to property owners.



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

3 F. It is the intent of this Code that relocation assistance payments required by Subtitle II
4 of Title 22 shall be in addition to a refund from the property owner of any deposits and of other
5 sums to which a tenant is lawfully entitled under state or federal law.

6
7 G. The express purpose of this Code is to provide for and promote the health, safety and
8 welfare of the general public, and not to protect individuals or create or otherwise establish or
9 designate any particular class or group of persons who will or should be especially protected or
10 benefited by the terms of this Code. The obligation of complying with the requirements of this
11 Code and the liability for failing to do so is hereby placed upon the property owner and/or
12 occupant or persons responsible for the condition of the buildings or premises.
13

14 Section 2. Section 22.202.050 of the Seattle Municipal Code, which was last amended by
15 Ordinance 120537, is amended as follows:

16 **22.202.050 Housing and Abatement Accounting Unit.**

17
18 A restricted accounting unit designated as the "Housing and Abatement Account" is
19 established in the Construction and Land Use Fund from which account the Director is hereby
20 authorized to pay the costs and expenses incurred for the repair, alteration, improvement,
21 vacation and closure, removal or demolition of any building, structure or other dangerous
22 condition pursuant to the provisions of this Code, or pursuant to any other ordinance
23 administered and enforced by the Director declaring any building, structure or premises to be a
24 public nuisance and ordering the abatement thereof. Money from the following sources shall be
25 paid into the Housing and Abatement Accounting Unit:
26
27
28



1 A. Sums recovered by ~~((the))~~ The City as reimbursement for costs incurred by ~~((the))~~ The
2 City for 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))~~ 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 Fund
7 created by Ordinance 106319;

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

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

12 F. Fines and penalties collected pursuant to ~~((Sections 22.206.280 and 22.208.150 and~~
13 ~~pursuant to))~~ subsections A, B, D, E, F, and G of SMC Section 22.206.280, SMC Chapter 22.207
14 and SMC Section 22.208.150.

15
16
17
18 Section 3. A new Section 22.202.060 is added to the Seattle Municipal Code to read as
19 follows:

20 **22.202.060 Emergency Relocation Assistance Accounting Unit.**

21 A restricted accounting unit designated as the "Emergency Relocation Assistance
22 Account" is established in the Construction and Land Use Fund, from which account the Director
23 is hereby authorized to pay relocation assistance pursuant to SMC Section 22.206.265, when a
24 property owner is required to deposit such assistance pursuant to SMC Section 22.206.260.
25
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1 A. The total amount of unreimbursed advances from this account shall not exceed Fifty
2 Thousand Dollars (\$50,000.00) at any given time.

3 B. Money from the following sources shall be paid into the Emergency Relocation
4 Assistance Account:

- 5
- 6 1. Fines and penalties collected pursuant to subsection C of SMC Section
7 22.206.280;
 - 8
 - 9 2. Sums that may by ordinance be appropriated to or designated as revenue to this
10 account;
 - 11
 - 12 3. Other sums that may by gift, bequest or grant be deposited in the account;
 - 13
 - 14 4. Reimbursement of monies paid by The City of Seattle as relocation assistance
15 from this account; and
 - 16 5. Relocation assistance monies deposited by property owners with the Director
17 pursuant to subsection G of SMC Section 22.206.260.

18 Section 4. Section 22.206.260 of the Seattle Municipal Code, which was last amended by
19 Ordinance 115671, is amended as follows:

20 **22.206.260 Emergency order.**

21

22 A. Whenever the Director finds that any building, housing unit or premises is an
23 imminent threat to the health or safety of the occupants or the public, an emergency order may be
24 issued directing that the building, housing unit ~~((and/))~~ or premises be restored to a condition of
25



1 safety and specifying the time for compliance. In the alternative, the order may require that the
2 building, housing unit or premises be immediately vacated and closed to entry.

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

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

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

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

20 F. 1. Any tenant who is required to vacate and actually vacates a housing unit as a result
21 of an emergency order shall be paid relocation assistance ~~((by the owner))~~ pursuant to and
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1 contingent upon compliance with the provisions of subsections G and H of SMC Section
2 22.206.260 and SMC Section 22.206.265 at the rate of Two Thousand Dollars (\$2,000.00) for
3 each tenant household with income during the ~~((past))~~ preceding twelve (12) months at or below
4 fifty ~~((50))~~ percent (50%) of the ~~((county median income))~~ median family income for the Seattle-
5 Bellevue-Everett Primary Metropolitan Statistical Area, adjusted for family size ("median family
6 income"), and two (2) months' rent for each tenant household with income during the ~~((past))~~
7 preceding twelve (12) months above fifty ~~((50))~~ percent (50%) of the ~~((county median income))~~
8 median family income, provided all of the following conditions are met:

9
10
11 ((1))a. The emergency order requires the housing unit occupied by the
12 tenant to be vacated and closed;

13
14 ((2))b. The conditions ~~((which))~~ that create the emergency arise from
15 circumstances within the control of the property owner, including, but not limited to, conditions
16 arising from failure to perform maintenance on the premises, affirmative acts of the property
17 owner, or termination of water or utility services provided by the property owner;

18
19 ((3))c. The conditions ~~((which))~~ that create the emergency do not arise
20 from an act of God or from the affirmative actions of a person or persons beyond the control of
21 the property owner; and

22
23 ((4))d. The conditions ~~((which))~~ that create the emergency are not caused
24 solely by the actions of the tenant.

25 2. The amount of relocation assistance to be paid pursuant to subsection F1 of
26 SMC Section 22.206.260 to a tenant household with income during the preceding twelve (12)
27

1 months at or below fifty percent (50%) of the median family income may be adjusted annually
2 by the percentage change in the housing component of the Consumer Price Index for All Urban
3 Consumers (CPI-U) for the Seattle-Bellevue-Everett Primary Metropolitan Statistical Area as
4 published by the United States Department of Labor, Bureau of Labor Statistics. Such
5 adjustments are authorized to be made by Director's Rule.

7 G. The property owner is required to ((pay)) deposit with the Director the relocation
8 assistance provided in subsection F in a form acceptable to the Director no later than the deadline
9 specified in the emergency order to vacate and close the building, housing unit or premises.

11 H. No relocation assistance may be paid pursuant to subsection F1 of SMC Section
12 22.206.260 to tenants with household incomes during the preceding twelve (12) months greater
13 than fifty percent (50%) of the median family income unless the property owner has deposited
14 the required assistance pursuant to subsection G of SMC Section 22.206.260.

16 Section 5. A new Section 22.206.265 is added to the Seattle Municipal Code to read as
17 follows:

18 **22.206.265 Emergency relocation assistance payments.**

19 A. A tenant subject to an emergency order to vacate and close may request an emergency
20 relocation assistance payment from the Emergency Relocation Assistance Account. The Director
21 may establish by Rule application requirements for this Section.

23 1. To apply for emergency relocation assistance, a tenant household with a
24 household income during the preceding twelve (12) months at or below fifty percent (50%) of the
25 median family income must:



1 a. Submit a completed and signed request for an emergency relocation
2 assistance payment on an application form provided by the Director along with documentation
3 sufficient to establish tenant household income for the preceding twelve (12) months and any
4 additional information required by the Director;

5 b. Certify, in a manner approved by the Director, that the tenant has
6 vacated a building, housing unit or premises pursuant to an emergency order to vacate and close;
7 and
8

9 c. Complete the application requirements contained in this subsection
10 within seven (7) days of the date set for compliance with an emergency order to vacate and close
11 a building, housing unit or premises.
12

13 2. To apply for emergency relocation assistance, a tenant household with a
14 household income during the preceding twelve (12) months greater than fifty percent (50%) of
15 the median family income must:

16 a. Submit a completed and signed request for an emergency relocation
17 assistance payment on an application form provided by the Director along with documentation
18 sufficient to establish the monthly rental amount of the building, housing unit or premises under
19 the existing rental agreement for the most recent rental period and that the household income for
20 the preceding twelve (12) months is greater than fifty percent (50%) of the median family income
21 as well as any additional information required by the Director;
22

23 b. Certify, in a manner approved by the Director, that the tenant has
24 vacated a building, housing unit or premises pursuant to an emergency order to vacate and close;
25 and
26
27
28



1 c. Complete the application requirements contained in this subsection
2 within seven (7) days of the date set for compliance with an emergency order to vacate and close
3 a building, housing unit or premises.

4 B. A relocation assistance payment deposited with the Director by a property owner
5 pursuant to subsection G of SMC Section 22.206.260 shall be paid to the tenant on whose behalf
6 the deposit was made within three (3) business days after receipt by the Director of both the
7 funds for relocation assistance and a completed and signed application for an emergency
8 relocation assistance payment from the tenant.

9 C. If a tenant with a household income during the preceding twelve (12) months at or
10 below fifty percent (50%) of the median family income satisfactorily completes the application
11 process described in subsection A1 and the property owner fails to deposit the relocation
12 assistance as required by subsection G of SMC Section 22.206.260, the Director may pay to such
13 tenant from the Emergency Relocation Assistance Account, subject to the limitation established
14 in subsection A of SMC Section 22.202.060, the full amount of relocation assistance that such
15 tenant would have received had the property owner deposited the relocation assistance as
16 required.

17 D. If a tenant has been paid relocation assistance from the Emergency Relocation
18 Assistance Account pursuant to subsection C and is subsequently paid the relocation assistance
19 provided by subsections F and G of SMC Sections 22.206.260 directly by the property owner, the
20 tenant must reimburse The City of Seattle the full amount of relocation assistance paid from the
21 Emergency Relocation Assistance Account within three (3) business days of the receipt of the
22 relocation assistance payment from the property owner.



1 E. If a tenant either fails to submit to the Director a completed and signed application for
2 relocation assistance by the deadline established in subsection A or fails to negotiate a check or
3 warrant for emergency relocation assistance within sixty (60) days of the date of the check or
4 warrant, the Director shall refund to the property owner the full amount of relocation assistance
5 deposited on behalf of a tenant pursuant to SMC Section 22.206.260 within seven (7) business
6 days after such failure by the tenant.

8 F. Any check or warrant for relocation assistance from the Emergency Relocation
9 Assistance Account that is not presented for payment within sixty (60) days may not be honored.

10 Section 6. Section 22.206.280 of the Seattle Municipal Code, which was last amended by
11 Ordinance 120302, is amended as follows:

12 **22.206.280 Civil penalty.**

14 A. In addition to any other sanction or remedial procedure that may be available, and
15 except for violations of SMC Section 22.206.180, any person violating or failing to comply with
16 any requirement of this Code shall be subject to a cumulative civil penalty in the amount of:

18 1. Fifteen Dollars (\$15.00) per day for each housing unit in violation, and Fifteen
19 Dollars (\$15.00) per day for violations in the common area or on the premises surrounding the
20 building or structure, from the date set for compliance until the person complies with the
21 requirements of this Code; or

23 2. Seventy-five Dollars (\$75.00) per day for each building in violation of the
24 standards contained in SMC Section 22.206.200, from the date set for compliance until the
25 person complies with the requirements of that section.
26



1 3. One Hundred Dollars (\$100.00) per day from the date a tenant fails to
2 reimburse The City of Seattle for emergency relocation assistance as required by subsection D of
3 SMC Section 22.206.265 until the date the relocation assistance is repaid to The City of Seattle.

4 4. One Hundred Dollars (\$100.00) per day for any person who provides false or
5 misleading information to the Director and as a result of the false or misleading information is
6 paid emergency relocation assistance by The City of Seattle for which the person would not
7 otherwise be eligible, from the date the person receives the emergency relocation assistance until
8 the date the relocation assistance is repaid to The City of Seattle.

9
10
11 B. Any person who does not comply with an emergency order issued by the Director
12 pursuant to this SMC Chapter 22.206 shall be subject to a cumulative civil penalty in the amount
13 of One Hundred Dollars (\$100.00) per day from the date set for compliance until the Director
14 certifies that the requirements of the emergency order are fully complied with.

15
16 C. Any property owner who fails to ~~((pay))~~ deposit relocation assistance as required by
17 ~~((subsection))~~ subsections F and G of SMC Section 22.206.260 shall be subject to a cumulative
18 civil penalty ~~((in the amount))~~ of:

19
20 1. For each tenant with a household income during the preceding twelve (12)
21 months at or below fifty percent (50%) of the median family income for whom the property
22 owner did not deposit relocation assistance as required by subsection G of SMC Section
23 22.206.260:

24
25 a. Two Thousand Five Hundred Dollars (\$2,500.00), plus
26
27
28



1 b. One Hundred Dollars (\$100.00) per day ((for each tenant who is
2 entitled to receive but who does not receive the required relocation assistance from the day such
3 payment is required by this Code until the required payments are made.)) from the date such
4 deposit by the property owner is required until the date the property owner pays to The City the
5 penalty provided for in subsection C1a; or

7 2. For each tenant with a household income during the preceding twelve (12)
8 months greater than fifty percent (50%) of the median family income for whom the property
9 owner did not deposit relocation assistance as required by subsection G of SMC Section
10 22.206.260 , One Hundred Dollars (\$100.00) per day from the date such deposit is required until
11 the date on which the relocation assistance required by subsections F and G of SMC Section
12 22.206.260 is deposited with The City of Seattle.

14 D. In addition to any other sanction or remedial procedure that may be available, any
15 owner of housing units who violates subsection C6 of SMC Section 22.206.160 ((C6)) shall be
16 subject to a civil penalty of not more than Two Thousand Five Hundred Dollars (\$2,500.00).

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

24 F. Any person who violates or fails to comply with subsections A5, A6 or A7 of SMC
25 Section ((s)) 22.206.180 ((A5, 22.206.180 A6, or 22.206.180 A7)) shall be subject to a



1 cumulative civil penalty in an amount not less than One Hundred Dollars (\$100.00) nor more
2 than Three Hundred Dollars (\$300.00) per violation. Each day that a separate ((æ)) action or
3 inaction occurs that is a violation of subsections A5, A6 or A7 of SMC Section ((s)) 22.206.180
4 ~~((A5, 22.206.180 A6 or 22.206.180 A7))~~ constitutes a separate violation.

5
6 G. The Director shall notify the City Attorney in writing of the name of any person
7 subject to a civil penalty for violations of this Code, except that for violations of SMC Section
8 22.206.180, the Chief of Police shall notify the City Attorney. The City Attorney shall take
9 appropriate action to collect the penalty. In any civil action for a penalty, the City has the burden
10 of proving by a preponderance of the evidence that a violation exists or existed and, for
11 violations of sections other than SMC Section 22.206.180, that the violation was not corrected by
12 the date established by the Director in a notice, order or decision. The issuance of a notice of
13 violation or an order following a review by the Director is not itself evidence that a violation
14 exists.
15

16
17 H. The violator may show, in mitigation of liability, that correction of the violation was
18 commenced promptly upon receipt of notice, but that compliance within the time specified was
19 prevented by an inability to obtain necessary materials or labor, inability to gain access to the
20 subject building, or other condition or circumstance beyond the control of the violator, and upon
21 a showing of the above described conditions, the court may enter judgment for less than the
22 maximum penalty.
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1 Section 7. A new Section 22.206.295 is added to the Seattle Municipal Code to read as
2 follows:

3 **22.206.295 Private right of action.**

4 In addition to any other sanction or remedial procedure that may be available, any
5 property owner who does not deposit emergency relocation assistance with The City of
6 Seattle for a tenant pursuant to subsections F and G of SMC Section 22.206.260 shall be subject
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1 to a private civil action by such tenant to recover actual damages, attorney fees and court costs.

2 Section 8. The provisions of this ordinance are declared to be separate and severable.

3 The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this
4 ordinance, or the invalidity of the application thereof to any person or circumstance shall not
5 affect the validity of the remainder of this ordinance, or the validity of its application to other
6 persons or circumstance.
7

8 Section 9. This ordinance shall take effect and be in force thirty (30) days from and after
9 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
10 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

11 Passed by the City Council the ____ day of _____, 2002, and signed by me in open
12 session in authentication of its passage this ____ day of _____, 2002.
13

14
15 _____
16 President _____ of the City Council

17 Approved by me this ____ day of _____, 2002.

18 _____
19 Gregory J. Nickels, Mayor

20 Filed by me this ____ day of _____, 2002.

21 _____
22 City Clerk

23 (Seal)
24
25
26
27
28



STATE OF WASHINGTON – KING COUNTY

--SS.

155734
City of Seattle, Clerk's Office

No. ORDINANCE 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:ORDINANCE 121076

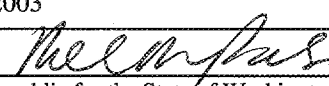
was published on

3/13/2003

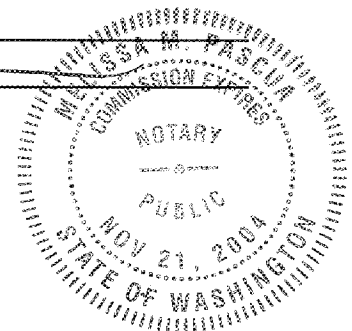


Subscribed and sworn to before me on

3/13/2003


Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington

City of Seattle

ORDINANCE 121076

AN ORDINANCE relating to relocation assistance for emergency orders, amending SMC Section 22.206.020 relating to the intent of the Code regarding relocation assistance payments; amending SMC Section 22.202.050 relating to fines and penalties deposited in the Housing and Abatement Account; adding a new SMC Section 22.208.050 to establish an account for the payment of emergency relocation assistance; amending SMC Section 22.206.260 to provide for annual adjustment to the amount of relocation assistance for emergency orders; adding a new SMC Section 22.206.265 to establish procedures for paying relocation assistance for emergency orders; amending SMC Section 22.206.280 to increase the penalty when a property owner fails to pay relocation assistance for an emergency order; and adding a new SMC Section 22.206.235 providing a private right of action for tenants.

WHEREAS, the Seattle Housing and Building Maintenance Code (SMC Chapter 22.206) provides that property owners are required to pay relocation assistance to tenants who vacate their housing units pursuant to an Emergency Order to Vacate and Close issued because the condition of the building is an imminent threat to the health and safety of the occupants or the public; and

WHEREAS, tenants who are required to move by an Emergency Order to Vacate and Close often have very low incomes and lack the financial resources to secure, as short notice, other affordable living accommodations; and

WHEREAS, an Emergency Order to Vacate and Close often gives tenants less than seventy-two (72) hours to vacate an unsafe premises; and

WHEREAS, the typical costs incurred by tenants within the City of Seattle to relocate often include screening and application fees, the cost to move household goods, utility service deposit and connection fees, advance payment of first and last month's rent, and security and damage deposits; and

WHEREAS, owners of properties who are required to pay relocation assistance to tenants who vacate pursuant to an Emergency Order to Vacate and Close issued under the Housing and Building Maintenance Code frequently do not pay within the timeframe required by the ordinance; and

WHEREAS, poor and low income tenants who vacate as required by an Emergency Order are at a greater risk of becoming homeless, because they do not have sufficient resources to secure alternative accommodations;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.200.020 of the Seattle Municipal Code, which was last amended by Ordinance 115671, is amended as follows:

22.200.020 Declaration of findings and intent.

A. It is found and declared that there exist within The City of Seattle, buildings together with appurtenant structures and premises (~~which~~) that are substandard, deteriorating, in danger of causing or contributing to the creation of slums or otherwise blighted areas, and hazardous to the health, safety (6) and general welfare of the public.

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

2. Sums that may by ordinance be appropriated to or designated as revenue to this account;

3. Other sums that may by gift, bequest or grant be deposited in the account;

4. Reimbursement of monies paid by The City of Seattle as relocation assistance from this account; and

5. Relocation assistance monies deposited by property owners with the Director pursuant to subsection G of SMC Section 22.206.260.

Section 4. Section 22.206.280 of the Seattle Municipal Code, which was last amended by Ordinance 115671, is amended as follows:

22.206.280 Emergency order.

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

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

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

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

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

F. 1. Any tenant who is required to vacate and actually vacates a housing unit as a result of an emergency order shall be paid relocation assistance (~~which~~) pursuant to and contingent upon compliance with the provisions of subsections G and H of SMC Section 22.206.260 and SMC Section 22.206.265 at the rate of (~~Two Thousand Dollars~~) Two Thousand Eight Hundred Dollars (\$2,800.00) for each tenant household with income during the (~~twelve~~) preceding twelve (12) months at or below fifty (50%) percent (50%) of the (~~county median income~~) median family income for the Seattle-Bellevue-Ferret Primary Metropolitan Statistical Area, adjusted for family size ("median family income"), and two (2) months rent for each tenant household with income during the (~~twelve~~) preceding twelve (12) months above fifty (50%) percent (50%) of the (~~county median income~~) median family income, provided all of the following conditions are met:

(a) The emergency order requires the housing unit occupied by the tenant to be vacated and closed;

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

(c) The conditions (~~which~~) that create the emergency do not arise from an act of God or from the affirmative actions of a person or persons beyond the control of the property owner; and

(d) The conditions (~~which~~) that create the emergency are not caused solely by the actions of the tenant.

2. The amount of relocation assistance to be paid pursuant to subsection F.1 of SMC Section 22.206.260 to a tenant household with income during the preceding twelve (12) months at or below fifty percent (50%) of the median family income may be adjusted annually by the percentage change in the housing component of the Consumer Price Index for All Urban Consumers (CPI-U) for the Seattle-Bellevue-Ferret Primary Metropolitan Statistical Area as published by the United States Department of Labor, Bureau of Labor Statistics. Such adjustments are authorized to be made by Director's Rule.

G. The property owner is required to