

Chapter 22.206 - HABITABLE BUILDINGS

Subchapter I - Minimum Space and Occupancy Standards

22.206.010 - Reserved.

(Ord. 113545 § 5(part), 1987.)

22.206.020 - Floor area

- A. Every dwelling unit shall have at least one habitable room, which shall have not less than 120 square feet of floor area.
- B. No habitable room except a kitchen may be less than 7 feet in any floor dimension.
- C. Every room used for sleeping purposes, including an SRO unit, shall have not less than 70 square feet of floor area. Every room, except an SRO unit, which is used for both cooking and living or both living and sleeping quarters shall have a floor area of not less than 130 square feet if used or intended to be used by only one occupant, or of not less than 150 square feet if used or intended to be used by two occupants. Where more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 50 square feet for each occupant in excess of two.
- D. In a dormitory, minimum floor area shall be 60 square feet per single or double bunk, and aisles not less than 3 feet in width shall be provided between the sides of bunks and from every bunk to an exit. The requirements of this subparagraph shall not apply to SRO units.
- E. The required floor area square footage of all dwelling units, dormitories, and SRO units shall not include built-in equipment which extends from the floor to 30 inches above the floor, including but not limited to wardrobes, cabinets, and kitchen sinks or appliances.

(Ord. 125343, § 2, 2017; Ord. 115671, § 9, 1991; Ord. 113545 § 5, 1987.)

22.206.030 - Reserved.

(Ord. 113545 § 5(part), 1987.)

22.206.040 - Light and ventilation

- A. Every habitable room in a housing unit shall have a window or windows providing natural light with an area of not less than 8 percent of the floor area of the room, but in no event shall such area be less than 10 square feet; provided, that an approved system of artificial light compliant

with current Seattle Building Code standards may be used in lieu of the window or windows required by this section.

- B. Every habitable room in a housing unit and every laundry room shall have natural ventilation from an exterior opening with an area measuring at least 4 percent of the floor area of the room. In lieu of required exterior openings for natural ventilation in all habitable rooms and in laundry rooms, a mechanical ventilating system may be provided. Such system shall comply with the requirements of the Seattle Energy Code in effect on the date of installation and applicable requirements of the Mechanical Code.
- C. Every bathroom and water closet compartment shall be provided with natural ventilation by means of exterior openings with an area not less than five percent of the floor area of the room, but in no event shall such area be less than 1.5 square feet; provided, that in lieu of required exterior openings for natural ventilation, a mechanical ventilating system or vent shafts may be provided. Such system shall comply with the requirements of the Seattle Energy Code in effect on the date of installation and applicable requirements of the Seattle Mechanical Code. If a mechanical ventilation system is provided in laundry rooms or similar rooms, it shall be connected to the outside.
- D. For the purpose of determining light and ventilation requirements, any room may be considered a portion of an adjoining room if 1/2 of the area of the common wall is open and unobstructed and provides an opening of not less than 1/10 of the floor area of the interior room or 25 square feet, whichever is greater.
- E. Required exterior openings for natural light or natural ventilation shall open directly onto a street or public alley, or a yard or court adjacent to the required exterior opening; provided, that required exterior openings may open onto a roofed porch where the porch:
 - 1. Abuts a street, yard, or court; and
 - 2. Has a ceiling height of not less than 6 feet, 8 inches; and
 - 3. Is at least 65 percent open and unobstructed for its length, or is open at both ends.
- F. Every yard, court, street, or alley having required windows facing thereon shall be not less than 3 feet in width and unobstructed to the sky.

(Ord. [125343](#), § 3, 2017; Ord. [123546](#), § 1, 2011; Ord. [115671](#), § 10, 1991; Ord. [113545](#) § 5, 1987.)

22.206.050 - Sanitation.

- A. Dwelling Units. Every dwelling unit shall contain a toilet, a bathroom sink, and a bathtub or shower in a separate room or rooms which shall be accessible from inside the dwelling unit. The only access from a bedroom to the only bathroom shall not be through another bedroom. No

toilet shall be located in any room or space used for the preparation of food, nor shall a room containing a toilet open directly into any such room or space unless the toilet room has a tight-fitting door.

- B. Hotels. Every hotel that does not provide private toilets, bathroom sinks, bathtubs, or showers shall have on each floor, accessible from a public hallway, at least one toilet, one bathroom sink, and one bathtub with shower or one separate shower for each ten occupants or portion thereof. For each additional ten occupants, or portion thereof, an additional one toilet, one bathroom sink, and one bathtub with shower or separate shower accessible from a public hallway shall be provided.
- C. Other Buildings. Every building, other than a hotel, containing housing units that do not have private toilets, bathroom sinks, and bathtubs or showers shall contain at least one toilet, one bathroom sink, and one bathtub or shower, accessible from a public hallway, for each eight occupants or portion thereof. On floors with fewer than eight housing units, the required sanitary facilities may be provided on an adjacent floor if the floor on which facilities are provided is directly and readily accessible to such occupants and if such use does not cause the facilities to be used by a total of more than eight persons.
- D. Kitchens. Every dwelling unit shall have a kitchen. Every kitchen shall have an approved kitchen sink with at least 30 inches of floor space in front, hot and cold running water, counter work-space, and cabinets for storage of cooking utensils and dishes. A kitchen shall also have approved cooking appliances and refrigeration facilities or adequate space and approved gas or electric hookups for their installation. All cooking appliances and refrigeration facilities shall be maintained in a safe and good working condition by the owner or furnisher of the appliance. Unapproved cooking appliances shall be prohibited. Splash backs and countertops shall have an impervious surface.
- E. Fixtures. All plumbing fixtures shall be trapped and vented and connected to an approved sanitary sewer or to an approved private sewage disposal system. All toilets shall be flush type and in good working order. Every discharge opening of the spout of a water supply outflow (faucet) shall be not less than 1 inch above the flood rim of the fixture into which it discharges.
- F. Water Supply. There shall be an approved system of water supply, providing both hot and cold running water. Hot water for the required kitchen sink, bathroom sink, and bathtub or shower shall be provided at a temperature of not less than 100 degrees Fahrenheit at all times at the fixture outlet, to be attained within approximately two minutes after opening the fixture outlet. Prior to a new tenant occupying of a housing unit in which hot water is supplied from an accessible, individual water heater, the water heater shall be set by the owner at a temperature not higher than 120 degrees Fahrenheit or the minimum setting on any water heater which cannot be set at 120 degrees Fahrenheit; provided, that buildings, other than one- and two-family dwellings, in which hot water is supplied by a central water-heater system need not comply with this requirement.

- G. Maintenance. All sanitary facilities, fixtures, equipment, structures, and premises, including gas piping and temperature pressure relief valves, shall be maintained in a safe and sanitary condition, and in good working order.
- H. Fuel Shutoff Valves. An approved accessible shutoff valve shall be installed in the fuel-supply piping outside of each appliance and ahead of the union connection thereto, and in addition to any valve on the appliance. Shutoff valves shall be within 3 feet of the appliance. Shutoff valves may be located immediately adjacent to and inside or under an appliance when placed in an accessible and protected location and when such appliance may be removed without removal of the shutoff valve.

(Ord. 125343, § 5, 2017; Ord. 115671, § 11, 1991; Ord. 113545 § 5(part), 1987.)

Subchapter II - Minimum Structural and Maintenance Standards

Footnotes:

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Editor's note— Ord. 125343, § 5, amended the title of Subchapter II.

22.206.060 - General.

Roofs, floors, walls, chimneys, fireplaces, foundations and all other structural components of buildings shall be reasonably decay-free and shall be capable of resisting any and all normal forces and loads to which they may be subjected.

(Ord. 113545 § 5(part), 1987.)

22.206.070 - Shelter.

Every building shall be protected so as to provide shelter for the occupants against the weather. Every basement used for human habitation shall be dry; and habitable rooms therein shall conform to all requirements of size, lighting and ventilation. No portion of a basement, or building used for human habitation shall have dirt floors.

(Ord. 113545 § 5(part), 1987.)

22.206.080 - Maintenance.

- A. Every foundation, roof, exterior wall, door, skylight, window, and all building components shall be reasonably weather-tight, watertight, damp-free and rodent proof, and shall be kept in a safe, sound, and sanitary condition and in good repair.
- B.

All appurtenant structures, floors, floor coverings, interior walls, and ceilings shall be kept in a safe, sound, and sanitary condition and in good repair.

- C. Any repair or removal of asbestos materials shall comply with regulations of the Environmental Protection Agency and the Puget Sound Clean Air Agency.
- D. Painted interior surfaces must be maintained free from peeling and chipping and other deterioration. In any structure built before 1978, removal, repair, or other disturbance of painted surfaces must comply with the lead-based paint provisions of Revised Code of Washington, Chapter 70.103 RCW, and associated regulations in the Washington Administrative Code, Chapter 365-230 WAC, including appropriate management and disposal of dust and debris and use of a certified individual qualified to paint, renovate, and repair areas containing lead-based paint. In any structure built before 1978, if a damaged surface is more than 2 square feet in area per room or equivalent or more than 10 percent of the total surface area of a component such as a windowsill or window frame, the Director may require documentation that any work was done by a certified individual. Use of a certified individual for repairs to a surface with deteriorated paint is not required if a report from a laboratory accredited under the National Lead Laboratory Accreditation Program certifies that lead levels do not exceed maximum allowable levels under state and federal law. The report must specify the specific location or locations at the site that correlate to the test results.
- E. Underfloor areas other than basements shall have adequate ventilation. The ventilation opening shall be provided in exterior walls and shall be screened. The total ventilation opening shall be at least equal to 1/10 of 1 percent of the underfloor area. Ventilation openings shall be located so as to insure a cross-current of air. These openings may be equipped with an approved, thermally operated damper device.
- F. An attic access opening shall be provided in the ceiling of the top floor of buildings with combustible ceiling or roof construction. The opening shall be readily accessible, and shall have dimensions of not less than 20 inches by 24 inches.
- G. Toxic paint and other toxic materials shall not be used in areas readily accessible to children.
- H. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint or other approved protective covering or treatment.
- I. All premises shall be graded and drained, and all premises and structures shall be free of standing water and maintained in a safe condition.
- J. All additions, alterations, or repairs, including but not limited to additions, alterations, or repairs made in response to a notice of violation, shall comply with the provisions of the Seattle Building, Electrical, Plumbing, and Mechanical Codes in effect at the time of the work unless a different standard is expressly permitted by this Code.

(Ord. 125343, § 6, 2017; Ord. 115671, § 12, 1991; Ord. 113545 § 5, 1987.)

Subchapter III - Minimum Mechanical Standards

22.206.090 - Heating

- A. Minimum heating equipment. Every housing unit shall have permanently installed, functioning heating facilities and an approved power or fuel supply system which are capable of maintaining a minimum room temperature of 68 degrees Fahrenheit measured at a point 3 feet above the floor and 2 feet from exterior walls in all habitable rooms, baths, and toilet rooms, when the outside temperature is 24 degrees Fahrenheit or higher. When the outside temperature is less than 24 degrees Fahrenheit, the permanently installed, functioning heating facility and approved power or fuel supply system must be capable of maintaining an average room temperature of at least 58 degrees Fahrenheit, measured at a point 3 feet above the floor and 2 feet from exterior walls, in all habitable rooms, baths, and toilet rooms.
- B. Heating devices. All heating devices and appliances, including but not limited to furnaces, fireplaces, electric baseboard heaters, and water heaters, shall be of an approved type, in good and safe working order, and shall meet all installation and safety codes. Approved, unvented portable oil-fueled heaters may be used as a supplemental heat source provided that such heaters shall not be located in any prohibited location, as provided by Section 303.3 of the Mechanical Code. Ventilation for rooms and areas containing fuel-burning appliances shall be adequate for proper combustion.

(Ord. 126278, § 15, 2021; Ord. 125343, § 7, 2017; Ord. 123546, § 2, 2011; Ord. 115671, § 13, 1991; Ord. 113545, § 5, 1987.)

22.206.100 - Ventilation equipment.

Ventilating equipment or shafts shall be of an approved type and maintained in a safe manner. Where mechanical ventilation is provided in lieu of the natural ventilation pursuant to Section 22.206.040, the mechanical system shall be safe and shall be maintained in good working order during the occupancy of any building.

(Ord. 113545 § 5(part), 1987.)

22.206.110 - Electrical equipment

- A. All electrical equipment, wiring, and appliances shall be of an approved type, installed in accordance with applicable provisions of the Seattle Electrical Code in effect at the time of installation, unless otherwise specified in this Code, and safely maintained. Every dwelling unit must have access to its electrical panel.

- B. Every habitable room, except kitchens, shall be provided with not less than two electrical receptacle outlets, or one receptacle outlet and one supplied electric light fixture.
- C. Every kitchen shall be provided with not less than three electrical receptacle outlets and one supplied light fixture. One electrical appliance receptacle outlet properly installed as a part of a lawfully installed electric or gas kitchen range shall be accepted in lieu of one of the required receptacle outlets in a kitchen. In all cases, at least one of the wall-mounted receptacle outlets shall not be obscured, either partially or otherwise by floor-mounted appliances. All receptacle outlets within 3 feet of any water source must be of a ground fault interrupter style of receptacle installed in accordance with manufacturer's standards.
- D. Every toilet room, bathroom, laundry room, furnace room, public hallway, porch, and flight of stairs between stories shall contain at least one supplied electric light fixture. Where an interior stairway or public hallway changes direction, more than one supplied electric light fixture may be required to provide sufficient lighting for safe exit. Such required light fixture or fixtures shall be located so as to provide sufficient lighting for safe exit. All receptacle outlets within 3 feet of any water source must be of a ground fault interrupter style of receptacle installed in accordance with manufacturer's standards. In buildings with more than two dwelling units, in the event of power supply failure, an emergency power system must illuminate the path of exit.

(Ord. 125343, § 8, 2017; Ord. 115671, § 14, 1991; Ord. 113545, § 5(part), 1987.)

22.206.120 - Maintenance.

All mechanical facilities, fixtures, equipment and structures shall be maintained in a safe condition and in good operating order.

(Ord. 113545, § 5(part), 1987.)

Subchapter IV - Minimum Fire and Safety Standards

22.206.130 - Requirements

- A. Stairs and stairways
 1. All stairs, except stairs to inaccessible service areas, exterior stairs on grade and winding, circular, or spiral stairs, shall have a minimum run of 10 inches and a maximum rise of 7 3/4 inches and a minimum width of 36 inches from wall to wall. The rise and run may vary no more than 3/8 inch in any flight of stairs.
 2. All stairs, including exterior stairs on grade and winding, circular, and spiral stairs, shall be in good repair and shall be configured for safe use and travel.
 - 3.

Every stairway having more than three risers, except stairs to inaccessible service areas, shall have at least one handrail of an easily grasped size and shape mounted not less than 34 inches or more than 38 inches above the tread nose. The ends of the handrail must either be returned or end in newel posts or safety terminals.

4. A landing having minimum horizontal dimension of 36 inches shall be provided at each point of access to a stairway including the top and bottom of the stairway; provided, that stairs to an inaccessible service area need not have such a landing. A door that swings away from a stairway is considered to have created a landing in the area of its swing.
5. Every required stairway shall have headroom clearance of not less than 6 feet 8 inches measured vertically from the nearest tread nose to the nearest soffit.
6. Stairs or ladders within an individual dwelling unit used to gain access to intermediate floor areas of less than 400 square feet and not containing the primary bathroom or kitchen are exempt from the requirements of this subsection 22.206.130.A.

B. Number of exits

1. Occupied floors containing one or more housing unit(s) above the first floor or on any floor where the means of egress does not discharge within 4 feet, measured vertically, of adjacent ground level shall have access to not less than two unobstructed exits that meet the standards of Section 22.206.130; provided, that:
 - a. Housing units may have a single exit if located on a second floor that has an occupant load of not more than ten persons or in a basement that has an occupant load of not more than ten persons; or
 - b. A housing unit may have a single exit if the exit leads directly to a street, alley, other public right-of-way, or yard:
 - i. At ground level, or
 - ii. By way of an exterior stairway, or
 - iii. By way of an enclosed stairway with a fire-resistant rating of one hour or more that serves only that housing unit and has no connection with any other floor below the floor of the housing unit being served or any other area not a part of the housing unit being served; or
 - c. Housing units above the first floor or in a basement may have one exit if:
 - i. An approved automatic fire-sprinkler system is provided for exit ways and common areas in the building, or
 - ii. Built to the single exit requirements of the building code in effect when the building was constructed, altered, rehabilitated, or repaired.

2.

Floors other than those containing housing units shall meet the exit standards of the building code in effect when the building, structure, or premises was constructed or, if altered, rehabilitated, or repaired, shall meet the exit standards in effect when the floor was altered, rehabilitated, or repaired.

3. If two exits are required, a fire escape that meets the standards of subsection 22.206.130.D may be used as one of the required exits.

C. Stairway enclosures

1. The standards for stairway enclosures are as follows:

- a. The walls of all portions of a stairway enclosure shall be at least one hour fire-resistive construction. Materials fastened to walls or floors of stairway enclosures shall comply with Seattle Building Code Section 806; provided, that:
 - i. Existing partitions forming part of a stairway enclosure shall be permitted in lieu of one-hour fire-resistive construction if they are constructed of lath and plaster that is not cracked, loose, or broken; or
 - ii. Existing wainscoting and other decorative woodwork that was lawful at the time of installation is permitted if it is coated with an approved fire-retardant.
- b. Each opening onto a stairway enclosure shall be protected by a self-closing fire door and latching assembly providing fire-resistance equivalent to that provided by a solid wood door and assembly at least 1-3/4 inches thick.

2. Stairway enclosures need not meet the above standards if:

- a. A lawfully installed automatic fire-extinguishing system is provided for all corridors, stairs, and common areas within the building;
- b. The stairway enclosure connects to only two floors and is not connected to corridors or stairways serving other floors; or
- c. The stairway enclosure is in a dwelling unit.

- D. Fire Escapes. An existing fire escape that is structurally sound may be used as one means of egress, provided that the pitch does not exceed 60 degrees, the width is not less than 18 inches, the run of the treads is not less than 4 inches, and the fire escape extends to the ground or is provided with counterbalanced stairs reaching to the ground. Access to a fire escape shall be from an opening having a minimum dimension of 29 inches in all directions when open. The sill of a fire escape window shall be no more than 30 inches above the floor and the exterior landing.

E. Corridors, doors, and openings

1. Corridors shall have a fire-resistance not less than that of wood lath and plaster that is not cracked, loose, or broken.
- 2.

Existing dead-end corridors longer than 30 feet that serve housing units shall be eliminated, unless an approved automatic sprinkler system is lawfully installed throughout the affected corridor, or unless approved smoke detectors are lawfully installed outside the door of each housing unit whose corridor exit door is located beyond the 30-foot limitation. The detectors may be self-contained or installed as part of the electrical system.

3. Exit doors shall be self-closing, self-latching, and when serving an occupant load of 50 or more shall swing in the direction of exit travel. Exit doors from housing units that do not open directly into a stairway enclosure are exempt from these requirements if they were installed and are maintained in accordance with safety codes and ordinances in effect at the time of installation.
 4. Exit doors shall be openable from the inside without the use of a key or other special device, knowledge, or effort.
 5. All doors opening into a corridor, and not included as part of a stairway enclosure, shall be of solid wood at least 1 3/8 inches thick, or shall provide equivalent fire-resistance, except that doors opening directly to the outside, and doors in buildings where a lawfully installed automatic fire-sprinkler system is provided throughout all exit ways and other public rooms and areas within the building need not meet this standard.
 6. Transoms and openings other than doors, from corridors to rooms shall be fixed closed and shall be covered with a minimum of 5/8-inch gypsum Type "X" wallboard on both sides.
 7. Gravity-closing metal overhead or pocket doors in an exit path shall be removed or shall be permanently secured in the open position.
 8. All corridor walls, floors and ceilings shall be of one hour fire-resistive construction, or shall be repaired in accordance with codes and ordinances in effect at the time the corridor was constructed.
- F. Exit Signs. Every exit doorway or change of direction of a corridor shall be marked with a well-lighted exit sign or placard having green, legible letters at least 5 inches high. In the event of power supply failure, an emergency power system must illuminate the exit signs or placards.
- G. Enclosure of vertical openings
1. Elevator shafts and other vertical openings shall be protected with construction as required for stairway enclosures in subsection 22.206.130.C.1 or by fixed wire-glass set in steel frames, or by assemblies that comply with Chapter 7 of the Seattle Building Code.
 2. Doors on vertical openings shall be of solid wood at least 1-3/8 inches thick or shall provide equivalent fire resistance.
- H. Separation of occupancies. Occupancy separations shall be provided as specified in Section 508 and Table 508.4 of the Seattle Building Code.
- I.

Guardrails. A guardrail shall be provided whenever walking surfaces, including stairs, are 30 inches or more above adjacent surfaces, except in building service areas. Every guardrail shall be at least 36 inches in height unless it is an existing guardrail that was in compliance with the standards in effect at the time the guardrail was constructed, is in good condition, and is between 28 and 42 inches in height. Open guardrails shall have intermediate rails placed so that a sphere 4 inches or less in diameter cannot pass through.

J. Emergency escape windows and doors

1. Every room below the fourth story that was constructed for, converted to, or established for sleeping purposes after August 10, 1972, shall have at least one operable window or exterior door approved for emergency escape or rescue.
2. Emergency escape windows and doors shall not open into an area without a means of escape. The emergency escape window or door shall be operable from the inside to provide a full clear opening without the use of separate tools. All emergency escape windows shall have a minimum net clear opening of 5.7 square feet. The minimum net clear openable height dimension shall be 24 inches. The minimum net clear openable width dimension shall be 20 inches. When a window is provided as a means of escape or rescue, it shall have a finished sill height not more than 44 inches above the floor. Emergency escape windows with sill heights greater than 44 inches above finished floor but 52 inches or less may have one step with a maximum height of eight inches and permanently fixed to the wall the full length of the openable portion of the window.
3. Every room below the fourth story used for sleeping purposes that had on January 1, 1990, an operable window or door that met the requirements of Section 1204 of the 1985 Seattle Building Code adopted by Ordinances 113700 and 113701, for emergency escape or rescue, regardless of the date of construction of the building, shall maintain that operable window or door as required by subsection 22.206.130.J.2.

K. Bars, grilles, grates, or similar devices may be installed on emergency escape windows or doors, provided:

1. Such devices are equipped with approved release mechanisms that are operable from the inside without the use of a key or special knowledge or effort; and
2. The building is equipped with smoke detectors and carbon monoxide alarms as required by this Code.

L. One- and two-family dwellings are exempt from the requirements of subsections 22.206.130.B through 22.206.130.H; provided, that for purposes of this subsection 22.206.130.L, no building containing residential and commercial uses or other similar mixed uses is considered a dwelling.

(Ord. 126278, § 16, 2021 [cross-reference update and style cleanup]; Ord. 125603, § 1, 2018; Ord. 125343, § 9, 2017; Ord. 123546, § 3, 2011; Ord. 120087, § 3, 2000; Ord. 115671, § 15, 1991; Ord. 113545, § 5, 1987.)

22.206.140 - Requirements

- A. The following requirements shall apply to housing units and buildings which contain housing units, except detached single-family dwellings, to provide a reasonable security from criminal actions to the permanent and transient occupants thereof and to their possessions.
1. All building entrance doors, except building entrance doors which open directly into a single housing unit, shall be self-closing, self-locking, and equipped with a deadlatch with at least a 1-inch throw which penetrates the striker at least 1/2 inch; provided, that the main entrance door need not be self-locking if an attendant is present and on duty 24 hours per day.
 2. All building entrance doors, other than a main entrance door which opens into a common area, shall be solid or, if provided with glazed openings, shall have wire or grilles to prevent operation of the door latch from outside by hand or instrument. Main entrance doors which open into a common area may be framed or unframed nonshattering glass or framed 1/4-inch plate glass.
 3. When garage-to-exterior doors are equipped with an electrically operated remote control device for opening and closing, garage-to-building doors need not be self-locking. When either the garage-to-exterior doors or garage-to-building doors are equipped for self-closing and self-locking, the other need not be so equipped.
 4. Entrance doors from interior corridors to individual housing units shall not have glass openings and shall be capable of resisting forcible entry equal to a single-panel or solid-core door 1 3/8 inches thick.
 5. Every entrance door to an individual housing unit shall have a dead bolt or deadlatch with at least a 1/2-inch throw which penetrates the striker not less than 1/4 inch. The lock shall be so constructed that the dead bolt or deadlatch may be opened from inside without use of a key. In hotels and other multi-unit buildings that provide housing for rent on a daily or weekly basis, every entrance door to individual units shall have a chain door guard or barrel bolt on the inside.
 6. Every entrance door to an individual housing unit, other than transparent doors, shall have a visitor-observation port, which port shall not impair the fire-resistance of the door. Observation ports shall be installed at a height of not less than 54 inches and not more than 66 inches above the floor.
 7. In all leased or rented housing units in buildings other than hotels and other multi-unit buildings having transient occupancies, lock mechanisms and keys shall be changed at owner's expense upon a change of tenancy, except that such change of locks and keys will not be required where an approved proprietary key system is used.

8. All building entrance doors shall be openable from the interior without use of keys.
 9. Doors to storage, maintenance, and building service rooms shall be self-closing and self-locking.
 10. Dead bolts or other approved locking devices shall be provided on all sliding patio doors and installed so that the mounting screws for the lock cases are inaccessible from the outside.
 11. Openable windows shall be equipped with operable inside latching devices, except that this requirement shall not apply to any window whose sill is located 10 or more feet above grade or above any deck, balcony, or porch that is not readily accessible from grade except through a single housing unit.
 12. Where private baths and toilets are not provided in each housing unit, doors to community toilets and bathrooms shall be self-closing, and in lieu of a self-locking device, may be equipped with a dead bolt having a minimum one-inch throw. Tenants shall be furnished with a key for this lock.
 13. Windows may be located adjacent to and within the wall plane of a building entrance door, but if located within 12 inches of the entrance door, as measured from a closed position, then such windows shall be made of either framed or unframed nonshattering glass, or glass with sufficient wire or grilles so as to make the glass visible and to prevent operation of the door latch from outside by either hand or instrument.
- B. The following requirements shall apply to detached single-family dwellings to provide reasonable security from criminal actions to the permanent and transient occupants thereof and to their possessions.
1. Building entrance doors shall be capable of locking and shall be equipped with a dead bolt or deadlatch with at least a 1/2-inch throw which penetrates the striker not less than 1/4 inch. The lock shall be so constructed that the dead bolt or deadlatch may be opened from the inside without use of a key.
 2. Windows may be located adjacent to and within the wall plane of an entrance door, but if located within 12 inches of such door, as measured from a closed position, then such windows shall be made of either framed or unframed nonshattering glass, framed 1/4 inch plate glass, or glass with sufficient wire or grilles so as to both make the glass visible and prevent it from being used to operate the door latch from outside by either hand or instrument.
 3. Garage-to-exterior doors may be equipped with a remote-control electrically operated opening and closing device in lieu of a deadlatch. When garage-to-exterior doors are equipped with such remote-control devices, garage-to-building doors need not be locking.
 - 4.

Every entrance door shall have a visitor-observation port of glass side light. Observation ports shall be installed at a height of not less than 54 inches and not more than 66 inches from the floor.

5. Dead-bolts or other approved locking devices shall be provided on all sliding patio doors and openable windows and shall be installed so that the mounting screws for the lock cases are inaccessible from the outside, except that locks shall not be required on any window whose sill is located ten or more feet above grade or above any deck, balcony, or porch that is not readily accessible from grade except through the building.
- C. Subject to approval by the Director, alternate security devices may be substituted for those required herein if the devices are equally capable of resisting illegal entry, and installation of the devices does not conflict with the requirements of this Code or the requirements of other ordinances regulating safe exits.

(Ord. 125343, § 10, 2017; Ord. 115671, § 16, 1991; Ord. 113545, § 5(part), 1987.)

Subchapter VI - Duties of Owners and Tenants

22.206.150 - General

Notwithstanding the provisions of any rental agreements or contracts to the contrary, there are hereby imposed on owners and tenants certain duties with respect to the use, occupancy, and maintenance of buildings.

(Ord. 113545, § 5(part), 1987.)

22.206.160 - Duties of owners

- A. It shall be the duty of all owners, regardless of any lease provision or other agreement that purports to transfer the owner's responsibilities hereunder to an operator, manager, or tenant, to:
 1. Remove all garbage, rubbish, and other debris from the premises;
 2. Secure any building which became vacant against unauthorized entry as required by Section 22.206.200;
 3. Exterminate insects, rodents, and other pests which are a menace to public health, safety, or welfare. Compliance with the Director's Rule governing the extermination of pests shall be deemed compliance with this subsection 22.206.160.A.3;
 4. Remove from the building or the premises any article, substance, or material imminently hazardous to the health, safety, or general welfare of the occupants or the public, or which may substantially contribute to or cause deterioration of the building to such an extent that it may become a threat to the health, safety, or general welfare of the occupants or the public;

5. Remove vegetation and debris as required by Section 10.52.030;
 6. Lock or remove all doors and/or lids on furniture used for storage, appliances, and furnaces which are located outside an enclosed, locked building or structure;
 7. Maintain the building and equipment in compliance with the minimum standards specified in Sections 22.206.010 through 22.206.140 and in a safe condition, except for maintenance duties specifically imposed in Section 22.206.170 on the tenant of the building; provided that this subsection 22.206.160.A.7 shall not apply to owner-occupied dwelling units in which no rooms are rented to others;
 8. Affix and maintain the street number to the building in a conspicuous place over or near the principal street entrance or entrances or in some other conspicuous place. This provision shall not be construed to require numbers on either appurtenant buildings or other buildings or structures where the Director finds that the numbering is not appropriate. Numbers shall be easily legible, in contrast with the surface upon which they are placed. Figures shall be no less than 2 inches high;
 9. Maintain the building in compliance with the Seattle Existing Building Code;
 10. Comply with any emergency order issued by the Seattle Department of Construction and Inspections;
 11. Furnish tenants with keys for the required locks on their respective housing units and building entrance doors; and
 12. Maintain electricity, water, and gas (if provided) service equipment for each dwelling unit in good working order.
- B. It shall be the duty of all owners of buildings that contain rented housing units, regardless of any lease provision or other agreement that purports to transfer the owner's responsibilities hereunder to an operator, manager, or tenant, to:
1. Maintain in a clean and sanitary condition the shared areas, including yards and courts, of any building containing two or more housing units;
 2. Supply enough garbage cans or other approved containers of sufficient size to contain all garbage disposed of by such tenants;
 3. Maintain heat in all habitable rooms, baths, and toilet rooms at an inside temperature, as measured at a point 3 feet above the floor and 2 feet from exterior walls, of at least 68 degrees Fahrenheit between the hours of 7 a.m. and 10:30 p.m. and 58 degrees Fahrenheit between the hours of 10:30 p.m. and 7 a.m. from September 1 until June 30, unless the tenant is contractually obligated to provide heat;
 4. Install smoke detectors on the ceiling or on the wall not less than 4 inches nor more than 12 inches from the ceiling at a point or points centrally located in a corridor, inside each sleeping room, and immediately outside each sleeping room, and test smoke detectors when each

housing unit becomes vacant;

5. Install carbon monoxide alarms outside each sleeping room and on each level of the dwelling unit, and inside any sleeping room that contains a fuel-burning appliance or fireplace, and test carbon monoxide alarms when each housing unit becomes vacant;
6. Make all needed repairs or replace smoke detectors and carbon monoxide alarms with operating devices before a unit is reoccupied; and
7. Instruct tenants as to the purpose, operation, and maintenance of the detectors and alarms and have the tenant sign a statement of understanding.

(Ord. 126278, § 17, 2021 [cross-reference correction]; Ord. 125343, § 11, 2017; Ord. 124919, § 78, 2015 [department name change and other cleanup]; Ord. 123546, § 4, 2011 [cross-reference and style update]; Ord. 122397, § 2, 2007 [cross-reference update]; Ord. 121276, § 19, 2003 [department name change]; Ord. 115877, § 1, 1991; Ord. 115671, § 17, 1991; Ord. 113545, § 5, 1987.)

Reviser's note—Subsection 22.206.160.C, related to just cause eviction, has been recodified as Chapter 22.205.

22.206.170 - Duties of tenants

It is the duty of every tenant to:

- A. Maintain in a clean and sanitary condition the part or parts of the building and the premises occupied or controlled by the tenant;
- B. Store and dispose of all garbage and rubbish in a clean, sanitary, and safe manner in garbage cans or other approved containers provided by the owner;
- C. Comply with reasonable requests of the owner for the prevention or elimination of infestation, including granting reasonable access for extermination or preventive measures by the owner;
- D. Exercise reasonable care in the use and operation of electrical and plumbing fixtures and maintain all sanitary facilities, fixtures, and equipment in a clean and sanitary condition;
- E. Within a reasonable time, repair or pay for the reasonable cost of repair of all damage to the building caused by the negligent or intentional act of the tenant or the invitees or licensees of the tenant, unless the tenant is exempt from liability pursuant to subsection 7.24.030.H;
- F. Grant reasonable access to the owner of the building for the purpose of inspection by the Director, or maintenance or repairs by the owner in the performance of any duty imposed on the owner by this Code;
- G. Refrain from placing or storing in the building or on the premises thereof any article, substance, or material imminently dangerous to the health, safety, or general welfare of any occupant thereof or of the public, or which may substantially contribute to or cause

deterioration of the building; and

- H. Test according to the manufacturer's recommendations and keep in good working condition, including replacing batteries if needed, all smoke detectors and carbon monoxide alarms in the dwelling unit required by law.

(Ord. 125951, § 5, 2019; Ord. 125343, § 12, 2017; Ord. 113545, § 5(part), 1987.)

22.206.180 - Prohibited acts by owners

Except as otherwise specifically required or allowed by this Title 22 or by the Washington State Residential Landlord-Tenant Act, chapter 59.18 RCW, it is unlawful for any owner to:

- A. Change or tamper with any lock or locks on a door or doors used by the tenant; or
- B. Remove any door, window, fuse box, or other equipment, fixtures, or furniture; or
- C. Request, cause, or allow any gas, electricity, water, or other utility service supplied by the owner to be discontinued; or
- D. Remove or exclude a tenant from the premises except pursuant to legal process; or
- E. Evict, increase rent, reduce services, increase the obligations of a tenant, or otherwise impose, threaten, or attempt any punitive measure against a tenant for the reason that the tenant has in good faith reported violations of this Title 22 to the Seattle Department of Construction and Inspections or to the Seattle Police Department, or otherwise asserted, exercised, or attempted to exercise any legal rights granted tenants by law and arising out of the tenant's occupancy of the building; or
- F. Enter a tenant's housing unit or premises except:
 - 1. At reasonable times with the tenant's consent, after giving the tenant:
 - a. at least two days' notice of intent to enter for the purpose of inspecting the premises, making necessary or agreed repairs, alterations or improvements, or supplying necessary or agreed services; or
 - b. at least one day's notice for the purpose of exhibiting the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workers, or contractors; or
 - 2. In an emergency; or
 - 3. In case of abandonment as defined by state law; or
- G. Prohibit a tenant or the tenant's authorized agent or agents, if accompanied by the tenant, from engaging in the following activities when related to building affairs or tenant organization:
 - 1. Distributing leaflets in a lobby and other common areas and at or under tenants' doors;
 - 2.

Posting information on bulletin boards, provided that tenants comply with all generally applicable rules of the landlord governing the use of such boards. Such rules cannot specifically exclude the posting of information related to tenant organizing activities if the rules permit posting of other types of information by tenants;

3. Initiating contact with tenants;
 4. Assisting tenants to participate in tenant organization activities;
 5. Holding meetings, including political caucuses or forums for speeches of public officials or candidates for public office, unattended by management, conducted at reasonable times and in an orderly manner on the premises, held in any community rooms or recreation rooms if these rooms are open for the use of the tenants; provided that the tenant complies with all other generally applicable rules of the landlord governing the use of such rooms. Any generally applicable rules must be written and posted in or near such a room. If a community or recreation room is not available, meetings may take place in common areas which include a laundry room, hallway, or lobby; provided all generally applicable rules of the landlord governing such common areas and applicable fire and safety codes are followed; or
- H. Increase the periodic or monthly housing costs to be charged a tenant without giving the tenant at least 180 days prior written notice of the cost increase, except that for a subsidized tenancy where the amount of rent is based on the income of the tenant or circumstances specific to the subsidized household, the owner shall instead provide at least 30 days' prior written notice of an increase in the amount of rent to each affected tenant. The notice shall describe how the tenant may obtain information about the rights and obligations of tenants and landlords under this [Chapter 22.206](#); or
- I. Increase the periodic or monthly housing costs to be charged a tenant by any amount if the Director has determined the housing unit does not comply with the checklist prescribed by subsection 22.214.050.L and the weighted requirements of 22.214.050.M.
1. When a tenant is notified of a proposed increase in periodic or monthly housing costs, if the tenant believes the housing unit has defective conditions and does not comply with the checklist prescribed by subsection 22.214.050.L and the weighted requirements of 22.214.050.M, the tenant may notify the owner of the potential application of this subsection 22.206.180.I.
 2. Notification from a tenant to an owner must be in writing, describe the defective conditions, and be sent to the landlord prior to the effective date listed in the notice of housing costs increase the tenant received from the landlord.
 3. After written notice to the owner has been provided, and before the housing costs increase takes effect, the tenant or owner may request an inspection from the Director.

4. Upon inspection, if the Director determines the unit meets the requirements of subsections 22.214.050.L and 22.214.050.M or that the conditions violating subsections 22.214.050.L and 22.214.050.M were caused by the tenant, the housing costs increase shall take effect on the date specified in the notice of the housing costs increase.
 5. If the Director determines that the unit does not comply with the checklist prescribed by subsection 22.214.050.L and the weighted requirements of subsection 22.214.050.M, the housing costs increase shall not take effect until the Director determines that the housing unit complies with the checklist and the weighted requirements of subsection 22.214.050.M. This determination must occur before the tenant may lawfully refuse payment of the housing cost increase.
 6. If a tenant pays the increased housing costs prior or subsequent to a determination by the Director that the housing unit does not comply with the checklist and the weighted requirements of subsection 22.214.050.M, the owner shall refund to the tenant the amount by which the housing costs paid exceeded the amount of housing costs otherwise due, or provide a credit in that amount against the tenant's housing costs for the next rental period. The refund or credit shall be prorated to reflect the period that the housing unit was determined to be in compliance with the checklist and the weighted requirements of subsection 22.214.050.M. If the owner elects to provide a refund rather than provide a credit, the refund shall be paid to the tenant before the beginning of the next rental period. When calculating a pro-rata amount to be credited or refunded, a 30-day month shall be used.
 7. If a tenant denies access to the tenant's housing unit to conduct an inspection, the increase in housing costs shall take effect on the date access to the dwelling unit was denied by the tenant, or on the effective date of the housing costs increase identified in the notice of the housing costs increase, whichever is later.
 8. The Director shall describe, by rule, the Seattle Department of Construction and Inspections's role when a tenant notifies the Seattle Department of Construction and Inspections that a landlord has given the tenant notice pursuant to RCW 59.12.030(3) (14 day pay rent or vacate notice) and when the housing cost increase has been lawfully prohibited pursuant to subsection 22.206.180.I.5.
- K. Issue a notice to terminate tenancy, increase housing costs, or enter a unit unless that notice contains a reference on how to access information on the rights and obligations of tenants and landlords. The reference language on the notices shall be adopted by the Seattle Department of Construction and Inspections by rule.

(Ord. [126450](#), § 2, 2021; Ord. [125952](#), § 1, 2019; Ord. [125901](#), § 5, 2019; Ord. [125054](#), § 5, 2016; Ord. [124919](#), § 79, 2015 [department name change and other cleanup]; Ord. [120302](#), § 2, 2001; Ord. [113545](#), § 5, 1987.)

22.206.190 - Harassing or retaliating against owner

It is unlawful for any tenant to harass or retaliate against an owner or to interfere with an owner's management and operation of a building or premises by committing any of the following acts:

- A. Adding or tampering with any lock;
- B. Removing or otherwise interfering with any supplied equipment, fixtures, furniture or services;
- C. Wilfully damaging or causing others to damage the building or premises.

(Ord. 113545, § 5(part), 1987.)

22.206.195 - Right to legal counsel in eviction proceedings

- A. Any tenant residing in Seattle who is named in an unlawful detainer suit under chapter 59.18 RCW has the right to legal counsel free of charge as set forth in this Section 22.206.195, if the tenant is indigent. For the purposes of this Section 22.206.195, a person is "indigent" who, at any stage of an unlawful detainer suit, is unable to pay the cost of counsel for representation in the unlawful detainer suit because the person's available funds are insufficient to retain counsel. Any entity with which the City contracts for legal representation provided under this Section 22.206.195 is authorized to establish the process for determining and verifying a tenant's indigent status.
- B. Legal representation through a non-City entity shall be made available to a person described in subsection 22.206.195.A upon that person's request as soon as practicable after service of a summons for an unlawful detainer suit and at least until the complaint is withdrawn, the case is dismissed, or a judgment is entered.
- C. To the extent allowed by law, the Director is authorized to negotiate and execute a contract for unlawful detainer defense services provided under this Section 22.206.195 with an appropriate attorney organization that:
 - 1. Has experience providing legal representation for renters advocating for their legal rights;
 - 2. Has at least one location near the courtroom where eviction proceedings are heard, in the King County courthouse; and
 - 3. Has the ability to provide legal service in languages commonly spoken in Seattle or has access to all necessary language translation services.
- D. The Seattle Department of Construction and Inspections shall educate renters of their right to counsel free of charge, including materials made available in languages commonly spoken by Seattle residents. Owners must provide notice to the tenant of their right to counsel in any notice required by Chapter 22.205, subject to the Department's rulemaking. The Department shall adopt a rule or rules to enforce this subsection 22.206.195.D. Failure to include the required language on any notice issued pursuant to Chapter 22.205 shall be a defense to eviction.

- E. Nothing in this Section 22.206.195 shall be construed to require persons served with an unlawful detainer suit to accept counsel provided by the City. The City is not responsible for paying any legal fees associated with representation other than that authorized by the contracts described in subsection 22.206.195.C.
- F. Nothing in this Section 22.206.195 is intended to require representation by an attorney that would violate the Washington State Court Rules of Professional Conduct.
- G. The attorney organization with whom the Director contracts shall report the number of cases and estimated attorney hours spent on court proceedings beyond or in lieu of representation at a show cause hearing or first appearance. The Council intends to consider this information in determining whether to amend this Section 22.206.195.

(Ord. 126301, § 1, 2021.)

22.206.200 - Minimum standards for vacant buildings

- A. Maintenance standards. Every vacant building shall conform to the standards of Sections 22.206.060 and 22.206.070 and subsections 22.206.080.A, 22.206.080.B, 22.206.080.C, 22.206.080.G, 22.206.080.H, 22.206.080.I, 22.206.130.I, 22.206.160.A.1, 22.206.160.A.3, 22.206.160.A.4, 22.206.160.A.5, 22.206.160.A.6, and 22.206.160.A.8, except when different standards are imposed by this Section 22.206.200.
 - 1. Sanitary facilities
 - a. Plumbing fixtures connected to an approved water system, an approved sewage system, or an approved natural gas utility system shall be installed in accordance with applicable codes and be maintained in sound condition and good repair.
 - b. Plumbing fixtures connected to an approved water system, an approved sewage system, or an approved natural gas utility system, not installed or maintained in compliance with applicable codes, shall be removed and the service terminated in the manner prescribed by applicable codes.
 - c. Plumbing fixtures not connected to an approved water system, an approved sewage system, or an approved natural gas utility system shall either be connected to an approved system or the fixtures shall be removed and the pipes capped in accordance with applicable codes.
 - 2. Electrical systems. Electrical service lines, wiring, outlets, or fixtures not installed or maintained in accordance with applicable codes shall be repaired, or they shall be removed and the services terminated in accordance with applicable codes.
 - 3. Safety from fire
 - a. No vacant building or premises or portion thereof shall be used for the storage of flammable liquids or other materials that constitute a safety or fire hazard.

- b. Heating facilities or heating equipment in vacant buildings shall be removed, rendered inoperable, or maintained in accordance with applicable codes. Any fuel supply shall be removed or terminated in accordance with applicable codes.
4. All vacant buildings and their accessory structures shall meet the following standards:
 - a. All windows shall have intact glazing or one of the following:
 - 1) plywood of at least 3/4-inch thickness, painted or treated to protect it from the elements, cut to fit the opening, and securely glued and fastened with square- or star-headed woodscrews spaced not more than 9 inches on center;
 - 2) impact resistant clear polycarbonate sheets;
 - 3) commercial-quality steel security panels; or
 - 4) other materials approved by the Director as appropriate for preventing entry by unauthorized persons.
 - b. Doors and service openings with thresholds located 10 feet or less above grade, or stairways, landings, ramps, porches, roofs, or similarly accessible areas shall provide resistance to entry equivalent to or greater than that of a closed solid core door 1-3/8 inches thick equipped with a 1-inch throw deadbolt. Exterior doors, if openable, may be closed from the interior of the building by toe nailing them to the door frame using 10D or 16D galvanized nails.
 - c. There shall be at least one operable door into each building and into each housing unit. If an existing door is operable, it may be used and secured with a suitable lock such as a hasp and padlock or a 1-inch deadbolt or deadlatch. All locks shall be kept locked. When a door cannot be made operable, a door shall be constructed of 3/4-inch CDX plywood or other comparable material approved by the Director and equipped with a lock as described above.
 - d. All debris, combustible materials including vegetation overgrowth, litter and garbage, junk, waste, used or salvageable materials, and inoperable vehicles and vehicle parts shall be removed from vacant buildings, their accessory structures, and the premises including but not limited to adjoining yard areas. The building and premises shall be maintained free from such items. The premises also shall be free from parked vehicles.
 - e. The vacant buildings, their accessory structures, and the premises shall be kept free of graffiti. For the purposes of this section "graffiti" shall have the same definition as in subsection 10.07.010.C.
 - f. The Director may impose additional requirements for the closure of a vacant building, including but not limited to installation of polycarbonate sheet, brick, or metal coverings over exterior openings, when the standards specified in subsections 22.206.200.A.4.a through 22.206.200.A.4.d above are inadequate to secure the building:

- 1) Due to the design of the structure;
 - 2) When the structure has been subject to two or more unauthorized entries after closure pursuant to the standards specified above; or
 - 3) When the Director determines, in consultation with the Seattle Police Department and the Seattle Fire Department, that the structure may present a substantial risk to the health or safety of the public, or to police or fire personnel if closed to the standards of subsections 22.206.200.A.4.a through 22.206.200.A.4.d above.
5. If a building component of a vacant building or a structure accessory to a vacant building does not meet the standards of Section 22.206.060, the component or a portion thereof may be removed in accordance with applicable codes, provided the Director determines that the removal does not create a hazardous condition.
6. Interior floor, wall, and ceiling coverings in vacant structures need not be intact so long as the Director determines they do not present a hazard. If a hole in a floor presents a hazard, the hole shall be covered with 3/4-inch plywood, or a material of equivalent strength, cut to overlap the hole on all sides by at least 6 inches. If a hole in a wall presents a hazard, the hole shall be covered with 1/2-inch Type X gypsum, or a material of equivalent strength, cut to overlap the hole on all sides by at least 6 inches. Covers for both floor and wall holes shall be securely attached.
- B. Occupying or Renting Vacant Buildings. After a notice of violation, order, or emergency order is issued in accordance with Section 22.206.220 or Section 22.206.260, no one shall use, occupy, rent, cause, suffer, or allow any person to use or occupy or rent any vacant building unless a certificate of compliance has been issued in accordance with Section 22.206.250. This Section 22.206.180 does not prohibit or make unlawful the occupancy of a detached single-family dwelling by the owner if no rooms in the dwelling are rented or leased.
- C. Compliance with other provisions of this Code and other codes. Buildings subject to regulation pursuant to the Downtown Housing Maintenance Ordinance, Chapter 22.220, may not be vacated or closed to entry except as permitted by that ordinance. Owners vacating or closing a building must comply with the just cause eviction requirements of Chapter 22.205.
- D. Termination of utilities. The Director may, by written notice to the owner and to the Director of Seattle Public Utilities, the General Manager and Chief Executive Officer of City Light or Puget Sound Energy request that water, electricity, or gas service to a vacant building be terminated or disconnected.
- E. Restoration of service. If water, electricity or gas service has been terminated or disconnected pursuant to subsection 22.206.200.D, no one except the utility may take any action to restore the service, including an owner or other private party requesting restoration of service until a certificate of compliance has been issued in accordance with Section 22.206.250, or upon written

notification by the Director that service may be restored. It shall be unlawful for anyone other than the Director of Seattle Public Utilities, General Manager and Chief Executive Officer of City Light, or Puget Sound Energy or their duly authorized representatives, to restore or reconnect any water, electricity, or gas service terminated or disconnected as a result of a Director's notice issued pursuant to Section 22.206.200.D.

F. Inspection and monitoring of vacant buildings

1. When the Director has reason to believe that a building is vacant, the Director may inspect the building and the premises. If the Director identifies a violation of the minimum standards for vacant buildings, a notice of violation may be issued pursuant to Section 22.206.220. Thereafter the premises shall be inspected monthly to determine whether the building and its accessory structures are vacant, closed to entry, and in conformance with the maintenance standards of this Code.
2. The Director shall inspect and monitor, monthly, vacant buildings and any structures accessory thereto:
 - a. When a notice of violation has been issued for violating this Section 22.206.200;
 - b. That are located on a lot for which there is a Master Use Permit or Building Permit application for new development; or
 - c. That are referred to the Director by the Seattle Fire Department or the Seattle Police Department after generating a call for dispatch.
3. Monthly inspections and monitoring shall cease at the earliest of the following:
 - a. When the building is repaired pursuant to the requirements of this Code and reoccupied;
 - b. When the building meets the maintenance requirements of this Code for three consecutive inspections without violation; or
 - c. When the building and any accessory structures have been demolished.
4. A building or structure accessory thereto that remains vacant and open to entry after the closure date in a Director's order or notice of violation is found and declared to be a public nuisance. The Director is hereby authorized to summarily abate the public nuisance by closing the building to unauthorized entry. The costs of abatement shall be collected from the owner in any manner provided by law, including through a special assessment under RCW 35.21.955 against the property filed as a lien with the King County Recorder.
5. A premises that contains a vacant building or accessory structure that fails to comply with subsection 22.206.200.A.4 after the compliance date in a Director's order or notice of violation is found and declared to be a public nuisance. The Director is hereby authorized to summarily abate the public nuisance by removing all debris, combustible materials including vegetation overgrowth, litter and garbage, junk, waste, used or salvageable materials, and inoperable vehicles and vehicle parts from the vacant building, accessory structures, and the premises

including but not limited to adjoining yard areas. The costs of abatement shall be collected from the owner in any manner provided by law, including through a special assessment under RCW 35.21.955 against the property filed as a lien with the King County Recorder.

6. Monthly inspection and monitoring charges shall be assessed and collected as a fee under the Permit Fee Ordinance (Chapters 22.900A through 22.900H). These fees shall be a cost of abatement and shall be collected from the owner in any manner provided by law, including through a special assessment under RCW 35.21.955 against the property filed as a lien with the King County Recorder.
7. The property owner and any identifiable mortgage holder shall be notified in the manner required by RCW 35.21.955 prior to the filing of a lien that the costs of abatement and associated fees may be assessed against the property as authorized by RCW 35.21.955.

(Ord. 126913, § 2, 2023; Ord. 125811, § 2, 2019; Ord. 125727, § 1, 2019; Ord. 125399, § 1, 2017; Ord. 124167, § 19, 2013 [department head name change]; Ord. 123546, § 5, 2011; Ord. 122397, § 3, 2007; Ord. 120087, § 4, 2000 [cleanup]; Ord. 118396, § 171, 1996 [department head name change]; Ord. 117861, § 3, 1995; Ord. 115671, § 18, 1991; Ord. 113545, § 5, 1987.)

22.206.210 - Removing posted notices.

Only the Director may remove or order the removal of any notice, complaint, or order posted in accordance with this Chapter 22.206 prior to issuance of a certificate of compliance by the Director.

(Ord. 113545, § 5(part), 1987.)

Subchapter VII - Alternative Materials and Design, Variances and Enforcement

22.206.215 - Alternate materials and design.

- A. The provisions of this Code are not intended to prevent the use of any material not specifically prescribed by this Code, provided any alternate has been approved and its use authorized by the Director. The Director may approve any such alternate provided he or she finds that it complies with the purpose and intent of this Code and is of at least equivalent suitability, strength, effectiveness, fire resistance, durability, safety and sanitation as that prescribed by this Code.
- B. Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Director may grant modifications for individual cases, provided he or she first finds that a special individual reason makes compliance with the strict letter of this Code impractical and that the modification is in conformity with the intent and purpose of this Code and that such modification

does not lessen any fire protection or safety requirements or any degree of structural integrity. The details of any action granting modifications shall be recorded and entered in the files of the Director.

(Ord. 115671, § 19, 1991.)

22.206.217 - Variances

- A. The Director may grant a variance from the standards and requirements of SMC Sections 22.206.010 through 22.206.140 and Section 22.206.200 if the Director determines that all of the following conditions or circumstances exist:
1. Unusual conditions exist at the subject property which were not created by the current owner, tenant or occupant;
 2. The requested variance does not go beyond the minimum necessary to afford relief;
 3. The granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity;
 4. The literal interpretation and strict application of the applicable provisions or requirements of this Code would cause undue hardship or practical difficulties; and
 5. The requested variance would be consistent with the spirit and purpose of this Title 22.
- B. Application for and Processing of Variances.
1. The current owner or tenant of a building may request a variance on a form provided by the Department. The request must describe the standards or requirements of Sections 22.206.010 through 22.206.140 or of Section 22.206.200 from which a variance is requested and explain how the requested variance complies with subsections A.1 through A.5 of this Section 22.206.217. A variance request must contain the address of the property, the name and address of all persons having an interest in the property, and the names and addresses of all parties affected by the condition or conditions for which a variance is requested, including all property owners and occupants. The Director shall establish by Rule submittal requirements for a variance request.
 2. Upon receipt of a variance request, the Director shall contact the requestor to arrange the date and time of an inspection to view the conditions for which the variance is sought and to ascertain compliance with subsections A.1 through A.5 of this Section 22.206.217. The inspection shall be conducted within 30 days after a variance request is received, unless a later inspection is agreed to by the requestor. The Director also shall notify in writing all other persons identified in the variance request of the request and of the opportunity to submit information or comments on the request. Comments about a variance request must be received by the Department within 20 days after the date of mailing the notification of a variance request.

C.

The Director shall decide whether to grant a variance within 30 days after the inspection conducted pursuant to subsection 22.206.217.B. When a variance is authorized, conditions or mitigating measures may be required as deemed necessary to ensure continued compliance with subsections A.1 through A.5 of this Section 22.206.217 or to otherwise carry out the spirit and purpose of this Title 22. The variance decision shall be sent to the requestor and to all affected parties identified in the written request for a variance and other interested parties who submitted information or comments about a variance request.

- D. Records. The Director shall maintain a record in Department files of all variance requests and decisions. The record shall include findings regarding compliance with the conditions of subsections A.1 through A.5 of this Section 22.206.217 and any conditions or mitigating measures required by the Director in granting the variance.
- E. Appeal of Variance Decision. Any person with an ownership interest in a building premises for which a variance request has been made, or any tenant of such property, may appeal the Director's decision on the variance by filing an appeal with the Hearing Examiner.
 1. Variance appeals shall be filed with the Hearing Examiner, with the applicable filing fee specified in Section 3.02.125, by 5 p.m. of the twentieth day following the mailing of the Director's decision. When the last day of the appeal period so computed is a Saturday, Sunday or federal or City holiday, the period shall run until 5 p.m. on the next business day. An appeal shall be deemed filed when it is actually received by the Hearing Examiner's Office. The Hearing Examiner's time and date stamp shall be prima facie evidence of filing.
 2. An appeal shall be in writing and shall state:
 - a. The name and mailing and electronic addresses of the appellant;
 - b. The ownership or other interest of the appellant in the building or premises that is the subject of the variance decision;
 - c. The names and mailing addresses of all tenants or other occupants of the building or premises and, if the appellant is an owner of the property, of all other persons with an ownership or other interest in the building or premises;
 - d. The specific objections to the Director's decision;
 - e. The relief sought.
 3. Notice of a hearing on the appeal shall be provided by the Hearing Examiner at least 20 days prior to the scheduled hearing date to the Director and to all affected parties identified pursuant to subsection 22.206.217.E.2.c.
 4. Appeals shall be considered de novo and shall be limited to objections raised in the appeal statement. The Director's decision shall be affirmed unless the Hearing Examiner finds the Director's decision to be clearly erroneous. The person requesting the variance shall have the burden of proving, by preponderance of the evidence, all elements related to justifying the variance.

5. Within 30 days after the hearing is conducted, the Hearing Examiner shall issue a decision on a variance appeal and provided a copy to the appellant, the Director, and other affected parties on the day it is issued.
6. The Hearing Examiner's decision shall be final and conclusive unless the Hearing Examiner retains jurisdiction or the decision is reversed or remanded on judicial appeal. Any judicial review shall be as provided by RCW 36.70C and must be commenced within 21 days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

(Ord. 123899, § 19, 2012; Ord. 120087 § 6, 2000.)

22.206.220 - Notice of violation

- A. Except as otherwise required by law, the Director is authorized to inspect or otherwise investigate any building, premises, or actions of a landlord or tenant that the Director has reason to believe may not be in compliance with the standards and requirements of Sections 22.206.010 through 22.206.200. If the standards and requirements of Sections 22.206.010 through 22.206.200 have not been met, the Director may issue a notice of violation to the owner and/or other person responsible for the violation pursuant to this Section 22.206.220. The notice of violation shall:
 1. Identify each violation of the standards and requirements of this Title 22 and the corrective action necessary to bring the building and premises into compliance; and
 2. Specify a time for compliance.
- B. No notice of violation shall be issued as a result of an advisory inspection performed pursuant to SMC Section 22.202.035 unless the building is in condominium or cooperative ownership.
- C. If a notice of violation or order has been filed with the King County Department of Records and Elections, a notice of violation or order for the same violation need not be served upon a new owner. If a new notice of violation is not issued and served upon a new owner, the Director shall grant the new owner the same number of days to comply with the notice of violation as was given the previous owner in the notice of violation. The compliance period shall be the number of days between the date of issuance of the notice of violation and the date for compliance stated in the text of the notice. The compliance period for the new owner shall begin on the date that the conveyance is completed.
- D. The notice shall be served upon the owner, tenant or other person responsible for the condition by personal service, or by first class mail to the person's last known address. If the address of the responsible person is unknown and cannot be found after a reasonable search, the notice may be served by posting a copy of the notice in a conspicuous place on the property. If a notice of violation is directed to a tenant or other person responsible for the violation who is not the owner, a copy of the notice shall be sent to the owner of the property. Nothing in this section shall be deemed to limit or preclude any action or proceeding to enforce this chapter nor does

anything in this section obligate the director to issue a notice of violation prior to initiation of a civil or criminal enforcement action except as otherwise provided in Director's rules adopted pursuant to SMC chapter 22.202.

- E. In addition, a copy of the notice or order may be posted at a conspicuous place on the property.
- F. The Director may order that any other work in the building or on the premises be stopped until the violations in the notice have been corrected if, in the Director's opinion the continuation of other work will impair the owner's ability to comply with this Code in a timely manner.
- G. Nothing herein shall hinder or limit in any manner the Director's authority or ability to bring an action pursuant to Chapter 22.208 to abate an unfit building or premise or to issue an emergency order pursuant to Section 22.206.260.
- H. In addition to serving and posting the notice or order, the Director may mail or cause to be delivered to all housing and/or commercial rental units in the building a notice which informs each occupant of the notice of violation and the relevant requirements and procedures.
- I. In calculating a time for compliance, the Director shall consider:
 - 1. The type and degree of violations found;
 - 2. Applicable time limits for correction of similar violations provided in the State Landlord-Tenant Act, RCW Chapter 59.18;
 - 3. The responsible party's demonstrated intent to repair, demolish, or vacate and close the building. Evidence of the responsible party's intent may include, but is not limited to:
 - a. A signed construction contract with a licensed contractor to perform the required work by a specific date and for reasonable compensation,
 - b. Proof of the availability of financial resources to perform the required work with such funds placed in a segregated account to be used only for required repairs or a binding commitment from an established lending institution providing sufficient funds to complete the required repairs,
 - c. The filing of a complete application for any permit required to perform the required work and evidence of payment of any required fees;
 - 4. The procedural requirements for obtaining a permit to correct the violations;
 - 5. The complexity of the repairs, seasonal considerations, construction requirements and the legal prerogatives of tenants; and
 - 6. Circumstances beyond the control of the responsible person.

(Ord. 125054, § 6, 2016; Ord. 122397, § 4, 2007; Ord. 120087 § 7, 2000; Ord. 115671, § 20, 1991; Ord. 113545 § 5(part), 1987.)

22.206.230 - Review by the Director.

- A. Any party affected by a notice of violation issued pursuant to Section 22.206.220 may request a review of the notice by the Director. Such a request must be made in writing within ten (10) days after service of the notice. When the last day of the period so computed is a Saturday, Sunday, federal or City holiday, the period shall run until five (5:00) p.m. of the next business day.
- B. Within seven (7) days of receipt of a review request the Director shall notify by mail the person requesting the review, any persons served the notice of violation, and any person who has requested notice of the review, of the request for a review and the deadline for submitting additional information. Additional information shall be submitted to the Director no later than fifteen (15) days after the notice of a request for a review is mailed, unless otherwise agreed by the person requesting the review.
- C. The Director or a representative of the Director who is familiar with the case and the applicable ordinances will review any additional information that is submitted and the basis for issuance of the notice of violation. The reviewer may request clarification of information received and a site visit. After the review, the Director shall:
 1. Sustain the notice of violation; or
 2. Withdraw the notice of violation; or
 3. Continue the review to a date certain for receipt of additional information; or
 4. Amend the notice of violation.

(Ord. 122397, § 5, 2007; Ord. 120087 § 8, 2000; Ord. 118441 § 3, 1996; Ord. 115877, § 2, 1991; Ord. 115671, § 21, 1991; Ord. 114834, § 3, 1989; Ord. 113545 § 5(part), 1987.)

22.206.235 - Order of the Director.

- A. Where review by the Director has been conducted pursuant to Section 22.206.230, the Director shall issue an order of the Director containing the decision within fifteen (15) days of the date that the review is completed. The decision shall be served and posted in the manner provided by 22.206.220.
- B. Unless a request for review before the Director is made pursuant to Section 22.206.230, the notice of violation shall become the order the Director.
- C. Because civil actions to enforce Chapter 22.206 are brought in Seattle Municipal Court pursuant to Section 22.206.280, orders of the Director issued under this chapter are not subject to judicial review pursuant to chapter 36.70C RCW.

(Ord. 122397, § 6, 2007)

22.206.240 - Extension of compliance date.

- A. The Director may extend the compliance date if required repairs have been commenced and, in the Director's opinion, are progressing at a satisfactory rate. Extensions in excess of ninety (90) days may not be granted unless the need therefor is established in a Director's review.
- B. Vacating and Closing of Historic Buildings or Structures. The compliance date for historic buildings and structures that are closed to entry pursuant to Section 22.206.200 of this Code, during the notice of violation compliance period, shall be extended for as long as the building or structure is maintained in compliance with the standards of Section 22.206.200 of this Code.

(Ord. 118441 § 4, 1996; Ord. 114834, § 4, 1989; Ord. 113545 § 5(part), 1987.)

22.206.250 - Compliance.

- A. Compliance with a notice, order or decision issued pursuant to this Code shall be the responsibility of each person named in and served with the notice, order or decision.
- B. Until a property owner or other person named in a notice, order or decision demonstrates, and the Director confirms by inspection, that the obligations imposed by the standards established in this Code have been fulfilled, there shall be a rebuttable presumption affecting the burden of proof at trial that the violations listed in such notice, order or decision have not been corrected, provided, that there shall be no rebuttable presumption in any criminal prosecution under SMC Section 22.206.290. When a person named in a notice, order or decision demonstrates, and the Director confirms by inspection, compliance with such notice, order or decision and the standards established in this Code, the Director shall issue a certificate of compliance certifying that, as of the date of inspection, the violations cited in the notice, order or decision have been corrected.
- C. On issuance of a certificate of compliance, the Director warrants only that the violations listed in the notice, order or decision have been corrected as required by this Code. The Director makes no representation concerning other conditions in buildings, or of any equipment therein that is not listed in the notice of violation. The Director shall not be responsible for any injury, damage, death or other loss of any kind sustained by any person arising out of any condition of the building, structure or equipment.

(Ord. 120087 § 9, 2000; Ord. 115671, § 22, 1991; Ord. 113545 § 5(part), 1987.)

22.206.260 - Emergency order.

- A. Whenever the Director finds that any building, housing unit or premises is an imminent threat to the health or safety of the occupants or the public, an emergency order may be issued directing that the building, housing unit or premises be restored to a condition of safety and specifying the time for compliance. In the alternative, the order may require that the building, housing unit or premises be immediately vacated and closed to entry.

- B. The emergency order shall be posted on the building, housing unit or premises, and shall be mailed by regular, first class mail to the last known address of the property owners and, if applicable, to the occupants. All property owners and occupants of such building, housing unit or premises are deemed to have notice of any emergency order so posted and mailed.
- C. It shall be unlawful for any person to fail to comply with an emergency order issued by the Director requiring that the building, housing unit or premises be restored to a condition of safety by a specified time.
- D. It shall be unlawful for any person to use or occupy, or to cause or permit any person to use or occupy the building, housing unit or premises after the date provided in an emergency order requiring the building, housing unit or premises to be vacated and closed until the Director certifies that the conditions described in the emergency order have been corrected and the building, housing unit or premises have been restored to a safe condition.
- E. Any building, housing unit or premises subject to an emergency order that is not repaired within the time specified in the order is found and declared to be a public nuisance that the Director is hereby authorized to abate summarily by such means and with such assistance as may be available to the Director, and the costs thereof shall be recovered by the Director in the manner provided by law.
- F. 1. Any tenant who is required to vacate and actually vacates a housing unit as a result of an emergency order shall be paid relocation assistance pursuant to and contingent upon compliance with the provisions of subsections G and H of SMC Section 22.206.260 and SMC Section 22.206.265 at the rate of Two Thousand Eight Hundred Dollars (\$2,800.00) for each tenant household with income during the preceding twelve (12) months at or below fifty (50) percent of the median family income for the Seattle-Bellevue-Everett Primary Metropolitan Statistical Area, adjusted for family size ("median family income"), and two (2) months' rent for each tenant household with income during the preceding twelve (12) months above fifty (50) percent of the median family income, provided all of the following conditions are met:
 - a. The emergency order requires the housing unit occupied by the tenant to be vacated and closed;
 - b. The conditions that create the emergency arise from circumstances within the control of the property owner, including, but not limited to, conditions arising from failure to perform maintenance on the premises, affirmative acts of the property owner, or termination of water or utility services provided by the property owner;
 - c. The conditions that create the emergency do not arise from an act of God or from the affirmative actions of a person or persons beyond the control of the property owner; and
 - d. The conditions that create the emergency are not caused solely by the actions of the tenant.

2. The amount of relocation assistance to be paid pursuant to subsection F1 of SMC Section 22.206.260 to a tenant household with income during the preceding twelve (12) months at or below fifty (50) percent of the median family income may be adjusted annually by the percentage change in the housing component of the Consumer Price Index for All Urban Consumers (CPI-U) for the Seattle-Bellevue-Everett Primary Metropolitan Statistical Area as published by the United States Department of Labor, Bureau of Labor Statistics. Such adjustments are authorized to be made by Director's Rule.
- G. The property owner is required to deposit with the Director the relocation assistance provided in subsection F in a form acceptable to the Director no later than the deadline specified in the emergency order to vacate and close the building, housing unit or premises.
- H. No relocation assistance may be paid pursuant to subsection F1 of SMC Section 22.206.260 to tenants with household incomes during the preceding twelve (12) months greater than fifty (50) percent of the median family income unless the property owner has deposited the required assistance pursuant to subsection G of SMC Section 22.206.260.

(Ord. 121076 § 4, 2003; Ord. 115671, § 23, 1991; Ord. 113545 § 5(part), 1987.)

22.206.265 - Emergency relocation assistance payments.

- A. A tenant subject to an emergency order to vacate and close may request an emergency relocation assistance payment from the Emergency Relocation Assistance Account. The Director may establish by rule application requirements for this section.
 1. To apply for emergency relocation assistance, a tenant household with a household income during the preceding twelve (12) months at or below fifty (50) percent of the median family income must:
 - a. Submit a completed and signed request for an emergency relocation assistance payment on an application form provided by the Director along with documentation sufficient to establish tenant household income for the preceding twelve (12) months and any additional information required by the Director;
 - b. Certify, in a manner approved by the Director, that the tenant has vacated a building, housing unit or premises pursuant to an emergency order to vacate and close; and
 - c. Complete the application requirements contained in this subsection within seven (7) days of the date set for compliance with an emergency order to vacate and close a building, housing unit or premises.
 2. To apply for emergency relocation assistance, a tenant household with a household income during the preceding twelve (12) months greater than fifty (50) percent of the median family income must:
 - a.

Submit a completed and signed request for an emergency relocation assistance payment on an application form provided by the Director along with documentation sufficient to establish the monthly rental amount of the building, housing unit or premises under the existing rental agreement for the most recent rental period and that the household income for the preceding twelve (12) months is greater than fifty (50) percent of the median family income as well as any additional information required by the Director;

- b. Certify, in a manner approved by the Director, that the tenant has vacated a building, housing unit or premises pursuant to an emergency order to vacate and close; and
 - c. Complete the application requirements contained in this subsection within seven (7) days of the date set for compliance with an emergency order to vacate and close a building, housing unit or premises.
- B. A relocation assistance payment deposited with the Director by a property owner pursuant to subsection G of SMC Section 22.206.260 shall be paid to the tenant on whose behalf the deposit was made within three (3) business days after receipt by the Director of both the funds for relocation assistance and a completed and signed application for an emergency relocation assistance payment from the tenant.
- C. If a tenant with a household income during the preceding twelve (12) months at or below fifty (50) percent of the median family income satisfactorily completes the application process described in subsection A and the property owner fails to deposit the relocation assistance as required by subsection G of SMC Section 22.206.260, the Director may pay to such tenant from the Emergency Relocation Assistance Account, subject to the limitation established in subsection A of SMC Section 22.202.060, the full amount of relocation assistance that such tenant would have received had the property owner deposited the relocation assistance as required.
- D. If a tenant has been paid relocation assistance from the Emergency Relocation Assistance Account pursuant to subsection C and is subsequently paid the relocation assistance provided by subsections F and G of SMC Sections 22.206.206 directly to the property owner, the tenant must reimburse The City of Seattle the full amount of relocation assistance paid from the Emergency Relocation Assistance Account within three (3) business days of the receipt of the relocation assistance payment from the property owner.
- E. If a tenant either fails to submit to the Director a completed and signed application for relocation assistance by the deadline established in subsection A or fails to negotiate a check or warrant for emergency relocation assistance within sixty (60) days of the date of the check or warrant, the Director shall refund to the property owner the full amount of relocation assistance deposited on behalf of a tenant pursuant to SMC Section 22.206.260 within seven (7) business days after such failure by the tenant.
- F. Any check or warrant for relocation assistance from the Emergency Relocation Assistance Account that is not presented for payment within sixty (60) days may not be honored.

(Ord. 121076 § 5, 2003.)

22.206.270 - Violations.

- A. Any failure to comply with a notice of violation, decision or order shall be a violation of this Code.
- B. It shall be a violation of this Code for any person to obstruct, impede, or interfere with any attempt to (1) correct a violation, (2) comply with any notice of violation, decision, emergency order, or stop work order, (3) inspect a building or premises pursuant to the authority of an inspection warrant issued by any court, or (4) inspect a housing unit after consent to inspect is given by a tenant of the housing unit.
- C. Any person who does not comply with an emergency order issued by the Director shall be in violation of this Code, regardless of intent, knowledge or mental state.
- D. Any person who fails to pay relocation assistance required by Section 22.206.260 F shall be in violation of this Code.

(Ord. 116364, § 1, 1992; Ord. 116315, § 2, 1992; 115671, § 24, 1991; Ord. 113545 § 5(part), 1987.)

22.206.280 - Civil enforcement proceedings and penalties

In addition to any other remedy that may be available at law or equity, the following are available:

- A. Any person violating or failing to comply with any requirement of this Chapter 22.206 shall be subject to a cumulative civil penalty in an amount not to exceed:
 - 1. \$150 per day for each housing unit in violation, and \$150 per day for violations in the common area or on the premises surrounding the building or structure, from the date the violation begins, for the first ten days of noncompliance; and \$500 per day for each housing unit in violation, and \$500 per day for violations in the common area or on the premises surrounding the building or structure, for each day beyond ten days of noncompliance until compliance is achieved. In cases where the Director has issued a notice of violation, the violation will be deemed to begin, for purposes of determining the number of days of violation, on the date compliance is required by the notice of violation. In addition to the per diem penalty, a violation compliance inspection charge equal to the base fee set by Section 22.900B.010 shall be charged for the third inspection and all subsequent inspections until compliance is achieved. Notwithstanding the provisions of Section 22.202.050, the compliance inspection charges shall be deposited in the General Fund.
 - 2. \$100 per day from the date a tenant fails to reimburse The City of Seattle for emergency relocation assistance as required by subsection 22.206.265.D until the date the relocation assistance is repaid to The City of Seattle.
 - 3.

\$100 per day for any person who provides false or misleading information to the Director and as a result of the false or misleading information is paid emergency relocation assistance by The City of Seattle for which the person would not otherwise be eligible, from the date the person receives the emergency relocation assistance until the date the relocation assistance is repaid to The City of Seattle.

- B. Any person who does not comply with an emergency order issued by the Director pursuant to this Chapter 22.206 shall be subject to a cumulative civil penalty of up to \$1,000 per day from the date set for compliance until the Director certifies that the requirements of the emergency order are fully complied with.
- C. Any property owner who fails to deposit relocation assistance as required by subsections 22.206.260.F and 22.206.260.G shall be subject to a cumulative civil penalty of:
 - 1. For each tenant with a household income during the preceding 12 months at or below 50 percent of the median family income for whom the property owner did not deposit relocation assistance as required by subsection 22.206.260.G:
 - a. \$3,300, plus
 - b. \$100 per day from the date such deposit by the property owner is required until the date the property owner pays to the City the penalty provided for in subsection 22.206.280.C.1.a; or
 - 2. For each tenant with a household income during the preceding 12 months greater than 50 percent of the median family income for whom the property owner did not deposit relocation assistance as required by subsection 22.206.260.G, \$100 per day from the date such deposit is required until the date on which the relocation assistance required by subsections 22.206.260.F and 22.206.260.G is deposited with The City of Seattle.
- D. Any owner of housing units who violates Section 22.205.060 shall be subject to a civil penalty of \$3,500.
- E. Anyone who obstructs, impedes, or interferes with an attempt to inspect a building or premises pursuant to the authority of an inspection warrant issued by any court or an attempt to inspect a housing unit after consent to inspect is given by a tenant of the housing unit shall be subject to a civil penalty of not more than \$1,000.
- F. Civil actions to enforce this Chapter 22.206 shall be brought exclusively in Seattle Municipal Court, except as otherwise required by law or court rule. The Director shall request in writing that the City Attorney take enforcement action. The City Attorney shall, with the assistance of the Director, take appropriate action to enforce this Chapter 22.206. In any civil action filed pursuant to this Chapter 22.206, the City has the burden of proving by a preponderance of the evidence that a violation exists or existed. The issuance of a notice of violation or an order following a review by the Director is not itself evidence that a violation exists.
- G.

The violator may show, in mitigation of liability, that correction of the violation was commenced promptly upon receipt of notice, but that compliance within the time specified was prevented by an inability to obtain necessary materials or labor, inability to gain access to the subject building, or other condition or circumstance beyond the control of the violator, and upon a showing of the above described conditions, the court may enter judgment for less than the maximum penalty.

(Ord. 125054, § 7, 2016; Ord. 122855, § 1, 2008; Ord. 122397, § 7, 2007; Ord. 121076 § 6, 2003; Ord. 120302, § 3, 2001; Ord. 120087 § 10, 2000; Ord. 118441 § 5, 1996; Ord. 116315, § 3, 1992; Ord. 115877, § 3, 1991; Ord. 115671, § 25, 1991; 114834, § 5, 1989; Ord. 113545 § 5(part), 1987.)

22.206.290 - Alternative criminal penalty.

Any person who violates or fails to comply with any of the provisions of this Chapter 22.206 and who has had an order of judgment entered against them for violating Titles 22 or 23 within the past seven (7) years from the date the criminal charge is filed shall upon conviction be guilty of a gross misdemeanor subject to the provisions of Chapter 12A.02 and 12A.04, except that absolute liability shall be imposed for such a violation or failure to comply, and none of the mental states described in Section 12A.04.030 need be proved. The Director may request that the City Attorney prosecute such violations criminally as an alternative to the civil procedure outlined in this chapter. Each day that anyone shall continue to violate or fail to comply with any of the foregoing provisions shall be considered a separate offense.

(Ord. 122397, § 8, 2007; Ord. 120302, § 4, 2001; Ord. 115671, § 26, 1991; Ord. 113545 § 5(part), 1987.)

22.206.295 - Private right of action.

In addition to any other sanction or remedial procedure that may be available, any property owner who does not deposit emergency relocation assistance with The City of Seattle for a tenant pursuant to subsections F and G of SMC Section 22.206.260 shall be subject to a private civil action by such tenant to recover the actual amount of relocation assistance payable to the tenant but not deposited with The City of Seattle by the property owner, attorney fees and court costs.

(Ord. 121076 § 7, 2003.)

22.206.305 - Tenant's private right of action

Nothing in this Title 22 is intended to affect or limit a tenant's right to pursue a private right of action pursuant to chapter 59.18 RCW for any violation of chapter 59.18 RCW for which that chapter provides a private right of action. When an owner commits an act prohibited by Section 22.206.180, a tenant has a private right of action against the owner for actual damages caused by the prohibited act. To the extent that actual damages are unliquidated or difficult to prove, a court may award liquidated damages of up to \$3,000 instead of actual damages. Such damages when awarded are to be on a per incident, rather than a per tenant, basis. The prevailing party in any such action may recover costs of the suit and attorney fees.

(Ord. 125054, § 8, 2016; Ord. 120302, § 5, 2001.)

22.206.315 - Appeal to Superior Court.

Final decisions of the Seattle Municipal Court on enforcement actions authorized by this chapter may be appealed pursuant to the Rules for Appeal of Decisions of Courts of Limited Jurisdiction.

(Ord. 122397, § 9, 2007)