

The following table shows substantive changes to the July 2, 2012 draft legislation that was posted on the Department of Planning and Development’s (DPD) website. The changes generally address stakeholder and public comments to date. Additional changes to the draft are either technical or designed to improve grammar or the City’s code drafting standards.

At the end of this table, I have identified three substantive issues for Committee direction. These issues were identified by DPD, Council Central Staff and the Law department for further discussion and direction.

Issue	Code Section	Page number	Result
Definitions of “Landlord” and “Owner” differs from definitions in RCW	22.214.020.6 22.214.020.8	3-4	The definition changed to match definition in RCW 59.18.020; however, City’s own definition may align more closely with local program scope and goals
Definition of Washington state home inspector should reference state statute	22.214.020.9.b.4	4	The definition now includes reference to state statute for licensing of home inspectors
Definition of “Rental unit” should account for noncash payments	22.214.020.10	5	The definition is broadened to account for “any form of consideration”
Definition of “Rooming house” should be provided	22.214.020.13	5	The definition reflects a similar Building Code definition adopted by DPD
Exceptions for assisted living facilities should reference recent changes to state statutes	22.214.030.A.5	8	The list of exceptions now references RCW 18.20, which is the definition for assisted living facilities
Major institutions were mistakenly removed from original list of housing types excepted from registration program	22.214.030.A.9	8	This exception is restored and the definition is further refined
Accessory Dwelling Units (ADU)	22.214.030.A.10	8	ADU’s are now included in program exceptions, as owner occupancy in the principal residence of ADU is required

Issue	Code Section	Page number	Result
Schedule for registration of rental units	22.214.040.A	11	The trigger for registration, based on the number of rental units at a property, was modified to address stakeholder and DPD input
Registration requirement for buildings with multiple owners	22.214.040.F	12	The draft now clarifies that for buildings with multiple owners, a majority of owners are required to participate in the registration or renewal process; a Director's rule may be warranted if implementation of this provision is cumbersome or confusing
The registration application process should be revised to delete unnecessary or premature steps	22.214.040.G	12	The application requirements were refined to ensure that any requested information is relevant to the issuance of the registration
The steps for registration renewal are confusing	22.214.040.H	13-14	This section was redrafted to provide clear and specific standards
The requirements to update a registration when information disclosed in the application changes should be redrafted	22.214.040.J	14	This section was redrafted; the owner has 60 days to update any changed information that was disclosed in the original application or renewal
The inspection requirement should reinforce that a minimum of 10% of rental units should be inspected on a yearly basis	22.214.050.A	17	The code now requires " at least " 10% of rental units " registered...during the preceeding year " be inspected
Written notice to tenants in advance of inspection	22.214.050.I.1.c	21	The requirement to post written notice to tenants of a pending inspection was expanded from 48 hours to 72 hours, in part to allow additional time for any tenant to request that their unit be inspected
The ordinance should reference the state statute allowing a tenant's to deny access for an inspection	22.214.050.I.1.d	21	RCW 59.18.150 is now referenced

Issue	Code Section	Page number	Result
Inspectors should be aware to inspect any units that were requested for inspection by a tenant	22.214.050.I.2	22	When owners request random sampling for the purposes of inspections, any tenant inspection requests will be included and the inspector will be notified by the owner; this requirement is also cross referenced in 22.214.040.I.1.f and 2
Inspection standards	22.214.050.J	22-23	When a violation is found at the time of an inspection for a certificate of compliance, the code now indicates that DPD will only enforce the housing code standards in section 22.214.050., not the entire Housing Code
Auditing inspection reports and certificates of compliance	22.214.050.K	23	This code section was expanded to require an owner to allow an inspection of rental units to validate information disclosed in either document.
What level of inspection is required for highrise residential uses	22.214.050.M	24	This code section now references that an inspection of minimal structural standards on high rise structures can only be done by an inspector with appropriate qualifications
Registration revocation of qualified inspectors	22.214.060.E	27	A new section is included to allow DPD to revoke an inspectors registration
Violations and Enforcements	22.214.075	28	The violation and enforcement requirements were updated to indicate the responsibilities of owners and their employees. Steps related to a notice of violation are included in a new section 22.214.080
Civil enforcement and Penalties; Appeals to Superior Court	22.214.080 22.214.085 22.214.090	29 30 34	Existing authority was updated; a new subsection was adopted that establishes the evidentiary standard by which a civil enforcement action will be undertaken – a preponderance of evidence. A new section was created to set forth the process for judicial review from enforcement actions.

Outstanding issues for Committee discussion and direction:

1. Should a second 3rd party inspection be required?

Currently, three assessments are required within the initial 10 year period of this program – two self assessments (owners declaration at the time of registration application or renewal) and a 3rd party inspection performed by the City or a qualified inspector selected by the owner. This approach appears to be sufficient to 1) have property owners upgrade any elements of their property affected by the ordinances that might not meet minimum standards and 2) give DPD sufficient information as to the state of the City's rental housing stock.

Committee Direction:

2. Should a registration be posted in all rental units

Section 22.214.040.I requires the registration to be posted on site, regardless of whether the unit is a single family residence or multi-family structure. Some stakeholders have suggested that this section be revised, in part to allow for a copy of the registration to be provided with a rental agreement. The committee should discuss this issue. Since rental agreements can be oral, there may not be an opportunity to provide a copy when an oral agreement is made between a tenant and an owner, or a lessor and lessee. Posting at a rental unit provides tenants with a minimum guarantee that they have easy access to information about the owner.

Committee Direction:

3. Should definitions of “residential housing unit” and “rental unit” be redrafted or revised?

While there has been discussion of consolidating these terms, there may be impacts if these are revised. A closer look at these terms and how they contribute to program implementation should be considered before making any substantive changes.

Committee Direction: