

Ordinance No. 124347 [124347]

Council Bill No. 17960

AN ORDINANCE related to fees and charges for permits and activities of the Department of Planning and Development; amending Seattle Municipal Code Chapter 22.900A, Administration and Enforcement; and adding a new Chapter 22.900H, Rental Registration and Inspection Ordinance Fees.

Related Legislation File: _____

Date Introduced and Referred: <u>10-21-13</u>	To: (committee): <u>Budget</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>11/25/13</u>	Date Presented to Mayor: <u>11/26/13</u>
Date Signed by Mayor:	Date Returned to City Clerk:
Published by Title Only _____	Date Vetoed by Mayor:
Published in Full Text _____	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: Boyer

Committee Action:

Date	Recommendation	Vote
<u>11/18/13</u>	<u>Pass</u>	<u>6 (Burgess, Bagshaw, Conlin, Hodden, Licata, Clark) - 0 - 3</u>
		<u>(Abstain: Harrell, O'Brien, Rasmussen)</u>

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

Full Council Action:

Date	Decision	Vote
<u>11/25/13</u>	<u>Passed</u>	<u>6-0-1 (disqualified: Harrel, O'Brien, Rasmussen)</u>

Law Department

CITY OF SEATTLE

ORDINANCE ~~124337~~ 124347
COUNCIL BILL 117950

AN ORDINANCE related to fees and charges for permits and activities of the Department of Planning and Development; amending Seattle Municipal Code Chapter 22.900A, Administration and Enforcement; and adding a new Chapter 22.900H, Rental Registration and Inspection Ordinance Program Fees.

WHEREAS, the City Council, by Ordinance 124011, directed that fees to implement the Rental Registration and Inspection Ordinance program be adopted as part of the 2014 budget process; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.900A.010 of the Seattle Municipal Code, last amended by Ordinance 119255, is amended as follows:

22.900A.010 Title

Chapters 22.900A through (~~22.900G~~)22.900H shall be known as the "Fee Subtitle," may be cited as such, and will be referred to in this subtitle as "this subtitle."

Section 2. Section 22.900A.020 of the Seattle Municipal Code, last amended by Ordinance 123453, is amended as follows:

22.900A.020 Purpose

A. It is the purpose of this Subtitle to prescribe equitable fees and fee collection policies for all services provided by the Department of Planning and Development, hereafter, "Department" or "DPD," and other City departments that are sufficient to cover their costs of processing applications, inspecting and reviewing plans, and preparing detailed statements required by Chapter 43.21C RCW.



1 B. An additional purpose of this subtitle is to prescribe special fees for testing,
2 examination, registration, inspection, or the furnishing of certain services or materials.

3 C. A further purpose of this subtitle is to prescribe fees to cover the costs of
4 implementing and administering the Rental Registration and Inspection Ordinance program as
5 required by Chapter 22.214.

6 Section 3. Section 22.900A.030 of the Seattle Municipal Code, last amended by
7 Ordinance 123755, is amended as follows:

8
9 **22.900A.030 Payment and responsibility for fees**

10 A. No permit shall be issued or approved, no Certificate of Occupancy shall be issued,
11 no drawing or other data relating to such permit shall be examined, and no certificate or license
12 shall be issued until the corresponding fees prescribed by this subtitle have been paid.

13 B. Unless otherwise specified in this subtitle, each distinct component of an application,
14 review, permit, certificate, license, or other fee collected by the Department shall be charged as a
15 separate fee.

16 C. Both the applicant for the permit, certificate ~~((or))~~, license, or fee associated with the
17 Rental Registration and Inspection Ordinance program, and the owner of the subject property,
18 are jointly and severally responsible for payment of fees required by this subtitle. However,
19 when an applicant is not the owner and is not acting, even in part, as agent for the owner, the
20 applicant is solely responsible for payment of applicable fees. Applicants and owners are liable
21 for all charges incurred whether or not a favorable decision or recommendation is given by the
22 Director, and regardless of whether a permit is issued, the project or application is canceled or
23 denied before permit issuance, or a certificate or license is not issued.
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1 D. The Director is authorized to accept as payment for fees contemplated under the
2 ordinance codified in this subtitle the following forms of payment: U.S. currency, cashier's
3 checks, corporate checks, traveler's checks, personal checks drawn on in-state banks, electronic
4 funds transfers, and credit cards. Further, the Director has full authority to refuse any form of
5 payment where the Director believes sufficient cause((s)) exists to question the City's ability to
6 collect full payment.

7
8 E. Rental housing registrations, rental housing registration renewals, rental housing
9 registration reinstatements, private qualified rental housing inspector registrations, or private
10 qualified rental housing inspector renewal registrations shall not be issued until the
11 corresponding fees prescribed by this subtitle have been paid. The Department shall not perform
12 rental housing unit inspections as a qualified rental housing inspector until the corresponding
13 fees prescribed by this Subtitle have been paid.

14
15 Section 4. Section 22.900A.050 of the Seattle Municipal Code, last amended by
16 Ordinance 122297, is amended as follows:

17 **22.900A.050 Transition**

18 A. Land Use and Environmentally Critical Areas Fees. Minimum land use review fees
19 for applications requiring a land use or environmentally critical areas review shall be charged
20 according to the permit fee legislation in effect when the application was received by the
21 Department. Hourly fees shall be charged according to the legislation in effect when the review
22 is performed.
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1 B. Other Fees. Fees for other applications shall be set according to the ((~~permit fee~~
2 ~~legislation~~))Fee Subtitle in effect at the time the review is performed unless one of the following
3 occurs:

4 1. The permit is issued within ((~~twelve (12)~~))12 months of the start of the initial
5 review; or

6 2. If longer than ((~~twelve~~))12 months, the Director determines that there was
7 reasonable and continuous progress on the completion of permit requirements.
8

9 If either Item 1 or 2 occurs, the application shall be subject to the ((~~permit fee~~
10 ~~legislation~~))Fee Subtitle in effect at the time the application was received by the
11 Department.

12 Section 5. Section 22.900A.060 of the Seattle Municipal Code, last amended by
13 Ordinance 123755, is amended as follows:
14

15 **22.900A.060 Delinquent fees**

16 A. Delinquent Fees. Whenever any fees have not been paid within 30 days after the
17 billing date, the person or persons responsible for payment of the fee may be billed, payable
18 immediately, for the remainder of the fees due. Interest shall accrue on the unpaid balance at 12
19 percent per annum, with a minimum \$1 charge. The Director is authorized to collect any fees
20 that remain unpaid at 90 days after the billing date.
21

22 B. Not Sufficient Funds Fees. Whenever checks accepted prove not to be covered by
23 sufficient funds, the person or persons responsible for payment of the fee shall be billed, payable
24 immediately, for the remainder of the fees due and a \$21 charge. This shall be in addition to the
25 delinquent fees assessed in Section 22.900A.060((-))A.
26



C. Remedies.

1
2 1. The Director may issue a stop-work order as provided in Section
3 22.900A.070 if the person or persons responsible for payment of a fee have not done so within
4 30 days after the billing.

5 2. Following notice to the applicant, the Director may suspend processing,
6 and/or withhold issuance of a permit, decision, certificate or approval on any application if fees
7 have not been fully paid until such time as the fees are paid.

8 3. Following notice to the applicant, the Director may cancel a permit
9 application if fees have not been fully paid.

10 4. Following notice to the applicant, the Director may refer collection of any
11 amounts due under this Subtitle to a collection agency. The cost to the Department for the
12 collection services will be assessed as costs, at the rate agreed to between the Department and the
13 collection agency, and added to the penalty.

14 5. Following notice to the applicant, the Director may take other actions to
15 collect amounts due, including but not limited to, placing delinquent accounts on a cash-only
16 basis.

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18
19 D. Only subsection 22.900A.060.B of this Section 22.900A.060 shall apply to the Rental
20 Registration and Inspection Ordinance program in Chapter 22.900H.

21
22 Section 6. Section 22.900A.080 of the Seattle Municipal Code, last amended by
23 Ordinance 123453, is amended as follows:

24 **22.900A.080 Civil penalty for violations((~~r~~))**



1 A. Any person failing to comply with the provisions of this subtitle shall be subject to a
2 civil penalty in the amount of \$27 per day for each failure to comply, from the date of failure to
3 comply until compliance is achieved.

4 B. The penalty imposed by this subtitle shall be collected by civil action brought in the
5 name of the City and commenced in Municipal Court. The Director shall notify the City
6 Attorney in writing of the name of any person subject to the penalty and the amount of the
7 penalty and the City Attorney shall, with the assistance of the Director, take appropriate action to
8 collection the penalty.
9

10 C. This Section 22.900A.080 shall not apply to the Rental Registration and Inspection
11 Ordinance program in Chapter 22.900H.

12 Section 7. A new Chapter 22.900H Rental Registration and Inspection Ordinance
13 Program Fees is added to the Seattle Municipal Code as follows:
14

15 **22.900H.010 Purpose**

16 This Chapter 22.900H contains fees for the Rental Registration and Inspection Ordinance
17 program required by Chapter 22.214.

18 **22.900H.020 Rental housing registration and renewal fee**

19 The fee for registering a property containing rental housing units is \$175 for the first
20 rental housing unit plus an additional fee of \$2 for each additional rental unit. The fee is payable
21 at the time the registration application is received by the Department. The fee for renewing a
22 rental housing registration is the same as the rental housing registration fee and is payable at the
23 time the renewal application is received by the Department.
24

25 **22.900H.030 Rental housing registration and renewal late fee**
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1 The fee for registering a property containing rental housing units late or renewing a rental
2 housing registration late is \$20 for registrations or renewals postmarked or received by the
3 Department after the registration deadline. This late fee is in addition to the registration fee or
4 renewal fee and any applicable penalties provided for in Chapter 22.214.

5 **22.900H.040 Rental housing registration reinstatement fee**

6 The fee for reinstating a revoked rental housing registration is \$300 and is payable at the
7 time of reinstatement.
8

9 **22.900H.050 Private qualified rental housing inspector training and registration fees**

10 The fee for private qualified rental housing inspector training is \$50 and is payable in
11 advance of the training. The fee for registering as a private qualified rental housing inspector is
12 \$200 and is payable at the time of registration.
13

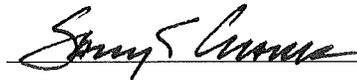
14 **22.900H.060 Rental housing unit inspection fees if the department serves as a**
15 **qualified rental housing inspector**

16 The fee for the Department to serve as a qualified rental housing inspector to perform a
17 rental housing unit inspection for a property and one housing unit is \$130. The fee for the
18 Department to inspect each additional housing unit on the same property is \$25. The inspection
19 fee is paid in advance of the inspection. The Department shall not charge for additional re-
20 inspections for each unit the Department initially inspected to confirm that repairs required to
21 pass the rental housing unit inspection and obtain a Certificate of Compliance have been
22 completed.
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1 Section 8. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.
4

5 Passed by the City Council the 25th day of November, 2013, and
6 signed by me in open session in authentication of its passage this
7 25th day of November, 2013.
8

9
10 

11 President _____ of the City Council
12

13 Approved by me this 3rd day of December, 2013.
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16 

17 Michael McGinn, Mayor
18

19 Filed by me this 4th day of December, 2013.
20

21
22 

23 Monica Martinez Simmons, City Clerk
24

25 (Seal)
26



2014 BUDGET LEGISLATION FISCAL NOTE

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Department of Planning & Development (DPD)	Kris Castleman / 684-5243	Melissa Lawrie / 684-5805

Legislation Title:

AN ORDINANCE related to fees and charges for permits and activities of the Department of Planning and Development; amending Seattle Municipal Code Chapter 22.900A, Administration and Enforcement; and adding a new Chapter 22.900H, Rental Registration and Inspection Program Fees.

Summary of the Legislation: This legislation establishes fees for the Rental Registration and Inspection Ordinance program as directed by the City Council in Ordinance 124011.

Background:

In October 2012, the City Council established the Rental Registration and Inspection Ordinance program to protect the health, safety, and welfare of the public and prevent deterioration and blight conditions that adversely impact the quality of life in the city. By the end of 2016, the program will register all rental properties in Seattle, and within 10 years all rental properties will have been inspected at least once for compliance with key life safety and health standards. Following Council direction, DPD is establishing several fees to support the program. There will be fees for:

- Rental Housing Registration;
- Rental Housing Registration Renewal;
- Late Rental Housing Registrations and Renewals;
- Rental Housing Registration Reinstatement;
- Private Qualified Rental Housing Inspector Training;
- Private Qualified Rental Housing Inspector Registration; and
- Rental Housing Unit Inspection.

The proposed fees are developed to fully and exclusively fund the Rental Registration and Inspection Ordinance program. The fees are based on DPD projections of the number of required rental registrations and inspections, estimates of the work required to operate the program, and the cost of the supporting IT system. DPD's goal is to have fees and expenses balance out over the five year registration cycle outlined in the authorizing ordinance. DPD expects to adjust fees for registration renewals, inspections, and other program activities as necessary to keep fee revenue in line with program costs.

Two fees addressed in the program-enacting ordinance are not included in this legislation. First, the fee for renewing a private qualified rental housing inspector registration is not



included because inspector renewals will not be necessary until 2016 and it is premature to estimate the cost. Second, a rental housing registration transfer fee is not included because DPD proposes to eliminate the transfer fee through separate legislation amending the Rental Registration and Inspection Ordinance. DPD believes the registration transfer fee will act as a disincentive for keeping registration information up to date. The very limited staff time required for registration transfers can be covered by overall registration costs.

X This legislation has financial implications.

Summary of Changes to Revenue Generated Specifically from this Legislation:

	Revenue Source	2014 Proposed	2015 Estimated
Planning and Development Fund (15700)	Rental Registration and Inspection Fees	\$881,791	\$3,386,838
Total Fees and Charges Resulting From Passage of This Ordinance		\$881,791	\$3,386,838

Revenue Change Notes: The estimated revenue for the 2014 Proposed Budget is from the registration of the approximately 4,400 properties with 5 or more units. The 2015 column is from the registration of approximately 22,000 properties with 1-4 units.

Anticipated Total Revenue from Entire Program, Including Changes Resulting from this Legislation:

Fund Name and Number	Revenue Source	Total 2014 Revenue	Total 2015 Revenue
Planning and Development Fund (15700)	Rental Registration and Inspection Fees	\$881,791	\$3,386,838
TOTAL		\$881,791	\$3,386,838

Other Implications:

- a) Does the legislation have indirect financial implications, or long-term implications?

No.

- b) What is the financial cost of not implementing this legislation?

Not implementing this legislation as proposed would prevent DPD from collecting fees to support the start up and administration of the Rental Registration and Inspection Ordinance program. DPD would not be able to staff the program or support the systems



necessary run the program. In addition, DPD would not be able to recoup the funds it has already expended to support start up of the program.

c) Does this legislation affect any departments besides the originating department?

No.

d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?

There are no alternatives that can achieve the same or similar objectives.

e) Is the legislation subject to public hearing requirements?

No.

f) Other Issues:

None.

Please list attachments to the fiscal note below:

None.





City of Seattle
Office of the Mayor

September 23, 2013

Honorable Sally J. Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill for consideration with the 2014 Proposed Budget. This legislation establishes Department of Planning and Development (DPD) fees for the Rental Registration and Inspection Ordinance (RRIO) program as directed by the City Council in Ordinance 124011.

The proposed fees only cover costs to implement and administer the program and commensurate with permitting activity costs. There will be fees for the following activities or services:

- Rental Housing Registration;
- Rental Housing Registration Renewal;
- Late Rental Housing Registrations or Renewals;
- Rental Housing Registration Reinstatement;
- Private Qualified Rental Housing Inspector Training;
- Private Qualified Rental Housing Inspector Registration; and
- Rental Housing Unit Inspection.

The fees are based on DPD projections of the number of required rental registrations and inspections, estimates of the work required to operate the program, and the cost of the supporting information technology system. DPD's goal is to have fees and expenses balance out over the five year registration cycle outlined in the ordinance that established the program. DPD expects to adjust fees for registration renewals, inspections, and other program activities as necessary to keep fee revenue in line with program costs.

Thank you for your consideration of this legislation. Should you have questions, please contact Kris Castleman at 684-5243.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael McGinn', written over a horizontal line.

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
Office of the Mayor
600 Fourth Avenue, 7th Floor
PO Box 94749
Seattle, WA 98124-4749

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Fax (206) 684-5360
TDD (206) 615-0476
mike.mcgin@seattle.gov



STATE OF WASHINGTON -- KING COUNTY

--ss.

305473
CITY OF SEATTLE, CLERKS OFFICE

No. 124347,348,349,350,351

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.

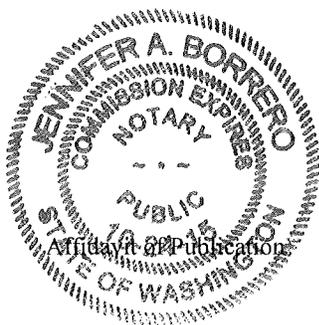
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT: TITLE ONLY ORDINANCE

was published on

12/12/13

The amount of the fee charged for the foregoing publication is the sum of \$99.00 which amount has been paid in full.



Samela Colasby

Subscribed and sworn to before me on
12/12/2013 *[Signature]*

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle Title Only Ordinances

The full text of the following legislation, passed by the City Council on November 25, 2013, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Contact: Office of the City Clerk at (206) 684-8344.

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ORDINANCE NO. 124348

AN ORDINANCE relating to the Pacific Place Garage; authorizing the loan of funds from the City's Consolidated (Residual) Cash Pool, or its participating funds, to the Downtown Parking Garage Fund; superseding Ordinance 124123; and providing for repayment.

ORDINANCE NO. 124349

AN ORDINANCE adopting a budget, including a capital improvement program and position modifications, for The City of Seattle for 2014; creating positions exempt from civil service; all by a two-thirds vote of the City Council.

ORDINANCE NO. 124350

AN ORDINANCE authorizing the levy of regular property taxes by The City of Seattle for collection in 2014, representing a decrease

below the regular property taxes levied for collection in 2013; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124351

AN ORDINANCE relating to the levy of property taxes; fixing the rates and/or amounts of taxes to be levied, and levying the same upon all taxable property, both real and personal, in The City of Seattle, to finance the departments and activities of City government and to provide for the general obligation bond interest and redemption requirements for the year beginning on the first day of January 2014; and ratifying and confirming certain prior acts.

Date of publication in the Seattle Daily Journal of Commerce, December 12, 2013.
12/12(305473)

STATE OF WASHINGTON -- KING COUNTY

--SS.

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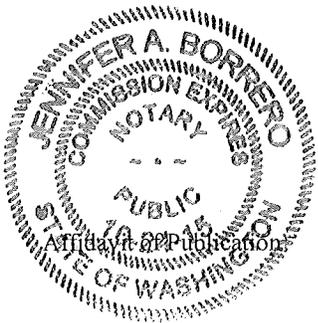
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Subscribed and sworn to before me on
12/12/2013 *[Signature]*

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residing in Seattle

State of Washington, King County

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