



City of Seattle

Department of Planning and Development

Diane M. Sugimura, Director

NOTICE OF APPLICATION FOR WARRANT TO ENTER AND INSPECT PREMISES

Notice is hereby given that the City of Seattle will be requesting a warrant from the Seattle Municipal Court within (24) hours after the posting of this notice, to allow an inspection of this premises by City personnel to determine the presence of an unsafe building condition or code violation affecting health and safety.

The hearing will be held on June 26, 2010 at 1:30 p.m. Seattle Municipal Court, 600 5th Ave. Courtroom 1003.

Questions may be directed to the City of Seattle Department of Planning & Development (DPD), Code Compliance Services, at (206) 615-0808.

Date posted: _____

Posted by: _____



City of Seattle, Department of Planning and Development

700 Fifth Avenue, Suite 2000

P.O. Box 34019, Seattle, WA 98124-4019

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The Honorable [name of judge]

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IN THE MUNICIPAL/SUPERIOR COURT OF THE CITY OF SEATTLE/KING COUNTY
KING COUNTY, WASHINGTON

In the Matter of property located at)
) No.
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 [address]) APPLICATION FOR
 Seattle, Washington.) CIVIL WARRANT
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[Name of inspector], Inspector for the City of Seattle Department of Planning and Development (DPD), respectfully requests that this Court issue a warrant authorizing DPD, through the above-named Inspector, to enter onto premises located at [property address] for the purpose of inspecting for violations of Title 22 of the Seattle Municipal Code.

Part I of this Application provides the statutory authority for this Court to grant the warrant requested. Part II summarizes the standard that governs the issuance of a civil warrant. Part III explains how that standard has been met here and sets forth the scope of the authority requested under this warrant. Copies of the relevant statutes, regulations, and agency policies and technical guidance documents are included as Attachment A.

PART I

RCW 59.18.150(4) provides that courts of limited jurisdiction are authorized to issue civil

1 warrants to a code enforcement official of a city for the purpose of allowing inspections of rental
2 dwelling units and premises to determine the presence of unsafe building conditions or violations of
3 a building regulation, statute, or ordinance.

4 PART II

5 To obtain a civil warrant to inspect premises to determine the presence of an unsafe building
6 condition or a violation of a building regulation, statute, or ordinance, the City must submit a
7 warrant application supported by an affidavit or declaration establishing probable cause that a
8 violation of SMC Title 22 exists and endangers the health or safety of the tenant or adjoining
9 neighbor. Further, the declaration must contain a statement that consent to inspect was sought from
10 the owner and tenant, but could not be obtained due to refusal or failure to respond within five days,
11 or that facts or circumstances reasonably justify the City not obtaining such consent.

12 In determining probable cause, the judge may consider the evidence of specific knowledge;
13 the age and general condition of the premises; previous violations or hazards found present in the
14 premises; the type of premises; the purpose for which the premises are used; or the presence of
15 hazards or violations in and the general condition of premises near the premises sought to be
16 inspected.

17 PART III

18 A declaration of [name], the DPD Inspector applying for this warrant, is attached. That
19 declaration establishes probable cause that violations of Title 22 of the Seattle Municipal Code exist
20 and endanger the health or safety of the tenant or adjoining neighbors.

21 CONCLUSION

22 This Court has probable cause to issue a warrant based on the specific knowledge of [name
23 of inspector] presented in the attached Declaration. Therefore, DPD respectfully requests this Court

1 issue a civil warrant in the form attached hereto.

2 DATED this _____ day of [Month], [Year].

3 PETER S. HOLMES
4 Seattle City Attorney

5 By: _____

6 [Attorney's Name]
7 Assistant City Attorney

8 Attorneys for City of Seattle
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- 1 - age and general condition of the premises;
- 2 - previous violations or hazards found present in the premises;
- 3 - the type of premises;
- 4 - the purposes for which the premises are used; or
- 5 - the presence of hazards or violations in and the general condition of premises near the
- 6 premises sought to be inspected.

7 On [date], I took photos documenting these conditions. A copy of these photos is attached as

8 Exhibit A.

9 5. I believe the following observed conditions described in paragraph 4 violate [SMC section

10 or chapter]:

11 [list conditions]

12 6. I believe the violations listed in paragraph 5 endanger the health or safety of tenants and or

13 adjoining neighbors. [Describe in detail why those conditions endanger the health or safety of

14 tenants and/or adjoining neighbors].

15 7. A warrant is necessary and appropriate in these circumstances, because I believe it is likely

16 that a violation exists that endangers the health or safety of the tenant and/or adjoining neighbors

17 and I was unable to obtain consent to enter onto the property.

18 8. On [date], I [describe the steps you took to obtain consent – List attempts made from facts

19 and info listed on checklist...i.e. sent consent letter, e-mail exchange, personal conversation]. A

20 copy of the (consent letter or e-mail) is attached as Exhibit B.

21 9. Consent could not be obtained because [check one or more of following]:

22 _____ the owner refused [describe refusal], and

23 _____ the tenant refused [describe refusal]; or

1 _____ the owner failed to respond within 5 days after DPD's request; and
2 _____ the tenant failed to respond within 5 days after request DPD's request.

3 **10 [As alternative to paragraph 9.]** DPD did not attempt to obtain the consent of the owner
4 and /or the tenant to inspect the property because [describe facts and circumstances that
5 reasonably justify the failure to seek such consent. **Discuss with Law before using this**
6 **alternative.].**

7 11. On [date], I provided written notice to the owner and tenant of the property of the date,
8 approximate time, and court in which I would be seeking a warrant by [describe how notice was
9 given to both tenant and owner, including date and time of notification, as indicated on the
10 checklist]. A copy of the written notice is attached as Exhibit C.

11 12. On [date], I posted a copy of the notice on the exterior of the dwelling unit or rental property
12 to be inspected at [address]. A copy of the photo showing the posted notice is attached as Exhibit
13 D.

14 I declare under penalty of perjury under the laws of the State of Washington that the foregoing
15 is true and correct.

16 DATED this _____ day of [Month], [Year] at _____
17 (City and State where signed)

18 _____
19 [Name of inspector]

- 20 Exhibit A: Copy of photos of observations.
- 21 Exhibit B: Copy of Consent Letter.
- 22 Exhibit C: Copy of Written notice to owner and tenant.
- 23 Exhibit D: Copy of photo of posted Notice.

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[Name of witness]

The Honorable [name of judge]

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IN THE MUNICIPAL COURT OF THE CITY OF SEATTLE
KING COUNTY, WASHINGTON

In the Matter of property located at)	No.
[address])	
[city])	CIVIL WARRANT FOR ENTRY
[name of county], Washington.)	AND INSPECTION
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Application has been made by the City of Seattle Department of Planning and Development for a warrant of entry upon the premises listed above for the purposes authorized in RCW 59.18.150. Having reviewed the Application for Civil Warrant filed in this matter, the Court finds, upon the Affidavit/Declaration of [name of Inspector], that probable cause exists for issuing this warrant. The Court has the authority to issue this warrant under RCW 59.18.150.

NOW THEREFORE, IT IS HEREBY ORDERED that the City of Seattle Department of Planning and Development (DPD), through its officers, agents, and employees, is authorized and directed to enter onto and into the above-listed premises during daylight hours between 8 a.m. and 7 p.m. Monday through Friday, except legal holidays, unless the [owner or tenant if occupied] specifies a preference for an inspection on a date or time outside the above time frame. The warrant is effective for ten (10) days from the date of issuance and for [purposes authorized under relevant

1 law – type of violation]. The inspection will occur in the presence of an owner or occupant over the
2 age of 18 years or a person designated by the owner or occupant. **OR** DPD is authorized to inspect
3 the premises without the presence of an owner, because it has been shown that it is reasonably
4 necessary to effectuate the purpose of this warrant. **OR** DPD is authorized to enter the premises by
5 means of forcible entry.

6 DPD is specifically authorized to enter the premises for the following purposes:

- 7 1.
- 8 2.
- 9 3.

10 [If there is probable cause to believe a specific violation has occurred, set forth in full the
11 relevant language of the particular statute or regulation believed to be violated.]

12 IT IS FURTHER ORDERED that a copy of this Warrant shall be (1) shown and delivered
13 by the officer, agent, or employee executing the same to a competent person who may be found
14 upon or in said premises at the time of execution, or (2) conspicuously posted on the premises if no
15 one may be found.

16 IT IS FURTHER ORDERED that return upon execution of this Warrant be made to the
17 Court within three (3) days of the date of final execution, by a duly authorized representative of the
18 City of Seattle Department of Planning and Development, by filing with the clerk of the Court a
19 copy of the return completed as provided therein.

20 DONE IN OPEN COURT this _____ day of [Month], [Year].

21 PETER S. HOLMES
22 Seattle City Attorney

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By: _____
THE HONORABLE [JUDGE'S NAME]

The Honorable [name of judge]

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IN THE [SUPERIOR/MUNICIPAL] COURT OF [KING COUNTY/THE CITY OF SEATTLE]
KING COUNTY, WASHINGTON

In the Matter of property located at)
[address]) No.
Seattle, Washington.) REQUEST FOR EXTENSION OF
) WARRANT
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[Name of Inspector], being first duly sworn on oath, states as follows:

- 1. I am over the age of eighteen, competent, and have personal knowledge of the information contained herein.
- 2. I have been employed by the City of Seattle Department of Planning and Development (DPD) as a [type] of Inspector since [date].
- 3. In the above capacity, I am responsible for [description of inspection responsibilities]
- 4. On [date], the Court granted DPD a warrant to enter the property at [address here]. DPD attempted to execute on the warrant by [list steps DPD took to execute the warrant]. DPD was unable to execute the warrant within the 10 days given by the Court because [summarize all of the reasons why DPD was unable to execute on warrant within 10 day timeframe. E.g., Prior to

1 executing the warrant, I spoke with [tenant or property owner or other responsible party and we
2 agreed to meet at [property address] at [X] time whereby [tenant, property owner or other
3 designated person] would let me on to the property to execute the warrant.] I, along with another
4 inspector, [insert name here], attempted to execute the warrant on [date]. The [tenant, property
5 owner or other responsible person] did not appear at the property at the agreed time.

6 5. The conditions for issuance of warrant still exist. [Briefly summarize the
7 conditions that still exist and how DPD knows that the conditions still exist- e.g., recent site visit,
8 etc].

9 6. DPD requests an extension of the warrant for another similar period (10 days or
10 whatever);

11 7. On [date], I provided written notice to the owner and tenant of the property of the
12 request to extend the date to execute the warrant by [describe how notice was given to both tenant
13 and owner, including date and time of notification, as indicated on the checklist]. A copy of the
14 written notice is attached as Exhibit C.

15 I declare under penalty of perjury under the laws of the State of Washington that the
16 foregoing is true and correct.

17 DATED this _____ day of [Month], [Year] at _____
18 (City and State where signed)

19 _____
20 [Name of inspector]
21
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