

**CITY OF SEATTLE**  
**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE relating to rental property 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.

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 that 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 10, 2010 that established the basis for the City's rental housing licensing and registration program and that included an extended effective date to determine the extent the program should be clarified based on comments received during the review of that Ordinance; 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 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 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:**

Section 1. Chapter 6.440, the Residential Rental Business License and Inspection

Program established by Ordinance 123311 and codified as Chapter 6.440; is repealed in part, and

retitled in part as a new Chapter 22.214, the Rental Housing Registration and Inspection Program. Notwithstanding the partial repeal and retitling of Chapter 6.440, Chapter 6.440 is retained for future purposes.

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

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

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

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

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

For purposes of this chapter, the following words or phrases have the meaning prescribed below:

1. “Accessory dwelling unit” or “ADU” means an “Accessory dwelling unit” or a “Detached accessory dwelling unit” or “DADU” as defined under “Residential Use” in ~~((Section))~~ section 23.84A.032.

2. "Certificate of Compliance" means the document signed and dated by a Qualified Rental Housing Inspector and submitted to the ~~((City))~~ Department as the result of an inspection conducted by a Qualified Rental Housing Inspector that certifies that the rental ~~((housing))~~ units that were inspected comply with the requirements ~~((of Section))~~ in section ~~((6.440.050.A))~~ 22.214.050 and are ~~((not))~~ in a condition that does not ~~((endangers or impairs or could))~~ endanger or impair the tenant's health ~~((and))~~ or safety~~((of a tenant))~~.

3. "Department" means the City's Department of Planning and Development or successor Department.

4. "Director" means the Director of the Department of Planning and Development or the Director's designee.

~~((3))~~ 5. "Housing Code" means the Housing and Building Maintenance Code in Chapters 22.200-22.208.

6. "Landlord" means; the owner, lessor, or sublessor and any person designated as the owner's, lessor's, or sublessor's representative including but not limited to an agent, resident manager, or a designated property manager; of a residential housing unit and the property where the residential housing unit is located.

~~((4))~~ 7. "Mobile Home" means a "Mobile Home" or a "Manufactured Home" as defined in ~~((RCW chapter 59.20))~~ Chapter 59.20 RCW.

~~((5))~~ 8. "Owner" has the meaning given in ~~((Section 22.204.160))~~ section 22.206.160.D.

~~((6))~~ 9. "Qualified Rental Housing Inspector" means:

a. A City Housing and Zoning Inspector; or

b. A private inspector who is registered with the City as a qualified rental housing inspector (~~((pursuant to Section 6.440.050))~~) under section 22.214.060 and (~~((who))~~) currently maintains and possesses at least one of the following credentials:

1) American Association of Code Enforcement (~~((A.A.C.E.))~~)  
Property Maintenance and Housing Inspector certification;

2) International Code Council (~~((I.C.C.))~~) Property Maintenance and Housing Inspector certification;

3) International Code Council (~~((I.C.C.))~~) (~~((Residential))~~) Building Code Inspector;

4) Washington State licensed home inspector, or

5) Other credentials acceptable (~~((credential))~~) to the Director (~~((of the Department of Planning and Development establishes))~~) as established by rule.

((7)) 10. “Rental unit” means a residential housing unit occupied or rented by a tenant or available for rent by a tenant.

((8)) 11. “Residential housing unit” means any structure or part of a structure in the City (~~((of Seattle))~~) that is used or may be used as a home, residence, or sleeping place; by one or more persons(~~((s))~~) including but not limited to(~~((s))~~) single-family residences, duplexes, (~~((triplexes))~~) triplexes, four-plexes, multi-family dwellings, apartment buildings, condominiums, and similar living accommodations.

((9)) 12. “(~~((Residential Rental Business License))~~) Rental Property Registration” means a registration issued under this (~~((chapter))~~) Chapter.

((10)) 13. “Shelter” means a facility with overnight sleeping accommodations, owned, operated, or managed by a nonprofit (~~((agency))~~) organization or governmental entity, the

primary purpose of which is to provide temporary shelter for the homeless in general or for specific populations of the homeless.

((44)) 14. "Tenant" has the meaning given in ((Section)) section 22.204.210.A.

((42)) 15. "Transitional housing" means residential housing units owned, operated or managed by a nonprofit ((agency)) organization or governmental entity in which supportive services are provided to individuals and families that were formerly homeless, with the intent to stabilize them and move them to permanent housing within a period of not more than 24 months.

((43)) 16. "Unit unavailable for rent" means a residential housing unit that is not offered or available for rent as a rental unit, and that prior to offering or making the unit available as a rental unit, the owner is required to obtain a ((residential rental business license)) Rental Property Registration for the ((building)) property ((in which)) where the rental unit is located and comply with ((applicable administrative regulations)) all rules adopted ((pursuant to)) under this ((chapter)) Chapter.

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

((6.440.030)) **22.214.030 ((Scope)) Application**

The registration provisions of this ((chapter)) Chapter shall apply to all ((residential)) rental ((housing)) units with the exception of:

((A. Owner-occupied rental units;

B. Units unavailable for rent;

—— C. Housing accommodations in hotels, motels, inns or similar accommodations for transient guests;

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

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

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

~~G. Rental units:~~

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

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

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

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

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

~~I. Accessory Dwelling Units.~~

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

1                   A. Residential housing units lawfully used as vacation rentals for periods not to  
2 exceed 3 consecutive months and when the unit is not consecutively used by the same individual  
3 or individuals for more than one three-month period;

4                   B. Residential housing units rented for not more than twelve consecutive months  
5 as a result of the property owner taking a work-related leave of absence such as an academic  
6 sabbatical;

7                   C. Residential housing units that are a unit unavailable for rent;

8                   D. Residential housing units in hotels, motels, inns, bed and breakfasts, or in  
9 similar accommodations that provide lodging for transient guests;

10                  E. Residential housing units in retirement or assisted-living homes;

11                  F. Residential housing units in any hospital, hospice, state-licensed-community-  
12 care facility, intermediate-care facility, or nursing home; or any convent, monastery, or other  
13 facility occupied exclusively by members of a religious order or congregation; and

14                  G. Emergency or temporary-shelter accommodations.

15                  The inspection provisions of this Chapter shall apply to all rental units with the  
16 exceptions of:

17                         a. Residential housing units located within the boundaries of a major  
18 educational institution or a major medical institution that are owned by the institution; or units  
19 that a government entity or housing authority operates or manages; or units that are exempted  
20 from municipal regulation by federal, state, or local law. This exception does not apply when  
21 unit ownership changes and the unit ceases to be subject to this exception.

22                         b. Residential housing units that receive funding or subsidies from  
23 federal, state, or local government when:

1                                   1. The housing units are inspected by a federal, state, or local  
2 government entity at least once every 3 years as a funding or subsidy requirement;

3                                   2. The Department determines that the housing unit inspection by  
4 a federal, state, or local governmental entity is substantially equivalent to the inspection required  
5 by this Chapter; and

6                                   3. The federal, state, or local government entity provides the  
7 Department with a copy of the inspection report.

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

11 ~~((6.440.040))~~ **22.214.040 ((Residential)) Rental Unit ((Housing Business License Required))**  
12 **Registration, Renewal, Application, and Compliance Declaration**

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

16  
17                   ~~B. The fee for a residential rental business license shall be set by Council by ordinance in~~  
18 ~~an amount sufficient only to recover the cost of carrying out the provisions of this chapter. The~~  
19 ~~fees collected shall be allocated only to that purpose.~~

20  
21                   ~~C. A residential rental business license expires on March 31 of each year.~~

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

24                   ~~E. Application. Application for a residential rental business license shall be made to the~~  
25 ~~Director of the Department of Executive Administration on forms provided by the Director of the~~  
26 ~~Department of Executive Administration. The application shall list and identify by address the~~



building and each of the residential housing units that the applicant intends to make available for rent, or rent, lease, or let, to the public prior to the expiration of the applicant's residential rental business license and shall include the fee due for the license.

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

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

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

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

A. With the exception of residential housing units identified in sections 22.214.030.A through G, all rental units shall be registered with the Department between January 1, 2014 and December 31, 2016; after which no person shall rent, subrent, lease, sublease, let, or sublet to

any person or entity a residential housing unit without first obtaining and holding a current rental housing registration for the property where the residential housing unit is located. Rental units shall be registered according to the following schedule:

1. By July 1, 2014 all properties with 7 or more units;

2. By January 1, 2015 all properties with 3 to 6 units; and

3. By December 31, 2016 all properties with 1 or 2 units.

B. All rental units constructed after the effective date of this Chapter shall be registered within one year after the temporary or final Certificate of Occupancy is issued.

C. A rental housing registration shall be valid for 5 years from the date the Department issues the registration.

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

E. The fees for rental housing registration, renewal registration, registration transfer, and registration reinstatement shall be adopted by amending section 22.900 Seattle Municipal Code and used to carry out this Chapter.

F. The new owner of a registered property shall pay a registration transfer fee, update the current registration application, and post the updated registration according to section 22.214.040.I. within 30 days after the registered property sale is closed.

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

1. The established address of the property;

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

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

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

3                   5. The name, address, and telephone number of the person or entity the tenant is  
4 to contact when requesting repairs be made to their housing unit;

5                   6. The name, address, and telephone number of the City department that tenants  
6 can complain to about the condition of their housing unit;

7                   7. A list of all housing units on the property, identified by a means unique to each  
8 unit, that are available for rent to the public at any time;

9                   8. The registration expiration date; and

10                   9. A statement sworn under the penalty of perjury declaring that all housing units  
11 available for rent to the public and listed in the registration application meet the standards in  
12 section 22.214.050 and are in a condition that does not endanger or impair the tenant's health or  
13 safety;

14                   10. A statement identifying whether the conditions of the housing units available  
15 for rent and listed on the application were established by declaration or physical inspection by a  
16 qualified rental housing inspector; and

17                   11. A statement indicating the fee due to register all rental units located on the  
18 property.

19                   H. A rental housing registration may be renewed by paying the registration fee on or  
20 before the date the registration expires by submitting a complete renewal application that updates  
21 all information contained in the original application including a new declaration as required  
22 under section 22.214.040.G.9; and where required by this Chapter, a certificate of compliance

1 with the requirements of section 22.214.050 that is dated within 5 years of submitting the  
2 renewal application.

3 I. Within 30 days after the Department issues a rental housing registration, a copy of the  
4 current registration shall be posted and remain posted in a place readily visible to the tenants in  
5 each rental unit when there is not a common area accessible to all the rental units in a multi-unit  
6 building, or shall be posted and remain posted in a place readily visible to all tenants in a  
7 common area that is accessible to all the rental units in multi-unit building.

8  
9 Section 6. A new section 22.214.045 of the Seattle Municipal Code is added as follows:

10 **22.214.045 Registration Denial or Revocation**

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

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

13 a. Submitting an incomplete application; or

14 b. Knowingly submitting a falsified sworn statement of compliance; and

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

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

17 22.214.050.M.;

18 b. Knowingly submitting a falsified certificate of compliance;

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

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

21 22.214.040.F.; or

22 e. Failing to post the registration as required by section 22.214.040.I.

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24 B. If the Department revokes a rental housing registration it shall notify the property  
25 owner in writing by mailing the revocation notice by first-class mail to the address identified in  
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the registration application. The property owner may appeal the revocation by filing an appeal with the Office of the Hearing Examiner within fifteen days of the revocation notice being mailed to the property owner. Filing a timely appeal shall stay the revocation during the time the appeal is pending before the Hearing Examiner or a court. A decision of the Hearing Examiner shall be subject to review under Chapter 36.70C RCW.

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

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

**~~((6.440.050))~~ 22.214.050 Inspection and Certificate of Compliance Required**

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

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

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

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

- ~~4. The minimum sheltering standards contained in Section 22.206.070;~~
- ~~5. The minimum maintenance standards contained in Section 22.206.080.A;~~
- ~~6. The minimum heating standards contained in Section 22.206.090;~~
- ~~7. The minimum ventilation standards contained in Section 22.206.100;~~
- ~~8. The minimum electrical standards contained in Section 22.206.110.A;~~
- ~~9. The minimum standards for Emergency Escape Window and Doors contained in Section 22.206.130.J;~~
- ~~10. The requirements for garbage, rubbish, and debris removal contained in Section 22.206.160.A.1;~~
- ~~11. The requirements for extermination contained in Section 22.206.160.A.3;~~
- ~~12. The requirement to provide keys and locks contained in Section 22.206.160.A.11;~~
- ~~13. The requirement to provide garbage cans contained in Section 22.206.160.B.2; and~~
- ~~14. The requirement to provide and test smoke detectors contained in Section 22.206.160.B.4.-))~~

A. The Department shall annually select from all properties containing rental units, the units that shall be inspected by a qualified rental housing inspector for certification of compliance. The selection process shall be random based upon a methodology adopted by rule, and may include up to 10 percent of all rental units within the city in any given year. For new rental units registered under section 22.214.040.B, the rental units shall be included in the random selection process after the date the registration is required to be renewed for the first time.

1        B. Any property subject to an inspection under this Chapter shall be inspected at least  
2 once every ten years, except as provided in sections 22.214.050.C and 22.214.050.D; or as  
3 permitted by any other federal, State, or City code.

4        C. In addition to the requirements in section 22.214.010.A, if the Department receives a  
5 complaint regarding a rental unit regulated under this program, the Department shall request an  
6 interior inspection of the identified unit be conducted by a Department inspector. If violations of  
7 the standards in section 22.214.050 are verified within the unit, an inspection of all areas of the  
8 building may be required. Inspection of all areas of the building may be conducted by a private  
9 qualified rental housing inspector.

10       D. If a property subject to this Chapter has: within 2 years preceding the adoption of this  
11 Chapter been subject to 2 or more notices of violation or one or more emergency orders of the  
12 Director for violating the standards in section 22.214.050; or has been subject to 2 or more  
13 violations or one or more emergency orders of the Director for violating the standards in section  
14 22.214.050 within any two year period following the adoption of this Chapter; the Department  
15 may require all portions of the building be inspected by a Department inspector and receive a  
16 certificate of compliance with the standards in section 22.214.050.

17       ~~((B))~~ E. A certificate of compliance shall be issued by a qualified rental housing  
18 inspector and be based upon the qualified rental housing inspector's physical inspection ~~((by the~~  
19 ~~qualified rental housing inspector))~~ of the ~~((residential))~~ interior and exterior of the rental  
20 ~~((housing))~~ units and structure that was conducted not more than ~~((90))~~ 60 days prior to the  
21 ~~((date of the))~~ certificate of compliance date.

22       ~~((C))~~ F. The certificate of compliance shall:  
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1. List and show compliance with the standards contained in ~~((Section 6.440.050.A.))~~ section 22.214.050 for each ~~((residential))~~ rental ~~((housing))~~ unit that was inspected;

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

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

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

G. A weighted system adopted by Rule that assigns values to each inspection standard in section 22.214.050 and that shall be used to determine when a rental unit has passed or failed inspection shall be used by the qualified rental housing inspector when inspecting rental units subject to this Chapter.

~~((D))~~ H. Inspection of rental units for a certificate of compliance according to sections 22.214.050.A. and B.

1. In buildings that contain more than one rental unit, an applicant may choose to have all of the rental units inspected ~~((or, if))~~ by a qualified rental housing inspector. If the building has not had conditions reported to and verified by the Department ~~((of Planning and Development,))~~ that endanger or impair the health or safety of a tenant within any preceding 12 months or since the last inspection required by this ~~((chapter))~~ Chapter, whichever is the most recent; an applicant may choose to have only a sample of the rental units inspected. If the



applicant chooses to have a sample of the rental units inspected (~~((If the applicant chooses to have only a sample of the rental units inspected))~~) the following requirements apply:

a. ~~((If the))~~ For buildings ~~((contains))~~ containing 20 or fewer rental units, ~~((no more than four))~~ a minimum of 2 units are required to be inspected; or

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

c. The Department ~~((of Planning and Development))~~ ~~((will))~~ shall randomly select the housing units to be inspected using a methodology adopted by rule.

d. The property owner shall retain the inspection reports for the inspections performed on the rental property for at least 5 years from the date the inspection is performed.

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

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

~~((E))~~ I. Notice of Inspection to Tenants

1. Before the Department ~~((of Planning and Development))~~ selects the rental units to be inspected, or~~((;))~~ if all the rental units are to be inspected, before the inspection~~((;))~~

the landlord shall provide at least ~~((two days'))~~ 48 hours advance written notice to all ~~((rental units))~~ tenants residing in the building advising the tenants that:

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

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

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

~~((d)))~~ d. ~~((that))~~ The tenant has the right to deny access to the rental unit;

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

~~((f)))~~ f. ~~((that a))~~ A tenant ~~((whose))~~ who believes their rental unit ~~((need))~~ needs repairs or maintenance ~~((should))~~ may send a written notice to the landlord, landlord's agent, or the person who collects the rent specifying the address of the rental unit ~~((, the name of the owner, if known,))~~ and the defective condition ~~((, repair or maintenance that is needed))~~ that needs to be repaired or the maintenance that needs to be performed;

~~((g)))~~ g. ~~((that if))~~ If the landlord fails to adequately respond to the request for repairs or maintenance, the tenant may contact the Department ~~((of Planning and Development))~~ about the rental unit conditions without fear of retaliation or reprisal; and

1                    h. ~~((the))~~ The tenant may contact the Department at the address and  
2 telephone number identified in the notice ~~((at which the tenant may contact the Department of~~  
3 Planning and Development)).

4                    2. ~~((Upon request the))~~ The landlord shall provide a copy of the notice of  
5 inspection to the qualified rental housing inspector on the day of the inspection.

6                    ~~((F))~~ J. A certificate of compliance ~~((is))~~ shall be valid and ~~((may be))~~ used for ~~((license~~  
7 ~~applications and renewals under))~~ purposes of complying with the provisions of this ~~((chapter))~~  
8 Chapter for a period of ~~((three))~~ five years from the date ~~((it))~~ the certificate is issued, unless the  
9 Department ~~((of Planning and Development))~~ determines that violations of the Housing Code  
10 exist for any of the rental units listed in the certificate of compliance. If the Department ~~((of~~  
11 ~~Planning and Development))~~ determines that violations of the Housing Code exist ~~((for))~~ in any  
12 of the rental units listed in the certificate of compliance, the ~~((applicant))~~ property owner may be  
13 required ~~((to obtain an inspection and submit a new certificate of compliance with the annual~~  
14 ~~application for license renewal for the subsequent two years for those units for which violations~~  
15 ~~were found))~~ to have all rental units inspected by a qualified rental housing inspector, obtain a  
16 new certificate of compliance, and pay the original registration fee.

17                    K. The Department shall audit inspection reports and certificates of compliance prepared  
18 by private qualified rental housing inspectors by reviewing inspection findings and certificates of  
19 compliance to determine their completeness and accuracy.

20                    ~~((G))~~ L. ~~((Other inspections.))~~ Nothing in this section precludes additional inspections  
21 conducted at the request or consent of a tenant, ~~((pursuant to))~~ under the authority of a warrant,  
22 or ~~((pursuant to the))~~ as allowed by a tenant remedy provided ~~((by RCW 59.18.115 of the~~  
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~~Residential Landlord Tenant Act~~) for in Chapter 59.18.115 RCW, or as allowed by any other  
City code provision.

M. A qualified rental housing inspector inspecting a rental unit for a certificate of  
compliance under this ~~((chapter))~~ Chapter shall inspect for and certify compliance with the  
following requirements of the Housing Code:

1. The minimum floor area standards for a habitable room contained in  
~~((Section))~~ section 22.206.020.A;
2. The minimum sanitation standards contained in ~~((Sections))~~ sections  
22.206.050.A, 22.206.050.D, 22.206.050.E, 22.206.050.F and 22.206.050.G;
3. The minimum structural standards contained in ~~((Section))~~ section 22.206.060
4. The minimum sheltering standards contained in ~~((Section))~~ section  
22.206.070;
5. The minimum maintenance standards contained in ~~((Section))~~ section  
22.206.080.A;
6. The minimum heating standards contained in ~~((Section))~~ section 22.206.090;
7. The minimum ventilation standards contained in ~~((Section))~~ section  
22.206.100;
8. The minimum electrical standards contained in ~~((Section))~~ section  
22.206.110.A;
9. The minimum standards for Emergency Escape Window and Doors contained  
in ~~((Section))~~ section 22.206.130.J;
10. The requirements for garbage, rubbish, and debris removal contained in  
~~((Section))~~ section 22.206.160.A.1;

11. The requirements for extermination contained in ~~((Section))~~ section  
22.206.160.A.3;

12. The requirement to provide keys and locks contained in ~~((Section))~~ section  
22.206.160.A.11;

13. The requirement to provide garbage cans contained in ~~((Section))~~ section  
22.206.160.B.2; and

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

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

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

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

1. Pay to the Director ~~((of Planning and Development))~~ the annual registration  
fee as specified in the annual ~~((Department of Planning and Development fee ordinance))~~ Permit  
Fee Ordinance according to Chapter 22.900((-));

2. Successfully complete ~~((an examination administered or approved by the~~  
~~Director of the Department of Planning and Development.))~~ a rental housing inspector training  
program on the Seattle Housing and Building Maintenance Code, the Rental Housing  
Registration and Inspection Program, and program inspection protocols administered by the  
Director. Each applicant for the ~~((exam))~~ training program shall pay to the Director ~~((of~~  
~~Planning and Development an examination))~~ a training fee ((to be)) set by the Director ~~((of~~

~~Planning and Development at an amount~~) that ~~((will fund))~~ funds the cost of ~~((administering and grading the examination))~~ carrying out the training program((-)); and

3. Provide evidence to the Department ~~((of Planning and Development))~~ that the applicant possesses a current City business license issued ~~((pursuant))~~ according to ((Section)) section 5.55.030, possesses a current certification according to section 22.214.020.1.b., and ~~((that the applicant))~~ has successfully completed the ~~((RHI examination))~~ training program as required by this section 22.214.060 within the past two years.

B. ~~((Expiration of Registration))~~ All ~~((RHI))~~ rental housing inspector registrations automatically expire on January 31 of each year and must be renewed ~~((pursuant))~~ according to the provisions of ((subsection 6.440.060.C)) section 22.214.060.C Registrations issued for a rental units after September 30 of any year shall first expire 16 months later on January 31 and on January 31 of each following year.

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

1. Pay the renewal fee specified in the ~~((Department of Planning and Development fee ordinance))~~ Department's annual permit fee ordinance; and

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

D. ~~((Failure to Renew))~~ A ~~((RHI))~~ rental housing inspector who fails to renew its registration is prohibited from inspecting and certifying rental housing ~~((pursuant to))~~ under ((Chapter 6.440)) this Chapter until the ~~((RHI))~~ rental housing inspector registers or renews a registration ~~((pursuant))~~ according to ((subsection 6.440.060)) section 22.214.060.

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

**((6.440.070)) 22.214.070 ((Director to Make)) Enforcement Authority and Rules**

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

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

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

**22.214.075 Violations**

A failure to comply with any provision of this chapter, or rule adopted according to this Chapter, shall be a violation of the Chapter and subject to enforcement as provided for in this Chapter.

Section 11. Section 6.440.080 of the Seattle Municipal Code, which section was adopted in Ordinance 123311, is retitled and amended as follows:

**((6.440.080)) 22.214.080 ((License Denial, Suspension, or Revocation)) Penalties**

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

B. If an application for a residential rental housing business license is denied, or a residential rental housing license is suspended or revoked, no reapplication for that license will

~~be considered by the Director until correction of any and all deficiencies on which the denial, suspension, or revocation was based.~~

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

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

A. Any person or entity violating or failing to comply with any requirement of this Chapter or rule adopted under this Chapter shall be subject to a cumulative civil penalty of \$150 per day for the first 10 days the violation or failure to comply exists and \$500 per day for each day thereafter. A separate violation exists for each day a violation or failure to comply with any requirement of this Chapter or rule adopted under this Chapter exists.

B. Any person or entity that knowingly submits or assists in submitting a falsified inspection report or certificate of compliance, or knowingly submits falsified information upon which a certificate of compliance is issued; shall be subject to a penalty of \$1,000 in addition to the penalties provided for in subsection 22.214.080.A.

C. Any property owner who fails to register a property as provided for under sections 22.214.040.A and 22.214.040.B shall be subject to the following penalties:

1. \$500 if a complete registration application and the required fee are not received on or before the last day of the month in which the application and required fee are due;

2. \$1,000 if a complete registration application and the required fee are not received on or before the last day of the month following the date on which the application and fee are due; and



1                   3. \$2,000 plus \$100 per day if a complete registration application and the  
2 required fee are not received on or before the last day of the third month following the date on  
3 which the application and required fee are due.

4                   D. Any registrant who fails to pay the registration renewal fee and submit a complete  
5 renewal application to the Department as provided for under section 22.214.040.H shall be  
6 subject to the following penalties:

7                   1. \$100 if the registration renewal application and required fee are not received  
8 on or before the last day of the month in which the registration expired;

9                   2. \$200 if the registration renewal application and required fee are not received  
10 on or before the last day of the month following the expiration date of the registration;

11                   3. \$300 plus \$50 per day if the registration renewal application and required fee  
12 are not received on or before the last day of the second month following the expiration of the  
13 registration; and

14                   4. \$500 plus \$50 per day if registration renewal application and required fee are  
15 not received on or before the last day of the second third month following the expiration of the  
16 registration.

17                   E. A new owner that fails to transfer a property registration within the period required by  
18 section 22.214.040.F shall be subject to a \$50 daily penalty starting on the 31<sup>st</sup> day following the  
19 close of the property sale and continuing until the day before the date the Department issues the  
20 transferred registration.

21                   F. The penalties in sections 22.214.080.A and 22.214.080.B do not apply as penalties in  
22 the context of the penalties provided for in sections 22.214.040.C, 22.214.040.D, and  
23 22.214.040.E.

Section 12. Section 6.440.090 of the Seattle Municipal Code, which section was adopted in Ordinance 123311, is repealed:

~~((6.440.090 Penalties~~

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

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

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

Section 13. Severability. If any part, provision, or section of this ordinance is held to be void or unconstitutional, all other parts, provisions, and sections of this ordinance not expressly so held to be void or unconstitutional shall continue in full force and effect.

Section 14. Database. The Department of Planning and Development shall develop and regularly maintain a database, to be made available electronically, posted on the department's

website, and made available for distribution to citizens or outside agencies, of the following program elements:

A. The information disclosed in the required application materials listed in sections 22.214.040.F, 22.214.040.G, 22.214.040.G, and 22.214.040.H;

B. The address, name of property owner, and contact information for any property that is subject to a denial, suspension, or revocation under SMC 22.214.045;

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

D. The information disclosed under the certificate of compliance in SMC 22.214.050.E.

Section 15. Beginning in 2014, the Department of Planning and Development shall prepare a written report, to be presented to Council by June 1 of each year, to include an evaluation of the following program elements:

A. The status of registration, including the extent to which previously undisclosed dwelling units have been found;

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

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

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

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

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

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

Section 16. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code section 1.04.020.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2012, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Michael McGinn, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)