

ORDINANCE No.

117861

Council Bill 110786

no Law Department

The City of

AN ORDINANCE relating to the Housing and Building Maintenance Code, amending SMC section 22.204.080 to include a definition of governmental entity, amending SMC section 22.204.170 to include governmental entity within the definition of person, amending SMC section 22.206.200 to revise and clarify the maintenance standards and inspection and monitoring requirements for vacant buildings, amending various sections of SMC Chapter 22.208 to clarify the standards and procedures for declaring a building unfit for human habitation or other use and to increase the penalties for failing to comply with an order of the Director concerning an unfit building, including SMC sections 22.208.010, 22.208.020, 22.208.030, 22.208.040, 22.208.050, 22.208.070, 22.208.080, 22.208.090, 22.208.100, 22.208.110, 22.208.150, and 22.208.160.

INDEXED

OK

Honorable President:

Your Committee on

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

COMPTROLLER FILE No.

Introduced: JUL 10 1995	By: HARRIS
Referred: JUL 10 1995	To: COMMUNITY DEVELOPMENT AND HOUSING
Referred: 8-21-95	To: Public Safety
Referred:	To:
Reported: AUG 1 1995	Second Reading: AUG 1 1995
Third Reading:	Signed: AUG 1 1995
Presented to Mayor: AUG 1 1995	Approved: AUG 1 1995
Returned to City Clerk: AUG 1 1995	Published: Full
Vetoes by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Pass As Full

# The City of Seattle--Legislative Department

DEKED

Date Reported  
and Adopted

## REPORT OF COMMITTEE

President:

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

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

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

Pass As Amended  
Full Council vote 9-0

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

ORDINANCE 117861

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4  
5 AN ORDINANCE relating to the Housing and Building Maintenance Code, amending  
6 SMC section 22.204.080 to include a definition of governmental entity, amending  
7 SMC section 22.204.170 to include governmental entity within the definition of  
8 person, amending SMC section 22.206.200 to revise and clarify the maintenance  
9 standards and inspection and monitoring requirements for vacant buildings,  
10 amending various sections of SMC Chapter 22.208 to clarify the standards and  
11 procedures for declaring a building unfit for human habitation or other use and to  
12 increase the penalties for failing to comply with an order of the Director  
13 concerning an unfit building, including SMC sections 22.208.010, 22.208.020,  
14 22.208.030, 22.208.040, 22.208.050, 22.208.070, 22.208.080, 22.208.090,  
15 22.208.100, 22.208.110, 22.208.150, and 22.08.160.

16  
17 Now, Therefore,

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

19 Section 1. Section 22.204.080 of the Seattle Municipal Code, as last amended  
20 by Section 4 of Ordinance 113545, is further amended to read as follows:

21 **22.204.080 "G"**

22  
23 A. "Garage" means a building designed, used or intended to be used for parking or  
24 storage of vehicles.

25 B. "Garbage" means all discarded putrescible waste matter, but not including sewage or  
26 human or animal excrement.

27 C. "Garbage can" means a watertight container not exceeding thirty-two (32) gallons in  
28 capacity, weighing not over twenty-six (26) pounds when empty and without cover, fitted  
29 with two (2) sturdy handles, one (1) on each side, and a tight cover equipped with a  
30 handle, or a "sunken can" or other container, as required by the Director of Engineering.

31 A "sunken can" is any garbage can which is in a sunken covered receptacle specifically  
32 designed to contain one (1) or more garbage cans the tops of which are approximately at  
33 ground level.

34 D. "Governmental entity" means the United States Government and its agencies, the  
35 State of Washington and its agencies, counties, cities, and other political subdivisions of  
36 the State of Washington.

37 E. "Grade" means the lowest point of elevation of the finished surface of the ground,  
38 paving, or sidewalk within the area between the building and the property line, or when

1 the property line is more than five feet (5') from the building, between the building and a  
2 line five feet (5') from the building.

3 ~~((E.))~~ E. "Guest" means any person occupying a guest room pursuant to a rental  
4 agreement.

5 ~~((F.))~~ G. "Guest room" means a room or rooms used or intended to be used for living and  
6 sleeping purposes and which may share common bathrooms and cooking facilities.

7 Section 2. Section 22.204.170 of the Seattle Municipal Code, as last amended  
8 by Section 4 of Ordinance 113545, is further amended to read as follows:

9 **22.204.170 "P"**

10 A. "Party affected" means any owner, tenant, or other person having a direct financial  
11 interest in a building or adjacent property, or any person whose health or safety is directly  
12 affected by the condition of the building.

13 B. "Person" means any individual, firm, corporation, association, governmental entity, or  
14 partnership and its agents or assigns.

15 C. "Plumbing system" means any potable water distribution piping, and any drainage  
16 piping within or below any building, including rainwater leaders and all plumbing  
17 fixtures, traps, vents and devices appurtenant to such water distribution or drainage piping  
18 and including potable water treating or using equipment, and any lawn-sprinkling system.

19 D. "Premises" means a plot of ground, whether occupied by a structure or not.

20 Section 3. Section 22.206.200 of the Seattle Municipal Code, as last amended  
21 by Section 18 of Ordinance 115671, is further amended to read as follows:

22 **22.206.200 Minimum standards for vacant buildings.**

23 A. Maintenance Standards. Every vacant building shall conform to the  
24 standards of Sections ~~((22.206.010 through 22.206.160))~~ 22.206.060; 22.206.070;  
25 22.206.080 (A) (B) (C) (G) (H) and (I); 22.206.130 (I); 22.206.160 (A)(1)(3)(4)(5)(6) and  
26 (8) except when ~~((more stringent))~~ different standards are imposed by this section.

27 1. Sanitary Facilities.

28 a. ~~((All p))~~ Plumbing fixtures connected to an approved water system, an approved  
29 sewage system, or an approved natural gas utility system shall be installed in accordance  
30  
31

1 with applicable codes and be maintained in sound condition and good repair.

2 b. ~~((All-p))~~ Plumbing fixtures connected to an approved water system, an approved  
3 sewage system, or an approved natural gas utility system, not installed or maintained in  
4 compliance with ~~((this Code and other))~~ applicable codes ~~((and ordinances))~~, shall be  
5 removed and the service terminated in the manner prescribed by ~~((current))~~ applicable  
6 codes ~~((and ordinances))~~.

7 c. ~~((All-p))~~ Plumbing fixtures not connected to an approved water system, an  
8 approved sewage system, or an approved natural gas utility system shall either be  
9 connected to an approved system or the fixtures shall be removed and the pipes capped in  
10 accordance with ~~((this Code and other))~~ applicable ~~((City))~~ codes ~~((and ordinances))~~.

11 2. Electrical Systems.

12 ~~((a. Every existing outlet and fixture shall be properly connected, and wiring and~~  
13 ~~service lines shall be installed and maintained in accordance with this Code and other~~  
14 ~~applicable codes and ordinances;))~~

15 ~~((b.))~~ Electrical service lines, wiring, (( $\Theta$ ))outlets ((and)) or fixtures not installed or  
16 maintained in accordance with applicable codes ~~((and ordinances))~~ shall be repaired, or  
17 they shall be removed and the services terminated in ~~((the manner prescribed by law))~~  
18 accordance with applicable codes.

19 3. Safety From Fire.

20 a. No vacant building or premises or portion thereof shall be used for the storage of  
21 flammable liquids or other materials that constitute a safety or fire hazard.

22 b. ~~((No room in any vacant building nor any premises shall be used for storage of~~  
23 ~~materials which would constitute a safety or fire hazard.))~~

24 ~~((e.))~~ Heating facilities or heating equipment in vacant buildings shall be removed,  
25 rendered inoperable, or maintained in accordance with applicable codes, ~~((and~~  
26 ~~ordinances and a))~~ Any fuel supply shall be removed or terminated in accordance with  
27 applicable codes ((and ordinances)).

28 4. All vacant buildings and their accessory structures shall meet ~~((be closed to~~  
29 ~~unauthorized entry according to))~~ the following standards:

1 a. ~~((All windows, the sills of which are located more than ten feet (10') above grade,~~  
2 ~~stairway, landing, ramp, porch, roof, or other similarly accessible area, shall have either~~  
3 ~~intact glazing or some form of weather protection.))~~ All windows ~~((, the sills of which~~  
4 ~~are located ten feet (10') or less above grade, stairway, landing, ramp, porch, roof, or~~  
5 ~~other similarly accessible area,))~~ shall have ~~((provide))~~ intact glazing or ~~((resistance to~~  
6 ~~entry equivalent to or greater than that of a solid sheet of one-quarter inch (1/4"))~~  
7 plywood((,)) of at least one-quarter inch (1/4") thickness, painted or treated to protect it  
8 from the elements, cut to fit the opening, and securely nailed using 6D galvanized nails or  
9 woodscrews spaced not more than nine inches (9") on center.

10 b. Doors and service openings with thresholds located ten feet (10') or less above  
11 grade, or ~~((a))~~ stairways, landings, ramps, porches, roofs, or similarly accessible areas  
12 shall provide resistance to entry equivalent to or greater than that of a closed single panel  
13 or hollow core door one and three-eighths (1-3/8") inches thick equipped with a one-  
14 half((-)) inch (1/2") throw deadbolt. Exterior doors, if openable, may be closed from the  
15 interior of the building by toe nailing them to the door frame using 10D or 16D  
16 galvanized nails.

17 c. There shall be at least one (1) operable door into each building and into each  
18 housing unit. If an existing door is operable, it may be used and secured with a suitable  
19 lock such as a hasp and padlock or a one-half inch (1/2") inch deadbolt or deadlatch. All  
20 locks shall be kept locked. When a door cannot be made operable, a door shall be  
21 constructed of three-quarter((-))inch (3/4") CDX plywood or other comparable material  
22 approved by the Director and ~~((shall be))~~ equipped with a lock as described above.

23 d. All debris, combustible materials, litter and garbage shall be removed from  
24 vacant buildings, their accessory structures ~~((that have been closed to unauthorized~~  
25 ~~entry,))~~ and ~~((from))~~ adjoining yard areas. ~~((And after being closed to unauthorized~~  
26 ~~entry, t))~~ The building and premises shall be maintained free from such items.

27 e. The Director may impose additional requirements for the closure of a vacant  
28 building, including but not limited to installation of three-quarter-inch (3/4") plywood,  
29 brick or metal coverings over exterior openings, ~~((where))~~ when the standards specified in  
30

1 subparagraphs 4a through 4d above are inadequate to secure the building:

2 1. ~~((d))~~ Due to the design of the structure, or

3 2. ~~((where))~~ When the structure has been subject to two (2) or more unauthorized  
4 entries after closure pursuant to the standards specified above, or

5 3. ~~((where))~~ When the Director determines, in consultation with the Seattle Police  
6 Department and the Seattle Fire Department, that the structure may present ~~((s))~~ a  
7 substantial risk to the health or safety of the public, or to ~~((P))~~ police or ~~((F))~~ fire personnel  
8 if closed to the standards of subparagraphs 4a through 4d above.

9 5. If a building component of a vacant building or a structure accessory to a vacant  
10 building does not meet the standards of Section 22.206.060, the component or a portion  
11 thereof may be removed in accordance with applicable codes, provided the Director  
12 determines that the removal does not create a hazardous condition.

13 6. Interior floor, wall and ceiling coverings in vacant structures need not be intact so  
14 long as the Director determines they do not present a hazard. If a hole in a floor presents  
15 a hazard, the hole shall be covered with three-quarter inch (3/4") plywood, or a material  
16 of equivalent strength, cut to overlap the hole on all sides by at least six inches (6")  
17 inches. If a hole in a wall presents a hazard, the hole shall be covered with one-half inch  
18 (1/2") Type X gypsum, or a material of equivalent strength, cut to overlap the hole on all  
19 sides by at least six inches (6"). Covers for both floor and wall holes shall be securely  
20 attached.

21 **B. Occupying or Renting Vacant Buildings.** After a notice of violation, order or  
22 emergency order is issued in accordance with Section 22.206.220 or Section 22.206.260,  
23 no one shall use, occupy, rent, cause, suffer, or allow any person to use or occupy or rent  
24 any vacant building ~~((or building that has been vacated, after issuance of a notice of~~  
25 ~~violation, order or emergency order,))~~ unless a certificate of compliance has been issued  
26 in accordance with Section 22.206.250. This section does not prohibit or make unlawful  
27 the occupancy of a detached single-family dwelling by the owner if no rooms in the  
28 dwelling are rented or leased.

29 **C. Compliance With Other Provisions of this Code and Other Codes.** ~~((Although this~~

1 ~~Code allows building vacation or closure under certain conditions, b))~~ Buildings subject to  
2 regulation pursuant to the Downtown Housing Maintenance Ordinance, SMC Chapter  
3 22.220, may not be vacated or closed to entry except as permitted by that ordinance.

4 Owners vacating or closing a building must comply with the just cause eviction  
5 requirements of Section 22.206.160C of this Code.

6 **D. Termination of Utilities.** The Director may, by written notice to the owner  
7 and to the Superintendent of Water, the Superintendent of City Light or the  
8 Washington Natural Gas Co., request that water, electricity, or gas service to a  
9 vacant building be terminated or disconnected. ((Upon receipt of the notice, the  
10 Superintendent of Water, Superintendent of City Light, or the Washington Natural Gas  
11 Co. may terminate or disconnect the service.))

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13  
14  
15 **E. Restoration of Service.** If water, electricity or gas service has been terminated or  
16 disconnected pursuant to 22.206.200D, no one except the utility may take any action to  
17 restore the ((S))service ((shall be restored upon issuance of)) , including an owner or  
18 other private party requesting restoration of service until a certificate of compliance has  
19 been issued ((by the Director)) in accordance with Section 22.206.250, or upon written  
20 notification by the Director that ~~((water, electricity, or gas))~~ service ~~((should))~~ may be  
21 restored. It shall be unlawful for anyone ~~((;))~~ other than the Superintendent of Water,  
22 Superintendent of City Light, or the Washington Natural Gas Co.~~((; ))~~ or their duly  
23 authorized representatives, to restore or reconnect any water, electricity, or gas service  
24 terminated or disconnected ~~((pursuant to))~~ as a result of a Director's notice issued  
25 pursuant to Section 22.206.200D.

26 **F. Inspection of Vacant Buildings.**

27 1. When the Director has reason to believe that a building is vacant, the Director may  
28 inspect the building and the premises. ~~(((a violation is found)))~~ the Director identifies a  
29 violation of the minimum standards for vacant buildings, a notice of violation shall be  
30 issued pursuant to SMC 22.206.220. ((-and-t)) Thereafter the premises shall be inspected  
31 quarterly to determine whether the building and ~~((appurtenant))~~ its accessory structures  
32 are vacant and closed to entry in conformance with the standards of this Code. ~~((The~~

1 owner or person responsible for the building shall be assessed a fee by the Director  
2 pursuant to Section ~~22.202.020~~ of this Code for the cost of each quarterly inspection.  
3 ~~When valid building, electrical or plumbing permits have been issued in order to correct~~  
4 ~~violations of this Code, the Director shall continue to make quarterly inspections but shall~~  
5 ~~not charge for inspections during the life of the permits if the Director determines that~~  
6 ~~work is progressing at a satisfactory rate.)~~)

7 2. Quarterly inspections shall cease at the earliest of the following:

8 a.) when the building is repaired pursuant to the  
9 requirements of this Code and reoccupied;

10 b.) when the building is repaired pursuant to the requirements of this Code  
11 and has subsequently been subject to three consecutive quarterly inspections without  
12 further violation; or

13 c.) when the building and ~~((/or appurtenant))~~ any accessory structures have  
14 been demolished. ~~((Any occupancy of a building by anyone other than the owner, prior~~  
15 ~~to issuance of a Certificate of Compliance, shall constitute a violation of Section~~  
16 ~~22.206.200B.))~~

17 3. ~~((If the Director finds that the condition of a building or premises or appurtenant~~  
18 ~~structure has deteriorated to an extent that it endangers or is injurious to the health or~~  
19 ~~safety of the occupants of neighboring buildings or of the public, the Director shall~~  
20 ~~commence abatement proceedings in accordance with Chapter 22.206 or Chapter~~  
21 ~~22.208.))~~

22 ~~((4.))~~ A ~~((ny))~~ building or ~~((appurtenant))~~ structure accessory thereto that remains vacant  
23 and open to entry after the closure date in a Director's Order or notice of violation is  
24 found and declared to be a public nuisance. ~~((which t))~~ The Director is hereby authorized  
25 to ~~((abate))~~ summarily close the building to unauthorized entry. The costs of  
26 ~~((abatement))~~ closure shall be collected from the owner in the manner provided by law.

27 ~~((5.))~~ 4. Quarterly inspection charges shall be assessed and collected as a fee under the  
28 Permit Fee Ordinance (SMC Chapter ~~((22.900))~~ 22.901). ~~((and if not paid upon demand~~  
29 ~~shall be collected pursuant to the Permit Fee Ordinance (SMC Chapter 22.900).~~

1           Section 4.     Section 22.208.010 of the SMC, as last amended by Section 1 of  
2 Ordinance 116420, is further amended to read as follows:

3 **22.208.010    Conditions for declaring a building or premises unfit for human**  
4 **habitation or other use.**

5 Any building, structure, or the premises or portions thereof, in or on which any of the  
6 following conditions exist to the extent that the health or safety of the occupants, of the  
7 occupants of neighboring buildings or structures, or the public is endangered, is declared  
8 to be unfit for human habitation or other use:

9 **A.** Structural members that are of insufficient size or strength to safely carry imposed  
10 loads (~~(with safety)~~), including, but not limited to, the following:

- 11       1. Footings or foundations (~~(which)~~) that are weakened, damaged, decayed,  
12 deteriorated, insecure or missing,
- 13       2. Flooring or floor supports (~~(which)~~) that are damaged, defective, (~~(or)~~) deteriorated,  
14 decayed or missing,
- 15       3. Walls or partitions (~~(which)~~) that are split or (~~(which)~~) that lean, are decayed,  
16 buckled, damaged or missing,
- 17       4. Vertical or lateral supports (~~(which)~~) that are damaged, defective, deteriorated,  
18 loose, decayed or missing,
- 19       5. Ceilings or roofs or their supports (~~(which)~~) that sag, buckle, or are split, decayed  
20 or missing, and
- 21       6. Fireplaces or chimneys (~~(which)~~) that bulge, settle, or have masonry or mortar  
22 which is loose, broken, or missing(~~(s)~~).

23 **B.** Inadequate protection to the extent that occupants are exposed to the weather,  
24 including but not limited to the following:

- 25       1. Crumbling, broken, loose, or missing interior wall or ceiling covering,
- 26       2. Broken or missing doors, windows, door frames or window sashes,
- 27       3. Ineffective or inadequate waterproofing of foundations or floors, and
- 28       4. Deteriorated, buckled, broken, decayed or missing exterior wall or roof  
29 covering(~~(s)~~).

1 C. Inadequate sanitation to the extent that occupants or the general public are directly  
2 exposed to the risk of illness or injury, including but not limited to:

3  
4 1. Lack of, or inadequate number of toilets, lavatories, bathtubs, showers, or kitchen  
5  
6 sinks,

7  
8 2. Defective or ~~((insanitary))~~ unsanitary plumbing or plumbing fixtures,

9  
10 3. Lack of running water connections to plumbing fixtures or lack of an approved  
11  
12 water service,

13  
14 4. Defective or unsanitary kitchen countertops ~~((and/))~~ or cabinets,

15  
16 5. Lack of connection to an approved sewage disposal system,

17  
18 6. Inadequate drainage,

19  
20 7. Infestation by insects, vermin, rodents, or other pests, ~~(( --Compliance with the~~  
21 ~~Director's Rule governing the extermination of pests shall be deemed compliance with~~  
22 ~~this subsection 7, ))~~ and

23 8. ~~((Lack of adequate storage and removal of))~~ Accumulation of garbage and  
24 rubbish~~((;))~~.

25 D. Inadequate light, heat, ventilation, or defective equipment, including but not limited  
26 to:

27 1. ~~((Inadequate light or ventilation,~~

28 ~~2-))~~ Defective, deteriorated, hazardous, inadequate or missing electrical wiring,  
29 ~~((and/or))~~ electrical service, or electrical equipment, and

30 ~~((3-))~~ 2. Defective, hazardous, or improperly installed ventilating equipment or  
31 systems,

32 ~~((4- Lack of a heating system which maintains an inside temperature of sixty five~~  
33 ~~degrees Fahrenheit (65° F.) when the outside temperature is twenty four degrees~~  
34 ~~Fahrenheit (24° F.) or above, measured at a point three feet (3') above the floor, or one~~  
35 ~~which is defective, hazardous, or improperly installed;))~~

36 3. Lack of an approved, permanently installed, functioning heating facility and an  
37 approved power or fuel supply system that is capable of maintaining an average

1 room temperature of at least sixty-five degrees Fahrenheit (65° F.), measured at a point  
2 three feet (3') above the floor in all habitable rooms, baths, and toilet rooms, when the  
3 outside temperature is twenty-four degrees Fahrenheit (24° F.) or higher. When the  
4 outside temperature is less than twenty-four degrees Fahrenheit (24° F.), the heating  
5 facilities must be capable of maintaining an average room temperature of at least fifty-  
6 eight degrees Fahrenheit (58° F.), measured at a point three feet (3') above the floor, in  
7 all habitable rooms, baths, and toilet rooms.

8 E. Defective or inadequate exits, including, but not limited to exits that are unsafe,  
9  
10 improperly located, or less than the required minimum number or dimensions as defined  
11 by Section 22.206.130((-)).

12 F. Conditions that create a health, fire or safety hazard, including, but not limited to:

- 13 1. Accumulation of junk, debris, or combustible materials,
- 14
- 15 2. Any building or device, apparatus, equipment, waste, vegetation, or other material
- 16 in such condition as to cause a fire or explosion or to provide a ready fuel to augment the
- 17 spread or intensity of fire or explosion((-)), and
- 18
- 19 3. To the extent that it endangers or may endanger the occupants of the building, the  
20 occupants of neighboring buildings or the public, the presence of friable asbestos or the  
21 storage of toxic or hazardous materials.

22 Section 5. Section 22.208.020 of the Seattle Municipal Code, as last amended  
23 by Section 2 of Ordinance 116420, is further amended to read as follows:

24 **22.208.020 Standards for demolition, repair or vacation and closure.**

25 A. Whenever the Director determines, pursuant to the procedures established in Section  
26 22.208.030 of this Code, that all or any portion of a building and/or premises is unfit for  
27 human habitation or other use, the Director shall order that the unfit building and/or  
28 premises or portion thereof be:

- 29 1. Repaired, or demolished and removed, if the estimated cost of repairing the  
30 conditions causing the building or structure to be unsafe or unfit for human habitation or  
31 other use exceeds fifty percent (50%) of the replacement value of a building or structure

1 of similar size, design, type and quality, provided that the Director may order a building or  
2 structure, for which the estimated cost of such repairs do not exceed fifty percent (50%) of such  
3 replacement value, to be repaired, or demolished and removed, if the degree of structural  
4 deterioration is as described in 22.208.010(A)(D) or (E), and the owner has failed three or more  
5 times in the last five years to correct the conditions by compliance dates as ordered by the  
6 Director;

7 2. Repaired, and/or vacated and closed((;)) pursuant to Section 22.206.200 of this Code, if  
8 the estimated cost of repairing the conditions causing the building or structure to be unsafe or  
9 unfit for human habitation or other use does not exceed fifty percent (50%) of the replacement  
10 value of a building or structure of similar size, design, type and quality; or

11 3. Corrected or improved as specified in the Order of the Director as to the conditions  
12 that caused the premises other than buildings and structures to be unfit.

13 Nothing in this section shall limit the authority of the City to condemn and resell property  
14 pursuant to RCW 35.80A.

15 **B. In estimating the replacement value of an unfit building or structure, the Director**  
16 **shall use the Square Foot Cost Estimating Method set forth in the "Residential Cost**  
17 **Handbook", Marshall and Swift, latest available edition or a cost estimating publication that the**  
18 **Director deems comparable.**

19 **C. In estimating the cost of repairs, the Director shall apply the following standards:**

20 1. Only the conditions causing the building, structure or portion thereof to be unfit for  
21 human habitation or other use shall be included in the cost estimate.

22 2. All repair costs shall be based on estimates calculated from the "Home-Tech  
23 Remodeling and Renovation Cost Estimator," latest available edition, or a cost estimating  
24 publication that the Director deems comparable.

25 3. Repair estimates shall assume that all work will comply with the requirements  
26 of the current Building, Mechanical, Electrical, Plumbing, Energy, and Fire Codes in effect in  
27 the City of Seattle.

28 4. If the extent of damage to a portion of a building or structure cannot be  
29 ascertained from visual inspection, the Director shall assume that the relative extent of

1 damage or deterioration identified in the observable portion of the building exists in the  
2 unobserved portions, and

3 5. Cost estimates for replacing or repairing the building, structure or portion  
4 thereof shall include the same type and quality of materials as originally used in the  
5 structure. If the building or structure is so damaged that the original materials cannot be  
6 determined, repair costs shall be estimated using the materials identified under the  
7 applicable building quality classification in the Square Foot Cost Estimating Method in  
8 the "Residential Cost Handbook" by Marshall and Swift.

9 **D.** If the Director finds that any of the following conditions exist, the Director shall order  
10 that such conditions be eliminated (~~((before the building is closed to entry pursuant to~~  
11 ~~Section 22.206.200 of this Code:))~~ and that the building be closed within a time specified:

12 1. The condition or conditions which cause the building or premises to be unsafe or  
13 unfit for human habitation(~~(s)~~) create a hazard to the public health, safety, or welfare  
14 (~~(which)~~) that would exist even if the building were vacated and closed to entry; or

15 2. Building appendages, as defined in Seattle Building Code Section ~~((104)d)(2))~~  
16 3402.2, are in a deteriorated condition or are otherwise unable to sustain the design loads  
17 specified; or

18 3. Part of the building or premises or equipment intended to assist in extinguishing a  
19 fire, ~~((or))~~ to prevent the origin or spread of fire, or to safeguard life or property from fire  
20 is in an unsafe or unusable condition.

21 Section 6. Section 22.208.030 of the Seattle Municipal Code, as last amended  
22 by Section 3 of Ordinance 116420, is further amended to read as follows:

23 **22.208.030 Investigation, notice and hearing.**

24 **A.** The Director may investigate any building or premises which the Director believes to  
25 be unfit for human habitation or other use. If the investigation reveals conditions that  
26 make the building or premises unfit for human habitation or other use, the Director shall:  
27

28 1. Issue a complaint stating the conditions that make the building or premises unfit for  
29 human habitation or other use; and  
30  
31  
32  
33  
34

1           2. Serve the complaint by personal service, registered mail, or certified mail with  
2 return receipt requested, upon all persons who appear on a litigation guarantee from a  
3 licensed title insurance company as having any ownership interest in the building or  
4 premises (~~as shown upon the records of the King County Department of Records and~~  
5 ~~Elections~~); and

6           3. Post the complaint in a ~~conspicuous~~ place on the property conspicuous to persons  
7 entering the structure and if practical conspicuous from an abutting public right-of-way.

8       **B.** No complaint shall be issued (~~and any issued complaint shall be withdrawn~~) if a  
9 permit has been issued for all repairs, alterations, and improvements required to make the  
10 building or premises fit for human habitation or other use, and the repair work, in the  
11 Director's opinion, is progressing at a satisfactory rate.

12       **C.** If the address of the persons appearing on the litigation guarantee identified in  
13 subparagraph A (~~building's owner or owners~~) cannot be ascertained  
14 by the Director after a reasonable search, then the Director shall make affidavit to that  
15 effect, (~~then~~) and the complaint shall be served either by personal service or by mailing  
16 a copy of the (~~notice or order~~) complaint by certified mail, postage prepaid, return  
17 receipt requested, to the address appearing on the last equalized tax assessment role of the  
18 County Assessor and to any other address known to the County Assessor. A copy  
19 of the (~~notice or order~~) complaint shall also be mailed to each person whose address  
20 cannot be ascertained, to the address of the building or premises involved in the  
21 proceedings. (~~A copy of the complaint shall be filed with the King County Department~~  
22 ~~of Records and Elections.~~) In addition to serving and posting the complaint, the Director  
23 shall mail or cause to be delivered to all housing and(~~/or~~) commercial rental units in the  
24 building or on the premises a (~~notice which informs each occupant~~) copy of the  
25 complaint. (~~and hearing procedures.~~)

26       **D.** The complaint shall (~~include a notice explaining~~) state that a hearing will be held  
27 before the Director at a specified time and place, not less than ten (10) days nor more  
28 than thirty (30) days after service of the complaint; and that all persons having any  
29 interest therein shall have the right to file an answer to the complaint, and to appear in

1 person or by representative and to give testimony at the time and place fixed in the  
2 complaint. At the hearing, ~~((F))~~ the Director ~~((, at the hearing,))~~ shall have the authority  
3 to administer oaths and affirmations, examine witnesses and receive evidence. The rules  
4 of evidence shall not apply in hearings before the Director.

5 E. A copy of the complaint shall be filed with the King County Department of Records  
6 and Elections.

7 Section 7. Section 22.208.040 of the Seattle Municipal Code, as last amended  
8 by Section 4 of Ordinance 116420, is further amended to read as follows:

9 **22.208.040 Determination and order of Director after hearing.**

10 A. If, after the hearing provided for in Section 22.208.030, the Director determines that a  
11 building or premises is unfit for human habitation or other use pursuant to Section  
12 22.208.010, the Director shall further determine, using the standards set forth in Section  
13 22.208.020, whether the building should be:

- 14 1. repaired, altered or improved;
- 15 2. vacated and closed; or
- 16 3. demolished and removed, and/or

17 whether the premises and the conditions ~~((of the premises))~~ that cause it to be unfit  
18 should be corrected or improved. The Director shall issue a written order requiring that  
19 the building or premises be made fit for human habitation or other use. The order shall  
20 state ~~((in writing))~~ the facts in support of the decision and a specific date for correction.  
21 ~~((and))~~ The Director shall ~~((issue and))~~ serve the order upon all parties served with a  
22 copy of the complaint ~~((the owner and other parties in interest)),~~ in the manner provided  
23 in Section 22.208.030. ~~((, an order requiring the owner or other parties in interest, to~~  
24 ~~repair alter or improve such building to make it fit for human habitation or other use;~~  
25 ~~vacate and close the building; or demolish and remove the building, or to correct or to~~  
26 ~~improve the condition of the premises, on or before a specified date.))~~ The order shall  
27 require that:

- 28 1. The building be  
29 (a) vacated and closed; and/or either

1           (b) repaired, altered or improved, or

2           (c) demolished and removed, and/or

3           2. The premises and the conditions that cause it to be unfit should be corrected and  
4 improved.

5       **B.**     1.) If a building is to be demolished and removed by the owner or other parties in  
6 interest they shall obtain an asbestos survey and make the same available to the Director.

7           2.) If an owner fails to comply with an order and the Director elects to demolish  
8 and remove a building pursuant to Section 22.208.100 the owner shall either obtain an  
9 asbestos survey and make the same available to the Director or allow the Director access  
10 to the structure so that the Director may obtain an asbestos survey.

11       **CB.** When calculating the time for compliance (~~((with an order issued))~~) under subsection  
12 A, the Director shall consider:

13           1. The type of hazard, ~~and the nature and immediacy of the threat to the public~~  
14 ~~health and safety, and the blight created by the conditions of the premises;~~

15           2. ~~((Whether the responsible party has demonstrated an))~~ A demonstrated intent  
16 by a responsible party to repair, demolish or vacate and close the building or to correct or  
17 improve the condition of the premises by:

18           a. Entering into a contract with a licensed contractor to perform the required  
19 work within a specific time and for a reasonable compensation,

20           b. Depositing cash in a segregated account in an amount sufficient to complete  
21 the required repairs,

22           c. Securing a loan from an established lending institution ~~((to))~~ that will  
23 provide sufficient funds to complete the required repairs, or

24           d. Securing a permit to perform the required work and paying the required  
25 permit fees;

26           3. The length of time required to obtain permits needed to complete the repairs;

27           4. The complexity of the repairs, seasonal considerations, construction  
28 requirements and the legal ~~((prerogatives))~~ rights of tenants; and

29           5. Circumstances beyond the control of the responsible person.  
30  
31  
32

1 **DC.** If no appeal is filed, a copy of the order shall be filed with the King County  
2  
3 Department of Records and Elections.

4  
5 Section 8. Section 22.208.050 of the Seattle Municipal Code, as last amended by  
6 Section 6 of Ordinance 113545, is further amended to read as follows:

7 **22.208.050 Appeal from order of Director**

8 **A.** Any party affected by any order of the Director under this chapter shall have the right  
9 to appeal the order of the Director to the Hearing Examiner. Notice of the right to appeal shall  
10 be posted in a place on the property conspicuous to persons entering the structure and if practical  
11 conspicuous from an abutting public right-of-way.

12 **B.** The appeal shall:

13 1. Be filed with the Hearing Examiner no more than ten (10) days after service of  
14 the Director's order;

15 2. Be in writing and state clearly and concisely the specific objections to the  
16 Director's order;

17 3. State the ownership or other interest that each appellant has in the building,  
18 premises, or portion thereof involved in the order of the Director;

19 4. State briefly the remedy sought; and

20 5. Include the signatures of all appellants and their mailing addresses.

21 **C.** The Hearing Examiner shall set a date for the hearing and provide no less than twenty  
22 (20) days' written notice of the hearing to the parties. Notice of the appeal and hearing shall be  
23 posted in a place on the property conspicuous to persons entering the structure and if practical  
24 conspicuous from an abutting public right-of-way. ((If agreed by the parties, the Hearing  
25 Examiner may decide the appeal on the basis of the record presented.))  
26

27 **D.** The appeal hearing shall be conducted pursuant to the contested case provisions of  
28 the Administrative Code, Chapter 3.02. The Hearing Examiner is authorized to  
29 promulgate rules for the appeal hearing pursuant to the Administrative Code.  
30

31 **E.** The appeal hearing shall be de novo. The Director's decision shall be affirmed unless  
32 the Hearing Examiner finds such decision to be arbitrary and capricious.  
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41

1 F. The Hearing Examiner shall have the authority to affirm, modify, or reverse the order  
2 of the Director, or remand the ~~((order of the Director))~~ case to the Director for further  
3 proceedings. The Hearing Examiner shall summarily dismiss an appeal which is  
4 determined on its face to be without merit, frivolous, or brought merely for the purpose of  
5 delay.

6 G. Within fourteen (14) days after the hearing ~~((or within fourteen (14) days after receipt~~  
7 ~~of an agreement by the parties that the case should be decided without a hearing,))~~ the  
8 Hearing Examiner shall issue a written decision containing findings of fact and  
9 conclusions and shall mail copies of the decision to the parties of record. The decision of  
10 the Hearing Examiner shall be the final decision of the City and shall have the same  
11 effect as a decision of the Director issued pursuant to Section 22.206.230. The decision  
12 and order of the Hearing Examiner shall be filed by the Director ~~((in the manner provided~~  
13 ~~for filing notices in Section 22.206.220))~~ with the King County Department of Records  
14 and Elections.

15 Section 9. Section 22.208.070 of the Seattle Municipal Code, as last amended  
16 by Section 6 of Ordinance 113545, is further amended to read as follows:

17 **22.208.070 Extension of compliance date.**

18 An extension of time for compliance with an order may be granted by the Director upon  
19 receipt of a written request filed with the Director by any party affected by the order not  
20 later than ~~((fourteen (14)))~~ seven (7) days prior to the date set for compliance in the order.  
21  
22

23 Any extension granted shall be in writing, and shall be posted in a place on the property  
24 conspicuous to persons entering the structure and if practical conspicuous from an

25 abutting public right-of-way. Extensions shall not be subject to appeal. The Director  
26 may, without a written request, grant an extension of time if in the Director's opinion  
27 such an extension is warranted.  
28

29 Section 10. Section 22.208.080 of the Seattle Municipal Code, as last amended  
30 by Section 5 of Ordinance 116420, is further amended to read as follows:

31 **22.208.080 Certificate of compliance.**

32 A. Compliance with an order issued pursuant to this Chapter 22.208 shall be the  
33

1 responsibility of each person (~~(eited)~~) named as a responsible party in the order. An  
2 owner or responsible party shall request a reinspection from the Director following  
3 correction of the conditions set forth in the order. If the Director finds that the repairs,  
4 alterations, (~~(or)~~) corrections or other actions required by the order have been  
5 (~~(made)~~) performed in compliance with the standards in this Code, the Director shall  
6 issue a certificate of compliance certifying that, as of the date (~~(of issue)~~) it is issued, the  
7 violations cited in the order have been corrected.

8 **B.** On issuance of a certificate of compliance, the Director (~~(warrants)~~) certifies only that  
9 the violations listed in the (~~(notice)~~) complaint, order or decision have been corrected as  
10 required by this Code. The Director makes no representation concerning other conditions  
11 in the building or any equipment therein, or of the premises, that is not listed in the  
12 (~~(notice-of-violation)~~) complaint, order or decision. (~~(and)~~) The Director shall not be  
13 responsible for any injury, damage, death or other loss of any kind sustained by any  
14 person, organization, or corporation arising out of any condition of the building,  
15 structure, equipment, or premises.

16 Section 11. Section 22.208.090 of the Seattle Municipal Code, as last amended  
17 by Section 6 of Ordinance 116420, is further amended to read as follows:

18 **22.208.090 Reinspection of vacant buildings.**

19 When a building is vacant and has been closed to entry pursuant to an order(~~(s)~~) of the  
20 Director issued pursuant to this chapter, the Director shall reinspect the building quarterly  
21 pursuant to Section 22.206.200F to (~~(assure)~~) verify that the building and (~~(appurtenant)~~)  
22 structures accessory to the building remain vacant and closed to entry and meet the  
23 minimum standards for vacant buildings set forth in this Code, and to determine the  
24 extent to which the building has deteriorated. The owner shall be charged an inspection  
25 fee for the quarterly inspections. Quarterly inspection charges shall be assessed and  
26 collected as a fee under the Permit Fee Ordinance (SMC 22.901).

27 Section 12. Section 22.208.100 of the Seattle Municipal Code, as last amended  
28 by Section 7 of Ordinance 116420, is further amended to read as follows:

29 **22.208.100 Enforcement of the order of the Director.**

1 A. If the person served with an order fails to comply with ~~((an))~~ the order, the Director,  
2 by such means and with such assistance as may be available, is hereby authorized and  
3 directed to cause the building to be:

4 1. repaired, altered or improved; or

5 2. vacated and closed; or

6 3. demolished and~~((or))~~ removed, or

7 4. to cause ~~((the condition of))~~ the premises and the conditions that cause it to be  
8 unfit to be corrected or improved, and the costs thereof shall be recovered by the City in  
9 the manner provided in Section 22.208.110. ~~((Owners who fail to comply with the order~~  
10 ~~by the date specified in the order will be subject to the civil penalty provided in Section~~  
11 ~~22.208.150. Extensions of the compliance date may be granted in accordance with~~  
12 ~~Section 22.208.070.))~~

13 B. If an owner fails to comply with an order and the Director elects to demolish and  
14 remove a building pursuant to subsection A, the owner shall either obtain an asbestos  
15 survey and make the same available to the Director, or allow the Director access to the  
16 building so that the Director may obtain an asbestos survey.

17 Section 13. Section 22.208.110 of the Seattle Municipal Code, as last amended  
18 by Section 25 of Ordinance 117242, is further amended to read as follows:

19 **22.208.110 Recovery of costs.**

20 A. If the costs incurred by the Director pursuant to Section 22.208.100 for repairs,  
21 alterations or improvements, or of vacating and closing, or of demolition and removal ~~((;~~  
22 ~~pursuant to Section 22.208.100))~~ are not paid after a written demand upon the owner and  
23 other persons named as responsible parties in the complaint, such costs shall be assessed  
24 against the property for which the costs were incurred in the manner provided below.

25 B. If the building is removed or demolished by the Director, the Director shall, if  
26 possible, sell the salvageable materials from the building and shall apply the proceeds of  
27 the sale to the reimbursement of the costs of demolition and removal. Any funds  
28 remaining shall be paid to the owner.

1 C. After notice to the owner and other persons with an ownership interest as shown on  
2 the litigation guarantee (~~(in interest)~~) that all or a portion of the costs have not been paid,  
3 the Director shall notify the City Finance Director of the amount due and owing, and  
4 upon receipt of the notification the (~~(City Treasurer)~~) City Finance Director shall certify  
5 the amount to the King County (~~(Treasurer)~~) Financial Management Office for  
6 assessment.

7 D. Upon certification by the City Finance Director of the (~~(assessment)~~) amount due and  
8 owing, the (~~(official performing the duties of the)~~) Director of the King County  
9 (~~(Treasurer)~~) Financial Management Office or designee shall enter the amount  
10 of the assessment upon the tax rolls against the real property for the current year to be  
11 collected at the same time as the general taxes and with interest at the rates and in the  
12 manner provided in RCW 84.56.020(~~(5)~~) for delinquent taxes. (~~(, and w)~~) When  
13 collected, it shall be deposited in the General Fund of the City and credited to the  
14 Housing and Abatement (~~(Revolving Fund)~~) Account (~~(as)~~) provided in Section  
15 22.202.050.

16 E. The assessment shall constitute a lien against the property which shall be of equal  
17 rank with state, county and municipal taxes.

18 Section 14. Section 22.208.150 of the Seattle Municipal Code, as last amended  
19 by Section 6 of Ordinance 113545, is further amended to read as follows:

20 **22.208.150 Civil penalties.**

21 A. Any person failing to comply with an order issued by the Director or Hearing  
22 Examiner pursuant to this Chapter shall be subject to a cumulative civil penalty in (~~(the)~~)  
23 an amount (~~(of Fifty)~~) not to exceed Five Hundred Dollars (~~((\$50.00))~~) (\$500.00) per day  
24 from the date set for compliance until (~~(compliance with the order is obtained)~~) the owner  
25 or a responsible party requests a reinspection and the Director verifies following  
26 reinspection that the property is in compliance.

27 B. Any person violating Section 22.208.130 shall be subject to a civil penalty in the  
28 amount of Five Hundred Dollars (\$500.00).

29 C. The Director shall notify the City Attorney in writing of the name of any person  
30

1 subject to a penalty. The City Attorney shall, with the assistance of the Director, take  
2 appropriate action to collect the penalty.

3 D. Once a civil penalty has been established by judgment, and that judgment certified to  
4 Superior Court, the judgment may be satisfied, if approved by the Director and at the  
5 discretion of the Director, by payment of 1/3 of the total judgment accompanied by an  
6 agreement by which the property is permitted to be used for a period of up to 3 years for a  
7 City approved program for job training or temporary housing purposes, that results in  
8 correction of the violation. This provision shall not be construed to limit or otherwise  
9 affect the authority of the Director or City Attorney to negotiate a satisfaction of  
10 judgments on other terms as dictated by the circumstances.

11 Section 15. Section 22.208.160 of the Seattle Municipal Code, as last amended  
12 by Section 6 of Ordinance 113545, is further amended to read as follows:

13 **22.208.160 Criminal penalties.**

14 A. Anyone who violates or fails to comply with any of the requirements of this  
15 Chapter 22.208 and who within the previous five (5) years has had a civil penalty  
16 assessed against ~~((them))~~ him or her pursuant to Section 22.208.150 of this Code shall,  
17 upon conviction, be fined a sum not exceeding Five Thousand Dollars (\$5,000.00) or  
18 imprisoned for a term not exceeding one (1) year or both. Each day that anyone ~~((shall))~~  
19 violates or fails to comply with any of the foregoing provisions shall be a separate  
20 offense.

21 B. A fine, not exceeding ~~((One Thousand Dollars (\$1,000.00)))~~ Five Thousand Dollars  
22 (\$5,000.00) per violation and/or a term of imprisonment not exceeding ~~((thirty (30) days))~~  
23 one (1) year may be imposed

24 ~~((:1. For violations of Section 22.208.130;~~

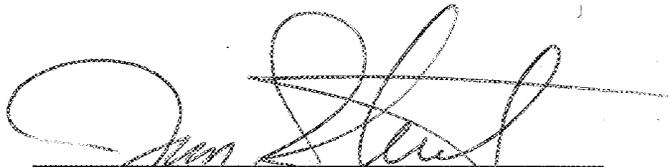
25 ~~2. F))~~ for any wilful, intentional, or bad faith failure or refusal to comply with the  
26 standards or requirements of this ~~((Code))~~ Chapter.

27 Section 16. The amendments contained herein shall not affect any right accrued,  
28 any time limit for compliance, any penalty incurred or any proceeding commenced under  
29 or by the superseded provisions.

1 Section 17. The provisions of this ordinance are declared to be separate and  
2 severable. The invalidity of any clause, sentence, paragraph, subdivision, section or  
3 portion of this ordinance, or the invalidity of the application thereof to any person or  
4 circumstance shall not affect the validity of the remainder of this ordinance, or the  
5 validity of its application to other persons or circumstances.

6 Section 18. This ordinance shall take effect and be in force thirty (30) days from  
7 and after its approval by the Mayor, but if not approved and returned by the Mayor within  
8 ten (10) days after presentation, it shall take effect as provided by Municipal Code  
9 Section 1.04.020.

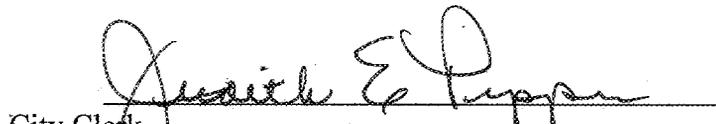
10  
11 Passed by the City Council the 30 day of October, 1995, and signed by me in  
12 open session in authentication of its passage this 30 day of October,  
13 1995.

14  
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16  
17 President \_\_\_\_\_ of the City Council

18  
19 Approved by me this 2 day of November, 1995.

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24 Mayor

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29 Filed by me this 2 day of November, 1995.

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32   
33 City Clerk  
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Seattle City Council

Memorandum

Date: October 26, 1995  
To: All Councilmembers  
From: Margaret Pagelet, Chair  
Public Safety Committee  
Subject: Housing and Building Maintenance Code Amendments, CB110786 -  
**Item #5 For Full Council Monday 10/30/95**

Amendments to the Housing Building and Maintenance Code (HBMC) were passed out of the Public Safety Committee and will be on the Full Council Agenda for October 30 (CB 110786).

The bill would make amendments to the HBMC affecting the standards for vacant buildings, conditions for declaring a building or premises unfit for human habitation, and standards for demolition, repair or vacation and closure of buildings.

Among the proposed changes are some that will increase DCLU's authority to enforce the vacant structures and uninhabitable buildings provisions, which should help to reduce the blight that vacant structures can have on an area. These changes include the following:

- ◆ Windows above 10', unless they still have their glass, will now have to have plywood covering. Today, plywood covering is required for windows below 10' that don't have glass. Above 10' only "some form of weather protection" is required. Owners have used plastic sheeting for weather protection which has been both unsightly and subject to flapping and tearing. (See Item #3 in the attached list of amendments for reference to language in the Council Bill.)
- ◆ Fees for quarterly inspections of vacant structures could no longer be waived upon issuance of a permit for work to correct a violation. Quarterly inspections will continue until the violation is corrected, and the structure has been without violations for three quarterly inspections or has been reoccupied. Similarly, a provision requiring that the Director withdraw a complaint that a building is unfit for human habitation if the owner obtains permits to perform work to repair the building would be deleted. Previously, some owners obtained permits to avoid enforcement and did not complete work. (See Items #7 and #13 in the attached list of amendments for reference to language in the Council Bill.)

- ◆ A new provision would permit the reduction of civil penalties for violation of the ordinance, if the structures in violation are used for City approved job training or temporary housing. (See Item #19 in the attached list of amendments for reference to language in the Council Bill.)
- ◆ Provisions requiring posting of notices of Director complaints, and extensions of compliance dates are amended to clarify that posted notice must be conspicuous to neighbors, i.e., to an abutting public right-of-way. Also, a new requirement is added that notice be posted on the property informing neighbors about appeal procedures. (See Item #12 in the attached list of amendments for reference to language in the Council Bill.)
- ◆ Demolition of structures would be permitted not only if the cost of repairs exceeds 50% of the replacement value of the building or structure (the current regulation), but also if the owner fails three or more times to correct an order to repair a degree of structural deterioration that endangers the health or safety of the occupants, of the occupants of neighboring buildings or structures, or the public. (See Item #10 in the attached list of amendments for reference to language in the Council Bill.)
- ◆ In considering the amount time an owner is allowed to comply with an order to correct conditions, the Director would consider not only the type of hazard and immediacy of the threat to the public, but also the blight created by the condition of the premises. However, owners would now be able to request an extension of a compliance date up to 7 days before the date. Today, they must make the request 14 days before the compliance date. (See Items #15 and #17 in the attached list of amendments for reference to language in the CB)
- ◆ The presence of friable asbestos or the storage of toxic or hazardous material, to the extent that it endangers or may endanger the occupants of the building, is added to conditions for declaring buildings unfit for habitation. (See Item #9 in the attached list of amendments for reference to language in the CB)
- ◆ Civil and Criminal penalties would be increased. (See Items #18 and #20 in the attached list of amendments for reference to language in the Council Bill.)

I have attached a more comprehensive list of the changes that this ordinance would make to the current code. The numbers at the end of each item above correspond to the item numbers on the attachment so that you may look up the proposed language in the Council Bill if you so desire.

**SUMMARY OF PROVISIONS OF CB 110786 AS AMENDED  
HOUSING AND BUILDING MAINTENANCE CODE AMENDMENTS**

The substantive changes which this bill would make are as follows:

**VACANT BUILDINGS STANDARDS**

1. 22.206.080(A), p.2, line 24: Consistent with current practice and Director's rule 3-88, only some of the standards for occupied buildings are applied to vacant structures. Only standards intended to keep the structure from deteriorating, and to prevent hazards apply to vacant structures. Otherwise, vacant structures do not have to be maintained in habitable condition. The current code references all occupied building standards; the amendments would codify the current practice.
2. 22.206.200(A)(3)(b), p.3, line 25: A new provision would give owners of vacant structures the option of rendering heating equipment inoperable if not maintained in accordance with applicable codes. Currently such equipment must either be maintained to code or removed.
3. 22.206.200(A)(4)(a), p.4, line 1: An amendment would require glazing or plywood covering for windows in vacant structures on all floors. Currently glazing or plywood is required only below 10'. Above 10' either glazing or "some form of weather protection," which includes plastic sheeting is permitted currently.
4. 22.206.200(A)(5), p.5, line 9: Consistent with current practice and Director's rule 3-88, an amendment would permit removal of portions of a vacant structure that do not meet structural standards, if the removal does not create a hazard. There is no current code provision to permit this.
5. 22.206.200(A)(6), p.5, line 13: Consistent with current practice and Director's rule 3-88, an amendment would permit holes in interior walls or floors as long as, if they would be hazardous, they are covered to certain standards. There is no current code provision to permit this.
6. 22.206.200(E), p.6, line 15: A provision which formerly seemed to give the Director the authority to order utilities to restore service would be amended to provide that the Director may only request that utilities be restored upon issuance of a certificate of compliance. The amendment also would clarify that utilities may not be restored until the Director has issued a certificate of compliance. Language is added to clarify that an owner or other private parties

may not attempt to circumvent the order of the Director to not turn on utilities by making a direct request to the utilities.

7. 22.206.200(F), p.7, lines 3-14: Fees for quarterly inspections of vacant structures could no longer be waived upon issuance of a permit for work to correct a violation. Quarterly inspections would continue until the violation had been corrected, and the structure had either been occupied or without violations for three quarterly inspections or reoccupied.

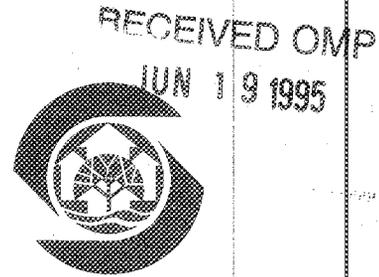
## **HABITABLE BUILDING STANDARDS**

8. 22.208.010(D)(3), p.10, line 3: The amendment proposed to this subsection would amend the standard for heating facilities to match that contained in the minimum space and occupancy standards that apply to occupied structures (22.206.090). Currently the habitable building standards do not have a standard for the minimum temperature which must be maintained in all rooms when the outside temperature is below 24 degrees fahrenheit. Consistent with the minimum space and occupancy standards rooms would have to be maintained at a minimum of 58 degrees when the outside temperature is below 24 degrees.
9. 22.208.010(F)(3), p.10, line 19: The presence of friable asbestos or the storage of toxic or hazardous material, to the extent that it endangers or may endanger the occupants of the building, is added to conditions for declaring buildings unfit for habitation.
10. 22.208.020(A)(1), page 11, lines 1 & 13-14: Demolition of structures would be permitted not only if the cost of repairs exceeds 50% of the replacement value of the building or structure (the current regulation), but also if the owner fails three or more times to correct an order to repair a degree of structural deterioration that endangers the health or safety of the occupants, of the occupants of neighboring buildings or structures, or the public.
11. 22.208.020(B)&(C), p.11, line 15: Consistent with current practice and Director's rule 3-88, an amendment would explain the methods used by DCLU to determine replacement value of a building and to establish repair costs.
12. 22.208.030, page 13, line 6, 22.208.050(A)&(C), Page 16, lines 9&29, 22.308.070, p.17, line 24: Provisions requiring posting of notices of Director complaints, and extensions of compliance dates are amended to clarify that posted notice must be conspicuous to neighbors, i.e., from an abutting right-of-way. Also, a new requirements is added that notice be posted on the property

informing neighbors about appeal procedures.

13. 22.208.030(B), p.13, line 8: An amendment would eliminate the provision that the Director shall withdraw a complaint that a building is unfit for human habitation if the owner obtains permits to perform work to repair the building.
14. 22.208.040(B), p.15, line 5 & p.19, Line 13: A new requirement would be added that owners obtain an asbestos survey (consistent with PSAPCA requirements) or allow DCLU access to the building to obtain an asbestos survey if a building is to be demolished.
15. 22.208.040(C), p.15, line 14: In considering the time for compliance with an order to correct conditions the Director would consider not only the type of hazard and immediacy of the threat to the public, but also the blight created by the condition of the premises.
16. 22.208.050(C) & (G), p.16, lines 31 and p.17, line 6: A current code provision regarding appeals would be repealed. The current provision permits the parties to an appeal of an order of the Director regarding a building unfit for human habitation to agree that the appeal be decided on the record, rather than after a hearing.
17. 22.208.070, p.17, line 23: Owners would be permitted to request an extension to the compliance date of a Director's order up to 7 days before the compliance date. Currently the request must be made 14 days before the compliance date.
18. 22.208.150(A)&(B), p.20, line 22 - 27: The potential civil penalty for violation of the habitable buildings chapter would be increased from a maximum of \$50 per day to a maximum of \$500 per day. Also a civil penalty of \$500 would be added for violating section 22.208.130, which prohibits the removal of any notice, complaint, or order posted in accordance with the chapter.
19. 22.208.250(D), page 21, line 3: A new provision would permit the reduction of civil penalties for violation of the ordinance, if the structures in violation are used for City approved job training or temporary housing.
20. 22.208.160(A)&(B), p. 21, line 13: The potential criminal penalty would be increased from a maximum of 30 days and \$1,000 to a maximum of 1 year and \$5,000, for each offense. (Each day that anyone violates for fails to comply with the chapter is a separate offense.)

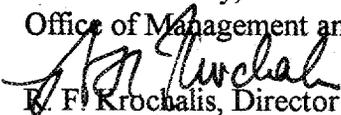
Seattle  
Department of Construction and Land Use



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

**MEMORANDUM**

**TO:** Jim Street, Council President  
via Tom Tierney, Director  
Office of Management and Planning

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

**DATE:** June 16, 1995

**SUBJECT:** Proposed Housing and Building Maintenance Code Amendments

The attached proposed Housing and Building Maintenance Code (HBMC) amendments are a part of DCLU's regular code maintenance program. The proposal includes changes to the vacant building and unfit building sections of the HBMC. A public hearing on the proposal is scheduled for July 6, 1995.

The proposal corrects oversights in current code requirements and clarifies language and format. Adoption of the proposal will not substantially alter most code standards but will enhance the understandability and enforceability of the HBMC. The substantive changes include increased penalties for failing to comply with a Director's order concerning an unfit building and stricter maintenance standards for windows of vacant buildings. Improper storage of toxic or hazardous materials or the presence of friable asbestos are now specific conditions for finding a building unit for human habitation or other use. Owner's will be required to submit an asbestos survey or allow DCLU access to property to obtain a survey for buildings that are to be demolished.

We anticipate the following costs to result from adoption and implementation of the proposal:

- \* Staff training for inspectors and administrative support staff will take approximately four hours per training session. No more than two sessions should be required. We anticipate the training will cost about \$8,000.
- \* Copying of the ordinance for staff and the public will cost about \$3,000.

There should be no substantial on going costs associated with implementation and enforcement of the proposal. The proposal should not noticeably increase either the number of inspections performed or enforcement cases initiated. Any slight increase in costs should be approximately offset by the removal of the subsection 22.206.200 F waiver of vacant building inspection fees for buildings with active building, plumbing, electrical or mechanical permits. The fee waiver will be deleted from the 1996 Permit Fee Ordinance.

If you have any questions about the proposal, please call Bob Laird at 233-3893.

ORDINANCE \_\_\_\_\_

AN ORDINANCE relating to the Housing and Building Maintenance Code, amending SMC section 22.204.080 to include a definition of governmental entity, amending SMC section 22.204.170 to include governmental entity within the definition of person, amending SMC section 22.206.200 to revise and clarify the maintenance standards and inspection and monitoring requirements for vacant buildings, amending various sections of SMC Chapter 22.208 to clarify the standards and procedures for declaring a building unfit for human habitation or other use and to increase the penalties for failing to comply with an order of the Director concerning an unfit building, including SMC sections 22.208.010, 22.208.020, 22.208.030, 22.208.040, 22.208.050, 22.208.070, 22.208.080, 22.208.090, 22.208.100, 22.208.110, 22.208.150, and 22.208.160.

Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.204.080 of the Seattle Municipal Code, as last amended by Section 4 of Ordinance 113545, is further amended to read as follows:

**22.204.080 "G"**

- A. "Garage" means a building designed, used or intended to be used for parking or storage of vehicles.
- B. "Garbage" means all discarded putrescible waste matter, but not including sewage or human or animal excrement.
- C. "Garbage can" means a watertight container not exceeding thirty-two (32) gallons in capacity, weighing not over twenty-six (26) pounds when empty and without cover, fitted with two (2) sturdy handles, one (1) on each side, and a tight cover equipped with a handle, or a "sunken can" or other container, as required by the Director of Engineering. A "sunken can" is any garbage can which is in a sunken covered receptacle specifically designed to contain one (1) or more garbage cans the tops of which are approximately at ground level.
- D. "Governmental entity" means the United States Government and its agencies, the State of Washington and its agencies, counties, cities, and other political subdivisions of the State of Washington.
- E. "Grade" means the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or when the property line is

1 more than five feet (5') from the building, between the building and a line five feet (5') from the  
2 building.

3  
4 ~~((E.))~~ E. "Guest" means any person occupying a guest room pursuant to a rental agreement.

5  
6 ~~((F.))~~ G. "Guest room" means a room or rooms used or intended to be used for living and  
7 sleeping purposes and which may share common bathrooms and cooking facilities.

8  
9 Section 2. Section 22.204.170 of the Seattle Municipal Code, as last amended by  
10 Section 4 of Ordinance 113545, is further amended to read as follows:

11  
12 **22.204.170 "P"**

13  
14 A. "Party affected" means any owner, tenant, or other person having a direct financial interest in  
15 a building or adjacent property, or any person whose health or safety is directly affected by the  
16 condition of the building.

17  
18 B. "Person" means any individual, firm, corporation, association, governmental entity, or  
19 partnership and its agents or assigns.

20  
21 C. "Plumbing system" means any potable water distribution piping, and any drainage piping  
22 within or below any building, including rainwater leaders and all plumbing fixtures, traps, vents  
23 and devices appurtenant to such water distribution or drainage piping and including potable  
24 water treating or using equipment, and any lawn-sprinkling system.

25  
26 D. "Premises" means a plot of ground, whether occupied by a structure or not.

27  
28  
29 Section 3. Section 22.206.200 of the Seattle Municipal Code (SMC), as last amended  
30 by Section 18 of Ordinance 115671, is further amended to read as follows:

31  
32 **22.206.200 Minimum standards for vacant buildings.**

33  
34 A. Maintenance Standards. Every vacant building shall conform to the  
35 standards of Sections ~~((22.206.010 through 22.206.160))~~ 22.206.060; 22.206.070;  
36 22.206.080 (A) (B) (C) ~~(G)~~ (H) and (I); 22.206.130 (I); 22.206.160 (A)(1)(3)(4)(5) and (6) except  
37 when ~~((more stringent))~~ different standards are imposed by this section.

38  
39 1. Sanitary Facilities.

40  
41 a. ~~((All-p))~~ Plumbing fixtures connected to an approved water system, an approved  
42 sewage system, or an approved natural gas utility system shall be installed in accordance  
43 with applicable codes and be maintained in sound condition and good repair.

44  
45 b. ~~((All-p))~~ Plumbing fixtures connected to an approved water system, an approved  
46

1 sewage system, or an approved natural gas utility system, not installed or maintained in  
2 compliance with ~~((this Code and other))~~ applicable codes ~~((and ordinances))~~, shall be removed  
3 and the service terminated in the manner prescribed by ~~((current))~~ applicable codes ~~((and~~  
4 ordinances)).

5  
6  
7 c. ~~((All-p))~~ Plumbing fixtures not connected to an approved water system, an approved  
8 sewage system, or an approved natural gas utility system shall either be connected to an  
9 approved system or the fixtures shall be removed and the pipes capped in accordance with  
10 ~~((this Code and other))~~ applicable ~~((City))~~ codes ~~((and ordinances))~~.

11  
12  
13 2. Electrical Systems.

14  
15 ~~((a. Every existing outlet and fixture shall be properly connected, and wiring and~~  
16 ~~service lines shall be installed and maintained in accordance with this Code and other~~  
17 ~~applicable codes and ordinances;))~~

18  
19 ~~((b.))~~ Electrical service lines, wiring, ((~~⊙~~))outlets ((and)) or fixtures not installed or  
20 maintained in accordance with applicable codes ~~((and ordinances))~~ shall be repaired, or they shall  
21 be removed and the services terminated in ~~((the manner prescribed by law))~~ accordance with  
22 applicable codes.

23  
24  
25  
26 3. Safety From Fire.

27  
28 a. No vacant building or premises or portion thereof shall be used for the storage of  
29 flammable liquids or other materials that constitute a safety or fire hazard.

30  
31 b. ~~((No room in any vacant building nor any premises shall be used for storage of~~  
32 ~~materials which would constitute a safety or fire hazard.))~~

33  
34 ~~((c.))~~ Heating facilities or heating equipment in vacant buildings shall be removed,  
35 rendered inoperable, or maintained in accordance with applicable codes, ~~((and ordinances~~  
36 ~~and a))~~ Any fuel supply shall be removed or terminated in accordance with applicable codes  
37 ~~((and ordinances))~~.

38  
39  
40 4. All vacant buildings and their accessory structures shall meet ~~((be closed to unauthorized~~  
41 ~~entry according to))~~ the following standards:

42  
43  
44 a. ~~((All windows, the sills of which are located more than ten feet (10') above grade,~~  
45 ~~stairway, landing, ramp, porch, roof, or other similarly accessible area, shall have either intact~~  
46 ~~glazing or some form of weather protection.))~~ All windows ~~((, the sills of which are located ten~~

1 feet (10') or less above grade, stairway, landing, ramp, porch, roof, or other similarly accessible  
2 area,) shall have ((provide)) either intact glazing or ((resistance to entry equivalent to or greater  
3 than that of a solid sheet of one-quarter inch (1/4'')) plywood((;)) of at least one-quarter inch  
4 (1/4'') thickness, painted or treated to protect it from the elements, cut to fit the opening, and  
5 securely nailed using 6D galvanized nails or woodscrews spaced not more than nine inches (9'')  
6 on center.

10 b. Doors and service openings with thresholds located ten feet (10') or less above  
11 grade, or ((a)) stairways, landings, ramps, porches, roofs, or similarly accessible areas shall  
12 provide resistance to entry equivalent to or greater than that of a closed single panel or  
13 hollow-core door one and three-eighths inches (1-3/8'') thick equipped with a one-half((-)  
14 inch (1/2'') throw deadbolt. Exterior doors, if openable, may be closed from the  
15 interior of the building by toe nailing them to the door frame using 10D or 16D galvanized  
16 nails.

21 c. There shall be at least one (1) operable door into each building and into each housing  
22 unit. If an existing door is operable, it may be used and secured with a suitable lock such as a  
23 hasp and padlock or a one-half((-) inch (1/2'') deadbolt or deadlatch. All locks shall be kept  
24 locked. When a door cannot be made operable, a door shall be constructed of three-quarter((-  
25 ))inch (3/4'') CDX plywood or other comparable material approved by the Director and ((shall  
26 be)) equipped with a lock as described above.

31 d. All debris, combustible materials, litter and garbage shall be removed from vacant  
32 buildings, their accessory structures ((that have been closed to unauthorized entry,)) and from  
33 adjoining yard areas. ((And after being closed to unauthorized entry, t))The building and  
34 premises shall be maintained free from such items.

37 e. The Director may impose additional requirements for the closure of a vacant  
38 building, including but not limited to installation of three-quarter((-)inch (3/4'') plywood,  
39 brick or metal coverings over exterior openings, ((where)) when the standards specified in  
40 subparagraphs 4a through 4d above are inadequate to secure the building:

- 44 1. ((d))Due to the design of the structure, or
- 45 2. ((where)) When the structure has been subject to two (2) or more unauthorized entries  
46 after closure pursuant to the standards specified above, or

1           3. ~~((where))~~ When the Director determines, in consultation with the Seattle Police  
2 Department and the Seattle Fire Department, that the structure may present((s)) a substantial risk  
3 to the health or safety of the public, or to ((P))police or ((F))fire personnel if closed to the  
4 standards of subparagraphs 4a through 4d above.

5  
6  
7           5. If a building component of a vacant building or a structure accessory to a vacant building  
8 does not meet the standards of Section 22.206.060, the component or a portion thereof may be  
9 removed in accordance with applicable codes, provided the Director determines that the removal  
10 does not create a hazardous condition.

11  
12  
13           6. Interior floor, wall and ceiling coverings in vacant structures need not be intact so  
14 long as the Director determines they do not present a hazard. If a hole in a floor presents a  
15 hazard, the hole shall be covered with three-quarter inch (3/4") plywood, or a material of  
16 equivalent strength, cut to overlap the hole on all sides by at least six inches (6"). If a hole in a  
17 wall presents a hazard, the hole shall be covered with one-half inch (1/2") Type X gypsum, or a  
18 material of equivalent strength, cut to overlap the hole on all sides by at least six inches  
19 (6"). Covers for both floor and wall holes shall be securely attached.

20  
21  
22  
23  
24           **B. Occupying or Renting Vacant Buildings.**

25  
26           After a notice of violation, order or emergency order is issued in accordance with Section  
27 22.206.220 or Section 22.206.260, no one shall use, occupy, rent, cause, suffer, or allow any  
28 person to use or occupy or rent any vacant building ~~((or building that has been vacated, after~~  
29 ~~issuance of a notice of violation, order or emergency order,))~~ unless a certificate of compliance  
30 has been issued in accordance with Section 22.206.250. This section does not prohibit or make  
31 unlawful the occupancy of a detached single-family dwelling by the owner if no rooms in  
32 the dwelling are rented or leased.

33  
34           **C. Compliance With Other Provisions of this Code and Other Codes.** ~~((Although this~~  
35 ~~Code allows building vacation or closure under certain conditions, b))~~ Buildings subject to

36  
37 regulation pursuant to the Downtown Housing Maintenance Ordinance, SMC Chapter  
38 22.220, may not be vacated or closed to entry except as permitted by that ordinance.

39  
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42  
43  
44           Owners vacating or closing a building must comply with the just cause eviction  
45 requirements of Section 22.206.160 C of this Code.

46  
47           **D. Termination of Utilities.** The Director may, by written notice to the owner,

1 and to the Superintendent of Water, the Superintendent of City Light or to the  
2 Washington Natural Gas Co., request that water, electricity or gas service to a  
3 vacant building be terminated or disconnected. ~~((Upon receipt of the notice, the~~  
4 ~~Superintendent of Water, Superintendent of City Light, or the Washington Natural Gas~~  
5 ~~Co. may terminate or disconnect the service.))~~

6  
7  
8 **E. Restoration of Service.** If water, electricity or gas service has been terminated or disconnected  
9 pursuant to 22.206.200 D, no one except the utility may take any action to restore the  
10 ~~((S))~~service ~~((shall be restored upon issuance of))~~ until a certificate of compliance has been  
11 issued ~~((by the Director))~~ in accordance with Section 22.206.250, or upon written notification by  
12 the Director that ~~((water, electricity, or gas))~~ service ~~((should))~~ may be restored. It shall be  
13 unlawful for anyone~~((;))~~ other than the Superintendent of Water, Superintendent of City Light, or  
14 the Washington Natural Gas Co.~~((;))~~ or their duly authorized representatives, to restore or  
15 reconnect any water, electricity, or gas service terminated or disconnected ~~((pursuant to))~~ as a  
16 result of a Director's notice issued pursuant to Section 22.206.200D.

17  
18  
19  
20  
21  
22  
23 **F. Inspection of Vacant Buildings.**

24  
25 1. When the Director has reason to believe that a building is vacant, the Director may  
26 inspect the building and premises. ~~If ((a violation is found))~~ the Director identifies a  
27 violation of the minimum standards for vacant buildings, a notice of violation shall be  
28 issued pursuant to SMC 22.206.220. ~~((, and t))~~ Thereafter the premises shall be inspected  
29 quarterly to determine whether the building and ~~((appurtenant))~~ its accessory structures are  
30 vacant and are closed to entry in conformance with the standards of this Code. ~~((The owner or~~  
31 ~~person responsible for the building shall be assessed a fee by the Director pursuant to Section~~  
32 ~~22.202.020 of this Code for the cost of each quarterly inspection. When valid building, electrical~~  
33 ~~or plumbing permits have been issued in order to correct violations of this Code, the Director~~  
34 ~~shall continue to make quarterly inspections but shall not charge for inspections during the life of~~  
35 ~~the permits if the Director determines that work is progressing at a satisfactory rate.))~~

36  
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41  
42 2. Quarterly inspections shall cease when the building is repaired pursuant to the  
43 requirements of this Code and reoccupied or when the building and ~~((or appurtenant))~~  
44 any accessory structures have been demolished. ~~((Any occupancy of a building by anyone other~~  
45 ~~than the owner, prior to issuance of a Certificate of Compliance, shall constitute a~~  
46  
47

violation of Section 22.206.200 B.)

3. ~~((If the Director finds that the condition of a building or premises or appurtenant structure has deteriorated to an extent that it endangers or is injurious to the health or safety of the occupants of neighboring buildings or of the public, the Director shall commence abatement proceedings in accordance with Chapter 22.206 or Chapter 22.208.))~~

~~((4.))~~ A ~~((ny))~~ building or ~~((appurtenant))~~ structure accessory thereto that remains vacant and open to entry after the closure date in a Director's Order or notice of violation is found and declared to be a public nuisance, ~~((which t))~~The Director is hereby authorized to ~~((abate))~~ summarily close the building to unauthorized entry. The costs of ~~((abatement))~~ closure shall be collected from the owner in the manner provided by law.

~~((5-))~~4. Quarterly inspection charges shall be assessed and collected as a fee under the Permit Fee Ordinance (SMC Chapter ~~((22.900))~~ 22.901). ~~((and if not paid upon demand shall be collected pursuant to the Permit Fee Ordinance (SMC Chapter 22.900).))~~

Section 4. Section 22.208.010 of the Seattle Municipal Code, as last amended by Section 1 of Ordinance 116420, is further amended to read as follows:

**22.208.010 Conditions for declaring a building or premises unfit for human habitation or other use.**

Any building, structure, or the premises or portions thereof, in or on which any of the following conditions exist to the extent that the health or safety of the occupants, of the occupants of neighboring buildings or structures, or the public is endangered, is declared to be unfit for human habitation or other use:

A. Structural members that are of insufficient size or strength to safely carry imposed loads ~~((with safety))~~, including, but not limited to, the following:

1. Footings or foundations ~~((which))~~ that are weakened, damaged, decayed, deteriorated, insecure or missing,
2. Flooring or floor supports ~~((which))~~ that are damaged, defective, ~~((or))~~ deteriorated, decayed or missing,
3. Walls or partitions ~~((which))~~ that are split or ~~((which))~~ that lean, are decayed, buckled, damaged or missing,
4. Vertical or lateral supports ~~((which))~~ that are damaged, defective, deteriorated, loose,

1 decayed or missing,

2 5. Ceilings or roofs or their supports (~~((which))~~) that sag, buckle, or are split, decayed or  
3 missing, and

4  
5 6. Fireplaces or chimneys (~~((which))~~) that bulge, settle, or have masonry or mortar which is  
6 loose, broken, or missing(~~(;)~~).

7  
8 **B.** Inadequate protection to the extent that occupants are exposed to the weather, including,  
9 but not limited to the following:

- 10  
11 1. Crumbling, broken, loose, or missing interior wall or ceiling covering,  
12 2. Broken or missing doors, windows, door frames or window sashes,  
13 3. Ineffective or inadequate waterproofing of foundations or floors, and  
14 4. Deteriorated, buckled, broken, decayed or missing exterior wall or roof covering(~~(;)~~).

15  
16  
17 **C.** Inadequate sanitation to the extent that occupants or the general public are directly  
18 exposed to the risk of illness or injury, including, but not limited to:

- 19  
20 1. Lack of, or inadequate number of toilets, lavatories, bathtubs, showers, or kitchen  
21 sinks,  
22 2. Defective or (~~((insanitary))~~) unsanitary plumbing or plumbing fixtures,  
23 3. Lack of running water connections to plumbing fixtures or lack of an approved  
24 water service,

- 25  
26 4. Defective or unsanitary kitchen countertops (~~((and/))~~) or cabinets,  
27 5. Lack of connection to an approved sewage disposal system,  
28 6. Inadequate drainage,  
29 7. Infestation by insects, vermin, rodents, or other pests, (~~((Compliance with the~~

30  
31 Director's Rule governing the extermination of pests shall be deemed compliance with this  
32 subsection 7,)) and

- 33  
34 8. (~~((Lack of adequate storage and removal of))~~) Accumulation of garbage and rubbish(~~(;)~~).

35  
36 **D.** Inadequate light, heat, ventilation, or defective equipment, including but not limited to:

- 37  
38 1. (~~((Inadequate light and/or ventilation,~~  
39 ~~2-))~~) Defective, deteriorated, hazardous, inadequate or missing electrical wiring,  
40  
41 (~~((and or))~~) electrical service, or electrical equipment, and  
42  
43 (~~(3-))~~ 2. Defective, hazardous, or improperly installed ventilating equipment or systems,  
44  
45  
46  
47

1 ((4. Lack of a heating system which maintains an inside temperature of sixty-five  
2 degrees Fahrenheit (65° F.) when the outside temperature is twenty-four degrees  
3 Fahrenheit (24° F.) or above, measured at a point three feet (3') above the floor, or one  
4 which is defective, hazardous, or improperly installed;))  
5  
6

7 3. Lack of an approved, permanently installed, functioning heating facility and an approved  
8 power or fuel supply system that is capable of maintaining an average room temperature of at  
9 least sixty-five degrees (65°) Fahrenheit, measured at a point three (3) feet above the floor in all  
10 habitable rooms, baths, and toilet rooms, when the outside temperature is twenty-four degrees  
11 (24°) Fahrenheit or higher. When the outside temperature is less than twenty-four degrees (24°)  
12 Fahrenheit, the heating facilities must be capable of maintaining an average room temperature of  
13 at least fifty-eight degrees (58°) Fahrenheit, measured at a point three (3) feet above the floor, in  
14 all habitable rooms, baths, and toilet rooms.  
15  
16  
17  
18

19  
20 E. Defective or inadequate exits, including, but not limited to exits that are unsafe,  
21 improperly located, or less than the required minimum number or dimensions as defined by  
22 Section 22.206.130;  
23

24 F. Conditions that create a health, fire or safety hazard, including, but not limited to:

25  
26 1. Accumulation of junk, debris, or combustible materials,  
27  
28 2. Any building or device, apparatus, equipment, waste, vegetation, or other material  
29 in such condition as to cause a fire or explosion or to provide a ready fuel to augment the  
30 spread or intensity of fire or explosion((-)), and  
31

32  
33 3. To the extent that it endangers or may endanger the occupants of the building, the  
34 occupants of neighboring buildings or the public, the presence of friable asbestos or the storage  
35 of toxic or hazardous materials.  
36

37 Section 5. Section 22.208.020 of the Seattle Municipal Code, as last amended by  
38 Section 2 of Ordinance 116420, is further amended to read as follows:  
39

40 **22.208.020 Standards for demolition, repair or vacation and closure.**

41  
42 A. Whenever the Director determines, pursuant to the procedures established in Section  
43 22.208.030 of this Code, that all or any portion of a building and/or premises is unfit for  
44 human habitation or other use, the Director shall order that the unfit building and/or  
45  
46  
47

premises or portion thereof be:

1  
2 1. Repaired, or demolished and removed, if the estimated cost of repairing the  
3 conditions causing the building or structure to be unsafe or unfit for human habitation or  
4 other use exceeds fifty percent (50%) of the replacement value of a building or structure  
5 of similar size, design, type and quality;  
6

7  
8 2. Repaired, and/or vacated and closed((s)) pursuant to Section 22.206.200 of this Code, if  
9 the estimated cost of repairing the conditions causing the building or structure to be  
10 unsafe or unfit for human habitation or other use does not exceed fifty percent (50%) of  
11 the replacement value of a building or structure of similar size, design, type and quality; or  
12  
13

14 3. Corrected or improved as specified in the Order of the Director as to the conditions  
15 that caused the premises other than buildings and structures to be unfit.  
16

17  
18 B. In estimating the replacement value of an unfit building or structure, the Director  
19 shall use the Square Foot Cost Estimating Method set forth in the "Residential Cost  
20 Handbook", Marshall and Swift, latest available edition or a cost estimating  
21 publication that the Director deems comparable.  
22

23  
24 C. In estimating the cost of repairs, the Director shall apply the following standards:  
25

26 1. Only the conditions causing the building, structure or portion thereof to be unfit for  
27 human habitation or other use shall be included in the cost estimate.  
28

29 2. All repair costs shall be based on estimates calculated from the "Home-Tech  
30 Remodeling and Renovation Cost Estimator," latest available edition, or a cost estimating  
31 publication that the Director deems comparable.  
32

33 3. Repair estimates shall assume that all work will comply with the requirements of the  
34 current Building, Mechanical, Electrical, Plumbing, Energy, and Fire Codes in effect in the City  
35 of Seattle.  
36

37 4. If the extent of damage to a portion of a building or structure cannot be  
38 ascertained from visual inspection, the Director shall assume that the relative extent of  
39 damage or deterioration identified in the observable portion of the building exists in the  
40 unobserved portions, and  
41  
42  
43  
44

1 5. Cost estimates for replacing or repairing the building, structure or portion thereof shall  
2 include the same type and quality of materials as originally used in the structure. If the building  
3 or structure is so damaged that the original materials cannot be determined, repair costs  
4 shall be estimated using the materials identified under the applicable building quality  
5 classification in the Square Foot Cost Estimating Method in the "Residential Cost Handbook" by  
6 Marshall and Swift.

7 **D.** If the Director finds that any of the following conditions exist, the Director shall order that  
8 such conditions be eliminated ~~((before the building is closed to entry pursuant to Section~~  
9 ~~22.206.200 of this Code:))~~ and that the building be closed within a time specified:

10 1. The condition or conditions which cause the building or premises to be unsafe or  
11 unfit for human habitation~~((:))~~ create a hazard to the public health, safety or welfare ~~((which))~~  
12 that would exist even if the building were vacated and closed to entry; or

13 2. Building appendages, as defined in Seattle Building Code Section ~~((104)d(2))~~ 3402.2, are  
14 in a deteriorated condition or are otherwise unable to sustain the design loads specified; or

15 3. Part of the building or premises or equipment intended to assist in extinguishing a  
16 fire, ~~((or))~~ to prevent the origin or spread of fire, or to safeguard life or property from fire is in  
17 an unsafe or unusable condition.

18 Section 6. Section 22.208.030 of the SMC, as last amended by Section 3 of  
19 Ordinance 116420, is further amended to read as follows:

20 **22.208.030 Investigation, notice and hearing.**

21 **A.** The Director may investigate any building or premises which the Director believes to  
22 be unfit for human habitation or other use. If the investigation reveals conditions that  
23 make the building or premises unfit for human habitation or other use, the Director shall:

24 1. Issue a complaint stating the conditions that make the building or premises unfit for  
25 human habitation or other use; and

26 2. Serve the complaint by personal service, registered mail, or certified mail with return  
27 receipt requested, upon all persons who appear on a litigation guarantee from a licensed title  
28 insurance company as having any ownership interest in the building or premises ~~((as shown upon~~  
29 ~~the records of the King County Department of Records and Elections));~~ and

30 3. Post the complaint in a conspicuous place on the property.

1 **B.** No complaint shall be issued ~~((and any issued complaint shall be withdrawn))~~ if a permit  
2 has been issued for all repairs, alterations, and improvements required to make the building  
3 or premises fit for human habitation or other use, and the repair work, in the Director's  
4 opinion, is progressing at a satisfactory rate.

5  
6  
7 **C.** If the address of the persons appearing on the litigation guarantee identified in subparagraph  
8 "A" ~~((building's owner or owners))~~ cannot be ascertained by the Director after a reasonable  
9 search, then the Director shall make affidavit to that effect ~~((then))~~ and the complaint shall be  
10 served either by personal service or by mailing a copy of the ~~((notice or order))~~ complaint by  
11 certified mail, postage prepaid, return receipt requested, to the address appearing on the last  
12 equalized tax assessment role of the County Assessor and to any other address known to the  
13 County Assessor. A copy of the ~~((notice or order))~~ complaint shall also be mailed to each person  
14 whose address cannot be ascertained, to the address of the building or premises involved in the  
15 proceedings. ~~((A copy of the complaint shall be filed with the King County Department of~~  
16 ~~Records and Elections.))~~ In addition to serving and posting the complaint, the Director shall mail  
17 or cause to be delivered to all housing and ~~((or))~~ commercial rental units in the building or on the  
18 premises a ~~((notice which informs each occupant))~~ copy of the complaint, ~~((and hearing~~  
19 ~~procedures.))~~

20  
21  
22 **D.** The complaint shall ~~((include a notice explaining))~~ state that a hearing will be held before  
23 the Director at a specified time and place, not less than ten (10) days nor more than thirty  
24 (30) days after the service of the complaint; and that all persons having any interest therein  
25 shall have the right to file an answer to the complaint, and to appear in person or by  
26 representative and to give testimony at the time and place fixed in the complaint. At the hearing,  
27 ~~((F))~~ the Director ~~((, at the hearing,))~~ shall have the authority to administer oaths and affirmations,  
28 examine witnesses and receive evidence. The rules of evidence shall not apply in hearings  
29 before the Director.

30  
31  
32 **E.** A copy of the complaint shall be filed with the King County Department of Records  
33 and Elections.

34  
35  
36 Section 7. Section 22.208.040 of the SMC, as last amended by Section 4 of  
37 Ordinance 116420, is further amended to read as follows:

38  
39  
40 **22.208.040 Determination and order of Director after hearing.**

1 A. If, after the hearing provided for in Section 22.208.030, the Director determines that a  
2 building or premises is unfit for human habitation or other use pursuant to Section  
3 22.208.010, the Director shall further determine, using the standards set forth in Section  
4 22.208.020, whether the building should be:  
5

- 6 1. repaired, altered or improved;
- 7 2. vacated and closed; or
- 8 3. demolished and removed, and/or

9  
10 whether the premises and the conditions ((of the premises)) that cause it to be unfit should be  
11 corrected or improved. The Director shall issue a written order requiring that the building or  
12 premises be made fit for human habitation or other use. The order shall state ((in writing)) the  
13 facts in support of the decision and a specific date for correction. ((and)) The Director shall  
14 ((issue and)) serve the order upon all parties served with a copy of the complaint ((the owner and  
15 other parties in interest)), in the manner provided in Section 22.208.030. ((an order requiring the  
16 owner or other parties in interest, to repair alter or improve such building to make it fit for  
17 human habitation or other use; vacate and close the building; or demolish and remove the  
18 building, or to correct or to improve the condition of the premises, on or before a specified date.))

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25  
26 The order shall require that:

- 27 1. The building be:
  - 28 (a) vacated and closed; and/or either
  - 29 (b) repaired, altered or improved, or
  - 30 (c) demolished and removed, and/or
- 31 2. The premises and the conditions that cause it to be unfit should be corrected and improved.

32  
33  
34  
35  
36 B. When calculating the time for compliance ((with an order issued)) under subsection A, the  
37 Director shall consider:

- 38 1. The type of hazard and the nature and immediacy of the threat to the public  
39 health and safety;
- 40 2. ((Whether the responsible party has demonstrated an))A demonstrated intent by a  
41 responsible party to repair, demolish or vacate and close the building or to correct or improve the  
42 condition of the premises by:
  - 43 a. Entering into a contract with a licensed contractor to perform the required
  - 44
  - 45
  - 46
  - 47

work within a specific time and for a reasonable compensation,

b. Depositing cash in a segregated account in an amount sufficient to complete the required repairs,

c. Securing a loan from an established lending institution ~~((to))~~ that will provide sufficient funds to complete the required repairs, or

d. Securing a permit to perform the required work and paying the required permit fees;

3. The length of time required to obtain permits needed to complete the repairs;

4. The complexity of the repairs, seasonal considerations, construction requirements and the legal ~~((prerogatives))~~ rights of tenants; and

5. Circumstances beyond the control of the responsible person.

C. If no appeal is filed, a copy of the order shall be filed with the King County Department of Records and Elections.

Section 8. Section 22.208.050 of the Seattle Municipal Code, as last amended by Section 6 (part) of Ordinance 113545, is further amended to read as follows:

**22.208.050 Appeal from order of Director.**

A. Any party affected by any order of the Director under this chapter shall have the right to appeal the order of the Director to the Hearing Examiner.

B. The appeal shall:

1. Be filed with the Hearing Examiner no more than ten (10) days after service of the Director's order;

2. Be in writing and state clearly and concisely the specific objections to the Director's order;

3. State the ownership or other interest that each appellant has in the building, premises, or portion thereof involved in the order of the Director;

4. State briefly the remedy sought; and

5. Include the signatures of all appellants and their mailing addresses.

C. The Hearing Examiner shall set a date for the hearing and provide no less than twenty (20) days' written notice of the hearing to the parties. ~~((If agreed by the parties, the Hearing Examiner may decide the appeal on the basis of the record presented.))~~

1 **D.** The appeal hearing shall be conducted pursuant to the contested case provisions of  
2 the Administrative Code, SMC Chapter 3.02. The Hearing Examiner is authorized to  
3 promulgate procedural rules for the appeal hearing pursuant to the Administrative Code.

4 **E.** The appeal hearing shall be de novo. The Director's decision shall be affirmed unless  
5 the Hearing Examiner finds such decision to be arbitrary and capricious.

6 **F.** The Hearing Examiner shall have the authority to affirm, modify, or reverse the order  
7 of the Director, or remand the ~~((order of the Director))~~ case to the Director for further  
8 proceedings. The Hearing Examiner shall summarily dismiss an appeal which is determined on  
9 its face to be without merit, frivolous, or brought merely for the purpose of delay.

10 **G.** Within fourteen (14) days after the hearing ~~((or within fourteen (14) days after receipt~~  
11 ~~of an agreement by the parties that the case should be decided without a hearing,))~~ the  
12 Hearing Examiner shall issue a written decision containing findings of fact and conclusions  
13 and shall mail copies of the decision to the parties of record. The decision of the Hearing  
14 Examiner shall be the final decision of the City and shall have the same effect as a decision  
15 of the Director issued pursuant to Section 22.206.230. The decision and order of the  
16 Hearing Examiner shall be filed by the Director ~~((in the manner provided for filing notices in~~  
17 ~~Section 22.206.220))~~ with the King County Department of Records and Elections.

18 Section 9. Section 22.208.070 of the SMC, as last amended by Section 6 of  
19 Ordinance 113545, is further amended to read as follows:

20 **22.208.070 Extension of compliance date.**

21 An extension of time for compliance with an order may be granted by the Director upon  
22 receipt of a written request filed with the Director by any party affected by the order not  
23 later than ~~((fourteen (14)))~~ seven (7) days prior to the date set for compliance in the order. Any  
24 extensions granted shall be in writing. Extensions shall not be subject to appeal. The  
25 Director may, without a written request, grant an extension of time if in the Director's  
26 opinion such an extension is warranted.

27 Section 10. Section 22.208.080 of the Seattle Municipal Code, as last amended by  
28 Section 5 of Ordinance 116420, is further amended to read as follows:

29 **22.208.080 Certificate of compliance.**

30 **A.** Compliance with an order issued pursuant to this Chapter 22.208 shall be the

1 responsibility of each person (~~(cited)~~) named as a responsible party in the order. An owner or  
2 responsible party shall request a reinspection from the Director following correction of the  
3 conditions set forth in the order. If the Director finds that the repairs, alterations, (~~(or)~~)  
4 corrections or other actions required by the order have been (~~(made)~~) performed in compliance  
5 with the standards in this Code, the Director shall issue a certificate of compliance certifying  
6 that, as of the date (~~(of issue)~~) it is issued, the violations cited in the order have been corrected.

7 **B.** On issuance of a certificate of compliance, the Director (~~(warrants)~~) certifies only that the  
8 violations listed in the (~~(notice)~~) complaint, order or decision have been corrected as required  
9 by this Code. The Director makes no representation concerning other conditions in the  
10 building or of any equipment therein, or of the premises, that is not listed in the (~~(notice of~~  
11 ~~violation)~~) complaint, order or decision. (~~(and)~~) The Director shall not be responsible for any  
12 injury, damage, death or other loss of any kind sustained by any person, organization, or  
13 corporation arising out of any condition of the building, structure, equipment, or premises.

14  
15 Section 11. Section 22.208.090 of the Seattle Municipal Code, as last amended by  
16 Section 6 of Ordinance 116420, is further amended to read as follows:

17  
18 **22.208.090 Reinspection of vacant buildings.**

19 When a building is vacant and has been closed to entry pursuant to an order(~~(s)~~) of the  
20 Director issued pursuant to this chapter, the Director shall reinspect the building quarterly  
21 pursuant to Section 22.206.200 F to (~~(assure)~~) verify that the building and (~~(appurtenant)~~)  
22 structures accessory to the building remain vacant and closed to entry and meet the minimum  
23 standards for vacant buildings set forth in this Code, and to determine the extent to which the  
24 building has deteriorated. The owner shall be charged an inspection fee for the quarterly  
25 inspections. Quarterly inspection charges shall be assessed and collected as a fee under the  
26 Permit Fee Ordinance (SMC 22.901).

27  
28 Section 12. Section 22.208.100 of the SMC, as last amended by Section 7 of  
29 Ordinance 116420, is further amended to read as follows:

30  
31 **22.208.100 Enforcement of the order of the Director.**

32  
33 **A.** If the person served with an order fails to comply with (~~(an)~~) the order, the Director, by such  
34 means and with such assistance as may be available, is hereby authorized and directed to  
35 cause the building to be:  
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1 1. repaired, altered or improved; or

2 2. vacated and closed; or

3 3. demolished and/or removed, or

4 4. to cause ~~((the condition of))~~ the premises and the conditions that cause it to be unfit to

5 be corrected or improved, and the costs thereof shall be recovered by the City in the manner

6 provided in Section 22.208.110. ~~((Owners who fail to comply with the order by the date~~

7 ~~specified in the order will be subject to the civil penalty provided in Section 22.208.150.~~

8 ~~Extensions of the compliance date may be granted in accordance with Section 22.208.070.))~~

9 **B. If an owner fails to comply with an order and the Director elects to demolish and remove a**

10 building pursuant to Subsection "A", the owner shall allow the Director access to the building so

11 that the Director may obtain an asbestos survey.

12 Section 13. Section 22.208.110 of the Seattle Municipal Code, as last amended by

13 Section 25 of Ordinance 117242, is further amended to read as follows:

14 **22.208.110 Recovery of costs.**

15 A. If the costs incurred by the Director pursuant to Section 22.208.100 for repairs, alterations or

16 improvements, or of vacating and closing, or of demolition and removal ~~((, pursuant to Section~~

17 22.208.100)) are not paid after a written demand upon the owner and other persons named as

18 responsible parties in the complaint, such costs shall be assessed against the property for which

19 the costs were incurred in the manner provided below.

20 B. If the building is removed or demolished by the Director, the Director shall, if possible,

21 sell the salvageable materials from the building and shall apply the proceeds of the sale to

22 the reimbursement of the costs of demolition and removal. Any funds remaining shall be

23 paid to the owner.

24 C. After notice to the owner and other persons with an ownership interest as shown on the

25 litigation guarantee ((in interest)) that all or a portion of the costs have not been paid, the

26 Director shall notify the City Finance Director of the amount due and owing, and upon receipt of

27 the notification the ~~((City Treasurer))~~ City Finance Director shall certify the amount to the King

28 County ((Treasurer)) Financial Management Office for assessment.

29 D. Upon certification by the City Finance Director of the ((assessment)) amount due and

1 owing, the ~~((official performing the duties of the))~~ Director of the King County (Treasurer)  
2 Office of Financial Management or designee shall enter the amount of the assessment upon the  
3 tax rolls against the real property for the current year to be collected at the same time as the  
4 general taxes and with interest at the rates and in the manner provided for in RCW 84.56.020~~((;))~~  
5 for delinquent taxes. ~~((, and w))~~ When collected, it shall be deposited in the General Fund of the  
6 City and credited to the Housing and Abatement ~~((Revolving Fund))~~ Account ~~((as))~~ provided in  
7 Section 22.202.050.  
8

9  
10  
11 E. The assessment shall constitute a lien against the property which shall be of equal rank  
12 with state, county and municipal taxes.  
13

14  
15 Section 14. Section 22.208.150 of the Seattle Municipal Code, as last amended by  
16 Section 6 of Ordinance 113545, is further amended to read as follows:  
17

18 **22.208.150 Civil penalties.**

19  
20 A. Any person failing to comply with an order issued by the Director or Hearing  
21 Examiner pursuant to this Chapter shall be subject to a cumulative civil penalty in ~~((the))~~  
22 an amount ~~((of Fifty))~~ not to exceed Five Hundred Dollars ~~(((\$50.00))~~ (\$500.00) per day from  
23 the date set for compliance until ~~((compliance with the order is obtained))~~ the owner or a  
24 responsible party requests a reinspection and the Director verifies following reinspection that the  
25 property is in compliance.  
26  
27

28  
29 B. Any person violating Section 22.208.130 shall be subject to a civil penalty in the amount of  
30 Five Hundred Dollars (\$500.00).  
31

32  
33 C. The Director shall notify the City Attorney in writing of the name of any person  
34 subject to a penalty. The City Attorney shall, with the assistance of the Director, take  
35 appropriate action to collect the penalty.  
36

37  
38 Section 15. Section 22.208.160 of the Seattle Municipal Code, as last amended by  
39 Section 6 of Ordinance 113545, is further amended to read as follows:  
40

41 **22.208.160 Criminal penalties.**

42  
43 A. Anyone who violates or fails to comply with any of the requirements of this  
44 Chapter 22.208 and who within the previous five (5) years has had a civil penalty  
45 assessed against ~~((them))~~ him or her pursuant to Section 22.208.150 of this Code shall, upon  
46 conviction, be fined a sum not exceeding Five Thousand Dollars (\$5,000.00) or imprisoned for a  
47

1 term not exceeding one (1) year or both. Each day that anyone ((shall)) violates or fails to  
2 comply with any of the foregoing provisions shall be a separate offense.

3  
4 **B.** A fine, not exceeding ((One Thousand Dollars (\$1,000.00))) Five Thousand Dollars  
5 (\$5,000.00) per violation and/or a term of imprisonment not exceeding ((thirty (30) days)) one  
6 (1) year maybe imposed((:

7  
8       1. ~~For violations of Section 22.208.130;~~

9  
10       2. F))for any willful, intentional, or bad faith failure or refusal to comply with the  
11 standards or requirements of this ((Code)) Chapter.

1 Section 16. The amendments contained herein shall not affect any right accrued, any  
2 time limit for compliance, any penalty incurred or any proceeding commenced under or by the  
3 superseded provisions.  
4

5  
6  
7 Section 17. The provisions of this ordinance are declared to be separate and severable.  
8 The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this  
9 ordinance, or the invalidity of the application thereof to any person or circumstance shall not  
10 affect the validity of the remainder of this ordinance, or the validity of its application to other  
11 persons or circumstances.  
12  
13

14  
15  
16 Section 18. This ordinance shall take effect and be in force thirty (30) days from and  
17 after its approval by the Mayor, but if not approved and returned by the Mayor within (10) days  
18 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.  
19  
20

21  
22  
23 Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 1995, and signed by me in  
24 open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 1995.  
25  
26

27  
28 \_\_\_\_\_  
29 President \_\_\_\_\_ of the City Council  
30

31  
32 Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 1995.  
33  
34

35 \_\_\_\_\_  
36 Mayor  
37

38  
39 Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 1995.  
40  
41

42 \_\_\_\_\_  
43 City Clerk  
44  
45  
46  
47

1 owner or person responsible for the building shall be assessed a fee by the Director  
2 pursuant to Section 22.202.020 of this Code for the cost of each quarterly inspection.

3 ~~When valid building, electrical or plumbing permits have been issued in order to correct~~  
4 ~~violations of this Code, the Director shall continue to make quarterly inspections but shall~~  
5 ~~not charge for inspections during the life of the permits if the Director determines that~~  
6 ~~work is progressing at a satisfactory rate.)~~)

7 2. Quarterly inspections shall cease at the earlier of the following:

8 a.) when the building is repaired pursuant to the  
9 requirements of this Code and reoccupied;

10 b.) when the building is repaired pursuant to the requirements of this Code  
11 and has subsequently been subject to three quarterly inspections without further violation;

12 or

13 c.) when the building and ~~((or appurtenant))~~ any accessory structures have  
14 been demolished. ~~((Any occupancy of a building by anyone other than the owner, prior~~  
15 ~~to issuance of a Certificate of Compliance, shall constitute a violation of Section~~  
16 ~~22.206.200B.))~~

17 3. ~~((If the Director finds that the condition of a building or premises or appurtenant~~  
18 ~~structure has deteriorated to an extent that it endangers or is injurious to the health or~~  
19 ~~safety of the occupants of neighboring buildings or of the public, the Director shall~~  
20 ~~commence abatement proceedings in accordance with Chapter 22.206 or Chapter~~  
21 ~~22.208.))~~

22 ~~((4.))~~ A ~~((ny))~~ building or ~~((appurtenant))~~ structure accessory thereto that remains vacant  
23 and open to entry after the closure date in a Director's Order or notice of violation is  
24 found and declared to be a public nuisance. ~~((which t))~~ The Director is hereby authorized  
25 to ~~((abate))~~ summarily close the building to unauthorized entry. The costs of  
26 ~~((abatement))~~ closure shall be collected from the owner in the manner provided by law.

27 ~~((5.))~~ Quarterly inspection charges shall be assessed and collected as a fee under the  
28 Permit Fee Ordinance (SMC Chapter ~~((22.900))~~ 22.901). ~~((and if not paid upon demand~~  
29 ~~shall be collected pursuant to the Permit Fee Ordinance (SMC Chapter 22.900).~~

1 of similar size, design, type and quality, provided that the Director may order a building  
2 or structure, for which the estimated cost of such repairs do not exceed fifty percent  
3 (50%) of such replacement value, to be demolished if the degree of structural  
4 deterioration is as described in 22.208.010(A)(D) or (E), and the owner has failed three or  
5 more times to correct the conditions by compliance dates as ordered by the Director;

6 2. Repaired, and/or vacated and closed((s)) pursuant to Section 22.206.200 of this  
7 Code, if the estimated cost of repairing the conditions causing the building or structure to  
8 be unsafe or unfit for human habitation or other use does not exceed fifty percent (50%)  
9 of the replacement value of a building or structure of similar size, design, type and  
10 quality; or

11 3. Corrected or improved as specified in the Order of the Director as to the conditions  
12 that caused the premises other than buildings and structures to be unfit.

13 Nothing in this section shall limit the authority of the City to condemn and resell property  
14 pursuant to RCW 35.80A.

15 **B.** In estimating the replacement value of an unfit building or structure, the Director  
16 shall use the Square Foot Cost Estimating Method set forth in the "Residential Cost  
17 Handbook", Marshall and Swift, latest available edition or a cost estimating publication  
18 that the Director deems comparable.

19 **C.** In estimating the cost of repairs, the Director shall apply the following standards:

20 1. Only the conditions causing the building, structure or portion thereof to be  
21 unfit for human habitation or other use shall be included in the cost estimate.

22 2. All repair costs shall be based on estimates calculated from the "Home-Tech  
23 Remodeling and Renovation Cost Estimator," latest available edition, or a cost estimating  
24 publication that the Director deems comparable.

25 3. Repair estimates shall assume that all work will comply with the requirements  
26 of the current Building, Mechanical, Electrical, Plumbing, Energy, and Fire Codes in  
27 effect in the City of Seattle.

28 4. If the extent of damage to a portion of a building or structure cannot be  
29 ascertained from visual inspection, the Director shall assume that the relative extent of

1           2. Serve the complaint by personal service, registered mail, or certified mail with  
2 return receipt requested, upon all persons who appear on a litigation guarantee from a  
3 licensed title insurance company as having any ownership interest in the building or  
4 premises ~~((as shown upon the records of the King County Department of Records and~~  
5 ~~Elections))~~; and

6           3. Post the complaint in a ~~conspicuous~~ place on the property conspicuous to the owner  
7 and if practical to an abutting public right-of-way.

8           **B.** No complaint shall be issued ~~((and any issued complaint shall be withdrawn))~~ if a  
9 permit has been issued for all repairs, alterations, and improvements required to make the  
10 building or premises fit for human habitation or other use, and the repair work, in the  
11 Director's opinion, is progressing at a satisfactory rate.

12           **C.** If the address of the persons appearing on the litigation guarantee identified in  
13 subparagraph A ((building's owner or owners)) cannot be ascertained  
14 by the Director after a reasonable search, then the Director shall make affidavit to that  
15 effect, ~~((then))~~ and the complaint shall be served either by personal service or by mailing  
16 a copy of the ~~((notice or order))~~ complaint by certified mail, postage prepaid, return  
17 receipt requested, to the address appearing on the last equalized tax assessment role of the  
18 County Assessor and to any other address known to the County Assessor. A copy  
19 of the ~~((notice or order))~~ complaint shall also be mailed to each person whose address  
20 cannot be ascertained, to the address of the building or premises involved in the  
21 proceedings. ~~((A copy of the complaint shall be filed with the King County Department~~  
22 ~~of Records and Elections.))~~ In addition to serving and posting the complaint, the Director  
23 shall mail or cause to be delivered to all housing and~~((or))~~ commercial rental units in the  
24 building or on the premises a ~~((notice which informs each occupant))~~ copy of the  
25 complaint ~~((and hearing procedures.))~~

26           **D.** The complaint shall ~~((include a notice explaining))~~ state that a hearing will be held  
27 before the Director at a specified time and place, not less than ten (10) days nor more  
28 than thirty (30) days after service of the complaint; and that all persons having any  
29 interest therein shall have the right to file an answer to the complaint, and to appear in

1 **DC.** If no appeal is filed, a copy of the order shall be filed with the King County  
2  
3 Department of Records and Elections.

4 Section 8. Section 22.208.050 of the Seattle Municipal Code, as last amended  
5  
6 by Section 6 of Ordinance 113545, is further amended to read as follows:

7 **22.208.050 Appeal from order of Director**

8 **A.** Any party affected by any order of the Director under this chapter shall have the right  
9 to appeal the order of the Director to the Hearing Examiner. Notice of the right to appeal  
10 shall be posted in a place on the property conspicuous to the owner and if practical to an  
11 abutting public right-of-way.

12 **B.** The appeal shall:

13 1. Be filed with the Hearing Examiner no more than ten (10) days after service of  
14 the Director's order;

15 2. Be in writing and state clearly and concisely the specific objections to the  
16 Director's order;

17 3. State the ownership or other interest that each appellant has in the building,  
18 premises, or portion thereof involved in the order of the Director;

19 4. State briefly the remedy sought; and

20 5. Include the signatures of all appellants and their mailing addresses.

21 **C.** The Hearing Examiner shall set a date for the hearing and provide no less than twenty  
22 (20) days' written notice of the hearing to the parties. Notice of the appeal and hearing  
23 shall be posted in a place on the property conspicuous to the owner and if practical to an  
24 abutting public right-of-way. ((If agreed by the parties, the Hearing Examiner may decide  
25 the appeal on the basis of the record presented.))

26 **D.** The appeal hearing shall be conducted pursuant to the contested case provisions of  
27 the Administrative Code, Chapter 3.02. The Hearing Examiner is authorized to  
28 promulgate rules for the appeal hearing pursuant to the Administrative Code.

29 **E.** The appeal hearing shall be de novo. The Director's decision shall be affirmed unless  
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41 the Hearing Examiner finds such decision to be arbitrary and capricious.

1 F. The Hearing Examiner shall have the authority to affirm, modify, or reverse the order  
2 of the Director, or remand the ~~((order of the Director))~~ case to the Director for further  
3 proceedings. The Hearing Examiner shall summarily dismiss an appeal which is  
4 determined on its face to be without merit, frivolous, or brought merely for the purpose of  
5 delay.

6 G. Within fourteen (14) days after the hearing ~~((or within fourteen (14) days after receipt~~  
7 ~~of an agreement by the parties that the case should be decided without a hearing,))~~ the  
8 Hearing Examiner shall issue a written decision containing findings of fact and  
9 conclusions and shall mail copies of the decision to the parties of record. The decision of  
10 the Hearing Examiner shall be the final decision of the City and shall have the same  
11 effect as a decision of the Director issued pursuant to Section 22.206.230. The decision  
12 and order of the Hearing Examiner shall be filed by the Director ~~((in the manner provided~~  
13 ~~for filing notices in Section 22.206.220))~~ with the King County Department of Records  
14 and Elections.

15 Section 9. Section 22.208.070 of the Seattle Municipal Code, as last amended  
16 by Section 6 of Ordinance 113545, is further amended to read as follows:

17 **22.208.070 Extension of compliance date.**

18 An extension of time for compliance with an order may be granted by the Director upon  
19 receipt of a written request filed with the Director by any party affected by the order not  
20 later than ~~((fourteen (14)))~~ seven (7) days prior to the date set for compliance in the order.  
21  
22

23 Any extension granted shall be in writing, and shall be posted in a place on the property  
24 conspicuous to the owner and if practical to an abutting public right-of-way. Extensions  
25 shall not be subject to appeal. The Director may, without a written request, grant an  
26 extension of time if in the Director's opinion such an extension is warranted.  
27

28 Section 10. Section 22.208.080 of the Seattle Municipal Code, as last amended  
29 by Section 5 of Ordinance 116420, is further amended to read as follows:

30 **22.208.080 Certificate of compliance.**

31 A. Compliance with an order issued pursuant to this Chapter 22.208 shall be the  
32

# City of Seattle

Executive Department—Office of Management and Planning

Thomas M. Tierney, Director  
Norman B. Rice, Mayor

61  
95-217



June 19, 1995

The Honorable Mark Sidran  
City Attorney  
City of Seattle

6/28/95  
Approved by  
Jm

SEATTLE CITY ATTORNEY

95 JUN 21 AM 11:27

COPY RECEIVED

Dear Mr. Sidran:

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

REQUESTING  
DEPARTMENT

Department of Construction and Land Use

SUBJECT:

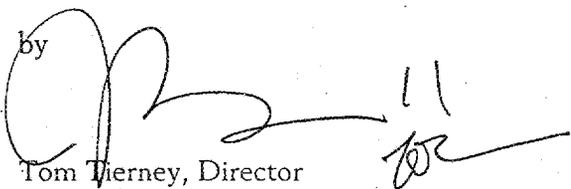
AN ORDINANCE relating to minimum maintenance standards for vacant buildings and standards and procedures related to buildings unfit for human habitation or other use, amending the Housing and Building Maintenance Code, SMC Section 22.206.200 to clarify the maintenance standards and inspection and monitoring requirements for vacant building, and amending SMC Chapter 22.208 to clarify the standards for declaring a building unfit for human habitation of other use and increasing the penalties for failing to comply with and order of the Director concerning an unfit building, and amending

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

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMP. Any specific questions regarding the legislation can be directed to Elma Borbe at 4-8687.

Sincerely,

Norman B. Rice  
Mayor

by   
Tom Tierney, Director

legis:borbe3

Enclosure

cc: Director, Department of Construction and Land Use

TIME \_\_\_\_\_ D DATE STAMP

HBMC ord amendments (vacans/lnfit)  
SPONSORSHIP

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sherry D Harris

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

**STATE OF WASHINGTON - KING COUNTY**

61787  
City of Seattle, City Clerk

—ss.

No. ORD IN FULL

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

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

CT:ORD 117861

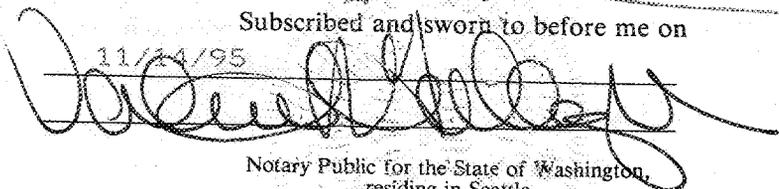
was published on

11/14/95

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

Subscribed and sworn to before me on

11/21/95



Notary Public for the State of Washington,  
residing in Seattle

violation of the minimum standards for vacant buildings, a notice of violation shall be issued pursuant to SMC 22.206.020. ((and 4)) There the premises shall be inspected quarterly to determine whether the building and ((apartment)) its accessory structures are vacant and closed to entry in conformance with the standards of this Code. ((The owner or person responsible for the building shall be assessed a fee by the Director pursuant to Section 22.208.020 of this Code for the cost of each quarterly inspection. When valid building, electrical or plumbing permits have been issued in order to correct violations of this Code, the Director shall continue to make quarterly inspections but shall not charge for inspections during the life of the permits if the Director determines that work is progressing at a satisfactory rate.))

2. Quarterly inspections shall cease at the earliest of the following:

a.) when the building is repaired pursuant to the requirements of this Code and reoccupied;

b.) when the building is repaired pursuant to the requirements of this Code and has subsequently been subject to three consecutive quarterly inspections without further violation; or

c.) when the building and ((or apartment)) any accessory structures have been demolished. ((Any occupancy of a building by anyone other than the owner prior to issuance of a Certificate of Compliance shall constitute a violation of Section 22.206.000.))

3. ((If the Director finds that the condition of a building or premises or apartment structure has deteriorated to an extent that it endangers or is injurious to the health or safety of the occupants of neighboring buildings or of the public, the Director shall commence abatement proceedings in accordance with Chapter 22.208 of Chapter 22.208.))

4. A ((or)) building or ((apartment)) structure accessory thereto that remains vacant and open to entry after the closure date in a Director's Order or notice of violation is found and declared to be a public nuisance, ((which 4)) The Director is hereby authorized to ((abate)) summarily close the building to unauthorized entry. The costs of ((abatement)) closure shall be collected from the owner in the manner provided by law.

5. Quarterly inspection charges shall be assessed and collected as a fee under the Permit Fee Ordinance (SMC Chapter ((22.500))22.901). ((and if not paid upon demand shall be collected pursuant to the Permit Fee Ordinance (SMC Chapter 22.904).))

Section 4. Section 22.208.010 of the SMC, as last amended by Section 1 of Ordinance 116420, is further amended to read as follows:

22.208.010 Conditions for declaring a building or premises unfit for human habitation or other use.

Any building, structure, or the premises or portions thereof, in which any of the following conditions exist to the extent that the health or safety of the occupants, of the occupants of neighboring buildings or structures, or the public is endangered, is declared to be unfit for human habitation or other use:

A. Structural members that are of insufficient size or strength to safely carry imposed loads ((with safety)), including, but not limited to, the following:

1. Footings or foundations ((which)) that are weakened, damaged, decayed,

Fahrenheit (24° F.) or above, measured at a point three feet (3') above the floor, in any which is defective, hazardous, or improperly installed.))

3. Lack of an approved, permanently installed, functioning heating facility and an approved power or fuel supply system that is capable of maintaining an average room temperature of at least sixty-five degrees Fahrenheit (65° F.), measured at a point three feet (3') above the floor in all habitable rooms, baths, and toilet rooms, when the outside temperature is twenty-four degrees Fahrenheit (24° F.) or higher. When the outside temperature is less than twenty-four degrees Fahrenheit (24° F.), the heating facilities must be capable of maintaining an average room temperature of at least fifty-eight degrees Fahrenheit (58° F.), measured at a point three feet (3') above the floor, in all habitable rooms, baths, and toilet rooms.

E. Defective or inadequate exits, including, but not limited to exits that are unsafe, improperly located, or less than the required minimum number or dimensions as defined by Section 22.206.130(i).

F. Conditions that create a health, fire or safety hazard, including, but not limited to:

1. Accumulation of junk, debris, or combustible materials.

2. Any building or device, apparatus, equipment, waste, vegetation, or other material in such condition as to cause a fire or explosion or to provide a ready fuel to augment the spread or intensity of fire or explosion((:)), and

3. To the extent that it endangers or may endanger the occupants of the building, the occupants of neighboring buildings or the public, the presence of friable asbestos or the storage of toxic or hazardous materials.

Section 5. Section 22.208.020 of the Seattle Municipal Code, as last amended by Section 2 of Ordinance 116420, is further amended to read as follows:

22.208.020 Standards for demolition, repair or vacation and closure.

A. Whenever the Director determines, pursuant to the procedures established in Section 22.208.030 of this Code, that all or any portion of a building and/or premises is unfit for human habitation or other use, the Director shall order that the unfit building and/or premises or portion thereof be:

1. Repaired, or demolished and removed, if the estimated cost of repairing the conditions causing the building or structure to be unsafe or unfit for human habitation or other use exceeds fifty percent (50%) of the replacement value of a building or structure of similar size, design, type and quality, provided that the Director may order a building or structure, for which the estimated cost of such repairs do not exceed fifty percent (50%) of such replacement value, to be repaired, or demolished and removed, if the degree of structural deterioration is as described in 22.208.010(A)(D) or (E), and the owner has failed three or more times in the last five years to correct the conditions by compliance dates as ordered by the Director;

2. Repaired, and/or vacated and closed((:)) pursuant to Section 22.206.200 of this Code, if the estimated cost of repairing the conditions causing the building or structure to be unsafe or unfit for human habitation or other use does not exceed fifty percent (50%) of the replacement value of a building or structure of similar size, design, type and quality; or

3. Corrected or improved as specified in the Order of the Director as to the conditions that caused the premises other than buildings and structures to be unfit.

Nothing in this section shall limit the authority of the City to condemn and resell property pursuant to RCW 35.80A.