



SEATTLE CITY COUNCIL

Legislative Summary

CB 119546

Record No.: CB 119546

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125851

In Control: City Clerk

File Created: 06/10/2019

Final Action: 06/28/2019

Title: AN ORDINANCE related to conforming City code to match provisions of state law for rental housing inspections; and amending Seattle Municipal Code Section 22.214.050.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Pacheco

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: Emilia.Sanchez@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Clerk	06/12/2019	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
1	Council President's Office	06/13/2019	sent for review	Planning, Land Use, and Zoning Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Planning, Land Use, and Zoning Committee						
1	City Council	06/17/2019	referred	Planning, Land Use, and Zoning Committee			
	Action Text: The Council Bill (CB) was referred. to the Planning, Land Use, and Zoning Committee						
1	Planning, Land Use, and Zoning Committee	06/19/2019	pass				Pass
	Action Text: The Committee recommends that City Council pass the Council Bill (CB). In Favor: 3 Chair Pacheco, Vice Chair O'Brien, Member Herbold Opposed: 0						
1	City Council	06/24/2019	passed				Pass

Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 8 Councilmember Bagshaw, Council President Harrell, Councilmember
Herbold, Councilmember Juarez, Councilmember Mosqueda,
Councilmember O'Brien, Councilmember Pacheco, Councilmember
Sawant

Opposed: 0

1	City Clerk	06/27/2019	submitted for Mayor's signature	Mayor
1	Mayor	06/28/2019	Signed	
1	Mayor	06/28/2019	returned	City Clerk
1	City Clerk	06/28/2019	attested by City Clerk	

Action Text: The Ordinance (Ord) was attested by City Clerk.

CITY OF SEATTLE

ORDINANCE 125851

COUNCIL BILL 119546

AN ORDINANCE related to conforming City code to match provisions of state law for rental housing inspections; and amending Seattle Municipal Code Section 22.214.050.

WHEREAS, maintaining minimum standards in rental housing units is a City priority; and

WHEREAS, rental property inspections under the Rental Registration and Inspection Ordinance can be conducted by either City or private qualified rental housing inspectors; and

WHEREAS, RCW 59.18.125 sets out a framework for rental registration programs; NOW,

THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.214.050 of the Seattle Municipal Code, last amended by Ordinance 125705, is amended as follows:

22.214.050 Inspection and certificate of compliance required

A. The Department shall periodically select, from registered properties containing rental housing units, the properties that shall be inspected by a qualified rental housing inspector for certification of compliance. The property selection process shall be based on a random methodology adopted by rule, and shall include at least ten percent of all registered rental properties per year. Newly constructed or substantially altered properties that receive final inspections or a first certificate of occupancy and register after January 1, 2014, shall be included in the random property selection process after the date the property registration is required to be renewed for the first time. After a property is selected for inspection, the Department shall provide at least 60 days' advance written notice to the owner or owner's agent to notify them that an inspection of the property is required. If a rental property owner chooses to hire a private

1 qualified rental housing inspector, and also chooses not to inspect 100 percent of the rental
2 housing units, the property owner or owner's agent shall notify the Department a minimum of
3 five and a maximum of ten calendar days prior to the scheduled inspection, at which time the
4 Department shall inform the property owner or owner's agent of the units selected for inspection.
5 If the rental property owner chooses to hire a Department inspector, the Department shall inform
6 the property owner or owner's agent of the units selected for inspection no earlier than ten
7 calendar days prior to the inspection.

8 * * *

9 G. Inspection of rental housing units for a certificate of compliance according to
10 subsections 22.214.050.A and 22.214.050.B shall be accomplished as follows:

11 1. ~~((In buildings that contain more than one rental housing unit, a))~~ A property
12 owner may choose to inspect 100 percent of the units on the rental property and provide to the
13 City only the certificate of compliance verifying that all units meet the required minimum
14 standards. In the alternative, an owner may choose to have only a sample of the rental housing
15 units inspected. If the applicant chooses to have a sample of the rental housing units inspected,
16 20 percent of the rental housing units, rounded up to the nearest whole number, are required to
17 be inspected, up to a maximum of 50 rental housing units in each building. When fewer than 100
18 percent of the rental units on the property are inspected, the owner agrees to comply with
19 subsection 22.214.050.J and submit copies of required inspection results in addition to the
20 certificate of compliance.

21 2. For inspections of fewer than 100 percent of the rental housing units on a
22 property, ((F))the Department shall select the rental housing units to be inspected under this
23 Section 22.214.050 using a methodology adopted by rule.

1 3. If a rental housing unit selected by the Department fails the inspection, the
2 Department may require that up to 100 percent of the rental housing units in the building where
3 the unit that failed inspection is located be inspected for a certificate of compliance according to
4 this Section 22.214.050. The Department shall use the following criteria to determine when
5 additional units shall be inspected:

6 a. If two or more rental housing units selected for inspection, or twenty
7 percent or more of the inspected units, whichever is greater, fail the inspection due to not
8 meeting the same checklist item(s) required by subsection 22.214.050.L, an additional 20 percent
9 of the units on the property, rounded up to the nearest whole number, shall be inspected. If any
10 of the additional rental housing units selected for inspection fail the inspection due to the same
11 condition(s), 100 percent of the units in the building shall be inspected.

12 b. If any single rental housing unit selected for inspection has five or more
13 failures of different checklist items required by subsection 22.214.050.L, an additional 20
14 percent of units on the property, rounded up to the nearest whole number, shall be inspected. If
15 any of the additional rental housing units selected for inspection also contain five or more
16 failures, 100 percent of the units in the building shall be inspected.

17 c. If the Director determines that an inspection failure in any rental
18 housing unit selected for inspection indicates potential maintenance or safety issues in other units
19 in the building, the Director may require that up to 100 percent of units be inspected. The
20 Director may by rule determine additional criteria and methods for selecting additional units for
21 inspection.

22 H. Notice of inspection to tenants

1 1. (~~After the Department selects the rental housing units to be inspected, and the~~
2 ~~Department has provided written notice to the owner or owner's agent of the units to be~~
3 ~~inspected,))~~ Whether inspecting 100 percent of the units or only a sample, the owner or owner's
4 agent shall, prior to any scheduled inspection, provide at least two days' advance written notice
5 to all tenants residing in all rental housing units on the property advising the tenants that:

6 a. Some, or all, of the rental housing units will be inspected. If only a
7 sample of the units will be inspected, the notice shall identify the rental housing units to be
8 inspected;

9 b. A qualified rental housing inspector will enter the rental housing unit
10 for purposes of performing an inspection according to this Chapter 22.214;

11 c. The inspection will occur on a specifically identified date and at an
12 approximate time, and the name of the company and person performing the inspection;

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

15 e. The tenant has the right to see the inspector's identification before the
16 inspector enters the rental housing unit;

17 f. At any time a tenant may request, in writing to the owner or owner's
18 agent, that repairs or maintenance actions be undertaken in (~~his or her~~) the tenant's unit; and

19 g. If the owner or owner's agent fails to adequately respond to the request
20 for repairs or maintenance at any time, the tenant may contact the Department about the rental
21 housing unit's conditions without fear of retaliation or reprisal.

1 2. The contact information for the Department as well as the right of a tenant to
2 request repairs and maintenance shall be prominently displayed on the notice of inspections
3 provided under this subsection 22.214.050.H.

4 3. The owner or owner's agent shall provide a copy of the notice of inspection to
5 the qualified rental housing inspector on or before the day of the inspection.

6 * * *

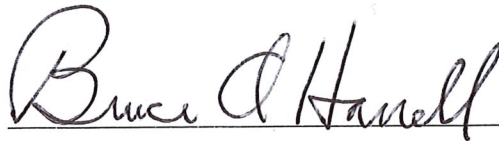
7 J. If a rental property owner chooses to hire a private qualified rental housing inspector,
8 the Department may charge a private inspection processing fee. If the property owner chooses
9 to inspect fewer than 100 percent of the rental housing units on the property and a ((selected))
10 unit selected for inspection ((of the rental property)) fails the initial inspection, both the results
11 of the initial inspection and any certificate of compliance must be provided to the Department.
12 The Department shall audit inspection results and certificates of compliance prepared by
13 private qualified rental housing inspectors. Based on audit results, the Department may select
14 additional units for inspection in accordance with subsection 22.214.050.G.3. If the
15 Department determines that a violation of this Chapter 22.214 exists, the owner and qualified
16 rental housing inspector shall be subject to all enforcement and remedial provisions provided
17 for in this Chapter 22.214.

18 * * *

19 Section 2. Severability. The provisions of this ordinance are declared to be separate and
20 severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of
21 this ordinance, or the invalidity of its application to any person or circumstance, does not affect
22 the validity of the remainder of this ordinance or the validity of its application to other persons or
23 circumstances.

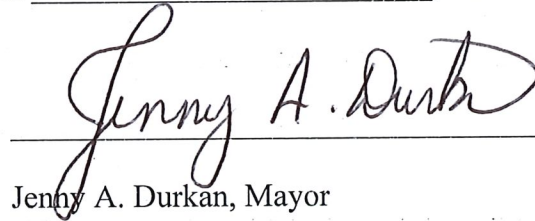
Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 24th day of June, 2019,
and signed by me in open session in authentication of its passage this 24th day of
June, 2019.



President _____ of the City Council

Approved by me this 28th day of June, 2019.


Jenny A. Durkan, Mayor

Filed by me this 28th day of June, 2019.



Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
LEG	Aly Pennucci / 48148	n/a

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE related to conforming City code to match provisions of state law for rental housing inspections; and amending Seattle Municipal Code Section 22.214.050.

Summary and background of the Legislation: The Rental Registration and Inspection Ordinance (RRIO) helps ensure that all rental housing in Seattle is safe and meets basic housing maintenance requirements by requiring that rental properties register with the City, and have periodic inspections. The City adopted RRIO in 2012 and the Seattle Department of Construction and Inspections (SDCI) began registering properties in 2014 and began inspections in 2015. All registered rental properties must be inspected at least once every ten years. The owner must hire a “qualified rental housing inspector” to conduct the inspection – this can be a City inspector, or they can hire a private inspector.

For multifamily buildings, only a sampling of units are required to be inspected. If one of the units selected for inspection fails the inspection, the Department may require that up to 100 percent of the units in the building be inspected. Prior to 2017, if a property owner chose to hire a private inspector to conduct the RRIO inspection, the City only received the Certificate of Compliance issued by the private inspector and did not receive any information about aspects of the RRIO requirements the unit may have failed. Without the notice of any failures, SDCI could not use its discretionary authority to address more extensive maintenance or safety issues by requiring inspection of additional units.

In 2017 the Council adopted changes to the program that added a requirement that, if any failure is found by a private inspector, both the results of the initial inspection and the Certificate of Compliance must be submitted to SDCI. With that information SDCI can determine if inspection of additional units is needed. This legislation would provide an alternative path for property owners by adding an option where the property owner is only required to submit a Certificate of Compliance and no additional information about the inspection if they opt to have 100 percent of the units inspected.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes ☒ No

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

No

Is there financial cost or other impacts of *not* implementing the legislation?

No

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

Yes, SDCI will be responsible for implementation but should not have significant impacts on the business processes.

b. Is a public hearing required for this legislation?

No

c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

If yes, please describe the measures taken to comply with RCW 64.06.080.

Yes. The MRSC summary will be updated to link to the updated ordinance if adopted.

d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No

e. Does this legislation affect a piece of property?

No, not a specific piece of property; this legislation will provide an alternative option for owners of rental property on completing the required RRIO inspection.

f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

N/A

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).

No

STATE OF WASHINGTON -- KING COUNTY

--SS.

375869

No.

CITY OF SEATTLE, CLERKS OFFICE

Affidavit of Publication

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

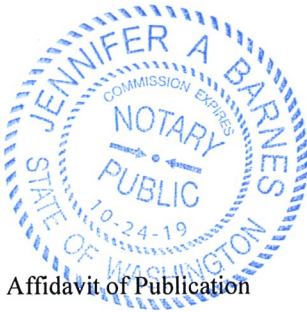
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:125849-852 TITLE ONLY

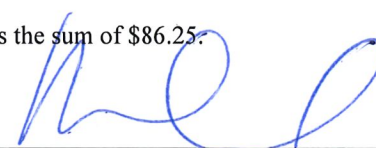
was published on

07/16/19

The amount of the fee charged for the foregoing publication is the sum of \$86.25.



Affidavit of Publication


Subscribed and sworn to before me on

07/16/2019


Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on June 24, 2019, and published below by title only, will be mailed upon request, or can be accessed at <http://seattle.legistar.com>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Ordinance 125849

Council Bill 119548

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Ordinance 125850

Council Bill 119539

AN ORDINANCE relating to Emergency Medical Services; authorizing execution pursuant to the Interlocal Cooperation Act, of an agreement with King County regarding the imposition and allocation of property tax revenues generated by a six-year, voter-approved King County-wide tax levy for emergency medical services; approving the submittal by King County of a proposition to the voters seeking authority to levy those additional taxes; and ratifying and confirming certain prior acts.

Ordinance 125851

Council Bill 119546

AN ORDINANCE related to conforming City code to match provisions of state law for rental housing inspections; and amending Seattle Municipal Code Section 22.214.050.

Ordinance 125852

Council Bill 119531

AN ORDINANCE relating to housing for low-income households; adopting the Housing Levy Administrative and Financial Plan for program years 2019 and 2020; adopting Housing Funding Policies for the 2016 Housing Levy and other fund sources; authorizing actions by the Director of Housing regarding past and future housing loans and contracts; and ratifying and confirming certain prior acts.

Date of publication in the Seattle Daily Journal of Commerce, July 16, 2019.

7/16(375869)