

#6

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL 117569

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AN ORDINANCE relating to rental housing registration and inspection; adding a new Chapter 22.214 to the Seattle Municipal Code; retitling portions of Chapter 6.440 as Chapter 22.214; amending portions of the retitled Chapter 6.440; and repealing portions of Chapter 6.440.

WHEREAS, the City Council ("Council") has determined substandard and unsanitary residential buildings and dwelling units exist within the City of Seattle ("City"); and

WHEREAS, the Council adopted Resolution 31221 on June 1, 2010 and requested the Department of Planning and Development ("DPD") convene a Stakeholders Group that would recommend what the contours of the rental housing inspection program should be; and

WHEREAS, the Council adopted Ordinance 123311 on June 1, 2010 and established the basis for a City's rental housing licensing and registration and inspection program and included a delayed effective date to allow DPD to work with the Stakeholder Group to determine the extent of the program; and

WHEREAS, the Stakeholders Group met fourteen times between December 2010 and January 2012, resulting in a series of recommendations on the scope of a rental housing licensing program that were provided to DPD and used to develop this ordinance; and

WHEREAS, as permitted by Substitute Senate Bill 6459, the Council is authorized to implement changes to the program initially established under Ordinance 123311. The program changes in this ordinance retitle sections of Ordinance 123311 to align the rental housing inspection regulations to the City's Housing and Building Maintenance Code instead of the City's licensing requirements; and amend portions of the existing regulations to implement program recommendations developed by DPD, the Stakeholders group, and public comment; all while continuing the Council's intent to inspect and register rental housing units in the city as initially provided for under Ordinance 123311; and

WHEREAS, the fees that will be imposed by separate ordinance to recover the cost of the rental housing registration and inspection program are intended to only cover costs to implement and administer the program; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

1 Section 1. Chapter 6.440, the Residential Rental Business License and Inspection
2 Program established by Ordinance 123311 and codified as Chapter 6.440, is repealed in part, and
3 retitled in part as a new Chapter 22.214, the Rental Housing Registration and Inspection
4 Program. Notwithstanding the partial repeal and retitling of Chapter 6.440, Chapter 6.440 is
5 retained for future purposes.

6 Section 2. Section 6.440.010 of the Seattle Municipal Code, which section was adopted
7 in Ordinance 123311, is retitled and amended as follows:

8 ~~((6.440.010))~~ **22.214.010 Declaration of ((Purpose)) purpose**

9 The City Council finds that ~~((the establishment of))~~ establishing a ((Residential Rental
10 ~~Business License))~~ Rental Housing Registration and Inspection Program is necessary to protect
11 the ~~((public))~~ health, safety, and welfare of the public; ~~((tenants by encouraging the proper~~
12 ~~maintenance of rental housing, by identifying and requiring correction of substandard housing~~
13 ~~conditions, and by preventing conditions of deterioration and blight that could adversely impact~~
14 ~~the quality of life in the City of Seattle))~~ and prevent deterioration and blight conditions that
15 adversely impact the quality of life in the city. This shall be accomplished by requiring rental
16 housing be registered and properly maintained, and that substandard housing conditions be
17 identified and corrected.

18 Section 3. Section 6.440.020 of the Seattle Municipal Code, which section was adopted
19 in Ordinance 123311, is retitled and amended as follows:

20 ~~((6.440.020))~~ **22.214.020 Definitions**

21 For purposes of this ~~((chapter))~~ Chapter 22.214, the following words or phrases have the
22 meaning prescribed below:

23 1. "Accessory dwelling unit" or "ADU" means an "Accessory dwelling unit" or a
24 "Detached accessory dwelling unit" or "DADU" as defined under "Residential Use" in Section
25 23.84A.032.

1 2. “Certificate of Compliance” means the document signed and dated by a
2 Qualified Rental Housing Inspector ~~((and))~~ that is submitted to the ~~((City))~~ Department as the
3 result of an inspection conducted by a Qualified Rental Housing Inspector and ~~((that))~~ certifies
4 ~~((that))~~ the ~~((residential))~~ rental housing units that were inspected comply with the requirements
5 of ~~((the City’s Housing code listed))~~ this Chapter 22.214 and the standards in ~~((Section))~~ section
6 ~~((6.440.050.A))~~ 22.214.050.M ~~((and are not in a condition that endangers or impairs or could~~
7 ~~endanger or impair the health and safety of the tenant))~~.

8 3. “Common areas” mean areas on a property that are accessible by all tenants of
9 the property including but not limited to: hallways; lobbies; laundry rooms; and common
10 kitchens, parking areas, or recreation areas.

11 4. “Department” means the City’s Department of Planning and Development or
12 successor Department.

13 5. “Director” means the Director of the Department of Planning and
14 Development or the Director’s designee.

15 ~~((3))~~ 6. “Housing Code” means the Housing and Building Maintenance Code in
16 ~~((SMC))~~ Chapters 22.200 ~~((-))~~ through 22.208.

17 ~~((4))~~ 7. “Mobile Home” means a “Mobile Home” or a “Manufactured Home” as
18 defined in RCW ~~((chapter))~~ 59.20.

19 ~~((5))~~ 8. “Owner” has the meaning ~~((given))~~ as defined in ~~((Section 22.204.160))~~
20 RCW 59.18.030(11).

21 ~~((6))~~ 9. “Qualified Rental Housing Inspector” means:
22 a. A City Housing and Zoning Inspector; or
23 b. A private inspector who is registered with the City as a qualified rental
24 housing inspector ~~((pursuant to Section 6.440.050))~~ under section 22.214.060 and ~~((who))~~
25 currently maintains and possesses at least one of the following credentials:
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1 ~~((10))~~14. “Shelter” means a facility with overnight sleeping accommodations,
2 owned, operated, or managed by a nonprofit ~~((agency))~~ organization or governmental entity, the
3 primary purpose of which is to provide temporary shelter for the homeless in general or for
4 specific populations of the homeless.

5 15. “Single-room occupancy unit (S.R.O.) has the meaning in section
6 22.204.200.B.

7 ~~((11))~~16. “Tenant” has the meaning given in ~~((Subsection))~~ section 22.204.210.A.

8 ~~((12))~~17. “Transitional ~~((H))~~housing” means ~~((residential))~~housing units owned,
9 operated or managed by a nonprofit ~~((agency))~~organization or governmental entity in which
10 supportive services are provided to individuals and families that were formerly homeless, with
11 the intent to stabilize them and move them to permanent housing within a period of not more
12 than 24 months.

13 ~~((13))~~18. “Unit unavailable for rent” means a ~~((residential))~~housing unit that is not
14 offered or available for rent as a rental unit, and where prior to offering or making the unit
15 available as a rental housing unit, the owner is required to obtain a ~~((residential rental business~~
16 ~~license))~~rental housing registration for the ~~((building))~~ property ~~((in which))~~ where the rental
17 housing unit is located and comply with~~((applicable administrative regulations))~~all rules adopted
18 ~~((pursuant to))~~under this ~~((chapter))~~ Chapter 22.214.

19 Section 4. Section 6.440.030 of the Seattle Municipal Code, which section was adopted
20 in Ordinance 123311, is retitled and amended as follows:

21 ~~((6.440.030))~~ **22.214.030** ~~((Scope))~~**Applicability**

22 A. The registration provisions of this ~~((chapter))~~ Chapter 22.214 shall apply to
23 all~~((residential))~~ rental housing units~~((;))~~ with the exception of:

24 ~~((A. Owner-occupied rental units;~~

25 ~~B. Units unavailable for rent;~~

1 C. ~~Housing accommodations in hotels, motels, inns or similar accommodations for~~
2 ~~transient guests;~~

3 D. ~~Housing accommodations in retirement or nursing homes;~~

4 E. ~~Housing accommodations in any hospital, State-licensed community care facility,~~
5 ~~convent, monastery or other facility occupied exclusively by members of a religious order or an~~
6 ~~extended medical care facility;~~

7 F. ~~Rental units that a government unit, agency or authority owns, operates or manages, or~~
8 ~~that are specifically exempted from municipal regulation by State or federal law or~~
9 ~~administrative regulation. This exception does not apply once the governmental ownership,~~
10 ~~operation or management is discontinued.~~

11 G. ~~Rental units:~~

12 1. ~~That receive funding or subsidies from the federal, state or a local government.~~

13 2. ~~That are inspected at least every three years as a requirement of the funding or~~
14 ~~subsidy,~~

15 3. ~~That provide a copy of the inspection to the Department of Planning and~~
16 ~~Development, and~~

17 4. ~~For which the Director of the Department of Planning and Development~~
18 ~~determines that the inspection is substantially equivalent to the inspection required by this~~
19 ~~chapter.~~

20 H. ~~Mobile homes or Manufactured Homes, both as defined in RCW chapter 59.20.~~

21 I. ~~Accessory Dwelling Units.~~

22 J. ~~Shelters and transitional housing.))~~

23 1. Housing units lawfully used as vacation rentals for periods not to exceed three
24 consecutive months and not consecutively used by the same individual or individuals for more
25 than three months in any twelve-month period;

1 2. Housing units rented for not more than 12 consecutive months as a result of
2 the property owner, who previously occupied the unit as a primary residence, taking a work-
3 related leave of absence or assignment such as an academic sabbatical or temporary transfer;

4 3. Housing units that are a unit unavailable for rent;

5 4. Housing units in hotels, motels, inns, bed and breakfasts, or in similar
6 accommodations that provide lodging for transient guests;

7 5. Housing units in facilities licensed or required to be licensed under RCW
8 18.20, RCW 70.128, or RCW 72.36, or subject to another exemption under this Chapter;

9 6. Housing units in any state licensed hospital, hospice, community-care facility,
10 intermediate-care facility, or nursing home;

11 7. Housing units in any convent, monastery, or other facility occupied exclusively
12 by members of a religious order or congregation;

13 8. Emergency or temporary-shelter or transitional housing accommodations;

14 9. Housing units owned, operated, or managed by a major educational or medical
15 institution or by a third party for the institution; and

16 10. Housing units that a government entity or housing authority owns, operates or
17 manages; or units exempted from municipal regulation by federal, state, or local law.

18 B. The inspection provisions of this Chapter 22.214 shall apply to rental housing units
19 that are included in this Rental Housing Registration and Inspection Program, with the exception
20 of:

21 1. Rental housing units that receive funding or subsidies from federal, state, or
22 local government when the rental housing units are inspected by a federal, state, or local
23 governmental entity at least once every five years as a funding or subsidy requirement; and the
24 entity, owner or agent submits information to the Department within 60 days of when the

1 housing unit would otherwise be subject to inspection under this Chapter that demonstrates the
2 inspection is substantially equivalent to the inspection required by this Chapter; and

3 2. Rental housing units that receive conventional funding from private or
4 government insured lenders when the rental housing unit is inspected by the lender or lender's
5 agent at least once every five years as a requirement of the loan; and the lender or lender's agent
6 submits information to the Department within 60 days of when the housing unit would otherwise
7 be subject to inspection under this Chapter that demonstrates how the inspection is substantially
8 equivalent to the inspection required by this Chapter; and

9 3. Accessory dwelling units and detached accessory dwelling units, provided the
10 owner lives in one of the housing units on the property and an "immediate family" member as
11 identified section 22.206.160.C.1.e lives in the other housing unit on the same property.

12 Section 5. Section 6.440.040 of the Seattle Municipal Code, which section was adopted
13 in Ordinance 123311, is retitled and amended as follows:

14 ~~((6.440.040))~~ **22.214.040 ((Residential))Rental ((Housing))housing((Business License**
15 **Required)) registration, compliance declaration, and renewals.**

16 ~~((A. Beginning April 1, 2012, no person shall make available for rent, or rent, lease, or~~
17 ~~let, to the public any residential housing unit without obtaining and holding a current residential~~
18 ~~rental business license for the building in which the residential unit is located.~~

19 ~~B. The fee for a residential rental business license shall be set by Council by ordinance in~~
20 ~~an amount sufficient only to recover the cost of carrying out the provisions of this chapter. The~~
21 ~~fees collected shall be allocated only to that purpose.~~

22 ~~C. A residential rental business license expires on March 31 of each year.~~

23 ~~D. The residential rental business license is personal and nontransferable except as~~
24 ~~provided in Section 6.202.120.~~

1 ~~E. Application. Application for a residential rental business license shall be made to the~~
2 ~~Director of the Department of Executive Administration on forms provided by the Director of the~~
3 ~~Department of Executive Administration. The application shall list and identify by address the~~
4 ~~building and each of the residential housing units that the applicant intends to make available for~~
5 ~~rent, or rent, lease, or let, to the public prior to the expiration of the applicant's residential rental~~
6 ~~business license and shall include the fee due for the license.~~

7 ~~F. Renewal. A residential rental business license may be renewed by paying the license~~
8 ~~fee for the ensuing year on or before the date of the expiration of the current license, submitting~~
9 ~~a renewal application updating the information contained in the original application, and~~
10 ~~submitting a certificate of compliance dated within three years and 90 days of the date of the~~
11 ~~application for renewal, unless the Department of Planning and Development has required a~~
12 ~~more recent certificate of compliance pursuant to Section 6.440.050.G, in which case the more~~
13 ~~recent certificate of compliance shall be submitted. Any licensee who fails to pay the renewal~~
14 ~~license fee on or prior to the expiration date of the business license shall be subject to penalties in~~
15 ~~the following amounts:~~

16 ~~1. \$100 if not received on or before the last day of the month following the~~
17 ~~expiration date.~~

18 ~~2. \$200 if not received on or before the last day of the second month following~~
19 ~~the expiration date.~~

20 ~~G. Display of business license and certificate of compliance. Within 30 calendar days~~
21 ~~after issuance or renewal of a residential business license, a copy of the current residential rental~~
22 ~~business license and the most recent certificate of compliance shall be posted and remain posted~~
23 ~~in a common area in the building that is readily visible to all tenants.))~~

24 A. With the exception of rental housing units identified in section 22.214.030.A, all
25 properties containing rental housing units shall be registered with the Department between
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1 January 1, 2014 and December 31, 2016; after which no one shall rent, subrent, lease, sublease,
2 let, or sublet to any person or entity a rental housing unit without first obtaining and holding a
3 current rental housing registration for the property where the rental housing unit is located. The
4 registration shall identify all rental housing units on the property and shall be the only
5 registration required for the rental housing units on the property. For condominiums and
6 cooperatives, the "property" required to be registered shall be the individual housing unit being
7 rented and not the entire condominium, cooperative building, or development. Properties with
8 rental housing units shall be registered according to the following schedule:

9 1. By July 1, 2014 all properties with ten or more rental housing units, and any
10 property that has been subject to two or more notices of violation or one or more emergency
11 orders of the Director for violating the standards in Chapters 22.200 through 22.208 of the
12 Seattle Municipal Code where enforced compliance was achieved by the Department or the
13 violation upheld in a final court decision;

14 2. By January 1, 2015 all properties with five to nine rental housing units; and

15 3. By December 31, 2016 all properties with one to four rental housing units.

16 B. All properties with rental housing units constructed or occupied after January, 1, 2014
17 shall be registered within one year after the first temporary or final Certificate of Occupancy is
18 issued.

19 C. A rental housing registration shall be valid for five years from the date the
20 Department issues the registration.

21 D. The rental housing registration shall be issued to the property owner identified on the
22 registration application filed with the Department.

23 E. The fees for rental housing registration, renewal registration, registration transfer,
24 registration reinstatement, or for other Rental Housing Registration and Inspection Program
25 purposes shall be adopted by amending Chapter 22.900.

1 F. The new owner of a registered property shall, within 60 days after the sale is closed on
2 a registered property, pay a registration transfer fee, update the current registration application,
3 and post or deliver the updated registration according to section 22.214.040.I. When property is
4 held in common with multiple owners, the registration shall only be updated when more than 50
5 percent of the ownership changes.

6 G. An application for a rental housing registration shall be made to the Department on
7 forms provided by the Director. The application shall include, but is not limited to:

8 1. The address of the property as established by the United States Postal Service;

9 2. The King County Tax Assessor tax parcel number of the property;

10 3. The name, address, and telephone number of the property owners;

11 4. The name, address, and telephone number of the registration applicant if
12 different from the property owners;

13 5. The name, address, and telephone number of the person or entity the tenant is
14 to contact when requesting repairs be made to their rental housing unit, and the contact person's
15 business relationship to the owner;

16 6. A list of all rental housing units on the property, identified by a means unique
17 to each unit, that are or may be available for rent at any time;

18 7. A declaration of compliance signed by the owner or owner's agent, under
19 penalty of perjury, declaring that all housing units available for rent and listed in the registration
20 application meet the standards in section 22.214.050.M; and

21 8. A statement identifying whether the conditions of the housing units available
22 for rent and listed on the application were established by declaration of the owner or owner's
23 agent, or by physical inspection by a qualified rental housing inspector.

24 H. A rental housing registration must be renewed according to the following procedures:
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1 1. A registration renewal application and the renewal fee shall be submitted at
2 least 30 days before the current registration expires;

3 2. All information required by section 22.214.040.G shall be updated as needed;
4 and,

5 3. A new declaration as required by section 22.214.040.G.7 shall be submitted.

6 I. Within 30 days after the Department issues a rental housing registration, a copy of the
7 current registration shall be delivered to the tenants in each rental housing unit or shall be posted
8 and remain posted in one or more places readily visible to all tenants. A copy of the current
9 registration shall be provided to all new tenants at or before the time they take possession of the
10 rental housing unit.

11 J. If any of the information required by section 22.214.040.G changes during the term of
12 a registration, the owner shall update the information within 60 days of the information
13 changing, on a form provided by the Director.

14 Section 6. A new section 22.214.045 of the Seattle Municipal Code is added as follows:

15 **22.214.045 Registration denial or revocation**

16 A. A rental housing registration may be denied or revoked by the Department as follows:

17 1. A registration or renewal registration application may be denied for:

18 a. Submitting an incomplete application; or

19 b. Submitting a certificate of compliance the owner knows or should have

20 known is false ; and

21 2. A rental housing registration may be revoked for:

22 a. Failing to comply with the minimum standards in section

23 22.214.050.M;

24 b. Submitting a certificate of compliance the owner knows or should have

25 known is false;

1 c. Failing to use a qualified rental housing inspector;

2 d. Failing to transfer a registration to a new owner as required by section

3 22.214.040.F; or

4 e. Failing to deliver or post the registration as required by section

5 22.214.040.I.

6 B. If the Department denies or revokes a rental housing registration it shall notify the
7 owner in writing by mailing the denial or revocation notice by first-class mail to all owner and
8 agent addresses identified in the registration application. The owner may appeal the denial or
9 revocation by filing an appeal with the Office of the Hearing Examiner within 30 days of the
10 revocation notice being mailed to the owner. Filing a timely appeal shall stay the revocation
11 during the time the appeal is pending before the Hearing Examiner or a court. A decision of the
12 Hearing Examiner shall be subject to review under Chapter 36.70C RCW.

13 C. If a rental housing registration or renewal is denied or revoked, the registration or
14 renewal shall not be considered by the Director until all application or housing deficiencies that
15 were the basis for the denial or revocation are corrected.

16 Section 7. Section 6.440.050 of the Seattle Municipal Code, which section was adopted
17 in Ordinance 123311, is retitled and amended as follows:

18 ~~((6.440.050))~~ **22.214.050 Inspection and ((Certificate)) certificate of ((Compliance**
19 **Required))compliance required**

20 ~~((A. As a condition to the issuance or renewal of a residential rental business license, an~~
21 ~~applicant shall provide a valid certificate of compliance stating that the applicant's residential~~
22 ~~housing units that were inspected comply with the requirements of the Housing Code listed in~~
23 ~~this Section 6.440.050.A, and that there are no conditions in those units that endanger or impair~~
24 ~~or could endanger or impair the health or safety of a tenant. A qualified rental housing inspector~~

1 inspecting a rental unit for a certificate of compliance under this chapter shall inspect for and
2 certify compliance with the following requirements of the Housing Code:

3 ~~1. The minimum floor area standards for a habitable room contained in Section~~
4 ~~22.206.020.A;~~

5 ~~2. The minimum sanitation standards contained in Sections 22.206.050.A,~~
6 ~~22.206.050.D, 22.206.050.E, 22.206.050.F and 22.206.050.G;~~

7 ~~3. The minimum structural standards contained in Section 22.206.060~~

8 ~~4. The minimum sheltering standards contained in Section 22.206.070;~~

9 ~~5. The minimum maintenance standards contained in Section 22.206.080.A;~~

10 ~~6. The minimum heating standards contained in Section 22.206.090;~~

11 ~~7. The minimum ventilation standards contained in Section 22.206.100;~~

12 ~~8. The minimum electrical standards contained in Section 22.206.110.A;~~

13 ~~9. The minimum standards for Emergency Escape Window and Doors contained~~
14 ~~in Section 22.206.130.J;~~

15 ~~10. The requirements for garbage, rubbish, and debris removal contained in~~
16 ~~Section 22.206.160.A.1;~~

17 ~~11. The requirements for extermination contained in Section 22.206.160.A.3;~~

18 ~~12. The requirement to provide keys and locks contained in Section~~
19 ~~22.206.160.A.11;~~

20 ~~13. The requirement to provide garbage cans contained in Section~~
21 ~~22.206.160.B.2; and~~

22 ~~14. The requirement to provide and test smoke detectors contained in Section~~
23 ~~22.206.160.B.4.)~~

24 A. The Department shall annually select from registered properties containing rental
25 housing units, the properties that shall be inspected by a qualified rental housing inspector for

1 certification of compliance. The selection process shall be based on a random methodology
2 adopted by rule, and shall include at least ten percent of all registered rental properties. For
3 newly-constructed properties registered under section 22.214.040.B after January 1, 2014, the
4 properties shall be included in the random selection process after the date the registration is
5 required to be renewed for the first time.

6 B. The Department shall ensure that all properties registered under this Chapter 22.214
7 shall be inspected at least once every ten years, except as provided in sections 22.214.050.C and
8 22.214.050.D; or as otherwise allowed or required by any federal, state, or city code. In
9 addition, at least ten percent of properties whose prior inspections are more than five years old
10 shall be reinspected each year. The Director shall by rule determine the method of selecting
11 properties for reinspection.

12 C. If the Department receives a complaint regarding a rental housing unit regulated
13 under this program, the Department shall request that an interior inspection of the rental housing
14 unit identified in the complaint be conducted by a Department inspector using the general
15 authority, process, and standards of the full Housing and Building Maintenance Code, Chapters
16 22.200 through 22.208 of the Seattle Municipal Code. If, after inspecting the rental housing unit
17 the Department received the complaint on, the Department determines the rental housing unit
18 violates the standards in Section 22.214.050. M and would cause the rental housing unit to fail
19 inspection under this Chapter 22.214, the Director may require that all other rental housing units
20 covered under the same registration on the property be inspected according to sections
21 22.214.050.G.1.c and 22.214.050.G.1.d. The inspection of all other rental housing units may be
22 conducted by a private qualified rental housing inspector.

23 D. If a property subject to this Chapter 22.214 has within two years preceding the
24 adoption of this Chapter been subject to two or more notices of violation or one or more
25 emergency orders of the Director for violating the standards in Chapters 22.200 through 22.208
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1 of the Seattle Municipal Code where enforced compliance was achieved by the Department or
2 the violation upheld in a final court decision, the rental property shall be selected for inspection
3 within the first year, consistent with the provisions of section 22.214.050.E. through M.

4 ~~((B))~~ E. A certificate of compliance shall be issued by a qualified rental housing
5 inspector, ~~((and be))~~ based upon the inspector's physical inspection ~~((by the qualified rental~~
6 ~~housing inspector))~~ of the ~~((residential))~~ interior and exterior of the rental housing units, and the
7 inspection shall be conducted not more than ~~((90))~~ 60 days prior to the ~~((date of the))~~ certificate of
8 compliance date.

9 ~~((C))~~ F. The certificate of compliance ~~((s))~~ that shall be submitted within 60 days of
10 receiving notice of a required inspection under this section, shall:

11 1. List and show compliance with the standards contained in ~~((Section~~
12 ~~6.440.050.A.))~~ section 22.214.050.M for each ~~((residential))~~ rental housing unit that was
13 inspected;

14 2. State the date of the inspection and the name, address, and telephone number
15 of the qualified rental housing inspector who performed the inspection; ~~((and))~~

16 3. State the name, address, and ~~((phone))~~ telephone number of the ~~((building's~~
17 ~~owner/licensee or the agent designated by the owner/licensee))~~ property owner or owner's agent;
18 and

19 4. Contain a sworn statement that the qualified rental housing inspector
20 personally inspected all rental housing units listed on the certificate of compliance.

21 ~~((D))~~ G. Inspection of rental housing units for a certificate of compliance according to
22 sections 22.214.050.A and 22.214.050.B shall be accomplished as follows.

23 1. In buildings that contain more than one rental housing unit, an applicant may
24 choose to have all of the rental housing units inspected ~~((or, if))~~ by a qualified rental housing
25 inspector. If the building has not had conditions reported to and verified by the Department ~~((of~~
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1 Planning and Development,)) through enforced compliance or a final court decision and the
2 violation ((that endanger or impair the health or safety of a tenant)) would have caused a unit to
3 fail inspection under section 22.214.050.M within any preceding 12 months or since the last
4 inspection required by this ((chapter))Chapter 22.214, whichever is the most recent, an((the))
5 applicant may choose to have only a sample of the rental housing units inspected. If the
6 applicant chooses to have a sample of the rental housing units inspected ~~((If the applicant~~
7 ~~chooses to have only a sample of the rental units inspected))~~the following requirements shall
8 apply:

9 a. ~~((If the))~~For buildings ((contains)) containing 20 or fewer rental
10 housing units, ((no more than four rental))a minimum of two units are required to be inspected;
11 or

12 b. ~~((If the))~~For buildings ((contains))containing more than 20 rental
13 housing units, ((no more than (20)))15 percent of the rental housing units, rounded up to the
14 nearest whole number, are required to be inspected, up to a maximum of 50 rental housing units
15 in each building.

16 2((e)). The Department ((of Planning and Development will))shall
17 randomly select the rental housing units to be inspected under this Section 22.214.045 using a
18 methodology adopted by rule.

19 ~~((2. If an applicant chooses sampling, the applicant shall provide the Department~~
20 ~~of Planning and Development with copies of all the inspections performed on the sampled units~~
21 ~~in order to obtain a certificate of compliance.))~~

22 3. If ~~((an applicant chooses sampling and))~~a rental housing unit randomly
23 selected by the Department ~~((of Planning and Development))~~fails the inspection, the Department
24 ~~((of Planning and Development))~~may require that up to 100 percent of the rental housing units in
25 the building where the unit that failed inspection is located be inspected.

1 ~~((E))~~ H. Notice of inspection to ~~((Tenants))~~ tenants.

2 1. ~~Before~~ After the Department ~~((of Planning and Development))~~ selects the
3 rental housing units to be inspected, ~~((or, if all the units are to be inspected, before the~~
4 ~~inspection,))~~ and the Department has provided written notice to the owner or owner's agent of the
5 units to be inspected, the ~~((landlord))~~ owner or owner's agent shall, prior to any scheduled
6 inspection, provide at least ~~((two days²))~~ 48 hours advance written notice to all tenants residing
7 ~~((rental units))~~ in ~~((the building))~~ all rental housing units on the property advising the tenants that:

8 ~~((a))~~ a. ~~((that some))~~ Some or all of the rental housing units will be
9 inspected. If only a sample of the units will be inspected the notice shall identify the rental
10 housing units to be inspected;

11 ~~((b))~~ b. ~~((that an))~~ A qualified rental housing inspector ~~((intends to))~~ will
12 enter the rental housing unit for purposes of performing ~~((the))~~ an inspection according to this
13 Chapter 22.214;

14 ~~((e))~~ c. ~~((of the))~~ The inspection will occur on a specifically-identified
15 date and ~~((approximate))~~ at an approximate ~~((the))~~ time ~~((of the proposed inspection)),~~ and the
16 name of the company ~~((or))~~ and person performing the inspection;

17 d. A tenant shall not unreasonably withhold consent for the owner or
18 owner's agent to enter the property as provided in RCW 59.18.150;

19 ~~((d))~~ e. ~~((that the))~~ The tenant has the right to see the inspector's
20 identification before the inspector enters the rental housing unit;

21 ~~((e))~~ f. ~~((that a tenant whose rental unit need repairs or maintenance~~
22 should send a written notice to the landlord or the person who collects the rent specifying the
23 address of the rental unit, the name of the owner, if known, and the defective condition, repair or
24 maintenance needed)) At any time a tenant may request, in writing to the owner or owner's
25 agent, that repairs or maintenance actions be undertaken in his or her unit; and

1 J. The Department shall audit inspection reports and certificates of compliance prepared
2 by private qualified rental housing inspectors by reviewing inspection findings and certificates of
3 compliance to determine their completeness and accuracy. The Department may as an element of
4 auditing inspection reports and certificates of compliance, inspect any listed rental housing unit
5 for compliance with this Chapter 22.214. If the Department determines that a violation of this
6 Chapter 22.214 exists, the owner and qualified rental housing inspector shall be subject to all
7 enforcement and remedial provisions provided for in this Chapter 22.214.

8 ~~((G))~~ K. ((Other inspections.))Nothing in this section precludes additional inspections
9 conducted at the request or consent of a tenant, ((pursuant to))under the authority of a warrant, or
10 ((pursuant to the))as allowed by a tenant remedy provided ((by RCW 59.18.115 of the
11 Residential Landlord-Tenant Act))for in RCW 59.18, as provided for under Title 22 of the
12 Seattle Municipal Code, or as allowed by any other City code provision.

13 L. Weighted values that are assigned to each inspection standard identified in section
14 22.214.050.M shall be adopted by rule and used to determine whether a rental housing unit will
15 pass or fail inspection.

16 M. A qualified rental housing inspector inspecting a rental housing unit for a certificate
17 of compliance under this Chapter 22.214 shall inspect for and certify compliance with the
18 following requirements of the Housing Code:

19 1. The minimum floor area standards for a habitable room contained in section
20 22.206.020.A. Section 22.206.020.A shall not apply to single room occupancy units;

21 2. The minimum sanitation standards contained in the following sections:

22 a. 22.206.050.A. Section 22.206.050.A shall only apply to a single room
23 occupancy unit if the unit has a bathroom as part of the unit;

24 b. 22.206.050.D. Section 22.206.050.D shall only apply to a single room
25 occupancy unit if the unit has a kitchen;

1 c. 22.206.050.E;

2 d. 22.206.050.F; and

3 e. 22.206.050.G;

4 3. The minimum structural standards contained in section 22.206.060;

5 4. The minimum sheltering standards contained in section 22.206.070;

6 5. The minimum maintenance standards contained in section 22.206.080.A;

7 6. The minimum heating standards contained in section 22.206.090;

8 7. The minimum ventilation standards contained in section 22.206.100;

9 8. The minimum electrical standards contained in section 22.206.110.A;

10 9. The minimum standards for Emergency Escape Window and Doors contained
11 in section 22.206.130.J;

12 10. The requirements for garbage, rubbish, and debris removal contained in
13 section 22.206.160.A.1;

14 11. The requirements for extermination contained in section 22.206.160.A.3;

15 12. The requirement to provide the required keys and locks contained in section
16 22.206.160.A.11; and

17 13. The requirement to provide and test smoke detectors contained in section
18 22.206.160.B.4.

19 Section 8. Section 6.440.060 of the Seattle Municipal Code, which section was adopted
20 in Ordinance 123311, is retitled and amended as follows:

21 **((6.440.060)) 22.214.060 ((Private Qualified Rental Housing Inspector Registration))**

22 **Private qualified rental housing inspector registration**

23 A. To register as a private qualified rental housing inspector(~~((RHI))~~), each registration
24 applicant shall:

1 1. Pay to the Director ~~((of Planning and Development))~~ the annual registration
2 fee as specified ~~((set))~~ in ~~((the annual Department of Planning and Development fee ordinance))~~
3 Chapter 22.900((-));

4 2. Successfully complete ~~((an RHI examination administered or approved by the~~
5 ~~Director of the Department of Planning and Development.))~~a rental housing inspector training
6 program on the Seattle Housing and Building Maintenance Code, the Rental Housing
7 Registration and Inspection Program, and program inspection protocols administered by the
8 Director. Each applicant for the ~~((exam))~~training program shall pay to the Director ~~((of Planning~~
9 ~~and Development an examination))~~a training fee ((to be))set by the Director ~~((of Planning and~~
10 ~~Development at an amount))~~that ~~((will fund))~~funds the cost of ~~((administering and grading the~~
11 ~~examination))~~carrying out the training program((-); and

12 3. Provide evidence to the Department ~~((of Planning and Development))~~that the
13 applicant possesses a current City business license issued ~~((pursuant))~~according to ~~((Section))~~
14 section 5.55.030, and ~~((that the applicant has successfully completed the RHI examination within~~
15 ~~the last two years))~~possesses a current certification according to section 22.214.020.1.b.

16 B. ~~((Expiration of Registration.))~~All ~~((RHI))~~ rental housing inspector registrations
17 automatically expire ~~((on January 31 of each year))~~two years after the registration was issued and
18 must be renewed ~~((pursuant))~~according to ~~((the provisions of subsection 6.440.060.C))~~ section
19 22.214.060.C.

20 C. ~~((Renewal of Registration.))~~ In order to renew a registration, the ~~((RHI))~~ qualified
21 rental housing inspector shall:

22 1. Pay the renewal fee ~~((set))~~specified in ~~((the annual Department of Planning~~
23 ~~and Development fee ordinance))~~Chapter 22.900; and

24 2. Provide proof of compliance with ~~((the requirements of subsections))~~ sections
25 ~~((6.440.060.A.2-6.440.060.A.3))~~22.214.060.A.2. and 22.214.060.A.3.

1 D. ~~((Failure to Renew.)) ((An RHI))~~ A qualified rental housing inspector who fails to
2 renew ~~((its))~~their registration is prohibited from inspecting and certifying rental housing
3 ~~((pursuant to))~~under this Chapter ((6.440))22.214 until the ~~((RHI))~~inspector registers or renews a
4 registration ((pursuant))according to ((subsection 6.440.060))Section 22.214.060.

5 E. The Department is authorized to revoke a qualified rental housing inspector's
6 registration if it is determined that the inspector:

7 1. Knows or should have known that information on a Certificate of Compliance
8 issued under this Chapter 22.214 is false; or

9 2. Is convicted of criminal activity that occurs during inspection of a property
10 regulated under this Chapter 22.214.

11 F. The Director shall consider requests to reinstate a qualified rental housing inspector
12 registration. The Director's determination following a request to reinstate a revoked registration
13 shall be the Department's final decision.

14 G. The Director shall adopt rules to govern the administration of the qualified rental
15 housing inspector provisions of this Chapter 22.214.

16 Section 9. Section 6.440.070 of the Seattle Municipal Code, which section was adopted
17 in Ordinance 123311, is retitled and amended as follows:

18 ~~((6.440.070))~~ **22.214.070 ((Directors to Make Rules))Enforcement authority and rules**

19 A. The Director is the City Official designated to exercise all powers including the
20 enforcement powers established in this Chapter 22.214.

21 B. The Director ((of the Department of Executive Administration and the Director of the
22 Department of Planning and Development are))is authorized to adopt ((, publish and enforce
23 rules and regulations consistent with this chapter for the purpose of carrying out the provisions of
24 this chapter))rules as necessary to carry out this Chapter 22.214 including the duties of the
25 Director under this Chapter 22.214.

1 Section 10. A new section 22.214.075 of the Seattle Municipal Code is added as follows:

2 **22.214.075 Violations and enforcement**

3 A. Failure to comply with any provision of this Chapter 22.214, or rule adopted
4 according to this Chapter 22.214, shall be a violation of the Chapter 22.214 and subject to
5 enforcement as provided for in this Chapter 22.214.

6 B. Upon presentation of proper credentials, the Director or duly authorized
7 representative of the Director may, with the consent of the owner or occupant of a rental housing
8 unit, or according to a lawfully-issued inspection warrant, enter at reasonable times any rental
9 housing unit subject to the consent or warrant to perform activities authorized by this Chapter
10 22.214.

11 C. This Chapter 22.214 shall be enforced for the benefit of the health, safety, and welfare
12 of the general public, and not for the benefit of any particular person or class of persons.

13 D. It is the intent of this Chapter 22.214 to place the obligation of complying with its
14 requirements upon the owners of the property and the rental housing units subject to this Chapter
15 22.214.

16 E. No provision of or term used in this Chapter 22.214 is intended to impose any duty
17 upon the City or any of its officers or employees that would subject them to damages in a civil
18 action.

19 Section 11. A new section 22.214.080 of the Seattle Municipal Code is added as follows:

20 **22.214.080 Investigation and notice of violation**

21 A. If after an investigation the Director determines that the standards or requirements of
22 this Chapter 22.214 have been violated, the Director may issue a notice of violation to the
23 owners. The notice of violation shall state separately each standard or requirement violated; shall
24 state what corrective action, if any, is necessary to comply with the standards or requirements;
25 and shall set a reasonable time for compliance that shall generally not be longer than 30 days.

1 The 30-day compliance period shall not be extended without a showing that the owner is
2 working in good faith and making substantial progress towards compliance.

3 B. When enforcing provisions of this Chapter related to property registration, as
4 provided for under sections 22.214.040.A, 22.214.040.B, 22.214.040.F, or 22.214.040.G, the
5 Director may issue warnings prior to issuing notices of violation.

6 C. The notice of violation shall be served upon the owner by personal service, or by first
7 class mail to the owner's last known address. If the address of the owner is unknown and cannot
8 be found after a reasonable search, the notice may be served by posting a copy of the notice at a
9 conspicuous place on the property.

10 D. A copy of the notice of violation may be filed with the King County Department of
11 Records and Elections when the owner fails to correct the violation or the Director requests the
12 City Attorney take appropriate enforcement action.

13 E. Nothing in this Section 22.214.080 shall be deemed to limit or preclude any action or
14 proceeding to enforce this Chapter 22.214 nor does anything in this Section 22.214.080 obligate
15 the Director to issue a notice of violation prior to initiating a civil enforcement action.

16 Section 12. Section 6.440.080 of the Seattle Municipal Code, which section was adopted
17 in Ordinance 123311, is retitled and amended as follows:

18 ~~((6.440.080))~~ **22.214.085 ((License Denial, Suspension, or Revocation)) Civil enforcement**
19 **and penalties**

20 ~~((A. A residential rental housing business license may be suspended, denied, or revoked~~
21 ~~pursuant to chapter 6.202.~~

22 ~~B. If an application for a residential rental housing business license is denied, or a~~
23 ~~residential rental housing license is suspended or revoked, no reapplication for that license will~~
24 ~~be considered by the Director until correction of any and all deficiencies on which the denial,~~
25 ~~suspension, or revocation was based.~~

1 C. ~~If an application for a license renewal is denied, no application for a license or a~~
2 ~~license renewal will be considered by the Director until any and all deficiencies on which the~~
3 ~~refusal to renew was based have been corrected.))~~

4 A. In addition to any other remedy authorized by law or equity, civil actions to enforce
5 this Chapter 22.214 shall be brought exclusively in Seattle Municipal Court except as otherwise
6 required by law or court rule. The Director shall request in writing that the City Attorney take
7 enforcement action. The City Attorney shall, with the assistance of the Director, take
8 appropriate action to enforce this Chapter 22.214. In any civil action filed according to this
9 Chapter 22.214, the City has the burden of proving by a preponderance of the evidence that a
10 violation exists or existed. The issuance of the notice of violation is not itself evidence that a
11 violation exists.

12 B. In addition to any other remedy available at law or in equity, the following penalties
13 shall be imposed for violating this Chapter 22.214:

14 1. Any person or entity violating or failing to comply with any requirement of
15 this Chapter 22.214 or rule adopted under this Chapter 22.214 shall be subject to a cumulative
16 civil penalty of \$150 per day for the first ten days the violation or failure to comply exists and
17 \$500 per day for each day thereafter. A separate violation exists for each day a violation or
18 failure to comply with any requirement of this Chapter 22.214 or rule adopted under this Chapter
19 22.214 exists.

20 2. Any person or entity that knowingly submits or assists in submitting a falsified
21 inspection report or certificate of compliance, or knowingly submits falsified information upon
22 which a certificate of compliance is issued; shall be subject to a penalty of \$5,000 in addition to
23 the penalties provided for in section 22.214.085.B.1.

24 3. Any property owner who fails to register a property, transfer a registration or
25 renew a registration, as provided for under sections 22.214.040.A, 22.214.040.B, 22.214.040F,
26

1 or 22.214.040G shall be subject to a penalty of \$1,000; except when any property that has been
2 subject to two or more notices of violation or one or more emergency orders of the Director for
3 violating the standards in Chapters 22.200 through 22.208 of the Seattle Municipal Code where
4 enforced compliance was achieved by the Department or the violation upheld in a final court
5 decision the penalties of section 22.214.085.B.1 shall apply.

6 Section 13. Section 6.440.090 of the Seattle Municipal Code, which section was adopted
7 in Ordinance 123311, is repealed:

8 ~~((6.440.090 Penalties~~

9 ~~A. Any person violating any of the provisions or failing to comply with any of the~~
10 ~~requirements of this chapter or any rules or regulations adopted by the Director of Executive~~
11 ~~Administration or the Director of Planning and Development pursuant to this chapter, may be~~
12 ~~punished by a penalty of \$150 per day for the first ten days that the violation or failure to comply~~
13 ~~exists and \$500 per day for each day thereafter. Each person is guilty of a separate violation for~~
14 ~~each and every day during any portion of which any violation of any provision of this chapter is~~
15 ~~committed, continued, or permitted by such person.~~

16 ~~B. Any person who knowingly submits or assists in the submission of a falsified~~
17 ~~certificate of inspection, or knowingly submits falsified information upon which a certificate of~~
18 ~~compliance is issued, in addition to the penalties provided in subsection 6.44.060.A above, shall~~
19 ~~be subject to a penalty of \$1000.~~

20 ~~C. For any rental unit that fails the inspection for the certificate of compliance under this~~
21 ~~chapter, the Department of Planning and Development may issue a notice of violation under the~~
22 ~~Housing Code and subject the violator to the penalties imposed or remedies available under the~~
23 ~~provisions of the Housing Code.))~~

24 Section 14. A new section 22.214.090 of the Seattle Municipal Code is added as follows:

25 **22.214.090 Appeal to superior court**

1 Final decisions of the Seattle Municipal Court on enforcement actions authorized by this
2 Chapter 22.214 may be appealed according to the Rules for Appeal of Decisions of Courts of
3 Limited Jurisdiction.

4 Section 15. Severability. If any part, provision, or section of this ordinance is held to be
5 void or unconstitutional, all other parts, provisions, and sections of this ordinance not expressly
6 so held to be void or unconstitutional shall continue in full force and effect.

7 Section 16. Database. The Department of Planning and Development shall develop and
8 regularly maintain a database, to be made available electronically, posted on the Department's
9 website, and made available for distribution to citizens or outside agencies, of the following
10 program elements:

11 A. The information disclosed in the required application materials listed in section
12 22.214.040.G;

13 B. The address, name of property owner, and contact information for any property with a
14 registration that is subject to a denial or revocation under section 22.214.045;

15 C. The date and outcome of any inspection required under section 22.214.050.A; and

16 D. The information disclosed under the certificate of compliance in section
17 22.214.050.F.

18 Section 17. Beginning in 2014, the Department of Planning and Development shall
19 prepare a written report, to be presented to Council by July 31, 2014, and by June 15 of each
20 subsequent year, to include an evaluation of the following program elements:

21 A. The status of registration, including the extent to which previously undisclosed rental
22 housing units have been found and whether those units were then established as legal, registered
23 rental housing units;

24 B. The extent to which properties that have been subject to inspection have not
25 completed the inspection within 60 days of notification of selection;

1 C. The results of the inspection process when a property with previous code enforcement
2 history has been required to be inspected as a condition of receiving a registration;

3 D. Whether the fee associated with the registration actually reflects program costs;

4 E. The extent to which inspections have occurred on properties with a valid registration
5 that have resulted from a complaint;

6 F. The extent to which the civil warrant process has been used; and

7 G. The extent to which audits have occurred on inspections and any related findings.

8
9 Section 18. At least 60 days prior to the Department adopting any rule concerning the
10 weighted values assigned to each inspection standard identified in section 22.214.050.M, the
11 Department shall present the rule to the City Council for review and comment.

12 Section 19. After the initial 10-year period for inspecting all registered residential
13 properties has occurred, the Council shall conduct an evaluation of the Rental Inspection
14 Program. As an element of this evaluation, the Council shall consider all data or information
15 collected by or submitted to the Department when considering if all rental properties should
16 continue to be inspected in the future, or if an alternative approach to inspecting rental properties
17 should occur.
18

19 Section 20. Fees for purposes of implementing this legislation are intended to be adopted
20 by the City Council as part of the 2014 budget process.
21

22 Section 21. This ordinance shall take effect and be in force 30 days after its approval by
23 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
24 shall take effect as provided by Seattle Municipal Code Section 1.04.020.
25
26
27

1 Passed by the City Council the _____ day of _____, 2012, and
2 signed by me in open session in authentication of its passage this
3 _____ day of _____, 2012.

4 _____
5 President _____ of the City Council
6

7 Approved by me this _____ day of _____, 2012.
8

9 _____
10 Michael McGinn, Mayor
11

12 Filed by me this _____ day of _____, 2012.
13

14 _____
15 Monica Martinez Simmons, City Clerk
16

17 (Seal)
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FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Planning and Development	Faith Lumsden 615-0097	Melissa Lawrie 684-5805

Legislation Title: An ordinance relating to rental housing registration and inspection; adding a new Chapter 22.214 to the Seattle Municipal Code that provides for a January 1, 2014 effective date; retitling portions of Chapter 6.440 as Chapter 22.214; amending portions of the retitled Chapter 6.440; and repealing portions of Chapter 6.440.

Summary of the Legislation: The legislation would implement a rental housing registration and inspection program to take effect on January 1, 2014. The program establishes a registration requirement that would be phased in between January 2014 and December 31, 2016. A random inspection program will begin in 2015 and allow for the use of private qualified rental housing inspectors. All registered rental housing units will be inspected once during the first ten years, with a possibility of a second inspection no sooner than five years after the first inspection. The program provides for a range of exceptions to the registration and inspection requirements, including but not limited to units already subject to an inspection requirement, those owned by or managed for a major institution, and units rented as commercial lodgings. Private qualified rental housing inspectors will meet training and certification requirements and their work will be audited to ensure consistency.

Background: The Council has a longstanding interest in preserving the quality of the city housing stock and has determined that substandard and unsanitary rental housing units exist within the City of Seattle. On June 1, 2010 the Council adopted Ordinance 123311 which established the basis for the City's rental housing registration and inspection program. On that same date, the Council adopted Resolution 31221 and requested the Department of Planning and Development ("DPD") convene a Stakeholders Group to recommend what the contours of the program should be. That stakeholder group met fourteen times between December 2010 and January 2012. The recommendations from that group were used to help develop this ordinance.

The ordinance has a delayed effective date to allow DPD to develop rules for the program and to do outreach to the landlord and tenant communities.

Please check one of the following:

This legislation does not have any financial implications. The program is designed to be self-supporting. Starting January 1, 2014, DPD will begin collecting registration fees to cover ongoing program costs and repay over time the startup costs for the program. A separate ordinance is being developed to cover the registration fee and other program costs.

This legislation has financial implications.



